

**Regular Meeting #30-2012
Fairfield County Commissioners' Office
June 26, 2012**

Review Session

The Board of Commissioners met at 9:07 a.m. to review legal issues, pending and future action items and correspondence. Commissioners present were Steven Davis, Mike Kiger, and Judith Shupe. Also present were Reed Bailey, Jennifer Boggs, Carl Burnett, Randy Carter, Aunie Cordle, Jason Dolin, Bill Engleman, Staci Knisley, Mary Beth Lane, Ed Laramée, Dave Levacy, James Mako, Branden Meyer, and Tony Vogel.

▪ **Meeting with Jennifer Boggs, re: VOCA/SVAA Grant**

Ms. Boggs stated that the Attorney General has decreased their allocation across the board. She stated that the VOCA match is \$35,824, the local match is \$25,082.55 for a total contribution of \$60,919. She stated that the increase that is being requested will come back to the county. She stated that they had one employee retire and a new one was hired at a lower rate than the "seasoned employee." She stated that another employee's hours have been reduced.

Mr. Dolin stated that the Attorney General cut back, the expenses stayed the same and the matching portion has been decreased.

Ms. Boggs stated that the benefit is receiving the SVAA money which is "free."

Commissioner Kiger asked why this is not included in the budget.

Ms. Knisley stated that this is included in the budget, but the actual numbers are unknown.

Ms. Boggs stated that these funds are required to stay separate.

Ms. Knisley stated that she prefers to see the funds listed in the Commissioners' budget.

Legal Questions Under Review and Prosecutor's Pending Items

▪ **Review/Update the Public Records Policy**

Mr. Dolin stated that he is still reviewing this.

▪ **Review the Nuisance, Dangerous, Vicious Dog Protocol**

Mr. Dolin stated that he reviewed the protocol prepared by the City Prosecutor's office. He stated that he met with Mike Miller yesterday and stated that the AVMA website has not updated their site.

Commissioner Kiger stated that today's Columbus Dispatch has an article regarding this law.

▪ **Lease Agreement for Board of Developmental Disabilities Building**

Mr. Dolin stated that he sent a draft of this lease earlier in the morning.

▪ **Lease Agreement for Ham Operator Building**

Mr. Dolin stated that this will be a brief MOU.

▪ **Lease Agreement for Historical Parks Office- 407 E. Main Street**

Mr. Dolin stated that this will be a brief MOU.

▪ **Memorandum of Understanding (MOU) for Board of Elections**

This MOU will be created for the Board of Elections to utilize the Ag Center as part of their Emergency Elections Administration Plan that will satisfy a directive from the Secretary of State.

Mr. Dolin stated that he sent a draft of this lease earlier in the morning.

Pending Items

▪ **Public Safety Facility**

No update given.

▪ List and usage of county owned buildings

Commissioner Davis stated that he discussed this with Ms. Cordle last week. A list of county owned structures is being reviewed to see which buildings are being used by county departments/agencies and what buildings are being used by outside groups with or without any written agreements.

Ms. Cordle showed a list showing the county properties and stated that the bulk of this list is made up of utilities, fairgrounds and parks properties.

Commissioner Davis inquired about the railroaders group.

Commissioner Kiger stated that there is a lease, but is not sure if the lease is current.

Mr. Vogel stated that the barn or chicken coop is not used.

Ms. Cordle asked what the car wash is used for.

Ms. Knisley stated that EMA uses it for storage.

Ms. Cordle stated that the Fairfield Affordable properties are insured by the county, but not sure why.

Mr. Dolin stated that this could be part of a contract.

Ms. Knisley stated that Fairfield Affordable reimburses the county for insurance.

Ms. Cordle asked about the Education Service Center.

Mr. Meyer stated that the lease agreement was just renewed with them.

Ms. Cordle asked about the property located in Muskingum County.

Mr. Meyer stated the county sold this property in the early spring.

Commissioner Davis asked what needs to be done to allow properties to be taken off the county's inventory list.

Ms. Knisley stated that this language could be added into the resolution stating that Ms. Cordle be notified.

Commissioner Davis stated that all county buildings because the Historical Parks does not have a formal agreement to use the county owned building.

Commissioner Davis asked whether the DACO Center would take the building if it was offered to them.

Mr. Dolin stated that the lease is a long term and there is "a lot of red tape" intertwined within the existing lease.

Commissioner Davis stated that the spreadsheet is informational. He asked Ms. Cordle and Mr. Vogel to work on solving the detail questions. He would like the cost associated with each building especially the cost of the group of "Miller Buildings."

Ms. Cordle stated that she will look into the Fairfield Affordable and parks properties.

Commissioner Shupe inquired about the soccer fields.

Ms. Cordle stated that they should be included on the list.

Ms. Knisley stated that she will look for a copy of a lease.

▪ Exchange Licensing Needs: required employee email accounts for Direct Deposit

Commissioner Davis stated that he is not comfortable with moving forward with this after the information that was presented last week.

Items that Need New Action/Attention- Requests and Review

▪ GovDeals Online Auction

Ms. Knisley stated that the Commissioners need to decide which fee option to use.

Commissioner Shupe stated that the property that the specialized equipment that the Revolving Loan Fund acquired will be better to sell on the open market.

Commissioner Davis stated that the B4 option is the best where the seller pays 0% fee and the buyer pays 12.5% buyer's premium.

Commissioner Shupe and Commissioner Kiger agreed.

Invitations

▪ **Enterprise Pipeline Informational Meeting, Wednesday June 27 [6:00 p.m.-8:00 p.m.] at the Lancaster High School Cafeteria.**

Commissioner Davis stated that Enterprise is not required to have public meetings with this pipeline like the companies that handled the previous pipelines were required to do.

Informational

▪ **Public Records Request, re: Sagamore Pond Subdivision**

Mr. Vogel stated that the owner built service lines and had 5 years to use the free taps, which has now passed. He stated that the county was not giving anything towards the water, but was willing to give 50% on the sewer.

▪ **Public Records Request, re: FreshWater Accountability Project**

Mr. Meyer stated that there was no information able to be forwarded to the group requesting the information, but he sent back a response letter stating so. He also stated that all counties were sent this request.

Review Session ended at 9:53 a.m.

Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, June 26, 2012 beginning at 10:04 a.m., with the following Commissioners present: Steven Davis, Mike Kiger and Judith Shupe. Also present were Reed Bailey, Jeff Barron, Marsha Burton, Aunie Cordle, Bill Engleman, Mary Beth Lane, Dave Levacy, and Branden Meyer.

Pledge of Allegiance

Commissioner Davis asked everyone to rise and led the Pledge of Allegiance.

Announcements

No announcements made.

Public Comment

There was no public comment.

Approval of the Minutes from the Regular Meeting for Tuesday, June 19, 2012.

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted on the approval of the Minutes from the Regular Meeting for Tuesday, June 19, 2012.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Mike Kiger, Judith Shupe and Steven Davis

Approval of a Board of Commissioners allocation to the Pickerington Violet Festival 2012 [Fairfield County Commissioners]

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted on the approval of a Board of Commissioners allocation to the Pickerington Violet Festival 2012 [Fairfield County Commissioners], see Resolution 2012-06.26.a.

Commissioner Kiger stated that he had spoken to some individuals from the Violet Festival committee last week who were very appreciative of this allocation.

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

Approval of Regional Planning Commission Resolutions

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted on the approval of the following Regional Planning Commission Resolutions:

2012-06.26.b Approval of a fair housing working agreement between the Coalition on Homelessness and Housing in Ohio, The Fairfield County Board of Commissioners and the Fairfield County Regional Planning Commission [Fairfield County Regional Planning Commission]

2012-06.26.c Approval of collecting on the bond- Saddlebrook Farms, Section 2, Phase 1 Subdivision [Fairfield County Regional Planning Commission]

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

Approval of request for payment and status of funds report- FY2010 OHTF & HOME Funds- Drawdown for \$13,983 [Fairfield County Commissioners]

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted on the approval of a request for payment and status of funds report- FY2010 OHTF & HOME Funds- Drawdown for \$13,983 [Fairfield County Commissioners] see Resolution 2012-06.26.d.

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

Approval of Commissioners' Resolutions

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted on the approval of the following Commissioners' Resolutions:

2012-06.26.e Approval to appropriate from unappropriated in a Major Expenditure Object Category- Commissioners- Fund #2748- Cash Subfund #8010 Contractual Services [Fairfield County Commissioners]

2012-06.26.f Approval of account to account transfer- Major Expenditure Object Category- Fairfield County Commissioners FY11 CDBG Formula Fund #2788 [Fairfield County Commissioners]

2012-06.26.g Approval of advance from the General Fund to the CDBG Fund #2730- Cash Subfund #8006- Fairfield County Commissioners- FY2010 [Fairfield County Commissioners]

2012-06.26.h Approval of advance from the General Fund to the HOME Fund #2731- Cash Subfund #8007- Fairfield County Commissioners- FY2010 [Fairfield County Commissioners]

2012-06.26.i Approval of advance from the General Fund to the OHTF Fund #2732- Cash Subfund #8008- Fairfield County Commissioners- FY2010 [Fairfield County Commissioners]

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

Approval of Financial Resolutions

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted on the approval of the following Financial Resolutions:

- 2012-06.26.j Approval of account to account transfer for the Fairfield County ADAMH Board [Fairfield County ADAMH Board]
- 2012-06.26.k Approval of payment of invoices without an appropriate carryover purchase order for the ADAMH Board [Fairfield County ADAMH Board]
- 2012-06.26.l Approval of Amended Certificate, conversion of prior year encumbrance to current year appropriation, fund 2775 Board of Elections [Fairfield County Elections]
- 2012-06.26.m Approval of account to account transfer- EMA 2091- Local Emergency Planning Committee Fund [Fairfield County EMA]
- 2012-06.26.n Approval to appropriate from unappropriated funds, Motor Vehicle Fund 2024, the County Engineer [Fairfield County Engineer]
- 2012-06.26.o Approval to appropriate from unappropriated funds, Motor Vehicle Fund 2024, the County Engineer [Fairfield County Engineer]
- 2012-06.26.p Approval to appropriate from unappropriated funds, Motor Vehicle Fund 2024, the County Engineer [Fairfield County Engineer]
- 2012-06.26.q Approval to appropriate from unappropriated funds, Motor Vehicle Fund 2024, the County Engineer [Fairfield County Engineer]
- 2012-06.26.r Approval of repayment of advances for the Fund 2771, a fund used to account for a sub grant award from the Ohio Office of Criminal Justice Services Fairfield County Job & Family Services]
- 2012-06.26.s Approval of cash advances to the FY2012 JAG Grant Fund 2764- Sub Fund 8018 for the Fairfield-Hocking Major Crimes Unit [Fairfield County Major Crimes Unit]
- 2012-06.26.t Approval to appropriate from unappropriated money- Wireless 911 Fund #2683 [Fairfield County Sheriff]
- 2012-06.26.u Approval of memo receipt/memo expenditure [Fairfield County Utilities]
- 2012-06.26.v Approval to appropriate from unappropriated, fund to fund transfer, amend certificate and appropriate from unappropriated monies [Fairfield County Utilities]

Roll call vote of the motion resulted as follows:

Voting aye thereon: Judith Shupe, Mike Kiger and Steven Davis

Approval of Authorization for Payment of Bills, June 26, 2012 [Fairfield County Commissioners]

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted on the approval of Authorization for Payment of Bills, June 26, 2012 [Fairfield County Commissioners], see Resolution 2012-06.26.w.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Mike Kiger, Judith Shupe and Steven Davis

Approval of authorizing Fairfield County to file an application with the Ohio Attorney General's Office to participate in the Moving Ohio Forward Grant Program [Fairfield County Community Action]

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted on the approval of authorizing Fairfield County to file an application with the Ohio Attorney General's Office to participate in the Moving Ohio Forward Grant Program [Fairfield County Community Action], see Resolution 2012-06.26.x.

Commissioner Davis asked which option is being applied for \$500,000 or \$844,000.

Ms. Fox-Moore stated that the committee decided to proceed to seek the full allocation to see what type of match can be provided.

Commissioner Davis asked if the \$844,000 is sought then a match is needed.

Ms. Fox-Moore stated yes.

Mr. Laramée stated that the \$844,000 has already been allocated to Fairfield County, but above the \$500,000 there is a dollar for dollar match.

Commissioner Davis asked whether this would be \$1.1 million total.

Ms. Fox-Moore stated that the grant, plus match would allow for \$1.1 million in demolition to be done.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Judith Shupe, Mike Kiger and Steven Davis

Approval of the application of grant funding and signature on grant application for the VOCA/SVAA 2012-2013 Grant [Fairfield County Prosecutor]

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted on the approval of the application of grant funding and signature on grant application for the VOCA/SVAA 2012-2013 Grant [Fairfield County Prosecutor], see Resolution 2012-06.26.y.

Commissioner Davis stated that the Commissioners are in favor of proceeding with this application.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Mike Kiger, Judith Shupe and Steven Davis

The Regular Meeting ended at 10:15 a.m.

Meeting with Ed Laramée and Brian Kuhn

The Board of Commissioners met with Ed Laramée and Brian Kuhn at 10:22 a.m. to discuss the creation of a port authority. Commissioners present were Steven Davis, Mike Kiger, and Judith Shupe. Also present were Reed Bailey, Jeff Barron, Aunie Cordle, Bill Engleman, Shane Farnsworth, Staci Knisley, Brian Kuhn, Ed Laramée, Dave Levacy, and Branden Meyer.

Mr. Laramée stated that the law recently changed regarding prevailing wage, which states that anything inside a port authority does not have to conform to prevailing wage. He stated that he received information from the other counties. He stated that there was a commonality regardless of size. ORC Annotated Title XLV: Chapter 4582, outlines the purpose/authority and powers of a port authority. He stated that the Commissioners role is to establish and use the ORC as the powers or restrict the powers and can restore any powers that are originally restricted.

Mr. Farnsworth stated that most port authorities had specific purpose when created, i.e. such as taking over a military airport then the port authority expanded their powers later.

Commissioner Shupe asked whether this is similar to a Community Improvement Corporation (CIC).

Mr. Laramée stated a port authority has more power and can do more and can work with subdivisions and private. He stated that the Commissioners can appoint the Board of Directors and can dissolve the port authority.

Commissioner Davis asked about the initial funding and the long term funding mechanism.

Mr. Laramée stated that most port authorities started off without money from the government. He stated that Summit County helps finance projects. He stated that the port authority can collect lease payments and rent.

Commissioner Davis asked whether "seed money" from the county would be used to establish it, then over time the operation would generate revenue for its own maintenance.

Commissioner Shupe asked what means of generating income are.

Mr. Laramée stated that the port authority can build property and then sell the revenue back. He stated that port authorities do not have to pay prevailing wage.

Commissioner Shupe asked whether a facility can be built for a private company, then lease back to them.

Mr. Laramée stated yes, that many options exist. He stated that once established, the port authority board is important because they make the decisions.

Commissioner Davis stated that if this is started with a lot of regulations this could be creating an environment that is difficult to work in. He asked how the Commissioners can insure that the port authority is promoting opportunity and not an additional layer of restrictions.

Mr. Laramée stated that the port authority is not an agency and there is nothing that gives them power over others.

Mr. Dolin stated that this is a separate "body politic, a separate animal" like the Multi-County Juvenile Detention Center. He stated that he can work on developing bylaws and take the port authority up to the doorway, then step out.

Mr. Laramée stated that the Commissioners are able to restrict the power of the port authority at the beginning or in the future.

Commissioner Davis stated that an entity with greater flexibility to promote opportunities. He wants to know that something isn't being unleashed that is an impediment to the process.

Mr. Dolin stated that there may be competition created with this; Lancaster has a port authority.

Mr. Laramée stated that this will not trump any government entity.

Commissioner Davis asked whether the Commissioners' power of eminent domain can be loaned to the port authority.

Mr. Laramée stated yes, but it can be restricted.

Commissioner Davis stated that eminent domain is a virus that needs to remain under lock and key.

Mr. Laramée stated that one county did restrict this power.

Commissioner Davis stated that the power could be given so the port authority would have to deal with this instead.

Mr. Laramée stated that the powers can be restricted.

Commissioner Shupe asked whether anything specific is going on now to prompt the creation of a port authority or is it just being recommended.

Commissioner Davis stated that the port authority could lease a plot at the airport and construct a building without paying prevailing wage and sell revenue bonds. There would be a savings without having to pay prevailing wage.

Mr. Laramée stated that a resolution would establish the Board possibly 5 members with staggered terms.

Commissioner Shupe asked about levying taxes.

Mr. Laramée stated that they would have the authority to go to the ballot within the area that the port authority covers. He stated that consideration should be given to the other port authorities in the county to maybe combine into one, i.e. Lancaster and the Pickerington/Violet Township port authorities.

Commissioner Davis asked whether there are two port authorities in the county.

Mr. Laramée stated yes.

Commissioner Davis stated that he wants to be supportive because of a promotion of opportunities. He is concerned with creating an entity that is too powerful. He stated that the power of eminent domain makes him nervous.

Commissioner Shupe asked whether this power has to be given to the port authority.

Mr. Laramée stated that the eminent domain authority does not have to be given. He stated that this meeting was to answer questions to see if he should proceed and will have resolutions drafted for the establishment and makeup of the port authority for the Commissioners to review. He stated that two resolutions will be drafted: one to establish the authority and another to set up the Board.

Commissioner Davis stated that he suggested that the Commissioners think about this for a week and will then let Mr. Laramée know whether to move forward. He stated that he would like more thoughts and opinions about concerns of extending eminent domain powers. He stated that nothing else makes him nervous. He stated that Dennis Schwallie stated that these powers can be restricted.

Mr. Laramée asked whether this power may also be granted subject to the Commissioners consent.

Mr. Dolin stated that he was unsure.

Commissioner Davis stated the Commissioners will have a different opinion about this and would like a week to think more about it.

Commissioner Kiger stated that it seems that some powers will need to be limited.

Mr. Laramée stated that powers can be added and lifted many times.

Commissioner Davis stated that eminent domain is a great power and would like to think about this for another week and have another discussion.

Mr. Kuhn stated that this would be nice to have in "our toolkit" borrowing capacity would be doubled; the port authority and the county would both have the ability to borrow.

Mr. Laramée stated that the debt of the port authority is a qualified debt; the Investment Advisory Board can invest in the debt of the port authority.

The meeting ended at 11:10 a.m.

Review Session (continued)

The Board of Commissioners met at 11:10 a.m. to continue their review session discussion from earlier in the morning. Commissioners present were Steven Davis, Mike Kiger, and Judith Shupe. Also present were Reed Bailey, Jeff Barron, Aunie Cordle, Bill Engleman, Shane Farnsworth, Staci Knisley, Brian Kuhn, Ed Laramée, Dave Levacy, and Branden Meyer.

Miscellaneous Discussion

▪ Lancaster VA Facility

Commissioner Kiger stated that the VA may want to ask for an additional two months to remain in the Colonnade building.

Mr. Meyer stated that he received phone calls from the VA Contracting office regarding this. He had also spoken to Jeff Spangler, attorney for Paul Van Camp. Mr. Meyer stated that he would talk to Bob Clark in Congressman Austria's office to see if they have had any discussions with the VA regarding this.

Commissioner Shupe stated that the VA should have been working more quickly to find another space to move into because they have known for quite a while that their lease was ending.

▪ Request to sell county owned property located near Rockmill

Mr. Meyer stated that James Patton contacted the office inquiring about a parcel [008007500] of county owned land adjacent to his property [0080074900]. He was interested in purchasing or obtaining this parcel from the county. Mr. Meyer stated that the county owns other parcels near and adjacent to the parcel in question. These parcels are located near Rockmill Park, west of Rockmill Road and west of the covered bridge.

The Commissioners agreed that they do not wish to sell the property at this time, but will take this under advisement if they are ever interested in selling the property in the future.

Review Session ended at 11:17 a.m.

Adjournment

With no more business to discuss, on the motion of Mike Kiger and a second of Judith Shupe, the Board of Commissioners voted to adjourn at 11:17 a.m.

Roll call vote on the motion resulted as follows:

Voting aye thereon: Mike Kiger, Judith Shupe and Steven Davis.

The next regular meeting of the Board of Commissioners is scheduled for Tuesday, July 3, 2012 at 10:00 a.m.

Motion by: Judith Shupe

Seconded by: Mike Kiger

that the minutes were approved by the following vote:

YEAS: Judith Shupe and Mike Kiger

NAYS: None

ABSTENTIONS: None

*Approved on July 10, 2012.

Steven A. Davis
Commissioner

Mike Kiger
Commissioner

Judith K. Shupe
Commissioner

Branden C. Meyer, Clerk