COMMISSIONERS' JOURNAL 108 ATHENS COUNTY, REGULAR SESSION November 27, 2018 PAGE 628

REGULAR SESSION

Agenda

THE BOARD OF ATHENS COUNTY COMMISSIONERS, met in regular session November 27, 2018, with Lenny Eliason 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 Agenda for November 27, 2018 - Convenes at 9:30 a.m.

Approve Agenda
Approve Minutes from Nov. 15th & Nov. 20th , 2018
Approve Appropriations, Transfers, New Line Items Requests/Changes
Approve Bills

09:45 DJFS - Dir. Jean Demosky

10:30 Rick Callebs - EMS

10:45 Jason Brown, Ohio Def. Comp.

11:00 Carolyn Ervin - Hebbardsville Rd - Biosolids

~ AGENDA ITEMS

Amended Certificate

Utility Permit

Engineer - PID 104067 ATH CR VAR GR FY2019 Final Legislation

Planner - CR24A Bikeway Extension / ODNR Grant Extension

ACCS Donate 2008 Chevy Impala to GoodWorks, Inc

Personnel Policy Manual

Contract with Ice Miller Discussion

~ TRAVEL

EMS - Tami Wires - ESO Training - March 18-23, 2018 - Houston, TX.

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 15th and November 20th,

Minutes

2018.

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

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11/27/2018 09:08 4877jrockhold Athens County |BUDGET TRANSFERS AND AMENDMENTS

|P 1 |bgamdent

Record Number	Year	Per	Journal	Date	Clerk	Description	Total Increase	Total Decrease	Workflow Status
3	2018	21	567	11/20/2018	4877mrhoades	Transier	3,500.00	3,500.00	Approved
2	2018	31	590	11/27/2018	4877smorris	Transfer	53.00		Approved
3	2018	11	592	11/27/2018	4877smorris	Appropr	25,088.00	0.00	Approved
4	2018	11	600	11/21/2018	4877cmckee	TRANSFER	10,000.00	10,000.00	
5	2018	11			4877kspencer	transfer	428.78	428.78	Approved
6	2018	21		11/25/2018		Certify	174.62		Approved
7	2018	11	645	11/26/2018	4877cmckee	TRANSFER	15,000.00	15,000.00	Approved
8	2018	11		11/26/2018		Transfer	500.00	500.00	Approved
ŋ	2018	11		11/26/2018		Approp	2,500.00		Approved
10	2018	11		11/26/2018		Approp	35,000.00		Approved
11	2018	11	668	11/26/2018	48771chambless	Transfer	15,200.00	15,200.00	Approved

^{**} END OF REPORT - Generated by JoAnn Rockhold **

A motion was made by Mr. Chmiel and seconded by Mr. Adkins approving the Approve Appropriations, Transfers, New Line Items Requests/changes submitted and processed through the Auditor's Office by various Departments. Dated: November 27th, 2018.

(Copied to page 628).

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 Auditor's Office INVOICE TRACKING REPORT From: 11/21/2018 To: 11/27/2018 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.

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

~ DJFS Director, Jean Demosky - Notified the Commissioners of the expiration of the Bargaining Contract will expire on March 1, 2019. There labor management team have been meeting to discuss issues.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins approving the new hire, in-house promotion of Julie Sullivan, as Investigator II, replacement position, effective next pay period.

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. Adkins and seconded by Mr. Chmiel to enter into executive session at 9:35 with DJFS Dir. Jean Demosky to discuss discipline of a public employee.

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 9:40.

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

After discussion regarding the pre disciplinary process and need for an investigation, a motion was made by Mr. Chmiel and seconded by Mr. Adkins authorizing DJFS Dir. Jean Demosky to work with Commissioner Adkins on a disciplinary investigation.

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 Amended Certificate, dated

Appropriations, Transfers, New Line Items

Bills

DJFS - Discussion re Bargaining Contract

Executive Session w/DJFS Dir. Jean Demosky Discuss Discipline of Public. Employee

Return to Regular Session

Disciplinary Investigation - Authorize DFJS Dir. Demosky to work w/Comm. Adkins

Amended Certificate

ODOT Project No. (SOJB) PID No.

CONTRACT
(Chapler 5521, Ohio Revised Code)

Tris contract is made by and between the State of Ohio, Department of Triss contract is made by and between the State of SEATE", 1980 West Broad Street, Columbus, Ohio 49223, and the Board of County, (Instelnation of County, Instelnation of County, Instelnation of State of County, Instelnation of County, Instellation of County, Instellation

WHEREAS, Chapter 5521 of the Dhio Rovleed Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transpotation; and

WHEREAS, through the enactment of preliminary logistation, the LAA and the is have agreed to cooperate in the highway project described below; and

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

The toregoing reditals are hereby incorporated as a malerial part of this contract.

The purpose of this contract is to set forth requirements associated with the highway project described below (here/nafter referred to as the 'PROJECT') and to establish the responsibilities for the sidnification of the PROJECT by the LPA and the STATE.

STATE have ago

WHEREAS, in accordance with the final legislation, the DAS needs and into into a CPA hereby enters into the contract with the STATE to provide the payment (if applicable) of the agreed portion of the cost of the highway project and any additional obligations for the highway project with the cost of the highway project and any additional obligations of the highway project.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenents herizates tel forth, if is agreed by parties herizate is follows:

That the LPA transmit to this Director of Transportation a fully executed copy of this Recolution. That the LPA enter the a contract with the State, and that County Engineer be, and is hereby authorited to execute salt contract for improving the described project. biazonota siti retive become of motationarial to notests sitia estential the attential transfer in a store of the store of

WHEREAS, This logislative authority desires the Director of Transportation to proceed with the atoresaid highway improvement.

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view of the fact that the LPA's share of the project is now estimated in the amount of to and $-\dots$ 00/100 Dollars (\$0.00) therefore, the County will not be required to deposit y funds at this time. The LPA's ultimate share of the cost will be delemined when final viral costs and allocations are determined.

The County agrees to assume and bear one hundred percent (190%) of the shulf access of the improvement, less the amount of Federal-Ald Sately funds set saide by the Director of Transportation to the fluences of improvement from tunds allocated by the Federal Highway Administration, U. B. Department of Transportation, and further, the County agrees to assume and bear 100% of the cost of Right of Way, excluding in-house right of way charges incurred by the State.

This project consists of pavement marking and guardrail on various routes and sections, lying within Altises County.

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

WHEREAS, on 18th day of September, 2018, the LPA enacted legislation properly consider with the Director of Transportation for the described project.

The Tollowing Final Resolution enacted by the Board of County Commissioners, Athens County, hereinalter referred to as the Legislative Authority, in the matter of the stated described project.

FINAL RESOLUTION

(Resolution No. 918-08)

ODOT Project No. (2019)

NOW, THEREFORE, be it resolved:

BECTION III: LEGAL REFERENCES

HURPOSE

RECITALS

SECTION

WITNESSTH

PID No. 104067 - Confract

SECTION IV: SCOPE OF WORK

The work to be parlormed under this contract shall consist of the following:

SECTION V: EINANCIAL PARTICIPATION

and in in bis some as a sour in the second of the second of the project. .1

The STATE may allocate the money contributed (if applicable) by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, northithstanding the percentage basis of contribution by the LPA. 5

This project consists of pavement marking and guardrail on various routes and sections, lying within Albens County; and

The total cost and expenses for the project are only an estimate and the total cost and expenses may be obtained in the April of the section of the section

this possible that the LPA's share of the project is now astimated in the foot of the control of

The County agrees to sesume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-Aid Safety unde set stated by the fine process of the fine process of the precent of the precent allocated by the Federal Highway Administration, U. S. Department of Transportation, and further, the County agrees to assume and bear 100% of the cost of Right of Way, excluding In-house right of way of seges incurred by the State.

The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction tiems required by the LPA on the entire project, which are not necessary for the improvement, as deformined by the State and Federal Highway Administration.

The LPA agrees that change orders and extra work confracts required fulfilling the constructs of the construction contracts about the construction contracts about the construction of the

The letp certify that we have compared the foregoing copy of Resolution with the original record invesor, send which Resolution and the proceedings of the LA.A. and which Resolution between the thing the same is a true and correct copy of the record of said Resolution and the action of the Resolution and the action of the record of said Resolution and the action of said Resolution and the correct copy of the record of said Resolution and the nollulosoff Innif - 780501 , DN Cliq

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Legistrike Aultwily of the Board of County Commissionem

County Engineer Ex-Offices Aunco conur

November 27, 2018 prepared by Jill Thompson, Athens County Auditor.

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 and seconded by approving the following Utility Permit#18-123 Ohio Power::

From: Ohio Power Permit#18-123

We hereby request permission to install utility lines within public right-of-way limits.

Location of work: CR22 Vore Ridge Road

Description of Work to be Performed: ADSS Fiber Cable - Ohio Power Co. Will be adding a single ADSS fiber cable to the existing distribution

power line which crosses aerially over Vore Ridge Road (CR22).

Type of Installation: Overhead Line Crossing Road - Fiber Optic Line

Estimated Project Schedule: ASAP - Completion Date: 12/31/2018.

Agreed to by: /s/

Athens County Commissioners

/s/ Charlie Adkins

/s/ Chris Chmiel

/s/ Lenny Eliason

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 County Engineer to sign the Final Legislation Resolution & Contract PID104067 ATH CR VAR GR FY2019 for pavement markings and guardrail projects, and all documents related to the guardrail projects. (Copied to pages 629-630).

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 Amendment to Project Agreement, as recommended by County Planner, Jessie Powers - Amendment No. COTF-212.1 for the Clean Ohio Trails Fund Grant Agreement - Project Completion Date is extended to July 31, 2019. (Copied to page 631).

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 donation of a 2008 Chevy Impala (ACCS) to

Utility Permit #18-123 Ohio Power

Engineer - Authorize Engineer to Sign Final Legislation, Resolution & Contract Along w/All Documents Related to Projects.

Planner - Amendment to Project Agrmt. COTF

ACCS - Donation of 2008 Chevy Impala to GoodWorks, Inc.

SECTION XII. SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that neight has been duly authorised by his-her principal to execute this contract on such

Facsinile Signatures: Any party hereto may deliver a copy of its counterpart eigenture page to this Agreement via rak or email. Each party hereto shall be emitted to rely upon a facelinile signature on any other party delivered in such a monner as it such signature were an original.

LOCAL PUBLIC AGENCY Board of County Commissioners Albens County Director of Transportation County Engineer Se County Commissioner
County Commissioner
County Commissioner Date County Commissioner Dato U/2 2/18 Approved: Mike DeWinn Attorney General of Ohio Date:

PID No. 104067 - Contract

- To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;
 To place and maintain all traffic control devices conforming to the Ohio Manual on Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
 To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution. E.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows

Board of County Commissioners Athens County 16000 Canazarville Road Athens, Ohio 45701

Ohlo Department of Transportation Office of Estimating 1980 West Broad Street, 1st Floor Columbus, Ohlo 43223

SECTION X: FEDERAL REQUIREMENTS

- In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sax, national origin, disability, or age. LPA with ansure that applicants are hered and that employees are treated during employment without regard to their race, religion, color, sax, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual crentation, or military status (past, present, future). Such action shall have but not be limited to, the following: Employment Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertisting; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Appronticeship.
- To the extent necessary under Ohio taw, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination dause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national erigin (ancestry), disability, genotic information, age (46) years or older), evalual orientation, or military status (past, present, future). It applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed harding fortier than subcontracts for standard commercial supplies or raw materials) and will require its subcontracts for standard commercial supplies or raw materials) and will require its subcontracts for such work.

LPA agrees to fully comply with Tille VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. Contractor shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Tille VI.

SECTION XI: GENERAL PROVISIONS

- This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
- Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party. Ž.
- Any change to the provisions of this contract must be made in a written amendment executed by both parties. 3.
- This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Chio shall be desmed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATEIs a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
- All financial obligations of the State of Ohlo, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohlo Revised Code. The financial obligations of the State of Ohlo shall not be valid and enforceable unless funds are appropriated by the Chio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body. 5.
- This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof. 6.
- LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

PID No. 104067 - Contract

SECTION VI: RIGHT-OF-WAY AND UTILITIES

- The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
- - Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removats and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive
 - The removals and/or relocation of all utilities shall be done in such a manner as not to interiere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

- The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
- The LPA agrees:

 - To keep said highway open to traffic at all times;
 To maintain for the PROJECT in accordance with provisions of the statutes relating thereto, including, but not limited to, Title 23, U.S.C., Section 116;
 To make ample financial and other provisions for such maintenance of the PROJECT after its completion;

GoodWorks, Inc. Vin# 2G1WB58K281213659.

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

~ Personnel Policy Manual - Discussion on updates and changes to the Policy.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins to adopt the Revised Athens County Personnel Policy Manual by December 1st, 2018, to coincide with the CORSA Personnel Policy Manual.

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 accept the resignation of Autumn Tackett (EMS) and post her position, as recommended by EMS Chief Rick Callebs.

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 request by EMS Chief Rick Callebs, to purchase a storage shed for the Albany Station #55 from Nelsonville Mobile Home parts and Supply Co. Price: \$3,200.00 (includes delivery and set up). 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 eight (8) hour suspension for EMS employee James Foster for tardiness, as recommended by EMS Chief Rick Callebs.

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

~ Ohio Deferred Comp. - Jason Brown - Presented Athens County with a Plaque Resolution for Athens County, who's efforts have significantly contributed to the commendable levels of employee retirement savings, including an 18% increase in total deferrals.

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

- ~ Ice Miller Contract discussion Commissioner Chmiel discussed the broadband expansion for the new US50 sewer project. They propose to draft the RFP, assist with reviewing the responses recieved, draft the contracts. Commissioner Eliason will discuss this with Athens City and will discuss further at next week's meeting.
- ~ Carolyn Ervin and concerned citizens from the Hebbardsville Road area expressed their concerns regarding the City of Athens over the placement of sewage sludge (biosolids) on Ohio University owned property in Alexander township. The Ohio EPA regulates all

Personnel Policy Manual - Adopt Revised Policy to Coincide w/CORSA Manual

EMS - Accept Resignation of A. Tackett / Post Position

EMS - Approve Request to Purchase Storage Shed for Albany Station

EMS Employee Suspension - J. Foster

Ohio Deferred Comp - Plaque - Resolution for Significant Contributions

Ice Miller Contract Discussion

Carolyn Ervin & Concerned Citizens re: Sewage Sludge (bio solids)

Project Sponsor: Athens County Commissioners

Amendment No.: COTF-212.1

AMENDMENT TO PROJECT AGREEMENT

This Amendment to Clean Ohio Trails Fund Grant Agreement No. COTF-212 is hereby made and agreed upon by the state of Ohio, acting through the Ohio Department of Natural Resources, and by the Athens County Commissioners.

The state and the Athens County Commissioners in mutual consideration of the promises made herein and, in the agreement, of which this is an amendment, do promise as follows:

The project completion date is extended to July 31, 2019.

In all other respects the agreement of which this is an amendment, and either the plans and specifications or appraisals relevant thereto, shall remain in full force and effect. In witness, whereof the parties hereto have executed this amendment as of the date entered below.

State of Chio	Athens County Commissioners Recipient Public Agency
Paul R. Baldridge, Chief Office of Real Estate As Designee for: James Zehringer, Director	By: Con Elimature)
Date:	(Name)
	(Name)
	PRESIDENT.
	(Title)

office loppy

COMMISSIONERS'

JOURNAL 108

ATHENS COUNTY,

REGULAR SESSION

November 27, 2018

PAGE 632

biosolid programs in the state of Ohio approving and regulating all sites. The Commissioners cited that the land use agreement is between Ohio University and the City of Athens, and encouraged them to attend a City Council meeting to discuss the issue further.

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.

Adjourn

Ann Rockhold, Clerk

Julie Brooks, Assistant Clerk

Lenny Eliason, Presiden

Chris Chmiel, Vice-President

Charlie Adkins