

# March 22, 2021

## Agenda

9:15 a.m. Jill Lengler Subdivision Plat Olde Hilltop Dev & Oakpointe Flood Plain Permit

*Lord's Prayer*

*Pledge of Allegiance*

Approve Minutes

Approve Before/After Expenditures

Approve Inter-fund Transfer/Advance (1)

Approve Supplemental Appropriation (2)

Approve Transfer of Funds (1)

Approve Contract/Agreement (Proj #1-2021 – Tusc Co Bridge Beams: Supply & Set)

Approve Selection of Engineering Associates – WHWW Treatment Plant (Phase II)

Approve Subgrant Award Agreement OCJS (Prosecutor)

Pay Bills

Other Business

Adjourn

THE BOARD OF COMMISSIONERS OF TUSCARAWAS COUNTY MET IN REGULAR SESSION ON MONDAY, THE 22<sup>nd</sup> DAY OF MARCH, 2021 WITH THE FOLLOWING MEMBERS PRESENT:

Al Landis

Joe Sciarretti

Chris Abbuhl

Commissioner Landis presiding

*The Lord's Prayer was said.*

*The Pledge of Allegiance was said.*

### RESOLUTION (219-2021) ACCEPT MINUTES – MARCH 22, 2021

It was moved by Commissioner Sciarretti, seconded by Commissioner Abbuhl, to accept the minutes of the meeting of March 17, 2021 as written.

VOTE:

Al Landis, yes;

Joe Sciarretti, yes;

Chris Abbuhl, yes;

### RESOLUTION (220-2021) BEFORE/AFTER EXPENDITURES

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

Interpreters XP, LLC (Juvenile)	\$520.00

VOTE:

Al Landis, yes;

Joe Sciarretti, yes;

Chris Abbuhl, yes;

**RESOLUTION (221) INTER-FUND TRANSFER/ADVANCE**

It was moved by Commissioner Abbuhl, seconded by Commissioner Sciarretti, to accept the following inter-fund transfer/advance:

Treasurer, Tusc. Co. County General to Budget Stabilization \$183,413.00

VOTE: Al Landis, yes;  
Joe Sciarretti, yes;  
Chris Abbuhl, yes;

**RESOLUTION (222-2021) SUPPLEMENTAL APPROPRIATIONS**

It was moved by Commissioner Sciarretti, seconded by Commissioner Abbuhl, to accept the following supplemental appropriations:

DEPARTMENT	FROM	TO	AMOUNT	REASON
Commissioners	A018-A00	A006-C09	\$2,000.00	Additional appropriations needed for legal services
Sheriff's Office	U049-U99	U049-U20	\$5,481.00	Needed for undercover operations

VOTE: Al Landis, yes;  
Joe Sciarretti, yes;  
Chris Abbuhl, yes;

**RESOLUTION (223-2021) TRANSFER OF FUNDS**

It was moved by Commissioner Abbuhl, seconded by Commissioner Sciarretti, to approve the following transfer of funds:

DEPARTMENT	FROM	TO	AMOUNT	REASON
Juvenile Court	E-0130-A002-C19	E-0130-A002-C22	\$5,000.000	Employee has been moved to a grant payroll. Budgeted funds for this employee is getting transferred for construction costs for creating an additional small courtroom.
Juvenile Court	E-0130-A002-C19	E-0130-A002-C21	\$20,000.00	Employee has been moved to a grant payroll. Budgeted funds for this employee is getting transferred for equipment costs for creating an additional small courtroom.

VOTE: Al Landis, yes;  
Joe Sciarretti, yes;  
Chris Abbuhl, yes;

**RESOLUTION (224-2021) CONTRACT FOR ENGINEER PROJECT #1-2021 – BRIDGE BEAM SUPPLY & SET**

It was moved by Commissioner Abbuhl, seconded by Commissioner Sciarretti, to approve the contracts & public improvement agreement for Engineer Project #1-2021 Bridge Beam Supply & Set with McConnell Contracting, Inc, as requested by Joseph S. Bachman, Tuscarawas County Engineer, and approved as to form and legal sufficiency by Robert Stephenson, Assistant County Prosecutor. This resolution also authorizes the President and or Vice President of the Board of Commissioners to sign the Notice of Commencement, and appoints Chris Arthurs Prevailing Wage Coordinator.

VOTE: Al Landis, yes;  
Joe Sciarretti, yes;  
Chris Abbuhl, yes;

**RESOLUTION (225-2021) APPROVING THE SELECTION OF ENGINEERING ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE WILKSHIRE HILLS WASTEWATER TREATMENT PLANT IMPROVEMENTS – PHASE II (PROJECT ID #WH-20-01) AND APPROVING AN AGREEMENT FOR THE FIELD WORK PHASE OF THE PROJECT AND AUTHORIZING THE EXECUTION OF SAID AGREEMENT**

It was moved by Commissioner Abbuhl, seconded by Commissioner Sciarretti, to approve the foregoing resolution.

**WHEREAS**, the Board of Commissioners, Tuscarawas County, Ohio (“Board”), upon the recommendation of the Sanitary Engineer, Michael Jones, has determined that the Wilkshire Hills Wastewater Treatment Plant Improvements – Phase II, Project ID #WH-20-01 (“Project”) is necessary for the preservation and promotion of the public health and welfare and has determined that no special assessments are to be levied and collected to pay any part of the cost of the improvement; and

**WHEREAS**, the Sanitary Engineer conducted a selection process in accordance with Ohio’s Qualifications Based Selection Law, Ohio Revised Code 153.65-.73 to determine the best qualified consultant to provide the necessary engineering services in connection with the Project; and

**WHEREAS**, the Sanitary Engineer has made the following recommendations:

1. Engineering services for the Project should be provided by Engineering Associates, Inc. of Wooster, Ohio
2. The Agreement for the Field Work phase of the Project be approved as follows:
  - a. Base – Field Work \$7,000.00
  - b. Alternate – Field Work \$4,000.00
  - c. Total – Field Work \$11,000.00
3. Subsequent phases of the required engineering work should be authorized once the funding for the Project has been better established.

**NOW, THEREFORE BE IT RESOLVED** by the Board:

- Section 1. Engineering services for the Project shall be provided by Engineering Associates, Inc. of Wooster, Ohio
- Section 2. The Agreement for the Field Work phase of the Project is approved in the amount of \$11,000.00 and the President and/or Vice-President of the Board are authorized to execute the Agreement
- Section 3. It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were passed in an open meeting of this Board and that all deliberations of this Board that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

*This Resolution and any referenced attachments have been reviewed and found in proper order by Steven A. Anderson, Special Counsel.*

VOTE: Al Landis, yes;  
Joe Sciarretti, yes;  
Chris Abbuhl, yes;

**RESOLUTION (226 -2021) SUBGRANT AWARD AGREEMENT OCJS (PROSECUTOR)**

It was moved by Commissioner Sciarretti, seconded by Commissioner Abbuhl, to approve the Subgrant Award Agreement with the Ohio Department of Public Safety/Office of Criminal Justice for the purchase of a LifeSize video conference unit for the Prosecutor’s Office. Authorized & requested by Ryan Styer, Tuscarawas County Prosecutor, to be purchased from Staley Technologies.

Award Amounts are as follows:

OCJS Funds:	\$7,199.02	100%
Cash Match:	\$ 0.00	
Inkind Match:	\$ 0.00	
Project Total:	\$7,199.02	100%

VOTE: Al Landis, yes;  
Joe Sciarretti, yes;  
Chris Abbuhl, yes;

**Discussion:** Commissioner Sciarretti looked to Jane Clay for clarification of this purchase. She explained we (Prosecutor’s Office) did purchase this but with this grant agreement we will get the reimbursement back for this purchase. Commissioner Landis stated the paperwork showed \$7,199.02 coming back.

**RESOLUTION (227-2021) PAY BILLS**

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

<b>911</b>			
Finney Refrigeration	Repairs	\$675.13	
			\$675.13
<b>Auditor</b>			
Middaugh Printers	Envelopes	\$532.00	
			\$532.00
<b>Commissioners</b>			
First Communications	Long Distance	\$18.75	
First Communications	Long Distance	\$101.67	
Menards	Supplies	\$9.99	
Go Shred	Shredding Services	\$150.00	
Treasurer Tusc Co	Internet Auction Distribution	\$150.75	
GovDeals	Auction Sale Fees	\$13.25	
Staley Technologies	Ins Claim-Siren Speaker/Bracket	\$264.57	
Office Depot	Supplies	\$54.88	
American Electric Power	Service	\$3,467.72	
BA Widder Architectural Services	Building Inspection	\$274.05	
Tusc Co Soil Conservation	Third Quarter 2021	\$64,950.00	
John’s Sweeper	Sweeper	\$249.99	
			\$69,705.62
<b>Common Pleas</b>			
Matthew Bender & Co	Legal Publications	\$466.61	
Monica Benavides	Interpreter	\$202.72	
Bloom’s Printing	Trial Juror Handbooks	\$130.45	
Bloom’s Printing	Trial Juror Handbooks	\$1,764.55	
MNJ Technologies	Printer	\$292.00	
Better Banner Printing	Desk Guards	\$298.00	
Jill Aul	Reimb/Stamp	\$24.99	
Business Information Systems	Digital Recording Contract	\$1,563.67	
Business Information Systems	Digital Recording Contract	\$2,763.58	
			\$7,506.57
<b>Community &amp; Economic Development</b>			
Times Reporter	Subscription	\$299.40	
4 Imprint	Fair Housing Promo Items	\$1,847.08	
			\$2,146.48
<b>Community Corrections</b>			
Tusc Co Sheriff’s Office	Gas	\$105.62	
			\$105.62
<b>Dog Pound</b>			
Wyandot County Humane Society	Euthanasia Training Registration	\$175.00	
Oak Pointe Vet Care	(3) Chip Scanners	\$667.35	
			\$842.35
<b>Emergency Management</b>			
Staples Credit Plan	Supplies	\$78.53	
Verizon Wireless	Service	\$121.79	
ESRI Inc	ArcView Maintenance	\$700.00	
Softworks Inc	Contract Services	\$597.50	
Tusc Co Sheriff	Supplies	\$31.03	
			\$1,528.85

**Employee Dress Down Day Fund**

United Way Tusc Co	Dress Down Days	\$111.45	
American Red Cross	Dress Down Days	\$238.00	
United Way Tusc Co	Dress Down Days	\$168.55	
			\$518.00

**Engineer**

Tusc Co Water & Sewer	Service	\$42.51	
Staples Credit Plan	Supplies	\$4.53	
Piedmont Gas	Heating	\$418.21	
Cross Truck Equipment	Repairs/Parts	\$62.66	
Galicks	Bridge & Culvert Supplies	\$528.80	
Summers Rubber	Repairs/Parts	\$15.88	
Triple R Trailer	Repairs/Parts	\$202.25	
United Sales	Repairs/Parts	\$311.59	
First Communications	Long Distance	\$20.15	
Snyder Brothers	Repairs/Parts	\$478.23	
Ohio Machinery	Repairs/Parts	\$1,387.84	
Liniform	Supplies	\$38.85	
S & ME Inc	Waterworks Hill Road Geotechnical	\$31,398.23	
			\$34,909.73

**Job & Family Services**

G & L Supply	Supplies	\$113.22	
SYNCB/Amazon	COVID/Van Supplies	\$213.84	
Horizon	Transportation	\$12,724.08	
CBTS	Phone Bill	\$1,628.33	
Jaime Grunder	Travel	\$94.05	
Tusc Co Sheriff	Gas	\$115.43	
SYNCB/Amazon	Chairs/Salt Spreader	\$611.32	
Advance Auto Parts	Fuses	\$15.28	
Tusc Co Metro Sewer District	Pump Station Maintenance	\$150.00	
Frontier	Fire Lines	\$126.12	
Society of Equal Access	Transportation	\$74,976.10	
Muskingum Valley Health Center	FC Medical	\$357.25	
SYNCB/Amazon	Independent Living	\$52.93	
Carroll Electric	Kinship/Electric	\$500.00	
Amerigas	Kinship/Gas	\$500.00	
			\$92,177.95

**Juvenile/Probate**

MNJ Technologies	Desktops	\$2,634.00	
			\$2,634.00

**Law Library**

Independence Business Supply	Supplies	\$102.34	
Matthew Bender & Co	Subscription	\$401.74	
			\$504.08

**Sheriff**

RedX Armory	Gun Supplies	\$135.00	
Graphic Enterprises	Copier Supplies	\$14.96	
Staples	Supplies	\$1,030.07	
Union Hospital Workwell	Employee Drug Screening	\$35.75	
Finlayson Towing	Vehicle Tow	\$150.00	
Krugliak Wilkins Griffiths & Dougherty	Legal Services	\$199.50	
Sherwin Williams	Supplies	\$353.86	
Union Hospital Workwell	Pre-Employment Drug Testing	\$143.00	
			\$2,062.14

**Southern Court**

American Electric Power	Service	\$379.69	
			\$379.69

**Veterans**

Office Experts	Maintenance	\$173.61	
Xerox Financial Services	Lease Payment	\$148.99	
			\$322.60

**Water & Sewer**

American Water Works Association	Membership	\$150.00	
SmartBill	Customer Billing	\$1,972.26	
Columbia Gas	Gas Utility	\$1,335.02	
Great Lakes Water & Waste	Electric Chain Hoist	\$2,553.00	
OWDA	Loan Application	\$1,500.00	
OWDA	Loan Application	\$1,500.00	
			\$9,010.28

GRAND TOTAL \$225,561.09

VOTE: Al Landis, yes;  
Joe Sciarretti, yes;  
Chris Abbuhl, yes;

**OTHER BUSINESS**

**Discussion:** Commissioner Sciarretti would like to make a few comments - hats off to Stacey on her first day, this is a lot to handle & to the office staff, which is great & for breaking her in. She brings a lot of talent to the office & we are all happy to see that. Well done everyone!

He had the opportunity over the weekend to enjoy the Maple Syrup Days in Camp Tuscazoar which is a gem. With 600 acres that many people from the north & beyond come & enjoy that area of Tuscarawas County. Back in the 1920's parents would send their kids to spend an entire summer there at summer camp. They would take the train to get there & now the train track area is where we have our trails. There was a great spirit out there this year – of course last year with the ‘shut down’ which happened the night before & were unable to have it last year. They lost a lot of support so it was nice to see lots of people there this year. We also visited a 300 acre Bed & Breakfast which is down off of Stucky Valley Road – it is a beautiful acreage with authentic log cabins. From North to South it was a great weekend in Tuscarawas County.

**Discussion:** Commissioner Landis stated Jill Lengler of Regional Planning is here to present the Oak Pointe Flood Plain Permit Application & for the unincorporated areas of Tuscarawas County Ohio. She believed everyone had gotten a packet showing the area of where the Oak Pointe Veterinary is located in Dover off of ST RT 39. That area down there is all in the flood plain. Veterinarian Dale Covy put an addition on his building & it warrants a permit. She believes it is because he came to her after the fact. This permit includes a plat & the subdivision coming up also has a plat.

**RESOLUTION (#228-2021) APPROVE FLOOD PLAIN PERMIT FOR OAK POINTE**

It was moved by Commissioner Abbuhl, seconded by Commissioner Sciarretti, to approve the following Flood Plain Permit Request for the Oak Pointe area as presented by Jill Lengler & shown below.

NFIP  
FLOODPLAIN DEVELOPMENT PERMIT  
Tuscarawas County, Ohio

Date: March 22, 2021 # 3-1-21

\$25 FEE per RESOLUTION #502-2010. In addition, administrative fees of twenty-five dollars (\$25) per hour shall accrue for each hour accumulated toward the issuance of an NFIP Development Permit. *Payable to Tuscarawas County Floodplain Office.*

Permit is hereby granted to East Central Ohio Properties (Oak Pointe Veterinary, Dr. Dale Cowy)  
Name  
for Addition to existing building in Dover Twp.  
Purpose  
3167 Reese Rd NW Dover, Ohio 44322  
(Mailing Address)

The Development Permit application submitted by ADP is in accordance with the NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS adopted by the Tuscarawas County Commissioners, Resolution #502-2010.

Estimated Cost \$ 156,000 Elevation of Property 979.72 F.F. (msl)

The information contained in Permit Application Number 3-2, as well as on the drawings and Plans for development, are hereby also embodied as part of this permit.

Such work is to be constructed in compliance with the provisions of the National Flood Insurance program and the Tuscarawas County Flood Damage Prevention Regulations per Resolution #536-2007.

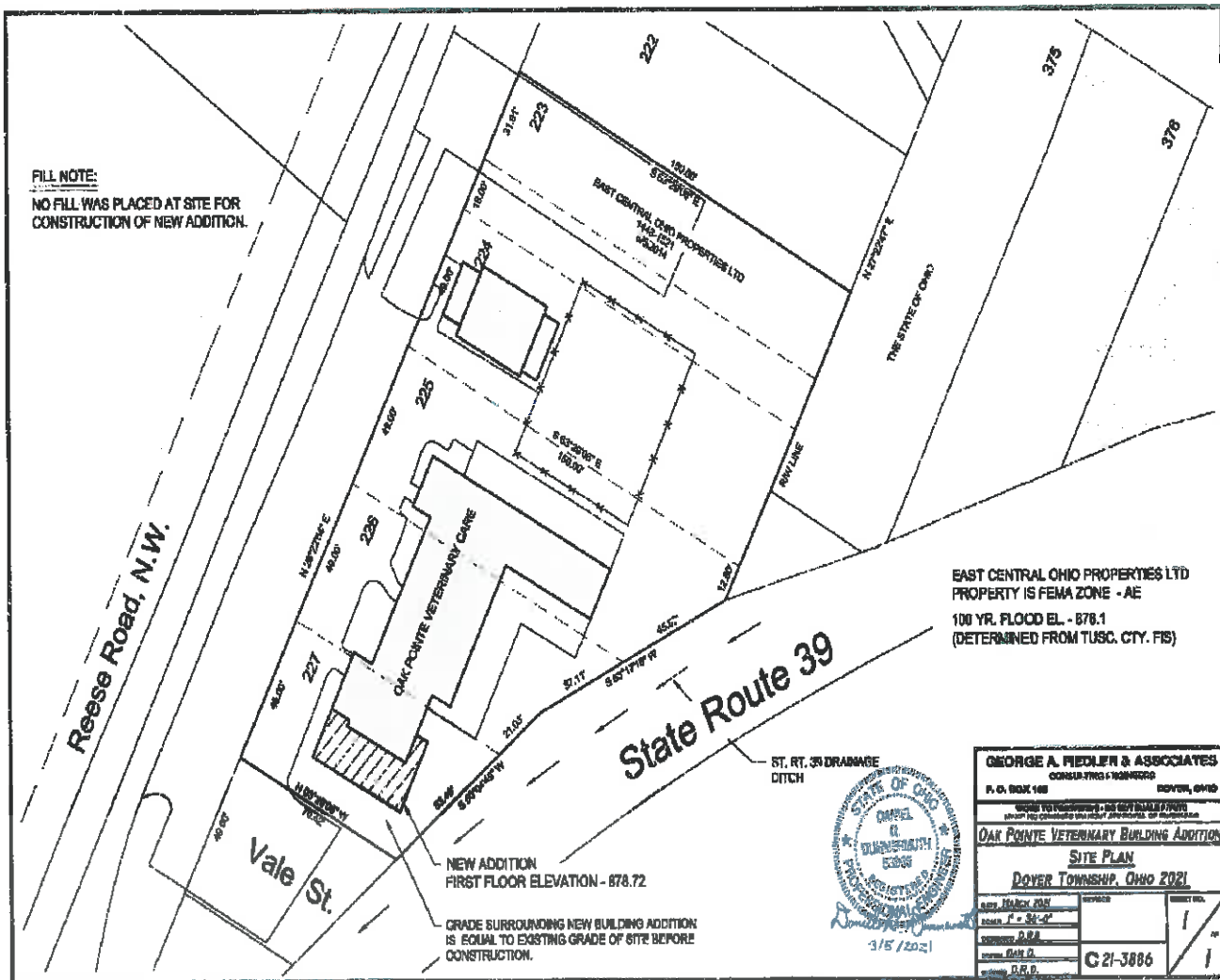
This permit void if the development activity has not begun within 180 days of the issuance date. This permit will remain valid for one (1) year from date of issuance.

Reviewed by:	<u>Jill P. Lengler</u> Floodplain Coordinator	<u>March 18, 2021</u> Date
Approved by:	<u>Al Fandis</u> Commissioner	<u>3/23/21</u> Date
	<u>Deanna</u> Commissioner	<u>3/23/21</u> Date
	<u>Chris</u> Commissioner	<u>3/23/2021</u> Date

NOTICE: Tuscarawas County is not responsible for any flood damages, within or outside the designated Floodplain Hazard Areas, that result from reliance on the Flood Damage Prevention Regulations #536-2007 or any administrative decisions lawfully made thereunder.

The property owner/developer is required to possess, and make available to the Division of Inspection, a document certifying the Floodplain development project, as outlined above, is in strict accordance to the approved development plan.

11/17/2019 10:56 AM - 1/20/2021 10:56 AM - 1/20/2021 10:56 AM



**SPECIAL FLOOD HAZARD AREA DEVELOPMENT PERMIT APPLICATION  
UNINCORPORATED AREAS of TUSCARAWAS COUNTY, OHIO**

Permit Application Number: \_\_\_\_\_ Date: \_\_\_\_\_  
 \$25 Filing Fee due with this application payable to: Tuscarawas County Flood Plain Office, 125 East High Avenue (Suite 210),  
 New Philadelphia, Ohio 44663

Application is hereby made for a DEVELOPMENT PERMIT as required by the Flood Damage Prevention Resolution No. 736-2007 of Tuscarawas County for development in an identified flood hazard area. All activities shall be completed in accordance with the requirements of said Resolution. The development to be performed is described below and in attachments hereto. The applicant understands and agrees that:

- ◆ The Flood Plain Development Permit is issued on the conditions and facts described;
- ◆ The Permit may be repealed if conditions of facts change;
- ◆ The Permit is void if the activity has not begun within 180 days of the issuance date;
- ◆ Work must be completed within one year of the issuance date.

Owner's Name: East Central Ohio Property LTD Builder's Name: Diamond in the Rough Property Solutions LLC  
 Address: 3165 Reese Rd. NW, Dover, OH 44622 Address: 1399 Rogersville Road SW  
 Phone: 330-343-8881 Phone: 330-763-0089  
 e-mail: oakpointe.vet.com e-mail: diamondproperty.solutions.oh.com  
 fax: 330-602-0148 fax: \_\_\_\_\_

**NOTE:** In addition to completion of this form the applicant agrees to submit any additional information required by the administrator in order to determine that the proposed development is compliant with the local and federal flood damage prevention criteria of the National Flood Insurance Program. Additional information may include but is not limited to: site specific plans to scale showing the nature, location, dimensions and elevations of the area and structure(s) in questions.

**DESCRIPTION OF PROPOSED DEVELOPMENT WORK**

1. Address of proposed development site: 3165 Reese Rd. NW Dover, OH 44622  
 Township: Dover Parcel #: 10-01844.001 Property Deed Volume 1448 Page 1521

2. Type of Development Proposed:  
 A.  New Structure  Residential  Nonresidential  Manufactured Home Installation  
 B.  Existing Structure  Alteration  Addition  Detached Accessory Structure  
 C.  Filling/Grading  Watercourse Alteration  Other (describe) \_\_\_\_\_

3. Does the structure contain: No basement? No enclosed area other than basement below lowest floor?

4. For structures located in approximate A zones (no BFE available) the structure's lowest floor is N/A  
 Above the highest grade adjacent to the structure. The applicant must provide certified elevation. (OMB No. 1660-0008)

5. Construction Cost

A. If the proposed construction is an alteration, addition or improvement to an existing structure, indicate the cost of proposed construction: \$ 156,000 What is the estimated market value of the existing structure? \$ 875,000  
 B. New Construction cost: \$ \_\_\_\_\_

**NOTE:** An existing structure must comply with the flood protection standard if it is substantially improved (an improvement equal to or greater than 50% of the market value of the structure). FEMA maintains that the substantial improvement definition applies to existing structures only and that once a structure meets the definition of "new construction" any further improvements to that structure must meet "start of construction" requirements. For floodplain management purposes "new construction" means structures for which "start of construction" began on or after the effective date of the initial Flood Insurance Rate Map issued by FEMA for the community.

6. Does proposed development involve a subdivision or other development containing at least 50 lots or 5 acres (whichever is less)?  
 Yes  No  If yes, base flood elevation data is required from applicant if it has not been provided by FEMA



7. The applicant must provide certified as-built elevation plan of the structure's lowest floor is 879.12 feet above next

**NOTE:** Applicant must provide certification by registered engineer or land surveyer documenting elevations.

All references to elevations are in feet above mean sea level (msl)

BFE = base flood elevation = 100/year flood elevation.

The property Owner / Developer is required to procure, and make available to the public, an inspection document that certifies the Floodplain development project applied for herein is installed according to the approved development plan.

All information submitted in support of this application is correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code Section 1001 and Tuscarawas County Flood Damage Prevention Regulations, Resolution #736-2007.

Applicants Name: Older G. Cooby - East Central Ohio Properties, LTD  
Applicant's Signature: [Signature] Date: 3/10/21

**THE COUNTY WILL COMPLETE THE FOLLOWING LINES**

- 9. Is the proposed development located in:
  - an identified floodway
  - a flood hazard area where base flood elevations exist with no identified floodway
  - an area within the floodplain fringe
  - an approximate flood hazard area (Zone A). If yes, complete only 10a in the following question. See No. 4

NOTE: Floodway development must demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice, that no increase in base flood elevation will result during occurrence of the base flood discharge. If base flood elevations exist with no floodway delineation, hydrologic and hydraulic analysis is required to demonstrate not more than one-foot increase at any point to the water surface elevation of the base flood.

- 10.a Does proposed development meet NFIP and local Use and Development Standards for Flood Hazard Reduction Regulations at Section 4.0?
 

<input checked="" type="checkbox"/> 4.1A Permitted Uses	<input checked="" type="checkbox"/> 4.5 Nonresidential Structures
<input checked="" type="checkbox"/> 4.1B Prohibited Uses	<input checked="" type="checkbox"/> 4.6 Accessory Structures
<input checked="" type="checkbox"/> 4.2 Water and Wastewater Systems	<input checked="" type="checkbox"/> 4.7 Recreational Vehicles
<input checked="" type="checkbox"/> 4.3 Subdivisions and Large Developments	<input checked="" type="checkbox"/> 4.8 Above Ground Gas or Liquid Storage Tanks
<input checked="" type="checkbox"/> 4.4 Residential Structures	

- 10.b Does proposed development meet FNIP at Assurance of Flood Carrying Capacity Section 4.9?
  - 4.9A Development in Floodways
  - 4.9B-Development in Riverine Areas With Base Flood Elevations but No Floodways (4.9B)
  - 4.9C Alteration of a Watercourse

11. Base Flood Elevation (100-year) at proposed site 876.1 feet mean sea level,  
Data Source: Tuscarawas County Flood Insurance Study  
Community Parcel Number: 34157001000 Effective Date: July 22, 2010

The proposed development is in compliance with applicable floodplain standards and thereby qualifies for the issuance of a Flood Plain Development Permit.

The proposed development is not in compliance with applicable floodplain standards.  
PERMIT DENIED ON \_\_\_\_\_ Reason(s) \_\_\_\_\_

The proposed development is EXEMPT from the floodplain standards per Section \_\_\_\_\_ of the flood Damage Prevention Resolution: No. 502-210 Reason: \_\_\_\_\_

Reviewed by: Jill Langley Flood Plain Coordinator [Signature] 3/10/21  
Name Title Signature Date

VOTE: Al Landis, yes;  
Joe Sciarretti, yes;  
Chris Abbuhl, yes;

**Discussion:** Next is the Olde Hilltop new subdivision in Bolivar. This new subdivision is in Lawrence Township with 7 plots on it. It will have public water & sewer -- will not need a new public road as it is a dedicated private drive serving 5 of the parcels & the other 2 have access off of Old Orchard Road. Mike Durbin of ProHelp Realty was present stating he has commitments on 5 of the 7 plots. He has 4 houses that will be started within the next few months. The Lawrence Twp Trustees were for this project but wanted to make sure no water run off affected the homes below this area so he has a retention area within the project. This project process normally would have moved more quickly but with COVID-19 it slowed them down from 2 to 3 weeks to about 2 to 3 months. Commissioner Abbuhl asked what the lot sizes are. The smallest lot is 7/10 of an acre with the largest at 1-1/4 acre. Commissioner Landis stated what an advantage of public water & sewer but with country vistas & wishes them the very best to get that property developed.

RESOLUTION (229-2021) APPROVE OLDE HILLTOP DEVELOPMENT SUBDIVISION

It was moved by Commissioner Abbuhl, seconded by Commissioner Sciarretti, to accept the following Olde Hilltop Development Subdivision Plat Request as presented by Jill Lengler, Regional Planning Director & as shown below.

PLAT OF  
**OLDE HILLTOP DEVELOPMENT**  
 TO  
**LAWRENCE TOWNSHIP, OHIO**  
 SURVEYED & PLATTED  
 BY  
**GEORGE A. FIEDLER AND ASSOCIATES**  
 DOVER, OHIO  
 SCALE 1"=50'-0" APRIL 2020

VOL. \_\_\_\_\_ PG. \_\_\_\_\_

We do certify that we have surveyed the above premises and prepared the attached plat and that said plat is correct. All dimensions are shown in decimal parts thereof and bearings have been based upon the north boundary line of the 9.759 acre tract conveyed to Gene C. Hensel, Trustee of the Gene C. Hensel Revocable Trust recorded in Official Records Volume 1573, Page 2313 of the Tuscarawas County Deed Records which has a bearing of N 59°-37'-46" E.

Iron pin monuments have been placed or found at all lot corners and at all points of the dedicated private drive. The outside boundaries of Olde Hilltop Development are recorded in Official Records Volume \_\_\_\_\_ Page \_\_\_\_\_ of the Tuscarawas County Deed Records.

Restrictions, covenants and conditions imposed upon this addition are recorded in Official Records Volume \_\_\_\_\_ Page \_\_\_\_\_ of the Tuscarawas County Deed Records.

*Donald R. Durmammuth*  
 Donald R. Durmammuth  
 Registered Surveyor #6075

*Daniel R. Durmammuth*  
 Daniel R. Durmammuth  
 Registered Surveyor #4772

Situated in the Township of Lawrence, County of Tuscarawas and State of Ohio, being all of a 9.759 acre tract, Tax Parcel No. 34-00493-008, in the 1st Quarter of Township 10, Range 2 of the United States Military District conveyed to Gene C. Hensel, Trustee of the Gene C. Hensel Revocable Trust recorded in Official Records Volume 1573, Page 2313 of the Tuscarawas County Deed Records.

The undersigned Gene C. Hensel Revocable Trust, by Gene C. Hensel, Trustee, as owner of Olde Hilltop Development, does hereby certify and accept that the attached plat correctly represents Olde Hilltop Development, a subdivision of Lots Nos. 1128 thru 1131 consisting of an area of 9.759 acres and does hereby dedicate to public use as well as all parts of the roads, streets, etc. shown hereon and not heretofore dedicated.

Easements are reserved where indicated on the plat by diagonal cross hatched areas for the drainage of surface water and for the construction, operation, maintenance, repair, replacement or removal of public utility lines or services. All of these easements are reserved for the express privilege of removing any and all trees or other obstructions to the free use of said utilities and drainage of surface water and for providing ingress and egress to the property for said purposes, and are to be maintained as such forever. Easements are reserved where indicated on the plat for public utility purposes above and beneath the surface of the ground, however, all public utility lines shall be installed beneath the surface of the ground.

A 0.801 of an acre special purpose was indicated on the plat by diagonal cross hatched lines as a part of Lot No. 1128, Lot No. 1129, Lot No. 1130 and Lot No. 1131. This area is to be reserved for use as part of the storm water drainage system for Olde Hilltop Development and shall be maintained as such. The recorded covenants and restrictions for this subdivision specified elsewhere on this plat provide information regarding operation and maintenance responsibilities for this area.

The undersigned Gene C. Hensel Revocable Trust, by Gene C. Hensel, Trustee, as owner of the lands herein platted, further agrees that any use or improvements made on this land shall be in conformity with all zoning, plating, health or other local rules and regulations of the County of Tuscarawas for the benefit of themselves and all other subsequent owners or assigns taking title from under or through the undersigned.

The undersigned, Gene C. Hensel Revocable Trust, by Gene C. Hensel, Trustee, as owner of Olde Hilltop Development, does also hereby certify and accept that the attached plat correctly represents the Dedicated Private Drive, consisting of an area of 0.543 of an acre shown as a 7.285 acre tract, and does hereby dedicate all of the Private Drive shown hereon. The Dedicated Private Drive shall constitute a covenant running with the lands for the benefit of the existing and proposed adjacent Lot No. 1128, Lot No. 1127, Lot No. 1126, Lot No. 1129 and Lot No. 1130.

The undersigned, further hereby acknowledges to the Tuscarawas County Regional Planning Commission that the Dedicated Private Drive will be constructed in accordance with the Dedicated Private Drive standard checklist of the Tuscarawas County Regional Planning Commission Subdivision Regulations, and that the conveyance herein contained shall be binding to the heirs and assigns of the Gene C. Hensel Revocable Trust.

In witness thereof, the Gene C. Hensel Revocable Trust, by Gene C. Hensel, Trustee, has hereunder set his hand this 11 day of April, 2020.

WITNESS: *Donald* OWNER: Gene C. Hensel Rev. Trust  
*Gene C. Hensel*  
 Gene C. Hensel, Trustee

**DECLARATION OF PRIVATE DRIVEWAY EASEMENT AND MAINTENANCE AGREEMENT**

This Declaration of Private Driveway Easement and Maintenance Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Gene C. Hensel Revocable Trust, "the declarants," for themselves, their successors and assigns, and in order to establish a permanent easement for the location and maintenance of a private driveway over and upon the premises as it shows on this plat page 3 of 3 and incorporated herein by reference ("the Driveway").

NOW THEREFORE, Declarants hereby establish, and hereby grant unto one another, a perpetual non-exclusive easement for purposes of ingress and egress, and for all ordinary private driveway purposes, on, over, and across the Driveway.

Declarants, for themselves, their successors and assigns, agree that all expenses for repair, reconstruction or replacement of the Driveway shall be apportioned equally among the number of tracts served by the Driveway. All repairs, maintenance or replacement of the Driveway shall be made upon the agreement of a majority of the tract owners. No owner shall unreasonably withhold approval. No owner shall obstruct or permit obstruction of the Driveway in any manner whatsoever. In the event that any tract which is served by the Driveway is further subdivided, then the terms and conditions hereof are to bind to any tract which is so subdivided.

The terms and conditions hereof shall run with the land and shall inure to the benefit of and be binding upon the declarants, their successors and assigns forever.

Furthermore, this agreement is intended by all parties to be the sole agreement by, between, and among them for this private driveway. Five (5) lots are to be served by the Driveway and there shall be one dwelling unit per lot.

In witness thereof, the Gene C. Hensel Revocable Trust, by Gene C. Hensel, Trustee, has hereunder set his hand this 11 day of April, 2020.

WITNESS: *Donald* OWNER: Gene C. Hensel Rev. Trust  
*Gene C. Hensel*  
 Gene C. Hensel, Trustee

STATE OF OHIO  
 COUNTY OF TUSCARAWAS

Before me, a notary public, in and for said County personally came Gene C. Hensel, Trustee, of the Gene C. Hensel Revocable Trust, the owner of Olde Hilltop Development, who acknowledges the signing of the foregoing certificate to be his voluntary act and deed for the uses and purposes herein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the 11 day of April, 2020  
 My commission expires 01/11/2025


*Donald*  
 Notary Public  
 Tuscarawas County, Ohio

PAGE 1 OF 3

**OLDE HILLTOP DEVELOPMENT**

PLAT OF  
**OLDE HILLTOP DEVELOPMENT**  
 TO  
**LAWRENCE TOWNSHIP, OHIO**  
 SURVEYED & PLATTED  
 BY  
**GEORGE A. FIEDLER AND ASSOCIATES**  
 DOVER, OHIO  
 SCALE: 1"=50'-0" APRIL 2020

VOL. \_\_\_\_\_ PG. \_\_\_\_\_



**VICINITY MAP**  
 SCALE: 1" = 3,000'

Approved by the Tuscarawas County Engineer this 17<sup>th</sup> day of March, 2021.

Approved by the Tuscarawas County Metropolitan Sewer District this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Approved by the Tuscarawas County G.I.S. Map Office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Approved by the Regional Planning Commission of Tuscarawas County, Ohio this 19 day of MARCH, 2021.

Approved by the Lawrence Township Zoning Inspector this 11<sup>th</sup> day of March, 2021.

Approved and accepted by the Board of Trustees of Lawrence Township, Ohio this 11<sup>th</sup> day of March, 2021.

Michael C. Thacker  
Trustee - Lawrence Township

Robert L. Rothman  
Trustee - Lawrence Township

Dorothy J. Robinson  
Trustee - Lawrence Township

Approved and accepted by the Board of Commissioners of Tuscarawas County, Ohio this 23 day of March, 2021.

Carl Francis  
Commissioner - Tuscarawas Cty

Joe Smith  
Commissioner - Tuscarawas Cty

Chris Mohr  
Commissioner - Tuscarawas Cty

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Fee \_\_\_\_\_

Transferred this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ Auditor, Tuscarawas Cty., Ohio

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ M.

Recorded this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in Flat Book \_\_\_\_\_ Pages \_\_\_\_\_

Fee \_\_\_\_\_ Recorder, Tusc. Cty, Ohio

File No. \_\_\_\_\_ Deputy Recorder

PAGE 2 OF 3

PLAT OF  
**OLDE HILLTOP DEVELOPMENT**

TO  
LAWRENCE TOWNSHIP, OHIO

SURVEYED & PLATTED

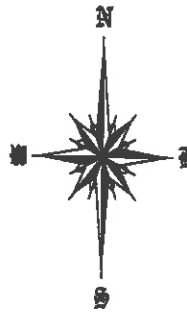
BY

**GEORGE A. FIEDLER AND ASSOCIATES**

DOVER, OHIO

SCALE: 1"=50'-0"

APRIL 2020



VOL. \_\_\_\_ PG. \_\_\_\_

Jason W. & Kaylee Brannen Miller  
34-00493-014  
O.R. Vol. 1572, Pg. 1758  
8.306 Acres

Rodney L. Endsley  
Land Contract - Ben P. & Elizabeth M. Mathews  
34-00493-018  
O.R. Vol. 1544, Pg. 203  
3.882 Acres

**Dedicated Private Drive Notes:**

1. There shall be one single family dwelling unit per lot for the five lots to be served by the Dedicated Private Drive.
2. The Dedicated Private Drive shown hereon is not located in a FEMA Special Flood Hazard Area as shown by FIRM Panel 30157C0064D, effective 22 July 2010.
3. There are no areas of the 6.750 acres tract shown as having any past mining activity on the current ODNR Mining Activity Map.

Jason W. & Kaylee Brannen Miller  
34-00493-012  
O.R. Vol. 1572, Pg. 1758  
10.911 Acres

Barbara Fischer - Sullivan &  
John P. Sullivan  
34-00494-001  
O.R. Vol. 1585, Pg. 2357  
2.742 Acres

Linda G. Bair  
34-00494-000  
O.R. Vol. 1662, Pg. 186  
1.100 Acres

Linda G. Bair  
34-00116-000  
O.R. Vol. 1652, Pg. 154  
0.680 Acres

Linda G. Bair  
34-02284-000  
O.R. Vol. 1552, Pg. 156  
0.800 Acres

Gavin L. & Janet S. Thompson  
34-02285-000  
Vol. 877, Pg. 441  
0.600 Acres

Stronghome Development LLC  
34-00050-000  
O.R. Vol. 1591, Pg. 2043  
0.687 Acres

William L. Duttmeruth  
34-00790-000  
O.R. Vol. 1436, Pg. 1118  
0.965 Acres

Charles E. Becker, Trustee  
Diane E. Becker Family Trust  
34-00023-000  
O.R. Vol. 1551, Pg. 2281  
1.020 Acres

- Special Purpose Area
- Denotes drainage and utility easement
- New Dedicated Private Drive
- Iron Pin Set
- Iron Pin Found

Timothy J. & Cathy Toles  
34-00493-006  
O.R. Vol. 1373, Pg. 2345  
7.646 Acres

Dedicated Private Drive (DPD) Acreage Table	
Lot 1126	1.025 Ac. Total Area - Lot 1126
	0.192 Ac. Area in DPD
	0.833 Ac. Area Outside of DPD
Lot 1127	0.728 Ac. Total Area - Lot 1127
	0.075 Ac. Area in DPD
	0.653 Ac. Area Outside of DPD
Lot 1128	0.978 Ac. Total Area - Lot 1128
	0.027 Ac. Area in DPD
	0.951 Ac. Area Outside of DPD
Lot 1129	0.973 Ac. Total Area - Lot 1129
	0.062 Ac. Area in DPD
	0.911 Ac. Area Outside of DPD
Lot 1130	1.023 Ac. Total Area - Lot 1130
	0.187 Ac. Area in DPD
	0.836 Ac. Area Outside of DPD
<b>Total Area</b>	<b>6.543 Ac. Total Area in DPD</b>

**OLDE ORCHARD DRIVE NE, 60.0'**  
(TWP. RD. 1327)

VOTE:

Al Landis, yes;  
Joe Sciarretti, yes;  
Chris Abbuhl, yes;


*NO OTHER BUSINESS COMING BEFORE THE BOARD.*

**RESOLUTION (230-2021) ADJOURN**

It was moved by Commissioner Abbuhl, seconded by Commissioner Sciarretti, to adjourn at 9:33 a.m. to meet in Regular Session, Wednesday, the 24<sup>th</sup> day of March, 2021.

VOTE: Al Landis, yes;  
Joe Sciarretti, yes;  
Chris Abbuhl, yes

*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.*




Al Landis



Joe Sciarretti



Chris Abbuhl

Attest:   
Stacey Spillman, Clerk