

St. Clairsville, Ohio

January 22, 2014

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 Mr. Thomas, 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.

| <u>Claim of</u> | <u>Purposes</u> | <u>Amount</u> |
|--|--|---------------|
| N-Stonegate Construction | Waterline/EORIP Waterline Fund | 52,769.12 |
| P-Michael Baker, Jr., Inc. | Hazard Mitigation Plan/EMA/Hazard Mitigation Grant 2004/EMA Fund | 3,127.00 |
| S-AT&T Mobility | Internet/Northern Div. Ct. Computer Fund | 61.02 |
| S-Crystal Springs | Water/Eastern Ct. Gen. Special Projects Fund | 53.03 |
| S-Glynis Valenti | Professional Services/Port Authority Fund | 600.00 |
| S-Great Stone Viaduct Historical Education Society | Picture for Judge/Eastern Ct. Gen. Special Projects Fund | 35.00 |
| S-Hughes Xerographic | Copier charges/Port Authority Fund | 41.08 |
| S-Kent State University-Tuscarawas | Marketing/Promo-EODA Bd. Meeting/Port Authority Fund | 20.00 |
| S-McGhee | Supplies/Northern Ct. General Special Projects Fund | 702.21 |
| S-PNC Bank | Visa bill/District Detention Home Fund | 701.99 |
| W-Aspen Publishers, Inc. | Subscriptions/Law Library Fund | 710.00 |
| W-Matthew Bender & Co. | Books/Law Library Fund | 3,210.59 |
| W-West | Subscriptions/Law Library Fund | 919.00 |

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

Motion made by Mr. Thomas, seconded by Mr. Coffland to approve the Recapitulation of Vouchers dated for January 22, 2014 as follow:

| FUND | AMOUNT |
|---------------------------------------|--|
| A-GENERAL | \$2,799.68; \$38,141.51; \$244,229.76; \$72,864.00; \$2,395.53 |
| A-GENERAL/AUDITOR | \$40,433.15 |
| A-GENERAL/CLERK OF COURTS | \$4,894.78 |
| A-GENERAL/EMA | \$622.48 |
| A-GENERAL/JUVENILE COURT | \$239.10 |
| A-GENERAL/SHERIFF | \$21,585.18 |
| B-Dog Kennel | \$2,541.79 |
| G-Lodging Excise Tax | \$20,000.00 |
| H-Job & Family, CSEA | \$119.40 |
| H-Job & Family, Public Assistance | \$24,401.89; \$9,886.00; \$5,545.00; \$3,159.80; \$3,582.00 |
| H-Job & Family, WIA | \$679.99; \$78,500.00; \$48,822.09 |
| J-Real Estate Assessment | \$3,018.38 |
| M-Juvenile Ct. – Placement II | \$440.18 |
| M-Juvenile Ct. – Title IV-E Reimb. | \$909.24 |
| K-Engineer MVGT | \$7,151.45; \$26,056.16; \$9,335.12 |
| P-Oakview Admn Bldg. | \$7,712.74 |
| S-District Detention Home | \$2,227.18 |
| S-Job & Family, Children Services | \$1,777.19 |
| S-Juvenile Ct. Computer Fund | \$79.90 |
| S-Oakview Juvenile Residential Center | \$1,985.02 |
| S-Probate Court Conduct of Business | \$43.00 |
| S-Senior Program | \$17,936.42; \$16,510.21 |
| S-Sheriff CCW | \$3,556.00 |

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Thomas | Yes |
| Mr. Coffland | Yes |
| Mrs. Favede | Yes |

IN THE MATTER OF TRANSFER WITHIN
FUND FOR THE GENERAL FUND

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the following transfer within fund for the General Fund:

| FROM | TO | AMOUNT |
|--|--|---------------|
| E-0051-A001-A50.000 Budget Stabilization | E-0011-A001-B02.002 Salaries-Employees | \$16,000.00 |
| E-0051-A001-A50.000 Budget Stabilization | E-0011-A001-B09.003 PERS | \$ 2,240.00 |
| E-0051-A001-A50.000 Budget Stabilization | E-0111-A001-E02.002 Salaries-Employees | \$11,500.00 |
| E-0051-A001-A50.000 Budget Stabilization | E-0111-A001-E09.003 PERS | \$ 1,610.00 |
| E-0051-A001-A50.000 Budget Stabilization | E-0121-A006-B02.002 Salaries-Employees | \$ 6,125.00 |
| E-0051-A001-A50.000 Budget Stabilization | E-0121-A006-B09.003 PERS | \$ 858.00 |

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Coffland | Yes |
| Mr. Thomas | Yes |
| Mrs. Favede | Yes |

IN THE MATTER OF TRANSFERS WITHIN FUND

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

FAMILY & CHILDREN FIRST COUNCIL FUND/H11

| FROM | TO | AMOUNT |
|---|------------------------------------|---------------|
| E-2770-H011-H01.000 HMG-(Early Int. Home Visit) | E-2770-H011-H04.000 HMG-Part C | \$3,582.00 |
| E-2770-H011-H01.000 HMG-(Early Int. Home Visit) | E-2770-H011-H06.000 System of Care | \$24,401.89 |

MENTAL RETARDATION FUND/S66

| FROM | TO | AMOUNT |
|--------------------------------------|---------------------------------------|---------------|
| E-2410-S066-S87.000 Shared Functions | E-2410-S066-S70.011 Contract Services | \$21,004.39 |

COMMON PLEAS COURT/GENERAL SPECIAL PROJECTS FUND S89

| FROM | TO | AMOUNT |
|------------------------------------|---------------------------------------|---------------|
| E-1572-S089-S01.000 Other Expenses | E-1572-S089-S02.000 Guardian Ad Litem | \$2,658.00 |

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Coffland | Yes |
| Mr. Thomas | Yes |
| Mrs. Favede | Yes |

IN THE MATTER OF TRANSFERS BETWEEN FUNDS

Motion made by Mr. Coffland seconded by Mr. Thomas to approve the following transfers between the following funds:

BELMONT COUNTY TREASURER/Y79 & W82 FUNDS

| FROM | TO | AMOUNT |
|-----------------------------------|----------------------------------|---------------|
| E-9879-Y079-Y04.074 Transfers-Out | R-1410-W082-T08.574 Transfers-In | \$52,012.47 |

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Coffland | Yes |
| Mr. Thomas | Yes |
| Mrs. Favede | Yes |

IN THE MATTER OF ADDITIONAL APPROPRIATIONS

Motion made by Mr. Coffland, 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:

****JANUARY 2, 2014****

BCDJFS/CHILD SUPPORT ENFORCEMENT ADMIN FUND H10

| | | |
|--------------------|---------------|-------------|
| E-2600-H010-H15.00 | Other Expense | \$61,339.42 |
|--------------------|---------------|-------------|

****JANUARY 22, 2014****

GENERAL FUND/VARIOUS

| | | |
|---------------------|--------------------------------|-------------|
| E-0121-A006-B02.002 | Recorder/Salaries-Employees | \$87,600.00 |
| E-0131-A006-A04.002 | Sheriff/Salaries-Road Deputies | \$ 7,912.85 |
| E-0055-A004-B01.002 | M&G/Salaries-Employees | \$ 1,515.00 |
| E-0257-A015-A14.000 | Attorney Fees | \$ 658.00 |

Appropriation of reimbursement check from Juvenile Court for payment made in error.

WORKFORCE DEVELOPMENT FUND H05

| | | |
|---------------------|--------------------|-------------|
| E-2600-H005-H12.000 | Windstorm NEG OH26 | \$32,000.00 |
|---------------------|--------------------|-------------|

WIA AREA 16 FUND H08

| | | |
|---------------------|----------------------------|-------------|
| E-2610-H008-H01.000 | Belmont Co. DJFS-WIA | \$ 8,313.00 |
| E-2610-H008-H07.000 | Belmont Co. DJFS-WIA-WIND | \$32,000.00 |
| E-2610-H008-H08.000 | Harrison Co. DJFS-WIA-WIND | \$48,000.00 |

FAMILY & CHILDREN FIRST COUNCIL FUND H11

| | | |
|---------------------|-----------------------------------|-------------|
| E-2770-H011-H01.000 | Help Me Grow-Early Int-Home Visit | \$53,241.00 |
| E-2770-H011-H03.000 | FCFC Admin Funds | \$15,750.00 |
| E-2770-H011-H04.000 | Help Me Grow Early Int-Part C | \$49,575.00 |
| E-2770-H011-H05.000 | Children's Trust Fund | \$18,487.00 |
| E-2770-H011-H06.000 | System of Care | \$36,011.00 |

SOIL CONSERVATION FUND L01

| | | |
|---------------------|--------------------|-------------|
| E-1810-L001-L01.002 | Salaries-Employees | \$ 2,000.00 |
| E-1810-L001-L09.000 | Travel & Expenses | \$ 252.00 |
| E-1810-L001-L02.010 | Supplies | \$ 1,000.00 |
| E-1810-L001-L05.011 | Contract Services | \$ 3,000.00 |

BCDJFS/CHILDREN SERVICES FUND S25

| | | |
|---------------------|---------------|-------------|
| E-2766-S025-S10.074 | Transfers-Out | \$75,301.50 |
|---------------------|---------------|-------------|

OAKVIEW JUVENILE FUNDS S31 & S32

| | | |
|---------------------|---------------|----------|
| E-8011-S031-S02.000 | Food Expense | \$ 45.00 |
| E-8012-S032-S00.000 | Activity Fund | \$ 52.27 |

COMMUNITY BASED CORRECTIONS ACT GRANT S77

| | | |
|---------------------|----------------------|-------------|
| E-1520-S077-S01.002 | Salaries-Employees | \$17,386.75 |
| E-1520-S077-S02.005 | Medicare | \$ 252.00 |
| E-1520-S077-S04.006 | Hospitalization | \$ 3,184.00 |
| E-1520-S077-S03.003 | PERS | \$ 2,434.25 |
| E-1520-S077-S05.004 | Workers Compensation | \$ 313.00 |

CDBG CHIP GRANT FUND T11

| | | |
|---------------------|----------------------------|-------------|
| E-9702-T011-T03.000 | CDBG Escrow Account "CHIP" | \$19,131.00 |
|---------------------|----------------------------|-------------|

Draw No. 170 – Grant #B-C-12-1AG-1 & #B-C-12-1AG-2

PROSECUTOR'S VICTIM ASSISTANCE PROGRAM W80

| | | |
|---------------------|--------------------|-------------|
| E-1511-W080-P01.002 | Salaries-Employees | \$ 2,966.34 |
| E-1511-W080-P02.010 | Supplies | \$ 250.00 |
| E-1511-W080-P03.000 | Travel Expense | \$ 28.00 |
| E-1511-W080-P04.000 | Other Expense | \$ 132.00 |

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Coffland | Yes |
| Mr. Thomas | Yes |
| Mrs. Favede | Yes |

IN THE MATTER OF ADDITIONAL APPROPRIATIONS FOR THE GENERAL FUND

Motion made by Mrs. Favede, seconded by Mr. Coffland to make the following additional appropriation, in accordance with the Amended Official Certificate of Estimated Resources as revised by the Budget Commission, under the date of January 22, 2014:

CARRYOVER PO'S THAT HAVE BEEN CLOSED AND REQUIRE REAPPROPRIATION

A00 General Fund

Common Pleas Court/Adult Probation

E-0061-A002-B05.000

Intense Probation-Clerk of Courts

40,525.91

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Coffland | Yes |
| Mr. Thomas | Yes |
| Mrs. Favede | Yes |

IN THE MATTER OF APPROVING THEN AND NOW CERTIFICATE/AUDITOR'S

Motion made by Mr. Coffland, seconded by Mr. Thomas to execute payment of Then and Now Certification dated January 22, 2014, presented by the County Auditor pursuant to O.R.C. 5705.41(d) 1, and authorizing the drawing of warrant(s) in payment of amounts due upon contract or order.

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Coffland | Yes |
| Mr. Thomas | Yes |
| Mrs. Favede | Yes |

IN THE MATTER OF REQUEST FOR CERTIFICATION OF MONIES BY THE BUDGET COMMISSION

Motion made by Mr. Coffland seconded by Mr. Thomas to request the Belmont Co. Budget Commission certify the following monies. **GENERAL FUND - \$78.00** paid into R-0050-A000-A45.00 on 01/16/14 – Refund/Bond Cancellation.

\$658.00 paid into R-0050-A000-A45.500 Refunds and Reimbursements on Jan. 17, 2014, from Belmont Co. Juvenile Court. Re: Reimbursement of Guardian Ad Litem fees paid out of wrong line item to be certified and appropriated to E-0257-A015-A14.000 Attorney Fees.

CDBG – Grant CHIP - \$19,131.00 paid into R-9702-T011-T05.501 on Jan. 16, 2014. Grant #B-C-12-1AG-1 & #B-C-12-1AG-2. Draw No. 0170.

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Coffland | Yes |
| Mr. Thomas | Yes |
| Mrs. Favede | Yes |

IN THE MATTER OF GRANTING PERMISSION FOR COUNTY EMPLOYEES TO TRAVEL

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

DJFS – Vince Gianangeli and Lisa Fijalkowski to travel to Cadiz, OH, on Jan. 28, 2014, to attend a meeting at Harrison Co. DJFS. Estimated expenses: \$24.00

PORT AUTHORITY – Larry Merry to travel to New Philadelphia, OH, on Feb. 5, 2014, to attend Quarterly EODA Board of Directors Meeting.

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Thomas | Yes |
| Mr. Coffland | Yes |
| Mrs. Favede | Yes |

OPEN PUBLIC FORUM – None.

IN THE MATTER OF ACCEPTING THE ANNUAL REPORT ON THE PROSECUTOR'S DETAC FUND

Motion made by Mr. Thomas, seconded by Mr. Coffland to accept the annual report on the Prosecutor's DETAC Fund submitted by Daniel P. Fry, Belmont County Prosecutor, pursuant to Ohio Revised Code Section 321.261.

DANIEL P. FRY

BELMONT COUNTY PROSECUTING ATTORNEY

January 14, 2014
Belmont County Commissioners
Belmont County Courthouse
Main Street
St. Clairsville, Ohio 43950
RE: Prosecutor's DETAC Fund
Dear Commissioners:

As required by Ohio Revised Code Section 321.261, herein is the report on the DETAC Fund for 2014:

1. The amount appropriated for 2013 was \$98,655.65.
2. The estimate of the amount to be expended from this fund in 2014 \$65,000.00.
3. The amount expended from the DETC fund in 2013 were for the following purposes:
 - a) Salaries, fringe benefits and payroll taxes for those employees involved in tax collection, including bankruptcies, tax foreclosures, and mortgage foreclosures.
4. An estimate for the amount to be credited to the DETC fund for 2014 is \$65,000.00

Very truly yours,
Daniel P. Fry /s/
Prosecuting Attorney
Belmont County, Ohio
DPF:clh

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Thomas | Yes |
| Mr. Coffland | Yes |
| Mrs. Favede | Yes |

IN THE MATTER OF AUTHORIZING THE DIRECTOR OF THE BCSSD TO SELECT AN ENGINEERING FIRM FOR UPGRADE PROJECTS

Motion made by Mr. Thomas, seconded by Mr. Coffland to authorize the director of the Belmont County Sanitary Sewer District to select an engineering firm pursuant to ORC 153.69 for the water system upgrade project including Sand Hill Pump Station relocation, Rt. 9 Pump Station relocation and well upgrades

**BELMONT COUNTY
SANITARY SEWER DISTRICT**

To: Belmont County Commissioners
From: Kelly Porter, Project Manager
Date: January 6, 2014
Subject: Approval to Select Engineering Firm

Request your approval to select an engineering firm for the Water System Upgrade Project. The selection process will be completed by evaluating statements of qualifications only and will conform to ORC 153.69. No interviews will be conducted. This is not an approval to hire request it is only to select a lead candidate.

Please call with any questions.

APPROVAL: Matt Coffland /s/ 1/22/14
Ginny Favede /s/ 1/22/14
Mark A. Thomas /s/ 1/22/14

Belmont County Commissioners

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Thomas | Yes |
| Mr. Coffland | Yes |
| Mrs. Favede | Yes |

IN THE MATTER OF APPOINTING COMMISSIONER GINNY FAVEDE TO THE BUCKEYE HILLS RESOURCE CONSERVATION AND DEVELOPMENT(RC&D) EXECUTIVE COUNCIL TO FILL THE UNEXPIRED TERM OF CHARLES R. PROBST, JR.

Motion made by Mr. Thomas, seconded by Mr. Coffland to appoint Commissioner Ginny Favede to the Buckeye Hills Resource Conservation and Development (RC&D) Executive Council effective immediately through December 31, 2014, to fill the unexpired term of Charles R. Probst, Jr.

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Thomas | Yes |
| Mr. Coffland | Yes |
| Mrs. Favede | Yes |

IN THE MATTER OF APPROVING SETTLEMENT AGREEMENT FOR FULL AND FINAL SETTLEMENT IN THOMAS STEWART, PLAINTIFFS, v. BOARD OF BELMONT COUNTY COMMISSIONERS, DEFENDANTS

Motion made by Mr. Thomas, seconded by Mr. Coffland to approve the Settlement Agreement, in the sum of \$48,500.00 for full and final settlement in Thomas Stewart, Plaintiffs v. Board of Belmont County Commissioners, Defendants, Case Numbers 99CV131 and 99CV161, and to sign any and all documents to effectuate the same.

SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS

THIS AGREEMENT is made and entered this 5th day of March 2014, by and between (1) Home Pro Enterprises, Inc./Lou Stein as an individual and as former President of Home Pro Enterprises, Inc on behalf of their heirs, executors, guardians, administrators, successors and assigns, and each of them, jointly and severally as well as on behalf of itself and its owners, officers, directors, shareholders, employees and agents in their individual and representative capacities and any parent, affiliated, predecessor, successor, subsidiary and other related companies, (hereinafter referred to as "Home Pro") and (2) the Belmont County Board of Commissioners, (hereinafter referred to collectively as "The Board. The aforementioned Parties to this Agreement are collectively referred to herein as the "Parties," and sometimes individually referred to herein as a "Party." This Settlement Agreement and Release of Claims is referred to herein as the "Agreement."

WITNESSETH:

WHEREAS, in 99-CV-131 and 99-CV-161, The Board, on or about November 20, 2013 filed a motion seeking enforcement or a prior court order previously filed September 7, 1999; and

WHEREAS, the Parties have reached a settlement of all their claims against one another, known and unknown, pleaded and unpleaded, and desire to forego the uncertainties of litigation and resolve all of their disputes, raised therein, upon the terms and conditions contained therein.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the sufficiency of which is hereby acknowledged, it is agreed by the Parties as follows:

- 1. Monetary Payment**
 - a. Home Pro shall pay the total sum of Forty eight thousand five hundred dollars (\$48,500.00) to the Belmont County Commissioners and as directed per the Court Entry attached hereto.
- 2. Payment of Court Costs**
 - a. Each Party shall equally share court costs in excess of deposits paid, if any.
- 3. Dismissal of Motion/lawsuit.**
 - a. The Parties agree to file in the Belmont County Court of Common Pleas, the Stipulated Entry incorporated herein and attached hereto as an Exhibit A, dismissing all claims raised in the Parties' filing with prejudice.
- 4. Complete Mutual Release by the Parties**

Except as herein otherwise agreed, the Parties hereby mutually release acquit and forever discharge each and every other Party to this Agreement, their present and former agents, directors, officers, employees, representatives, attorneys, affiliates, subsidiaries, heirs, executors, guardians, administrators, insurers, successors and assigns, and all persons acting by, through, under or in concert with any of them, from any and all charges, complaints, claims, liabilities, obligations, promises, agreements, controversies, damages, actions, causes of action, suits, rights, demands, costs, losses, debts and expenses (including attorney's fees and costs actually incurred) of any nature whatsoever relating to facts or occurrences which occurred prior to the execution of this Agreement; including without limitation, to those asserted or which could have been asserted in the Lawsuit, whether negligent or intentional, known or unknown, suspected or unsuspected, including, but not limited to those claims alleged in the pleadings and documents contained in the Lawsuit, or any violation of any federal, state or other governmental statute or rule of procedure, regulation, or ordinance.
- 7. No Other Claims**

The parties covenant and represent that they have not filed any complaints or charges or lawsuits against each other and/or their respective parent or corporations, successors, owners, officers, employees, and agents with any governmental agency or any court except as set forth in the Lawsuit.
- 8. Unknown Claims**

The Parties intend that this Agreement is final and complete and therefore shall bar each and every claim, demand and cause of action specified herein, whether known or unknown to the Parties at the time of execution of this Agreement. As a result, the Parties acknowledge that they might later discover pre-existing claims or facts in addition to or different from those which they now know or believe to exist with respect to the subject matters of this Agreement and which, if known or suspected at the time of executing this Agreement, may have materially affected this settlement. Nevertheless, the Parties hereby waive any right, claim, or cause of action that might arise as a result of such different or additional claims or facts.

9. **No Admission**

By providing the consideration set forth herein, the Parties do not admit to the breach of any obligation or promises (contractual, legal, or otherwise), do not admit to any tortuous or otherwise actionable conduct, and do not admit to the violation of any federal, state, local or other statute or law, including, but not limited to, those laws referred to in this Agreement.

10. **Consultation with Counsel**

The Parties represent and acknowledge that each has discussed this Agreement with their respective attorney, that each has carefully read and fully understands all of the provisions of this Agreement that each has been advised with respect to said provision and that each is voluntarily entering into this Agreement.

11. **Sole and Entire Agreement**

This Agreement contains the entire agreement between the Parties and fully supersedes any and all prior agreements or understandings between the Parties hereto pertaining to the subject matter hereof. The terms of this Agreement are contractual and not a mere recital.

12. **The Agreement**

For the purpose of this Agreement, no Party shall be deemed the drafter of this document and they may not amend, revise, or modify in whole or in part, the terms set forth herein, except pursuant to a separate writing agreed upon and signed by all the Parties.

13. **Executed and Counterparts**

This Agreement may be executed in counterparts, each of which shall be deemed an original for purposes of authentication, evidentiary validity, and in governance of all the Parties hereto.

14. **Bear Own Fees**

In entering into this Agreement, the Parties acknowledge that each side is to bear their own attorneys' fees, and cost of litigation, and that no claim for such may be made at any subsequent time.

15. **Specific Performance**

The Parties acknowledge the remedies and terms herein are unique and are subject to specific performance, and waive any right to contest a party seeking specific performance of another which is in breach of this Agreement.

16. **Other Documents**

The Parties to this Agreement agree to execute and to deliver such additional documents and instruments and to make such payments and perform such additional acts, as may be necessary to effectuate and consummate this Agreement on or before March 7, 2014 and to perform any and all of the terms, provisions or conditions of this Agreement.

17. **Ohio Law**

Ohio law applies to all aspects of this Agreement and the underlying transaction between the Parties. The Parties stipulate that this Agreement is entered into and came into existence in St. Clairsville, Ohio for all legal purposes.

18. **Retains Jurisdiction**

Despite the dismissal of any impeding lawsuit the Belmont County Court of Common Pleas shall retain jurisdiction of the Lawsuit to enforce this settlement to the extent expressed in the Agreement.

19. **Binding**

This Agreement shall be binding upon the Parties, successors, heirs and assigns.

20. **Recitals**

The recitals to this Agreement are hereby incorporated and made a part of this Agreement.

Agreed and executed by the following Parties, on the date set opposite their names:

Ginny Favede /s/ Date: 3/5/14

Ginny Favede, Belmont County Commissioner

Mark Thomas /s/ Date: 3/5/14

Mark Thomas, Belmont County Commissioner

Matt Coffland /s/ Date: 3/5/14

Matt Coffland, Belmont County Commissioner

Louis J Stein /s/ Date: 3-5-14

Louis Stein, INDIVIDUALLY AND AS FMR

PRESIDENT OF HOME PRO, INC.

Michelle G. Miller /s/ Date: 3/5/2014

Michelle G. Miller

Attorney for Louis Stein

David K. Liberati /s/ Date: 3/5/2014

David K. Liberati

Attorney for "the Board"

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Thomas | Yes |
| Mr. Coffland | Yes |
| Mrs. Favede | Yes |

IN THE MATTER OF APPROVING THE PURCHASE OF ONE 2013 JOHN DEERE XUV HEAVY-DUTY CROSSOVER UTILITY VEHICLE/BUILDINGS AND GROUNDS DEPT.

Motion made by Mr. Thomas, seconded by Mr. Coffland to approve the purchase of one 2013 John Deere XUV 825i Heavy-Duty Crossover Utility Vehicle from Bridgeport Equipment & Tool for the Building and Grounds Department based upon the recommendation of Jack Regis, Facilities Manager. The unit will be purchased through State of Ohio Cooperative Purchasing, Contract #800276, at a cost of \$16,877.76.

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Thomas | Yes |
| Mr. Coffland | Yes |
| Mrs. Favede | Yes |

OPEN PUBLIC FORUM RE: THOMAS STEWART, PLAINTIFFS, v. BOARD OF BELMONT COUNTY COMMISSIONERS DEFENDANTS

- Mike Bianconi asked the board to explain the Rt. 40/Mall Road lawsuit. Mr. Thomas advised the board was in a hearing with all the parties to the case and our attorney. Another hearing was scheduled for Friday, Jan. 24. Mr. Thomas said once we left that hearing the lawyers got together and in essence worked on and resolved the case to everyone's agreement. Mr. Thomas stated we acted on the just the county's portion of the lawsuit, but it is his understanding through our counsel that the entire matter may be resolved. We, upon the approval of the motion today, will sign a release of any future claims and the lawyers will sign off on a Settlement Agreement. It is Mr. Thomas' understanding everything is resolved. Frank Papini said, "So the two Commissioners (Favede and Probst) were right then to hold out and let the lawsuit go through." Mr. Thomas said the money would have come to Belmont County regardless of who was in the lawsuit. Mr. Thomas said even if we would have withdrawn from the case, any settlement that would have been reached would have had to pass through Belmont County regardless. His primary issue was that the board spent almost \$9,000.00 on private legal counsel and then had the matter settled within a couple of weeks with our Prosecutor. "What I am saying is, if we would have withdrawn from the case, any potential settlement that would have been reached would still have come to Belmont County."

Mr. Coffland said his whole argument was to move \$1.9 million so this project could move forward. He said we lost close to a year, 6-8 months, of construction time. "My concern was to move the money to move the project forward. The court would settle and whatever happens with those dollars, let the court decide. That's what I stated then, and that's what I am stating now. And there was a settlement, and thank you to the courts and all parties involved, it followed through. My concern that brought everything up was to move the money that the county had committed for the last five (5) years to this project. " So let's not confuse what I said and what actually happened." Mr. Coffland said he was never against any court case but was against the hiring of outside counsel when we had Prosecutors here to do our work for us. He said he was for "letting the litigation go on and whatever happened; happened. We could not stop that and never had intentions of stopping that."

OPEN PUBLIC FORUM – Mrs. Favede wanted to share something that came to her attention from the Ohio Public Utilities Commission. This year there is going to be an additional 10 digit area code that's added to Belmont County. We currently are under the area code of 740. Beginning March 21, we will have a new area overlay of 220. So in addition to the 740 that we currently utilize, there will be a 220. What will happen in September of 2014 is we will be required to dial a 10 digit number for in-area local calls. For local calls you will have to dial the 10 digit area code number. She wanted the public to be made aware of this.

9:30 Subdivision Hearing-Starr Addition

Present for the hearing were Engineer Fred Bennett and Engineer's Drafting Tech II Dustin Reed. Mr. Bennett reviewed the maps and explained Starr Drive is going to be a private road. The Trustees have been notified, but they will not have the maintenance responsibilities. Mr. Bennett gave his approval.

IN THE MATTER OF FINAL PLAT APPROVAL FOR STARR ADDITION WARREN TOWNSHIP SEC 20, T-8, R-6

"Hearing Had-9:30 A.M."

"FINAL PLAT APPROVAL"

O.R.C. 711.05

Motion made by Mr. Thomas to grant the final plat for the following:

RESOLUTION

WHEREAS, this day there was presented to the Board for approval the Final Plat for Starr Addition, Warren Township, Sec. 20, T-8, R-6, which appears to be regular in form and approved by the proper parties;

THEREFORE, said plat is hereby approved, upon recommendation of the County Engineer and with concurrence of the Township Trustees.

Mr. Coffland seconded the motion and upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Thomas | Yes |
| Mr. Coffland | Yes |
| Mrs. Favede | Yes |

IN THE MATTER OF QUARTERLY TOURISM REPORT FOR OCTOBER, NOVEMBER AND DECEMBER, 2013

9:45 "Doc" Householder, Executive Director, Belmont County Tourism

Doc provided a report for October, November and December, 2013. On Oct. 2 he traveled to Campus Martius Museum in Marietta for a geocaching workshop. He was on the WTRF Noon News talking about the upcoming Rubberneck Tour. The opening of the new Boscov's in the Ohio Valley Mall brought huge crowds. Meetings are being held regarding the upgrade Ohio River Scenic Byway grant paperwork. Students from Belmont College came to the Tourism Office to learn how they operate. Channel 7 & 9 did a story along with Tourism's press release about a new motel and road construction coming to the Ohio Valley Mall property. A meeting was held with Kevin Barr of JB Martin Recreation Center about co-sponsoring with Tourism the Ohio Chautauqua 2015. There are only 5 of these in Ohio every year and they are working on the application now. An Open House was held at the Historic Sheriff Residence in December. Our local Wal-Mart donated two 7 ft. Christmas trees for future use in the Sheriff's Residence. Mrs. Favede noted the generosity of Manager Dean Holtsclaw of the St. Clairsville Wal-Mart to our communities.

IN THE MATTER OF ENTERING EXECUTIVE SESSION AT 10:00 A.M.

Motion made by Mr. Coffland, seconded by Mr. Thomas to enter executive session with Mike Kinter, HR Manager, pursuant to ORC 121.22(G)(1) Personnel Exception to consider the employment, compensation and discipline of a public employee.

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Coffland | Yes |
| Mr. Thomas | Yes |
| Mrs. Favede | Yes |

**IN THE MATTER OF ADJOURNING
EXECUTIVE SESSION AT 10:15 A.M.**

Motion made by Mr. Coffland, seconded by Mrs. Favede to adjourn executive session at 10:15 a.m.
Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Coffland | Yes |
| Mrs. Favede | Yes |
| Mr. Thomas | Yes |

AS A RESULT OF EXECUTIVE SESSION, THE FOLLOWING ACTION WAS TAKEN:

**IN THE MATTER OF ADOPTING PAY SCHEDULES FOR
THE OFFICE STAFF OF THE BELMONT COUNTY BOARD OF COMMISSIONERS**

Motion made by Mr. Thomas, seconded by Mr. Coffland to adopt the following Resolution:

RESOLUTION

WHEREAS, pursuant to the Ohio Revised Code, the Belmont County Board of Commissioners has the right to establish hours of work and compensation for its employees, and

NOW THEREFORE, BE IT RESOLVED THAT, the Belmont County Board of Commissioners does hereby establish the attached pay schedule for all current and future full-time permanent Commissioners' office staff classifications as listed on the schedule dated January 22, 2014. This schedule applies to only those staff members working directly for the Belmont County Board of Commissioners and shall go into effect with the pay period beginning January 26, 2014. The current standard work week may be adjusted as needed.

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Coffland | Yes |
| Mr. Thomas | Yes |
| Mrs. Favede | Yes |

DISCUSSION – Commissioner Thomas explained the board has charged Mr. Mike Kinter, HR Director, to come up with a salary schedule for the Board of Commissioners' staff under the guise of establishing competitive salaries and to provide equity in the entire compensation system within the office. He noted this is something that has been needed a long time. Mr. Coffland noted the staff does a great job and this has been overlooked for a long, long time and we are finally getting it adjusted to where it should be. Mr. Thomas said by law, this office is the hub of the county and what we are charged to do under the code relates to every single office in the county and the staff here does an amazing job and he is thankful and grateful.

**PAY SCHEDULE
COMMISSIONERS' OFFICE STAFF
(full-time permanent)
01/22/14**

**SALARY STEPS
HOURLY POSITIONS**

| | <u>New Hire</u> | <u>120 Prob*</u> | <u>1 yr.**</u> | <u>2 yr.</u> | <u>3 yr.</u> | <u>4 yr</u> | <u>5 yr</u> |
|--|-----------------|------------------|----------------|--------------|--------------|-------------|-------------|
| Office Assistant | 9.25 | 9.75 | 10.04 | 10.34 | 10.65 | 10.97 | N/A |
| Assistant Clerk | 9.75 | 10.25 | 10.56 | 10.88 | 11.21 | 11.55 | 11.90 |
| Assistant Clerk / Accounts Payable Clerk | 12.00 | 12.50 | 12.88 | 13.27 | 13.67 | 14.08 | 14.50 |

EXEMPT POSITIONS

| | | | | | | | |
|----------------|-------|-------|-------|-------|-------|-------|-------|
| Fiscal Manager | 18.28 | 18.78 | 19.34 | 19.92 | 20.52 | 21.14 | 21.77 |
| Clerk | 17.50 | 18.00 | 18.54 | 19.10 | 19.67 | 20.26 | 20.97 |

In addition to the above salary schedule there will also be a longevity stipend which would begin at six years of employment from the hire date and initially start with a thirty-five cents (\$0.35) per hour increase followed by an eight cents per hour (\$0.08) increase for each year thereafter up to twenty-five (20) years. All increases will begin with the pay period in which the hire date falls.

* 120 calendar days from the date of hire

** One year from the end date of the probationary period

Any current employee whose hourly rate is outside of the maximum step in his/her classification in the pay schedule will receive a onetime one dollar (\$1.00) increase in his/her hourly rate.

**IN THE MATTER OF ACCEPTING THE RESIGNATION
OF JULIE KLOSS, SWITCHBOARD OPERATOR/MAIL
CLERK/COMMISSIONERS**

Motion made by Mr. Thomas, seconded by Mr. Coffland to accept the resignation of Julie Kloss, switchboard operator/mail clerk, effective January 17, 2014, for the Belmont County Commissioners Office.

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Thomas | Yes |
| Mr. Coffland | Yes |
| Mrs. Favede | Yes |

**IN THE MATTER OF ACCEPTING THE NOTICE
OF RETIREMENT FOR JAMES A. BAUGH/BCSSD**

Motion made by Mr. Thomas, seconded by Mr. Coffland to accept the notice of retirement for James A. Baugh, Belmont County Sanitary Sewer District employee, effective March 31, 2014.

Note: Mr. Baugh completed 30 years of service with PERS as of March 5, 2014.

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Thomas | Yes |
| Mr. Coffland | Yes |
| Mrs. Favede | Yes |

**IN THE MATTER OF PLACING STEPHANIE MILLER,
JAIL NURSE, ON PAID ADMINISTRATIVE LEAVE/SHERIFF**

Motion made by Mr. Thomas, seconded by Mr. Coffland to place Stephanie Miller, Jail Nurse, on paid administrative leave effective Monday, January 20, 2014, and continuing until further notice.

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Thomas | Yes |
| Mr. Coffland | Yes |
| Mrs. Favede | Yes |

**IN THE MATTER OF ENTERING
EXECUTIVE SESSION AT 10:20 A.M.**

Motion made by Mr. Coffland, seconded by Mr. Thomas to enter executive session with Lisa Fijalkowski, Interim Director, and Lori O’Grady, HR Manager, Department of Job & Family Services, pursuant to ORC 121.22(G)(1) Personnel Exception to consider the discipline of a public employee.

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Coffland | Yes |
| Mr. Thomas | Yes |
| Mrs. Favede | Yes |

**IN THE MATTER OF ADJOURNING
EXECUTIVE SESSION AT 10:35 A.M.**

Motion made by Mr. Coffland, seconded by Mr. Thomas to adjourn executive session.

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Coffland | Yes |
| Mr. Thomas | Yes |
| Mrs. Favede | Yes |

AS A RESULT OF EXECUTIVE SESSION, NO ACTION WAS TAKEN.

11:00 Vince Gianangeli-Fiscal Administrator, BCDJFS

RE: Department of Job & Family Services-Senior Services Close-Out Report

Mr. Coffland explained in October, 2011, the board took Senior Services out of the hands of Belmont Senior Services and under the direction of the Belmont County Department of Job & Family Services. (DJFS). DJFS ran the Senior Program until October, 2013, and then it was moved to a standalone agency. Mr. Gianangeli’s report today will cover the time period the Senior Program was under DJFS.

Mr. Gianangeli introduced himself and stated he has been at DFJS for approximately 10 years. Prior to that, he had a 20 year career with the state; 16 years as a state auditor and 4 years at ODJFS. He said monthly they are required to provide financial reports in all the Senior Centers, to the Board of Commissioners, and Senior Center Coordinators. For today he has compiled 25 months of financial information. He noted to those present that his door is always open and if there is something someone wants to look at, he provided his phone number to call and set up an appointment to meet. He stated the biggest task in taking on the Senior Program was they (DJFS) already had four other areas they were responsible for. They are a quad-combined agency comprised of Public Assistance, Child Support, Children Services and Workforce Investment. They then took on Senior Services which was a massive undertaking. That made them a rare quintuplet agency. Because of this, they had shared employees; approximately 12 people. He said the reason they were able to save so much money and add \$1.6 million over a two year period back to the fund balances is largely because of the way they were structured. They were not able to dedicate 100% of their time to Senior Service activities as can be done now as a separate agency. They had to demonstrate to the State of Ohio, (ODJFS), that they would be able to bill back the time that they spent working on Senior Service activity, because in those other four areas, where they spend the majority of their time, they are state and federally funded. It would be illegal for them to take on any Senior Service activity and not get reimbursed. They had to get federal approval for this. When they started the program they had roughly \$3.671 million in the fund balance. When they ended the program, September, 2013, they had \$5.287 million. That’s the difference; the \$1.6 million. He provided a financial report with everything itemized. In May of 2013 the Commissioners moved \$2 million into a Capital Projects Fund. At that time the monies were being set aside as follows: \$250,000 for a Flushing Senior Center; \$250,000 for the St. Clairsville Senior Center and \$1.5 million for a kitchen and office project. That reduces the operating fund balance of the Senior Services program by \$2 million.

Local levy funds consist of three separate levies totaling 3 mills, which amount to approximately \$3.3 million annually. An additional \$700,000 is received from the Area Agency on Aging, Region 9, for Title III, Passport, Waiver, HEAP and Senior Community State Block Grant. Annual expenses average approximately \$3.2 million resulting in an \$800,000.00 reserve. There was an excess of income over expenses.

There was an approximate 17% increase in meal delivery while under DJFS. They served about 2, 000 more meals per month. With that comes a cost along with enhancing services. The current operation (Senior Services of Belmont County-SSOBC) is also enhancing services. Mr. Gianangeli said fortunately, by having a healthy fund balance, they (DJFS) passed that on to the new department and they (SSOBC) can manage that accordingly and enhance services as they did. Obviously there are additional food costs and labor to prepare the meals and wage and benefit costs. Congregate meals remained consistent with 2011 amounts. They experienced a 10% increase in homecare units, resulting in additional costs paid to the five home health agencies. There was a slight decrease of 4.5% in transportation trips, resulting in gasoline savings.

Mr. Gianangeli stated none of the accomplishments could have been done without dedicated staff. Their number one goal was and always has been providing excellent, professional services to the Seniors of Belmont County. The management team of BCDJFS wishes the new and existing team continued success as they provide those viable services to the Seniors.

Comments were taken by those wishing to speak. Frank Carrothers, former Belmont Senior Services board member, noted they knew our county was aging and the people being served was going to increase. He said he doesn’t see a lot of difference in operating expenses than when it was under Belmont Senior Services. His concerns at the time of transition were the seniors and the employees. Two years have passed and the St. Clairsville Senior Center is still in the same place and the old kitchen is still being used at the Oakview Building. He thinks the seniors of the county and the taxpayers, who are funding the levies, should see movement on the senior centers. He also noted the poor conditions of the kitchen that is used to prepare the meals and asked that the board to go look at it and he said that it is amazing what they do with what they have to work with.

Mrs. Favede thanked Vince taking the time to present this information. With Senior Services now under Belmont County and the direction of David Hacker, she does not want to neglect the fact that Job & Family Services assisted in that as did Mr. Carrothers and Belmont Senior Services. She said moving it from Belmont Senior Services was a huge undertaking that could not have been done without the employees of DJFS. The transition from DJFS to Senior Services of Belmont County, which it is currently, could not have been done without the employees of DJFS. Mrs. Favede expressed her appreciation to Mr. Gianangeli, Ms. Fijalkowski and the staff at DJFS.

Mr. Thomas also voiced his thanks to Mr. Gianangeli for always doing an excellent job for Belmont County. He appreciates the education received today and stated, “we will move forward, and not look back.”

Mr. Gianangeli then answered a few questions posed on shared services, levy funds and monies set aside for Capital Projects.

BREAK

RECONVENED THURSDAY, JANUARY 23, 2014 AT 9:35 A.M.
PRESENT: COMMISSIONERS FAVEDE AND COFFLAND. ABSENT: COMMISSIONER THOMAS

**IN THE MATTER OF ENTERING
EXECUTIVE SESSION**

Motion made by Mrs. Favede, seconded by Mr. Coffland to enter executive session with Mike Kinter, HR Manager, pursuant to ORC 121.22(G)(1) Personnel Exception to consider the employment, compensation and discipline of a public employee.

Upon roll call the vote was as follows:

| | |
|--------------|--------|
| Mrs. Favede | Yes |
| Mr. Coffland | Yes |
| Mr. Thomas | Absent |

**IN THE MATTER OF ADJOURNING
EXECUTIVE SESSION**

Motion made by Mr. Coffland, seconded by Mrs. Favede to adjourn executive session.

Upon roll call the vote was as follows:

| | |
|--------------|--------|
| Mr. Coffland | Yes |
| Mrs. Favede | Yes |
| Mr. Thomas | Absent |

AS A RESULT OF EXECUTIVE SESSION, THE FOLLOWING ACTION WAS TAKEN:

**IN THE MATTER OF TAKING STEPHANIE MILLER, JAIL NURSE, OFF OF
PAID ADMINISTRATIVE LEAVE AND EXTENDING HER PROBATIONARY PERIOD/SHERIFF**

Motion made by Mrs. Favede, seconded by Mr. Coffland to take Stephanie Miller, Jail Nurse, off of paid administrative leave, effective January 24, 2014, and extending her probationary period an additional 120 days.

Upon roll call the vote was as follows:

| | |
|--------------|--------|
| Mrs. Favede | Yes |
| Mr. Coffland | Yes |
| Mr. Thomas | Absent |

**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 Upon view of Proposed Improvement

**ORDER TO COUNTY ENGINEER
Rev. Code. Sec. 5553.06**

Petitioned for by freeholders and others

The Board of County Commissioners of Belmont County, Ohio met in regular session on the 22nd day of January, 2014, 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, On the 22nd day of January, 2014, the time heretofore fixed for view of the proposed improvement, we the Board of County Commissioners having jurisdiction in said matter, went upon the line of said proposed improvement and made personal view of the proposed route and termini thereof, and after full investigation and due consideration of all the facts and conditions pertaining thereto; therefore be it

RESOLVED, That we do find and consider said improvement of sufficient public importance to instruct the County Engineer to make an accurate survey and plat of the same, and furnish an accurate and detailed description of the proposed improvement describing the center line and right of way lines thereof.

Said County Engineer shall also furnish an accurate and detailed description of each tract of land which he believes will be necessary to be taken in the event the proposed improvement be made, together with the name of each owner.

Said County Engineer shall also, at the time of making such survey, set stakes at the termini of each right of way line and at all angles between such termini, and at sufficient other points on the right of way lines so that the bounds of the proposed improvement may be discernible to property owners and other interested persons; and be it further

RESOLVED, That the said County Engineer be and he is hereby directed to make a report in writing to this Board, on or before the 29th day of January, 2014 the date fixed for the final hearing, setting forth the opinion of said County Engineer either for or against said proposed improvement, and the width to which said improvement shall be opened, which shall not be less than thirty feet; said report shall be accompanied by said plat and detailed and accurate descriptions, and filed with the County Commissioners, and this case is continued unto said date.

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 January 22, 2014

*Jayne Long /s/
Clerk, Board of County Commissioners
Belmont County, Ohio*

**IN THE MATTER OF ADJOURNING
COMMISSIONERS MEETING**

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

Upon roll call the vote was as follows:

| | |
|--------------|-----|
| Mr. Coffland | Yes |
| Mrs. Favede | Yes |
| Mr. Thomas | Yes |

Read, approved and signed this 29th day of January, 2014.

_____ COUNTY COMMISSIONERS

We, Matt Coffland 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