

COMMISSIONER'S JOURNAL

Monday

Regular

August 17, 2009

The Coshocton County Commissioners met in Regular session on Monday, August 17, 2009 with Mr. Dane Shryock, Mr. Gary Fischer and Mr. D. Curtis Lee in attendance. Also present was Mr. Ken Smailes, WTNS, Ms. Kathie Dickerson, The Tribune and Mrs. Mary Beck, Administrator/Clerk.

Minutes

Mr. Lee made motion, seconded by Mr. Fischer to approve the minutes of the Wednesday, August 12, 2009 meeting.

Vote: Shryock	yea
Fischer	yea
Lee	yea

Resolution 2009-53

Mr. Fischer made a motion, seconded by Mr. Lee to sign Resolution 2009-53 declaring it necessary to levy a tax in excess of the ten mill limitation for the purpose of providing programs and services pursuant to Section 3335.37 of the Ohio Revised Code for the OSU Cooperative Extension. This will be an additional levy of .6 (6/10) mills for a period of 5 years for tax years 2009, 2010, 2011, 2012, 2013.

Vote: Shryock	yea
Fischer	yea
Lee	yea

Satisfaction of Mortgage – Eckelberry

Mr. Lee made a motion, seconded by Mr. Fischer to sign a Satisfaction of Mortgage for Morgan and Teresa K. Eckelberry for the property located at 21891 SR 751, West Lafayette, Ohio which was recorded in volume OR 495, page 52-56 of the Coshocton County Records Records.

Vote: Shryock	yea
Fischer	yea
Lee	yea

Satisfaction of Mortgage – Boyer

Mr. Fischer made a motion, seconded by Mr. Lee to sign a satisfaction of Mortgage for Albert P. Boyer and Donna J. Boyer for the property located at 19074 TR 450, Coshocton, Ohio which was recorded in volume OR 494, page 158-162 of the Coshocton County Records Records.

Vote: Shryock	yea
Fischer	yea
Lee	yea

Tom Baker – Election Request

Mr. Lee made a motion, seconded by Mr. Fischer granting permission to Mr. Tom Baker to seek election to the seat of Franklin Township Trustee in the November 3, 2009 general election.

Vote: Shryock	yea
Fischer	yea
Lee	yea



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OEPA Compliance

Mr. Fischer made a motion, seconded by Mr. Lee to sign a letter to OEPA-DEFA stating that GGC Engineers is in compliance or will comply with the requirements for the WCSD – ARRA Funded Projects.

Vote: Shryock yea
Fischer yea
Lee yea

Transfers/Additional/Reductions

Mr. Lee made a motion, seconded by Mr. Fischer to approve the following Transfers/Additional/Reductions which have been certified by the County Auditor.

Transfer – Transportation

Table with 5 columns: FROM, TO, AMOUNT, and two unlabeled columns. Row 1: 088-0100-5400.02 Oth. Exp. Fuel, 088-0100-5400.00 Other Expense, \$1,000.00

Additional – JFS

Table with 4 columns: FROM, TO, AMOUNT, and one unlabeled column. Row 1: Unappropriated Fund Balance, 090-0100-260.01 ARRA-IV-E-Cont. Ser, \$20,000.00

Vote: Shryock yea
Fischer yea
Lee yea

Award Bid – Three Rivers FD Sanitary Sewer Extension

Mr. Fischer made a motion, seconded by Mr. Lee to award the bid for the Three Rivers Fire District Sanitary Sewer Extension to Beheler Excavating, Inc., Butler, Ohio with a low bid of \$214,563.00 as recommended by Mr. Fred Wachtel, County Engineer.

Vote: Shryock yea
Fischer yea
Lee yea

Resolution 2009-54

Mr. Doug Schonauer attended the meeting to request the Commissioners sign the bed rental agreement. Mr. Lee made a motion, seconded by Mr. Fischer to sign Resolution 2009-54, a Revised Bed Rental Agreement with Muskingum County Juvenile Detention Center.

Vote: Shryock yea
Fischer yea
Lee yea

Resolution 2009-55

Mr. Fischer made a motion, seconded by Mr. Lee to sign Resolution 2009-55 to establish a special revenue fund to be known as FUND # 231, ODNR Nature Works Amphitheater Grant within the county financial records.

Vote: Shryock yea
Fischer yea
Lee yea

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## WODA Olde Hickory Subdivision

Mr. Paul Schonauer, Keene Township Trustee, Mr. Don Wells, Tuscarawas Township Trustee, Mrs. Tiffany Swigert, Regional Planning Director and Mr. Fred Wachtel, County Engineer attended the meeting. Mr. Shryock opened the meeting and stated that we have received a letter from Mrs. Tiffany Swigert, Regional Planning Director. Mrs. Swigert stated that recently the board met and they determined that the streets in the Woda Olde Hickory Subdivision be dedicated. The sidewalks and curbs should be maintained by the owners, the county will take the drainage ditch and pond with a possible assessment and fencing of the pond in place and they will further bring the storm sewer up to specifications at Matt Robinette's suggestions. Mr. Shryock stated that he feels the wording on the letter language should be changed to shall be assessed and not may be assessed. He feels there should be a funding mechanism in place to fund these issues. Ms. Swigert stated that WODA's attorney will be contacting the County Prosecutor because he feels if we are requiring them to build sidewalks, then we should maintain them. Mr. Shryock then asked for comments from the audience. Mr. Don Wells stated that since Regional Planning has put forth their recommendations, it has since been publicized that this is for rentals and not ownership. If the Commissioners determine that it is a public road and not a private road, then he feels it needs to be addressed where the road is placed. It makes no common sense that a small portion of the roadway is in Keene Township and a larger portion of the roadway is in Tuscarawas Township. He then stated that in a couple weeks, there will be another public notice coming out that pertains to Kno-Ho-Co's part in this. Mr. Shryock then stated that we have a Prosecuting Attorney's Opinion which states that if we are presented with a plat that has been built to our specifications, then refusing to sign the plat could be an abuse of discretion. Mr. Wells then stated that these types of developments could come back and request that the Commissioners dedicate their streets by subdividing their parcels. If that were to happen, then that would put a burden on the townships. Mr. Wachtel stated that he feels another letter should be sent to the Prosecutor stating that we do not have a plat and we are still in the planning stages. Mr. Wachtel stated that we have not approved Olde Hickory Subdivision. He stated that he feels we should ask the Prosecutor if this is a public subdivision and do we have to treat it as such. He stated that he is not able to live in this subdivision. Mr. Shryock asked if Mrs. Swigert has any information as to when WODA will be formally asking the Commissioners to accept the plat. Mrs. Swigert stated that she feels they want to talk with the Prosecutor first. Mr. Schonauer stated that if this is built, the impact in Keene Township will be great. The school will have to absorb more students and the township will get nothing except to be asked to maintain their portion of an additional road. Mr. Wells stated that he has looked at this process quite a bit and he is pretty sure he is correct in saying that if nothing is done about addressing these issues, the Commissioners will be presented with a plat that they have no choice but to accept. Mrs. Swigert stated that she does not feel this is WODA's intent. Mr. Lee asked if they have some subdivisions that were not dedicated back to the counties. Mrs. Swigert stated that they do have some subdivisions, not identical where the streets are not dedicated. Mr. Lee stated that if they built apartments at a later date, then there is nothing we could do about that if we have already dedicated the road. Mrs. Swigert stated that in this subdivision, they really don't have the room to build the apartments. Mr. Shryock stated that just for conversation, say we did not dedicate the plat. What could happen? Mrs. Swigert stated that they could file a lawsuit against the county. That does not necessarily mean we would lose. Mr. Shryock stated that he does not know the answer because this looks like a rental property and not a housing subdivision. Mr. Wells stated that he feels that this is a commercial project and they will not be funded to maintain this. Therefore, he feels the county should be able to require it be a private road. Mr. Wachtel stated that there are two schools of thought here, if the county takes the road and drainage issues, we can require that things be a certain way, but if we make it private, they can do what they want and we could be left with drainage issues as well as road issues. Mr. Wachtel stated that if they choose to move forward on this issue, they will need to move forward with sub-divider agreements and this will address some of the issue of the maintenance of the road. Another question for the developer is what is their intent? Will they have everything built prior to having the plat signed or will we require them to have bonding in place if they want the plat signed. Mr. Shryock asked why we would want to require a maintenance fee on this subdivision when we have never done it on other subdivision. Mr. Wachtel stated that these are different times we are living in and the funding mechanisms to keep these roads maintained are not significant enough to cover the expenses. Mr.



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WODA Continued

Shryock asked if other counties were assessing subdivisions for their roads. He stated that with storm sewer, there are assessments, but he is not sure whether other counties are doing this or not.

Public Hearing – Ohio Preservation Office – New Agreement

Mr. Whitaker Wright, CDC of Ohio, Ms. Jessie Marcincavage, WTNS and Mrs. Robin Schonauer attended the public hearing. At 11:00 a.m. Mr. Shryock opened the public hearing and turned it over to Mr. Wright. Mr. Wright explained that the agreement is so that HUD funded agreements can have an expedited review. It also allows us to exempt certain projects. Essentially by having this agreement in place it speeds up the process for all HUD funded grants. We are required to have a public hearing in order to have one of these agreements in place. We must wait for a non-response from Washington and then he will present the agreement to the Commissioners for their signature. The Commissioners thanked him for attending and closed the public hearing.

Recess

At 11:59 p.m. Mr. Shryock moved the meeting to recess. At 1:15 p.m. the meeting was returned to regular session.

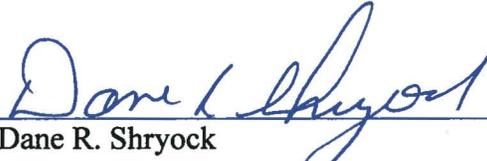
Three Rivers Sanitary Sewer Extension Project Coordinator

Mr. Lee made a motion, seconded by Mr. Fischer to sign a Letter of Agreement with Mr. Fred Wachtel, Coshocton County Engineer in the amount of \$2,000.00 to coordinate the Three Rivers Sanitary Sewer Extension Project.

Vote:	Shryock	yea
	Fischer	yea
	Lee	yea

Adjourn

At 2:19 p.m. Mr. Shryock adjourned the meeting.

  
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 Dane R. Shryock

  
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 Gary L. Fischer

  
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 D. Curtis Lee

  
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 Administrator/Clerk