

## REGULAR SESSION

## Agenda

**THE BOARD OF ATHENS COUNTY COMMISSIONERS**, met in regular session November 16, 2017 , with Lenny Elias on presiding, Charlie Adkins and Chris Chmiel in attendance.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins to approve the following agenda:

ATHENS COUNTY BOARD OF COUNTY COMMISSIONERS  
MEETING CONVENES AT 9:30 A.M  
AGENDA FOR November 16, 2017 (moved from Nov. 14th)  
APPROVE AGENDA APPROVE BILLS  
APPROVE MINUTES FROM November 7, 2017

09:30 US 50 Sewer Discussion - Frank Lavelle, Atty. - Kyle Schwieterman, HDR

10:30 Roxanne Groff

10:45 Jeff Maiden - Engineer - Frost Laws

~ AGENDA ITEMS

## Dog Shelter Volunteers

## AEP Letter of Support

Health Dept. - Surplus Trailer

**Holiday Schedule (Christmas)**

### Bikepath Appointments

### TB Board Resignation

ACCS Board Appt.

**Ratify receipt of resignation (email)**

## Guardian Ad Litem

### Dog Tag Insert

**Health Insurance- Wellness**

### Data Board Recommendations

**Hockingport Rock Climbing area - support letter**

## Rural Impact County Challenge

## T-CAP Agreement

Regional Planning Committee Appt.

~TRAVEL

RESOLUTION NO. 106/1121

**RESOLUTION ENTERING INTO CONTRACT WITH ATTORNEY FRANK A. LAVELLE, ESQ. AND LAVELLE LAW OFFICES, L.P.A. IN REGARDS TO "US ROUTE 50 SEWER PROJECT"**

WHEREAS, the Athens County Water Sewer District, by and through the Athens County Commissioners ("COUNTY"), are in need of Legal Services and certain Land and Easement Acquisition Services, for the Athens County "US Route 50 Sewer Project," and have selected Attorney Frank A. Lavelle, Esq. and Lavelle Law Offices, L.P.A ("ATTORNEY") to provide the same; and

WHEREAS, ATTORNEY has provided COUNTY with his best estimate of what the scope and costs of such services are likely to entail, but the parties understand that ATTORNEY can not, and does not guarantee such costs, esp. those of Independent Contractors (Qualified Land Agents and Appraisers, etc.), but ATTORNEY will endeavor to obtain and coordinate such services in the most cost-effective manner possible; and

WHEREAS, COUNTY and ATTORNEY have entered into discussions regarding such services to be provided and paid for, and the same has been reduced to writing and is attached hereto.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE ATHENS COUNTY COMMISSIONERS, AS FOLLOWS:**

1. The attached Contract with Lavelle Law Offices, LPA and Attorney Frank A. Lavelle, Esq. is hereby adopted and approved;
2. The President of the Commission and such other officers as may be required are hereby authorized and instructed to execute said Agreement, upon the terms and conditions stated therein;
3. It is hereby found and determined that all deliberations resulting in the passage of this Resolution were conducted in open meetings of the Board of Commissioners, and that all deliberations of the Board of Commissioners that resulted in such action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code;
5. This Resolution shall become effective the earliest date permitted by law.

Duly adopted this 16<sup>th</sup> day of November, 2017.

**ATHENS COUNTY WATER/SEWER DISTRICT, BY AND THROUGH THE ATHENS COUNTY COMMISSIONERS**

BY: Long Shui  
President

**ATTEST/SEAL:**

John Rockhold  
Clerk

N:\Main Clients\Athens Cnty Sewer District\Resolutions\Resolution Entering into Contract with LLO.wpd

## EMA

Dir., Dan Pfeiffer - Ohio EMA new director meeting - December 14, 2017 - Columbus, Ohio

## WIOA

Jean Demosky, Dir. - Workforce Dev. Mtg. - November 14, 2017 - Marietta Buckeye Hills Reg. Council

## Sheriff

Crystal Allen - Training - September 22, 2017 - Columbus, Ohio

## Auditor

Ben Abfall, GIS Administrator - ESRI Workshop - December 6, 2017 - New Albany, Ohio

## ~NEW FUND &amp; LINE ITEM REQUESTS/CHANGES

## D&amp;K

## Receipts

002.0002.413515 Taxable Sales

## Engineer - RUMA

## Receipts

495.4954.417100 RUMA Receipts

## Expenditures

495.4954.560100 RUMA Expenses

## ~APPROPRIATIONS

## AHSWD

\$11,522.37 into 743.7430.590100 Advance/Out (743)

## Engineer

\$ 345.00 into 491.3004.520201 Insurance Road

\$2,500.00 into 491.3004.530100 Contract Services

\$2,500.00 into 491.3004.560200 Advertising Printing

## ACCS

\$3,478.60 into 422.6086.530100 Contract Services

## Sheriff

\$2,500.00 into 213.3543.526100 PESH

\$3,000.00 into 212.3533.530100 Contract Services

D&K

\$3,000.00 into 032.3325.560100 D&K Spay & Neuter Donations

**~TRANSFERS**

Sheriff

\$2,500.00 from 001.1803.540200 Gasoline, into 001.1803.530250 Repair Vehicles

\$3,000.00 from 001.1803.540200 Gasoline, into 001.1803.550100 Equipment

Pro Atty.

\$160.31 from 001.1151.560550 P.A. Library/Research, into 001.1151.560100 P.A. Other Expense

\$869.03 from 001.1151.560300 P.A. Travel, into 001.1151.560100 P.A. Other Expense

Commissioners

\$10,000.00 from 001.1001.530400 Comm. Housing Prisoners, into 001.1001.560100 Comm. Other

\$10,000.00 from 001.2361.560000 Unantic. Emerg., into 001.1942.530950 Legal Services (Juv.Crt.)

AHSWD

\$1.02 from 743.7430.590100 Advance Out (743), into 739.0748.417100 Other (739)

\$11,522.00 from 743.7430.590100 Advance Out (743), into 739.0748.421100 Advance In (739)

Comm. Pleas

\$300.00 from 001.1452.540100 Supplies, into 001.1452.560100 Other

D&K

\$200.00 from 002.2455.560100 D&K Other, into 002.2455.540100 D&K Supplies

DJFS

\$60,000.00 from 571.2856.520100 Insurance, into 571.2866.560300 Travel

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins approving the minutes from November 7, 2017.

**Minutes**

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins approving the payment of the required County Bills, which are included in the list of the ACCOUNTS PAYABLE CHECK REGISTER - Athens County, Date: November 16, 2017 and the bills are hereby the same and authorize the County Auditor to issue warrants on the County Treasurer for payment in the same. Complete list of bills maintained in the Auditor's office.

**Bills**

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

~ US50 Sewer Improvement Project Discussion with Frank Lavelle, Atty.; Kyle Schwieterman, HDR Engineering - Discussion after a drive through of the proposed Sewer Project the day before (Wednesday, November 15<sup>th</sup>, 2017) as follows:

**US50 Sewer Improvement Project -  
Discussion w/Frank Lavelle, Atty.**

A motion was made by Mr. Chmiel and seconded by Mr. Eliason approving legislation for the hiring of HDR Engineering for the US Sewer Improvement Project, upon USDA and legal counsel review, for the 60% to 100% project completion, all contingent upon affordability.

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins authorizing the Resolution Entering into Contract with Attorney Frank A. Lavelle, Esq. And Lavelle Law Offices, L.p.a. in Regards to "Us Route 50 Sewer Project" (Copied to page 656)

**US50 Sewer Improv. - Resolution - Hire Atty.  
Frank Lavelle & Lavelle Law Offices**

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins designating Commissioner Eliason as the County Representative and ACWSD Superintendent Rich Kasler as the Design Representative to engage in sit down meetings with USDA to review the letter of conditions moving forward with the US50 Sewer Improvement Project.

**US50 Sewer Improv. Proj. - Designations For  
USDA Mtgs.**

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins to enter into executive session at 9:52 with HDR, Kyle Schwieterman, Atty., Frank Lavelle, legal council, to discuss land acquisition regarding the US50 Corridor Sewer Project.

**Executive Session - HDR, Atty. Frank Lavelle  
Discuss Land Acquisition - US50 Sewer**

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins to return to regular session at 12:10.

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

~ Let the record reflect the discussion of the following Resolutions and Contracts needed for land acquisition and will deal with them at next week's meeting after review by Council and the Commissioners.

~ Roxanne Groff, Andrea Reik and others - Discussion regarding Oxford Mining road permit issue and the Surface mining Control Act Laws and Regulations, and, according to her, the Law stating that a public hearing and comment period must be afforded to the people before the December 5<sup>th</sup>, 2017 Meeting. Commissioner Eliason stated that they will confer with Legal Council for advice on what the requirements are, and go from there.

~ County Engineer, Jeff Maiden - Discussion regarding Frost Laws, (50% load reduction on certain County Roads). He will get more information along with requested truck statistics, by the Commissioners, and return at a later date.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins approving the Athens County Dog Shelter agreement release of liability for volunteers, as recommended by Mary Beth Brown, Athens County Dog Warden. Signed volunteer forms kept on file at the Dog Shelter.

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins to Table the AEP Letter of Support until next week's meeting.

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins approving the transfer of the following Declared Surplus Health Department Trailer to the Commissioners Department:

2012 - 8x16 Trailer - 8x16TA - 53BTD1624C4002350

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins approving the following Christmas Holiday Schedule being sent to

**Return To Reg. Session - Discussion of  
Resolutions & Contracts / Land Acquisition - US  
50 Sewer Project**

**Oxford Mining - Discussion w/Roxanne Groff  
re Public Hearing**

**Engineer - Discussion re Frost Law 50% Load  
Reduction on County Roads**

**Dog Shelter Volunteers**

**AEP Letter of Support - Tabled**

**Health Dept. Surplus Trailer - Transf. To  
Comm. Dept.**

**Holiday Schedule - Christmas 2017**

the Media:

The Courthouse and Annex will be closed to the public on Monday, Dec. 25th and Tuesday, Dec. 26th, 2017.  
This includes the offices of the Athens County Water & Sewer District, the Dog Shelter and the office of the County Planner.  
The Prosecuting Attorney's Office will be available for phone calls at 740-592-3208 on Tuesday, Dec. 26th, 2017.  
The Title Office will be closed Monday, Dec. 25th and Tuesday, Dec. 26th 2017 as well.

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins approving the following appointments to the Bikeway Committee:

Bob Benz, Nick Tepe, Rob Delach, Sam Crowl, John Kotowski - No Term Limits - Currently have fifteen (15) members,  
Limit of twenty (20) An updated list of appointments and terms will be requested from Linda Watkins, Bikeway Committee President.

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins acknowledging receipt of the letter of resignation by Warren Haydon from the TB Board. Term ending December 31, 2017.

A letter thanking Mr. Haydon for his service on the Board, to be sent by the Clerk.

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

~ Discussion re TB Board Appointments with Health Department Director, Jack Pepper - discussed possibility of Health Department Board Members serving/appointment to TB Board - will seek legal opinion from the Prosecuting Attorney.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins approving the appointment of Dr. Jennifer A Shadik as the 9th Board member for Athens County Children Services Board, effective 12/01/2017, four (4) year term. December 1, 2017 through November 30, 2021.

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins to acknowledge and ratify the receipt of a resignation (email), from Assistant Dog Warden, Renee Stevens. Last day effective pay period ending November 25, 2017.

#### **Holiday Schedule - Christmas 2017 (Cont.)**

#### **Bikeway Committee Appointments**

#### **TB Board Resignation - Warren Haydon**

#### **TB Board/Health Dept. Appointments**

#### **Children Services Board Appointment - J. Shadik**

#### **Dog Shelter Resignation - R. Stevens**

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins authorizing the signature of Commissioner Eliason on the Guardian Ad Litem Agreement where, Reanna Norton, Rachel Moffat, Molly Malito, Alysia Brooks, agrees to accept appointments by the Juvenile Division of the Athens County Court of Common Pleas to serve as a guardian ad litem for the Court when available to do so. The Athens County Board of Commissioners agrees to extend the General Liability coverage provided by CORSA to Athens County to cover Reanna Norton, Rachel Moffat, Molly Malito, Alysia Brooks while performing services for, and while acting within the scope of authority granted by, the Juvenile Division of the Athens County Court of Common Pleas.

**Juvenile Court - Guardian Ad Litem**

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins approving the small changes to the Dog Tag Insert, as requested by Anne Cornwell, Friends of the Shelter Dogs. She will confer with the Auditor's office in making the changes to the Insert, to be sent out with the Dog License Applications/Renewals.

**Dog Tag Inserts - Small Changes per Anne Cornwell/FOSD**

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins to Table the Health Insurance-Wellness Topic until next week.

**Health Insurance/Wellness - Tabled**

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins approving the following requests for equipment/computers, as recommended by the Data Processing Board:

**Data Board Recomm. Approved For Pro. Atty. & Sheriff**

- \* Prosecuting Attorney - Request for new laptop and desktop for Assistant Prosecutor Driscoll. Current computers are having connectivity and CD drive issues. To be purchased from EROS Technology Corp. \$3,549.00
- \* Sheriff - Request to purchase two (2) new iPads. Current iPads are not working. To be purchased from Verizon under current contract. \$769.98 each.

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

~ Hockingport Rock Climbing Area - ODOT owned land - Support Letter to ODOT for possible use of land. The Commissioners will

**Hockingport Rock Climbing Area - Discussion**



schedule a road viewing of this area for future discussion. Including Insurance and maintenance of property. .

A motion was made by Mr. Chmiel and seconded by Mr. Adkins approving the expenditure of \$300.00 towards rent at the Dairy Barn for the Rural Impact County Challenge Event Celebration held on December 5<sup>th</sup>, 2017.

**Rural Impact Co. Challenge Even - \$300.00  
Expenditure Approved**

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins approving the following Travel:

**Travel**

EMA

Dir., Dan Pfeiffer - Ohio EMA new director meeting - December 14, 2017 - Columbus, Ohio

WIOA

Jean Demosky, Dir. - Workforce Dev. Mtg. - November 14, 2017 - Marietta Buckeye Hills Reg. Council

Sheriff

Crystal Allen - Training - September 22, 2017 - Columbus, Ohio

Auditor

Ben Abfall, GIS Administrator - ESRI Workshop - December 6, 2017- New Albany, Ohio

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins approving the following New Fund & Line Item Requests/Changes:

**New Fund & Line Item Requests/Changes**

D&K

Receipts

002.0002.413515 Taxable Sales

Engineer - RUMA

Receipts

495.4954.417100 RUMA Receipts

Expenditures

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The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins approving the following Appropriations:

**Appropriations**

## AHSWD

\$11,522.37 into 743.7430.590100 Advance/Out (743)

## Engineer

\$ 345.00 into 491.3004.520201 Insurance Road

\$2,500.00 into 491.3004.530100 Contract Services

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\$3,478.60 into 422.6086.530100 Contract Services

## Sheriff

\$2,500.00 into 213.3543.526100 PESH

\$3,000.00 into 212.3533.530100 Contract Services

## D&amp;K

\$3,000.00 into 032.3325.560100 D&K Spay & Neuter Donations

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins approving the following Transfers:

**Transfers**

## Sheriff

\$2,500.00 from 001.1803.540200 Gasoline, into 001.1803.530250 Repair Vehicles

\$3,000.00 from 001.1803.540200 Gasoline, into 001.1803.550100 Equipment

## Pro Atty.

\$160.31 from 001.1151.560550 P.A. Library/Research, into 001.1151.560100 P.A. Other Expense

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## Comm. Pleas

\$300.00 from 001.1452.540100 Supplies, into 001.1452.560100 Other

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\$200.00 from 002.2455.560100 D&amp;K Other, into 002.2455.540100 D&amp;K Supplies

DJFS

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The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

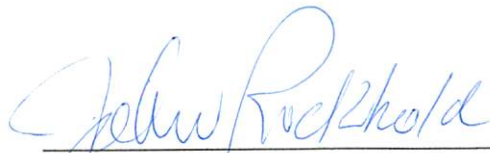
~ TCAP Grant Discussion - Regarding money coming in, pay directly to Jail or General Fund/Commissioners. After discussion, it was determined that it, along with the Sheriffs overtime money for transport should both come back to the General Fund. Line Items have already been set up for this money to be transferred into.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins accepting the resignation of Lantz Repp from the Regional Planning Commission and appointing Greg Andrews to the position of County resident representative. A letter will be sent to Mr. Repp thanking him for his service. Three (3) year Term. Term ending March 31, 2017.

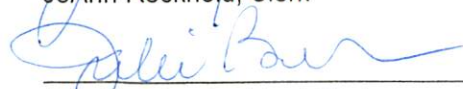
The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins to adjourn the above meeting.

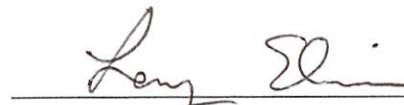
The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.

**TCAP Grant Discussion****Reg. Plann. Comm. Resignation - Lantz Repp  
Greg Andrews Appointed****Adjourn**

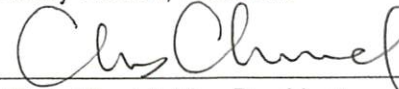
JoAnn Rockhold, Clerk



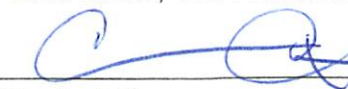
Julie Brooks, Assistant Clerk



Lenny Eliason, President



Chris Chmiel, Vice-President



Charlie Adkins