

RECORD OF PROCEEDINGS

**Waverly City Board of Education
Regular Meeting**

February 3, 2016

The Waverly City Board of Education met in regular session on Wednesday, February 3, 2016 at 6:00 p.m. in the High School Study Hall. Ms. Zaler called the roll. The following members were present: Ms. Ann Oyer, Mr. Josh Hobbs, Ms. Sue Ann Bolin, and Mr. Allan Szoke. Mr. John Boyer was absent. Mr. Hobbs, President called the meeting to order.

DISTRICT EMPLOYEES PRESENT:

Ed Dickens, Superintendent
Claudia Zaler, Treasurer/CFO
Missi Marquez, Assistant Superintendent
Patrick Williams, Technology Coordinator
Mike Roback, Special Education Supervisor
Bill Hoover, Director of Operations
Ashlee Stulley, High School Principal
Andy Seddelmeyer, Primary Principal
Travis Robertson, Intermediate Principal

GUESTS PRESENT:

Jerry Kasai, Legal Counsel Amanda Entler
Mark Foley, Legal Counsel Roger Ramsey

016-16 APPROVAL OF MINUTES

It was moved by Ms. Bolin, seconded by Ms. Oyer to approve the minutes of the organizational and regular meeting from January 6, 2016. On roll call, the vote was as follows: Ayes – Ms. Oyer, Mr. Hobbs, Ms. Bolin, and Mr. Szoke. Motion carried.

LEGISLATIVE UPDATE

Mr. Hobbs noted there is a push right now to reduce the amount of testing and discussion on Common Core curriculum. He has a call into Mr. Rosenberger's office to schedule a meeting.

STUDENT/STAFF RECOGNITION

Ms. Stulley noted that Aaron Elliott recently signed with the University of Charleston. Mr. Hobbs noted that the Waverly Girls' Varsity basketball team are having a very successful season and are looking for win 14 tonight. Mr. Hobbs distributed *The Tournaments At Waverly*, information provided by Randy Heath, Mayor of Jackson; Executive Director, Jackson Area Chamber of Commerce.

GENERAL DISCUSSION WITH POSSIBLE APPROVAL

Ms. Amanda Entler, Quiz Bowl advisor, was present to provide details on their recent win and award of two bids for Nationals. She explained that they would like to attend the Small Schools National Tournament in Chicago, IL, April 29, 2016 – May, 1 2016 and asked the Board to pay entry fees and approve release time for her. She noted there would be various fundraisers to help offset the cost to each participate and they were looking for another district to split transportation cost with. In 2015 the team placed 41st at the Small School National Tournament.

017-16 APPROVAL OF QUIZ BOWL TRIP, RELEASE TIME, AND PAYMENT OF ENTRY FEE

Mr. Hobbs moved with Ms. Bolin seconding the motion to approve the Quiz Bowl participants to attend the Small Schools National Championship Tournament in Chicago, IL, April 29, 2016 – May 1, 2016, release time for Amanda Entler, and for the district to pay tournament entry fee of \$595. On roll call, the vote was as follows: Ayes – Ms. Oyer, Mr. Hobbs, Ms. Bolin, and Mr. Szoke. Motion carried.

Mr. Ramsey gave an update on the status on the scupper boxes and noted that they are working around the weather. Mr. Mark Foley was present to meet with the Board.

018-16 EXECUTIVE SESSION

Mr. Hobbs moved, with Mr. Szoke seconding the motion to enter into executive session to review pending litigation and consider approval of settlement with Ohio Farmers with legal counsel at 6:19 p.m. On roll call, the vote was as follows: Ayes: Ms. Oyer, Mr. Hobbs, Ms. Bolin, and Mr. Szoke. Motion carried.

RE-ENTERED PUBLIC SESSION AT 6:37 P.M.

019-16 APPROVAL OF AGREEMENT AND TO AUTHORIZE SIGNATURE

Mr. Hobbs moved, with Ms. Bolin seconding the motion for approval to authorize the Superintendent, on behalf of the Board, to execute settlement agreement in substance and form presented as follows to the Board;

**SETTLEMENT AGREEMENT AND RELEASE
OF DEFENDANT OHIO FARMERS INSURANCE COMPANY, IN ITS CAPACITY AS SURETY FOR STAGGS
ROOFING, INC., ONLY**

1. This Agreement and Release is made between the State of Ohio, by and through the Ohio School Facilities Commission (OSFC) and the Waverly City School District Board of Education (Plaintiffs), and Ohio Farmers Insurance Company, *in its capacity as obligor under a Performance Bond issued to Staggs Roofing, Inc.* (Settling Defendant).
2. The Plaintiffs have asserted a claim against the Settling Defendant on a performance bond the Settling Defendant issued to Staggs Roofing, Inc. (the "Bond") in an action now pending in the Pike County Common Pleas Court, entitled *Waverly City School District Board of Education, et. al. v. Triad AR., Inc., et. al.*, and identified as Case No. 2013 CIV 00318 relating to Staggs Roofing, Inc.'s work under a contract for the public improvements generally known as the Waverly City School District High School, Middle School, Intermediate School, and Elementary School (the "Project").
3. This Agreement and Release is made as a compromise between the Plaintiffs and the Settling Defendant for the complete and final settlement of the claims, and/or causes of action that were or could have been alleged in the Pike County Common Pleas Case No. 2013 CIV 00318 between Plaintiffs and the Settling Defendant.
4. It is understood by the Plaintiffs and Settling Defendant that the facts upon which this Agreement and Release is made may prove to be other than or different from the facts now known by either of them or believed by either of them to be true. Each of the Plaintiffs and Settling Defendant expressly accepts and assumes the risk of the facts proving to be different,

and each of the Plaintiffs and Settling Defendant agree that all the terms of this agreement and release shall be in all respects effective and not subject to termination or rescission by reason of any such difference in facts.

5. The Plaintiffs and Settling Defendant agree that the terms of this Agreement and Release bind the Plaintiffs and Settling Defendant and their assigns, predecessors, and successors in interest.
6. The Plaintiffs understand that this Agreement and Release is a compromise of disputed claims and payment thereof is not to be construed as an admission of liability on the part of the Settling Defendant.
7. This Agreement and Release contains the entire agreement between the Plaintiffs and Settling Defendant with regard to the matters set forth herein. There are no other understandings or agreements, between the Plaintiffs and Settling Defendant except as set forth herein.
8. In consideration of the mutual covenants set forth herein, the Plaintiffs and Settling Defendant agree as follows:
 - A. The Settling Defendant agrees to pay the Plaintiffs, within fourteen (14) days of notice of the Ohio Attorney General's approval of this Agreement and Release, the sum of One Million Five Hundred Thousand Dollars (\$1,500,000.00), by check payable to Waverly City School District Board of Education, via certified mail to the following address:

Waverly City School District Board of Education
1 Tiger Drive
Waverly, Ohio 45690
 - B. Plaintiffs do not release the remaining Defendants from liability for their own breach of the same or similar duties as owed by the Settling Defendant's principal, Staggs Roofing, Inc. As a result of its payment of the \$1,500,000 to Plaintiffs, the Settling Defendant may be entitled to recoupment pursuant to claims it might assert against others, including other Defendants named in the pending action. Nonetheless, it is expressly understood and agreed that any such claims shall be secondary to the claims of Plaintiffs against such Defendants and no recovery by Settling Defendant against any of said other Defendants shall be had unless and until Plaintiffs' damages have been completely satisfied.
 - C. The Plaintiffs, along with their agents, employees, officers or members, do hereby release, hold harmless from any liability, and forever discharge Settling Defendant its agents, servants, employees and officers, personally and in any other capacity, from any and all claims, actions, causes of action, demands, costs, loss of services, expenses, and any and all other damages which the Plaintiffs ever had, now have or may have, or claims to have, against Settling Defendant, or its agents, servants, employees or officers, on account of or in any way arising out of the incidents, claims, and/or causes of action that were or could have been alleged in Pike County Common Pleas Court Case No. 2013 CIV 00318 or otherwise relating to the Project and/or Bond.
 - D. Only the claims by Plaintiffs against the Settling Defendant are released. All other claims

against any and all other Defendants to this litigation are expressly reserved and are not released. Specifically, claims against Staggs Roofing, Inc., are reserved and are not released.

9. Within three (3) days of receipt of payment, the Plaintiffs shall dismiss with prejudice the Settling Defendant from the above described claim known as Pike County Common Pleas Court Case No. 2013 CIV 00318, with each party to bear their own costs.
10. The Plaintiffs and Settling Defendant acknowledge and agree that this Agreement and Release shall not be binding until it has been duly presented to the Ohio Attorney General, and the Ohio Attorney General has approved the agreement and release. The Plaintiffs and Settling Defendant further acknowledge that the signature of the Assistant Attorney General on this agreement and release is on behalf of the Plaintiff OSFC and is not to be construed as the approval of the Attorney General. If the Attorney General shall fail or refuse to approve the agreement and release, it shall be null and void and without any force or effect, and none of the Plaintiffs and Settling Defendant shall be bound by it.
11. The undersigned have read this Agreement and Release, understand all its terms, if signing on behalf of a principal, have authority to sign settlement documents on its behalf, and have executed this agreement and release voluntarily.

On roll call, the vote was as follows: Ayes: Ms. Oyer, Mr. Hobbs, Ms. Bolin, and Mr. Szoke. Motion carried.

Ms. Zaler discussed the need for amendment #2 to the Schooley Caldwell litigation agreement.

020-16 APPROVAL OF AGREEMENT AMENDMENT #2

Mr. Hobbs moved, with Ms. Oyer seconding the motion to approve the Amendment #2 Consultant Agreement with Schooley Caldwell Associates for litigation support, not to exceed \$90,130. On roll call, the vote was as follows: Ayes – Ms. Oyer, Mr. Hobbs, Ms. Bolin, and Mr. Szoke. Motion carried.

Mr. Dickens discussed adding a spring parent teacher conference to the 2015/16 school calendar for March 31, 2016 and April 5, 2016. This would change the ending dates for both staff and students.

021-16 APPROVAL TO AMEND SCHOOL CALENDAR

Ms. Oyer moved, with Mr. Hobbs seconding the motion to amend the 2015/16 school calendar to add a spring parent teacher conference as presented by Superintendent Dickens. On roll call, the vote was as follows: Ayes – Ms. Oyer, Mr. Hobbs, Ms. Bolin, and Mr. Szoke. Motion carried.

Mr. Dickens reviewed the bids from META Solutions for a handicapped bus and noted that Edwin Davis & Sons, Inc. for a new handicap bus and a 10 year warranty.

022-16 APPROVAL TO PURCHASE HANDICAPED BUS

Mr. Hobbs moved, with Ms. Bolin seconding the motion to approve the purchase of one handicap bus from Edwin Davis & Sons, Inc. On roll call, the vote was as follows: Ayes – Ms. Oyer, Mr. Hobbs, Ms. Bolin, and Mr. Szoke. Motion carried.

Mr. Dickens discussed the proposal of an Athletic Hall of Fame/Tiger Wall of Fame. Ms. Bolin distributed samples of applications and criteria for selection from another district. Mr. Dickens requested approval to establish a committee to develop criteria and bring the results back to the Board.

023-16 APPROVAL TO FORM COMMITTEE

Mr. Hobbs moved, with Ms. Oyer seconding the motion to approve Mr. Dickens forming a committee to establish bylaws/guidelines for the Athletic Hall/Tiger Wall of Fame. On roll call, the vote was as follows: Ayes – Ms. Oyer, Mr. Hobbs, Ms. Bolin, and Mr. Szoke. Motion carried.

024-16 CONSENT AGENDAS

Superintendent’s Items

Mr. Dickens opened the floor up to Ms. Marquez who gave an in depth overview of the 2014-2015 District Report Card. Ms. Marquez discussed the results of the K-3 Literacy, Graduation Rate, and comparisons of other districts in our area.

- A. Approval of the facility use forms by the OHSAA for the upcoming Boys’ and Girls’ basketball tournaments.

Treasurer’s Items

- A. Approval of January, 2016 Financial Statements.
- B. Approval of Tax Rates as presented by the County Auditor.

	Inside 10	Outside 10
	Mill Limit	Mill Limit
General Fund	2.6	23.9
Bond Retirement		4.0
Classroom Facilities		.5
Permanent Improvement	1.0	

- C. Approval to amend the new contract with SCOCA for wireless service through June 30, 2020.
- D. Acceptance of donations:

<u>From</u>	<u>Amount</u>	<u>Credit to:</u>
Alpha Delta Kappa Tau	\$25.00	Chorus
Waverly Chapter #99	\$50.00	Chorus
Garnet Wilson Public Library	\$50.00	Chorus
Rotary Club of Pike County	\$100.00	Athletic
Box Tops for Education	\$997.50	Junior High Principal
Box Tops for Education	\$442.60	Intermediate Principal
Betty Glenn Trust	\$5.00	Band

Mr. Hobbs moved, with Ms. Bolin seconding the motion to approve the consent agendas. On roll call, the vote was as follows: Ayes – Ms. Oyer, Mr. Hobbs, Ms. Bolin, and Mr. Szoke. Motion carried.

025-16 EXECUTIVE SESSION

Mr. Hobbs moved, with Mr. Szoke seconding the motion to enter into executive session to consider the employment of a public employee or official at 7:27 p.m. On roll call, the vote was as follows: Ayes: Ms. Oyer, Mr. Hobbs, Ms. Bolin, and Mr. Szoke. Motion carried.

RE-ENTERED PUBLIC SESSION AT 7:37 P.M.

026-16 ACCEPTS RESIGNATION

Mr. Hobbs moved with regret, with Ms. Oyer seconding the motion to approve the resignation of Gina Clark as a teacher at the end of the current school year. On roll call, the vote was as follows: Ayes – Ms. Oyer, Mr. Hobbs, Ms. Bolin, and Mr. Szoke. Motion carried.

027-16 EMPLOYMENT OF STAFF

Mr. Hobbs moved, with Ms. Bolin seconding the motion to employ Zach Ross and Joe Tackett as substitute teachers and Larry Childers and Jason Koch as substitute custodians. On roll call, the vote was as follows: Ayes: Ms. Oyer, Mr. Hobbs, Ms. Bolin ,and Mr. Szoke. Motion carried.

028-16 APPROVAL OF VOLUNTEERS

Ms. Bolin moved, with Mr. Hobbs seconding the motion to approve Jonathan Teeters, Jeff Davis, Tim Frederick, and Bill Hoover as volunteers for baseball. On roll call, the vote was as follows: Ayes – Ms. Oyer, Mr. Hobbs, Ms. Bolin and Ms. Manson. Motion carried.

029-15 APPROVAL OF TOURNAMENT WORKERS

Mr. Hobbs moved, with Ms. Bolin seconding the motion to approve Vicki Hoover, Bill Hoover, Bill Remy, Steve Murray, Byron Ward, Cookie Kritzwiser, Sandy Monroe, Kim Leffler, Joe Francis, Trevor Arnett, Travis Robertson, Mike Feucht, Dorsey Pratt, Amy Bonifield, Lakiem Lockery, Tim Smith, Brad Stulley, Chris Crabtree, Jeff Noble, Ashlee Stulley, Jeff Davis, Byron Green, Jon Bonifield, Terry Wood, Ed Dickens, Missi Marquez, Claudia Zaler, and Rich Henderson as basketball tournament workers. On roll call, the vote was as follows: Ayes – Ms. Oyer, Mr. Hobbs, Ms. Bolin and Mr. Szoke. Motion carried.

030-16 APPROVAL OF PCA RATE

Ms. Oyer moved, with Mr. Szoke seconding the motion to approve the PCA teacher rate as presented by Treasurer, Claudia Zaler. On roll call, the vote was as follows: Ayes – Ms. Oyer, Mr. Hobbs, Ms. Bolin and Mr. Szoke. Motion carried.

DISCUSSION:

Mr. Dickens provided an update and led the forward thinking discussion of several projects and district maintenance. Items on the list were; chrome books in the classrooms, playgrounds, paving of district parking lots, downtown athletic facility lighting and paving, junior high gym bleachers, electric for the baseball and softball fields, additional bleacher seating on the visitors side at the football field, and high school gym bleachers on campus. Ms. Bolin added a few things she would like to see; Championship banners, 1000 point banners, Beau Szoke picture added permanently to facility, the fight song on a banner, trash cans in the aisles of bleachers, and ACT high point club in the halls.

031-16 EXECUTIVE SESSION

Mr. Hobbs moved, with Ms. Oyer seconding the motion to enter into executive session for the Treasurer's evaluation at 8:22 p.m. On roll call, the vote was as follows: Ayes: Ms. Oyer, Ms. Bolin, Mr. Hobbs, and Mr. Szoke. Motion carried.

RE-ENTER PUBLIC SESSION AT 9:37 P.M.

032-16 ADJOURNMENT

Mr. Szoke moved, with Mr. Hobbs seconding the motion to adjourn the meeting at 9:38 p.m. On roll call, the vote was as follows: Ayes – Ms. Oyer, Ms. Bolin, Mr. Hobbs and Mr. Szoke. Motion carried. The President declared the meeting adjourned.

The next regular scheduled meeting will be held on March 9, 2016 at 6:00 p.m. in the High School Study Hall.

President

Treasurer/CFO