

**Regular Meeting #08-34
Fairfield County Commissioners' Office
August 19, 2008**

9:00 a.m.- Viewing – South Bank Road Bridge Replacement Project

The Board of Commissioners met at 9:00 a.m. to view a bridge replacement project on South Bank Road in Walnut Township. Commissioners present included Jon Myers, Judith Shupe and Mike Kiger. Also present were Larry Downing, George Scranton, Bob Myers, John Carr, Marsha Myers, Janet Downing, Walnut Township Trustee Sonny Dupler, Larry Kemmerer, Andy Myers, Sara Myers, Deputy Engineer Jeff Baird and Scott Zody.

10:00 a.m. Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, August 19, 2008 beginning at 10:00 a.m., with the following Commissioners present: Jon Myers, Judith Shupe and Mike Kiger. Also present were Mary Jane Gard, Bill Miller, Lynette Leach, Jason Dolin and Scott Zody.

Announcements

There were no Public announcements.

Public Comment

There were no public comments.

Approval of minutes of Tuesday August 12, 2008

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve the minutes for Tuesday August 12, 2008

Roll call vote of the motion resulted as follows:

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

Approval of Declaration of Necessity to Levy a Tax in Excess of the 10-mill Limitation – Meals on Wheels/Older Adult Alternatives Replacement Levy

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve a Declaration of Necessity to Levy a Tax in Excess of the 10-mill Limitation – Meals on Wheels/Older Adult Alternatives Replacement Levy, see resolution 08-08.19.a

Roll call vote of the motion resulted as follows:

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

Approval of Resolution accepting the Rates & Amounts as set by the Fairfield County Budget Commission

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve a resolution accepting the Rates & Amounts as set by the Fairfield County Budget Commission, see resolution 08-08.19.b

Roll call vote of the motion resulted as follows:

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

Approval to Authorize the President of the Board, Jon Myers, to sign the Ohio Department of Agriculture Deed of Agricultural Easement – Ohio Department of Agriculture Easement Purchase Program and to sign associated closing documents for the farm of the Thomas family

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve to Authorize the President of the Board, Jon Myers, to sign the Ohio Department of Agriculture Deed of Agricultural Easement – Ohio Department of Agriculture Easement Purchase Program and to sign associated closing documents for the farm of the Thomas family, see resolution 08-08.19.c

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

Approval to Authorize the Lancaster Public Transit Authority System of the City of Lancaster to be designated as the Lead Agency for the Fairfield County Coordinated Public Transit-Human Services Transportation Plan (Rural) administered through the Ohio Department of Transportation

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve to authorize the Lancaster Public Transit Authority System of the City of Lancaster to be designated as the Lead Agency for the Fairfield County Coordinated Public Transit-Human Services Transportation Plan (Rural) administered through the Ohio Department of Transportation, see resolution 08-08.19.d

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

Approval of Construction Drawings for the GRE-41, Columbus Street over a Tributary of the Hocking River Bridge Replacement Project - Engineer

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve the Construction Drawings for the GRE-41, Columbus Street over a Tributary of the Hocking River Bridge Replacement Project, see resolution 08-08.19.e

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

Approval to Purchase two (2) Chevy model Colorado Pick-up Trucks - Engineer

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve the purchase of two Chevy Colorado pick-up trucks, see resolution 08-08.19.f

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

Approval of Job & Family Services resolutions

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve resolutions for the Fairfield County Job & Family Services as follows:

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| 08-08.19.g | Approval of a Provider Contract by & between Fairfield County Job & Family Services, Child Protective Services, and Amber Edwards |
| 08-08.19.h | Approval of a Provider Contract by & between Fairfield County Job & Family Services, and Liberty Union Thurston School District |

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

Approval of and a signature needed by the Fairfield County Commissioner's President on the 2008 CFLP Solid Waste District Grant Contract amendment to purchase needed equipment for the county recycling drop-off and commercial programs

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve a signature needed by the Fairfield County Commissioner's President on the 2008 CFLP Solid Waste District Grant Contract amendment to purchase needed equipment for the county recycling drop-off and commercial programs, see resolution 08-08.19.i

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

Approval the 2009 CFLP Recycling and Litter Prevention Program grant application

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve the 2009 CFLP Recycling and Litter Prevention Program grant application, see resolution 08-08.19.j

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

Approval to submit to the CFLP Solid Waste District contract application for the 2009 Recycling Services for Fairfield County

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve to submit to the CFLP Solid Waste District contract application for the 2009 Recycling Services for Fairfield County, see resolution 08-08.19.k

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

Approval of and a signature needed by the Fairfield County Commissioner's President on the 2008 CFLP Solid Waste District Grant Contract amendment to purchase needed equipment for the county recycling drop-off and commercial programs

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve a signature needed by the Fairfield County Commissioner's President on the 2008 CFLP Solid Waste District Grant Contract amendment to purchase needed equipment for the county recycling drop-off and commercial programs, see resolution 08-08.19.l

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

Approval to Certify Drainage Maintenance Districts to the Fairfield County Auditor

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve to certify drainage maintenance districts to the Fairfield County Auditor, see resolution 08-08.19.m

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

Approval of Financial Resolutions

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve the following financial resolutions:

08-08.19.n Approval to Appropriate from Unappropriated – Engineer

- 08-08.19.o Approval to Appropriate from Unappropriated – Commissioners/Fairfield County Agricultural Society
- 08-08.19.p Approval of Account to Account Transfer - Commissioners/Maintenance
- 08-08.19.q Approval of Account to Account Transfer - Commissioners
- 08-08.19.r Approval of Account to Account Transfer – Commissioners
- 08-08.19.s Approval of Account to Account Transfer – Board of Elections

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

Payment of Bills

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve the authorization for payment of bills, August 19, 2008, check date August 22, 2008, see resolution 08-08.19.t

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

Review Session

The Board of Commissioners met at 10:15 a.m. to review correspondence, legal issues, and pending and future action items. Commissioners present included Jon Myers, Judith Shupe, and Mike Kiger. Also present were County Engineer Frank Anderson, Economic Development Director Bill Arnett, Jason Dolin and Scott Zody.

Mr. Anderson stated his concern with the continued delay in responding to hazards and obstructions identified by his office and forwarded to the Commissioners, specifically the issues related to the Slagells, Rauchs, and the two driveway issues he had concerns with.

Commissioner Shupe stated that the driveways had been determined by the Prosecutor's Office to not be considered hazards, and Mr. Dolin concurred.

Commissioner Shupe stated these issues are difficult to deal with, as they affect people's personal property.

Mr. Anderson stated that he would like the Board to address the Slagell and Rauch issue, as those have been pending for quite some time and Mr. Rauch has gone back on his word to comply – he said if Mr. Custer had to move his fence, then he, Mr. Rauch, would move his own fence. In addition, Mr. Rauch's fence has only been in place for a few years, not the 20 or more years that he had previously indicated.

Mr. Arnett provided the Board with an update on the Lincoln Avenue Car Wash, stating that he had received one detailed proposal from one of the two interested parties, but the person wanted a long-term lease so he could recover his investment that he estimates to be \$80,000-100,000.

Mr. Dolin stated the Revised Code limits the county to a five-year lease, and does not appear to allow anything longer or allow automatic renewal periods.

Commissioner Myers asked if the Board should simply sell the property, and Commissioner Kiger stated that he does not believe the Board should sell the property at this time. Mr. Arnett stated with the current real estate market, the property would not be a high demand item.

Commissioner Myers asked Mr. Dolin to clarify the five-year limit, and Mr. Dolin stated that the property would likely need to be bid out in some fashion in order to secure a longer term lease.

Commissioner Myers asked if the property would be conducive to storage purposes, and Mr. Zody stated the problem with that would be an inability to properly secure the building.

Mr. Dolin asked how the property was first acquired, and Commissioner Shupe stated the property was purchased at a time when the county was considering locating more offices in the downtown area prior to the acquisition of the Liberty Center site.

Commissioner Myers directed Mr. Arnett to contact the interested vendor and see if he would be interested in a five-year term.

Executive Session

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioner voted to enter into Executive Session at 10:25 a.m. of the purpose of discussing pending real estate issues. Commissioners present included Jon Myers, Judith Shupe, and Mike Kiger. Also present were Bill Arnett, Jason Dolin, and Scott Zody.

Roll call vote on the motion resulted as follows:

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

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to adjourn from Executive Session at 10:35 a.m.

Roll call vote on the motion resulted as follows:

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

Executive Session

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioner voted to enter into Executive Session at 10:35 a.m. of the purpose of discussing personnel issues. Commissioners present included Jon Myers, Judith Shupe, and Mike Kiger. Also present were Jason Dolin and Scott Zody.

Roll call vote on the motion resulted as follows:

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

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to adjourn from Executive Session at 10:40 a.m.

Roll call vote on the motion resulted as follows:

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

Executive Session

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioner voted to enter into Executive Session at 10:40 a.m. of the purpose of discussing potential litigation. Commissioners present included Jon Myers, Judith Shupe, and Mike Kiger. Also present were Jason Dolin and Scott Zody.

Roll call vote on the motion resulted as follows:

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

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to adjourn from Executive Session at 10:50 a.m.

Roll call vote on the motion resulted as follows:

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

Review, cont.

Mr. Dolin stated that after an extensive review, he is recommending that the Board reject all bids received for the Sugar Grove CDBG Water Line Replacement Project. Mr. Dolin stated that is the best course of action, and the project should be re-bid as soon as possible to ensure the work can be completed in Calendar Year 2008.

Commissioner Myers asked if the apparent low bidder would file litigation over this issue, and Mr. Dolin stated that is possible, but not likely, and the best course of action would be to re-bid the project and give all bidders a chance to re-submit bids that would be considered compliant, and the Board has a right under the law to reject all bids and solicit new ones.

Commissioner Myers asked if the main concern with the bids is the zeros submitted for certain line items, and Mr. Dolin stated that is the main point of contention with the second place bidder. Commissioner Myers stated that he has a concern that it might appear that the Board is micro-managing bids, as this is the first time in his eight years as a commissioner that he can recall something like this occurring. Mr. Dolin stated that he is concerned that if the Board did not act in this case, that successive bids would become suspect as well.

Commissioner Myers requested Mr. Dolin provide a letter of explanation to the Board spelling out his recommendations and concerns, and Mr. Dolin stated he would provide a letter as soon as possible.

Commissioner Kiger asked Mr. Dolin if he had consulted with John Cleek, and Mr. Dolin stated that he had not discussed this recommendation with him, but would be glad to do so.

Commissioner Shupe asked what the likely outcome would have been if the Board had awarded the bid to the apparent low bidder, and Mr. Dolin stated that he believes the second place bidder would have filed for an injunction to stop the award.

Commissioner Kiger asked how many total bids had been received, and Mr. Dolin stated there were three total bids.

Commissioner Shupe stated the main issue is the second place bidder is a local contractor who would like to see some sort of local preference given. Mr. Dolin stated that he had researched that and found there to be no allowance for local preference in the Revised Code.

11:00 Hearing – South Bank Road Bridge Replacement

The Board of Commissioners met at 11:00 a.m. to conduct a public hearing on a bridge replacement project for South Bank Road in Walnut Township. Commissioner present included Jon Myers, Judith Shupe, and Mike Kiger. Also present were Utilities Director Tony Vogel, Deputy Engineer Jeff Baird, Bob Myers, and Scott Zody.

Mr. Baird provided an overview of the project, stating the existing bridge is in an advanced state of deterioration, and he is planning to install a new structure that would be slightly wider, and install wing walls and guardrails to improve the approach and crossing.

Commissioner Shupe stated that one of the neighbors had expressed a concern relative to his fence at the viewing this morning, and asked Mr. Baird if he had addressed those concerns, and Mr. Baird stated that he had discussed those concerns with the residents after the Board had left, and everyone seemed to be satisfied.

Commissioner Myers stated that due to the proximity of the neighboring properties, it would be difficult to expand the project very much. Mr. Baird concurred, stating that he

did not wish to venture off of the township road easement unless he has no other option.

Commissioner Myers asked if the one tree close to the bridge would need to be removed, and Mr. Baird stated that it would need to come out, due to a wing wall installation and utility relocation.

Commissioner Kiger asked how long the road would be closed, and Mr. Baird stated that he anticipated at least a 12 week closure. Commissioner Kiger asked if a box culvert design would be used, and Mr. Baird stated that it would be a 10 foot rise by 14 foot span box culvert.

Commissioner Myers asked if boat traffic would be impacted, and Mr. Baird stated that it would, but only for a couple of properties. Bob Myers, 3427 South Bank Road, stated there would be four total properties impacted for boating purposes. Mr. Myers stated that he has been working with Mr. Baird for a couple of months now on this project and appreciates his efforts to work with the landowners. Mr. Myers stated that he supports the project and feels it is needed.

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to close the hearing.

Roll call vote on the motion resulted as follows:

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

Review, cont.

County Emergency management Director Jon Kochis met with the Board to discuss a proposal he had put forward to adjust his compensation to be more in line with that of similar sized county directors.

Commissioner Myers stated that the Board is interested in providing Mr. Kochis with some relief, but is concerned about awarding a mid-year salary adjustment due to the potential impacts or requests from other department heads. Any adjustments would need to be made at the end of the year following annual evaluations.

Mr. Kochis stated that he appreciates the Board's concern and willingness to help, and would like to see his base salary rise to the point of parity. Commissioner Myers stated that the most the Board could increase Mr. Kochis' salary would be approximately \$7,000, which would bring him close to parity.

Mr. Kochis stated that his goal was to adjust the position to be equal to what it was when Tom Moe held the position. Commissioner Shupe stated that the Board had not discussed an end position for the salary.

Commissioner Myers stated that the Board had to consider experience levels as well.

Commissioner Myers asked Mr. Kochis if there were any new developments relative to his efforts to construct a new emergency operations center, and Mr. Kochis stated that while it does not appear that he would receive any Federal grant funding this year, he is hopeful for the following year and will continue to try to position the county to be in a good position to receive an award.

1:30 Meeting with Frank Hirsch

The Board of Commissioner met with County health Director Frank Hirsch at 1:30 p.m. to discuss a Solid Waste District grant Mr. Hirsch is applying for. Commissioners present included Jon Myers, Judith Shupe, and Mike Kiger. Also present were Jennifer Valentine and Scott Zody.

Ms. Valentine stated that the grant would provide continuation funding for their solid waste program, including adjustments to cover normal cost of living increases for salary,

insurance, and auto expenses. The total amount of the grant is less this year, since they were able to secure funding last year to purchase a new vehicle.

Commissioner Shupe asked how much of an increase was for salary, and Ms. Valentine stated the standard 3%.

Commissioner Myers asked what the total grant amount for the previous year had been, and Ms. Valentine stated the total amount was \$70,000, but that had been reduced to \$50,000 for this year.

Commissioner Shupe asked how the program was going this year, and Ms. Valentine stated it was going well. Commissioner Shupe asked if she monitored Pine Grove landfill, and Ms. Valentine stated that she usually went out once per month.

Commissioner Myers asked Mr. Hirsch if he got involved in the program, and Mr. Hirsch stated that he was involved in a current complaint against a Bloom Township resident.

Mr. Hirsch explained that the resident, a Mr. Schumacher, collects antique tractors and parts and has what amount to a scrap yard on his property, but is very distrustful of outsiders and they are having a difficult time getting him to clean up his property.

Commissioner Shupe asked if the township trustees were involved, and Mr. Hirsch stated the trustees have contacted Mr. Schumacher, and are prepared to pursue legal action if the issue is not resolved soon for zoning violations.

Commissioner Shupe asked if Mr. Hirsch needed a letter of support from the Board for his grant application, and Mr. Hirsch stated that he did need a letter. The Board directed Mr. Zody to prepare a letter of support for their review and approval.

Adjournment

With no further business to come before the Board, on the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to adjourn at 2:00 p.m.

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

Mike Kiger
Commissioner

Jon D. Myers
Commissioner

Judith K. Shupe
Commissioner

Scott A. Zody, Clerk/Manager

THE NEXT COMMISSIONERS' REGULAR MEETING IS SCHEDULED FOR THURSDAY AUGUST 21, 2008 AT 10:00 A.M.