

St. Clairsville, Ohio

May 26, 2004

The Board of Commissioners of Belmont County, Ohio, met this day in regular session. Present: Mark A. Thomas, Charles R. Probst, and Ryan E. Olexo Commissioners and Darlene Pempek, Clerk of the Board. Minutes of the meeting of May 19, 2004, were read, approved and signed.

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

IN THE MATTER OF THE 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. Probst, seconded by Mr. Thomas, 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
Joseph Gaudio	Reimburse expenses/Treasurer-General	527.02
Mark A. Thomas, Commissioner	Reimburse mileage-General	301.49
Belmont Co. Child Support	IV-D Service Contct/May thru Sept 03/Juv Court-General	14,019.85
Roger Taylor, Maintenance	Reimburse expenses-General	60.31
M-J. Mark Costine, Judge	Reimburse expenses/Drug Court gasoline-Juvenile Court	85.62
AT&T	Long distance-Juvenile Court	609.78
Kmart	Items for child in placement-Juvenile Court	479.57
Alltel	Cell phones-Juvenile Court	921.12
Tri-County Help Center	Drug court services-Juvenile Court	4,950.00
O-National City Bank	Interest-Jail Construction Bond	18,278.75
Belmont National Bank	Interest-Jail Construction Bond	58,632.50
Belmont National Bank	Interest-Park Health	79,590.00
National City Bank	Interest-Human Services Bond	4,600.00
p-Eastern Ohio Regional Wastewater Authority	Service/Eastern Court-Satellite Building	41.50
Bridgeport Water Department	April service/WW#1-Sanitary Sewer District	19,705.52
Kip Anderson	Other Expenses/refund-Sanitary Sewer WW#3	235.00
Bridgeport Eagles	Luncheon-Belmont Co. EMA/LEPC	307.50
S-SBC	Telephone/Clk of Courts-Cert of Title Admin	111.14
Belmont Senior Services	May 2004/3 rd billing-In Home Care Levy	1,417.07
Belmont Senior Services	April 2004/7 th billing-In Home Care Levy	41,929.21
Belmont Senior Services	May 2004/2 nd billing-In Home Care Levy	1,609.65
Belmont Senior Services	April 2004/8 th billing-In Home Care Levy	4,463.90
West Group	West charges/April 2004-Western Court Computer	334.10
West Group	Baldwin's Ohio Practice-Western Court Computer	84.00
Kim Benson dba KBIOS	Consulting services & travel-Eastern Court Computer	3,375.00
Sommer Stenographic	Court reporter fee/5/18/04-Western Court Gen Spec Projects	75.00
Erb Electric	Repair to back door-Western Court Gen Special Projects	845.01
T-Bank One Account	CDBG Funds	20,722.00
Bank One	CDBG Funds	2,496.00

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 for the various funds dated for May 26, 2004 as follows:

FUND	AMOUNT
A-GENERAL FUND	\$20,374.94, \$45,301.74, \$28,648.91, \$2,888.19
GENERAL/ATTORNEY FEES	\$1,269.48
GENERAL/EMA	\$573.03
GENERAL/BETHESDA BUILDING	\$651.64
GENERAL/SHERIFF'S	\$29,227.41, \$5,419.73, \$1,020.00
DOG & KENNEL	\$2,705.75
C-PROBATE COURT	\$534.24
H-BCDJFS/PA	\$2,514.71
COUNTY HOME/PARK HEALTH	\$6,359.83
M-JUVENILE COURT PLACMENT SERVICES	\$22,989.00
P-LEPC	\$4,669.55
OAKVIEW ADMIN BUILDING	\$1,348.45
SANITARY SEWER DISTRICT	\$1,640.18, \$417.45, \$37,909.38
S-DISTRICT DETENTION HOME	\$6,801.98, \$4,858.57
OAKVIEW JUVENILE REHAB DISTRICT	\$31,198.08
JUVENILE COURT COMPUTER	\$937.92
SHERIFF'S COMMISSARY	\$231.37, \$1,890.23
WESTERN DIVISION COURT	\$179.63
T-WSGDF	\$311.03

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes

IN THE MATTER OF APPROVING
TRANSFERS OF FUNDS FOR THE VARIOUS COUNTY DEPARTMENTS

Motion made by Mr. Thomas, seconded by Mr. Olexo to approve the transfer of funds for the various county departments as follows:

BELMONT COUNTY GENERAL FUND

FROM	TO	AMOUNT
A201-A11 Workers Comp	A107-A09 Agriculture/WC	\$0.78
A201-A11 Workers Comp	A002-B29 Magistrate/WC	\$1,888.34
A201-A11 Workers Comp	A015-A14 Attorney Fees	\$5,000.00
A001-A04 Equipment	A015-A14 Attorney Fees	\$1,060.00

BELMONT COUNTY GENERAL FUND

FROM	TO	AMOUNT
A201-A11 Workers Comp	A002-B07 Juror Fees	\$ 3,000.00
A201-A11 Workers Comp	A014-A01 CORSA Ins.	500.00
A201-A11 Workers Comp	A014-A06 Group & Liability Insurance	75,000.00

INSURANCE LINE ITEMS
TO INSURANCE HOLDING ACCOUNTS

FROM	TO	AMOUNT
A014-A06 Group & Liability	Y091-Y01 Holding Accounts	\$75,000.00

SOIL & WATER CONSERVATION FUND L01

FROM	TO	AMOUNT
L001-L07 Service Fees	L001-L03 Equipment	\$5,000.00
L001-L09 Travel & Training	L001-L03 Equipment	6,000.00
L001-L13 Other	L001-L03 Equipment	4,000.00
Total		\$15,000.00

JUVENILE COURT ALTERNATIVE SCHOOL FUND M67

FROM	TO	AMOUNT
M067-M04 Medicare	M067-M05 Insurances	\$187.32

SANITARY SEWER DISTRICT FUND

FROM	TO	AMOUNT
WWS#2	WWS#2	
P003P32 Transfers	P003P21 Materials	\$8,000.00
SSD#1	SSD#1	
P051P15 Other Expense	P051P05 Materials	2,000.00
SSD#2	SSD#2	
P053P16 Transfers	P053P05 Materials	8,000.00

BELMONT COUNTY SANITARY SEWER DISTRICT

FROM	TO	AMOUNT
SSD #1	SSD#1	
P051P15 Other Expenses	P051P05 Materials	\$1,500.00
P051P08 Projects	P051P12 Travel & Exp.	100.00

BHJD DETENTION HOME S33

FROM	TO	AMOUNT
S033-S33 Salaries	S033-S47 Hospitalization	\$4,327.23
S033-S33 Salaries	S033-S38 Cont. Services	6,600.00

MONTHLY TRANSFER OF FUNDS FOR BELMONT COUNTY SANITARY SEWER

Transfer of funds dated for the month of May for the Belmont County Sanitary Sewer Department.

FROM	TO	AMOUNT
P003-P18 SUPPLIES	Y090-Y02 SUPPLIES	711.66
P003-P19 EQUIPMENT	Y090-Y03 EQUIPMENT	237.29
P003-P20 LABOR	Y090-Y04 LABOR	0.00
P003-P21 MATERIALS	Y090-Y05 MATERIALS	6,322.39
P003-P22 CONTRACT REP.	Y090-Y06 CONTRACT REP.	0.00
P003-P23 CONTRACT SERV.	Y090-Y07 CONTRACT SERV.	518.35
P003-P24 CONTRACT PROJ.	Y090-Y08 CONTRACT PROJ.	.00
P003-P25 PURCHASED H2O	Y090-Y09 PURCHASED H2O	49,381.26
P003-P27 ADV & PRINTING	Y090-Y04 ADV & PRINTING	159.25
P003-P28 TRAVEL & EXP.	Y090-Y11 TRAVEL & EXP.	60.38
P003-P29 PERS	Y090-Y12 PERS	1,959.20
P003-P30 WORKERS' COMP	Y090-Y13 WORKERS' COMP	2,539.10
P003-P31 OTHER EXPENSES	Y090-Y14 OTHER EXPENSES	975.97
P003-P32 TRANSFERS-OUT	Y090-Y17 TRANSFERS-OUT	822.50
P003-P35 MEDICARE	Y090-Y18 MEDICARE	0.00
TOTAL		63,687.35
P005-P18 SUPPLIES	Y090-Y02 SUPPLIES	1,369.38
P005-P19 EQUIPMENT	Y090-Y03 EQUIPMENT	25,090.43
P005-P21 MATERIALS	Y090-Y05 MATERIALS	22,942.94
P005-P22 CONTRACT REP.	Y090-Y06 CONTRACT REP.	0.00
P005-P23 CONTRACT SERV.	Y090-Y07 CONTRACT SERV.	28,712.37
P005-P24 CONTRACT PROJ.	Y090-Y08 CONTRACT PROJ.	0.00
P005-P25 PURCHASED H2O	Y090-Y09 PURCHASED H2O	897.59
P005-P27 ADV & PRINTING	Y090-Y10 ADV & PRINTING	307.75
P005-P28 TRAVEL & EXP.	Y090-Y11 TRAVEL & EXP.	115.78
P005-P29 PERS	Y090-Y12 PERS	5,813.10
P005-P30 WORKERS' COMP	Y090-Y13 WORKERS'COMP	7,593.08
P005-P31 OTHER EXP.	Y090-Y14 OTHER EXP.	14,337.70
P005-P34 TRANSFERS-OUT	Y090-Y17 TRANSFERS-OUT	3,193.81
P005-P35 MEDICARE	Y090-Y18 MEDICARE	0.00
TOTAL		110,373.93
P051-P02 SUPPLIES	Y090-Y02 SUPPLIES	298.46
P051-P03 EQUIPMENT	Y090-Y03 EQUIPMENT	42.40
P051-P05 MATERIALS	Y090-Y05 MATERIALS	477.64
P051-P06 CONTRACT REP.	Y090-Y06 CONTRACT REP.	0.00
P051-P07 CONTRACT SERV.	Y090-Y07 CONTRACT SERV.	261.04
P051-P08 CONTRACT PROJ	Y090-Y08 CONTRACT PROJ	0.00
P051-P09 SEWAGE DIS.	Y090-Y08 SEWAGE DIS.	18,206.90
P051-P11 ADV & PRINTING	Y090-Y10 ADV & PRINTING	0.00
P051-P12 TRAVEL & EXP	Y090-Y11 TRAVEL & EXP	25.38
P051-P13 PERS	Y090-Y12 PERS	655.00
P051-P14 WORKERS' COMP	Y090-Y13 WORKERS' COMP	793.62
P051-P15 OTHER EXP.	Y090-Y14 OTHER EXP.	631.66
P051-P16 TRANSFERS OUT	Y090-Y17 TRANSFERS OUT	0.00
P051-P35 MEDICARE	Y090-Y18 MEDICARE	0.00
TOTAL		21,392.10
P053-P02 SUPPLIES	Y090-Y02 SUPPLIES	165.88
P053-P03 EQUIPMENT	Y090-Y03 EQUIPMENT	23.83
PO53-P05 MATERIALS	Y090-Y05 MATERIALS	462.11
P053-P06 CONTRACT REP.	Y090-Y06 CONTRACT REPAIRS	260.57
P053-P07 CONTRACT SERV.	Y090-Y07 CONTRACT SERV.	4,928.90

P053-P08 CONTRACT PROJ	Y090-Y08 CONTRACT PROJ	0.00
P053-P09 SEWAGE DIS.	Y090-Y09 SEWAGE DIS.	27,770.11
P053-P11 ADVER.&PRINTING	Y090-Y10 ADVER.&PRINTING	0.00
P053-P12 TRAVEL & EXP.	Y090-Y11 TRAVEL & EXP	13.94
P053-P13 PERS	Y090-Y12 PERS	1,763.65
P053-P14 WORKERS' COMP	Y090-Y13 WORKERS' COMP	2,410.36
P053-P15 OTHER EXP.	Y090-Y14 OTHER EXP.	3,469.56
P053-P16 TRANSFERS OUT	Y090-Y17 TRANSFERS OUT	0.00
P053-P35 MEDICARE	Y090-Y18 MEDICARE	0.00
TOTAL		41,268.91
P055-P02 SUPPLIES	Y090-Y02 SUPPLIES	0.00
P055-P03 EQUIPMENT	Y090-Y03 EQUIPMENT	7.03
P055-P05 MATERIALS	Y090-Y05 MATERIALS	57.73
P055-P06 CONTRACT REPAIRS	Y090-Y06 CONTRACT REPAIRS	0.00
P055-P07 CONTRACT SERV.	Y090-Y07 CONTRACT SERV.	920.50
P055-P11 ADVER & PRINTING	Y090-Y07 ADVER & PRINTING	0.00
P055-P12 TRAVEL & EXP.	Y090-Y11 TRAVEL & EXP.	0.00
P055-P13 PERS	Y090-Y12 PERS	211.76
P055-P14 WORKERS' COMP	Y090-Y13 WORKERS' COMP	237.48
P055-P15 OTHER EXP.	Y090-Y14 OTHER EXP.	85.11
P055-P35 MEDICARE	Y090-Y18 MEDICARE	0.00
TOTAL		1,519.61
P056-P02 SUPPLIES	Y090-Y02 SUPPLIES	0.00
P056-P07 CONTRACT SERV.	Y090-Y07 CONTRACT SERV.	0.00
P056-P09 SEWAGE DISP.	Y190-Y08 SEWAGE DISP.	0.00
P056-P13 PERS	Y090-Y12 PERS	32.03
P056-P14 WORKERS' COMP	Y090-Y13 WORKERS' COMP	39.78
P056-P15 OTHER EXP.	Y090-Y14 OTHER EXP.	33.72
P056-P16 TRANSFERS OUT	Y090-Y14 TRANSFERS OUT	0.00
P056-P35 MEDICARE	Y090-Y18 MEDICARE	0.00
TOTAL		105.53

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Olexo	Yes
Mr. Probst	Yes

**IN THE MATTER OF ADDITIONAL APPROPRIATIONS
FOR THE 025 BOND RETIREMENT FUND/PARK HEALTH CENTER**

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 dates of May 26, 2004.

025 PARK HEALTH CENTER BOND RETIREMENT FUND

0025-002 INTEREST \$151,378.80

Upon roll call the vote was as follows:

Mr. Probst	Yes
Mr. Thomas	Yes
Mr. Olexo	Yes

**IN THE MATTER OF ADDITIONAL APPROPRIATIONS
FOR THE 030 BOND RETIREMENT FUND/JAIL CONSTRUCTION**

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 dates of May 26, 2004.

030 JAIL CONSTRUCTION BOND RETIREMENT FUND

0030-001 Bonds \$220,000.00

0030-002 Interest \$153,822.50

Upon roll call the vote was as follows:

Mr. Probst	Yes
Mr. Thomas	Yes
Mr. Olexo	Yes

**IN THE MATTER OF ADDITIONAL APPROPRIATIONS
FOR THE P80 OAKVIEW ADMINISTRATION BUILDING 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 dates of January 2, 2004.

P80 OAKVIEW ADMINISTRATION BUILDING FUND

P080-P05 Materials \$15,000.00

Upon roll call the vote was as follows:

Mr. Probst	Yes
Mr. Thomas	Yes
Mr. Olexo	Yes

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

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

BOARD OF ELECTIONS-8 Board members and staff of the Election Board to Columbus, Ohio on May 25-28, 2004 to attend the Summer Elections Conference.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes

**IN THE MATTER OF REQUESTING
CERTIFICATION OF MONIES**

Motion made by Mr. Olexo, seconded by Mr. Thomas requesting certification of monies by the Budget Commission as follows:

GENERAL FUND: \$3,000.00 transferred into General Fund on May 19, 2004/Partial Repayment of cash advance

020 BOND RETIREMENT/PARK HEALTH CENTER BUILDING: Requesting funds available for certification

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes

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

Motion made by Mr. Thomas, seconded by Mr. Probst to execute payment of Then and Now Certification dated May 14, 2004 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. Probst	Yes

**IN THE MATTER OF AUTHORIZING
AUDITOR JOSEPH PAPPANO TO ESTABLISH
A NEW FUND FOR THE BELMONT COUNTY COMMON PLEAS COURT
PROBATE DIVISION MEDIATION FUND**

Motion made by Mr. Probst, seconded by Mr. Thomas authorizing Belmont County Auditor Joseph A. Pappano to establish a new fund for the Belmont County Common Pleas Court, Probate Division entitled:

MEDIATION FUND

Line items needed:

Mediation Fees

Other Expenses

Upon roll call the vote was as follows:

Mr. Probst	Yes
Mr. Thomas	Yes
Mr. Olexo	Absent

**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 Commissioners regular meeting of May 14, 2004 and May 19, 2004.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Olexo	Absent

OPEN PUBLIC FORUM

Art Thompson, resident of the county, commented that the corner of SR 331 and US Rt. 40 had been finally cleaned up after three years. He also noted that the sign at the cemetery for the Lafferty Ball Field was very nice. He then reminded the Commissioners and those present that trash on the side of the roads continues to be an issue in Belmont County.

Louie Johnson, resident of the county asked Commissioner Thomas (Commissioner Thomas is a member of the Belmont Jefferson Counties Solid Waste Board) if the Solid Waste District had an approved budget. Commissioner Thomas stated that the EPA would wait to approve a budget until the finalization of the new waste plan which includes the monies from the \$6.25 tax on real estate. He continued, "The amount that tax has generated in Belmont County is approximately \$170,000.00"

**IN THE MATTER OF LIQUOR PERMIT
FOR PECK HOL, INC. DBA ST. CLAIR LANES,
RICHLAND TWP., ST. CLAIRSVILLE, OH 43950**

Motion made by Mr. Probst, seconded by Mr. Thomas to approve the following request for a Liquor Permit.

LIQUOR PERMIT

The Board this day approved one new D5 liquor license for Peck Hol, Inc., DBA St. Clair Lanes, 51681 National Road, Richland Township, St. Clairsville, Ohio, and the Clerk is hereby authorized and directed to sign the form and return it to the Ohio Department of Liquor Control, Reynoldsburg, OH 43068.

There have been no objections received and the Board of County Commissioners has no objections to the permit.

D5 – Spirituous liquor for on premises consumption only; beer and wine for on premises and off premises in original sealed containers until two- thirty a.m.

Upon roll call the vote was as follows:

Mr. Probst	Yes
Mr. Thomas	Yes
Mr. Olexo	Absent

**IN THE MATTER OF LIQUOR PERMIT
FOR FARM FRESH, INC., COLERAIN TWP., BRIDGEPORT, OH 43912**

Motion made by Thomas, seconded by Mr. Probst to approve the following request for a Liquor Permit.

LIQUOR PERMIT

The Board this day approved the request for a new C1, C2 liquor license for Farm Fresh, Inc., 72090 Colerain Township, Bridgeport, Ohio, and the Clerk is hereby authorized and directed to sign the form and return it to the Ohio Department of Liquor Control, Reynoldsburg, OH 43068.

There have been no objections received and the Board of County Commissioners has no objections to the permit.

C1 – Beer only in sealed containers for carry out only until one am

C2 - Wine and certain prepackaged mixed drinks in sealed containers for carry out only until one am

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Olexo	Absent

**IN THE MATTER OF LIQUOR PERMIT
FOR BARRY L. NORRIS, DBA VINEYARD HILL WINE CELLARS
ST. CLAIRSVILLE, OHIO 43950**

Motion made by Probst, seconded by Mr. Thomas to approve the following request for transfer of a Liquor Permit.

LIQUOR PERMIT

The Board this day approved the request for the transfer of a C2, C2X liquor license from Phar Mor of Ohio Inc., OV Mall Unit 10 to Barry L. Norris; DBA Vineyard Hill Wine Cellars, 68011 Vineyard Hill Road, St. Clairsville, Ohio 43950., and the Clerk is hereby authorized and directed to sign the form and return it to the Ohio Department of Liquor Control, Reynoldsburg, OH 43068.

There have been no objections received and the Board of County Commissioners has no objections to the permit.

C2- Wine and certain prepackaged mixed drinks in sealed containers for carry out

C2X- Beer in original sealed containers for carry out

Upon roll call the vote was as follows:

Mr. Probst	Yes
Mr. Thomas	Yes
Mr. Olexo	Absent

**IN THE MATTER OF ACCEPTING THE
RESIGNATION OF PAMELA L. CRAMER, HOUSEKEEPING DEPARTMENT**

Motion made by Mr. Thomas, seconded by Mr. Probst to accept the resignation of Pamela L. Cramer, employee of the Belmont County Housekeeping Department, effective May 21, 2004 based upon the recommendation of William Eddy, Building and Grounds Superintendent.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Olexo	Absent

**IN THE MATTER OF ACCEPTING PROPOSALS
FOR NEW GENERATOR FOR THE OAKVIEW ADMINISTRATION BUILDING**

Motion made by Mr. Thomas, seconded by Mr. Probst to accept the following proposals as submitted for a new generator for the Oakview Administration Building, -based upon the recommendation of William Eddy, Superintendent Belmont County Building and Grounds: *Total cost of project \$9,280.00*

Purchase of new generator - Western Branch Diesel, Inc. St. Clairsville Ohio in the amount of \$5,840.00

Material and labor for installation: Davison Electric Company in the amount of \$1,477.00

Hook up and ductwork – Mellott Plumbing & Heating in the amount of \$1,963.00

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Olexo	Absent

**IN THE MATTER OF ENTERING INTO RENEWAL
OF VENDOR AGREEMENT WITH BARNESVILLE TIRE
ON BEHALF OF BCDJFS/TITLE XIX SERVICES**

Motion made by Mr. Thomas, seconded by Mr. Probst to enter into a renewal Vendor Agreement, on behalf of the Belmont County Department of Job and Family Services, with Barnesville Tire, 152 South Chestnut Street, Barnesville, Ohio 43713. The purpose of the agreement is to provide gasoline to those Title XIX and Title XX eligible individuals who have medical appointments (There was a previous agreement with T and J's Service at this same location. The only change is the name of the vendor due to the fact the previous vendor sold the business.

BELMONT COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES

VENDOR AGREEMENT

This agreement to provide gasoline made and entered into this 19th day of May, 2004 by and between the Belmont County Department of Job and Family Services, hereinafter referred to as "Department" and Barnesville Tire, a provider of Title XIX Services, hereinafter referred to as "Provider". This agreement will be effective from June 1, 2004 through June 30, 2005 inclusive, unless otherwise terminated.

GENERAL REGULATIONS

- A. Provider agrees that the use or disclosure of any information concerning qualified recipients for any purpose not directly related to the delivery of purchased services is prohibited except upon written consent of the recipients or their guardians.
- B. The Provider understands that this written agreement supercedes all oral agreements.
- C. The Provider agrees to hold harmless the County Department of Job and Family Services, the Board of County Commissioners of the county in which the Department is located, and the Ohio Department of Job and Family Services against all liability, loss, damage, and/or related expenses incurred through the provision of services under this agreement.
- D. The Provider agrees that in the performance of this agreement there shall be no discrimination against any client because of race, color, sex, religion, national origin, or handicapped conditions as specified in the Civil Rights Act of 1964 and the Rehabilitation Act of 1973 and all subsequent amendments. It is further agreed discrimination and the right to and method of appeal will be made available to all persons served under this agreement.
- E. In the event Provider receives an overpayment, Provider agrees to repay the Belmont County Department of Job and Family Services the amount to which he/she was not entitled.
- F. In the event that state and/or federal reimbursement is no longer available to the Department, therefore, requiring changes or termination of this agreement, such changes or termination will be effective on the date that state and/or federal reimbursement is no longer available, or, later as otherwise stipulated by the Department.
- G. This agreement may be terminated by the Provider or the Department upon seven (7) days written notice. Failure to honor the terms of this agreement and/or related state, federal, or local regulations shall result in the immediate termination of this agreement. If any of the terms of this agreement change, the Provider must notify the Department immediately.
- H. Policy that the Provider agrees to adhere to all applicable rules and regulations in the Administrative Code governing the delivery of the service.
- I. Eligibility for Services: The County Department of Job and Family Services will determine eligibility for all service recipients directly. Eligibility of individuals to receive purchase services shall be determined in accordance with the policy and procedures established by the Ohio Department of Job and Family Services in the Administrative Code.
- J. Amendment of Agreement: This agreement may be amended at any time by a written amendment signed by both parties and submitted to the Ohio Department of Job and Family Services in the manner required by state regulations.

PAYMENT PROCEDURES

- A. The Department of Job and Family Services agrees to pay the Provider \$ actual cost per gallon Unit for Units services "Transportation"
Service Code
- B. The maximum amount billable under this agreement is \$ 2,000.00
- C. The Provider understands that the payment for all services provided in accordance with the provisions of this agreement depends upon the availability of county, state, and federal matching funds.
- D. The Provider understands that a recipient, for whom services are provided, may be required by the Department of Job and Family Services. Other than this fee set by the Department, no additional fees may be charged for services rendered under this agreement.
- E. The Provider agrees to submit an invoice to the Department monthly within five (5) working days following the last working day of the billing period. The Department agrees to review the invoices and authorize with adjustments, if needed, reimbursement for services provided within fifteen (15) to twenty (20) working days of the receipt of the invoice.
- F. Duplicate Billing: Provider warrants that claims made to the County Department of Job and Family Services for payment for purchased services shall be for actual services rendered to eligible individuals and do not duplicate claims made by provider to other sources of funds for the same service.

I hereby understand and agree to the terms of this agreement. This agreement signed on the 21st day of May 2004 .

Signature Dwayne Pielech per Tom King/s/
Dept. of Job and Family Services

Signature Debra Sellers /s/
Debra Seller, Provider

Belmont County Department of Job and Family Services, Division of Social Services
310 Fox-Shannon Place, St. Clairsville, Ohio 43950, (740) 695-1074

Date 5/25/04

Date May 21, 2004

Signature Mark A. Thomas /s/

Date 5/26/04

Signature Charles R. Probst, Jr. /s/

Date 5/26/04

Signature _____

Belmont County Commissioners

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Olexo	Absent

**IN THE MATTER OF APPROVING RENEWAL OF
CONTRACTS/AGREEMENTS FOR PROVISION OF
HEALTH, DENTAL AND VISION INSURANCE FOR COUNTY EMPLOYEES**

Motion made by Mr. Thomas, seconded by Mr. Probst to approve and sign the following four renewal contracts and/or agreements with the Insurance companies to provide health, dental and vision insurance for all eligible full-time county employees for the 2004-2005 plan year.

- A renewal agreement with HealthAmerica/ Health Assurance, effective June 1, 2004 through May 31, 2005
- Group Service agreement with The Health Plan of the Upper Ohio Valley, Inc., Group #0129, effective June 1, 2004 thru May 31, 2005
- A renewal agreement with Express Scripts for prescription drug coverage, effective June 1, 2004 through May 31, 2005
- A renewal agreement with VSP for vision insurance, effective June 1, 2004 thru May 31, 2006 (24 months)
- Delta Dental renewal agreement for guaranteed rate, effective June 1, 2004 through May 31, 2005

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Olexo	Absent

**IN THE MATTER OF APPROVING
FINAL PLAT OF LACAVA SUBDIVISION
COLERAIN TOWNSHIP, SEC 20, T7, R3**

“Hearing Had-10:00 A.M.”

Present for the hearing were Ruth Graham, Engineer’s Department; Fred Bennett, County Engineer; Joselyn King, Intelligencer; Eric Ayres, Times Leader.

“FINAL PLAT APPROVAL”

Motion made by Mr. Thomas to grant the final plat for the LaCava Subdivision, Colerain Township pursuant to Ohio Revised Code Section 711.05, based upon the recommendation of Belmont County Engineer, Fred Bennett.

RESOLUTION

WHEREAS, this day there was presented to the Board for approval the Final Plat of **LaCava Subdivision, Colerain Township, Section 20, Township 7, Range 3**, 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. Probst seconded the motion and upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Olexo	Absent

**IN THE MATTER OF APPROVING
ADVERTISING FOR BIDS FOR ROOF REPLACEMENT
AT MARTINS FERRY CONNECTION BUILDING**

Motion made by Mr. Probst, seconded by Mr. Thomas to advertise for bids for the replacement of the roof at the Martins Ferry Connection building and hereby authorize the Clerk of the Board to establish the date and time for said Bid Opening and proceed with the required Notice to Bidders.

Upon roll call the vote was as follows:

Mr. Probst	Yes
Mr. Thomas	Yes
Mr. Olexo	Absent

**IN THE MATTER OF ADVERTISING
FOR BIDS FOR PROJECT 04-3 RESURFACING
OF VARIOUS COUNTY HIGHWAYS/ENGINEER’S**

Motion made by Mr. Thomas, seconded by Mr. Probst to approve the request of the Belmont County Engineer to advertise for bids for Project 04-3, the resurfacing of various county highways, and hereby authorize the Clerk of the Board to establish the date and time for said Bid Opening and proceed with the required Notice to Bidders.

This project involves the resurfacing of approximately 5.74 miles of County Highway 10 (Crescent to Blaine) Funding Source: Permissive Sales Tax

ADVERTISE FOR BIDS

It appearing to the Board that it would be to the best interest of the Public to ask and receive bids for resurfacing various county highways for the Belmont County Engineer’s Department, the Clerk is hereby directed to have published in the Martins Ferry Times Leader, a newspaper having general circulation in the County, a "Notice to Bidders" as follows:

NOTICE TO BIDDERS

**BELMONT COUNTY COMMISSIONERS’ OFFICE
ST. CLAIRSVILLE, OHIO 43950**

Sealed bids will be received by the Belmont County Board of Commissioners at the Commissioners Office, Belmont County Courthouse, 101 West Main Street, St. Clairsville, Ohio 43950 until 10:00 A.M. (Local Time) Wednesday, June 16, 2004 for furnishing all labor, materials and equipment to complete for the Belmont County Engineer, the following Project 04-3 the resurfacing of 5.74 miles of County Highway #10, then at said office publicly opened and read aloud.

Copies of specifications and bid forms may be obtained at the Commissioners office between the hours of 9:00 A.M. and 4:00 P.M. daily, Monday through Friday.

Each bid must be accompanied by a bid Guaranty meeting the requirements of Section 153.54 of the Ohio Revised Code as follows:

- A Bond in accordance with Section 153.54 (B) O.R.C. –OR–
- A certified check, cashiers check or letter of credit in accordance with Section 153.54 © O.R.C in an amount equal to 10% of the bid.

Bid Security furnished in Bond form, shall be issued by a Surety company or Corporation licensed in the State of Ohio to provide said surety: Each bid must contain the full name of the party or parties submitting the proposal and all persons interested therein. Said contract will be let to the lowest and best responsible bidder in accordance with the Attachment 1 “Bid Documents Belmont County Commission”. The County reserves the right to reject any and all bids and award a contract to that bidder which is in the best interest of the County.

By order of the Board of Commissioners
Of Belmont County, Ohio
Darlene Pempek /s/_____

Darlene Pempek, Clerk of the Board

Times Leader Advertisement: Two (2) Tuesdays: June 1 and June 8, 2004

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Olexo	Absent

**IN THE MATTER OF AUTHORIZING THE HIRING
OF WENDY SWISK AS SOCIAL SERVICE DESIGNEES
FOR PARK HEALTH CENTER**

Motion made by Commissioner Probst, seconded by Commissioner Thomas adopt the following:

**RESOLUTION OF THE BELMONT COUNTY
BOARD OF COUNTY COMMISSIONERS**

WHEREAS, pursuant to the Ohio Revised Code, the Belmont County Board of County Commissioners (“Commissioners”) is the appointing authority for the employees of Park Health Center; and

WHEREAS, the Board hereby authorizes a change in job title and salary for an employee of the Park Health Center effective with pay period ending June 12, 2004; and

WHEREAS, Wendy Swisk will assume the duties of Social Service Designee at an annual salary of \$ 16,640.00; and

WHEREAS, This position is established on the basis whereby Ms. Swisk will serve a one hundred and twenty day probationary period; and

THEREFORE, BE IT RESOLVED THAT: the Commissioners hereby establish the position of Social Service Designee as a salaried position. Thus, the Social Service Designee shall be paid on a salary basis, as that term is used under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. 201 *et seq.* Such position shall be paid an annual salary of \$ 16,640.00.

THEREFORE, BE IT FURTHER RESOLVED THAT: this position shall be considered overtime-exempt pursuant to the Executive exemption provided under the applicable provisions of the FLSA. Therefore, the individual in the position of Social Service Designee shall be exempt from the payment of overtime under the FLSA.

ROLL CALL on the adoption of the Resolution resulted as follows:

Commissioner Probst	Yes
Commissioner Olexo	Yes
Commissioner Thomas	Yes

**IN THE MATTER OF HEARING FOR THE PROPOSED ANNEXATION OF 94.26 ACRES OF
TERRITORY IN THE CITY OF ST. CLAIRSVILLE, ROBERT STEIN PETITIONER**

Present were: Wanda L. Carter, Attorney for Richland Township Board of Trustees; Milton Porter, Richland Township Trustee, Greg Bizzarri, Richland Township Trustee; Tom Costine, Richland Township Trustee; Stephen J. Smith, Attorney for City of St. Clairsville; Dennis Bigler, City of St. Clairsville; Phil Hartman, Attorney for the City of St. Clairsville; Harry W. White, Attorney for GDNG, LLC; Al Davies, St. Clairsville Law Director; Rob Stein, DGNG, LLC; Fred Bennett, Belmont County Engineer; Bob Quirk, Belmont County Assistant Prosecuting Attorney; Jennifer Peadlia, Attorney for the City of St. Clairsville; Pat Bruhn, City of St. Clairsville, Ginny Favede, City of St. Clairsville; David Pensky, GDNG, LLC; Ellen Perry Stein, GDNG, LLC; Matt Coffland, Mead Township Trustee; Robert Stewart, resident; Frank Curtis, resident; Al Molnar, reporter, Richard Bauer, City of St. Clairsville; Tony Panas, resident; Charles R. Sproul, resident; Kevin Fador, resident; Arlene Fador, resident; Marlena Thomas, resident; Robert Vincenzo, Mayor, City of St. Clairsville; Kathy Kaluger, City of St. Clairsville; Jill Lucidi, St. Clairsville Finance Director; Tom Murphy, City of St. Clairsville; Franklin Shaffer; John R. Swan, Steve Freeman, Melissa Freeman, Donald Bibey, resident; DK Wright Saus, reporter; Marianne Tidale, resident; John R. Estadt, resident; Julie Grant, reporter; Rick Zumpano, photographer; Jill DelGreco, reporter; John Lysien, York Township Trustee; Tim Johnson, Belmont County Business Coalition; James Meyers, South Central Power Company.

COMMISSIONER OLEXO: We will begin the 11:00 item on our agenda, the annexation hearing for the City of St. Clairsville. For purposes of this hearing, I will transfer the gavel to Vice-President of the Board, Commissioner Mark Thomas.

COMMISSIONER THOMAS: Thank you, Commissioner. First, let me welcome all of you to the hearing and apologize upfront for the 10-minute delay as I was speaking with counsel to make sure that we had the procedural matters in place in order to expedite this hearing process as much as possible; that is, giving everybody the opportunity to be heard but that we have a common understanding of how this is going to proceed. With that said, I'm going to introduce Frank Pierce, our county prosecutor and the commissioners' lawyer in this proceeding. Mr. Pierce.

MR. PIERCE: Thank you, Commissioner Thomas. Ladies and gentlemen, my name is Frank Pierce. I'm the Belmont County prosecutor. My chief assistant for civil matters is Robert Quirk who's standing there. He will be in attendance during most of the hearing. I have a criminal matter that I have to attend to in another court and I'll have to leave shortly. What we have determined is through agreement of the parties; this is an administrative hearing. The petitioner will have the burden of going forward, and the respondent, Township, will then have an opportunity to present its countervailing evidence. There will not be a strict observance of the Rules of Evidence because this is not a judicial proceeding, it's an administrative proceeding, although we would ask the parties to be aware of the fact that they want their evidence to be probative and convincing, and so to that extent they should make an effort to have it conform as much as possible to the Rules of Evidence. Witnesses will be sworn subject to direct and cross-examination. At the conclusion, the commissioners will adjourn to either make a decision or defer decision to another time. They have 30 days to do so. The parties may also wish to submit briefs on the merits of the hearing. Just for purposes of the record, I want to let the record reflect that I personally am a resident of Richland Township, which is an interested party, and Bob Quirk, my chief assistant, is a resident of the City of St. Clairsville, which is another interested party. Neither of us has an opinion, and neither of us has expressed an opinion, on the merits of the case and we do not intend to. Our rule is strictly limited to procedural advice to our clients, the county commissioners. With that, Commissioner Thomas, you can commence at the bench.

COMMISSIONER THOMAS: Thank you very much. At this point, I would like to call to order the Petition for Annexation to the City of St. Clairsville and Robert Stein. What we would like to do first is, I'll do some brief introductions and then I'll ask the parties at counsel table to introduce themselves so that everybody in the room knows who everyone is. As Mr. Pierce indicated, this is an administrative procedure pursuant to Title 7 of the Ohio Revised Code. Although we are in a courtroom setting with lawyers, we will have witnesses, this board is not acting in a judicial capacity. We want to keep it as light and airy as possible. What I mean by that is, we want to hear the evidence; we want to have, beyond the witnesses, anybody who is an interested party or wants to make a statement, you will have an opportunity to do that at the end of the hearing. We don't want anybody to be influenced or unable to speak up because you think that you're in a proceeding where you're going to have to come up and testify. We want everyone's opinion, comment, et cetera, so please take that note. At this point, I will introduce to my immediate left Commissioner Chuck Probst, to my immediate right Commission President Ryan Olexo. My name is Mark Thomas. I'm the vice-president of the board. At this time counsel, begin with the petitioners.

MR. SMITH: Thank you, Mr. Chairman, Commissioners. My name is Stephen Smith of the law firm of Schottenstein, Zox and Dunn in Columbus, Ohio. I'm here on behalf of the petitioners and City of St. Clairsville. Thank you. MR. BIGLER: Dennis Bigler, Director of Public Services for St. Clairsville. MR. HARTMAN: Phil Hartman of the firm of Schottenstein, Zox and Dunn representing the City and the petitioners. MR. WHITE: Harry White of the law firm of Banker & White in St. Clairsville representing the petitioner GDNG and Mr. Robert Stein, the principal, as seated here to my left.

MR. COSTINE: Tom Costine, chairman of Richland Township Trustees. MS. CARTER: I'm Wanda Carter. I'm an attorney with the firm of Moots, Carter & Hogan in Columbus. I'm representing the Richland Township board of trustees.

COMMISSIONER THOMAS: Very good. Thank you very much. At this point, some procedural matters. I want to state for the record that this hearing is being held in accordance with Ohio Revised Code Chapter 709. Mr. Quirk, do you want to go through at this? I have spoken with counsel on the procedural matters as far as the filing of the petition, hearing, continuance, et cetera, that I believe once we get in the record that they will stipulate that all is in place to get to the point to this hearing.

MR. QUIRK: I think one of the things that Frank wanted to be sure about, and wanted to ask counsel and the parties, was that whether there was any dispute about the procedures which got us to this point today; that is, any of the filings that had taken place to the commissioners to bring -- prior to this hearing today. Is there any dispute as to the matters that have been filed, timing, et cetera?

IN THE MATTER OF HEARING FOR THE PROPOSED ANNEXATION OF 94.26 ACRES OF TERRITORY IN THE CITY OF ST. CLAIRSVILLE, ROBERT STEIN PETITIONER (cont'd)

MS. CARTER: I just want to preserve one argument that we will be making with regard to the Statement of Services that has been filed by the City. We're not disputing that they made the proper filing and so forth in terms of time frame; however, we will be making an argument with regard to the content of that document. That really goes more to the merits as opposed to the procedure, but I just wanted to make sure that's clear on the record.

MR. QUIRK: I would note for the record that I have before me an appendix that's listed as Appendix G. I'm not sure whether that's been submitted to the commissioners.

COMMISSIONER THOMAS: No. That is our procedural checklist - the commissioner's procedural checklist. I don't know at this point whether I need to go through each respective section of the Ohio Revised Code that get us to this hearing today and have a stipulation by counsel that, other than what Mrs. Carter had indicated, that we are okay to proceed with the hearing. Mr. Smith.

MR. SMITH: Mr. Chairman, it's my understand from talking to opposing counsel with the exception with respect to the issue on content of the Affidavit filed by the City of St. Clairsville with respect to delivery of services that we are prepared -- both sides here today are prepared to stipulate that all procedures required under the Ohio Revised Code to bring us to commence this hearing today have been properly met and that the filings are proper and that the legal description is proper. In fact, we have two other little exhibits here we've agreed to mark and stipulate to. It's my understanding that opposing counsel is in agreement with that except for the one issue that she raises. Is that correct?

MS. CARTER: That's correct, we're not contesting any of those matters.

COMMISSIONER THOMAS: Very good. The record will reflect the same.

FOLLOWING IS A SUMMARY OF THE ANNEXATION HEARING FOR COMPLETE TRANSCRIPT OF PROCEEDINGS PLEASE SEE ANNEXATION FILE AND/OR TAPE

Annexation Hearing proceeded with each party afforded the opportunity to present their position relative to the Annexation.

Mr. Smith presented the City of St. Clairsville's reasons for wanting the annexation. He stated, "The annexation only serves the best interests of the territory proposed in this annexation. The area to be annexed comprises a very small portion of the Township. In fact, it is .2639 of one percent of the current township that this annexation comprises. Secondly, the Township contains significantly more acreage than the City of St. Clairsville for the record. We will present evidence as to the huge disparity as to the size of St. Clairsville and the size of the Township that's left, because that's one of the "vestiges" from our old annexation law that we are destroying a township by taking a large portion of it. It is the lion's share of the recent commercial development that has taken place in this area has taken place in the Township -- the Ohio Valley Mall, the Ohio Valley Plaza and various hotels and offices. Even though the majority of the development has occurred in the Township, the City is the entity with the superior services including police, zoning and maintenance. As we have indicated in a stipulation, we believe that the territory to be served -- the general good of the territory to be served here, the petitioner will testify that he wishes to be in St. Clairsville. We have one ownership. We have one person who owns all of this land. We have a plan for it. We believe that the ordinance that the St. Clairsville city council passed with respect to services is proper and in place, and Mr. Bigler, on behalf of the City, will testify that they're able to deliver those services. We would also point out to you that the territory to be annexed is not unreasonably large. That's important because again, under annexation law, if you're annexing a territory that's too big for you to handle, it's a reason that the commissioners could have pause to look at whether or not it should be proved. The territory is contiguous to the City. Five percent of the territory is contiguous to the City. We're not a strip, a shoestring, a corridor. There's no subterfuge created as you see sometimes in annexations with roads or very small strips of land. None of that is here. The other very important factor that will show up on the maps is that the shape of the territory to be annexed will promote a unified municipality of the City of St. Clairsville. It will allow St. Clairsville to provide for its residents, and people that are going to work and live in this territory, options on employment, options on living, and will serve that territory very well, and that's why the petitioner is here today. We will also present evidence that will show you that there is no substantial detriment to Richland Township as a result of this annexation. The City is able to provide all necessary services to the territory proposed to be annexed. In determining the general good of the territory to be annexed, the commissioners must consider - and that's a must - must consider the wishes of the owners to be annexed, as this is relevant to the welfare of the territory. All kind of case law on that. Your legal advisor I'm sure when we file our briefs will tell you that that, in fact, is the test that you must consider. Unless it's shown that the annexing city, that is St. Clairsville, is unable to provide necessary services that a city must provide, the commissioners may not use services as a justification to deny annexation. That will not be the case here. 11 GDNG, who is the petitioner, endorses this annexation. St. Clairsville can provide equal or better services than Richland Township is currently providing to this vacant land. We have 100 percent annexation here. The law requires it be signed by a majority of the landowners, but obviously in this instance we only have one. We have the description that is properly before you. All the procedural matters have been met. We do not have an oversized, unreasonable parcel of land for you, and we are able to serve it."

Witnesses called to testify included Greg Bizzarri and Thomas Costine, Richland Township Trustees; Dennis Bigler, Director of Public Services, City of St. Clairsville; Robert Stein, Petitioner; M. Allen Moe, P.E., witness on behalf of the Trustees.

Ms. Carter presented Richland Township's position as follows, "Richland Township Board of Trustees is opposed to the annexation. Our position before this board is that this annexation should not be approved for two reasons, and those two reasons have to do with the elements that are set forth in the annexation statute. RC 709.033 sets forth actually six conditions that have to be met before an annexation can be approved. Of course, so that we all understand, this is under the new annexation law here. So those elements have changed from where they were before the law changed a couple years ago. The two reasons that this annexation should not be approved are these: First of all, the General Good section which is Section 5 under 709.033(A) states that there has to be a showing that the benefits of the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area. That will not be met, and that's one of the reasons. In addition, there is a requirement that the Statement of Services that is provided by the City - this is what I raised earlier - must set forth the approximate date by which the services would be provided. That's pretty much the exact language. That's set forth in 709.03(D). Actually, I think counsel for the petitioners, actually for the City, read out what the ordinance states and what it states is -- Actually, if you can hand me that, Steve, since you've got it out, I would very much appreciate it. "All such services shall be provided in a timely manner commencing on a date to be coordinated with the development of the property." The statute calls for an approximate date and that hasn't been done. That's one of the essential six elements of annexation. Now, before we start in with our witnesses, I want to talk about what I think this hearing is not about, because I think a lot of what we're talking about here is not the essence of what's before this board. This hearing is not about whether a certain project would be a benefit to the City. That's not one of the elements in annexation. That might be something that the City wants, but that's not one of the elements that this board is supposed to look at. It's not to be considered. It's not about how much territory would be lost by the township. That's not a consideration either. We're not raising those issues of unreasonably large in which potentially might even be talked about. It's not a referendum on the proposal that Mr. Stein has put forward, whether this is a good kind of development or not a good kind of development and so forth. It's not a referendum on whether development per se is good or bad. It's not a referendum or it's not about fairness -- gee, the Township has gotten certain taxes; now it's the City's turn to get certain taxes. It's not one of the elements and that cannot be considered by this board. Finally, it's not about whether the City simply can serve. The suggestion that that's all that's required in an annexation that has one owner is not correct. Now, under the old annexation law there were some elements like that where the court said if the owner wants it, then you really can't look at services. That has changed with the new annexation law because that's a general good question about if the owner wants it, then we're going to put a lot of deference on what the owner wants. But if you go to the new annexation law, which is 709.033, No. 5 of the conditions talks about the general good and what that means. The general good used to say -- used to say something like this: Whether the general good of

the annexation territory will be served. Nobody really knew what that meant, and it was subject to all kinds of court decisions and so forth. One of those court decisions actually is one that I think perhaps Mr. Smith is referencing is, it's kind of one of the later court decisions under the old law, Smith versus Granville Township Board of Trustees, in which the court said, look, where you've got a single owner annexation or if we're just looking at this word "general good," we're going to say that if the owner wants it and if the city can serve it, that's pretty much where we're going to go. Since then, of course, the statute has been revised. The statute now tells us what general good means, and the general good requires a weighing of the benefits and detriments. It's not a weighing of the benefits to the city or detriments to the township or vice-a-versa and so forth; it's a weighing of the benefits and detriments to this territory, whether it's better to have this territory in the city or stay in the county, and so that's what has to be the focus. We are going to try to focus our remarks today on those benefits and detriments. Now, obviously this area can be served within the county. You know, there's the sheriff. We will put on testimony. This isn't testimony. This is just me kind of introducing it. But obviously all the services are available. Water is available, sewer is available, police, fire, so forth and so on. This is actually kind of a somewhat unusual annexation situation. You often have somebody who wants to go to the city because that's the only way they can develop because the city has the water, the city has the sewer and so forth; if they want to develop, they have really not much choice. Here's a case where the county obviously is very well situated to provide water, very well situated to provide sewer, and between the county and township have all of the services that are required. I'm going to turn briefly to the Statement of City Services which I mentioned. This is really more of a legal argument, and we'll address this in our brief, because it's not really an evidentiary question. But I'll just raise it as I'm talking which is to say that I understand that their position is going to be that we don't know what the date is. But that's not an exception to the statute. I mean, the statute says you've got to have a Statement of Services and- this is new- this is part of the new annexation statute, this wasn't in there before, and you have to give us the approximate date by which those services would be provided. Now, that just hasn't been done. So when this board looks at the six conditions of annexation, they walk down through there - some of those we're not contesting. For example, whether the paperwork was filed properly and so forth, we're not contesting those. We're talking about general good, and we're talking about whether the Statement of Services is adequate to meet the statutory requirement."

Exhibits were filed as part of the official Annexation file and both parties concluded their presentations.

Commissioner Thomas concluded the Annexation Hearing and thanked everyone for their participation. He stated, "At this point, the hearing is closed. The commissioners will take this matter under advisement. For all of you out there, and I don't expect you to know this because if I didn't have to do it, I wouldn't read it either, the law provides that we have to make a decision within 30 days of today's date. We will do so. All the necessary parties will be advised of our decision according to the Ohio Revised Code, and the public will obviously know through the media. At this point, as per prior agreement with this board and counsel of record for all parties, the parties will have 14 days from today's date to file post-hearing briefs. That date, if I have it correct, is Wednesday, June 9th. When you file those briefs, please ensure that the commission has all of the exhibits, even as amended, attached to those briefs so that we have a complete set, regardless of the fact that they are here in some shape or form. Also, the law or your position as it states to the "objections" that were made; also, please address 709.03(D) as it relates to the issue of the City's ordinance and services. That would be important for the commissioners to note. As Ms. Carter indicated, that would be one major factor beyond 709.033(A)(5) I guess it is, as the two real important issues for the commissioners to address."

IN THE MATTER OF ADJOURNING
COMMISSIONERS MEETING AT 2:00 P.M.

Motion made by Mr. Thomas, seconded by Mr. Olexo to adjourn the meeting at 2:00 P.M.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Olexo	Yes
Mr. Probst	Yes

Read, approved and signed this 2nd day of June A.D., 2004.

 _____ COUNTY COMMISSIONERS

We, Ryan E. Olexo and Darlene Pempek, 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

