

REGULAR SESSION

Agenda

THE BOARD OF ATHENS COUNTY COMMISSIONERS, met in regular session September 18, 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 September 18, 2018 - Convenes at 9:30 a.m.**

Approve Agenda

Approve Minutes from September 11, 2018

Approve Appropriations, Transfers, New Line Items Requests/Changes

Approve Bills

09:30 ACCS - Vehicle Bid Opening
09:45 DJFS - Tracy Helber
10:00 Lance - COMDOC - Printer/Copier Company
10:15 Aaron Maynard, 911 Interim Dir.
10:30 Jessie Powers, County Planner
11:15 Dog Warden, Mary Beth Brown
01:30 Road Viewing - Evergreen Drive - Lee Twp.

~ AGENDA ITEMS

Amended Certificate

Utility Permit

ATH-CR33A Paving Project Award (from last weeks Bid Opening)

ACWSD - Payment Agrmts.(ratify signature)

Dog Shelter Volunteers

Data Board Recommendations

Proclamation - Prostate Cancer Awareness Month

Asphalt for back lot

Engineer - Preliminary Legislation / ODOT Project Agrmt. - ATH CR VAR PM FY2019

FEMA Bikepath Letter Withdrawal

Maintenance Supervisor

Road Vacation - Trimble Twp. 521

CEBCO Insurance Rates

Reg Elin 9/18/18

Chris Arnold
9/18/18

9/18/18



09/18/2018 09:29
4877jrockhold

Athens County
BUDGET TRANSFERS AND AMENDMENTS

P 1
bgamdent

Record Number	Year	Per	Journal Date	Clerk	Description	Total Increase	Total Decrease	Workflow Status
1	2018	09	301 09/14/2018	4877bcanter	correct	49,638.66	0.00	Held
2	2018	09	302 09/14/2018	4877aferguson	coorrect	0.00	0.00	Held
3	2018	09	310 09/14/2018	4877cmckee	APPROPRIAT	3,250.75	0.00	Pending Approval
4	2018	09	314 09/14/2018	4877cmckee	TRANSFER	15,008.69	15,008.69	Approved
5	2018	09	315 09/14/2018	4877ocrockron	OE	10,000.00	10,000.00	Approved
6	2018	09	335 09/17/2018	4877cmckee	APPROPRIAT	4,400.00	0.00	Pending Approval
7	2018	09	337 09/17/2018	4877cmckee	APPROPRIAT	11,324.98	0.00	Pending Approval
8	2018	09	338 09/17/2018	4877rbail	app	39,425.00	0.00	Pending Approval
9	2018	09	339 09/17/2018	4877rbail	trnsfr	7,000.00	7,000.00	Pending Approval
10	2018	09	362 09/17/2018	4877lchambless	Trans	23,087.49	23,087.49	Pending Approval
11	2018	09	370 09/17/2018	4877lchambless	Trans	4,000.00	4,000.00	Pending Approval
12	2018	09	373 09/18/2018	4877cmckee	CERTIFY	15,724.98	0.00	Pending Approval

** END OF REPORT - Generated by JoAnn Rockhold **

~TRAVEL

EMA

Dir. Dan Pfeiffer - Ohio EMA (IPAWS) Meeting - Sept. 19, 2018 - Pike County EMA

Engineer

Donnie Stevens & Brandon Williams - ODOT Bridge Inspection Part 2 - Sept. 25-27, 2018 - Columbus, OH

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 September 11, 2018.

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 Appropriations, Transfers, New Line Items Requests/Changes submitted and processed through the Auditor's Office by various Departments. Dated: September 18, 2018 (Copied to page 464).

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 - Dated: From September 12, 2018 to September 18, 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.

~ Athens County Children Services (ACCS) Vehicle Bid Opening 9:30 a.m.

No Bids Received for the 2008 Chevrolet Impala Vin#2G1WB58K281213659 Minimum Bid: \$2,700.00

A motion was made by Mr. Chmiel and seconded by Mr. Adkins acknowledging receipt of the Amended Certificate, dated September 18, 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 Mr. Chmiel and seconded by Mr. Adkins approving the following Utility Permit for Tupper's Plains Chester Water District #18-022:

From: Tupper's Plains Chester Water District

Minutes

Appropriations, Transfers, New Line Items Requests/Changes

Bills

ACCS - Vehicle Bid - No Bids Received

Amended Certificate

Utility Permit - Tupper's Plains Water #18-022

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for engaging consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

SECTION IV Authority to Sign

The LPA hereby authorizes Jeff Maiden of said County Engineer to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project, and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

I, Jeff Maiden is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests in the State of Ohio to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION V – Utilities and Right-of-Way Statement

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 645 and the ODOT Utilities Manual.

PRELIMINARY LEGISLATION
(If PA-ODOT-Let Project Agreement)
(PARTICIPATORY)

Ordinance Resolution #: 918-108
FD No.: 104092
County/Route/Section: ATHEN COUNTY
Agreement No: 2364

The following is a Resolution enacted by the Board of Commissioners of Athens County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the (LPA/STATE) has determined the need for the described project:

Permanent marking project on various routes and sections in Athens County. Funded through the County Engineers Association of Ohio (CAEO).

NOW THEREFORE, be it ordained by the Board of Commissioners of Athens County, Ohio.

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA-Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The County does hereby agree to assume and contribute the entire cost and expense of the improvement, less the amount of Federal aid funds set aside by the Director of Transportation for financing this improvement from funds allocated by the Federal Highway Administration. It is the intention of Transportation, and further, the County agrees to bear the financial portion (100%) of the cost of the following items:

- 1) Right-of-Way
- 2) All costs for added construction items resulting from work contracts under Ohio laws, unless performance is improved by the State of Ohio and Federal Highway Administration before work is underway.

The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

39561 Bar 30 Road
Reedsville, Ohio 45772

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

Location of work: Sandridge Road approx. 3200 ft. north of intersection of Bobo Road

Description of Work: Water - Open cut for water line installation to Glen Pennington at 5360 Sandridge Road

Type of Installation: Open Cut road

Agreed to by: /s/Donald Poole

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 to approve the Bid Award to Nuko Paving for the ATH-CR33A Paving Project, at the County Engineer's recommendation, and authorize all signatures needed related to the project. Bid Award amount: \$2,046,906.48.

**Engineer - ATH-CR33A Paving -Bid Award -
Nuko Paving**

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 ratifying the signature of Commissioner Eliason and authorizing a payment plan for Jeannie Waddell for monies owed the Athens County Water and Sewer District for water and sewer service, the total amount past due is \$138.53 minus a payment of \$68.53 requiring a monthly minimum payment of \$22.85 plus the regular monthly bill, for three (3) months. Customer must pay payment amount, plus the current bill, failure to do so breaks the agreement and payment is due in full. Should at any time Jeannie Waddell not make one of these payments the account will be considered delinquent and service could be shut off. First payment due before or on October 15, 2018.

ACWSD - Payment Plan - J. Waddell

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 ratifying the signature of Commissioner Eliason and authorizing a payment plan for Vickie/Ernie Perkins for monies owed the Athens County Water and Sewer District for water and sewer service, the total amount past due is \$730.17, requiring a monthly minimum payment of \$121.70 plus the regular monthly bill, for six (6) months. Customer must pay payment amount, plus the current bill, failure to do so breaks the agreement and payment is due in full. Should at any time Vickie/Ernie Perkins not make one of these payments the account will be considered delinquent and service could be shut off. First payment due before or on October 2, 2018.

ACWSD - Payment Plan - V & E. Perkins

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

8/27/2018

CERTIFICATE OF COPY
STATE OF OHIO

Board of Commissioners of Athens County, Ohio
(LPA)

I, JoAnn Rockhold, as Clerk of the Board of Commissioners
(LPA)

of Athens County, Ohio, do hereby certify that the foregoing is a true and correct copy of
resolution adopted by the legislative Authority of the said

(Ordinance/Resolution/Resolution)

Board of Commissioners on the 18 day of September, 2018.
(LPA)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,
this 18th day of September, 2018.



JO ANN ROCKHOLD
Notary Public
In and for the State of Ohio
My Commission Expires
August 3, 2020

JoAnn Rockhold
(Clerk)

Board of Commissioners of Athens County, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the LPA" is required.)

8/27/2018

PID No.: 104992

SECTION VI - Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VII - Emergency measure
(as applicable)

The resolution is hereby declared to be an emergency measure to expedite the highway project and
(Ordinance/Resolution/Resolution)
to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: 9/18, 2018.
(Date)

Attested: JoAnn Rockhold
(Clerk)

Board of Commissioners
(Contracted Agent of LPA - title)

Roy Ehi
Chris Church
C. A.

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

Dog Shelter Volunteers

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 from the (ACBDD) Athens County Board of Developmental Disabilities to purchase two (2) Smart Televisions and mounts for the new work facility in The Plains, as recommended by the Data Processing Board. Total: \$384.92

ACBDD - Approve Purchase of 2 Smart TV's for New Work Facility in The Plains

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 from the Clerk of Courts for a new computer and scanner for a new workstation, purchased from NetData at \$1359.00 each, as recommended by the Data Processing Board.

Clerk of Courts - Approve Computer & Scanner for a New Workstation

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 Agreement, as recommended by DJFS, with Hopewell Health Centers, Inc. Dba: Athens County WIC as follows:

DJFS - Subgrant Agrmt. - Hopewell/WIC

Athens County Job & Family Services

Subgrant Agreement

RECITALS:

This Subgrant Agreement is entered into between the Athens County Department of Job and Family Services (hereafter referred to as "ACDJFS") and the Hopewell Health Centers, Inc. Dba: Athens County WIC (hereinafter referred to as "SUBGRANT") on the__ day of 2018.

This Subgrant Agreement is made pursuant to a grant award by the Ohio Department of Job and Family Services (ODJFS) and is not for research and development purposes. The grant award is under the authority of the Ohio Department of Job & Family Services, Catalog of Federal Domestic (CFDA) numbers 93.558, award program year 2018/2019 and Federal fiscal year 2018, awarded by the US Department of Health and Human Services.

THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED IN THIS SUBGRANT AGREEMENT, THE PARTIES AGREE AS FOLLOWS:

ARTICLE I. PURPOSE OF THE SUBGRANT/SUBGRANT DUTIES

The purpose of the Subgrant and this Subgrant Agreement is to establish the terms, conditions and requirements governing the administration and use of the financial assistance received by or use by the SUBGRANTEE pursuant to this Subgrant Agreement. SUBGRANTEE agrees to provide eligible Athens County families with diapers and wipes. This program will fulfill TANF Purpose 1: To provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives.

SECRET

TOP SECRET

NOFORN

RESTRICTED

CONFIDENTIAL

SECRET

1. Environ

2. LEGAL REQUIREMENTS

**A
FEDERAL**

- 23 CFR Part 203
 - 23 CFR 172
 - 23 CFR 632, 108
 - 23 CFR 638, 118
 - 23 CFR 645
 - 48 CFR Part 31
 - 49 CFR PART 25
 - 23 USC 112
 - 49 USC Section 1,
- "Modernization of Engineering and Design Related Design Decision-Support Systems"
- Authorization to Proceed
- Organizational Control of Interest Requirements for Design-Related Projects
- USDA
- Federal Acquisition Regulations
- Publication by Unaccredited Business Enterprises "TBE"
- Department of Transportation Financial Assistance Programs
- "Landing of Contracts"
- Chapter 11, Section 1101-1104, the "Brooks Act" --
- "Selection of Architects and Engineers"

The parties hereto caused this Agreement to be duly executed as of the day and year last written below

Date. 2/24/5

ARTICLE IV. EFFECTIVE DATE OF THE SUBGRANT

A. This Subgrant Agreement will be in effect from 09/29/2018 through 09/28/2019 unless this Subgrant Agreement is suspended or terminated pursuant to ARTICLE VIII prior to the above termination date. In accordance with applicable federal, state and local laws and regulations, ACDJFS reserves the right to extend this Subgrant Agreement for up to one (1) year through 09/28/2020, upon mutual agreement, based on performance, continuity of services and availability of federal, state and/or local funding.

ARTICLE V. AMOUNT OF SUBGRANT/PAYMENTS

A. This grant is in the total amount of Three hundred and no one-hundredths dollars (\$300.00) for administration of the program for the Subgrant period. (Copy of Agreement on file in Commissioners Office)

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 Proclamation supporting September as National Prostate Cancer Awareness Month:

Proclamation - Prostate Cancer Awareness Month

September is Prostate Cancer Awareness Month

Whereas, this year approximately 164,690 men will be diagnosed with prostate cancer in the United States alone every year – that's one man every 3.2 minutes and roughly 29,430 die this year from the disease – which is one man every 18 minutes; and

Whereas, in Ohio an estimated 5,810 new cases of prostate cancer will be diagnosed and an estimated 1,110 deaths will occur in 2018; and

Whereas, Men with relatives – father, brother, son – with a history of prostate cancer are twice as likely to develop the disease; and

Whereas, Prostate cancer is most commonly diagnosed cancer in American Men and the third leading cause of cancer death behind lung and colon cancer; and

Whereas, 1 in 9 men are diagnosed with prostate cancer in his lifetime. 1 in 6 African American men will develop prostate cancer in his lifetime. Overall, African American men are 1.7 times more likely to be diagnosed with—and 2.3 times more likely to die from—prostate cancer than white men; and

Whereas, Veterans who are exposed to herbicides like Agent Orange are at increased risk for developing prostate cancer, and are more likely to have an aggressive form of the disease; and

Whereas, Education regarding prostate cancer and early detection strategies is critical to saving lives, preserving, and protecting our families. The economic and social burden of prostate cancer is huge. Prostate cancer is estimated to cost over \$8 billion in direct medical expenditures; and

Whereas, If caught early prostate cancer has a five-year survival rate of nearly 100%. However for late stage prostate cancer the five-year survival rate is 29%; and

Whereas, all men are at risk for prostate cancer and we encourage the citizens of Athens County to increase the importance of prostate screenings.

Signed this 18th day of September, 2018

/s/ Lenny Eliason, President
/s/ Chris Chmiel, Vice President
/s/ Charlie Adkins

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 estimate from RightWay Paving and Sealing, in the amount of \$1,495.00 for the following asphalt work to be done in the back Annex parking lot:

Clean and Prep parking lot approx. 979 SQY

Fill approx. 500 Lf of cracks with sand and hot applied rubberized crack filler.

Apply one coat of commercial grade sealer.

Stripe lot as existed

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 and authorizing County Engineer, Jeff Maiden to enter into agreement with ODOT for the ATH CR VAR PM FY2019 Project. Pavement marking project on various routes and sections in Athens County . Funded through the County Engineers Association of Ohio (CEAO). The placement of pavement markings on various Athens County roads (hereinafter referred to as the PROJECT) is a transportation activity eligible to receive Federal funding, and which is further defined in the PROJECT scope. Full copy of agreement on file in Commissioners Office. (Preliminary Legislation and Agreement signature page copied to pages 465-467).

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

~ *FEMA Bikepath Withdraw letter* - The Clerk was contacted by FEMA stating that since the bikepath itself wasn't officially damaged, it is not eligible for funding.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins approving the FEMA withdraw request and authorize the clerk to send a letter to them.

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

~ *Maintenance Supervisor* - Discussion regarding applications received for the Maintenance Supervisor position, three (3) applications

Annex Parking Lot - Approve Estimate from RightWay Paving & Sealing

Engineer - ODOT Agrmt. ATH CR VAR PM FY2019 Pavement Marking Project

FEMA Bikepath Withdraw Letter
FEMA Bikepath - Withdraw Motion - Request RFI & Determination Letter from State (See pg. 476).

Maintenance Supervisor Position - Schedule

defect in such title.

7. **INDEMNIFICATION.** Lessee will indemnify and save Lessor harmless against all lost,

costs, expenses, attorney fees, and damages suffered or incurred by Lessor in the discharge of mechanics' liens, filed or to be filed, in the Lessee's improvement or maintenance of the premises, or in the defense or discharge of claims asserted or perfected against Lessor as to personal injuries or property damages, due solely from the negligence, in the occupancy of the premises by Lessee, its agents, employees, or invitees.

8. **RENTAL FEE.** Lessee agrees to pay Lessor, as rental hereunder, the following:

\$200.00 (two hundred dollars) per month for the first year and will increase 3% around the increase for each subsequent year the agreement is active. Any change in rate structure shall be implemented at least 120 days prior to the anniversary date of this Agreement.

Said fee becomes effective the 1st day of October, 2018. Payments shall be made to:

Adams County 911
13 West Washington Street
Adams, Ohio 45701
(740) 592-3273

9. **BINDING EFFECT.** All the covenants, terms and conditions of this Agreement shall inure to the benefit of, and be binding upon, the respective successors and assigns of the parties hereto.

10. **RECORDING.** This Agreement shall be recorded in the Office of the Recorder of Adams County, Ohio, within thirty (30) days of the execution of this Agreement by all parties.

3. **RIGHTS RETAINED BY LESSOR.** Lessor shall retain all oil, gas and mineral rights in and under said land in which Lessor has an interest at the date hereof; however, Lessor shall not have the privilege of using the surface of the premises for drilling, mining or farming operations or any other use that would interfere with Lessor's use without the prior written approval of Lessee, which written approval shall not be unreasonably withheld.

4. **IMPROVEMENTS AND REPAIRS; REPAIR OR DAMAGE.** Lessee shall have the right of ingress and egress to said premises at all times, and shall remove any and all improvements, buildings or structures owned by Lessee and shall have the right of ingress and egress for up to twelve (12) months after the termination hereof for the purpose of removing any improvements, buildings, structures, mobile homes, property, fixtures or equipment placed upon the premises by Lessee, which Lessor expressly agrees shall be and remain the property of Lessee and which Lessee shall remove at its sole expense within twelve (12) months after the termination of this Agreement. Lessee shall be responsible for the cost of repairing any damage to the premises resulting from the construction, erection or removal of Lessee's property, mobile homes, buildings, fixtures or equipment. Lessee shall be responsible for the cost of repairing any damage to the premises resulting from any exercise of rights of ingress and egress described herein, reasonable wear and tear excepted.

5. **INSURANCE.** Lessee shall be responsible for the payment of all insurance on the personal property placed on the premises by Lessee during the term of this Agreement. Lessee shall also provide to the Lessor the insurance certificate, of the existing tower company, prior to any drilling work being conducted on the tower.

6. **LESSOR'S TITLE.** Lessor covenants that it has good title to the premises, has good right to lease the same, and warrants and agrees to defend the title thereto. Lessor shall indemnify, reimburse and hold harmless from all damages and expenses which Lessee may suffer by reason of any breach of this covenant or of any restriction, covenant or

received. The Clerk will contact applicants and schedule interviews for September 25th, 2018.

Interviews

A motion was made by Mr. Chmiel and seconded by Mr. Adkins to accept the petition and set a Road Viewing and Hearing for a Road Vacation request submitted by Trimble Township Trustees, for a portion of Trimble Twp. Road 521, as follows: Situated in the State of Ohio, County of Athens, Township of Trimble, T-11, R-14, Section 22, being a 10' wide ingress/egress easement, 5' on either side with the centerline particularly described as follows: Beginning at JCT C92 for .820 mile, ending at JCT T312. Road Viewing set for 8:30 a.m. on October 30th, 2018 with Hearing set for 10:00 a.m. the same day.

Road Vacation Trimble Twp. 521 - Schedule Viewing & Hearing

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 approve keeping the same CEBCO Insurance rates as last year and removing the low insurance rate plan for County employees. CEBCO is on the agenda next week to discuss the Claims Report and Renewal information.

CEBCO Insurance Rates for 2019 - No Change Remove Low Insurance Plan

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 (IPAWS) Meeting - Sept. 19, 2018 - Pike County EMA

Engineer

Donnie Stevens & Brandon Williams - ODOT Bridge Inspection Part 2 - Sept. 25-27, 2018 - Columbus, OH

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

~ *Lance Langel*- *ComDoc Printer/Copier Company* - Presentation of services. The Commissioners suggested he contact all Departments directly with his information.

ComDoc Printer/Copier Co. - Lance Langel

~ *Aaron Maynard*, *911 Interim Director* - Mr. Maynard made the Commissioners aware that Notice to Negotiate has been received from the OPBA with the negotiation process beginning on November 1, 2018 per contract. Also discussed was the Simulcast System one year maintenance agreement which ends in November. In working with Motorola and B&C Communications, they came up with an extension of the current maintenance agreement to get through until the first of the year. They were also able to negotiate with Motorola to combine the current Service maintenance agreement with B&C Communications Cost of agreement: \$38,712.00. He will return in the near future with the Motorola portion of the agreement for approval.

911 Interim Director - Discussion re OPBA Negotiations & Simulcast System

Instrument: Book Page
20180004204 OR 548 972

20180004204
MISSY FOWLER
P154-GP

Instrument: Book Page
20180004204 OR 548 971

STATE OF OHIO
COUNTY OF ATHENS, SS

The foregoing RADIO TOWER SITE LEASE AGREEMENT was acknowledged before me this 19 day of September, 2018, by Lenny Ellason, Charlie Adkins, and Chris Chmell, for and behalf of the Athens County Commissioners, the "LESSOR".



JO ANN SIKORSKI
Notary Public
in and for the State of Ohio
My Commission Expires
August 3, 2023

[Signature]
NOTARY PUBLIC

STATE OF OHIO
COUNTY OF ATHENS, SS

The foregoing RADIO TOWER SITE LEASE AGREEMENT was acknowledged before me this 19 day of September, 2018, by approved authority, for and behalf of Positive Radio Group, Ohio by Edward A. Baker LESSEE" herein.

(SEAL)



[Signature]
NOTARY PUBLIC

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed
this 18 day of September, 2018.

SIGNED AND ACKNOWLEDGED
IN THE PRESENCE OF:

[Signature]
Witness
[Signature]
Witness

LESSOR
Athens County Commissioners

[Signature]
The Board of Commissioners of Athens
County, President
[Signature]
Commissioner
[Signature]
Commissioner

[Signature]
Witness
[Signature]
Witness

LESSEE
Positive Radio Group, Ohio/Edward A. Baker
[Signature]
Approving Authority
[Signature]
Regional Manager
Positive Radio Group, Inc.

This instrument prepared by: Keller J. Blackburn
Athens County Prosecuting Attorney

A motion was made by Mr. Chmiel and seconded by Mr. Adkins authorizing Aaron Maynard, 911 Interim Director, to enter into an agreement with B&C Communications for a Service/Maintenance Agreement effective January 1, 2019, in the amount of \$38,712.00.

911 - B&C Communic. Serv./Maint. Agrmt.

1. This agreement covers technician response and troubleshooting, and repairs utilizing available system spares. Spares Kit includes 1 GGM8000 Site Router, 2EA TRAK GPS Unit, 1 EA DLN6983 VHF XCVR, 1 EA DLN6781 Power Supply, 1 EA DKN6897 VHF PA DECK, 1 EA CLN1856 HP Network Switch and 1EA MCL8000 Gateway.
 2. Coverage is 24 | 7 | 365 for complete site outage only. Problems of a lesser severity will be handled between the hours of 8:00 and 4:30.
 3. This agreement also include a semi-annual and an annual preventive maintenance (PM) for all sites.
 4. If equipment is found to be faulty and requires removal for repair, affected sites will be down until equipment is repaired and returned to that site. This agreement doesn't cover cannibalization from another site. (Full agreement on file in Commissioners Office).
- 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 Radio Tower Site Lease Agreement between Positive Radio Group and the Athens County Commissioners, as recommended by Aaron Maynard, 911 Interim Director as follows:

911 - Radio Tower Site Lease Agrmt. w/PRG

RADIO TOWER SITE LEASE AGREEMENT

THIS AGREEMENT, made and entered into this 10th day of September 2018, by and between Positive Radio Group/by Edward A. Baker, hereinafter called the "Lessee" and the Athens County Board of Commissioners, Athens County, Ohio, hereinafter called the "Lessor".

WITNESSETH:

That for and in consideration of the covenants, considerations, promises and agreements herein contained, said Lessor agree to lease to Lessee space on the tower and in the shelter building on a parcel of land known as 11 North Lancaster Street, Athens Ohio 45701.

1. USE. The premises will be used and occupied by Lessee in a careful, safe, and proper manner. The premises are leased to be used for providing radio communications as may be determined by Lessee from time to time. Lessee may use the premises for such other uses as are incidental or related to providing such radio communication. Lessee will abide by all applicable federal, state and local laws and regulations respecting the premises and its occupancy and use and will not use the premises or allow the same to be used for any unlawful purpose. Lessee shall remove the existing 4 bay Di-Pole VHF antenna at no cost to the Lessor. The Lessee shall have use of the existing standoff bracket and 7/8 feedline, if applicable, which shall be returned to the Lessor when the term of this agreement has terminated.
2. TERM. The term of the Agreement is for a period of three (3) years commencing the 1st day of October, 2018 and ending the 1st day of October, 2021. This Agreement will automatically renew in (3) year increments, unless, prior to a renewal, either party, with or without cause, gives the other party written notice of intention to cancel at least ninety (90) days prior to such cancellation.
3. RIGHTS RETAINED BY LESSOR. Lessor shall retain all oil, gas and mineral rights in and under said land in which Lessor has an interest at the date hereof; however, Lessor shall not have the privilege of using the surface of the premises for drilling, mining or

Athens County Commissioners



Charlie Adkins
cadkins@athensoh.org
Chris Chmiel
echmiel@athensoh.org
Lenny Eliason, MPA
leliason@athensoh.org

15 South Court St.
Athens, Ohio 45701
(740) 592-3219
Visit us at our website:
co.athensoh.org

JoAnn Rockhold
Clerk/Admin. Assistant
jsikorski@athensoh.org
Telephone (740) 592-3292
Fax (740) 594-8010

ODOT Bike Routes Resolution

WHEREAS, bicycle tourism is a growing industry in North America, contributing \$198 billion a year to the economies of communities that provide facilities for such tourists; and

WHEREAS, the American Association of State Highway and Transportation Officials (AASHTO) has designated a series of corridors crossing Ohio to be developed as various US Bicycle Routes.

WHEREAS, the Ohio Department of Transportation has designated a series of corridors crossing Ohio to be developed as various State Bicycle Routes.

WHEREAS, the Ohio Department of Transportation is supportive of AASHTO designated bicycle routes through Ohio, subject to ongoing collaboration with affected jurisdictions to inventory, analyze, and designate specific facilities the routes will traverse, and

WHEREAS, the Board of Commissioners and the Adventure Cycling Association, with the cooperation of the Ohio Department of Transportation and other stakeholders, have proposed specific routes to be designated as various US and State Bike Routes, a map of which is herein incorporated into this resolution by reference, and

WHEREAS, we have investigated the proposed route and found it to be a suitable route, and desire that the route be designated so that it can be mapped and signed, thereby promoting bicycle tourism in our area,

WHEREAS, we acknowledge the route may change over time because new facilities are being constructed that are more suitable for bicyclists,

THEREFORE BE IT RESOLVED, that the Board of Commissioners hereby expresses its approval and support for the development for the development of various State and US Bike Routes, and requests that the appropriate officials see to it that the route is officially designated by AASHTO. Once the Route is approved by AASHTO, there may be efforts to publicize the route via internet maps, incorporating the Route on local maps, etc. Tourism agencies may be involved in these efforts.

Signed this 18th day of September, 2018


Lenny Eliason, President


Chris Chmiel, Vice-President


Charlie Adkins



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farming operations or any other use that would interfere with Lessee's use without the prior written approval of Lessee, which written approval shall not be unreasonably withheld.

4. INGRESS AND EGRESS; REPAIR OR DAMAGE. Lessee shall have the right of ingress and egress to said premises at all times, and shall remove any and all improvements, buildings or structures owned by Lessee and shall have the right of ingress and egress for up to twelve (12) months after the termination hereof for the purpose of removing any improvements, buildings, structures, radio towers, property, fixtures or equipment placed upon the premises by Lessee, which Lessor expressly agrees shall be and remain the property of Lessee and which Lessee shall remove at its sole expense within twelve (12) months after the termination of this Agreement. Lessee shall be responsible for the cost of repairing any damage to the premise resulting from the construction, erection or removal of Lessee's property, radio tower, building(s), fixtures or equipment. Lessee shall be responsible for the cost of repairing any damage to the premise resulting from any exercise of rights of ingress and egress described herein, reasonable wear and tear excepted.

5. INSURANCE. Lessee shall be responsible for the payment of all insurance on the personal property placed on the premise by Lessee during the term of this Agreement. Lessee shall also provide to the Lessor the insurance certificate, of the climbing tower company, prior to any climbing work being conducted on the tower.

6. LESSOR'S TITLE. Lessor covenants that it has good title to the premise, has good right to lease the same, and warrants and agrees to defend the title thereto. Lessor shall indemnify, reimburse and hold harmless from all damages and expenses which Lessee may suffer by reason of any breach of this covenant or of any restriction, encumbrance or

7. INDEMNIFICATION. Lessee will indemnify and save Lessor harmless against all lost, costs, expenses, attorney fees, and damages suffered or incurred by Lessor in the discharge of mechanics' liens, filed or inchoate, in the Lessee's improvement or maintenance of the premise, or in the defense or discharge of claims asserted or perfected against Lessor as to personal injuries or property damages, due solely from the negligence, in the occupancy of the premise by Lessee, its agents, employees, or invitees'.

8. RENTAL FEE. Lessee agrees to pay Lessor, as rental hereunder, the following: \$200.00 (two hundred dollars) per month for the first year and will incur a 3% annual fee increase for each subsequent year the agreement is active. Any change in rate structure shall be negotiated at least 120 days prior to the anniversary date of this Agreement. Said fee becomes effective the 1st day of October, 2018. Payments shall be made to:

Athens County 911
13 West Washington Street
Athens, Ohio 45701
(740) 592-3273

9. BINDING EFFECT. All the covenants, terms and conditions of this Agreement shall inure to the benefit of, and be binding upon, the respective successors and assigns of the parties hereto.

10. RECORDING. This Agreement shall be recorded in the Office of the Recorded of



Athens County, Ohio, within thirty (30) days of the execution of this Agreement by all parties.
IN WITNESS WHEREOF, the parties have caused this Agreement to be executed this 18th day of September, 2018.

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF:

LESSOR

Athens County Commissioners
Commissioners

LESSEE

Positive Radio Group, Ohio/Edward A. Baker
This instrument prepared by: Keller J. Blackburn
Athens County Prosecuting Attorney

STATE OF OHIO

COUNTY OF ATHENS, ss

(Copied to pages 468-470).

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

~ Jessie Powers, County Planner - Discussion and draft presentation regarding the Athens County Trail Fund management, that the Athens Foundation has offered to manage for the county. The Commissioners would like to see someone from local government on their committee in regards to the grant side of the decision making process. She will submit another draft after revisions are made.

Planner - Discussion & Draft re: Athens County Trail Fund Mgt. w/Athens Foundation

A motion was made by Mr. Chmiel and seconded by Mr. Adkins authorizing Commissioner Eliason's signature on a letter of support to ODNR, drafted by the County Planner for the Phase II, Hock-Hocking Adena Bikeway extension and trail head development for the Bailey's Mountain Trail System in Chauncey, as follows:

Planner - Letter of Support to ODNR - Bikeway Extension - Bailey's Mountain Trail Chauncey

September 21, 2018

Ben McCament
ODNR Division of Mineral Resources Management
Abandoned Mine Land Program
29371 Wheelabout Road
McArthur, OH 45651

Dear Mr. McCament,

The Athens County Commissioners fully support the ODNR Division of Mineral Resources (DMRM) Abandoned Mine Land Reclamation Economic Development Pilot Program (AML Pilot) proposal for improvements in the Village of Chauncey and Doanville community for high priority AML reclamation activities and creating Trail Heads for the Bailey's Trail System. The AML Pilot application will consist of: 1. Phase II Extension of the Hockhocking Adena Bikeway connector to the Village of Chauncey Park 2. improvements to the Chauncey Park to utilize it as a Trail Head for the Bailey's Trail System and 3. creation of a Trail Head on York Township property to link the City of Nelsonville to the Bailey's Trail System.

This project will improve the quality of life for Village of Chauncey residents by providing safe pedestrian and bike access to the Bikeway, which will connect a small village to amenities in Athens County. This project will also provide residents increased opportunities for physical activity and make accessing employment easier for those without access to a vehicle. Athens County has been awarded ODOT Transportation Alternative Program funding for the Phase I construction of the Hockhocking Adena Bikeway Connector and a Community Development Block Grant to improve access to the Village of Chauncey Park for the community.

Athens County also fully supports utilizing the Village of Chauncey Park as a Trail Head for the Bailey's Trail System to capture the economic benefit of visitors to the largest contiguous mountain bike trail system east of the Mississippi River. Through a detailed feasibility study Quantified Ventures, a D.C. based impact investing advisory firm, determined 37+ million people live within 250 miles, which could translate into an estimated 180,000 visitors per year creating a cumulative 10-year impact of \$20 million in new spending, \$7 million in new wages, \$7.3 million in new tax revenue, and 66 new jobs for Athens County and the surrounding communities.

Athens County commits to work with DMRM to develop the Village Chauncey Park as a Trail Head and property needed for the Phase II construction of the Village of Chauncey Hockhocking Adena Bikeway Connector. This commitment is contingent upon grant approval and funding allocation by DMRM under the AML Pilot Program. If funds are allocated Athens County will work with DMRM for needed rights of entry to perform the work. Anticipated parcels Athens County will coordinate easements and/ or land use agreements for project construction are: G020050000100, G020050001600, G020050001700, G020050003900, and G010010058700. Athens County is excited about the proposed improvements to the county and regional economy, transportation, safety, and recreation. Thank you for your consideration of this worthwhile project.

Sincerely,
Lenny Eliason, Board President Athens County Commissioners

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

~ Dog Warden, Mary Beth Brown - Discussion of Budget Plan - She has looked at the 2017 budget numbers and feels that with receiving the \$3,000.00 grant money, and with matching the same revenue as last year, she is on track for the remainder of the year. She feels the best way to implement cuts is by limiting humane calls and investigations, and stated that approximately 50% of the calls they get are related to humane cases. She stated that the on-call procedure protocol that she drafted earlier in the year, along with the expectation of running all calls, at all times and being instructed not to give this protocol/procedure to the 911 dispatchers, makes it difficult. When asked by Commissioner Eliason, who instructed her to not to do this, she stated that Commissioner Adkins instructed her not to give this to the dispatchers. Commissioner Adkins asked, when and where this instruction took place, she stated it was the end of July sometime and had it saved on her computer. Commissioner Adkins responded saying that he will have 911 run copies of all calls received at the center in the last thirty (30) days and request the on call protocol they follow. Commissioner Adkins stated for the record, that he has no recollection of a conversation with Warden Brown regarding any documentation or instructions presented to him by her, or advising her not to submit it to 911. He stated that from this point forward, any issue she has, is to be brought to the meeting for discussion. He

Dog Warden - Discussion re: Budget Plan, Humane Calls, Call Outs

requested that she send the referenced email/documentation to him as soon as she return to the Shelter. Commissioner Eliason once again, advised her to submit a Budget Plan in writing to them at next week's meeting. Also discussed was a call received by Commissioner Adkins in regards to soliciting donations for the Shelter. Warden Brown informed them that a Boy Scout Troop did a service project at the Shelter and asked for a list of items needed at the Shelter. She placed the list on social media and the website, but it was not worded or listed as a Boy Scout project. The Commissioners reminded her once again about social media posts, reiterating an earlier discussion this year, regarding donations to the sick & injured animal fund being the only acceptable posts to social media.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins to enter into executive session at 11:29 to discuss the employment of a public employee.

Exec. Session - Discuss Employ. Of Pub. Empl.

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 11:42.

**Reg. Session - Discussion re Shelter Mgt.
Position - No Action at this Time**

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 with the Dog Warden and the Shelter Manager position, no action at this time. The Commissioners expressed once again the importance of License checks and to bring a breakdown of revenue to next week's meeting for discussion. Warden Brown stated she will provide the requested information at next week's meeting.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins authorizing the following Resolution of support for ODOT Bike Routes regarding designated bike routes:

Resolution - ODOT Bike Routes

ODOT Bike Routes Resolution

WHEREAS, bicycle tourism is a growing industry in North America, contributing \$198 billion a year to the economies of communities that provide facilities for such tourists; and
WHEREAS, the American Association of State Highway and Transportation Officials (AASHTO) has designated a series of corridors crossing Ohio to be developed as various US Bicycle Routes.
WHEREAS, the Ohio Department of Transportation has designated a series of corridors crossing Ohio to be developed as various State Bicycle Routes.
WHEREAS, the Ohio Department of Transportation is supportive of AASHTO designated bicycle routes through Ohio, subject to ongoing collaboration with affected jurisdictions to inventory, analyze, and designate specific facilities the routes will traverse, and
WHEREAS, the Board of Commissioners and the Adventure Cycling Association, with the cooperation of the Ohio Department of Transportation and other stakeholders, have proposed specific routes to be designated as various US and State Bike Routes, a map of which is herein incorporated into this resolution by reference, and
WHEREAS, we have investigated the proposed route and found it to be a suitable route, and desire that the route be designated so that it can be mapped and signed, thereby promoting bicycle tourism in our area,
WHEREAS, we acknowledge the route may change over time because new facilities are being constructed that are more suitable for bicyclists,

THEREFORE BE IT RESOLVED, that the Board of Commissioners hereby expresses its approval and support for the development for the development of various State and US Bike Routes, and requests that the appropriate officials see to it that the route is officially designated by AASHTO. Once the Route is approved by AASHTO, there may be efforts to publicize the route via internet maps, incorporating the Route on local maps, etc. Tourism agencies may be involved in these efforts.

Signed this 18th day of September, 2018

/s/ Lenny Eliason, President

/s/ Chris Chmiel, Vice-President

/s/ Charlie Adkins

(Resolution & map copied to page 471-472)

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

~ Road Viewing - Evergreen Drive - Lee Township - 1:30 p.m.

~ Road Hearing - Evergreen Drive, Lee Township - 2:40 p.m. - No action today. Waiting on a letter of recommendation from the County

Engineer and a recommendation of acceptance from the Township Trustees before any further action. The Road is to be chip & sealed before consideration.

A motion was made by Mr. Chmiel and seconded by Mr. Adkins to withdraw an earlier motion at today's meeting to draft a letter to FEMA regarding the bikepath, and request the State do an RFI and determination letter as suggested by the State of Ohio EMA Office.

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.

Road Viewing - Evergreen Dr. Lee Twp. 1:30

Road Hearing - Evergreen Dr. Lee Twp. 2:40

No Action - Waiting on Recommendations

FEMA Bikepath - Withdraw Earlier Motion -
Request RFI & Determination Letter from State

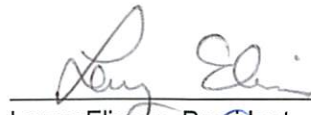
Adjourn



JoAnn Rockhold, Clerk



Julie Brooks, Assistant Clerk



Lenny Eliason, President



Chris Chmiel, Vice-President



Charlie Adkins