

**Regular Meeting #09-21
Fairfield County Commissioners' Office
May 26, 2009**

Review Session – 10:30 a.m.

The Board of Commissioners met to review legal issues, correspondence, and pending and future action items. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were County Engineer Frank Anderson, Jeff Camechis, Jeff Baird, Jason Dolin and Scott Zody.

Mr. Anderson stated that his office and Mr. Dolin have been working with the Rockies Express (REX) pipeline people to come to an agreement on overloaded vehicles using county roads. Mr. Anderson stated that he estimates that damages could exceed \$2.3 million just for the roads, not including bridges and culverts. That figure is based upon calculating 1 ½ inches of asphalt times 46 miles of roads that REX will be using to haul oversized loads.

Mr. Baird stated that REX claims that it is already required to repair damages per their permit through the Federal Energy Regulatory Commission (FERC), but the company has yet to share that documentation with the Engineer. The Muskingum County Board of Commissioners negotiated a similar bond agreement with REX, but their agreement included a complete bridge replacement on a road, and therefore their bond was set much lower.

Mr. Dolin stated that REX's claim that Fairfield County is holding up the project is not true, and that REX could have already started work in Fairfield County were it not for the late notice that they intended to use oversized loads on the roads.

Commissioner Shupe asked if an agreement had been signed, and Mr. Camechis stated that REX has thus far refused to agree to the terms sought by the County. Mr. Camechis added that they have been trying to reach an agreement for several months with the company. Mr. Anderson stated they have agreed on the road crossing permits, but the oversized load issue just came up recently.

Commissioner Shupe asked what other counties are doing, and Mr. Camechis stated that he knows Muskingum County has an agreement, but does not believe Perry County has one. Mr. Baird added that REX only wants a \$100,000 bond due to this FERC permit, but they refuse to share the permit language with them.

Mr. Anderson stated that several years ago when Marathon installed a pipeline in Fairfield County, they had a road crossing agreement with them, but they did not use "super-sized" loads, and the bond is needed just in case damages occur that are not satisfactorily repaired. Mr. Dolin stated that his concern is having the ability to properly repair the roads once the pipeline is installed.

Commissioner Shupe agreed that is a valid concern, and asked what happens if damages do not manifest themselves until months or a year after the project. Mr. Camechis stated they are getting mixed signals from REX, and the Board also needs to consider damages to township roads, which are held in the name of the Board and are more susceptible to damage. Mr. Anderson added that the timeline for the project keeps shifting as well, growing from 3-4 weeks to now potentially taking 6 months to complete.

The Board discussed the pending medical services agreement for the jail with Dr. Vajen and Dr. Varney, including a recent request by Dr. Vajen to make the agreement retroactively effective January 1, 2009. The Board directed Mr. Zody to work with Mr. Dolin and Fiscal Clerk Staci Knisley to make the agreement effective April 1, 2009, and figure out appropriate costs and have the contracts expire at the same time.

Mr. Dolin provided an update on the Carroll sewer project, stating that Utilities Director Tony Vogel has been trying to get CSX Railroad to give him a more firm timeline on when an easement could be obtained. Commissioner Shupe stated that she would like the matter to be resolved quickly so the contractor can pay his workers and remain viable. Mr. Dolin agreed, stating that the contractor is not at fault, the village is.

The Board directed Mr. Zody to follow up with his contact at CSX and see if the process can be kept moving along. Commissioner Shupe stated that she would like to at least pay part of the costs, but the Auditor has expressed concern making any payment until the easement requirements are satisfied. Mr. Dolin stated that the village had made a mistake by trying to take the easy way out, and now they are trying to help resolve the problem.

11:00 a.m. Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, May 26, 2009 beginning at 11:00 a.m., with the following Commissioners present: Jon Myers, Mike Kiger and Judith Shupe. Also present were County Engineer Frank Anderson, Jeff Camechis, Jeff Baird, Michelle George, Alan Fore, Chris Basista, Mark Totman, Ritta Seitz, Jason Dolin and Scott Zody.

Announcements

Mr. Zody announced that there would be three add-on resolutions, two relative to Community Development Block Grant (CDBG) hearings this afternoon, and one relative to a Homeless Prevention Grant for Fairfield County Community Action. In addition, item 09-05.26.a was being pulled from the agenda due to ADAMH failing to deliver needed attachments for a resolution for a Drug Court Grant in a timely manner.

Public Comment

Alan Fore, with Rockies Express (REX) spoke, stating that he wished to update the Board on the pipeline project. Mr. Fore stated the project will have a significant positive impact for Fairfield County, including tax revenues and employment. Mr. Fore stated that REX is working with the Engineer's Office to obtain building and road crossing permits and does not want to hold up construction of the project.

Commissioner Myers asked if REX had received the most recent draft agreement from the Prosecutor's Office, and Mr. Fore stated that he had no. Mr. Dolin stated that he had forwarded the most recent version to the Engineer, and believed it had been sent to REX. Mr. Baird stated that he was waiting to "fill in the blank" on the bond amount prior to forwarding to REX.

Commissioner Shupe asked if there was an issue with the bond amount, and Mr. Baird stated that they were waiting on an agreed to amount to insert. Mr. Fore stated that a \$2.3 million bond was very large, and the highest bond REX had posted with any county was only \$100,000. Commissioner Myers stated that the load limits REX is asking for are significantly higher than initially anticipated, and Mr. Fore stated that the agreement is intended to fix any problems caused by REX. Commissioner Shupe asked if that included fixing problems in a timely manner, and Mr. Fore stated they are obligated to do that under their FERC permit.

Mr. Fore stated that the road agreement is not required by FERC but the company is entering into those agreements with counties, adding that REX is conducting bridge assessments in Fairfield County as well at their own cost (10 bridges). Mr. Basista added that the company is doing the bridge inspection in cooperation with the Engineer's office to get them done in a timely manner. Commissioner Myers asked what if the bridges could not take the higher loads, and Mr. Basista stated then the

company would need to find alternate routes for the hauling, or control traffic for slow speed, controlled crossings.

Commissioner Kiger asked if the FERC agreement/permit had been provided to the Engineer and Prosecutor, and Mr. Fore stated that a copy of the standard language had been provided that references the agreement.

Mark Totman, Operating Engineer's Local 18, spoke, stating that he represents Ohio & Northern Kentucky operating engineers and has many members in Fairfield County. Commissioner Shupe asked how many Fairfield County members were working on this project, and Mr. Totman stated that he did not know, but could find out.

Mr. Dolin stated that he could forward the latest draft agreement directly to REX if that would help speed up the process. Commissioner Shupe asked if there were any comments relative to the latest draft, and Mr. Basista stated that REX would react to them once they see the document.

Mr. Anderson stated the bond amount is the biggest outstanding issue, and he was not aware of REX's intention to use "super-loads" until recently, and because many of the bridge and culvert load limits are not known, that is why he is asking for such a high bond amount.

Commissioner Shupe asked if the REX representatives had any idea of what they feel would be an appropriate bond amount, and Mr. Fore stated that he could not answer that question right now, and the other issue is the ability for the haul permits to be granted – they do not want to have the Commissioners grant each one individually. Mr. Basista stated the concern is the volume of permits that may need to be granted individually, and the potential for delays to the project.

Mr. Camechis stated that the Engineer's Office had stated early on to REX that permits would be required, and the Commissioners would need to approve them – that is the process Muskingum County is following. In addition, the Engineer had asked for information on what roads REX intended to use, the type and size of loads that would be transported, and that information was not provided until very recently.

Approval of minutes of Tuesday May 19, 2009

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the minutes for Tuesday, May 19, 2009.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

Approval of Request for Payment and status of funds report – FY2008 HOME & OHTF – Drawdown #183

On motion of Jon Myers and second of Mike Kiger the Board of Commissioners voted to approve a Request for Payment and status of funds report – FY2008 HOME & OHTF – Drawdown #183, see resolution 09-05.26.b

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

Approval of Acceptance of Agreement between Fairfield County and the City of Lancaster – Sheridan Drive

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the Acceptance of Agreement between Fairfield County and the City of Lancaster – Sheridan Drive, see resolution 09-05.26.c

Roll call vote of the motion resulted as follows:
Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

Approval to Amend Certificate, Update Receipts & Appropriate from Unappropriated - ADAMH

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve to Amend Certificate, Update Receipts & Appropriate from Unappropriated – ADAMH, see resolution 09-05.26.d

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

Approval of Advances from the General Fund

On the motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve resolutions for Advances from the General Fund as follows:

- 09-05.26.e Approval of Advance from the General Fund to the Home Housing – FY2008 Fund #2731 - Commissioners
- 09-05.26.f Approval of Advance from the General Fund to the OHTF – FY2008 Fund #2732 - Commissioners

Roll call vote of the motion resulted as follows:
Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

Approval of Financial Resolutions

On motion of Jon Myers and the second of Mike Kiger, the Board of Commissioners voted to approve financial resolutions as follows:

- 09-05.26.g Approval of Repayment of an Advance to the General Fund, forgive partial advance, appropriate from unappropriated and fund to fund transfer – CSBG Funds – FY2008 Fund #2730 - Commissioners
- 09-05.26.h Approval of Payment of a voucher without an appropriate carry over purchase order – Job & Family Services
- 09-05.26.i Approval of Account to Account Transfer – Probate Court
- 09-05.26.j Approval of Account to Account Transfer – MRDD
- 09-05.26.k Approval of Account to Account Transfer – Personal Property
- 09-05.26.l Approval of Account to Account Transfer – Family, Adult & Children First Council
- 09-05.26.m Approval of Fund to Fund Transfer/Amended Certificate & appropriate from unappropriated – Juvenile Court
- 09-05.26.n Approval to Appropriate from Unappropriated – Family, Adult & Children First Council
- 09-05.26.o Approval to Appropriate from Unappropriated – Engineer
- 09-05.26.p Approval to Appropriate from Unappropriated – Drug Court
- 09-05.26.q Approval to Appropriate from Unappropriated – Job & Family Services - WIA
- 09-05.26.r Approval to Appropriate from Unappropriated – Engineer

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

Approval of Payment of Bills

On motion of Mike Kiger and the second of Jon Myers, the Board of Commissioners voted to approve the authorization for payment of bills May 19, 2009, check date May 22, 2009, see resolution 09-05.19.aa

Roll call vote of the motion resulted as follows:
Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

Approval of designation of lead agency to apply for and administer funding for the Ohio Department of Development (ODOD) Office of Housing and Community Partnerships (OHCP) for the Homeless Prevention and Rapid Re-housing program for Fairfield County

On motion of Mike Kiger and the second of Jon Myers, the Board of Commissioners voted to approve the designation of lead agency to apply for and administer funding for the Ohio Department of Development (ODOD) Office of Housing and Community Partnerships (OHCP) for the Homeless Prevention and Rapid Re-housing program for Fairfield County, see resolution 09-05.26.v

Roll call vote of the motion resulted as follows:
Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

Review Session

The Board of Commissioners met to review legal issues, correspondence, and pending and future action items. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were Aundrea Cordle, Jason Dolin and Scott Zody.

Ms. Cordle stated that she had several items to update the Board on, including a discussion of the proposal to provide the county airport with a county vehicle to use as a courtesy vehicle. Ms. Cordle stated that CORSA has informed her that the vehicle would be covered under the county policy. Commissioner Myers asked if there would be any liability concerns, especially if a non-county employee drove the vehicle, and Ms. Cordle stated that CORSA does have concerns with respect to risk management, and allowing non-county drivers to use the vehicle would be a concern.

Commissioner Myers asked what other county airports do, and Commissioner Kiger stated that would be good to know.

Ms. Cordle informed the Board that CORSA has a program to grant cost reductions for coverage provided there is a designated county employee working on risk management. She stated that while she has been doing the work, her position description needs to be amended to specify that she is assigned that duty. Commissioner Myers asked how much that would save, and Ms. Cordle stated that it depends, as the rates have not yet been set for 2010.

The Board approved of the position description change.

Ms. Cordle presented the Board with a draft outline for a mandatory new-hire benefits orientation process that she had previously discussed with the Commissioners. She asked the Board to review and approve, and Commissioner Shupe suggested presenting the draft at the next Roundtable meeting.

Ms. Cordle stated that she has been informed that county health insurance rates could increase as much as 10% for 2010, stating that this has nothing to do with claims, but is an inflationary increase based on market trends. In addition, she expects Workers' Compensation rates to increase as well, and will know sometime after June 10.

Executive Session

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioner voted to enter Executive Session at 11:40 a.m. for personnel discussions. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were Aundrea Cordle, Jason Dolin and Scott Zody.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to adjourn from Executive Session at 11:50 a.m.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

No official actions were taken.

Review Session, cont.

The Board directed Mr. Zody to prepare a letter to send to the various Chambers of Commerce in Fairfield County asking for their input relative to the position description for the County Economic Development Director position.

The Board discussed a memo prepared by County Engineer Frank Anderson relative to alterations made to Meister Road by the Ohio Department of Rehabilitation and Corrections adjacent to the Southeast Ohio Correctional Facility. The Board directed Mr. Zody to request the Engineer to prepare a resolution approving of the vacation of the old portion of Meister Road and approving the alterations made by DRC.

The Board reviewed a mileage chart prepared by the Commissioner's Office for use by county employees traveling in and around Lancaster. Commissioner Kiger suggested sharing the chart at the next Roundtable meeting, and Commissioner Shupe suggested they first share it with the department heads at the next monthly staff meeting on June 1st.

1:30 p.m. - Community Development Block Grant (CDBG) Public Hearing – FY2008 Funding

The Board of Commissioners met at 1:30 p.m. to hold a public hearing on the FY2008 CDBG formula funding allocations. Commissioners present were Mike Kiger and Jon Myers. Absent was Commissioner Judith Shupe. Also present were Regional Planning Director Holly Mattei, James Mako, Jason Dolin and Scott Zody.

Commissioner Kiger called the meeting to order and asked Mr. Zody to read a statement relative to the reallocation of funds, which included the reallocation of \$50,000 from Clearcreek Township for the Tarlton sewer Project to the Village of Pleasantville for swimming pool repairs.

Mr. Mako stated that he had received documentation from the village stating that they would complete the repairs before the end of calendar year 2009.

Commissioner Kiger asked if there was any public comment. With no public comments made, on the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to close the hearing.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jon Myers and Mike Kiger

Approval of FY2008 Fairfield County Community Development Block Grant Program Formula Allocation

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve the FY2008 Fairfield County Community Development Block Grant Program Formula Allocation, see resolution 09-05.26.t

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jon Myers and Mike Kiger

1:45 p.m. - Community Development Block Grant (CDBG) Public Hearing – FY2009 Funding

The Board of Commissioners met at 1:45 p.m. to hold a public hearing on the FY2009 CDBG formula funding allocations. Commissioners present were Mike Kiger and Jon Myers. Absent was Commissioner Judith Shupe. Also present were Regional Planning Director Holly Mattei, James Mako, Jason Dolin and Scott Zody.

Commissioner Kiger called the meeting to order and read a statement relative to the allocation of funds.

Commissioner Kiger asked if there was any public comment. With no public comments made, on the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to close the hearing.

Commissioner Myers stated that the decisions over which projects to fund were very difficult, and the Board had to consider several factors in arriving at their decision, including need, prior funding history, and ability to complete projects in a timely fashion.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jon Myers and Mike Kiger

Approval of FY2009 Fairfield County Community Development Block Grant Program Formula Allocation

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve the FY2009 Fairfield County Community Development Block Grant Program Formula Allocation, see resolution 09-05.26.u

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jon Myers and Mike Kiger

Review, cont.

The Board of Commissioners met to review legal issues, correspondence, and pending and future action items. Commissioners present were Jon Myers and Mike Kiger. Also present were Utilities Director Tony Vogel, Stacy Knisley, Jason Dolin and Scott Zody.

The Board discussed a request by the Fairfield County Airport Authority to obtain a used county vehicle to use as a courtesy vehicle at the airport for visiting pilots. Commissioner Myers stated that he is concerned about potential liability for the county by having non-county employees driving a county vehicle. Mr. Vogel stated that he was under the impression that only airport authority employees would be driving the vehicle, or employees of Fairfield Air Ventures, the contract management company.

Commissioner Myers stated that he would rather see the vehicle transferred to the maintenance department for Joe Spybey to use for local travel instead of paying him

mileage for using his personal vehicle. Commissioner Myers asked what the remaining value of the vehicle was, and Mr. Vogel stated that according to the Kelly Blue Book, he estimates the value to be around \$4,000, but he would like to get some kind of compensation for the vehicle, no matter where it is transferred. Ms. Knisley stated that the current mail vehicle is usually available between noon and 3:00 p.m., and Mr. Spybey could use it then.

Commissioner Kiger asked what thoughts the group had, and Commissioner Myers stated that he does not believe it is a good idea to use a county vehicle as a courtesy or loaner vehicle, and Ms. Cordle had stated earlier in the morning that CORSA had some concerns as well. Commissioner Kiger agreed, and asked Mr. Zody to discuss the issue with Airport Authority President David Scheffler.

Adjournment

With no further business to come before the Board, on the motion of Jon Myers and the second of Mike Kiger, the Board of Commissioners voted to adjourn at 1:55p.m.

Roll call vote on the motion resulted as follows:
Voting aye thereon: Jon Myers and Mike Kiger
Absent was Judith Shupe

Mike Kiger
Commissioner

Jon D. Myers
Commissioner

Judith K. Shupe
Commissioner

Scott Zody, Clerk/Manager

THE NEXT REGULAR MEETING OF THE COMMISSIONERS' IS SCHEDULED FOR THURSDAY MAY 28, 2009 AT 10:00 A.M.