

March 25, 2009

The Board of County Commissioners, Highland County, Ohio, met this day in Regular Session with Mr. Wilkin, Mr. Horst, and Mr. Heaton present. At 8:30 a.m. the minutes of the previous session were approved as written.

NOTE

Jim Grandey, Highland County Prosecutor, and Martha Jacob, Highland Press, were present for a portion of the meeting.

MOTION

Mr. Horst moved, seconded by Mr. Heaton, to approve payment of Bill File No. 09-11. The vote resulted as follows:

Mr. Wilkin, yea; Mr. Horst, yea; and Mr. Heaton, yea.

The total amount paid was \$280,043.00. The amount paid from the General Fund only was \$114,185.39. A list of all bills paid is on file in the Commissioners' office.

Resolution No. 09-113

(Resolution No. 07-447)

PID No. **77625**
Project No. _____(2009)

09-113

FINAL RESOLUTION

The following Final Resolution enacted by the Board of County Commissioners, **Highland County**, hereinafter referred to as the Legislative Authority/Local Public Agency (LPA), in the matter of the stated described project.

WHEREAS, on **12th day of December, 2007**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

Improvement of 0.02 miles of Township Road 259 (Cave Road) by replacement of one structure over a tributary of Rocky Fork Creek with a single span steel beam bridge, lying within Highland County.

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The County agrees to assume and bear the entire cost and expense of the improvement, less the amount of Federal-aid CEAO funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the County agrees to bear one hundred percent (100%) of the cost of the following items:

1. Preliminary Engineering, excluding in-house preliminary engineering.
2. Right-of-Way.

In view of the fact that the LPA's share of the project is now estimated in the amount of **Sixty Thousand Five Hundred and - - - 00/100 Dollars (\$60,500) less Ohio Public Works Commission applied in the amount of Sixty Thousand Five Hundred and - - - 00/100 Dollars (\$60,500.00) leaving a balance due in the amount of Zero and - - - 00/100 Dollars (\$0.00)** therefore, the County will not be required to deposit any funds at this time. The LPA's ultimate share of the cost will be determined when final actual costs and allocations are determined.

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of same to this legislative authority; and

WHEREAS, This legislative authority desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- II. That the LPA enter into a contract with the State, and that **President** be, and is hereby authorized to execute said contract for improving the described project.
- III. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the 25th day of MARCH, 2009, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume 42, at Page 170, and under date of MARCH 25, 2009.

Legislative Authority of the
Board of County Commissioners
Highland County



President



Clerk (Secretary Ex-Officio)

SEAL
(If Applicable)

LETTER

March 25, 2009

Clinton County Foundation
Randy Riley, President
National Bank & Trust, Trust Dept.
48 North South Street
Wilmington, Ohio 45177

To the Clinton County Foundation:

The Highland County Board of Commissioners supports the Highland County Community Action Organization, Inc. (HCCAO) proposal for funding through the Wilmington-Clinton County Charity Assistance Fund. HCCAO is a non-profit organization with a reputation for organizing community service programs and implementing them professionally and efficiently.

Highland County has one of the highest foreclosure rates in the state of Ohio. With the current economic crisis in Highland County, we need an organization like HCCAO to provide Emergency Housing payments and Financial Literacy Training to prevent more families from losing their homes.

We ask that you approve the HCCAO application for assistance based on their history of accomplishment and on the need for Highland County to receive the help it needs to prevent further financial hardship. We encourage your serious consideration of their application.

Sincerely,

Shane Wilkin
Tom Horst
Gary Heaton
Board of Commissioners
Highland County, Ohio

CONTRACT

A contract was entered into by and between the Board of Commissioners, Highland County Job & Family Services, and Turning Point Applied Learning Center as a Service Provider. See Contract Binder No. 21-A, Page 19.

LETTER

To: County Commission

Request that additional appropriation in 0346-W076-W11.000 in the amount of \$13,000. This appropriation is to allow this office to reimburse various departments in their expense on the SR. 41 hazardous incident in De. 08. Enclosed is a copy of the pay-in from insurance company.

Respectfully

J. Lyle Director

Resolution No. 09-114

The Board of County Commissioners of Highland County, Ohio, met in Regular Session on March 25, 2009 with the following members present:

Gary Heaton, Tom Horst, Shane Wilkin

Mr. Horst moved the adoption of the following:

RESOLUTION

BE IT HEREBY RESOLVED, by the Board of Highland County Commissioners, that the said Board authorizing additional appropriation within the EMA budget:

From: Un-appropriated funds,

To: 0346-W076-W11.000, Reimbursement, in the amount of \$13,000.00

Mr. Heaton seconded the Resolution, and the roll called upon its adoption, the vote resulted as follows:

Mr. Heaton; yea, Mr. Horst; yea and Mr. Wilkin; yea

Adopted March 25, 2009

Rosalind Newman
Clerk of Board

Shane Wilkin
Thomas Horst
Gary Heaton
Board of Commissioners
Highland County, Ohio

LETTER

March 17, 2009

Highland County Commissioners
Highland County Administration Building
Hillsboro, Ohio 45133

RE: Fine & Fee monies

We request that you appropriate \$288.50 into the line item of "Court Fines and Fees, 0410-T007-T13.000". Please add as follows:

\$288.50 to the line item 0410-T007-T13.000 (Court Fines and Fees)

Thank you for your consideration into this matter.

Sincerely,

James B. Grandey, Prosecutor
For Victim-Witness Assistance Office

Resolution No. 09-115

The Board of County Commissioners of Highland County, Ohio, met in Regular Session on March 25, 2009 with the following members present:

Gary Heaton, Tom Horst, Shane Wilkin

Mr. Horst moved the adoption of the following:

RESOLUTION

BE IT HEREBY RESOLVED, by the Board of Highland County Commissioners, that the said Board authorizing additional appropriation within the Victim-Witness budget:

From: Un-appropriated funds,

To: 0410-T007-T13.000, Court Fines & Fees, the amount of \$288.50

Mr. Heaton seconded the Resolution, and the roll called upon its adoption, the vote resulted as follows:

Mr. Heaton; yea, Mr. Horst; yea and Mr. Wilkin; yea

Adopted March 25, 2009

Rosalind Newman
Clerk of Board

Shane Wilkin
Thomas Horst
Gary Heaton
Board of Commissioners
Highland County, Ohio

LETTER

March 23, 2009

Highland County Commissioners
114 Governor Foraker
Place Hillsboro, Ohio 45133

Dear Commissioners,

The Board of Elections is requesting a modification in our budget.

TO: Supplies-0180-A003-A03.040-\$1,770.00

This is to pay postage and mailing for combining 12 precincts.

Thank you for your attention in this matter.

Sincerely,

Kate Cameron, Director
Highland County Board of Elections

Resolution No. 09-116

The Highland County Board of Commissioners, Highland County, Ohio, met in Regular Session on March 25, 2009, with the following members present:

Gary Heaton, Thomas Horst, and Shane Wilkin.

Mr. Horst moved the adoption of the following:

RESOLUTION

BE IT HEREBY RESOLVED, by the Board of Highland County Commissioners, that the said authorizing modification within the Commissioners budget:

From: 0005-A401-A11.090, Other Expense,

To: 0180-A003-A03.040, Supplies, amount of \$1,770.00

Mr. Heaton seconded the Resolution, and the roll called upon its adoption, the vote resulted as follows:

Mr. Heaton, yea; Mr. Horst, yea; and Mr. Wilkin, yea.

Adopted March 25, 2009

Rosalind Newman
Clerk of Board

Shane Wilkin
Thomas Horst
Gary Heaton
Board of Commissioners
Highland County, Ohio

PROCLAMATION

A proclamation was signed and read aloud to proclaim the month of April as “Child Abuse Prevention Month.” Those attending in addition to the Board and the Clerk were: Wendy Jacobs, Executive Director, Children Services; Breanne Perry, Kathy Stevens, Melissa Wheaton, Tonia Farley, Jessica Liming, Katie Ross, Nicole Knisley, Kelly Myers, Rebecca Souther, and Stephenie Beeler, Children Services employees.

PROCLAMATION

A proclamation was signed and read aloud to remind all parents that “Parents Who Host Lose The Most.” The following in addition to the Board of Commissioners and the Clerk, were present: Ashley Bowling, Maddie Cupp, Marissa Miller, Laura Eigel, Owen Raisch, and Tiffany Shelton, Hillsboro High School Students; Angie Penwell, teacher, and Rick Earley, Principal, Hillsboro High School; FRS Counseling Employees: Joe Adray, Executive Director, Jill Wilson, Drug & Alcohol Supervisor, Ellen Butcher, Program Director, and Janet Fair, Prevention Specialist; Sheriff Ron Ward; Chief Tim Tyree, Leesburg; and Chief Nick Thompson, Hillsboro.

MEETING

The Board of Commissioners asked Wendy Jacobs, Executive Director of Children Services, to stay and speak with them. Also attending was Sheriff Ward. The Commissioners then asked to go into Executive Session for a personnel matter. The following motion was made:

MOTION

At 9:05 a.m., Mr. Horst moved, seconded by Mr. Heaton, to leave Regular Session and enter into Executive Session for personnel matters. Roll call was taken:

Mr. Wilkin, yea; Mr. Horst, yea; and Mr. Heaton, yea.

The Board of Commissioners returned to Regular Session at 9:20 a.m.

MEETING

James Grandey, Prosecutor, met with the Board of Commissioners to discuss an issue at the Highland County Airport. The following motion was made:

MOTION

Mr. Horst moved, seconded by Mr. Heaton, for James Grandey, Prosecutor, to move forward with an eviction notice for removal of C. F. Airtronics which is located at the Highland County Airport. Roll call was taken:

Mr. Wilkin, yea; Mr. Horst, yea; and Mr. Heaton, yea.

MEETING

Dan Cowdrey, Economic Development Director, met with the Board to discuss Economic Development projects within the county.

MEETING

Susan Walker, AON Consulting, met at the Commissioners' request. Ms. Walker gave a presentation on what was available regarding a consultant in recognizing the County's needs for services for health insurance. She also spoke on ways that she felt would save the county money. Ms. Walker said they should also look at a Wellness Program for the employees. The Commissioners thanked Ms. Walker for all the information.

CONFERENCE CALL

The Board of Commissioners spoke with Dwight Crum per conference call. This was concerning historical sites within the State. Mr. Crum was informed that the State is closing all the historical sites and furloughing all their employees go. Mr. Crum said he has spoke with George Kane and had been advised to put together a management group. He has found several people that are willing to help with this issue. The site Mr. Crum is referencing is Fort Hill. He was told that one group should be the lead group. There is also a home at this site and this could be rented. The Historical Society will maintain all the capital improvements and liability insurance. Mr. Crum will be holding a meeting in the future and get details worked out. The community does not want to see Fort Hill closed.

MEETING

Gene Rau, McGohan Brabender, met at the request of the Commissioners regarding a consultant to review RFP for County health insurance. Mr. Rau said he would be glad to do consulting but also he felt like it would be a conflict of interest because he would also like to bid. Mr. Rau gave information on ways he felt the County could save money and still get good benefits for the County employees. The Board thanked him for coming in.

MEETING

Emerson and Margo Babington met to sign the necessary documents for the Southside Rocky Fork Lake Wastewater Sewer Project. The Commissioners thanked both for coming in. Also attending was Frank Leone, Environmental Engineering Services (EES).

NOTE (BORROWER'S PROMISE TO PAY)

NOTE

MARCH 25, 2008

11993 Spruce Road, Lot #1
Hillsboro, Ohio

1. BORROWER'S PROMISE TO PAY

Per the agreement entered into by and between The Highland County Board of Commissioners, Babington LLC, Emerson Babington and Margo Babington on November 26, 2008, we promise to pay U.S. Three Hundred Sixty Thousand, Three Hundred Dollars and No/100 (360,300.00) (this amount is called "principal"), plus interest, to the order of the Lender. The Lender is the Highland County Board of Commissioners. We understand that the Lender may transfer this Note. The Lender or anyone who takes this Note by transfer and who is entitled to receive payments under this Note is called the "Note Holder."

2. INTEREST

Interest will be charged on unpaid principal until the full amount of principal has been paid. We will pay interest at a yearly rate of 4.75%.

The interest rate required by this Section 2 is the rate we will pay both before and after any default described in Section 6(B) of this Note.

3. PAYMENTS

(A) Time and Place of Payments

We will pay principal and interest by making payments every month.

We will make our monthly payments on the 15th day of each month beginning on Jan. 1, 2010. We will make these payments every month until we have paid all of the principal and interest and any other charges described below that we may owe under this Note. Our monthly payments will be applied to interest before principal. If, on 03/25/08, we still owe amounts under this Note, we will pay those amounts in full on that date, which is called the "maturity date."

We will make my monthly payments at the office of Highland County Board of Commissioners at 111 Clermont Parker Place, Hillsboro, Ohio 45133, or at a different place if required by the Note Holder.

(B) Amount of Monthly Payments

Our monthly payment will be in the amount of U.S. \$1,675.50

4. BORROWER'S RIGHT TO PREPAY

We have the right to make payments of principal at any time before they are due. A payment of principal only is known as a "prepayment." When we make a prepayment, we will tell the Note Holder in writing that we are doing so.

We may make a full prepayment or partial prepayments without paying any prepayment charge. The Note Holder will use all of our prepayments to reduce the amount of principal that we owe under this Note. If we make a partial prepayment, there will be no changes in the due date or in the amount of my monthly payment unless the Note Holder agrees in writing to those changes.

5. LOAN CHARGES

If a law, which applies to this loan and which sets maximum loan charges, is finally interpreted so that the interest or other loan charges collected or to be collected in connection with this loan exceed the permitted limits, then: (i) any such loan charge shall be reduced by the amount necessary to reduce the charge to the permitted limit; and (ii) any sums already collected from me which exceeded permitted limits will be refunded to me. The Note Holder may choose to make this refund by reducing the principal we owe under the Note or by making a direct payment to us. If a refund reduces the principal, the reduction will be treated as a partial prepayment.

6. BORROWER'S FAILURE TO PAY AS REQUIRED

(A) Late Charge for Overdue Payments

If the Note holder has not received the full amount of any monthly by the end of ten (10) calendar days after the date it is due, we will pay a late charge to the Note Holder. The amount of the charge will be 2% of my overdue payment of principal and interest. We will pay this late charge promptly but only once on each late payment.

(B) Default

If we do not pay the full amount of each monthly payment on the date it is due, we will be in default.

(C) Notice of Default

If we are in default, the Note Holder may send me a written notice telling me that if we do not pay the overdue amount by a certain date, the Note Holder may require me to pay immediately the full amount of principal which has not been paid and all the interest that we owe on that amount. That date must be at least 30 days after the date on which the notice is delivered or mailed to me.

(D) No Waiver By Note Holder

Even if, at a time when we are in default, the Note Holder does not require me to pay immediately in full as described above, the Note Holder will still have the right to do so if we are in default at a later time.

(E) Payment of Note Holder's Costs and Expenses

If the Note Holder has required me to pay immediately in full as described above, the Note Holder will have the right to be paid back by us for all of its costs and expenses in enforcing this Note to the extent not prohibited by applicable law. Those expenses include, for example, reasonable attorneys' fees.

7. GIVING OF NOTICES

Unless applicable law requires a different method, any notice that must be given to us under this Note will be given by delivering it or by mailing it by first class mail to us at the Property Address above or at a different address if we give the Note Holder a notice of our different address.

Any notice that must be given to the Note Holder under this note will be given by mailing it first class mail to the Note Holder at the address stated in Section 3(A) above or at a different address if we are given a notice of that different address.

8. OBLIGATIONS OF PERSONS UNDER THIS NOTE

If more than one person signs this Note, each person is fully obligated to keep all promises made in this Note, including the promise to pay the full amount owed. Any person who is a guarantor, surety or endorser of this Note, is also obligated to do these things. Any person who takes over these obligations, including the obligations of a guarantor, surety or endorser of this Note, is also obligated to keep all of the promises made in this note. The Note Holder may enforce its rights under this Note against each person individually or against all of us together. This means that any one of us may be required to pay all of the amounts owed under this Note.

9. WAIVERS

We and any other person who has obligations under this Note waive the rights of presentment and notice of dishonor. "Presentment" means the right to require the Note holder to demand payment of amounts due. "Notice of dishonor" means the right to require the Note Holder to give notice to other persons that amounts due have not been paid.

10. UNIFORM SECURED NOTE

This Note is a uniform instrument with limited variations in some jurisdictions. In addition to the protections given to the Note Holder under this Note, a Mortgage, Deed of Trust or Security Deed (the "Security Instrument"), dated the same date as this Note, protects the Note Holder from possible losses which might result if we do not keep the promises which we make in this Note. That Security Instrument describes how and under what conditions we may be required to make immediate payment in full of all amounts we owe under this Note. Some of these conditions are described as follows:

Transfer of the Property or a Beneficial Interest in Borrower. If all or any part of the Property or any interest in it is sold or transferred (or if a beneficial interest in Borrower is sold or transferred and Borrower is not a natural person) without Lender's prior written consent, Lender may, at its option, require immediate payment in full of all sums secured by this Security Instrument. However, this option shall not be exercised by Lender if exercise is prohibited by federal law as of the date of this Security Instrument.

If Lender exercises this option, Lender shall give Borrower notice of acceleration. The notice shall provide a period of not less than 30 days from the date the notice is delivered or mailed within which Borrower must pay all sums secured by this Security Instrument. If Borrower fails to pay those sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Security Instrument without further notice or demand on Borrower.

WITNESS THE HAND(S) AND SEAL(S) OF THE UNDERSIGNED.

Babington, LLC

By Babington, LLC (Seal)
Its Margo Babington Borrower

Emerson Babington (Seal)
Emerson Babington, Personally - Borrower

Margo Babington (Seal)
Margo Babington, Personally - Borrower
(Sign Original Only)

Resolution No. 09-117

The Highland County Board of Commissioners, Highland County, Ohio, met in Regular Session on March 25, 2009, with the following members present:

Gary Heaton, Thomas Horst, and Shane Wilkin.

Mr. Horst moved the adoption of the following:

RESOLUTION

BE IT HEREBY RESOLVED, by the Board of Highland County Commissioners, that the said authorizing modification within the

From: 0020-A004-B13.075, Bldg. & Grnds, Contracts & Services

To: 0065-A002-B01-005, Judges Salary, amount of \$.01
0077-A415-A15.006, Salary, Indigent Stenographer, amount of \$60.00
0100-A002-D01.005, Salary Official, amount of \$.01
0160-A002-G10.005, Salary Official, amount of \$150.02
0160-A002-G11.006, Salary Employees, amount of \$151.80
0160-A002-G12.000, Criminal Prosecutions, amount of \$458.33

For a total \$820.17

Mr. Heaton seconded the Resolution, and the roll called upon its adoption, the vote resulted as follows:

Mr. Heaton, yea; Mr. Horst, yea; and Mr. Wilkin, yea.

Adopted March 25, 2009

Rosalind Newman
Clerk of Board

Shane Wilkin
Thomas Horst
Gary Heaton
Board of Commissioners
Highland County, Ohio

MOTION

At 3:30 p.m., Mr. Horst moved to adjourn. Mr. Heaton seconded the motion. The vote resulted as follows:

Mr. Wilkin, yea; Mr. Horst, yea; and Mr. Heaton, yea.

WHEREUPON, the Board of Highland County Commissioners will meet in Regular Session on Wednesday, April 1, 2009.

Rosalind Newman
Clerk of Board

Shane Wilkin
Thomas Horst
Gary Heaton
Board of Commissioners
Highland County, Ohio