

St. Clairsville, Ohio

December 23, 2008

The Board of Commissioners of Belmont County, Ohio, met this day in regular session. Present: Gordie W. Longshaw, Charles R. Probst, Jr. and Mark A. Thomas, Commissioners and Jayne Long, Clerk of the Board. Minutes of the meeting of December 17, 2008, were read, approved and signed.

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. Probst, 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
S-Belmont Senior Services	January Operating Expenses/In Home Care Levy-Comm on Aging	130,724.00
T-Chase Bank	CDBG Funds	17,977.00
T-Chase Bank	CDBG Funds	9,186.00
T-Crossroads Counseling	Reimbursement/Drug Court Common Pleas Court	6,572.76

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

Motion made by Mr. Thomas, seconded by Mr. Probst to approve the Recapitulation of Vouchers dated for December 23, 2008 as follow:

FUND	AMOUNT
A-GENERAL	\$
A-GENERAL/SHERIFF	\$13,411.78
H-Job & Family, Public Assistance	\$8,700.13; \$32.49
H-Job & Family, WIA	\$6,728.65; \$17,719.39
S-Oakview Juvenile Residential Center	\$6,117.54
S-Port Authority	\$116.32

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Longshaw	Yes

IN THE MATTER OF TRANSFERS
WITHIN GENERAL FUND

Motion made by Mr. Thomas, seconded by Mr. Longshaw to approve the following transfers within General Fund.

FROM	TO	AMOUNT
E-0055-A004-B16.003 PERS	E-0055-A004-B14.011 Contract Services	1,042.17
E-0061-A002-B03.010Supplies	E-0061-A002-B02.002 Com Pleas Salary	444.69
E-0111-A001-E09.003 PERS	E-0111-A001-E02.002 Prosecutor Salaries	309.64
E-0181-A003-A06.011 Cont Services	E-0180-A003-A01.001 Bd Salaries	8.00
E-0181-A003-A06.011 Cont Services	E-0181-A003-A02.002 Bd Elec Salaries	8,960.30
E-0111-A001-B09.003 PERS	E-0131-A006-A02.002 Sheriff Salaries	10,032.77
E-0021-A002-E09.003 PERS	E-0131-A006-A02.002 Sheriff Salaries	832.57
E-0063-A002-B28.003 PERS	E-0131-A006-A02.002 Sheriff Salaries	3,334.77

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Yes

IN THE MATTER OF TRANSFERS WITHIN FUND FOR
THE COUNTY HOME FUND

Motion made by Mr. Probst, seconded by Mr. Longshaw to approve the following transfers within fund for the County Home Fund.

FROM	TO	AMOUNT
E-2150-H030-H15.075 Advance-Out	E-2150-H030-H02.002 Salaries	\$ 60,000.00
E-2150-H030-H11.000 Other Expenses	E-2150-H030-H02.002 Salaries	\$ 32,248.81

Upon roll call the vote was as follows:

Mr. Probst	Yes
Mr. Longshaw	Yes
Mr. Thomas	Yes

IN THE MATTER OF TRANSFER WITHIN FUND FOR
THE ENGINEER'S MVGT FUND

Motion made by Mr. Thomas, seconded by Mr. Probst to approve the following transfer within fund for the Engineer's MVGT Fund.

FROM	TO	AMOUNT
E-2812-K000-K24.000 Other Expense	E-2813-K000-K29.011 Contr. Services	\$ 279.73

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Longshaw	Yes

**IN THE MATTER OF ADDITIONAL APPROPRIATIONS
FOR THE SHERIFF'S DEPARTMENT VARIOUS FUNDS**

Motion made by Mr. Probst, seconded by Mr. Longshaw to make the following additional appropriations, in accordance with the Amended Official Certificate of Estimated Resources as revised by the Budget Commission, under the date of December 23, 2008.

General

E-0131-A006-A09.000	Medical	1,571.00
E-0131-A006-A17.012	Cruiser Repairs	0.00
E-0131-A006-A20.000	False Alarm	200.00
E-0131-A006-A23.000	Background	190.00
E-0131-A006-A24.000	E-SORN	235.00
E-0131-A006-A26.000	K-9	0.00
E-0131-A006-A28.000	Shop w/Cop	300.00
E-0131-A006-A29.000	Mounted	0.00
E-0131-A000-A30.000	Lifesaver	290.00

Enforcement Education

E-1652-B016-B02.000	Education Expenses	75.00
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Commissary Fund

E-5100-S000-S01.010	Supplies	10,115.31
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Concealed Handgun License

E-5101-S001-S06.000	License Issuance	1,525.00
E-5101-S001-S07.012	Equipment	1,525.00

Sheriff Reserve Account

E-9710-U010-U06.000	Other Expenses	15.00
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Upon roll call the vote was as follows:

Mr. Probst	Yes
Mr. Longshaw	Yes
Mr. Thomas	Yes

**IN THE MATTER OF ADDITIONAL APPROPRIATION
FOR THE N041 ISSUE TWO MONIES FUND**

Motion made by Mr. Probst, seconded by Mr. Thomas 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 December 23, 2008.

N041 ISSUE TWO MONIES

E-9041-N041-N10.055	Project Payments	\$ 234,652.94
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Upon roll call the vote was as follows:

Mr. Probst	Yes
Mr. Thomas	Yes
Mr. Longshaw	Yes

**IN THE MATTER OF ADDITIONAL APPROPRIATIONS
FOR DISTRICT DETENTION HOME S033 FUND**

Motion made by Mr. Probst, seconded by Mr. Longshaw to make the following additional appropriations, in accordance with the Amended Official Certificate of Estimated Resources as revised by the Budget Commission, under the date of December 23, 2008.

DISTRICT DETENTION HOME

E-0910-S033-S33.002	Salaries	\$ 46,055.35
E-0910-S033-S65.011	Contract Services/GS	\$ 12,000.00

Upon roll call the vote was as follows:

Mr. Probst	Yes
Mr. Longshaw	Yes
Mr. Thomas	Yes

**IN THE MATTER OF ADDITIONAL APPROPRIATION
FOR THE W050 BELMONT COUNTY MARRIAGE LICENSE FUND**

Motion made by Mr. Probst, seconded by Mr. Longshaw to approve the following additional appropriation in accordance with the Amended Official Certificate of Estimated Resources, as revised by the Budget Commission under the date December 23, 2008.

E-9711-W050-W03.000 Marriage License Fund \$ 3,379.00

Upon roll call the vote was as follows:

Mr. Probst	Yes
Mr. Longshaw	Yes
Mr. Thomas	Yes

**IN THE MATTER OF ADDITIONAL APPROPRIATIONS
FOR THE BELMONT COUNTY PROSECUTOR'S OFFICE
VICTIM-WITNESS ASSISTANCE PROGRAM FUND**

Motion made by Mr. Thomas, seconded by Mr. Probst to make the following additional appropriations in accordance with the Amended Official Certificate of Estimated Resources as revised by the Budget Commission, under the date of December 23, 2008.

E-1511-W080-P01.002	Salary	\$ 4,000.00
E-1511-W080-P07.006	Hospitalization	\$ 2,000.00
TOTAL		\$ 6,000.00
E-1511-W080-P05.005	PERS	\$ 1,466.00
E-1511-W080-P06.004	Workers Comp	\$ 600.00
E-1511-W080-P007.006	Hospitalization	\$ 1,000.00
TOTAL		\$ 3,066.00

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Longshaw	Yes

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

Motion made by Mr. Thomas, seconded by Mr. Longshaw to execute payment of Then and Now Certification dated December 23, 2008, 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. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Yes

OPEN PUBLIC FORUM – None.

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

Motion made by Mr. Thomas, seconded by Mr. Probst to approve the minutes of the Belmont County Board of Commissioners regular meeting of: December 11, 2008.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Longshaw	Yes

DISCUSSION HELD: Present were Barnesville Mayor Tom Michelli; Village Administrator Roger Deal; Bill Knox of the Port Authority Board; and Larry Merry, Port Authority Director. Commissioner Thomas explained the Joint Economic Development District (JEDD) and the agreement between the Port Authority and Oxford Mining who donated the property for the Eastern Ohio Regional Industrial Park. Commissioner Thomas credited the Port Authority for getting the Village of Barnesville and the Warren Township Trustees to create the JEDD specifically for the industrial park. Commissioner Thomas said ODOT grants have been secured for development. He noted a motion recognizing the JEDD between the village and township is not required by the Ohio Revised Code, but a ceremonial motion that will be made at today's meeting.

IN THE MATTER OF RECOGNIZING THE JEDD (JOINT ECONOMIC DEVELOPMENT DISTRICT) AGREEMENT BETWEEN VILLAGE OF BARNESVILLE AND WARREN TOWNSHIP

Motion made by Mr. Thomas, seconded by Mr. Probst to recognize the JEDD (Joint Economic Development District) Agreement between the Village of Barnesville and Warren Township dated December 8, 2008.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Longshaw	Yes

DISCUSSION HELD: Commissioner Thomas gave kudos to both entities stating this is essential to the growth of the Industrial Park. Commissioner Probst commented on the teamwork involved and said this is a perfect example of long-term planning. He stated this is the beginning of good things for living wage jobs for Belmont County residents. Commissioner Longshaw also thanked all for their efforts. Mayor Michelli thanked the board and stated this is a historic moment, noting the site has a potential for 800 acres. Port Authority Director Larry Merry said he felt the JEDD is the ultimate example of governments working together for the benefit of eastern Ohio and its residents. He said there are plans for a road as a result of grants and gave thanks to the State of Ohio. Mr. Merry noted the grant has a 25% match that came from a donation from Oxford Mining.

IN THE MATTER OF AUTHORIZING THE PURCHASE OF PROPERTY FOR THE NEFFS MITIGATION PROJECT

Motion made by Mr. Thomas, seconded by Mr. Probst to authorize the Belmont County Commissioners to purchase the following property for the Neffs Mitigation Project and authorize Commission President Gordie W. Longshaw to sign on behalf of the Board of Commissioners on all closing documents. Funding for this project is 75% FEMA Hazard Mitigation Grant and 25% Local match.

Property Owner	Buy-out Price
Greg & Tammy Gilli 54061 Kidd Street Neffs, Ohio 43940	\$24,295.19
Mark Eden 64710 Talbot Road Bellaire, Ohio 43906	\$50,800.00
May Jean Talbot 64850 Talbot Road Bellaire, Ohio 43906	\$24,900.00
Kalis Kozak 54164 Church Lane Neffs, Ohio 43940	\$26,900.00
Jeri Masters 65197 School Street Neffs, Ohio 43940	\$34,000.00
Linda Massey 65210 School Street Neffs, Ohio 43940	\$25,900.00
Thomas Breeden 65145 Angel Road Neffs, Ohio 43940	\$42,000.00
Thomas Breeden 65081 Angel Road Neffs, Ohio 43940	\$23,400.00

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Longshaw	Yes

IN THE MATTER OF ACCEPTING AND SIGNING THE REVISED BELMONT CO. PREVENTION, RETENTION AND CONTINGENCY (PRC) PLAN/BCDJFS

Motion made by Mr. Thomas, seconded by Mr. Probst, as the co-appointing authority for Belmont County Department of Job & Family Services, to accept and sign the revised Belmont County Prevention, Retention and Contingency (PRC) Plan.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Longshaw	Yes

IN THE MATTER OF RESOLUTION APPROVING THE SALE OF COUNTY PROPERTY PER ORC 307.12(D) /2005 CHEVY SILVERADO CREW CAB/BCDJFS

Motion made by Mr. Thomas, seconded by Mr. Probst to adopt the following resolution:

RESOLUTION

WHEREAS, the Belmont County Department of Job & Family Services has in its possession one (1) 2005 Chevrolet 2500 Silverado Crew Cab, VIN # 1GCHK23U15F835326, that is no longer need for public use, and;

WHEREAS, pursuant to Ohio Revised Code Section 307.12(D), *the board of county commissioners may sell or donate county personal property, including motor vehicles, to the federal government, the state, or any political subdivision of the state without advertisement or public notification*, and;

NOW THEREFORE BE IT RESOLVED, that the Belmont County Commissioners do hereby approve the sale of the aforementioned vehicle to the City of Martins Ferry in the amount of \$8,000.00.

Upon roll call the vote was as follows:

Mr. Thomas	<u>Yes</u>
Mr. Probst	<u>Yes</u>
Mr. Longshaw	<u>Yes</u>

IN THE MATTER OF APPROVING AMENDMENT TO AGREEMENT BETWEEN BELMONT COUNTY SANITARY SEWER DISTRICT NO. 1 AND THE VILLAGE OF BRIDGEPORT

Motion made by Mr. Thomas, seconded by Mr. Probst to sign and approve the following amendment to the agreement dated February 21, 1956 between Belmont County Sanitary Sewer District No. 1 and the Village of Bridgeport to furnish water to the district and the inhabitants therein:

AMENDMENT TO AGREEMENT

WHEREAS, the Village of Bridgeport, a municipal corporation, of Belmont County, State of Ohio, hereinafter referred to as "Village" entered into an Agreement dated February 21, 1956 with The Sanitary Sewer District No. 1 of Belmont County, Ohio, a political subdivision of Belmont County, State of Ohio, hereinafter referred to as "District" to furnish water to the district and the inhabitants therein; and

WHEREAS, the parties now wish to amend certain provisions of the original agreement and to extend the term of this Agreement, therefore:

IT IS NOW MUTUALLY AGREED BY AND BETWEEN THE VILLAGE OF BRIDGEPORT AND THE SANITARY SEWER DISTRICT NO. 1 OF BELMONT COUNTY, OHIO AS FOLLOWS:

All of the terms and conditions of the previous Agreement dated February 21, 1956 by and between the parties shall remain in full force and effect with the following provisions to be amended and added:

ITEM EIGHTH shall be amended in its entirety to read as follows:

1. Subject to the provisions herein set forth, the District, shall pay for the water use by it in accordance with the following schedule:
 - a. The rate per thousand gallons of water shall be set at \$2.00 per thousand gallons.
 - b. Statements for the water used shall be presented to the District monthly, and are payable within thirty (30) days thereafter.
2. This Agreement shall be extended for a one (1) year term and will be renegotiated one (1) year from this date.
3. It is further agreed that this Agreement is to be an exclusive agreement with the Village providing all public water supplied to the District.
4. It is further agreed that the Village has no obligation or responsibility for providing maintenance and repair to the District's water system beyond the master meter located at the East boundary line of the district known as the Brookside Pump Station. It is also further agreed that the Village has no obligation or responsibility for reading meters or billing customers for water and services rendered beyond such master meter.
5. It is also further agreed that should the District request the Village to provide repair or maintenance services to the District's water system that such service and materials will be billed to the District by the Village at a rate of compensation to be negotiated at the time of request.

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This Agreement is executed by the Mayor of the Village of Bridgeport, Ohio, pursuant to Ordinance No. _____ duly adopted at a regular meeting of the Bridgeport Village Council held on the _____ day of _____, 2008 and is likewise executed by the Commissioners of Belmont County, Ohio, for the Sanitary Sewer District No. 1 of Belmont County, Ohio, pursuant to a Resolution duly adopted at a regular meeting held on the _____ day of _____, 2008.

It is further agreed by and between the parties that this Agreement shall become operative on the _____ day of _____, 2008.

**VILLAGE OF BRIDGEPORT,
STATE OF OHIO**

By: _____
Mayor John J. Callarik

SANITARY SEWER DISTRICT NO. 1

By: _____
Belmont County Commissioner

By: _____
Belmont County Commissioner

By: _____
Belmont County Commissioner

APPROVED AS TO FORM:

David K. Liberati,
Assistant Prosecuting Attorney
for Belmont County, Ohio

Richard A. Myser
Village Solicitor for the Village of Bridgeport

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Longshaw	Yes

BREAK 10:55 A.M.

**IN THE MATTER OF ENTERING
EXECUTIVE SESSION AT 11:23 A.M.**

Motion made by Mr. Longshaw, seconded by Mr. Thomas to enter executive session at 11:23 a.m., with Mark Lucas, Consultant, of Clemans-Nelson & Associates, Inc., pursuant to ORC §121.22(G)(2) Property Exception, to consider the sale of property and ORC §121.22(G)(4) to review collective bargaining negotiations.

Upon roll call the vote was as follows:

Mr. Longshaw	Yes
Mr. Thomas	Yes
Mr. Probst	Absent

Note: Commissioner Probst joined executive session while in progress.

**IN THE MATTER OF ADJOURNING
EXECUTIVE SESSION AT 11:53 A.M.**

Motion made by Mr. Thomas, seconded by Mr. Probst to adjourn executive session at 11:53 a.m.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Longshaw	Yes

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

**IN THE MATTER OF AWARDING BID FOR THE
LEASE/SALE OF PARK HEALTH CENTER TO
PARK HEALTH REALTY, LLC AND D C HEALTHCARE ENTERPRISES, LLC**

Motion made by Mr. Thomas, seconded by Mr. Probst to award the bid for the lease/sale of the Belmont County Park Health Center to the highest responsible bidder, Park Health Realty, LLC and D C Healthcare Enterprises, LLC, in the amount \$4,125,000.00, based upon the recommendation of Mark Lucas, Consultant and subject to the Presbyterian Homes Inc., Right of First Refusal.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Longshaw	Yes

DISCUSSION HELD – Former Belmont County Commissioner Anita Wiley provided the following written document to the Clerk and requested it be entered into the record:

“This is an unprecedented decision by Commissioners Longshaw, Thomas and Probst. Thank you for saving Belmont County taxpayers millions of dollars...Park Health Center is costing all of us millions of dollars in taxes because of the declining operation of the facility. Congratulations to Commissioners for making this decision to save Belmont County residents and taxpayers millions of dollars in lost revenue. It has cost the taxpayers of Belmont County more than one-half million dollars a year in expenses while the number of clients continues to decline. This past year alone, the Commissioners have provided more than \$50,000 a month out of the county general revenue fund to just meet payroll costs. Thank you for stopping the bleeding for taxpayers. And our residents can appreciate this decision is a win-win-win situation for all of us...with the new owner, Frank Murphy, Belmont County residents are getting a nursing care owner who has a track record of providing residents better quality care, better services and a top-notch staff.. This decision could not be made at a better time...when the economy is deteriorating and the Board of Commissioners is faced with less revenue, greater costs and the challenges of balancing the county budget. Thank you for not only caring for the current residents of Park Health Center...but thank you for caring for our future residents and the taxpayers. Mr. Murphy, who currently owns more than 300 nursing facilities across America including the Emerald Pointe facility in Barnesville, will be a good neighbor to this community and good for Belmont County. As a former Commissioner, I know there is probably pressure to not act or some people want you to maintain the status quo of losing money at the expense of all taxpayers. This decision will be a good public policy decision for many years to come! Thank you for that!”

Commissioner Thomas said he wanted to make it clear that there is NOT a direct \$50,000.00 coming out of the General Fund monthly. He said Park Health owes the General Fund approximately \$130,000.00. He stated the county pays workers comp and general liability insurance, which has been a drain on the General Fund in recent times, but not a monthly drain. Commissioner Thomas said for all the years it has been in existence, Park Health has served the county well and explained that this is strictly a business decision. Commissioner Thomas stated counties should no longer be in the nursing home business. “There are certain things that private enterprise can do better, such as the nursing home business,” advised Mr. Thomas. Mrs. Wiley agreed and said that public dollars cannot compete with private dollars.

Current Administrator of Park Health, Mike Maistros, asked when the transition will take place and administration from new organization come in to the building to take over. Commissioner Thomas explained the intent is to have a lease in place on or before March 1, 2009. He further explained that if Presbyterian Homes is not interested, that starts the wheels in motion of dozens of things that need to happen to get to March 1. He said it is hoped to have an orderly transition as needed in January or February. Mark Lucas, consultant for the lease/sale, advised that the current staff will continue to be county employees unless they quit or are let go by the county. They will be county employees until whoever leases takes over. He said they would walk out one day as a county employee and start the next day as an employee of the new entity. Mr. Lucas further advised there will be advance notice before the transition takes place.

Commissioner Probst said this has been a tough decision and that the board ran out of options as time passed. He remarked what caring and dedicated staff works there and said both his grandmother and great aunt had been residents of the facility at one time. He said he hopes the new owners keep the staff as it means a lot to the residents to see familiar faces.

Commissioner Longshaw commented on the outstanding staff. He also spoke of what a hard decision this was. He thanked Mr. Maistros and his staff for all they have done.

Commissioner Thomas also thanked Mr. Maistros for taking on this challenging position in post-retirement.

**IN THE MATTER OF ADJOURNING
COMMISSIONERS MEETING AT 12:12 P.M.**

Motion made by Mr. Thomas, seconded by Mr. Probst to adjourn the meeting at 12:12 p.m.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Longshaw	Yes

Read, approved and signed this 30th day of December, 2008.

_____ COUNTY COMMISSIONERS

We, Gordie W. Longshaw 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