

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO, MET IN REGULAR SESSION ON JANUARY 30, 2019 WITH THE FOLLOWING MEMBERS PRESENT: DAVID I. PAINTER, PRESIDENT, EDWIN H. HUMPHREY, VICE PRESIDENT, AND, CLAIRE B. CORCORAN, MEMBER. THE MEETING WAS CALLED TO ORDER SHORTLY AFTER 10:00 A.M. BY THE PRESIDENT OF THE BOARD WITH THE PLEDGE OF ALLEGIANCE TO OUR FLAG.

LET THE RECORD SHOW THAT THE JANUARY 30, 2019 REGULAR SESSION WAS VIDEO RECORDED AND IS AVAILABLE FOR PUBLIC INSPECTION MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 8:00 A.M. TO 4:30 P.M. LOCAL TIME. IN ADDITION, THE REGULAR SESSION IS AVAILABLE FOR PUBLIC VIEWING THROUGH THE COUNTY GOVERNMENT WEBSITE AT <https://www.youtube.com/user/clermontcounty/playlists>.

IN RE: MINUTES OF REGULAR SESSION...APPROVED

Moved by Mrs. Corcoran, seconded by Mr. Humphrey,

To approve and sign the minutes of the Regular Session of **01/28/2019**.

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

Mrs. Corcoran, Yes; Mr. Humphrey, Aye; Mr. Painter, Yes.

LET THE RECORD SHOW: COMMISSIONER PAINTER STATED THAT THE BOARD HAD REACHED THE PUBLIC PARTICIPATION SECTION OF THE AGENDA. HE INQUIRED IF THERE WAS ANYONE IN THE AUDIENCE THAT WOULD LIKE TO ADDRESS THE BOARD. NO ONE REQUESTED TO ADDRESS THE BOARD.

CONSENT AGENDA

LET THE RECORD SHOW: COMMISSIONER PAINTER STATED THAT A CONSENT AGENDA HAS BEEN PREPARED FOR THE BOARD OF COUNTY COMMISSIONERS AND REQUESTED WHETHER ANY BOARD MEMBER WANTED ANY ITEMS REMOVED FOR FURTHER DISCUSSION AND CONSIDERATION AND UPON HEARING NONE:

Moved by Mr. Humphrey, seconded by Mrs. Corcoran, that the Board of County Commissioners consider the following recommendations:

- 1. IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT... GRANT OF WATER EASEMENT WITH RIGHT OF RE-ENTRY FOR REPAIR AND REPLACEMENT HERETOFORE GRANTED AND CONVEYED TO THE COUNTY OF CLERMONT, OHIO, FOR PROJECT NUMBER 6401-60153 RELATIVE TO THE SR 28 WATER MAIN REPLACEMENT (BUCKWHEAT ROAD TO BRANCH-HILL GUINEA ROAD) PROJECT LOCATED WITHIN MIAMI TOWNSHIP...18-1231-005...RATIFIED**

Recommendation of John R. Schramm, Construction Coordinator, with the concurrence of Chris Rowland, P.E., Assistant Sanitary Engineer, Clermont County Water Resources Department, to accept the following Grant of Water Easement with Right of Re-Entry for Repair and

Replacement heretofore granted and conveyed to the Board of County Commissioners, Clermont County, Ohio, for utility purposes of constructing, operating, maintaining, repairing, replacing and removing or reinstalling water utility lines, pumping equipment, and all incidental fixtures required for the transportation of water in, on, under and across the property of the Grantor for Project Number 6401-60153 relative to the SR 28 Water Main Replacement (Buckwheat Road to Branch-Hill Guinea Road) Project located within Miami Township, and further to authorize the County Auditor to remit payment to the Grantor in the amount as outlined below and as indicated on the Settlement Sheet attached thereto as compensation for the Permanent Easement and Right-of-Way granted thereby and to remit payment in the amount of \$36.00, payable to Jeannie M. Zurmehly, Clermont County Treasurer, for the recording fees required therefore:

Grantor	Parcel Number	Compensation
Tireless Limited Partnership 1257 Cox Avenue Erlanger, Kentucky 41018 Property Location: State Route 28	18-24-03E-374.	Perm \$1,500.00

2. IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT... MAINTENANCE BOND AS SURETY FOR THE INSTALLATION OF A WATER MAIN EXTENSION FOR SAME...18-1231-008...EXECUTED

Recommendation of Heath Wilson, P.E., Engineer, with the concurrence of Lyle G. Bloom, P.E., Director of Utilities, Clermont County Water Resources Department, to execute the Maintenance Bond in the amount outlined below as surety for the installation of a Water Main Extension to serve the following subdivision:

Subdivision	Township	Water Main Extension Bond
Villas at Waterford Glen Subdivision	Union	\$2,600.00* *Secured by Irrevocable Letter of Credit (Standby – Domestic) Number 820114498 issued on 11/26/2018 by First Financial Bank, 255 East Fifth Street, Cincinnati, Ohio 45202 on behalf of Waterford Investment Partners LLC, 250 West Old Wilson Bridge Road, Suite 140, Worthington, Ohio 43085

3. IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION TO APPROVE FINANCIAL/BUDGETARY ACTIONS FOR FISCAL YEAR 2019...APPROVED

Recommendation of the Office of Management and Budget, with the concurrence of Sukie Scheetz, Assistant County Administrator, to resolve to approve and authorize financial/budgetary actions pursuant to Ohio Revised Code Section 5705.40 as they relate to changes in the Annual Appropriation (**Resolution Number 194-18**) for Fiscal Year 2019, including legal level of control, and/or interfund transactions pursuant to Sections 5705.13 through 5705.14 of the Ohio Revised Code as outlined in the following table(s) and to authorize Linda Fraley, County Auditor, to properly record same:

APPROPRIATION CHANGES FOR FISCAL YEAR 2019

<u>FUND</u>	<u>ORGANIZATION - OBJECT - ACCOUNT</u>	<u>AMOUNT</u>
GENERAL FUND	Board of County Commissioners FRINGE BENEFITS 1000 - 01 - 01 - 031000 - 520000 -	\$ (10,516.00)
GENERAL FUND	Board of Elections REGULAR SALARY 1000 - 01 - 07 - 191000 - 511200 -	\$ 9,000.00
GENERAL FUND	Board of Elections	\$ 1,516.00

FRINGE BENEFITS
1000 - 01 - 07 - 191000 - 520000 -

BUDGET TRANSFER OF FUNDS FOR FISCAL YEAR 2019

FUND	FROM: ORGANIZATION - OBJECT - ACCOUNT	TO: ORGANIZATION - OBJECT - ACCOUNT	AMOUNT
COMMUNITY TRANSPORTATION	Clermont Transportation Connection REGULAR SALARY 2031 - 08 - 01 - 131000 - 511200 -	Clermont Transportation Connection RETIREMENT PAYOUT 2031 - 08 - 01 - 131000 - 513200 -	\$ 90.00

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

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

LET THE RECORD SHOW: The Board of County Commissioners, Clermont County, Ohio, issued a Proclamation designating Sunday, February 3, 2019, to be “Four Chaplains Sunday” in Clermont County. (19-0115-004)

NON-CONSENT AGENDA

4. IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 009-19/PAYMENT OF BILLS...ADOPTED

Moved by Mrs. Corcoran, seconded by Mr. Humphrey, that the Board of County Commissioners consider the following recommendation:

Recommendation that the Board of County Commissioners adopt **Resolution Number 009-19** resolving to approve payment to vendors **in the total amount of \$1,963,041.97**, as set forth in the BCC Approval Invoice Report(s) For Checks Dated **January 30, 2019**, BCC Directed Pre-Paid Invoices Report(s), Vendor Invoice List Report(s), Items paid by Fund and Check Date Range Report and/or Procurement Card Transaction Report presented by the County Auditor on **01/28/2019**, and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

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

Mrs. Corcoran, Yes; Mr. Humphrey, Aye; Mr. Painter, Yes.

5. IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT... CHANGE ORDER NUMBER 1 TO THE CONTRACT WITH SMITHCORP, INC. FOR PROJECT NUMBER 6401-60132 RELATIVE TO THE PLUM STREET WATER PETITION PROJECT LOCATED WITHIN GOSHEN TOWNSHIP...16-0912-001...EXECUTED

Moved by Mr. Humphrey, seconded by Mrs. Corcoran, that the Board of County Commissioners consider the following recommendation:

Recommendation of Chris Rowland, P.E., Assistant Sanitary Engineer, with the concurrence of Lyle G. Bloom, P.E., Director of Utilities, Clermont County Water Resources Department, to

authorize David L. Painter, President of the Board of County Commissioners, *to execute Change Order Number 1 to the Contract with Smithcorp, Inc., 130 Novner Drive, Cincinnati, Ohio 45215, previously ratified by the Board of County Commissioners on 12/14/2016, for Project Number 6401-60132 relative to the Plum Street Water Petition Project located within Goshen Township, which represents an increase in the amount of \$8,901.00, for a total adjusted contract price to date of \$70,000.00, as well as, a non-compensable extension of time of 60 calendar days for the completion thereof, for a revised contract completion date of 04/25/2017, for additions, deletions and/or modifications thereto as defined therein and contingent upon the release of the Purchase Order required therefore in concert with Requisition Number 00006324-00 dated 12/04/2018 relative thereto.*

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

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

**6. IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...
CHANGE ORDER NUMBER 1 TO THE CONTRACT WITH HOWELL
CONTRACTORS, INC. FOR PROJECT NUMBER 6402-60106 RELATIVE
TO THE BETHEL AREA SEWER REPLACEMENT PROJECT
LOCATED WITHIN THE VILLAGE OF BETHEL...17-1013-
006...EXECUTED**

Moved by Mrs. Corcoran, seconded by Mr. Humphrey, that the Board of County Commissioners consider the following recommendation:

Recommendation of Chris Rowland, P.E., Assistant Sanitary Engineer, with the concurrence of Lyle G. Bloom, P.E., Director of Utilities, Clermont County Water Resources Department, to authorize David L. Painter, President of the Board of County Commissioners, *to execute Change Order Number 1 to the Contract with Howell Contractors, Inc., 980 Helen Ruth Drive, Fort Wright, Kentucky 41017, previously ratified by the Board of County Commissioners on 01/31/2018, for Project Number 6402-60106 relative to the Bethel Area Sewer Replacement Project located within the Village of Bethel, which represents a decrease in the amount of \$36,078.11, for a total adjusted contract price to date of \$1,492,073.89, as well as, a reduction of time of 102 calendar days for the completion thereof, for a revised contract completion date of 11/01/2018, for additions, deletions and/or modifications thereto as defined therein.*

DISCUSSION: Commissioner Painter questioned how the project went for Bethel. Lyle Bloom, Director of Utilities, Clermont County Water Resources Department, stated that the project was a great success. He stated that he did not receive any phone calls regarding any issues or complaints throughout the implementation of the project. Phase 2 of the project will be starting in the near future, once the necessary easements are obtained.

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

Mrs. Corcoran, Yes; Mr. Humphrey, Aye; Mr. Painter, Yes.

**7. IN RE: COUNTY SHERIFF...AMENDMENT NUMBER 7 TO THE
AGREEMENT WITH SOUTHERN HEALTH PARTNERS, INC. FOR THE
PROVISION OF INMATE HEALTH SERVICES AT THE CLERMONT
COUNTY JAIL FOR SAME...05-0222-001...EXECUTED**

Moved by Mr. Humphrey, seconded by Mrs. Corcoran, that the Board of County Commissioners consider the following recommendation:

Recommendation of R. Stephen Leahy, County Sheriff, with the concurrence of Thomas J. Eigel, County Administrator, to execute Amendment Number 7 to extend the Agreement with Southern

Health Partners, Inc., 2030 Hamilton Place, Suite 140, Chattanooga, Tennessee 37421, previously ratified by the Board of County Commissioners on 07/26/2005 and subsequently extended on 11/08/2006, 01/14/2009, 01/31/2011, 01/16/2013, 01/28/2015 and 02/01/2017 for the provision of Inmate Health Services at the Clermont County Jail, for an additional one (1) year term, effective 02/01/2019 through 01/31/2020, at the cost of \$826,064.52, with all other terms and conditions of the original Agreement and Amendments thereto to remain in full force and effect, and contingent upon the release of the Purchase Order required therefore in concert with Requisition Number 00001242-00 dated 01/03/2019 relative thereto.

DISCUSSION: Commissioner Painter stated that this Amendment extends the Agreement for an additional one year period and questioned if the contract for healthcare services will be revisited at that time. Joseph Palmer, Jail Administrator, Clermont County Sheriff's Office, responded yes, that is correct. Mr. Palmer noted that the continuation of the Agreement generates a savings of \$16,500.00 to the County and, in addition, the County has the ability to cover any additional inmate costs. Mr. Palmer further stated that he, the County Sheriff and the Jail Staff are very pleased with the services being provided by Southern Health Partners, Inc.

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

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

8. IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION TO APPROVE CHANGES TO THE ANNUAL APPROPRIATION RESOLUTION FOR FISCAL YEAR 2019...APPROVED

Moved by Mrs. Corcoran, seconded by Mr. Humphrey, that the Board of County Commissioners consider the following recommendation:

Recommendation of the Office of Management and Budget, with the concurrence of Sukie Scheetz, Assistant County Administrator, to resolve to approve and authorize changes in the Annual Appropriation Resolution Number 194-18 for Fiscal Year 2019 pursuant to Ohio Revised Code Section 5705.40 as outlined in the following table and to authorize Linda Fraley, County Auditor, to properly record same:

SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2019

<u>FUND</u>	<u>ORGANIZATION - OBJECT - ACCOUNT</u>	<u>AMOUNT</u>
DOMESTIC REL SPECIAL PROJECT	DR Court Special Projects MAGISTRATE SALARY 2182 - 02 - 13 - 253000 - 511400 -	\$ 28,400.00
DOMESTIC REL SPECIAL PROJECT	DR Court Special Projects FRINGE BENEFITS 2182 - 02 - 13 - 253000 - 520000 -	\$ 4,800.00

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

Mrs. Corcoran, Yes; Mr. Humphrey, Aye; Mr. Painter, Yes.

IN RE: BOARD OF COUNTY COMMISSIONERS...ADDITION OF TWO AGENDA ITEMS TO THE REGULAR SESSION OF 01/30/2019 ...19-0130-009...APPROVED

DISCUSSION: Commissioner Painter requested that two additional items be placed on the agenda this date for Board consideration including (1) for the Board of County Commissioners to employ outside legal counsel and (2) an item for the Clermont County Water Resources Department. Commissioner Painter noted that the Board has a copy of the proposed additional agenda items in front of them and asked for a motion to approve the addition of the two agenda items to today's Regular Session.

Moved by Mrs. Corcoran, seconded by Mr. Humphrey, that the Board of County Commissioners consider the following recommendation:

Recommendation to add two additional items to the agenda of the Regular Session of 01/30/2019 to include (1) the request to extend the expiration date for the disposition of bids received for Project Number 6402-60142 relative to the O'Bannon Wastewater Treatment Plant Filter & Clarifier Improvements Project and (2) the resolution to employ outside legal counsel to represent the Board of County Commissioners in its official capacity and to advise it on legal matters during Calendar Year 2019 in and as it relates to Chapter 149 of the Ohio Revised Code.

DISCUSSION: Commission Humphrey stated that he is not ready to consider the proposed outside counsel agenda item and would like to table the item until next week. Commissioner Corcoran stated that she is ready to move forward with this item. Commissioner Painter stated that he is also ready to proceed with this item.

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

Mrs. Corcoran, Yes; Mr. Humphrey, Aye; Mr. Painter, Yes.

**IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...
REQUEST TO EXTEND THE EXPIRATION DATE FOR THE
DISPOSITION OF BIDS RECEIVED FOR PROJECT NUMBER 6402-
60142 RELATIVE TO THE O'BANNON WASTEWATER TREATMENT
PLANT FILTER & CLARIFIER IMPROVEMENTS PROJECT
LOCATED WITHIN GOSHEN TOWNSHIP...18-0921-006...APPROVED**

Moved by Mr. Humphrey, seconded by Mrs. Corcoran, that the Board of County Commissioners consider the following recommendation:

Recommendation of Chris Rowland, P.E., Assistant Sanitary Engineer, with the concurrence of Lyle G. Bloom, P.E., Director of Utilities, Clermont County Water Resources Department, to approve the request to extend the expiration date for the disposition of bids heretofore received on 12/06/2018 for Project Number 6402-60142 relative to the O'Bannon Wastewater Treatment Plant Filter & Clarifier Improvements Project located within Goshen Township for an additional thirty (30) days **from Tuesday, February 5, 2019, until Wednesday, March 6, 2019**, pursuant to and in compliance with Section 153.12 of the Ohio Revised Code, to provide additional time to review the contract documents relative thereto.

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

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

**IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION TO EMPLOY
OUTSIDE LEGAL COUNSEL TO REPRESENT THE BOARD OF
COUNTY COMMISSIONERS IN ITS OFFICIAL CAPACITY AND TO
ADVISE IT ON LEGAL MATTERS ON AN ANNUAL BASIS DURING
CALENDAR YEAR 2019 IN AND AS IT RELATES TO CHAPTER 149 OF
THE OHIO REVISED CODE ENTITLED DOCUMENTS, REPORTS AND
RECORDS PURSUANT TO AND IN COMPLIANCE WITH SECTION
309.09 (C) OF THE OHIO REVISED CODE...19-0130-007...RATIFIED**

Moved by Mrs. Corcoran, seconded by Mr. Painter, that the Board of County Commissioners consider the following recommendation:

That the Board of County Commissioners resolve to employ Mark Landes with the Law Firm of Isaac, Wiles, Burkholder & Teetor, LLC, Two Miranova Place, Suite 700, Columbus, Ohio 43215-5098 as Outside Legal Counsel to represent the Board of County Commissioners in its official capacity and to advise it on legal matters on an annual basis during Calendar Year 2019 in and as it relates to Chapter 149 of the Ohio Revised Code entitled Documents, Reports and Records, with the total compensation to be paid during Calendar Year 2019 for the afore stated representation and services not to exceed the total annual compensation of the Clermont County Prosecuting Attorney, pursuant to and in compliance with Section 309.09 (C) of the Ohio Revised Code.

DISCUSSION: Commissioner Humphrey questioned if this issue has been discussed with the Prosecuting Attorney. Commissioner Painter responded yes and that a Joint Petition was requested. Tom Eigel, County Administrator, stated that the request for a Joint Petition was denied. Commissioner Humphrey requested if the Board of County Commissioners can move forward without a Joint Petition and Commissioner Painter responded yes.

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

Mrs. Corcoran, Yes; Mr. Painter, Yes; Mr. Humphrey, Aye.

LET THE RECORD SHOW: A MOTION BY COMMISSIONER CORCORAN AND SECONDED BY COMMISSIONER HUMPHREY, TO GO INTO EXECUTIVE SESSION AT 10:24 A.M. PURSUANT TO SECTION 121.22 (G) (2) OF THE OHIO REVISED CODE TO CONSIDER THE SALE OF PROPERTY AT COMPETITIVE BIDDING WITH ALL MEMBERS VOTING THEREON AS FOLLOWS:

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

Mrs. Corcoran, Yes; Mr. Humphrey, Aye; Mr. Painter, Yes.

LET THE RECORD SHOW: THE EXECUTIVE SESSION CONCLUDED AND REGULAR SESSION RESUMED AT 11:28 .A.M. WITH NO ACTION TAKEN.

IN RE: ADJOURNMENT...RATIFIED

Moved by Mr. Humphrey, seconded by Mrs. Corcoran,

That the Board of County Commissioners, noting no further business to come before the commission for legislative action, adjourned this Regular Session at 11:29 A.M. 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:

Mr. Humphrey, Aye; Mrs. Corcoran, Yes; Mr. Painter, Yes.

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

DAVID L. PAINTER, PRESIDENT

EDWIN H. HUMPHREY, VICE PRESIDENT

CLAIRE B. CORCORAN, MEMBER

JUDITH KOCICA, CLERK OF THE BOARD

DATE APPROVED