

The Board of County Commissioners, Brown County, Ohio, met in regular session this May 7, 2014 with the following members present. Mr. Barry Woodruff, President Mr. Daryll Gray, Member Mr. Tony Applegate, Member

#### IN THE MATTER OF EXECUTIVE SESSION

Motion moved by Mr. Gray to enter into Executive Session at 9:00 a.m. with John Woliver, Esq., to discuss pending litigation. Second: Mr. Applegate.

ROLL CALL VOTE: Mr. Gray, yea Mr. Applegate, yea Mr. Woodruff, yea

#### IN THE MATTER TO LEAVE EXECUTIVE SESSION

Motion moved by Mr. Gray to leave Executive Session at 11:00 a.m. Second: Mr. Applegate.

ROLL CALL VOTE: Mr. Gray, yea Mr. Applegate, yea Mr. Woodruff, yea

#### THE MATTER OF PREVIOUS MINUTES

Motion moved by Mr. Applegate to approved the minutes of the previous regular meeting and dispense with the oral reading. Second: Mr. Gray.

ROLL CALL VOTE: Mr. Gray, yea Mr. Applegate, yea Mr. Woodruff, yea

#### IN THE MATTER TO APPROVE BILLS

Motion moved by Mr. Gray to approve the following bills for payment. Second: Mr. Applegate.

ROLL CALL VOTE: Mr. Gray, yea Mr. Applegate, yea Mr. Woodruff., yea

C60	CERTIFICATE OF TITLE ADM FUND	\$ 9,332.64
B10	TREASURER DTAC	\$ 2,675.00
A00	COUNTY	\$ 49,506.98
A35	LAW LIBRARY RESOURCES FUND	\$ 12,209.85
B01	DOG & KENNEL	\$ 7,362.98
K60	EMERGENCY MANAGEMENT	\$ 467.93
Z65	MANUFACTURED HOME 2 <sup>ND</sup> SETTLEMEN	\$ 23.53
C50	RECORDER TO SUPPLEMENTAL TECHNO	\$ 1,637.50
H01	JOB & FAMILY SERVICES	\$ 8,352.90
S50	CHILDRENS SERVICES	\$ 20,033.79
D30	CHIP CDBG	\$ 1,200.00
A10	CAPITAL PROJECT FUND	\$ 2,227.00
K01	AUTO & GAS	\$ 22,591.62
K05	EMERGENCY PLANNING FUND	\$ 261.01
D20	CHIP HOME 2012	\$ 125.00
H10	CHILD SUPPORT ENFORCEMENT AGENC	\$ 4,511.77
C23	JUVENILE COURT SPECIAL PROJECTS	\$ 675.00
M60	FELONY DELINQ CUSTODY & CARE	\$ 511.00
	<b>TOTAL</b>	<b>\$143,660.50</b>

#### IN THE MATTER OF SUPPLEMENTAL APPROPRIATION – COUNTY GENERAL FUND

Motion moved by Mr. Applegate to approve the request of Dwayne Wenninger, Brown County Sheriff, for a supplemental appropriation of unappropriated A00 (County General Fund) funds in the amount of \$11,115.00. Into 6A2B (Part-time salaries) the amount of \$9,750.00 and into 6A28 (PERS) the amount of \$1,365.00. This is to fund a part time paramedic at the Brown County Adult Detention Center.

ROLL CALL VOTE: Mr. Gray, yea Mr. Applegate, yea Mr. Woodruff., yea

#### IN THE MATTER TO RENEW ANNUAL SERVICE AGREEMENT FOR THE FUEL PUMPS AT THE BROWN COUNTY AIRPORT

(Continued on next page)

May 7, 2014

Motion moved by Mr. Gray to renew the annual service agreement with QT Technologies, 4909 Nautilus Ct. N. #109, Boulder Co. 80301 for the fuel pumps located at the Brown County Airport. The total cost for the platinum level is \$1,595.00 per year which includes telephone support, tech on-site, no charge for parts exchange, software upgrades, full replacement lightning protection. Second: Mr. Applegate.

ROLL CALL VOTE: Mr. Gray, yea Mr. Applegate, yea Mr. Woodruff., yea

**IN THE MATTER OF HOMEOWNER AGREEMENTS FOR HOME SEWAGE TREATMENT SYSTEM PROJECTS – BROWN COUNTY ECONOMIC DEVELOPMENT**

Motion moved by Mr. Applegate to approve the request of Kelly Cole, Brown County Economic Development, to enter into Homeowner agreements for the following Home Sewage Treatment System Projects. Second: Mr. Gray.

Montgomery – 6651 Free Soil Rd.  
Chamblin – 16570 Malady Rd.  
Hayes – 3633 Carpenter  
Morgan – 257 Dunbar

ROLL CALL VOTE: Mr. Gray, yea Mr. Applegate, yea Mr. Woodruff., yea

**IN THE MATTER OF CONTRACTS – HOME SEWAGE TREATMENT SYSTEM PROJECTS – BROWN COUNTY ECONOMIC DEVELOPMENT**

Motion moved by Mr. Gray to enter into contracts with the following for the Home Sewage Treatment System Projects. Second: Mr. Applegate.

Barber Septic – 6651 Free Soil Rd. - \$24,995.00 – 16570 Malady Rd. - \$19,495.00  
Vic's Bobcat Service – 3633 Carpenter Rd. – \$7,980.00 - 257 Dunbar Rd.- \$7,450.00.

ROLL CALL VOTE: Mr. Gray, yea Mr. Applegate, yea Mr. Woodruff., yea

**IN THE MATTER OF NOTICE TO PROCEED – HOME SEWAGE TREATMENT SYSTEM PROJECTS – BROWN COUNTY ECONOMIC DEVELOPMENT**

Motion moved by Mr. Applegate to approve the request of Kelly Cole, Brown County Economic Development, to proceed with the Home Sewage Treatment System Projects. Second: Mr. Gray.

ROLL CALL VOTE: Mr. Gray, yea Mr. Applegate, yea Mr. Woodruff., yea

**IN THE MATTER OF CHANGE ORDER - HOME SEWAGE TREATMENT SYSTEM PROJECTS – BROWN COUNTY ECONOMIC DEVELOPMENT**

Motion moved by Mr. Gray to approve the request of Kelly Cole, Brown County Economic Development, for a change order for the Home Sewage Treatment System Project to 257 Dunbar Rd. in the amount of \$5,050.00 making the total project now \$12,500.00. This change was instigated by the Brown County Board of Health after bid packets were released to installers during a follow up evaluation of the site. Second: Mr. Applegate.

ROLL CALL VOTE: Mr. Gray, yea Mr. Applegate, yea Mr. Woodruff., yea

**IN THE MATTER OF RESOLUTION – AGREEMENT FOR LEGAL SERVICES**

Motion moved by Mr. Applegate to adopt the following Resolution. Second: Mr. Gray.

ROLL CALL VOTE: Mr. Gray, yea Mr. Applegate, yea Mr. Woodruff., yea  
RESOLUTION NO. 05072014

**AGREEMENT FOR LEGAL SERVICES  
O.R.C. § 305.14(B) AND § 309.09**

The Board of County Commissioners of Brown County, Ohio, met on the 7<sup>th</sup> day of May, 2014, in regular session at the offices of said Board in the Administration Building, Georgetown, Ohio, with the following members present:

(Continued on next page)

May 7, 2014

Barry Woodruff, President  
Daryll Gray, Member  
Tony Applegate, Member

The following resolution was presented by Mr. Applegate, who moved its adoption, and seconded by Mr. Gray.

WHEREAS, the Brown County Board of Commissioners finds the Prosecuting Attorney has a professional conflict in matter's involving Dr. Judith Varnau, the Brown County Coroner;

WHEREAS, the Prosecuting Attorney has been unable to provide legal advice to the Board due to her professional conflict;

WHEREAS, the Board and Dr. Varnau may have adverse interests and the advice of legal counsel is needed for the Board to perform its duties;

WHEREAS, the Board is authorized by R.C. § 305.14(B) and § 309.09 to employ legal counsel in situations such as this;

WHEREAS, the Board desires to retain attorney John Woliver to represent and advise the Board in matters in which the Prosecuting Attorney has a professional conflict;

THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Brown County, §Ohio, that on the above findings hereby approves of and consents to retaining attorney John Woliver at the agreed upon rate of \$180.00 per hour to represent the Board in matters in which the Prosecuting Attorney has a professional conflict;

BE IT FURTHER RESOLVED, the Board authorizes and approves a fee agreement between the Board and Mr. Woliver.

**IN THE MATTER OF RESOLUTION – ESTABLISH TERMS OF PAYMENT OF COUNSEL FEES OF DR JUDITH VARNAU CASE # CVH 20140267**

Motion moved by Mr. Gray to adopt the following Resolution. Second: Mr. Applegate.

ROLL CALL VOTE: Mr. Gray, yea Mr. Applegate, yea Mr. Woodruff., yea  
Resolution 05072014-2

Resolution To Establish Terms Of Payment Of Counsel Fees Of Dr. Judith Varnau, In Case No. CVH 2014 0267.

Whereas, the Court of Common Pleas of Brown County, Ohio, has issued an order that the Brown County Board of Commissioners employ legal counsel as special prosecutor to represent Dr. Judith Varnau in Case No. CVH 2014-0267; and

Whereas, the Court has ordered that the Brown County Board of Commissioners establish the terms of such employment of counsel;

The Brown County Board of Commissioners authorizes its counsel, John Woliver, to develop such contract under the following conditions.

1. The rate of compensation shall be set at \$180/hour and Dr. Varnau shall have the right to retain counsel of her choice at the trial court level;
2. The Board of Commissioners shall pay for all work after such time that the Court issued its Order on April 25, 2014, and shall review all work prior to such date in order to determine whether payment of counsel's work prior to April 25, 2014, is appropriate;
3. The Board of Commissioners shall have the right to review all billing records of Dr. Varnau's counsel in order to determine the propriety of such work;
4. The fees shall only apply to work at the trial court level and the Board of Commissioners reserves the right to retain a different counsel for Dr. Varnau in the event an appeal is pursued, and determine whether the Board of Commissioners shall be obligated to pay counsel fees on an appeal;
5. The total fees shall be capped at \$10,000.00 with the express understanding that Dr. Varnau and her counsel can request an increase of the \$10,000.00 amount if necessary;
6. The Board of Commissioners shall retain the right to seek recovery from Dr. Varnau personally of all counsel fees it expends on her behalf in the event that she is removed from office as a result of a final order of court finding any grounds for removal established under R.C. 3.07.

May 7, 2014

**IN THE MATTER OF SUPPLEMENTAL APPROPRIATION – AIRPORT GRANT**

Motion moved by Mr. Applegate to approve the request of Lisa Spiller, Assistant Clerk, for a supplemental appropriation of unappropriated A10A (Airport Grant) funds in the amount of \$135,253.00 into A10A-2 (Airport Contract Projects). Second: Mr. Gray.

ROLL CALL VOTE: Mr. Gray, yea Mr. Applegate, yea Mr. Woodruff., yea

**IN THE MATTER OF SUPPLEMENTAL APPROPRIATION – BROWN COUNTY PROSECUTOR**

Motion moved by Mr. Gray to approve the request of Jessica Little, Brown County Prosecutor, for a supplemental appropriation of unappropriated H35 (Prosecutor Child Support) funds in the amount of \$700.00 into H35-8 (Workers Comp). Second: Mr. Applegate.

ROLL CALL VOTE: Mr. Gray, yea Mr. Applegate, yea Mr. Woodruff., yea

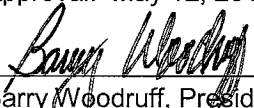
**5/6/14**

A Brown County Law Library Meeting was held in the Commissioner's Office.

Motion moved by Mr. Gray to adjourn this meeting with no further business before the Board this day May 7, 2014. Second: Mr. Woodruff.

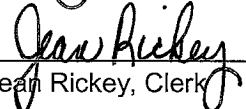
ROLL CALL VOTE: Mr. Gray, yea Mr. Applegate, absent Mr. Woodruff, yea

Approval: May 12, 2014

  
Barry Woodruff, President

  
Daryll Gray, Member

  
Tony Applegate, Member

  
Jean Rickey, Clerk

May 7, 2014