

January 9, 2017

Agenda

Pledge of Allegiance

Approve Minutes

Re-Organization

Nominate President of the Board

Nominate Vice President of the Board

Set Meeting Days 2017

Set Holidays 2017

Equal Employment Opportunity Notice and Policy

Affirmative Action Plan 2017

Appoint Representatives

Reduction of Appropriation (2)

Temporary Appropriations

Before/After Expenditures

Prisoner Agreement

Renewal County Permissive Sales & Use Tax 1%

Pay Bills

Other Business

Adjourn

THE BOARD OF COMMISSIONERS OF TUSCARAWAS COUNTY MET IN REGULAR SESSION, MONDAY THE 9TH DAY OF JANUARY, 2017, WITH THE FOLLOWING MEMBERS PRESENT:

Kerry Metzger
Chris Abbuhl

Commissioner Metzger presiding.
Commissioner Sciarretti absent.

The Lord's Prayer was said.
The Pledge of Allegiance was said.

RESOLUTION (018-2017) AMEND AGENDA

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to amend the agenda to include the 1:30 p.m. Road Vacation Hearing.

VOTE: Kerry Metzger, yes;
Chris Abbuhl, yes;
Joe Sciarretti, absent;

RESOLUTION (019-2017) APPROVE MINUTES

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to approve the minutes of the previous meeting as written.

VOTE: Kerry Metzger, yes;
Chris Abbuhl, yes;
Joe Sciarretti, absent;

RESOLUTION (020-2017) NOMINATE PRESIDENT OF THE BOARD

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to nominate Mr. Abbuhl as the President of the Board.

VOTE: Kerry Metzger, yes;
Chris Abbuhl, yes;
Joe Sciarretti, absent;

Commissioner Abbuhl presiding.

RESOLUTION (021-2017) NOMINATE VICE PRESIDENT OF THE BOARD

It was moved by Commissioner Abbuhl, seconded by Commissioner Metzger to nominate Mr. Metzger as Vice President of the Board.

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, absent;

DISCUSSION: Commissioner Metzger explained under "Set Meeting Days for 2017" (resolution left blank for dates and times) that in the past the Commissioners have met on Thursdays at 9:00 a.m. and on Mondays at 1:00 p.m. In the month of December, as president of the Board of Commissioners, Commissioner Elect Sciarretti, Commissioner Metzger and Executive Assistant Jane Clay had an orientation meeting with Commissioner Sciarretti. During that meeting Commissioner Sciarretti requested consideration to change the current days of Monday at 1:00 p.m. & Thursday at 9:00 a.m. to different times (Monday at 9:00 a.m. & Thursday as late as possible) to help accommodate his transition from his private employment. Ms. Clay and Commissioner Metzger discussed the information as to whether or not they could accommodate Commissioner Sciarretti's request. At that time, Commissioner Metzger and Ms. Clay felt that the Monday meeting time would be easily changed and it would be best to move the afternoon meeting to Wednesday. There was not a difference in the timing and it would allow the Clerk of the Commissioners sufficient time to get the information to assemble the agenda for the next meeting. Commissioner Metzger said changing the meeting times is not precedent setting as Ms. Clay, who has been with Tuscarawas County for many years, said it had been done in the past. Commissioner Metzger recommends that on the resolution the following should be inserted: Monday at 9:00 a.m. and Wednesday at 3:00 p.m. Commissioner Metzger would also change the bottom of the resolution paragraph. Commissioner Metzger also discussed a request by a citizen in December to have evening meetings at least once a month. Again, this is not a precedent-setting issue as in the past the Commissioners at one time did set consistent meeting dates in the evening but eventually moved away from that because of no public participation. He recommended changes to the wording of the resolution to include deleting the current paragraph and inserting the following: The Board establishes that two evening meetings will be held. These dates and times will be determined by the Board. One regular session will be held at the Tuscarawas County Fairgrounds located at 259 W. Tuscarawas Ave., Dover, OH 44622 on the Monday of fair week at the regularly scheduled time. Commissioner Metzger said the concept of having a meeting during the Tuscarawas County Fair has been discussed in the past and will allow the Commissioners to interact with the public and the agricultural community and to look at an evening meeting twice this coming year.

Commissioner Abbuhl asked Commissioner Metzger to read again the recommendation for the last paragraph.

Commissioner Metzger read, "The Board establishes that two evening meetings will be held. These dates and times will be determined by the Board. One regular session will be held at the Tuscarawas County Fairgrounds, located at 259 West Tuscarawas Avenue, Dover Ohio 44622, on the Monday of the fair week, at the regularly scheduled time. That basically means it will be Monday at nine in the morning. Commissioner Abbuhl is in favor of having the Monday meeting of fair week at the fairgrounds. There was a letter sent from a citizen requesting regularly scheduled evening meetings, Commissioner Abbuhl believes two evening meetings a year in the evening are sufficient. As far as the change to the meeting days and times, Commissioner Abbuhl said he is here Monday thru Friday so it makes no difference to him.

Commissioner Abbuhl agreed and read the recommended resolution.

RESOLUTION (022-2017) SET MEETING DAYS FOR 2017

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to set the meeting days for 2017 as recommended.

The laws of Ohio provided that there shall be fifty regular sessions of the Board of County Commissioners each year, in accordance with Section 305.06 of the Ohio Revised Code. This Board establishes Mondays and Wednesdays of each month as regular session days. When any Monday is a legal holiday, the regular session will be held on the next regularly scheduled meeting day. When any Wednesday is a legal holiday, the regular session will be on the following day. Under ordinary circumstances, a quorum of this Board is present in their office at the county seat on Mondays and Wednesdays to conduct business as may come before it. The regular session meetings are held in the William E. Winters Board Room, 125 E. High Avenue, New Philadelphia Ohio.

Monday meetings will commence at 9:00 a.m., and Wednesday meetings will commence at 3:00 p.m. Any information or items for review or consideration by the Board of Commissioners will be submitted to the Clerk of Board by twelve noon on Friday for Monday meetings, and by twelve noon on Tuesday for Wednesday meetings.

The Board establishes that two evening meetings will be held. These dates and times will be determined by the Board. One regular session will be held at the Tuscarawas County Fairgrounds, located at 259 West Tuscarawas Avenue, Dover Ohio 44622, on the Monday of the fair week, at the regularly scheduled time at 9:00 a.m..

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, absent;

RESOLUTION (023-2017) SET HOLIDAYS

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to set the following Holidays for 2017:

HOLIDAYS 2017

JANUARY 2	MONDAY	NEW YEARS DAY
JANUARY 16	MONDAY	MARTIN LUTHER KING, JR.
FEBRUARY 20	MONDAY	PRESIDENTS DAY
MAY 29	MONDAY	MEMORIAL DAY
JULY 4	TUESDAY	INDEPENDENCE DAY
SEPTEMBER 4	MONDAY	LABOR DAY
OCTOBER 9	MONDAY	COLUMBUS DAY
NOVEMBER 10	FRIDAY	VETERANS DAY
NOVEMBER 23	THURSDAY	THANKSGIVING
NOVEMBER 24	FRIDAY	THANKSGIVING
DECEMBER 22	FRIDAY	CLOSE @ NOON
DECEMBER 25	MONDAY	CHRISTMAS DAY
JANUARY 1	MONDAY	NEW YEAR'S DAY

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, absent;

DISCUSSION: Commissioner Abbuhl explained Christmas Eve offices close at noon and even though Christmas Eve falls on a Sunday the Friday before will be recognized as the half day.

RESOLUTION (024-2017) EQUAL EMPLOYMENT OPPORTUNITY NOTICE AND POLICY

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to approve the following:

I. SCOPE

This policy applies to all employees under the appointing authority of the Board of Tuscarawas County Commissioners, as well as applicants for employment in positions to be filled under the appointing authority of the Board of Tuscarawas County Commissioners.

II. PURPOSE

This Equal Employment Opportunity Policy communicates the commitment of the Board of Tuscarawas County Commissioners to be an Equal Opportunity Employer and to comply with all federal and state equal employment laws and requirements, as well as to take the measures necessary to attract and retain a workforce as diverse as the population we serve.

III. POLICY

In order to provide equal employment and advancement opportunities to all individuals, employment decisions regarding selection/hiring, promotion, job assignment, rate of compensation, layoff, transfer, discipline, demotion, termination, access to benefits (subject to the "Tuscarawas County Employee Health Benefit Plan" plan document and eligibility rules, as amended from time to time) and participation in training will be based upon merit, qualifications and abilities, and will not be influenced by or affected by an employee's or applicant's race, color, religion, sex or gender identity, national origin, age, marital status, disability, pregnancy, military/veteran status, or sexual orientation. Any discrimination which violates federal or state law, or this policy, is strictly prohibited and employees who engage in such discrimination will be subject to disciplinary action up to and including removal.

The affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA) prohibits job discrimination and requires federal contractors and subcontractors to take affirmative action to employ and advance in employment qualified Vietnam era veterans, special disabled veterans, recently separated veterans, and veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized. This law is enforced by the Veterans' Employment and Training Service (VETS).

Military reservists and National Guard members called to active duty have rights and responsibilities under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

IV. PROCEDURE

A. Covered employees or applicants are encouraged to immediately document their complaints of employment discrimination to the Human Resource Manager *or designee*.

B. The complainant will give permission to the Human Resource Manager *or designee* to share the complainant's name and the details of the complaint and alleged discrimination with others as necessary to investigate the complaint.

C. The Human Resource Manager *or designee* will conduct a thorough investigation of the complaint and provide a written report of the findings and any recommendations to both the complainant and the Board of Tuscarawas County Commissioners within a reasonable period of time given the particulars of each complaint.

D. Employees or applicants who believe that they are victims of illegal employment discrimination may also file a charge directly with either the Ohio Civil Rights Commission (OCRC) and/or the federal Equal Employment Opportunity Commission (EEOC).

E. Retaliatory action of any kind taken by an employee of the Board of Tuscarawas County Commissioners against any other employee as a result of that person's filing of a charge or complaint, cooperating in an investigation or otherwise participating in any protected activity under this policy or federal or state law is expressly prohibited. Retaliatory acts are subject to a separate investigation and may result in disciplinary action, up to and including removal.

F. Falsification of testimony and/or evidence submitted in connection with the filing of a charge or complaint and/or investigation of a charge or complaint is expressly prohibited and may result in disciplinary action, up to and including removal.

If a program applicant, participant, or employee feels he or she has been discriminated against in employment, seeking employment, or training, he or she should immediately contact Human Resource Manager at (330) 365-3204 or *designee* to pursue the proper discrimination complaint procedure.

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, absent;

RESOLUTION (025-2017) AFFIRMATIVE ACTION PLAN 2017

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to approve the following:

The Tuscarawas County Commissioners are committed to hire qualified applicants and treat employees during their employment without regard to race, religion, color, sex, age, national origin or disability status. In carrying out this responsibility:

1. We will recruit, hire and promote for all job classifications without regard to race, religion, color, sex, age, national origin or disability status except where age or sex is a bona fide occupational qualification and we will recruit, hire and promote disabled veterans and Viet Nam Era veterans for all job classifications who qualify and/or are qualified for said positions.
2. We will base decisions on employment solely upon an individual’s qualifications for the position available.
3. We will make promotional decisions based on the individual’s qualifications as related to the position for which he or she is being considered.
4. We will insure that all other personnel actions such as compensations and benefits will be administered without regard to race, religion, color, sex, age, national origin or disability status.

The successful achievement of a nondiscriminatory employment program requires a maximum of cooperation between employer and employees. In fulfilling its part in this cooperative effort, employer is obligated to lead the way by establishing and implementing affirmative procedure and practices which will insure our objective, namely, equitable employment opportunity for all.

Now, therefore, be it resolved, to appoint the Human Resource Manager, as Affirmative Action Coordinator.

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, absent;

RESOLUTION (026-2017) APPOINT REPRESENTATIVES

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to appoint the following representatives.

2017

THE FOLLOWING WILL REPRESENT THE BOARD OF COMMISSIONERS ON VARIOUS COMMITTEES

Board of Revision Alternate #1 Alternate #2 Alternate #3 Alternate #4	Kerry Metzger Chris Abbuhl Joe Sciarretti Jane Clay Crystal DiGenova
Harcatus Alternates	Joe Sciarretti Kerry Metzger & Chris Abbuhl
MCJAS Alternate	Kerry Metzger Joe Sciarretti
WIB/LEO Alternate	Kerry Metzger Chris Abbuhl
OMEGA Alternate	Chris Abbuhl Joe Sciarretti
Data Board Alternate	Joe Sciarretti Chris Abbuhl
Children & Family First	Chris Abbuhl

Alternate	Joe Sciarretti
Community Corrections Alternate #1 Alternate #2	Joe Sciarretti Chris Abbuhl Kerry Metzger
Airport Committee Alternate	Joe Sciarretti Kerry Metzger
Community Improvement Corp (CIC) Alternate #1 *all commissioners are voting members	Kerry Metzger/Chris Abbuhl/Joe Sciarretti Scott Reynolds
Stark-Tuscarawas-Wayne Solid Waste District Management Budget Committee Personnel Committee Landfill Committee	All Commissioners Chris Abbuhl Joe Sciarretti Kerry Metzger
Convention & Visitors Bureau	Chris Abbuhl
Norma Johnson Center	Chris Abbuhl
PERC	Kerry Metzger
Tuscarawas Co. Chamber of Commerce	Kerry Metzger
EODA	Chris Abbuhl
Health Department Safe Communities Coalition	Joe Sciarretti

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, absent;

RESOLUTION (027-2017) REDUCTION OF APPROPRIATION

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to approve the following reduction of appropriation:

DEPARTMENT	FROM	TO	AMOUNT	REASON
Water & Sewer	Q70-Q07	Q70-Q99	\$24,438.55	Unappropriated Balance
Water & Sewer	Q70-Q08	Q70-Q99	\$430,459.45	Unappropriated Balance
Trust	U00-U19	U00-U05	\$4,121.71	Unappropriated Balance

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, absent;

RESOLUTION (028-2017) TEMPORARY APPROPRIATIONS 2017

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to approve the following temporary appropriation for 2017:

U40-U20	Capital Projects Trust – Commissioners <i>Professional Services – 145 First Dr. NE Property</i>	\$12,500.00
A04-B12	General Fund – Commissioners <i>Temporary Heaters – Dog Pound</i>	\$210.00
A02-F03	General Fund - Coroner <i>Office Supplies</i>	\$2,500.00

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, absent;

RESOLUTION (029-2017) BEFORE & AFTER EXPENDITURES

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to approve the following before/after expenditures:

Atty. William Lang (Commissioners)	174.17
Frontier (Sheriff)	2217.96
Guidestone (JFS)	4253.57
All About Children (JFS)	2304.31
Chrysalis Counseling Center Inc. (JFS)	428.00
Goodwill Industries of Greater Cleveland (JFS)	445.20

VOTE: Chris Abbuhl, yes;
 Kerry Metzger, yes;
 Joe Sciarretti, absent;

RESOLUTION (030-2017) PRISONER AGREEMENT

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to approve the prisoner agreement with the following entity for prisoner care at Sixty Dollars (\$60.00) per day:

Village of Strasburg

VOTE: Chris Abbuhl, yes;
 Kerry Metzger, yes;
 Joe Sciarretti, absent;

**RESOLUTION 031-2017
 TUSCARAWAS COUNTY BOARD OF COMMISSIONERS**

**NON-EMERGENCY SALES AND USE TAX RENEWAL
 FOR A PERIOD OF TEN YEARS**

**A RESOLUTION DIRECTING THE TUSCARAWAS COUNTY
 BOARD OF ELECTIONS TO SUBMIT TO THE ELECTORS OF
 TUSCARAWAS COUNTY, OHIO, AT THE ELECTION TO BE HELD
 ON MAY 2, 2017 THE RENEWAL OF A COUNTY SALES AND
 USE TAX IN THE AMOUNT OF ONE PERCENT FOR A PERIOD OF TEN YEARS**

The Board of Tuscarawas County Commissioners met in regular session on the 9th day of January 2017, with the following members present: Chris Abbuhl and Kerry Metzger. Commissioner Metzger moved the adoption of the following:

Resolution

Whereas, it is the desire of this Board to continue the levying of the following taxes:

1. Permissive sales tax as set forth in R.C. 5739.021;
2. The permissive use tax as set forth in R.C. 5741.021;

Presently levied and set to expire on 12/31/17 under Commissioner’s Resolutions number 100-2007 and 028-2007, for the purpose of continuing to provide additional general revenue for the county and paying the costs of enforcing and administrating the taxes;

Whereas, pursuant to a Resolution duly adopted by the board of Tuscarawas County Commissioners on November 23, 2016 and as provided for therein, public notice has been published and two public hearings have been held according to the law on the question of the adoption of a Resolution levying via renewal, a County Sales and Use Tax pursuant to R.C. 5739.02 and R.C. 5741.021; and

Whereas, this Board, having heard all interested persons who requested to be heard on such question, determines in the best interest of Tuscarawas County that this Resolution should be adopted.

Now, Therefore, Be It Resolved, by the Board of County Commissioners of Tuscarawas County:

The Board of Elections of Tuscarawas County, Ohio, is directed to submit the issue of the following sales and use levy to the electors of Tuscarawas County, Ohio, at the election to be held on May 2, 2017.

Section 1. Pursuant to the provisions of R.C. 5739.021 there is levied, effective January 1, 2018, and for a ten (10) year period of time, a tax at a rate of one percent, upon every retail sale made within Tuscarawas County, except sales of watercraft and outboard motors required to be titled pursuant to R.C. Chapter 1548 and sales of motor vehicles. The tax on every retail sale subject to a tax levied shall be in addition to the tax levied by R.C. 5739.02 and any tax levied pursuant to R.C. 5739.023 or R.C. 5739.026.

Section 2. Pursuant to the provisions of R.C. 5741.021, that there is also levied effective January 1, 2018, and for a ten (10) year period of time, a tax at a rate of one percent, upon the storage, use, or other consumption in the county of motor vehicles, and watercraft and outboard motors required to be titled in the county pursuant to R.C. Chapter 1548, and acquired by a transaction subject to the tax imposed by R.C. 5739.02; Tangible personal property and services subject to the tax levied by this state as provided in R.C. 5741.02, and tangible personal property and services purchased in another county within this state by a transaction subject to the tax imposed by R.C. 5739.02.

The tax levied on the storage, use, or other consumption of tangible personal property and on the benefit of a service realized shall be in addition to the tax levied by R.C. 5741.02 and, except as provided in R.C. 5741.021(D) and any tax levied pursuant to R.C. 5741.022 and 5741.023.

Section 3. The proceeds of the sales and use tax levied shall provide additional revenue for the county's general fund and said tax shall be collected and the expenses of administering it shall be paid as provided by law.

Section 4. The sales and use tax levied shall become effective on the first day of January, 2018, and remain in effect for a period of ten (10) years, terminating on the thirty-first day of December, 2027.

Section 5. Upon passage of this Resolution, the Clerk of the Board shall provide written notice to the Tax Commissioner, Ohio Department of Taxation, that this sales and use tax levy issue is to be submitted to the electors of Tuscarawas County at the May 2, 2017, primary election.

Section 6. Upon passage of this Resolution, the Clerk of the Board is directed to certify and deliver a copy of this Resolution to the Tuscarawas County Board of Elections.

Section 7. All Board actions concerning and relating to the adoption of this Resolution were conducted in open meetings.

Section 8. All deliberations of this Board and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Commissioner Abbuhl seconded the Resolution and the roll call being called upon its adoption, the vote resulted as follows:

Chris Abbuhl – yes
Kerry Metzger – yes
Joe Sciarretti - absent

Maria A. Lautenschleger, Clerk
Board of Tuscarawas County
Commissioners

Resolution (1071-2016) adopted November 23, 2016.

This Resolution was prepared and approved as to form by the office of the Tuscarawas County Prosecutor, Robert R. Stephenson II, Assistant Prosecuting Attorney.

cc: Larry Lindberg, Auditor
Tax Commissioner
Management & Budget

The foregoing is a true and correct excerpt from the minutes of the meeting of January 9, 2017, of the Board of County Commissioners of Tuscarawas County, showing the adoption of the resolution above set forth.

President of the Board

Discussion: Commissioner Metzger stated this renewal is vital to the county operations and there are no new taxes involved. The County has had a 1% permissive sales tax since 1987. We have been able to continue to operate with the permissive sales and use tax for thirty years and makes up about 57.2 or 57.6% of the general fund budget. He also noted at the first of 2 public hearings there was no citizens in attendance and 2 were present for the second public hearing. Neither of those individuals were in opposition. It would be catastrophic at this point if this renewal were not adopted for another ten years. He is hoping the citizens will take a look at this and will support continuing the 1% permissive sales and use tax for an additional 10 years. Commissioner Abbuhl pointed out there is only 7 other counties in the State of Ohio that has lower property taxes than ours. Out of the 88 counties, the rest of them have higher property taxes and also have other levies that help support their services. Tuscarawas County does not have a levy for children services, safety services or county home. These are paid out of the general fund, sales tax. He also stated that we have a lot of tourism dollars coming in. So a lot of the people who come and visit Tuscarawas County pay for the services that the county provides. Tourism is a huge part of the importance of the sales tax because those people are staying at hotels, buying gas, buying food, and those type of things that helps out immensely with the sales tax. There are only 4 other counties in the state that have a lower sales tax. The county has an option to increase another half percent.

HEARING – ROAD VACATION- UNION TOWNSHIP

Commissioner Abbuhl opened the hearing at 1:33 p.m.

Commissioner Abbuhl stated the Board of Commissioners has viewed the proposed road vacation-portions of alleys in Baldwin's and Oliver's Subdivision, Union Township. In attendance and in support of the road vacation was abutting land owners to the road vacation Thomas and Nancy Shaw, 7174 State Route 250 S.E., Dennison, OH 44621. There were no parties against the road vacation.

The hearing was closed at 1:40 p.m. and Commissioner Abbuhl called the meeting back into regular session.

RESOLUTION 032-2017
BOARD OF COMMISSIONERS, TUSCARAWAS COUNTY, OHIO
VACATING PORTIONS OF ALLEYS IN BALDWIN'S
AND OLIVER'S SUBDIVISIONS
AS PETITIONED BY THE UNION TOWNSHIP TRUSTEES

The Board of Tuscarawas County Commissioners met in regular session on January 9, 2017, with respect to the hearing upon Union Township Resolution #11-2016, Petition filed by the Township Trustees for the vacation of portions of alleys in Baldwin's and Oliver's Subdivisions, Union Township, with the following members present: Kerry Metzger and Chris Abbuhl.

After hearing and in consideration of the Petition, Commissioner Metzger moved the adoption of the following resolution:

1. WHEREAS, R.C. 5553.045 authorizes a board of township trustees to petition the Board of County Commissioners to vacate a township road, to include a street or alley, by passing a resolution that requests the vacation of the road or portion and which includes a description of the general route and termini of the road or portion; and

2. WHEREAS, under R.C. 5553.045 the Union Township Fiscal Officer, Debbie Lukens, has filed a copy of Resolution #11-2016, with the Board of Commissioners and has certified another copy to the County Engineer for the issuance of a written report under R.C. 5553.06; and the County Engineer has issued a report dated _____, 2016, approving the survey, plat and description and determining that the vacation of the subject alleys is appropriate; and

3. WHEREAS, R.C. 5553.042 indicates that a township shall lose all rights in and to a public road, highway, street or alley which has been abandoned and not used for a period of (21) years, and requires that the board of county commissioners upon petition and determination that the subject public road, highway, street or alley has been abandoned and not used for a period of 21 years, to, by resolution, order the road, highway, street or alley vacated and the roadway to pass in fee to the abutting landowners subject to the preservation of any existing right of way in favor of a public utility as required under R.C. 5553.043; and

4. WHEREAS, the Union Township Trustees have requested and received from Diversified Engineering, Inc., a "Plat of Survey Road" dated October 10, 2016, (Exhibit A attached) depicting the portions of alleys to be vacated to abutting landowners, which is adopted within this resolution by reference; and

5. WHEREAS, the Board, upon viewing the subject street and alleys depicted in the Plat, has determined that, in accordance with R.C. 5553.042, the alleys have been abandoned in that they have not been developed and/or used for a period in excess of twenty-one (21) years. Specifically, the portions of alleys situated in Union Township, Tuscarawas County, Ohio, as platted and recorded in Volume 7, Page 78 and Volume 1B, Page 10, of the Tuscarawas County Plat Records, which were never constructed or opened by the developer or the Township Trustees.

6. WHEREAS, the Plat and accompanying descriptions contain specific descriptions of the general route and termini of the alleys to be vacated.

7. WHEREAS, the Board has determined that the abandoned alley portions should properly be vacated pursuant to R.C. 5553.045 and R.C. 5553.042 since the alleys constitute an abandoned township road, under Ohio law.

8. WHEREAS, pursuant to R.C. 5553.045, the Board has set this date for the public hearing on the requested vacation, not more than 45 days after the resolution was filed with the Board. The Clerk of the Board of Commissioners has given Notice to the landowners abutting the street or alley proposed to be vacated, informing such owners of the filing of the Board of Township Trustee's Petition requesting the vacation of the alleys and informing the landowners of the time and place of the public hearing scheduled for January 9, 2017. Moreover, the hearing was subject to a notice published in *The Times-Reporter*, a newspaper of general circulation in Tuscarawas County, Ohio, and published on December 20, 2016 and December 27, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Board of Tuscarawas County Commissioners that the petition filed by the Board of Township Trustees of Union Township, Tuscarawas County, Ohio, requesting the vacation under R.C. 5553.045(B) of the subject alleys is granted. The alley portions described in the attached Plat, as platted in Book 7, Page 78 and Plat Book 1B, Page 10, of the Tuscarawas County Plat Records, shall be vacated to the abutting owners, Tom Shaw and Nancy Shaw as reflected on the Plat dated October 10, 2016, is approved and shall be recorded by the Petitioning Township upon receipt of a certified copy of this Resolution, at its cost:

Commissioner Abbuhl seconded the motion.

Roll Call Vote:

Commissioner Abbuhl	Aye
Commissioner Metzger	Aye
Commissioner Sciarretti	Absent

Passed January 9, 2017.

Attest:

 Maria Lautenschleger, Clerk of the Board

RESOLUTION (033-2017) PAYMENT OF BILLS

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to approve for payment the following bills:

911		
American Electric Power	Tower Electric	239.63
Cummins Bridgeway	Tower Repairs	1,356.00
Auditor		
Treasurer Tusc Co	Fuel	49.58
Commissioners		
Spare Key Locksmith	Repairs	190.00
American Electric Power	Electric/NJNP	134.81
ALCO	Supplies	195.70
Total First Aid	Supplies	52.45
Kayline	Supplies	779.74
Pitney Bowes	Supplies	775.96
Treasurer Tusc Co	Salt/Engineer	589.08
Fenton Brothers	Supplies	159.55
NP Water Dept	Water/101 EH	164.36
NP Water Dept	Water/JFS	225.11
NP Water Dept	Water/125 EH	266.80

Pitney Bowes Global Finance	Lease/Postage Machine	669.00
Office Depot	Supplies	6.19
NP Postmaster	Business Reply Mail	500.00
Common Pleas		
Elizabeth Stephenson	Travel	126.32
OH Common Please Judges Assoc	Annual Dues	400.00
Community Corrections		
Melymbrosia Associates	Assessments/Evaluations	675.00
Dog Pound		
NP Water Dept	Water	91.10
Fairfield Computer Services	Monthly Subscription	200.00
Kimble	Service	111.60
Engineer		
Starlight Enterprises	Office Cleaning	530.00
Dominion East Ohio Gas	Service	750.00
RW Conklin Steel Supply	H-Beam Poling per quote	32,670.00
JW Cookson	Parts	2,875.00
Kimble Recycling	Trash Dumpster/NP & Port	59.95
Clark Co	Mat'l per bid	283.40
Joe Bachman	Travel & Misc Reimb	7.72
Dominion East Ohio Gas	Gas Service	649.33
Sidwell Materials	Materials per bid	3,045.84
Pleasant Valley Ready Mix	Bridge Concrete per bid	1,821.00
National Lime & Stone	Mat'l per bid	10,266.88
American Electric Power	Electric	2,609.40
Ziegler Tire & Supply	Tires per State Prices	1,899.99
Peterman Plumbing & Heating	Repairs	545.77
Dover Brake	Repairs/Parts	151.70
Davis Radiator	Repairs/Parts	800.00
Snyder Brothers	Repairs/Parts	300.00
Chuck Nicholson GMC	Repairs	2,745.92
Terminal Supply	Repairs/Parts	134.53
Southeastern Equipment	Repairs/Parts	17.50
Gemstone Gas	Bridge & Culvert Supplies	84.76
Airlift Lube Service	Hoist Inspection	595.00
Carpenter Heating & Cooling	Heating/Cooling Repair	338.95
Stony Point Supply	Bridge & Culvert Supplies	1,978.65
Ziegler Bolt & Nut House	Bridge & Culvert Supplies	123.75
Truck Sales & Service	Repairs/Parts	325.07
Liniform	Uniform Rental	137.87
Centre Supply	Repairs/Parts	416.71
Frontier	Service	152.56
Twin City Automotive	Repairs/Parts	250.96
Tusc Construction Supply	Rebar for Beans/Holmes Co	4,195.00
JP Mohler	Payment for Tax Refund Service	749.14
Joseph Bachman	Travel & Misc Expenses	660.00
Human Resources		
Harris Computer	Support/Service	39.00
Information Technology		
Provantage	Supplies	55.50
Horizon	Internet Connection	395.00
Job & Family Services		
Wilson Christian Child Care	IV-E Daycare	704.00
Ernie Kleski	Travel	16.56
Karen Quinlan	Travel	20.70
Malissa Cantarero	Travel	124.20
Elizabeth Benedetto	Travel & Training	121.44
Jaime Grunder	Travel	417.08
Robb Rectanus	Travel	499.51
Laura Burton	Travel	530.84
Shannon Weekley	Travel	537.33

Stacia Stevens	Travel	393.64
Beth Kiggans	Travel	46.05
Natalie Zimmerman	Travel	99.63
Melani Jones	Travel	18.86
Stacia Stevens	Travel	217.74
Nicole Peoples	Travel & Training	117.91
Mark & Rayhan Abbuhl et al	AA & SAMS	27,394.18
John Reed	Prevention/Mattresses	200.00
East Central Ohio ESC	FACES/Tutoring	75.00
Ruth Hursey	KPIP	600.00
Sandra Mann	KPIP	600.00
Guidestone	Parent Mentoring	821.60
Tusc Co Health Dept	Birth Certificates	50.00
Juvenile/Probate		
Donna Miller	Guardianship Investigation Fee	125.00
Law Library		
Piper Software Products	2017 Child Support Software	45.99
Park Department		
Miller & Co	Portable Toilet/CLP	70.00
Public Defender		
Maxwell Investigations	Investigative Services	220.00
Frank Bair	Utilities	208.60
Staples	Furniture	1,052.23
Staples	Supplies	549.91
Frontier Communications	Service	323.93
Staples	Supplies	86.79
Law Science Technologies	Expert	406.25
Nichole Stephan	Registration	45.00
Ohio State Bar Association	Dues	395.00
Sheriff		
Brian Alford	Reimb/Training Book	30.00
Hajoca Corp	Repair Kits	36.39
G & L Supply	Supplies	847.96
Vance Outdoors	Ammunition	480.79
Dutch Creek Foods	Inmate Food	3,036.61
Lowe's	Supplies	116.62
Seana Todd Fortune	Mileage Reimb	30.36
Dominion East Ohio Gas	Service	3,825.55
Staples	Supplies	723.20
Staples	Supplies	450.25
Zashin & Rich	Legal Counsel	1,798.30
Verizon Wireless	Cell Phone Service	450.40
Avalon	Inmate Food	4,839.49
NP Water Dept	Water	1,987.55
Terminix	Insect Treatment	123.00
Wayne Door Sales	Door Repair	158.13
Ziegler Tire	Repairs	1,837.15
Southern Court		
Atty Doug Jackson	Legal Service	330.00
Thomson Reuters West	Legal Books	699.50
Treasurer		
Tusc Co IT Dept	Duplicates	116.65
Water & Sewer		
American Electric Power	Electric	340.36
Valvoline	Service	63.72
Ferris Chevrolet	Service	69.04
Enger Auto	Materials	21.61
Agera Energy	Utility	1,700.07
Haueter Landscaping	Snow Removal	182.00

Operator Training Committee of OH	Safety Training	185.00
Buckeye Power Sales	Repair	2,354.41
Clum Tire	Tires	1,300.00
Enger Auto	Materials	397.82
Fenton Brothers	Materials	274.55
Pro-Tech Systems Group	Electrical Services	14,300.00

VOTE: Chris Abbuhl, yes;
 Kerry Metzger, yes;
 Joe Sciarretti, absent;

OTHER BUSINESS: The following items were handled in other business to allow the City of New Philadelphia to proceed with the Clean Ohio Conservation grant application, which requires the Commissioners support.

RESOLUTION (034-2017) SUPPORT CLEAN OHIO – CITY OF NEW PHILADELPHIA

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to approve the following:

**BOARD OF COMMISSIONERS
 TUSCARAWAS COUNTY, OHIO**

Resolution of Support

WHEREAS, the Clean Ohio Conservation Fund provides grant assistance to the State of Ohio for conservation purposes, and

WHEREAS, The Mayor of the City of New Philadelphia desires grant assistance from the Clean Ohio Conservation Fund for the Carlisle Property Acquisition and Improvement project, and

WHEREAS, the Clean Ohio Conservation Fund application process requires support from the County in which the subject property is located, and

WHEREAS, all of the Carlisle Property Acquisition and Improvement project is located in Tuscarawas County, and

WHEREAS, the City of New Philadelphia have provided the Tuscarawas County Commissioners with a description of the Carlisle Property Acquisition and Improvement project

NOW, THEREFORE, BE IT RESOLVED by the Tuscarawas County Commissioners to support the Carlisle Property Acquisition and Improvement project.

VOTE: Chris Abbuhl, yes;
 Kerry Metzger, yes;
 Joe Sciarretti, absent;

RESOLUTION (035-2017) SUPPORT CLEAN OHIO – CITY OF NEW PHILADELPHIA

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to approve the following:

**BOARD OF COMMISSIONERS
 TUSCARAWAS COUNTY, OHIO**

Resolution of Support

WHEREAS, the Clean Ohio Conservation Fund provides grant assistance to the State of Ohio for conservation purposes, and

WHEREAS, The Mayor of the City of New Philadelphia desires grant assistance from the Clean Ohio Conservation Fund for the Coniglio Property Acquisition and Trail project, and

WHEREAS, the Clean Ohio Conservation Fund application process requires support from the County in which the subject property is located, and

WHEREAS, all of the Coniglio Property Acquisition and Trail project is located in Tuscarawas County, and

WHEREAS, the City of New Philadelphia have provided the Tuscarawas County Commissioners with a description of the Coniglio Property Acquisition and Trail project.

NOW, THEREFORE, BE IT RESOLVED by the Tuscarawas County Commissioners to support the Coniglio Property Acquisition and Trail project.

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, absent;

DISCUSSION: Commissioner Abbuhl explained that a couple months ago the Board of Commissioners were approached by a non-profit organization to use a couple parking spaces in the county lots. The Commissioners are not able to go forward with an acquisition, which would have allowed more parking spaces; therefore, Commissioner Abbuhl proposed not to move forward with the request. Commissioner Metzger agreed and referenced the diagram of the parking lots/spaces Jane Clay, Executive Assistant put together. The number of parking spaces for employees and parking spots needed for the courts (grand jury, jury trial, etc.) do not allow for the request.


NO FURTHER BUSINESS COMING BEFORE THE BOARD.

RESOLUTION (036-2017) ADJOURN

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to adjourn at 1:45 p.m. to meet in Regular Session, Wednesday, the 11th day of January 2017.

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, absent;

We hereby certify the above and foregoing to be a true and correct account of the proceedings as had by and before us on the day and year first written above.





Joe Sciarretti, absent

Attest: _____
Clerk of the Board