

THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIANA COUNTY, OHIO,
MET IN REGULAR SESSION IN THEIR OFFICE IN THE COURTHOUSE, LISBON, OHIO
ON WEDNESDAY, MARCH 23, 2016 AT 9:00 A.M.

ROLL CALL: MR. HALLECK, MR. WEIGLE

EXCUSED: MR. HOPPEL

CLERK: SCHERRY DESARRO

PRAYER WAS GIVEN BY JOHN HERSCH

COUNTY COMMISSIONER'S MEETING PRAYER
MARCH 23, 2016

WE THANK YOU FOR THIS SPECIAL TIME OF YEAR WHERE WE
CAN FOCUS OF JESUS' RESURRECTION. KEEP US ALL SAFE AS WE
TRAVEL AND CELEBRATE THIS SPECIAL HOLIDAY OF EASTER.

WE THANK YOU FOR THIS DAY AND FOR MEETING OUR DAILY
NEEDS. LORD, CONTINUE TO MEET OUR NEEDS INDIVIDUALLY AND
FOR OUR COUNTY.

WE THANK OUR DEDICATED COUNTY COMMISSIONERS FOR
THEIR ENDLESS HOURS OF WORK FOR THE CITIZENS OF OUR COUNTY.
GUIDE EVERY DECISION THAT IS MADE THIS DAY AND DAYS TO COME.
USE THOSE DECISIONS TO GLORIFY YOU. PROTECT OUR
COMMISSIONERS AND THEIR FAMILIES.

ALSO, WE LIFT TO YOU ALL OF OUR GOVERNMENTAL
OFFICIALS, WHETHER ELECTED OR APPOINTED. GIVE THEM WISDOM
AND DIRECTION AS THEY MAKE DECISIONS THAT AFFECT OUR
FUTURE.

WE THANK YOU FOR PROTECTING OUR MANY FREEDOMS THAT
WE ENJOY IN THIS GREAT COUNTRY OF OURS. PROTECT AND GUIDE
OUR MEN & WOMEN SERVING IN OUR ARMED SERVICES, HERE, AS
WELL AS OVERSEAS, AS THEY PROTECT OUR MANY FREEDOMS.

LORD, BE WITH OUR FIRST RESPONDERS, LAW ENFORCEMENT
OFFICERS AND FIREMEN, AS THEY SERVE EACH ONE OF US TODAY AND
THE DAYS AHEAD.

I LIFT THESE REQUESTS TO YOU THIS DAY, IN THE NAME OF THE
FATHER, THE SON, AND HOLY SPIRIT.

A-MEN

RE: MINUTES

Motion by Mr. Weigle, seconded by, Mr. Halleck to; dispense with the reading of the minutes and the bills of
the regular meeting of March 16, 2016 and approve them as written.

VOTE RESULTED
AYES: WEIGLE, HALLECK
NAYES: NONE
MOTION CARRIED

RE: TRAVEL:

Motion by Mr. Weigle, seconded by Mr. Halleck to; approve travel as presented:

COMMISSIONERS (1) APRIL 13-14, 2016 COLUMBUS \$200.10 (Halleck)

VOTE RESULTED
AYES: WEIGLE, HALLECK
NAYES: NONE
MOTION CARRIED

RE: THEN & NOW BILLS

Motion by Mr. Weigle, seconded by Mr. Halleck to; approve Then & Now bills as presented:

DEVELOPMENT PO#474722 HALL COMMUNITY \$13,505.00

VOTE RESULTED
AYES: WEIGLE, HALLECK
NAYES: NONE
MOTION CARRIED

RE: AMENDED CERTIFICATE/APPROPRIATIONS

Motion by Mr. Weigle, seconded by Mr. Halleck to; accept as presented by the Office of Budget Commission the Amended Certificate dated March 23, 2016 and appropriations:

CERTIFY:

L08-L08 \$6,450.00

APPROPRIATE:

L08-L08-E-1010 \$6,450.00

VOTE RESULTED:
AYES: WEIGLE, HALLECK
NAYES: NONE
MOTION CARRIED

The Board of Commissioners will meet on Tuesday April 12, 2016 at 9:30am instead of the regularly scheduled meeting of Wednesday, April 13, 2016 due to a CCAO meeting that Commissioner Halleck will need to attend.

RE: APPROVE ADDENDUM TO COMMUNITY BASED CORRECTIONS AGREEMENT

Motion by Mr. Weigle, seconded by Mr. Halleck to; approve an addendum to Community-Based Corrections Program 408 Subsidy Grant Agreement between the State of Ohio, Department of Rehabilitation and Correction, and Columbiana County. It modifies the fiscal year 2016 amount with an increase of \$2,910.00 for a total of \$110,019.00.

VOTE RESULTED
AYES: WEIGLE, HALLECK
NAYES: NONE
MOTION CARRIED

RE: APPROVE LETTER OF AGREEMENT, EMA & EAST LIVERPOOL FIRE DEPARTMENT

Motion by Mr. Weigle, seconded by Mr. Halleck to approve a Letter of Agreement & hand Receipt from EMA to East Liverpool Fire Department for search & rescue equipment.

VOTE RESULTED
AYES: WEIGLE, HALLECK
NAYES: NONE
MOTION CARRIED

RE: ACCEPT PETITION FOR ANNEXATION OF 94.150 ACRES TO THE CITY OF COLUMBIANA

Motion by Mr. Weigle, seconded by Mr. Halleck to; accept the petition for Annexation to the City of Columbiana of 94.150 Acres in the Township of Fairfield, County of Columbiana. Mark Hutson is appointed agent for petitioners.

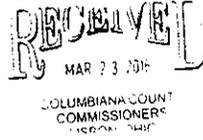
VOTE RESULTED
AYES: WEIGLE, HALLECK
NAYES: NONE
MOTION CARRIED

Commissioner Halleck: Appointments Charles & Laura Bramel wanting to discuss a decision of the Columbiana County Planning Commission from March 7, 2016 meeting. Mr. Bramel are you the spokesperson or Mrs. Bramel.

Laura Bramel read a letter that was given to the Board of Commissioners prior to the meeting. See Below:

Jim Hoppel
Mike Halleck
Tim Weigle
105 South Market Street
Lisbon, Ohio 444432

March 22, 2016



Re: Planning Commission decision Moore Rd.

Dear Commissioners,

Recently, we attended a Columbiana County planning Commission meeting with the goal of determining if there was some way to grandfather Moore Rd a public road. This would avoid associated up grade costs necessary to allow the planning commission to approve it to be a formally dedicated public Road.

The Planning Commission determined there is no legal way for them to grandfather in Moore Road as a public road. Further, they could not approve any more deeds or property splits etc. using Moore Rd as public frontage until a court determines the legal status of Moore Rd, as suggested in several OAG opinions and noted in their minutes we submitted to you.

Documentation proves dedication of Moore Rd has slipped through the cracks since 1986 and possibly as early as 1937, with each succeeding township board of trustees either unaware of the problem or not acting to resolve it. This inaction may cause 16 properties to be legally landlocked unless Moore Rd can be dedicated a public road.

Attorney General opinion 1965-15 and OAG 1982-28 opinions states that "Roads may become public roads entitled to be put upon a county engineer's map and records, by virtue of continued public use for more than 21 years." In the case of Moore Rd, there has been no continued general public use for more than 21 years. Moore Rd property owners and their guest are the only one who generally use the lane. This does not constitute use by the general public. Based on this fact, Moore Rd cannot be considered a public road by prescription as there was no adverse public use. (See OAG 1982-28 an almost judicial situation) Further, most property owners believe that Moore Rd, is a private lane and have given each other permission to cross their property. Occasionally an unrecognized vehicle is stopped and asked if they need help. Usually they are lost. It is explained to them that Moore Rd, currently is not travelable from a public road to a public Rd, and therefore is a private road. They usually ask for directions, apologize and leave.

We need a cooperative solution so Moore Road can meet common law dedication requirements. We believe that clearing and graveling the small unmaintained portion of Moore Rd, which connects it from Sprucevale Rd to Ware Rd would allow it to meet Ohio Revised Code of a public use road (Public Road to a Public Road). This can be done with minimal cost. If the above is done, we believe there will be no property owners who will object to the Commissioners declaring Moore Road a Common law dedicated public road.

If this matter goes to court, it is almost assured Moore Rd will be determined to be a private road. (See OAG 1982-28) Why else would our county attorney go to such great lengths for the past two years to keep this matter out of court?.

Once a Court makes its ruling, we cannot turn back the clock and the cost will be extreme to our county's taxpayers

To remove the public access cloud from Moore Rd property owner's deeds, the roadway will have to be brought up to modern day road standards before it can be publicly dedicated. Moore Rd will have to start on a public road, Sprucevale, and terminate on a public road, Ware or Bell School, with a 60 foot wide easement and a 22 foot black top roadway according to the Planning Commission.

To be proactive, could we work together to address the details, save the taxpayers a ton of money and make Moore Road a common law publicly dedicated road?

Sincerely,

Chester Channels
48200 Moore Rd.
East Liverpool OH, 43920

Charles Bramel
48468 Moore Rd.
East Liverpool H. 43920

Laura Bramel
48468 Moore Rd
East Liver Pool OH, 43920

Moore Rd. Horse Association et. al.

Laura Bramel: What we have is a road that has an issue. It has not gone through all formal stats of being dedicated either by common law or statutorily and we have done further research and there is more and more evidence that points that it has never actually been accepted as a common law road as well so we need to go ahead and finish the process. Further our property has been taken without representation, I mean if the road is a road, it has never been taken through the proper legal channels, no one has been compensated for it so our property has been taken for this road without compensation, without giving, the property owners have not given it as a road and we are being taxed on it and it has not gone through the proper process to go through the Auditors office and be taken off of the, you know, have the tax burden reduced like they do for a properly dedicated road.

Commissioner Halleck: Well let me remind you before you continue that, we are not going to go down 2 years of this stuff. This will be your last meeting that I'm going to be involved in, I'm going to tell you that today. Now let me make this very clear, you had a request to come in here, which I gave a lot of thought to granting, and it had to do with you wanting to discuss a decision, apparently a decision made by the Planning Commission, now we are going all over the place, so let me pose this question. If your sincere, and I'm going to assume you are, about trying to solve a problem lets identify what your real problem is and what your trying to accomplish because for the last 2 years this has been really a lot of gamesmanship and it's nice to set back and sort of observe because I'm going to be here anyway but it's my understanding. Is Mr. Channels here?

Chester Channels: Yes

Commissioner Halleck: I've got a solution for everybody and I'm going to pose this today, if you're all sincere, this will solve your problem. You're wanting to ride your horse and get to the park correct?

Laura Bramel: We would like that yes.

Commissioner Halleck: You would like that? And your good friends with Chester right?

Laura Bramel: We are.

Commissioner Halleck: Then why don't you just go across Chester's property into the park.

Laura Bramel: Well Chester's property does touch the park.

Commissioner Halleck: It does.

Laura Bramel: But that is Chester's property and we have other people that we ride with and it would be unfair of us to be taking other people across Chester's' property.

Commissioner Halleck: Chester, would you allow other people to ride with her across your property?

Chester Channels: No

Commissioner Halleck: You wouldn't? So she is the only person you would let ride across there?

Chester Channels: I let them ride across.

Commissioner Halleck: Ok well that answers most of our question because really it's not this Boards job to worry about the other people you ride with that's their problem not ours but this will give you access to the park since Chester said he would let you ride so instead of going through all of this litigation and acrimony that is been presented, aggravating your neighbors and going through the system. This County has been more than fair you obviously are, you keep talking about the taxpayers, you don't have a lot of regard for the taxpayers in my view. I know that the County Engineer has done a lot of work am I right on that Mr. Bramel?

Charles Bramel: Well I'd like to address.....

Commissioner Halleck: I'll let you get to that, am I correct? Am I correct that the County Engineer has done a lot of work?

Charles Bramel: He did a lot of unnecessary work.

Commissioner Halleck: Ok so the County Engineer of 50 years is not competent, is what you're saying?

Charles Bramel: No I'm not saying that Sir.

Commissioner Halleck: Well unnecessary work sounds like he's not competent.

Charles Bramel: What I'm saying is that the statue that we use to bring the petition forward clearly stated that we wanted to determine whether Moore Road was a public road or not before any work was done and the statue requires a vague or a general description of what we want done. The Engineer went far beyond what we wanted done and if it is a public road there is a lot of questions to be answered because if it's a prescription or common law road there has to be a clear easement.

Commissioner Halleck: Let me give you a piece of advice. Quit playing lawyer because that is what you have been doing for a year and a half and I don't think it is serving you very well. Now I know what part of this game is, you file all these, every time you come in here as you can see you have all kinds of wonderful papers and you sit at home at night and get on the computer I'm sure and write a lot of this stuff up and that's all well and good your entitled to do that.

Charles Bramel: You're assuming that.

Commissioner Halleck: Now having said that you bring it in to us, you know that we are going to send it upstairs, upstairs corrects your mistakes and you go refile it again. You admit to doing that don't you?

Charles Bramel: Well I have to admit there's a very.....

Commissioner Halleck; that's a yes or no, it's not difficult.

Charles Bramel: Wait a second, what was the question again?

Commissioner Halleck: You, in fact, file all these papers with us, you know that we send them upstairs, our attorney sends them back you get a copy and you go through and make the corrections and then file it again. Do you know what being a vexatious litigator is?

Charles Bramel: I understand what that is, yes.

Commissioner Halleck: Well your about to find out if this continues because the public, we're not going to continue to waste again, if your concerned about the taxpayers, their money and their time on something that I think most people consider frivolous but here is where we're going to end this today. If this matter goes to court, it is almost assured Moore Road will be determined to be a private road. And your quoting OAG.

Charles Bramel: That's An Attorney General Opinion from 1982.

Commissioner Halleck: Yeah, are you familiar with what an opinion is?

Charles Bramel: Absolutely

Commissioner Halleck: It's different than the law, wouldn't you agree with me?

Charles Bramel: Absolutely, even with the Attorney General.....

Commissioner Halleck: It's an opinion. Why else would our County Attorney go to such great lengths for the past two years to keep this matter out of court? Nobody has went to great lengths to keep this out of court but you're going to get the opportunity to take it to court. As far as I'm concerned, I have no further questions. Do you have anything?

Commissioner Weigle: No questions

Commissioner Halleck: You were in violation. We gave you to the 18th of March to post a bond, which you have not done, as far as I'm concerned, this matter is closed.

Charles Bramel: Do I have a chance to respond?

Commissioner Halleck: No we are done. I'm done.

Charles Bramel: We have an appeal in place. An intent to appeal.....

Commissioner Halleck: You don't have an appeal.

Charles Bramel: Yes we do.

Commissioner Halleck: Good we will see you in court. Thank you! Thanks Chester for letting them ride across your property. That is very nice of you.

Charles Bramel: Can I ask you one more question? What are we supposed to do about the Planning Commissions prohibition of transferring deeds on our road?

Commissioner Halleck: Have your Lawyer call ours. That's what you want.

Charles Bramel: Do you want to set up a meeting?

Commissioner Halleck: You won't be meeting with us. You don't understand. Have your Lawyer call ours. We are done.

Charles Bramel: Ok Thank you, See you in Court.

Commissioner Halleck: Yes

RE: APPROVE CONTRACT DJFS/CALLOS RESOURCES

Motion by Mr. Weigle, seconded by Mr. Halleck to, approve the contract between the Columbiana County Department of Job and Family Services and Callos Resource for 2016 Summer Youth Employment Program Wage Subsidy Processing Services. Contract period is June 1, 2016 through November 30, 2016. Contract ceiling amount is \$504,775.00. Funding is TANF Summer Youth.

VOTE RESULTED
AYES: WEIGLE, HALLECK
NAYES: NONE
MOTION CARRIED

RE: EXECUTIVE SESSION, MS. EILEEN DRAY-BARDON, COLLECTIVE BARGAINING

Motion by Mr. Weigle, seconded by Mr. Halleck to; enter into Executive Session with DJFS Director, Ms. Eileen Dray-Bardon for Collective Bargaining. No action will be taken

VOTE RESULTED
AYES: WEIGLE, HALLECK
NAYES: NONE
MOTION CARRIED

RE: RETURN TO REGULAR SESSION

Motion by Mr. Halleck, seconded by Mr. Weigle to; return from Executive Session to Regular session.

VOTE RESULTED
AYES: HALLECK, WEIGLE
NAYES: NONE
MOTION CARRIED

RE: ADJOURN

Commissioner Halleck adjourned the March 23, 2016 meeting.