

St. Clairsville, Ohio

December 30, 2013

The Board of Commissioners of Belmont County, Ohio, met this day in regular session. Present: Ginny Favede, Matt Coffland and Mark A. Thomas, Commissioners and Jayne Long, Clerk of the Board.

**MEETINGS ARE NOW BEING RECORDED**  
**ALL DISCUSSIONS ARE SUMMARIZED. FOR COMPLETE PROCEEDINGS**  
**PLEASE SEE CORRESPONDING CD FOR THIS MEETING DAY.**

**IN THE MATTER OF ALLOWANCE OF BILLS**  
**AS CERTIFIED IN THE AUDITOR'S OFFICE**

**"BILLS ALLOWED"**

The following bills having been certified in the Auditor's office, on motion by Mrs. Favede, seconded by Mr. Coffland, all members present voting YES, each bill was considered and it is hereby ordered that the County Auditor issue his warrant on the County Treasurer in payment of bills allowed.

Claim of	Purposes	Amount
A-CMRS-FP	Postage for courthouse/General Fund	52,504.48
T-Chase Bank	Draw No. 169-Grant #B-C-12-1AG-1 & #B-C-12-1AG-2/CDBG Fund	41,500.00
Y-Health Plan PPO	January 2014 premium/Employer's Share Holding Account	381,344.59

**IN THE MATTER OF APPROVING RECAPITULATION**  
**OF VOUCHERS FOR THE VARIOUS FUNDS**

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the Recapitulation of Vouchers dated for December 30, 2013 as follow:

FUND	AMOUNT
A-GENERAL/RECORDER	\$16,336.43
H-Job & Family, WIA	\$670.00; \$108,068.00
S-Senior Program	\$5,892.42

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

**IN THE MATTER OF TRANSFERS WITHIN FUND**

Motion made by Mrs. Favede, seconded by Mr. Thomas to approve the following transfers within the following funds:

**FOR THE GENERAL FUND**

FROM	TO	AMOUNT
E-0021-A002-E02.002 Salaries	E-0021-A002-E03.000 Supplies	\$14,000.00
E-0055-A004-B02.010 Supplies	E-0055-A004-B19.000 County Buildings	\$ 3,451.06
E-0055-A004-B03.000 Materials	E-0055-A004-B19.000 County Buildings	\$ 5,273.58
E-0055-A004-B05.000 Contracts-Repair	E-0055-A004-B19.000 County Buildings	\$49,270.94
E-0055-A004-B06.000 Jail Maint. & Oper.	E-0055-A004-B19.000 County Buildings	\$ 8,159.41
E-0055-A004-B07.000 Jail Utilities	E-0055-A004-B19.000 County Buildings	\$14,146.67
E-0055-A004-B14.011 Contracts-Services	E-0055-A004-B19.000 County Buildings	\$34,202.34
E-0055-A004-B18.000 Other Expenses	E-0055-A004-B19.000 County Buildings	\$27,543.83
E-0055-A004-B20.000 MF Satellite Bldg. M&O	E-0055-A004-B19.000 County Buildings	\$93,960.80
E-0055-A004-B30.000 Thoburn Church Bldg.	E-0055-A004-B19.000 County Buildings	\$ 2,609.78
E-0055-A004-B32.000 Eastern Court Sat. Bldg.	E-0055-A004-B19.000 County Buildings	\$ 2,815.85
E-0055-A004-B34.000 Old Sheriff's Residence	E-0055-A004-B19.000 County Buildings	\$ 4,608.77
E-0063-A002-B25.002 Salaries	E-0063-A002-B27.012 Equipment	\$ 467.50

**NOTE RETIREMENT-BCJFS EQUIPMENT FUND/O38**

FROM	TO	AMOUNT
E-9217-O038-O000-050 Bond Payment	E-9217-O038-O03.000 Bond Expenses	\$ 1,103.00

**COMMON PLEAS MEDIATION SERVICES FUND/S54**

FROM	TO	AMOUNT
E-1544-S054-S05.000 Other Expenses	E-1544-S054-S02.003 PERS	\$ 444.24

**THE LAW LIBRARY RESOURCES BOARD FUND/W20**

FROM	TO	AMOUNT
E-9720-W020-W06.000 Other Expenses	E-9720-W020-W03.003 PERS	\$ 109.31

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

**IN THE MATTER OF ADDITIONAL APPROPRIATIONS**

Motion made by Mrs. Favede, seconded by Mr. Thomas to make the following additional appropriations, in accordance with the Official Certificate of Estimated Resources as approved by the Budget Commission, under the following dates:

**\*\*NOVEMBER 13, 2013\*\***

E-0257-A017-A00.000	Contingencies	\$216,206.13
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**\*\*DECEMBER 30, 2013\*\***

**THE GENERAL FUND**

E-0131-A006-A23.000	Background	\$ 126.00
E-0131-A006-A24.000	E-SORN	\$ 75.00
E-0131-A006-A09.000	Medical	\$ 659.52
E-0131-A006-A28.000	Shop w/ A Cop	\$ 200.00

**ENGINEER'S ODOT GRANT PROJECTS FUND/N43**

E-9043-N043-N03.000	ODOT PID #86170	\$9,077.54
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E-9043-N043-N05.000 ODOT PID #79463 \$3,678.93

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

**IN THE MATTER OF ADDITIONAL APPROPRIATIONS FOR THE GENERAL FUND**

Motion made by Mr. Coffland, seconded by Mr. Thomas to make the following additional appropriation, in accordance with the Amended Official Certificate of Estimated Resources as approved by the Budget Commission, under the date of December 30, 2013:

E-0051-A001-A10.000	Professional Services	\$100,000.00
E-0051-A001-A24.000	Infrastructure/ORC.026	\$150,000.00
E-0051-A001-A50.000	Budget Stabilization	\$500,000.00
E-0257-A017-A00.000	Contingencies	\$150,000.00

Upon roll call the vote was as follows:

Mr. Coffland	Yes
Mr. Thomas	Yes
Mrs. Favede	No

**IN THE MATTER OF GRANTING PERMISSION FOR COUNTY EMPLOYEES TO TRAVEL**

Motion made by Mr. Coffland, seconded by Mr. Thomas granting permission for county employees to travel as follows:

**JUVENILE COURT** – Judge Costine and several probation officers to travel to Columbus, OH, on Feb. 26-28, 2014, to attend the Intercourt Conference.

Upon roll call the vote was as follows:

Mr. Coffland	Yes
Mr. Thomas	Yes
Mrs. Favede	Yes

**OPEN PUBLIC FORUM** - Richard Hord asked the Board to comment on their achievements and disappointments for 2013. Commissioner Thomas suggested Mr. Hord refer to Commissioner Favede’s column in yesterday’s Times-Leader regarding the same. Commissioner Coffland noted the continued growth in Belmont County and the mall area and the decrease in the unemployment. Mrs. Favede said some of her disappointments were the closing of Ormet in that it affected so many. Also, the inability to meet the need for School Resource Officers in our schools. Mrs. Favede said the Board met several times on this matter and even worked with State Rep Jack Cera to look into creating a levy but found out that was not allowed. Mr. Hord asked if there was a date when the Tourism satellite office/museum would open. Mrs. Favede said she did not have a date set, but as soon as she does, she will let him know. Mr. Hord inquired as to the status of the hiring of the permanent director for DJFS. Mrs. Favede advised there are still four (4) candidates that need to be looked at.

Frank Papini said it has been brought to his attention that a lot of county bridge work has been done by outside contractors and not in house. He wanted to know if that was due to lack of manpower. Mr. Coffland stated the county basically does 10 bridges in house with their crew. They do contract out on bigger bridges. Anything over a certain set amount (Mr. Coffland believes it is \$100,000.00) has to by law be put out for bid. The county does have a bridge repair crew. Mr. Thomas noted this is all done via bidding process. Mr. Thomas advised Mr. Papini that the commissioners have no control or supervision over the county engineer. He suggested Mr. Papini should direct his questions to the Engineer. He said the commissioners do not oversee roads by law.

**IN THE MATTER OF APPROVING MINUTES OF REGULAR BOARD OF COMMISSIONERS MEETING**

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the minutes of the Belmont County Board of Commissioners regular meeting of October 30, 2013.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Abstain

**Reminder: The board will hold a Special Meeting at 10:00 a.m., Thursday, January 2, 2014, to adopt the Annual Appropriations Resolution. The next Regular Meeting will be held at 10:00 a.m. on Wednesday, January 8, 2014.**

**IN THE MATTER OF AUTHORIZING FORCE ACCOUNTS/ENGINEER’S**

Mrs. Favede moved the adoption of the following:

**RESOLUTION**

**WHEREAS**, it be determined by the Belmont County Board of Commissioners that the health, welfare and safety of the people of Belmont County can best and most efficiently be served by force account in matters pertaining to maintenance, repair, construction and reconstruction of Belmont County roads, bridges and culverts; and

**WHEREAS**, for all proposed force account work involving the construction or reconstruction of a road, including widening and resurfacing, or for the construction, reconstruction, improvement, maintenance or repair of a bridge or culvert, the Engineer shall prepare an estimate to assure that the cost of force account projects will not exceed said limits in accordance with Ohio Revised Code Section 5543.19; and

**WHEREAS**, if it is determined by the Engineer’s estimate that the proposed force account work does not exceed the force account limits as prescribed by law.

**NOW, THEREFORE, BE IT RESOLVED:**

That Fred F. Bennett, Engineer of Belmont County, is hereby authorized to proceed by force account in the maintenance, repair and reconstruction of roads, bridges and culverts and to use existing county employee forces, as determined by the Belmont County Engineer, during the year of 2014.

Mr. Coffland seconded the Resolution and, the roll being called upon its adoption, the vote resulted as follows:

Mr. Thomas	<u>Yes</u>
Mr. Coffland	<u>Yes</u>
Mrs. Favede	<u>Yes</u>

Adopted this 30th day of December, 2013.

**IN THE MATTER OF PUBLIC ROAD PETITION FOR  
THE VACATION OF 3 UNNAMED 14 FOOT ALLEYS IN  
BAILEY'S MILLS/WARREN TOWNSHIP, SEC. 31, T-8, R-6/RD IMP 1121**

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the following Public Road Petition.

**PUBLIC ROAD PETITION  
Rev. Code Sec. 5553.04**

**Belmont County, Ohio  
RD IMP. #1121**

**December 30, 2013**

**To the Honorable Board of County Commissioners of Belmont County, Ohio:**

*The undersigned petitioners, freeholders of said County residing in the vicinity of the proposed improvement hereinafter described, represent that the public convenience and welfare require the vacation of 3 unnamed 14 foot alleys in Bailey's Mills located in Warren Section 31, T-8, R-6 and recorded in Cabinet B slide 91 Belmont County Recorder's Office a Public Road on the line hereinafter described, and make application to you to institute and order proper proceedings in the premises, for vacating such road, the same not being a road on the State Highway System.*

*The following is the general route and termini of said road:*

The alley between lots 1, 2 and 3 in Block A, the alley between lots 1-7 in Block B and the alley to the south of lots 4 and 5 in Block B.

**PUBLIC ROAD PETITION**

**NAME (SIGN & PRINT) TAX MAILING ADDRESS (PLEASE PRINT)**

Shawn A. Lucas /s/	32478 Main St
Shawn A. Lucas	Barnesville, Ohio 43713
Kathy Messenger /s/	32501 Cat Hollow Rd
Kathy Messenger	Barnesville, Ohio 43713
Daniel Messenger /s/	32501 Cat Hollow Rd
Daniel Messenger	Barnesville, Ohio 43713
Molly J. Carpenter /s/	59370 Gobblers Knob Road
Molly J. Carpenter	Barnesville, Ohio 43713
Christina Smith /s/	32495 Main Street
Christina Smith	Barnesville, Ohio 43713
Penny Hannahs /s/	32210 W. Homer Reed Rd.
Penny Hannahs	Barnesville, Ohio 43713
Ryan Eddy	32261 W. Homer Reed Rd.
Ryan Eddy /s/	Barnesville, OH. 43713
Amanda Eddy	32261 West Homer Reed Rd
Amanda Eddy /s/	Barnesville, OH 43713
James S. Lucas /s/	32484 Baily-Mills
James S. Lucas	Barnesville, O 43713
Scott Baker	32379 Main St Bailey Mills
Scott Baker /s/	Barnesville, Ohio 43713 Same address
Dee Starr /s/	32480 TR 14
Dee Starr	Barnesville, Oh 43713
Wendy Stephen /s/	32345 Leatherwood Pk
Wendy Stephen	Barnesville, OH 43713
Corbin Stephen /s/	32345 Leatherwood Pk
Corbin Stephen	Barnesville, OH 43713
Gordon L. Carpenter /s/	59370 Gobblers Knob Rd
Gordon L. Carpenter	Barnesville, OH 43713
Mindy Flood /s/	59126 Gobblers Knob Rd
Mindy Flood	Barnesville, OH 43713

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

**IN THE MATTER OF THE VACATION OF  
3 UNNAMED 14 FOOT ALLEYS IN  
BAILEY'S MILLS  
WARREN TOWNSHIP SEC. 31, T-8, R-6/RD IMP 1121**

**Office of County Commissioners**

**Belmont County, Ohio**

**Journal Entry, Order Fixing Time and Place of View and of Final Hearing and Notice  
Thereof on Public Road Petition**

**Rev. Code, Sec. 5553.05**

**RD. IMP. 1121**

The Board of County Commissioners of Belmont County, Ohio, met in regular session on the 30th day of December 2013 at the office of the Commissioners with the following members present:

Mrs. Favede  
Mr. Coffland  
Mr. Thomas

Mrs. Favede moved the adoption of the following:

**RESOLUTION**

WHEREAS, A Petition signed by at least twelve freeholders of the County residing in the vicinity of the proposed improvement has been presented to this Board of County Commissioners requesting said Board to vacate 3 unnamed 14 foot alleys in Bailey's Mills located in Warren Section 31, T-8, R-6, and recorded in Cabinet B Slide 91 Belmont County Recorder's Office.

RESOLVED, That the 22nd day of January, 2014 at 1:00 o'clock P.M., be fixed as the date when we will view the proposed improvement, on which date we will meet at the site and go over the line of said proposed improvement; and be it further

RESOLVED, That the 29th day of January, 2014, at 9:30 o'clock A.M. be fixed as the date for a final hearing thereof, which hearing will be at the office of the Board; and be it further

RESOLVED, That the Clerk of this Board be and she is hereby directed to give notice of the time and place for both such view and hearing by publication once a week for two consecutive weeks in the Times Leader a newspaper published and having general circulation in the County, which said notice shall also state briefly the character of said proposed improvement.

Mr. Coffland seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

Adopted December 30, 2013

Jayne Long /s/  
Clerk, Belmont County, Ohio

**NOTICE OF TIME AND PLACE OF VIEW AND OF FINAL HEARING  
PUBLIC ROAD (by publication)  
Rev. Code, Sec., 5553.05**

**ROAD IMP. # 1121**

Notice is hereby given that there is before the Board of County Commissioners of Belmont County, Ohio, the matter of the vacation of 3 unnamed 14 foot alleys in Bailey's Mills located in Warren Section 31, T-8, R-6 and recorded in Cabinet B Slide 91 Belmont County Recorder's Office, a public road, the general route and termini of which Road are as follows:

The alley between lots 1, 2 and 3 in Block A, the alley between lots 1-7 in Block B and the alley to the south of lots 4 and 5 in Block B.

Said Board of County Commissioners has fixed the 22nd day of January, 2014, at 1:00 o'clock P.M., as the date when and the site as the place where said Board will view the proposed improvement, and has also fixed the 29th day of January, 2014, at 9:30 o'clock A.M., at their office in the Court House of said County in St. Clairsville, Ohio as the time and place for the final hearing on said proposed improvement.

**By Order of the Board of County Commissioners,  
Belmont County, Ohio**

Jayne Long /s/

Jayne Long, Clerk

**ADV. TIMES LEADER (2) Tuesdays – January 7, 2014 and January 14, 2014**

**IN THE MATTER OF APPROVING THE SIGNING AND SUBMITTAL OF  
THE LPA FEDERAL LOCAL-LET PROJECT AGREEMENT, BEL-VAR GR  
PHASE 3 WITH ODOT/ENGINEER**

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the signing and submittal of the LPA Federal Local-Let Project Agreement, BEL-VAR GR Phase 3, PID No. 95229 guardrail replacement project, with the Ohio Department of Transportation in the maximum amount \$300,000.00, based upon the recommendation of Fred Bennett, County Engineer.

*Note: ODOT shall provide 100% of the eligible costs up to a maximum of \$300,000.*

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

**IN THE MATTER OF APPROVING AND SIGING PERMISSION TO  
SURVEY FOR MOUNTAIN GATHERING, LLC TO ENTER BCSSD PROPERTY**

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve and sign the Permission to Survey for Mountain Gathering, LLC, to enter Belmont County Sanitary Sewer District property located in Richland Township Southeast (T5N, R3W), Tax Parcel \$ 30-00365.000 to conduct pipeline feasibility surveys based upon the recommendation of Mark Esposito, Director, BCSSD.

**Mountain Gathering, LLC**

RE: Permission to Survey

To Whom It May Concern:

We, Belmont County Sanitary Sewer District #90.8, are the property owners of the following described parcel(s) of land (the "Land"):

Township: Richland Southeast (T5N, R3W)

County: Belmont

State: Ohio

Tax Parcel #: 30-00365.000

and warrant that we have the legal authority to grant the survey rights set forth below. We hereby grant Mountain Gathering, LLC, it's employees, agents, representatives, contractors, and sub-contractors (collectively referred to herein as "Mountain Gathering"), the right to enter our property for the purpose or conducting pipeline feasibility surveys under the following conditions:

1. Right of Access.

Owner hereby grants Mountain Gathering the right to enter upon the Land for the purpose of performing a feasibility study for a natural gas pipeline. The types of surveys may include one or more of the following:

Environmental Survey: observe, sample and record all streams, wetland, etc. within proposed route for possible permitting.

Archeological Survey: insure the route does not impact a historically sensitive area

Boundary/Civil Survey: ascertain the correct property boundaries in order to properly map the route

Geological Survey: observe and sample surface soil and rock conditions that may impact construction

2. Conditions of Access.

Mountain Gathering shall comply at all times during the performance of the surveying with applicable federal, state, county and local laws. Mountain Gathering shall repair, or cause to be repaired, at its sole cost and expense, any damage caused by Mountain Gathering.

Mountain Gathering agrees to indemnify, defend, and hold harmless the Owner from all claims, liabilities, losses, damages, costs, and expenses (including reasonable attorney's fees) that are asserted against or suffered or incurred by the Owner to the extent caused by the activities of Mountain Gathering under the rights granted herein.

Permission to enter the Land shall be limited to nine (9) months from the date below and further restricted to daylight hours only, Monday through Friday.

3. Governing Law.

This letter agreement shall be governed by, construed, interpreted, and enforced in accordance with the laws of the State of Ohio.

4. Entire Agreement.

This letter agreement sets forth the entire understanding between the parties with respect to the subject matter hereof, and all prior agreements, representations and understandings, oral or written, with respect to the subject matter hereof shall be, and are hereby declared to be, null, void, and of no further force or effect. This letter agreement shall be binding upon and inure to the benefit of the parties and their respective successors. This letter agreement creates no obligation other than permission to perform said survey(s).

Matt Coffland /s/  
Belmont County Commissioner

Mark A. Thomas /s/  
Belmont County Commissioner

Ginny Favede

12/30/13

Belmont County Commissioner  
Landowner: Belmont County Sanitary Sewer District #90.8  
Address: 46325 Bannock Road, St. Clairsville, Ohio 43950

Date

Approved as to form:  
David K. Liberati /s/  
Belmont County Prosecutor  
12-11-13

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

**IN THE MATTER OF GRANTING PERMISSION FOR THE BCSSD TO CHARGE A FLAT RATE FOR COMPENSATION DURING FIRE FLOW TESTING**

Motion made by Mrs. Favede, seconded by Mr. Thomas to grant permission for the Belmont County Sanitary Sewer District to charge a flat rate of \$200.00, to be paid in advance, to compensate the District for labor, vehicle and water loss during fire flow testing.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Thomas	Yes
Mr. Coffland	Yes

**DISCUSSION HELD RE: LAW LIBRARY BOARD APPOINTMENT** – Mr. Thomas said the commissioners were told that an elected official could not serve on this board pursuant to the statute. Mr. Thomas looked at the statute but finds nothing that says that. Mrs. Favede said the commissioners had appointed their former Fiscal Manager Cindi Henry to this position. Since she is no longer here, Mrs. Favede suggested the board look at Barb Blake, who is now serving in the capacity of Fiscal Manager. Mr. Thomas agreed that Ms. Blake could be appointed now and the board could look at something different in 2014 if they wanted to pursuant to the statute. Mr. Thomas’ said his biggest concern was if the Law Library board is meeting as per the statute. They assured him that they were and will.

**IN THE MATTER OF REAPPOINTMENTS TO THE BELMONT CO. TRANSPORTATION IMPROVEMENTDISTRICT (TID)**

Motion made by Mrs. Favede, seconded by Mr. Thomas to make the following reappointments to the Belmont County Transportation Improvement District (TID) board for a two-year term effective January 1, 2014 per ORC 5540.02 (D):

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Thomas	Yes
Mr. Coffland	Yes

**DISCUSSION** – Mr. Thomas stated when the 2007 Board of Commissioners created the TID, because it was a new statutory creature to Belmont County and probably only the 9<sup>th</sup> TID in Ohio at the time, he was named as Chair and there was only one of the Board of County Commissioners on the TID. He said he is fine with the appointments today but because we have to per that statute but said he questions the advantage of having two Commissioners on a board that the Commissioners created. He said when the TID board was created, Larry Merry, our Port Authority Director, was a member of the TID. He said he personally and professionally feels that he should be back on this five person board. He thinks for an efficient operation down the road, with additional projects that may come to the board, that only one Commissioner should be on the TID Board. Mr. Coffland said, “To clear the record, I have sat on the TID since day one, since the day I was elected. I’ve been the Vice-Chair since that time. I have yet to miss a meeting. I have put more time than you will ever imagine on a project (and it’s this project) as a TID representative. I’ve made so many trips to Columbus. He said he feels very confident that he can serve and will continue to serve on this board because it is one that he takes very seriously. He said “Coming from townships, that’s all I’ve ever done is road and bridges and I think I bring a lot to the table. Thank you.”

Mrs. Favede stated, “I too do desire to stay on the TID as a current board member. Mr. Merry is here. I know that Larry has on occasion been more than willing to work with the TID Board and I think that the TID needs to continue to have healthy relationships with not just the Port Authority, but the CIC. She said she thinks that anytime that is necessary, they certainly work in conjunction with (the TID) and it is not necessary they actually sit on it, because in putting one and not the other, that may cause additional problems as well. She said that Mr. Merry has just recently, when asked by her personally, dropped everything and met with the TID and offered some suggestions. I think that works very nicely.”

Mr. Thomas said, “And I respect both of your comments. I respectfully disagree. I am fine with the appointments today. I was only wishing that the issue be revisited in 2014 to, in my opinion, make it a more efficient, more transparent board, taking it out of the hands of the County Commissioners and into the hands of the board as it should be.

**IN THE MATTER OF APPOINTING BARB BLAKE TO THE BELMONT CO. LAW LIBRARY RESOURCE BOARD**

Motion made by Mrs. Favede, seconded by Mr. Coffland to appoint Barb Blake to the Belmont County Law Library Resource Board for a five-year term, beginning January 1, 2014 and ending December 31, 2018, per Ohio Revised Code 307.511(D).

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

**IN THE MATTER OF TABLING MOTION THAT THE COMMISSIONERS WITHDRAW ITS MOTION TO ENFORCE A JUDGMENT ENTRY IN THE CASE OF THOMAS STEWART et seq v. BOARD OF BELMONT COUNTY COMMISSIONERS et seq, CASE NOS. 99-CV-00131 AND 99-CV-00161**

Motion made by Mr. Thomas , seconded by Mr. Coffland that the Board of Belmont County Commissioners withdraw its motion to enforce a judgment entry in the case captioned Thomas Stewart et seq v. Board of Belmont County Commissioners et seq, Case Nos. 99-CV-00131 and 99-CV-00161, and it’s relative to a motion filed by the Board of County Commissioners on or about November 20, 2013, and asking for amongst other things, a court to order Mr. Louis Stein and/or Home Pro Enterprises to comply with a court order that was issued September 7<sup>th</sup> of 1999.

**DISCUSSION HELD** – Mr. Thomas stated the following: In the short time period that he has been here, he has read this file upstairs in the Clerk’s Office. He has made the necessary copies and spoken to a number of different people regarding this case. As a result of those

meetings and educating himself on this case, speaking with Attorney Aaron M. Glasgow, also meeting this past Friday with our legal counsel, David Liberati, from the Prosecutor's Office, he still cannot get his arms around why the County Commissioners are even involved in this case. With that said, he noted that the Plaintiff, Mrs. Stewart, and through her counsel, have also filed a similar motion on December 11, 2013. The caption is 'Motion of Plaintiff Mary Stewart to Enforce a Judgment Entry and In Support of Motion of Defendant Belmont County Board of Commissioners to Enforce a Judgment Entry.' In Mr. Thomas' opinion, 1) the Board of County Commissioners have no direct standing in this case. 2) the case will go forward regardless of whether or not we are involved in the case, just by virtue of the Plaintiffs filing with the court. He doesn't think that any party in this case will be harmed whatsoever judicially by us withdrawing the motion. Lastly, if those first two aren't sufficient, he is very, very disappointed to see that Belmont County has spent \$8,981.02 for legal counsel in this case. This is an excellent law firm based in Columbus. They've done and continue to do great work for Belmont County. It is the personal opinion of Mr. Thomas that these legal fees were unnecessary, too high, and they are not in the best interests of the taxpayers of Belmont County. He has met with Assistant Prosecutor David Liberati and asked him to review the pleadings. He asked Mr. Liberati if the Prosecutor's Office ever contacted regarding this case asking for representation, but more importantly, can the Prosecutor's office represent the County Commissioners in this case if we withdraw the motion, yet remain as a secondary party in the case. Mr. Thomas was advised that the Prosecutor's Office can represent the commissioners in this case. Those are the reasons for the motion made by Mr. Thomas. He doesn't see where we play a direct role in the outcome of this case and this is an unnecessary spending of money when you have the County Prosecutor, who is our legal counsel.

Mr. Coffland advised, "As the record will reflect, I voted against the motion back when it was presented in November. It is a waste of our dollars battling a land dispute." He stated the county has no dog in this fight. At the very most, maybe the township. He said it was a wrong decision made by this board in November and he stands by that.

Mrs. Favede stated, "The original lawsuit was *Thomas Stewart v. The Belmont County Board of Commissioners*. Therefore, I do think the County Commissioners do have a hand in this particular case. Secondly, it was brought to the forefront because the Commissioners are being asked to put money towards something that this lawsuit says that Mr. Stein already agreed to pay for himself. So, it's not a waste of money in the fact that we are protecting the taxpayer dollars to be spent on something that this man already agreed in a court of law to pay for himself. I for one think that's a responsible use of the taxpayer dollars to prevent the use of their money to pay for something he has already agreed to pay in a court of law. I think that the conflict of interest is the fact that there are far too many people involved in this particular case that have something to gain from it not to be viewed as a conflict of interest. So you seek outside counsel so that the only thing that is potentially dealt with is the legalities of it and not who has to gain and whose friendships are brought to the forefront. That was the decision and from what I understand that according to ORC 309.09, we are allowed to utilize outside counsel unless the anticipated fees will exceed the Prosecutor's yearly salary. So we are well within our rights to have hired this particular firm."

Attorney Connie Klema, representing the Stewart family, was present and stated she was a participant in this lawsuit in 1999. She stated she was here today to just say for the record that understands that the court of law will be where this is discussed. She thinks it's unfortunate that a county that has spent \$8,000.00 on legal fees for a motion to enforce a judgment that she believes should be enforced, will now withdraw it four days before the hearing. She stated, "I think that's an interesting move or request Commissioner Thomas, only because it's been paid for, you are a party to this lawsuit and if, in fact, there is any chance that a judge or a jury or anybody that's going to be involved in this determination, should decide that Mr. Stein or, in fact, Home Pro Enterprises or some other party other than the county should be participating financially to support this road or this stub road that will, hopefully, one day connect to the remainder connector road. I think the amount of money compared to \$8,000.00 would be a huge savings to the taxpayers. We're talking about \$1.9 million being asked because, as Mr. Coffland pointed out numerous times, both in the press and at these hearings, that Mr. Stein's property now has a development and it's going to happen. This judgment that was made, was made by the County Commissioners. They agreed to the fact that Mr. Stein, because of a development on his property, he would do certain things. And it was to actually build the road to certain specifications. This county actually had its Engineer provide those specifications. It's attached to the judgment. All of the parties are basically still in the fight. There is a dog in the fight Mr. Coffland and you're part of it." Mr. Coffland interjected, "Exactly and when that judgment makes that decision, those fundings will come back." Ms. Klema continued, "Our position, and I'm not here to argue this with the County Commissioners, our argument is that we believe that what was rightfully done by a judge and was rightfully agreed to by all the parties, should be enforced. We, I say we because I've been working with the Stewart's, now they're very happy that the potential of this road can happen. They've never stood in the way. I made that comment the last time I was here. I believe it's an interesting thing that it's considered by the press and it's considered by so many people that there's a slow down to this process. I say let's hurry it up. Let's get this determination made. I'm so glad the court decided to have the hearing on January the 3<sup>rd</sup> and not wait until probably February or March. Let's find out who supposed to help. If the Stein's are supposed to help, so be it. And you would be spending less than \$1.9 million of the taxpayer's dollars. If not, then let's get it done quick and let's get it done efficiently and let's move forward. We have never stood anybody's way. We have been asking for this to basically be looked at. When the County Commissioners decided in a 2 to 1 vote to file this motion, we were happy about it. We were also very happy to file our own because it's time. It's time because there is a development you're saying; there's commitments; we haven't seen them; and paper; but if you want to rely on that, all the times that they've said before and haven't followed through, if this is it, great. If there is a commitment and there's a road to be built, why not use some of the private dollars that this county commission basically said in 1999 was required to be spent by a private citizen and not the public taxpayers. That's our beef in this thing. And I think it's unfortunate if you do withdraw your motion at this point several days before something that you've already paid for is going to be determined and listened to by a judge. If you do, of course, you are still in the fight. We are and will continue our fight. We're not going to withdraw. Thank you."

Mr. Coffland agreed that regardless, it will be heard. He said, "To continue to spend county tax dollars on a road that isn't even a county road, is not right. It is a township road. I checked with our Engineer's Department and the first thing they said to me, and that's where I go to for advice on roads, we have nothing in this. You will come out with a court case and it will be decided, and if compensation should be paid to the county, that will come. I've made the same argument from day one. We are stopping a major project for something that the court case has tied up. At the end, when it is said and done, a decision will be made and the proper parties will be funded. In the meantime, we are losing valuable time on a project that needs to move forward."

Mr. Thomas thanked Ms. Klema for being present and giving her thoughts. He asked her to please explain to the board and those in attendance why the Board of County Commissioners were and are a party to this suit under the statute. She answered, "Under the statute, if you're going to either establish a road or you're going to establish where a line of a road was, you have to make a petition to the county. You go and you try to prove your case. Back in 1999 when the Stein's found that they obviously wanted to do a large development, it didn't have access to Rt. 40 or any great access; they petitioned the county to confirm that a road was there. The Stewart's said, we disagree, there is not a road there, so then, of course, they filed their protest against that. And what happened is, is then the county, the Stewart's and the Stein's went to court with that appeal. And what happened with that appeal was, the county agreed, the Stewart's agreed, and the Stein's agreed, that under this agreed judgment entry certain things would be done. One, we would establish a road called Newlin Road; it would be 30 feet wide. Two, that basically the road would be constructed to certain specifications as the Commission directed. The Commission had their Engineer basically provide the specifications. Everything as the statute would require. And it required that the Stein's, because it was basically serving their property and any contiguous property thereto, would basically be developing and constructing that road. They would actually be building that road. And it even said that once they started the road, they were supposed to finish within so many years of starting that road. And it said it was being done and it points out that it was being done because the Stein property was going to be developed. So it seemed like in everybody's best interest that this road be constructed. And the Stein's agreed to that, the County Commissioners agreed to that, and the Stewart's agreed to that. There were certain other conditions; the Stein's were supposed give access on both sides of the road to the Stewart property because

otherwise it would diminish the value of their property. It was going to provide frontage to the Stewart property so now the Stewart property would be even more valuable as would other contiguous properties. And we know that the Stein's property is not only contiguous, but we also know there's other contiguous properties. I think you have some property close by, GDMG that's very close to this property. There's other property to the north of this. There's other people that were supposed to have the advantages. And as you know, the Stein's came to the forefront and said we have all this money; we're going to do this; we're going to bring in all these people. Nothing happened. They did this periodically through the last 10 years. Nothing ever happened. Now everyone is very convinced that the Stein's are really going to do it this time. They're going to build something and this road needs to be built and it needs to be built now. We have commitments we're told. OK, that's great. So the Stewart's say, great, let's hurry it up; let's get the Stein's in here and let them put their money in like they promised they would do when they are ready to develop their property. They're not putting any money in. The Commissioners are now being asked to go ahead put \$1.9 million in. It's the perfect time for this lawsuit to be determined by a judge as to what has to happen."

Mr. Thomas responded, "Well said. Thank you." He said he thought it was important for the media to understand why the Board of Belmont County Commissioners were in this from the very beginning. He asked Ms. Klema, "From a legal standpoint, very briefly, are any of the other parties, besides the Board of County Commissioners going to be harmed, directly or indirectly, by withdraw of this motion? And I guess in English what I am saying is, does it affect the continuance of this lawsuit, if you will, the enforcement of a judgment entry that I personally feel should have been brought three years and a day after they didn't comply with the journal entry, but that's again, the past. I can't figure out why this motion by the Board of County Commissioners was made in 2013 when the agreement said in 1999 that Mr. Stein had three (3) years to do this. As a lawyer you know that once those three (3) years pass, he hasn't complied with the agreement, therefore, you take action. For whatever reason, no action was taken. Today, even if I am wrong with everything I say, will this case not continue to the 3<sup>rd</sup>, based on your motion? Ms. Klema answered, "The case will continue and just as a lot business would continue. I think that the county, because it is a party to this case, having a say as to how it continues, especially when they're being requested by the TID to give \$1.9 million, to say that well it's going to continue, we don't need to have a voice at the table, I think would basically be saying, well if they decide we don't have a force here, we're not going to enforce our portion of this agreement. Then let it be and if it comes back you have to give \$1.9 million, it could be that you only give \$1.5 million. It could be that we come to an agreement that; I think the force of the Commission being in the fight is a very valuable thing. Mr. Thomas asked, "But are the taxpayers, again we're not, this is a private matter wherein, and you explained very well and I thank you again, as to why the Board of Commissioners were originally involved. My colleague brings up the fact that, and I understand the statute, I respect the decision, but again the case proceeds and whether the county is in the case or not, in my opinion, the case proceeds regardless. So even if I'm wrong there, again in meeting with our Prosecutor's Office on Friday, the Prosecutor's Office can represent us. So call me wrong on every other thing that I talked about, again I don't, I can't justify private counsel in this case. I just can't justify it." It is the opinion of Ms. Klema that the Board of Commissioners have a voice in this case. Mr. Thomas respectfully disagreed that we don't need to be directly involved in the case noting we will still be indirectly involved in the case per Ms. Klema's explanation as to why the Board of Commissioners were involved at the very beginning because it deals with a road, which then deals with the petition, which deals with the County Engineer as to why the case still proceeds with or without us and nobody will be harmed. Mr. Thomas also wanted to make the comment publicly: "If anybody here thinks that I don't have a care or concern about the spending and the protection of taxpayer dollars, then they need to sit down and get to know me a little bit better because there is no way, shape or form am I bringing this motion today because I have complete lack of understanding or lack of care of the potential monies that the county may look at. And for the record, I'm nowhere near ready to make a decision on that \$1.9 million. This has nothing to do with the motion that I am; this everything to do with the fact that we are spending money with private counsel when our County Prosecutor's Office can represent us in this case directly, if the motion stays in place, or indirectly, just by virtue of the case being out there. When the court makes a decision, regardless of when it is, is that a status conference on Friday?" Ms. Klema answered, "Yes." Mr. Thomas continued, "That's a status conference only, so there will probably not be a decision made. So in the future when the court makes a decision, in my opinion, the county is involved regardless. So with that said, I think I'm finished."

Mrs. Favede said, "I guess my concern is and my question is, how do we explain to the taxpayers that we may or may not spend their money to build a road that someone else has already agreed to in a court of law to pay for himself. And we're going to take a backseat to whether or not that decision is made favorably for the taxpayers or not. I don't find that's responsible for us to say we're going to let someone else make that decision as to whether or not the funding of this road costs us \$1.9 million or \$1 million. I don't understand why we would take a backseat to that. At a minimum, I respect your opinion, but at a minimum could we consider not withdrawing the motion and allowing our Prosecutor's Office to represent us. I would hate for the taxpayers to look at this board that we took a backseat and chose not to fight the fight on their behalf because it's still what it's about. It's about potentially building a road with taxpayer dollars that someone else in a court of law agreed to build. And I agree with you that in 2001, this probably should have been dealt with. I for one was not a sitting Commissioner. And the reason in 2013 this became an issue is because after being involved for years, Mr. Coffland and I on this particular project, it was finally brought to my attention in late November that this lawsuit was on the table, that someone had already agreed to pay for this road. I was not prior to that privy to that fact. And I had been an advocate for building this road, but I can't build a road and use taxpayer dollars to build a road that has already been agreed by the Stein's that they would pay to build. That's why in 2013 the motion or judgment came to be is because I feel that it's a responsibility as myself as a Commissioner that we not spend one penny more of the taxpayer's dollars to build a road that someone else already in a court of law agreed to pay for themselves. This was never brought to the forefront. This was never part of the conversation. This fact that someone else already agreed to do this was not prevalent in the many, many, many discussions that we had in building this road. And I was very disappointed and it took some time to acquire this, so that is an explanation as to why just in 2013. And I do think it's responsible of this board to be involved in this lawsuit because if it sees the road built with less taxpayer dollars being involved, then I think that's responsible government. I apologize."

John White said he heard the statement made that \$8,000-\$9,000 was paid to a lawyer from a Columbus firm. He asked what period of time that covered. Mr. Thomas answered, "From October, 2013 and November, 2013. That's two (2) months and we'll have one coming here within the next couple of days." Mr. White then asked how many months it would take to exceed our Prosecutor's annual salary. Mrs. Favede answered, "I believe our budget is \$200,000.00 for outside counsel." Mr. White again asked how long would it take to exceed our Prosecutor's annual salary. Mrs. Favede said she thinks that she sees it differently than he because we are spending money to save the taxpayer dollars. She asked, "Do you want to spend \$8,000.00 or do you want to spend one-half million dollars?" Mr. White wanted to know if we are still going to be on the dime after January 3 or 4 after they make the summary judgment. Are we still going to be on the clock, the taxpayers, \$9,000.00 every two (2) months? Mrs. Favede said, "Well it depends on how long it takes. I can't answer that because as Mr. Thomas explained, it's a status meeting and beyond that I don't know when a decision would be made." Mr. White thought it would be more beneficial to use our own County Prosecutor. Mrs. Favede stated, "At a minimum that is what I just requested that we not withdraw our motion and that we allow the Prosecutor to represent the case. I mean I think to not have a seat at the table is very irresponsible of the board. I think that the objective was to prevent us spending money on a road that someone else agreed to build. Now whether or not you find the \$8,000.00 is a good use of taxpayer dollars or not, when you compare that to the fact that we could potentially be spending hundreds of thousands of dollars building a road for someone who already agreed to build it, I think it's the better bet."

Mr. Thomas asked how many feet of road are we talking here. He wants the media and the public to understand that, in his mind and looking at exhibits here, we are not talking about the funding of what looks like no more than 350 feet. Mr. Coffland said, "250, I think it's around 250." Mr. Coffland stated, "We're not talking the Mall Road; we're talking 250 feet of roadway from (Rt) 40 down into the Stein property that crosses the Stewart property that right now is a township road with a 30 foot right-of-way, with the option of going up to 40 foot if he wanted to widen it. There is a road base in there. That is a funded road to the Richland Township Trustees who are being paid to maintain that road."

It is Mr. Coffland's understanding that if a development went in below there, Mr. Stein had the right to widen the road up to 10 more feet at his cost.

Mr. Thomas felt he wasn't explaining himself well. He stated, "Let me make it very clear; the only issue I'm addressing today is this lawsuit. I'm not talking about a development. He said he has not completed with due diligence to make any type of decision on giving taxpayer monies on this project. He stated the following: 1) This case, in his opinion, and more importantly because he is not the lawyer for this board through our Prosecutor's Office, this case continues with or without the Board of County Commissioners. 2) If he is wrong and just as important as stated to him by Mr. Liberati, the Prosecutor's Office is able to represent us in this case, so why not do that. 3) The taxpayers of this county are not going to be harmed by either of No. 1 or No.2 and thus is the sole basis of his motion. It has nothing to do with what may happen in the future, whether or not there is a development, whether or not this board is going to contribute any money that results in settlement of this lawsuit. He just wants to make it clear why he is doing what he is doing. The status conference on Friday will still happen. It's either going to be resolved with an agreement or it's going to go an additional hearing. As with the road, to this day the county is involved pursuant through the Engineer's Office, the petition, how the road needs to be built, which he is going to guess since this is 14 years old, that if a court were to tell Mr. Stein to build 250-350 of road regardless of what it is, that if this project does go through ODOT's going to go in and tear up that road. So it makes zero sense, if this case is going to be settled to build any type of road. Could there be some monetary compensation? Absolutely.

Mrs. Favede stated, "My only concern in that particular theory is the fact that on the opposite side the Cafaro's are building a road and then when and if this project is funded through the State of Ohio and completed, ODOT is going back over to the road built by the Cafaro's and widen it to an additional lane and curb it with pedestrian sidewalks. My question has been, why couldn't Mr. Stein build a simple road and ODOT do the same for him. Come back over, widen it to their specifications."

Mr. Thomas said, "Well I think the issue is not the south side of 70, but I understand what you're saying. The issue here is you have an existing court order telling Mr. Stein what he needs to do. That, in my mind, unless there is an agreement of all parties, cannot be changed. The difference is this was a settled case 14 years ago, with specifics as to how this was to be done, when it was to be done, etc., vs. your talking prospective development on the south side of 70."

Mr. Coffland read the following: "agreement of the parties reaffirm a decision by Belmont County Commissioners finding to establish a Township Road 687 is a public road 30 foot right-of-way, minor modifications." The road is established. The road is being paid for by ODOT. Mr. Stewart said, "No, the agreement that the judge's order is for is to establish it as a road and it would be paved and improved to the proper specifications for a county road. That was what the court order was. Are you saying as Commissioners it's not important to enforce a court order by a judge of Belmont County? You're saying you want to take your motion out of the court. Ok you're saying it's not important to enforce what a court has required?"

Mr. Thomas repeated that his point. "Even if I am wrong on everything else I said, as a taxpayer, the County Prosecutor's Office can represent us in this case. Mr. Stewart said, "I think Ginny said that would be fine, but you still want to remove the motion." Mr. Thomas responded, "And the reason behind that is, Ok, I'm willing to listen. I listen better than I talk. Ok, but however to this date no one has sat down with me and said who, what, where, why and when, so as usual I did it myself, which is fine because I needed to anyway as part of my due diligence. I am saying that the case goes forward regardless. By law our involvement as Ms. Klema eloquently stated is simply because of what the statutes require from next door into us and how these proceedings are made. Whether we are directly or indirectly involved in my mind and discussing it again with the Prosecutor, it doesn't matter. The case still goes forward. The decision will still be made either by the court or by agreement and then ultimately, if there is a road to be built, that's when it comes back to the Commissioners."

Ms. Klema stated, "And right before you answered Mr. Stewart, you said that if there isn't an alternative agreement or something, then the parties will make it; the parties being the Commissioners also. So, again I just want to emphasize regardless of who represents this county commission office, I think it's wise to stay in the fight and to withdraw a motion it makes no sense to me legally. You asked me my legal opinion and it makes no sense to me. In addition, I think also if you read, in fact, Commissioner Thomas you made a point, because it is so much later than 1999 and because I guess development, even though they said it was coming, never did, but everyone is quite certain it has come, it is landing, it's going to be there, that this road needs to be built, in the Stewart's request to the court, it is to have your Engineer's Office basically determine what the cost of the road would be if it was built today and that would be a contribution toward what is now going to be the connector road. Mr. Thomas said, "Yes." Ms. Klema continued, "I would like it if the Commissioner, because they will be asked to give that \$1.9 million, and I know that's not something you're making a decision about right now and you've not even made a decision about according to what you represented, I think it would be wise to be involved in that type of a settlement to have someone there and say hey look it would be good to get this sum of money, if it was \$250,000.00 now, then today it's \$650,000.00, please let us have that money and participate."

Mr. Thomas said, "Here's what we'll do. Listen I am here to cooperate and move the county forward, listen to everybody and make a decision. What I say here is not ever going to be the rule. It's only going to be my opinion. We are going to agree, we are going to discuss, I will be happy to listen to you any day, you also, just as much as I would hope that you would give me the same respect. Here's what I will do, we have been twice charged, we Belmont County, have been twice charged \$646.00 for a lawyer to travel from Columbus and back to attend meetings. Again, if I do nothing else, this is a financial decision. With that said, I would ask that we, I will table the motion, if the two of you are willing to agree to permit me to contact Mr. Liberati, ask him if he is available for that status conference hearing on Friday, willing to attend it for us, have him speak with Mr. Glasgow and have a meeting between the lawyers that we would have at worst an agreed change of counsel." Mrs. Favede said, "Absolutely." Mr. Coffland said, "Excuse me Mr. Thomas. I would like to eliminate Mr. Glasgow's law firm in Columbus, request that the Prosecutor is our legal counsel, request our legal counsel to be there and if Mr. Liberati cannot, send a representative to the table, but immediately do away with the Aaron Glasgow and the law firm and spending taxpayer. We do have legal counsel that is required to represent us at all times at our call. Their first job is to represent us. So I request that we do away with the law firm and require the Prosecutor's Office send someone to the table."

Mrs. Favede stated, "I just want for the record to note that Isaac Wiles actually handles all of our legal on behalf of CORSA, on behalf of all Human Resources issues, so we can't fundamentally do away with the law firm. She advised they are currently representing the board in a lawsuit against the county. She noted her appreciation to Mr. Thomas to amend his motion. She stated she still thinks it's out of respect for the court that we need to have someone represent the board at this status hearing on Friday, so I respect your decision.

Mr. Thomas said, "If we can leave the meeting open to permit me later to call Mr. Liberati and then I am assuming that both of you are around the next two days, I know you may have some issues, but we would be happy to work around that, we'll be happy to notify the media and let them know. I need to make sure that the two lawyers are on board. In speaking with Mr. Glasgow on Friday, he understood my position, but he also understood that I told him up front, that I was making this call as one member of the board, not on behalf of the board, out of respect for both of you. If the two lawyers can be on the same page, I don't have a problem in the fact that the hearing is four days away. And if there can be a substitution of counsel, then I'm fine with proceeding at that point because at this point, while I again disagree with your position on why we should be involved in this case, I will be happy to stay in it with the Prosecutor involved in it." Mrs. Favede added, "Provided he has a conversation with Mr. Glasgow, I support that fully." Mr. Thomas said, "Yes."



Mr. Stewart wanted to ask one more question. He said, "Do you own adjacent real estate to this development Mr. Thomas as a Commissioner?" Mr. Thomas responded, "Do I own, no I am one owner in a corporate ownership of 6 acres that is....(interrupted by Mr. Stewart). Mr. Stewart said, "But do you have ownership in property adjacent to this real estate the city developed, by the Stein's?" Mr. Thomas answered, "Yes. Adjacent, yes." Mr. Stewart said, "I just want that for the record." Mr. Thomas said, "Sure, absolutely. No problem at all, which again has no effect on my decision whether it be today or any other day on any other issues. Nor is it a conflict. Mr. Thomas said if that's going to be made public record through the media he wants it known that he is one of four owners and is not part of any projected development in anything that is being talked about. "It has nothing to do with it."

Mr. Coffland said, "I just like clarification for the record and so I know. You are going to check with the Prosecutor to see if he can attend the January 3<sup>rd</sup> meeting. Mr. Thomas said, "Yes." Mr. Coffland said, "If he can attend, at that time we agree to do away with..... Mr. Thomas said, "My motion will then be amended Mr. Coffland to have a substitution of counsel from the Isaac Wiles firm to the Belmont County Prosecutor. However, I will withdraw the part of the motion to withdraw from the case, Ok. However, that's not to say I may not bring it up again in the future, depending upon what happens on Friday. Again, this is on one hand it's solely a financial decision."

**DISCUSSION HELD RE: BELMONT COUNTY DOG SHELTER** - Mrs. Favede provided the following information in answer to inquiry made by a reporter from The Intelligencer: The Commissioners along with Bob Painter from the BCARL board asked the Animal Cruelty Taskforce of Ohio to look into the conditions at the shelter and he was here on Friday. No one from this board met with him. He did submit to the board last night and apparently on Facebook this morning a report that she has shared with the board and will give to the media. Suggestions going forward, no action immediately. He is asking to return in one week and Mrs. Favede believes the board will be meeting with him. The concern Mrs. Favede has is that PETA has been contacting our office and Ginny spoke with someone at length on Friday. They are very anxious about the conditions at the animal shelter as well as the Society For Prevention of Animal Cruelty. She noted this is the result of a five hour meeting that the Animal Cruelty Task Force of Ohio had here. Mrs. Favede wanted it to be made public beyond here because it is already public on Facebook.

**DISCUSSION HELD RE: SENIOR SERVICES** – Mrs. Favede also advised, David Hacker, Program Coordinator for Senior Services, had requested the keys to Hab Center. He did tour the facility and he is very interested in it. She asked him to put it in writing to the board. He made a request to look at renovating the existing Hab Center to become the final facility for Senior Services, specifically out of need. There are dire conditions at the existing Oakview building as well as the ability to service our seniors. We are up over 900 meals. The current kitchen size is not adequate. Mr. Hacker spoke with OMEGA for funding sources outside of county funds. They have committed to him that they very much like this project. Their application runs from February through April and there is around \$200,000.00 available. They did a large number of water and sewer projects last year. But this project sounds like a good one for OMEGA. Mr. Hacker will be working with a grant specialist to also acquire some USDA monies. The issues in applying for these grant funds remains based on whether or not he has an outlying project. You cannot blindly apply for grants. Mrs. Favede also provided materials from Bricker & Eckler regarding RFQ's (Requests For Qualifications) that she has given to Mr. Hacker.

**BREAK**

**RECONVENED, JANUARY 2, 2014, WITH ALL COMMISSIONERS PRESENT.**

**DISCUSSION HELD RE: TABLED MOTION TO WITHDRAW MOTION TO ENFORCE A JUDGMENT ENTRY IN THE CASE OF THOMAS STEWART et seq v. BOARD OF BELMONT COUNTY COMMISSIONERS et seq, CASE NOS. 99-CV-00131 AND 99-CV-00161** – Mr. Thomas said he will now withdraw this motion entirely and begin with a new motion.

**IN THE MATTER OF SUBSTITUTING CURRENT LEGAL COUNSEL IN FAVOR OF THE PROSECUTOR HANDLING OUR PORTION OF THE CASE OF THOMAS STEWART et seq v. BOARD OF BELMONT COUNTY COMMISSIONERS et seq, CASE NOS. 99-CV-00131 AND 99-CV-00161**

Motion made by Mr. Thomas, seconded by Mr. Coffland to substitute our current legal counsel, which is Isaac Wiles, in favor of the Belmont County Prosecutor handling our portion of the case to take action to formally notify both lawyers that it's the boards' intent to have the Prosecutor handle our portion of the case and to terminate, just with regard to this case only, our lawyer/client relationship with Attorney Aaron Glasgow of the Isaac Wiles firm. We will, of course, as I had agreed to, stay in the case for now as there is a hearing on that tomorrow morning at 9:00 or 9:30.

**DISCUSSION** – Mr. Thomas wanted to make it clear for the record that he has spoken to both lawyers to make sure that if we got to this position today, that the case would be covered. Assistant Prosecutor David Liberati has agreed to take the case. He will be at the hearing tomorrow. He has also spoken with Attorney Glasgow to ensure that the proper legal pleading would be filed and that is a Notice of Substitution of Counsel. All three Commissioners are welcome to attend the hearing along with the Assistant Prosecutor. Mr. Thomas explained this is simply a status conference. Judge Fregiato will ask the parties where are we on this case, let each party give their respective position, and then decide how the case is going to proceed and give then additional dates for future hearings.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Coffland	Yes
Mrs. Favede	No

**IN THE MATTER OF ADJOURNING  
COMMISSIONERS MEETING**

Motion made by Mrs. Favede, seconded by Mr. Coffland to adjourn the meeting.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Thomas	Yes

Read, approved and signed this 8th day of January 2013.

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\_\_\_\_\_ COUNTY COMMISSIONERS

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We, Ginny Favede and Jayne Long, President and Clerk respectively of the Board of Commissioners of Belmont County, Ohio, do hereby certify the foregoing minutes of the proceedings of said Board have been read, approved and signed as provided for by Sec. 305.11 of the Revised Code of Ohio.

\_\_\_\_\_ PRESIDENT

\_\_\_\_\_ CLERK