

**THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO, MET IN REGULAR SESSION ON MARCH 17, 2004, WITH THE FOLLOWING MEMBERS PRESENT: MARY C. WALKER, PRESIDENT AND ROBERT L. PROUD, VICE PRESIDENT. COMMISSIONER CROSWELL MAY BE JOINING THE MEETING LATER. THE MEETING WAS CALLED TO ORDER SHORTLY AFTER 1:00 P.M. BY THE PRESIDENT OF THE BOARD WITH THE PLEDGE OF ALLEGIANCE TO THE FLAG.**

**IN RE: COUNTY AUDITOR...SOFTWARE SUBSCRIPTION SERVICES AGREEMENT WITH KVS INFORMATION SYSTEMS, INC. FOR THE OFFICE OF THE COUNTY AUDITOR...04-0308-004...EXECUTED**

Moved by Mr. Proud, seconded by Mrs. Walker, that the Board of County Commissioners approve the following recommendation:

Recommendation of Chuck Tilbury, Chief Deputy Auditor to execute a Software Subscription Service Agreement by and between the County of Clermont, Ohio, and KVS Information Systems, Inc., 821 Maple Road, Williamsville, New York 14221-3299, for Software Subscription Service as outlined therein, at a cost not to exceed \$19,009.00, for the period 01/01/04 through 12/31/04 pursuant to the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mrs. Walker, Yes; Mr. Croswell, Absent.

**IN RE: BUILDING INSPECTION DEPARTMENT...DESIGNATION OF REAPPOINTMENT TO THE CLERMONT COUNTY AIRPORT ZONING BOARD OF APPEALS, FLOOD DAMAGE PREVENTION VARIANCE BOARD, AND WATER MANAGEMENT AND SEDIMENT CONTROL REGULATIONS VARIANCE APPEALS BOARD...01-0306-002, 01-0603-003 AND 01-0306-001...APPROVED**

Moved by Mrs. Walker, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Raymond Sebastian, Building Director, Building Inspection Department/Permit Central, with the concurrence of David L. Spinney, County Administrator, to reappoint James Henderson, Attorney at Law, 332 Main Street, Batavia, Ohio 45103, to serve on the Clermont County Airport Zoning Board of Appeals, Flood Damage Prevention Variance Board, and Water Management and Sediment Control Regulations Variance Appeals Board for the term effective 04/07/04 through 04/06/07.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Walker, Yes; Mr. Proud, Yea; Mr. Croswell, Absent.

**IN RE: OFFICE OF TECHNOLOGY, COMMUNICATIONS & SECURITY ...REQUEST TO TERMINATE THE MICROSOFT SELECT ENROLLMENT FOR THE MICROSOFT SELECT AGREEMENT PROGRAM AND EXECUTE A NEW MICROSOFT SELECT ENROLLMENT...03-1201-009...RATIFIED**

Moved by Mr. Proud, seconded by Mrs. Walker, that the Board of County Commissioners approve the following recommendation:

Recommendation of Stephen H. Rabolt, Director, Office of Technology, Communications &

Security, with the concurrence of David L. Spinney, County Administrator, to terminate the Microsoft Select Enrollment for the Microsoft Select Agreement Program to purchase desktop applications, systems and server licenses, previously executed by the Board on 12/17/03, due to an error made by the reseller in assigning the wrong Select Master Agreement Number, and to execute a new Microsoft Select Enrollment for the Microsoft Select Agreement Program with ASAP Software, Inc., 850 Asbury Drive, Buffalo Grove, IL 60089, through the State of Ohio, at the pre-negotiated state term prices (Microsoft State Term Contract Number 0A-02011), effective upon execution through 09/30/06, pursuant to the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mrs. Walker, Yes; Mr. Crowell, Absent.

**IN RE: OFFICE OF TECHNOLOGY, COMMUNICATIONS & SECURITY  
...CORRECTION OF THE RECORD FOR ACTION TAKEN ON 12/17/03 TO  
REFLECT THE CORRECT CONTRACT TERM RELATIVE TO AN  
ENTERPRISE AGREEMENT WITH MICROSOFT AND SOFTWARE  
HOUSE INTERNATIONAL...03-1203-001...APPROVED**

Moved by Mrs. Walker, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Stephen H. Rabolt, Director, Office of Technology, Communications & Security, with the concurrence of David L. Spinney, County Administrator, to approve the correction of the record for action taken on 12/17/03 to reflect the correct contract term of 01/05/04 through 12/31/06, relative to an Enterprise Agreement by and between the Board of County Commissioners and Microsoft Corporation=s large account reseller (LAR), Software House International (SHI), 1408 Newell Court, Columbus, Ohio 43228.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Walker, Yes; Mr. Proud Yea; Mr. Crowell, Absent.

**IN RE: OFFICE OF TECHNOLOGY, COMMUNICATIONS & SECURITY...  
EXECUTION OF AN ASSURED AVAILABILITY SERVICES AGREEMENT  
WITH STRATUS TECHNOLOGIES FOR MAINTENANCE SERVICES FOR  
THE COMPUTER-AIDED DISPATCH SYSTEM SERVER..04-0227-  
010...EXECUTED**

Moved by Mr. Proud, seconded by Mrs. Walker, that the Board of County Commissioners approve the following recommendation:

Recommendation of Ralph H. Justus, Systems Manager, Office of Technology, Communications & Security, with the concurrence of Stephen H. Rabolt, Director, Office of Technology, Communications & Security, to execute the Assured Availability Services Agreement by and between the Board of County Commissioners, Clermont County, Ohio, and Stratus Technologies, College Business Technology Park, Blanchardstown Road North, Dublin 15 Ireland, relative to maintenance services for the Computer-Aided Dispatch (CAD) System Server, at a total cost not to exceed \$31,898.00, effective for the period of 01/01/04 through 12/31/04, pursuant to the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mrs. Walker, Yes; Mr. Crowell, Absent.

**IN RE: OFFICE OF TECHNOLOGY, COMMUNICATIONS & SECURITY...  
EXECUTION OF AN AGREEMENT FOR SYSTEMS AND SERVICES AND  
ADDENDUM WITH GEAC PUBLIC SAFETY FOR MAINTENANCE  
SERVICES FOR THE COMPUTER-AIDED DISPATCH SYSTEM  
SOFTWARE...04-0302-001...EXECUTED**

Moved by Mrs. Walker, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Ralph H. Justus, Systems Manager, Office of Technology, Communications & Security, with the concurrence of Stephen H. Rabolt, Director, Office of Technology, Communications & Security, to execute the Agreement for Systems and Services and Addendum by and between the Board of County Commissioners, Clermont County, Ohio, and GEAC Public Safety, Division of GEAC Computers, Inc., 5509 West Gray Street, Tampa, Florida 33609, for maintenance services for the Computer-Aided Dispatch System Software, for the period of 01/01/04 through 12/31/04, in a total amount not to exceed \$86,000.00, pursuant to the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Walker, Yes; Mr. Proud Yea; Mr. Croswell, Absent.

**IN RE: FACILITIES MANAGEMENT DEPARTMENT...EXECUTION OF THE  
LEASE AGREEMENT FOR PROFESSIONAL OFFICE SPACE WITHIN  
THE VILLAGE OF BATAVIA TO HOUSE FUNCTIONS OF THE OFFICE OF  
THE PROSECUTING ATTORNEY...01-0409-007...EXECUTED**

Moved by Mr. Proud, seconded by Mrs. Walker, that the Board of County Commissioners approve the following recommendation:

Recommendation of Wade Grabowski, Director, Facilities Management Department, with the concurrence of David L. Spinney, County Administrator, to execute the Lease Agreement by and between the Board of County Commissioners, Clermont County, Ohio, and Kathleen Bastin, for the lease of 3 suites of office space located at 285 E. Main Street, Batavia Ohio 45103, to house functions of the Office of the Prosecuting Attorney, in an amount not to exceed \$6,500.00 for the period of 07/01/04 thru 09/30/04, pursuant to the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mrs. Walker, Yes; Mr. Croswell, Absent.

**IN RE: DEPARTMENT OF JOB AND FAMILY SERVICES... AGREEMENT WITH  
4C FOR CHILDREN FOR TRAINING TO IN-HOME CHILD CARE  
PROVIDERS FOR SAME..04-0305-001...EXECUTED**

Moved by Mrs. Walker, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Tim McCartney, Director, Department of Job and Family Services, to execute an Agreement by and between the County of Clermont, Ohio and 4C for Children, 1099 Ohio Pike, Amelia, Ohio 45102, for the purchase of a maximum of five (5) slots for Type B and/or Limited Child Care Providers to attend the Early Childhood Conference, scheduled for March 27, 2004, which will focus on issues such as Early Literacy, Brain and Social Development, Math, Obesity in Young Children, Understanding Children=s Anger and Muscle Mania, at a cost of \$35.00 per slot, for a total cost not to exceed \$175.00 for the workshop, pursuant to the terms and conditions specified therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Walker, Yes; Mr. Proud Yea; Mr. Croswell, Absent.

**IN RE: DEPARTMENT OF JOB AND FAMILY SERVICES...AGREEMENT WITH KAESER AND BLAIR, INC., FOR THE PURCHASE OF VARIOUS RECRUITMENT ITEMS FOR SAME....04-0305-002...EXECUTED**

Moved by Mr. Proud, seconded by Mrs. Walker, that the Board of County Commissioners approve the following recommendation:

Recommendation of Tim McCartney, Director, Department of Job and Family Services, to execute an Agreement by and between the County of Clermont, Ohio and Kaeser and Blair, Inc., 4326 Grissom Road, Batavia, Ohio 45103, for the purchase of ink pens, safety plugs, mini highlighters and pencils, to be utilized for recruitment and/or retention purposes for in-home child care providers, at a maximum amount not to exceed \$1,955.50, pursuant to the terms and conditions specified therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mrs. Walker, Yes; Mr. Croswell, Absent.

**IN RE: CLERMONT COUNTY SEWER DISTRICT...RESOLUTION NUMBER 38-04/RESOLUTION AMENDING RESOLUTION NUMBER 221-95 DECLARING THE NECESSITY FOR PROJECT NUMBER 621-0490 RELATIVE TO THE CONSTRUCTION OF THE SR 727 WATER PETITION PROJECT SITUATED WITHIN STONELICK AND WAYNE TOWNSHIPS AND AUTHORIZING PUBLICATION OF NOTICE OF PUBLIC HEARING RELATIVE TO ENDORSEMENTS OF AND/OR OBJECTIONS THERETO...95-1127-003...ADOPTED**

Moved by Mrs. Walker, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Moustafa Moteleb, P.E., Project Manager, with the concurrence of Lyle G. Bloom, P.E., Sanitary Engineer, to adopt Resolution Number **38-04** amending Resolution Number 221-95, previously adopted by the Board on 11/29/95, declaring the necessity to construct Number 621-0490 relative to the construction of the SR 727 Water Petition Project situated within Stonelick and Wayne Townships, as set forth in Exhibit A, attached thereto and made a part thereof, and as more particularly described in the revised detailed plans and specifications, with the estimates of cost and financing which are on file in the Office of the Clermont County Water and Sewer District, 2379 Clermont Center Drive, Batavia, OH 45103, where they may be examined by all persons interested therein, and to authorize the Clerk of the Board to place Legal Notice in a newspaper of general circulation for **two** consecutive weeks commencing on **03/25/04**, to publish the date, time, and place designated by the Board of County Commissioners where endorsements of and/or objections to the construction and financing of the aforesaid proposed improvements will be heard pursuant to Section 6103.05 of the Ohio Revised Code. Public Hearing to be held on **April 28, 2004, at 2:00 PM** Local Time in the Office of the Board of County Commissioners, Clermont County, Ohio, 101 East Main Street, Batavia, Ohio, 45103.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Walker, Yes; Mr. Proud Yea; Mr. Croswell, Absent.

**IN RE: CLERMONT COUNTY SEWER DISTRICT...ADDENDUM NUMBER ONE TO EXTEND THE DATE FOR RECEIPT OF BIDS FOR THE WATERLINE MAINTENANCE AND REPAIR CONTRACT...04-0225-001...APPROVED**

Moved by Mr. Proud, seconded by Mrs. Walker, that the Board of County Commissioners approve the following recommendation:

Recommendation of Mark K. Day, WSD Assistant Director, with the concurrence of Thomas C. Yeager, Director of Utilities, to approve Addendum Number One to extend the date for receipt of bids for the Waterline Maintenance and Repair Contract from Thursday, **03/18/04** at 2:00 PM Local Time to Thursday, **03/25/04** at **2:00 PM** Local Time which will provide clarification and promote competitive bids.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mrs. Walker, Yes; Mr. Croswell, Absent.

**IN RE: CLERMONT COUNTY SEWER DISTRICT...CHANGE ORDER NUMBER 3 TO THE CONTRACT WITH LARRY SMITH CONTRACTORS, INC. FOR PROJECT NUMBER 651-0510 RELATIVE TO THE SR 131, DRY RUN ROAD, MELODY, LINDA WAY, HILLTOP AND GREIMANN LANE SEWER PETITION PROJECT IN MIAMI TOWNSHIP...03-0505-002...EXECUTED**

Moved by Mrs. Walker, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Lyle G. Bloom, P.E., Sanitary Engineer, with the concurrence of Thomas C. Yeager, Director of Utilities, Clermont County Sewer District, to execute Change Order Number 3, to the Contract with Larry Smith Contractors, Inc., 5737 Dry Fork Road, Cleves, Ohio 45002, previously ratified by the Board on 07/29/03, for Project Number 651-0510 relative to the SR 131, Dry Run Road, Melody, Linda Way, Hilltop and Greimann Lane Sewer Petition Project situated within Miami Township, which represents an increase in the amount of \$9,742.26, for a total adjusted contract price to date of \$1,129,650.14 and an increase by 4 calendar days for a revised contract completion date of 06/16/04, for additions, deletions and/or modifications thereto as defined therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Walker, Yes; Mr. Proud Yea; Mr. Croswell, Absent.

**IN RE: CLERMONT COUNTY SEWER DISTRICT...CHANGE ORDER NUMBER 4 TO THE CONTRACT WITH CRACE CONSTRUCTION COMPANY FOR PROJECT NUMBER 651-0590 RELATIVE TO THE MIAMI TRAILS WASTEWATER TREATMENT PLANT EXPANSION PROJECT IN MIAMI TOWNSHIP...02-0226-003...EXECUTED**

Moved by Mr. Proud, seconded by Mrs. Walker, that the Board of County Commissioners approve the following recommendation:

Recommendation of Bill R. Slaven, WSD Project Manager, with the concurrence of Thomas C. Yeager, Director of Utilities, Clermont County Sewer District, to execute Change Order Number 4 to the Contract with Crace Construction, 316 Main Street, Piketon, Ohio 45661, previously ratified by the Board on 05/08/02, for Project Number 651-0590 relative to the Miami Trails Wastewater Treatment Plant Expansion Project located in Miami Township, which represents a forty (40) day time extension for a revised contract completion date of 10/31/03, and a net deduction in the amount of \$513.00, for a total adjusted contract price

to date of \$1,229,731.00, for additions, deletions and/or modification thereto as defined therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mrs. Walker, Yes; Mr. Crowell, Absent.

**IN RE: CLERMONT COUNTY SEWER DISTRICT...MAINTENANCE BOND AS SURETY FOR THE INSTALLATION OF A SANITARY SEWER MAIN EXTENSION FOR THE FOLLOWING SUBDIVISION LOCATED IN BATAVIA TOWNSHIP...04-0308-001...EXECUTED**

Moved by Mrs. Walker, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Lyle G. Bloom, P.E., Sanitary Engineer, with the concurrence of Thomas C. Yeager, Director of Utilities, Clermont County Sewer District, to execute a Maintenance Bond as surety for the installation of a sanitary sewer main extension to serve the following:

Subdivision	Township	Sewer
Woodbrook Subdivision*  *Secured by Irrevocable Standby Letter of Credit Number 200040444C issued by The New Richmond National Bank, 110 Front Street, New Richmond, Ohio 45157.	Batavia	\$3,700.00

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Walker, Yes; Mr. Proud Yea; Mr. Crowell, Absent.

**IN RE: BOARD OF COUNTY COMMISSIONERS...JOINT APPLICATION WITH THE PROSECUTING ATTORNEY FOR EMPLOYMENT OF LEGAL COUNSEL FOR MATTERS RELATIVE TO THE PREPARATION OF ALL DOCUMENTATION IN SUPPORT OF THE UNDERWRITING OF BONDS AND FINANCIAL OBLIGATIONS OF THE COUNTY OF CLERMONT, OHIO...04-0303-002...EXECUTED**

Moved by Mr. Proud, seconded by Mrs. Walker, that the Board of County Commissioners approve the following recommendation:

Recommendation of David L. Spinney, County Administrator, to execute a Joint Application with the County Prosecuting Attorney for Employment of Legal Counsel with Peck, Shaffer & Williams, 201 East 5<sup>th</sup> Street, Cincinnati, Ohio 45202, as Special Counsel to represent the Board of County Commissioners in its official capacity and to advise it on legal matters relative to the preparation of all documentation in support of the underwriting of bonds and financial obligations of the County with compensation for said representation not to exceed \$25,000.00 for Calendar Year 2004 pursuant to Section 305.14(A) of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mrs. Walker, Yes; Mr. Crowell, Absent.

**IN RE: BOARD OF COUNTY COMMISSIONERS...JOINT APPLICATION WITH THE PROSECUTING ATTORNEY FOR EMPLOYMENT OF LEGAL COUNSEL FOR MATTERS RELATIVE TO THE CECOS FACILITY AND OTHER ENVIRONMENTAL MATTERS AS NEEDED...04-0303-001...EXECUTED**

Moved by Mr. Proud, seconded by Mrs. Walker, that the Board of County Commissioners approve the following recommendation:

Recommendation of David L. Spinney, County Administrator, to execute a Joint Application with the County Prosecuting Attorney for the employment of Stephen P. Samuels and the law firm of Schottenstein, Zox & Dunn, L.P.A., Huntington Center, 41 South High Street, Suite 2600, Columbus, Ohio 43215, as Special Counsel to represent the Board of County Commissioners in its official capacity and to advise it on legal matters relating to the CECOS Facility, Aber Road, Williamsburg, Ohio, and the defense of the litigation brought by the State of Ohio involving the County's alleged violation of its NPDES permits, the recovery of damages from all parties responsible for the negligent design, installation, or other aspects of the treatment works at the Lower East Fork sewage treatment plant, the Harsha Lake Water supply, and such other environmental matters as the Board of County Commissioners may from time to time designate, with compensation therefore at the per hour rates as defined therein, not to exceed \$125,000.00 for Calendar Year 2004 pursuant to Section 305.14(A) of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mrs. Walker, Yes; Mr. Croswell, Absent.

**IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 39-04/RESOLUTION PROVIDING A WRITTEN ESTIMATE OF TOTAL COST TO PROVIDE AND EQUIP THE OFFICE OF THE SUPERINTENDENT OF THE CLERMONT COUNTY EDUCATIONAL SERVICE CENTER FOR THE PERIOD BEGINNING 07/01/04 AND ENDING 06/30/05...04-0309-003...ADOPTED**

Moved by Mrs. Walker, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of David L. Spinney, County Administrator, to adopt Resolution Number **39-04** resolving to adopt a written estimate of total cost to provide and equip the Office of the Superintendent of the of the Clermont County Educational Service Center, including heat, light, water and janitorial services, for the period 07/01/04 through 06/30/05, in accordance with Exhibit #1 attached hereto and incorporated herein, pursuant to Section 3319.19 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Walker, Yes; Mr. Proud Yea; Mr. Croswell, Absent.

**IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 40-04/RESOLUTION RECOGNIZING PROGRAMS FOR WHICH COUNTY FUNDS MAY BE EXPENDED TO PURCHASE LIMITED REFRESHMENTS AND DECLARING A PUBLIC PURPOSE...04-0312-006...ADOPTED**

Moved by Mr. Proud, seconded by Mrs. Walker, that the Board of County Commissioners approve the following recommendation:

Recommendation of David L. Spinney, County Administrator, to adopt Resolution Number 40-04 to recognize programs for which County funds may be expended to purchase limited refreshments and to specify these activities are for a legitimate and necessary public purpose, as set forth in Exhibit A, and to appropriate funds for the purchase of limited refreshments for same.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mrs. Walker, Yes; Mr. Croswell, Absent.

**IN RE: BOARD OF COUNTY COMMISSIONERS...DESIGNATION OF R. SCOTT CROSWELL III TO SERVE ON THE INVESTMENT ADVISORY COMMITTEE FOR CALENDAR YEAR 2004...04-0317-001...**

**Let the Record Show:** Recommendation of Commissioner Mary C. Walker to designate Commissioner Scott Croswell, to serve on the Investment Advisory Committee for Calendar Year 2004.

**LET THE RECORD SHOW:** THAT A MOTION BY MR. PROUD, SECONDED BY MRS. WALKER, TO APPROVE THE MINUTES OF REGULAR SESSION OF 03/17/04 CARRIED WITH ALL MEMBERS PRESENT VOTING AFFIRMATIVELY THEREUPON.

**IN RE: ADJOURNMENT...**

Moved by Mrs. Walker, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

That the Board of County Commissioners, noting no further business to come before the commission for legislative action, adjourned this Regular Session until the next regularly scheduled session to be held at a later date.

Upon roll call on the foregoing motion, the vote was as follows:

Mrs. Walker, Yes; Mr. Proud Yea; Mr. Croswell, Absent.

**BOARD OF COUNTY COMMISSIONERS  
CLERMONT COUNTY, OHIO**

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**MARY C. WALKER, PRESIDENT**

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**ROBERT L. PROUD, VICE PRESIDENT**

**ABSENT**  
**R. SCOTT CROSWELL III, MEMBER**

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**JUDITH KOCICA, CLERK OF THE BOARD**

**03/17/04**  
**DATE APPROVED**