

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, 2018.

Minutes

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

Any Chief 11-27-18 Long Elia 11/27/18 CQ 11-27-18 munis
 11/27/2018 09:08 Athens County BUDGET TRANSFERS AND AMENDMENTS 1P 1
 4877jrockhold bgamdent

Record Number	Year	Per	Journal Date	Clerk	Description	Total Increase	Total Decrease	Workflow Status
1	2018	11	567 11/20/2018	4877mrhoades	Transfer	3,500.00	3,500.00	Approved
2	2018	11	590 11/27/2018	4877smorris	Transfer	53.00	53.00	Approved
3	2018	11	592 11/27/2018	4877smorris	Appropri	25,088.00	0.00	Approved
4	2018	11	600 11/21/2018	4877cmckee	TRANSFER	10,000.00	10,000.00	Approved
5	2018	11	625 11/21/2018	4877kspencer	transfer	428.78	428.78	Approved
6	2018	11	642 11/26/2018	4877mmilum	Certify	174.62	0.00	Approved
7	2018	11	645 11/26/2018	4877cmckee	TRANSFER	15,000.00	15,000.00	Approved
8	2018	11	648 11/26/2018	4877mmilum	Transfer	500.00	500.00	Approved
9	2018	11	666 11/26/2018	4877clucas	Approp	2,500.00	0.00	Approved
10	2018	11	667 11/26/2018	4877clucas	Approp	35,000.00	0.00	Approved
11	2018	11	668 11/26/2018	4877chambless	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

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::

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).

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

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).

Planner - Amendment to Project Agrmt. COTF

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

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

SECTION XI: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal's behalf.

Facsimile Signatures: Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or email. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

SEAL
(if Applicable)

OHIO DEPARTMENT OF
TRANSPORTATION

LOCAL PUBLIC AGENCY
Board of County Commissioners
Athens County

Director of Transportation

County Engineer

Date

County Commissioner

County Commissioner

County Commissioner

Date

Approved:
Mike DeWine
Attorney General of Ohio

By: Stephen H. Johnson
Chief, Transportation Section

Date:

- LPA agrees to fully comply with Title 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 Title 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.
- Any change to the provisions of this contract must be made in a written amendment executed by both parties.
- 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 Ohio shall be deemed 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 STATE is 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 Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio 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.
- This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
- 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.

- 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.

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 Canaanville Road
Athens, Ohio
45701

Ohio Department of Transportation
Office of Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 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, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
- To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. 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 origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

SECTION VII: 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.
- The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 845 and the ODOT Utilities Manual, including that:
 - 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 removals 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 of betterments.
 - The removals and/or relocation of all utilities shall be done in such a manner as not to interfere 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 Specifications.

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 118;
 - 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 Ohio

Paul R. Baldrige, Chief
Office of Real Estate
As Designee for:
James Zehringer, Director

Athens County Commissioners
Recipient Public Agency

By:

Larry Elmer
(Signature)

Date: _____

LARRY ELMER
(Name)

PRESIDENT
(Title)

Office copy

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.

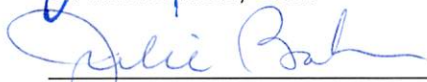
A motion was made by Mr. Chmiel and seconded by Mr. Adkins to adjourn the above meeting.

Adjourn

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



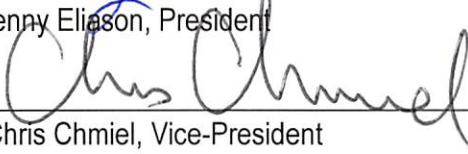
JoAnn Rockhold, Clerk



Julie Brooks, Assistant Clerk



Lenny Eliason, President



Chris Chmiel, Vice-President



Charlie Adkins