

**Regular Meeting #08-40
Fairfield County Commissioners' Office
September 23, 2008**

9:00 a.m. Meeting with Carol Phillips, CFLP Solid Waste District

The board of Commissioners met with Carol Phillips of the CFLP Solid Waste District to discuss pending grants for Fairfield County. Commissioners present included Jon Myers, Judith Shupe and Mike Kiger. Also present were Joe, Spybey, Jason Dolin and Scott Zody.

Ms. Phillips provided an overview of the grant program and history of funding of recent projects. She also informed the Board that there is an approximately \$250,000 balance in the allocation for Fairfield County, not including a pending application for new recycled content carpet for the Liberty Center large room.

Ms. Phillips stated that the 2009 allocation is nearly all encumbered, except for about \$26,000, unless the Board approves using about \$15,000 to fund a county household hazardous waste disposal day.

Commissioner Kiger asked why the county isn't receiving more revenue, since the overwhelming majority of participants in the recycling program are commercial businesses, and Ms. Phillips stated that there is more revenue generated from residential recycling programs, and the commercial entities are not as consistent, nor do they tend to recycle higher value materials.

Commissioner Kiger asked if Newark and Licking County have separate programs, and Ms. Phillips stated that they have separate litter prevention programs, but only one recycling program. In addition, they pay less for processing their recyclables, and their commercial costs are lower than Fairfield County.

Commissioner Myers noted that Licking County has some personnel costs that Fairfield County does not, such as an Office Assistant, and Ms. Phillips stated that some counties have more staff than Fairfield County, and in Fairfield County the staff emphasis is on the recycling program to generate material and revenue.

Commissioner Shupe stated that in the past, the Solid Waste Board would simply fund grants as they were presented, but then switched to an allocation formula to allow each county to choose which priorities to fund. As a result, Fairfield County has more focus on recycling programs. Ms. Phillips stated that each of the four counties is somewhat unique in their approach.

Commissioner Myers noted that the 2009 allocation for Fairfield County is \$665,000, but only \$26,000 is left, and Ms. Phillips stated that most of that funding is going towards new equipment and trailers for the Community Action recycling program, but stated there is still a \$254,000 balance that would be available in March of 2009 for other initiatives.

Commissioner Myers asked what Fairfield County requested for salary increases for 2009, and Ms. Phillips stated that except for the Sheriff's Litter Deputy, who is under a collective bargaining agreement, the standard request was for 3%. The Health Department actually asked for 17% less.

Commissioner Shupe asked if Licking County still had a Litter Control officer, and Ms. Phillips stated the Sheriff had eliminated that position in 2005.

Mr. Spybey provided the Board with an update on the carpet project for the Liberty Center large room. Mr. Spybey stated that he had received two quotes for the removal, disposal, and installation of the carpet, and both quotes were within \$100 of each other for the recycled content carpet, but Variety Floors provided a much cheaper quote for the removal of the old carpet and installation of the new carpet. In addition, the new

carpet, which would be paid for by the recycling grant, would consist of square carpet tiles instead of large rolls so it would be easier to clean or replace if needed.

Commissioner Myers asked if the carpet would stand up to the use, and Mr. Spybey stated the carpet is commercial grade, and should last as long as it is installed correctly. Commissioner Myers asked if there is a warranty on the new carpet, and Ms. Phillips stated that most commercial carpets are warranted for 15 years.

Commissioner Shupe asked if Mr. Spybey would obtain samples for the Board to consider and Mr. Spybey stated he was planning to do that. Commissioner Shupe suggested Mr. Spybey purchase some extra squares to have on hand for replacement, and Mr. Spybey stated that he could do that.

Mr. Spybey also stated that he was looking into the possibility of recycled plastic signage for the Liberty Center.

9:30 a.m. Meeting with Tony Vogel, Aundrea Cordle

The Board of Commissioners met at 9:30 a.m. with Utilities Director Tony Vogel and Human Resources Director Aundrea Cordle to discuss an insurance claim. Commissioner present included Jon Myers , Judith Shupe and Mike Kiger. Also present were Jason Dolin and Scott Zody.

Mr. Vogel provided an overview of the issue, stating that on June 29, one of his lift stations failed, resulting in a sanitary sewer backing up into three homes. CORSA recently sent one of the homeowners a settlement offer that was only about 1/3 of the total damages, and Mr. Vogel contends that the settlement should be paid in full because his office was in part at fault for the failure, due to an employee failing to properly check an alarm that went off when the lift station failed.

Commissioner Myers asked why the employee did not properly check, and stated that he hoped Mr. Vogel was addressing that situation. Mr. Vogel stated that he was in the process of working with the employee and addressing the situation so that it would not occur again.

Commissioner Shupe asked why CORSA is refusing to pay the claim, and if they considered the incident an "Act of God", and Mr. Vogel stated he believes that may be part of the reason.

Commissioner Shupe asked Mr. Vogel if he wanted the Board to make up any difference in the claim, and Mr. Vogel stated that he is trying to get CORSA to fully pay the claim, but if they will not, then he would request that.

Commissioner Myers asked if that could lead to additional claims, and Mr. Dolin stated that the homeowner would be required to sign a waiver with any settlement to preclude any additional claims.

Commissioner Kiger asked if the miscommunication and failure to respond on the part of the employee would be addressed, and Mr. Vogel stated that the employee failed to reboot the system and get the alarm set properly, and that problem is now being fixed.

Commissioner Kiger asked if the alarm will now be set all the time, and Mr. Vogel stated that it would no longer require re-booting and the employees are being instructed to respond to the alarms to physically check the systems.

Commissioner Myers asked if the employee that failed to respond will be disciplined, and Mr. Vogel stated that is under consideration pending the outcome of the CORSA issue.

Commissioner Myers asked Mr. Vogel what he needed, and Mr. Vogel stated that he would like the Board's blessing to settle the claim for the full amount if possible

(\$10,000) and he has installed backflow preventers on the three homes that were impacted.

Mr. Dolin asked Mr. Vogel if there is an operations manual that employees should be following or consulting in cases such as this, and Mr. Vogel stated that he is in the process of reviewing his policy and procedure manual.

Commissioner Kiger asked if there is a policy relative to employees that are on-call, and Mr. Vogel stated that there is, and in this case the employee on-call failed to adequately respond.

Ms. Cordle briefed the Board on a Workers' Compensation issue involving volunteer workers, stating that the Sheriff's Community Watch volunteers have been found to be without coverage. Her office is working with BWC and the Sheriff's Office to address this oversight.

Ms. Cordle stated that the Auditor's Office raised the issue relative to how the hours of the volunteers are accounted for, and her office will need to make some changes and this will result in some slight increase in Worker's Compensation coverage costs.

Ms. Cordle stated that one positive aspect of the issue is that the county has the ability to pick and choose which volunteers it will cover.

Commissioner Shupe asked if EMA volunteers would be covered, and Ms. Cordle stated that she and Mr. Zody had discuss that concern, and she was looking into the potential costs for that. Commissioner Kiger stated that back when he was a fireman, there was some form of automatic coverage that covered him if he responded to a situation or incident while off-duty.

Ms. Cordle stated that the Community Watch coverage would cost approximately \$7,000 per year, as it requires her office to factor a minimum of 20 hours per week times the Federal minimum wage to determine premium.

Mr. Dolin stated that having the coverage could help encourage people to volunteer. Ms. Cordle stated that the Board would need to approve this action through a resolution and will have to fill out a contract with BWC.

The Board directed Ms. Cordle to proceed and to also check on costs for EMA volunteers.

Executive Session

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to enter into Executive Session at 9:50 a.m. to discuss personnel matters. Commissioners present included Jon Myers, Judith Shupe and Mike Kiger. Also present were Jason Dolin and Aundrea Cordle.

Roll call vote on the motion resulted as follows:
Voting aye thereon: Judith Shupe, Mike Kiger 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 9:55 a.m.

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

No formal actions were taken.

10:00 a.m. Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, September 23, 2008 beginning at 10:00 a.m., with the following

Commissioners present: Jon Myers, Judith Shupe and Mike Kiger. Also present were Lynette Leach, George Hallarn, Tony Vogel, Jason Dolin and Scott Zody.

Announcements

Mr. Zody announced that item 08-09.23.b would be tabled pending a further legal review, and there would be two sets of meeting minutes today as the minutes from September 9, 2008 could not be accessed and printed during last week's power outage.

Public Comment

There were no public comments.

Approval of Minutes for Tuesday, September 9, 2008

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve the meeting minutes for Tuesday, September 9, 2008

Roll call vote of the motion resulted as follows:

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

Approval of Minutes for Tuesday, September 16, 2008

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve the meeting minutes for Tuesday, September 16, 2008

Roll call vote of the motion resulted as follows:

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

Approval of confirmation of 2009 Health Insurance rates for Fairfield County

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve the confirmation of 2009 Health Insurance rates for Fairfield County, see resolution 08-09.23.a

Roll call vote of the motion resulted as follows:

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

Approval to Table resolution 08-09.23.b, State Infrastructure Bank Loan for the Fairfield County Airport Authority

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to table resolution 08-09.23.b, State Infrastructure Bank Loan for the Fairfield County Airport Authority, see resolution 08-09.23.b

Roll call vote of the motion resulted as follows:

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

Approval of CFLP Buy Recycled grant application Commissioners

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve a CFLP Buy Recycled grant application, see resolution 08-09.23.c

Roll call vote of the motion resulted as follows:

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

Approval of a vehicle operating lease agreement - Fairfield County Job & Family Services

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve to a vehicle operating lease agreement for Fairfield County Job & Family Services, see resolution 08-09.23.d

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

Approval of a letter of Engagement between Jones, Cochenour & Co, and the Fairfield County Commissioners to provide financial consulting services

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve a letter of Engagement between Jones, Cochenour & Co, and the Fairfield County Commissioners to provide financial consulting services, see resolution 08-09.23.e

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

Approval of a Service Agreement by & between Fairfield County Job & Family Services, Child Protective Services and Mid-Ohio Psychological Services, Inc.

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve a Service Agreement by & between Fairfield County Job & Family Services, Child Protective Services and Mid-Ohio Psychological Services, Inc., see resolution 08-09.23.f

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

Approval of Engineers resolutions

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve resolutions for the County Engineer as follows:

08-09.23.g Approval of Contract bid Award for the FAI-CR23-1.285 Winchester Road over a Tributary of Little Walnut Creek Culvert Replacement Project – Engineer

08-09.23.h Approval of Change Order for the 2008 Chip & Seal Project - Engineer

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:

08-09.23.i Approval to Ratify previously approved one (1) cash disbursement journal (bill list) – Payment of Bills – Job & Family Services

08-09.23.j Approval of Memo Expenditure – Job & Family Services

08-09.23.k Approval of Amended Certificate & Request for Appropriations from Unappropriated Funds – Job & Family Services

08-09.23.l Approval of Amended Certificate, Update Receipts & Request for Appropriations from Unappropriated Funds – Economic Development

08-09.23.m Approval of Amended Certificate, Update Receipts & Request for Appropriations from Unappropriated Funds – Flex Spending Account

08-09.23.n Approval of Account to Account Transfer & Appropriate from Unappropriated – VOCA Grant, Victim/Witness Assistance

08-09.23.o Approval of Account to Account Transfer – ADAMH

08-09.23.p Approval of Account to Account Transfer – Economic Development
08-09.23.q Approval of Account to Account Transfer - Commissioners
08-09.23.r Approval of Account to Account Transfer – Family, Adult & Children First
08-09.23.s Approval of Account to Account Transfer – Domestic Relations Court
08-09.23.t Approval to Appropriate from Unappropriated – MRDD
08-09.23.u Approval to Appropriate from Unappropriated – Job & Family Services
08-09.23.v Approval to Appropriate from Unappropriated – Engineer
08-09.23.w Approval to Appropriate from Unappropriated - Auditor

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, September 23, 2008, check date September 26, 2008, see resolution 08-09.23.x

Roll call vote of the motion resulted as follows:
Voting aye thereon: Judith Shupe, Mike Kiger 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 George Hallarn, Jason Dolin, and Scott Zody.

Mr. Dolin provided an overview of various legal issues he is working on, including an update on the airport skydiving issue. Mr. Dolin participated in a meeting with Dave Scheffler, and the Federal Aviation Administration is requiring the airport to negotiate with Skydive Columbus to try to reach a resolution. Mr. Dolin has suggested negotiating as much as possible and avoiding the FAA Administrative hearing process, which would be expensive and time-consuming.

Commissioner Myers asked if the airport could require the skydivers to obtain insurance or bonding, and Mr. Dolin stated that seems reasonable, and the National Transportation Safety Board has issued a notice/advisory relative to airplanes used for skydiving and they are concerned with the lack of maintenance being performed. A crash occurred in 2006 involving a plane full of skydivers where the maintenance was not done.

Mr. Dolin stated that the FAA regulations permit requiring skydivers to obtain a policy naming the airport and county as additional insured parties on their policies in case of an accident. In addition, the jump zone proposed by Mr. Chapman is not in compliance with the U.S. Parachute Association guidelines – the landing zone should either be on the Frear property or the east end of the airport. The USPA requires a 100 meter safety zone.

Commissioner Myers asked if there are any attorneys that would specialize in these issues, and Mr. Dolin stated that he would check into that.

Commissioner Kiger asked how many skydivers would go up on each trip, and Mr. Dolin stated that he understands that Mr. Chapman's plane can accommodate 4 per trip.

Mr. Hallarn asked if there aren't other airstrips in the county that could be used, and Mr. Dolin stated that there are several out there, but it comes down to a question of economics for Mr. Chapman and his desire to have a landing zone at the same place he takes off and lands so he can maximize the number of trips per day.

Mr. Dolin stated that an additional problem is that the FAA is biased in favor of allowing the activity at the county airport, so Mr. Chapman will continue to push for that option.

Commissioner Myers asked if there was an alternative location near the airport where the skydivers could land, and Mr. Dolin stated that the closer they can get, the more trips they can make, so they want a place as close as possible.

Commissioner Kiger asked if any records or documentation existed from the previous operator, and Mr. Dolin stated that there have been no records located.

Mr. Dolin reported that he will be meeting with Paul Morehart to discuss the Busey Road alteration issue and try to resolve the Engineer's concerns.

Mr. Dolin provided an update on Lifer Lane, where a landowner needs to establish access across a portion of county owned property. Mr. Dolin stated that he believes the landowner should have a right to access the property, or the county can provide an easement, since the county property was taken by ODOT for the US 33 by-pass project and the landowner can't be denied access. The landowner will need to comply with any specifications or regulations the Engineer has for installing a driveway and culvert, but there are no teeth in the law to force compliance.

2:30 p.m. Meeting with Doug Ballou, Randy Carter, Staci Knisley

Mr. Carter provided an overview of the project, explaining that the first step in the process after identifying needs was to put out a RFP to provide wiring and infrastructure improvements to several buildings.

Mr. Ballou explained that this is a very complex project, and there were about 8 contractors that participated in the walkthrough and a total of 4 proposals were submitted.

Of the 4 proposals submitted, the lowest-priced one Mr. Ballou recommends rejecting, because the vendor is not certified and was proposing to sub-contract most of the work.

The next two best proposals were fairly close in price, but one vendor scored much higher than the other in certain categories, such as the fire/safety protective measures in the Courthouse.

Once the infrastructure proposal is accepted, Mr. Ballou recommended moving forward with the actual telephone RFP.

Commissioner Myers asked if there is sufficient funding to cover both RFP's, and Ms. Knisley stated that between the funding set aside for the RFP's and the funding available in the unanticipated expenditures line item, there should be adequate funding.

Commissioner Kiger asked how over estimates would the costs come to, and Mr. Carter stated that it depends on how the telephone RFP's come in. Mr. Ballou stated that the telephones will cost approximately \$600-700 per station. Commissioner Myers asked if MRDD would pay for the telephones it purchases, and Ms. Knisley stated MRDD would reimburse the Board for those costs.

Mr. Ballou added that the vendor doing the installation will also provide a 20 year warranty on the work, which will be a huge benefit in the event repairs are ever needed.

Commissioner Myers asked if the work would be paid prevailing wage, and Mr. Ballou stated it would.

Commissioner Myers asked if there would be any issue with not using the apparent lowest cost proposal, and Mr. Ballou stated that the bottom line is that the vendor does not meet the qualifications specified in the RFP, and therefore is disqualified.

Mr. Ballou stated that the RFP's were all graded and the group followed very tight scoring criteria, and he is comfortable with the group's selection.

Commissioner Shupe asked if Job & Family Services would pay for their phones or would the Commissioner's pay for that, and Ms. Knisley stated that he would assume the General Fund would cover that. Mr. Ballou stated there are 460 stations at JFS.

Mr. Carter stated that the preferred vendor has done similar projects in the past, so they have experience.

Commissioner Myers asked if this would be the time to consider relocating the Data Processing staff, and Mr. Carter stated that he would like to move so there would be more room for the infrastructure and equipment in the current space.

Commissioner Myers asked if the Data Processing staff needed to be in the Courthouse, and Mr. Carter stated that he would strongly prefer to be in the same building as the servers, and the fiber optic cables for the servers terminate in the Courthouse, and it would be very costly to move them.

Commissioner Shupe asked if the vendors had been notified yet, and Mr. Ballou stated that they had had notified anyone pending the outcome of the meeting with the Board, and if the Board approves, then the RFP would essentially become the contract.

Commissioner Myers asked if there would be any operational interruptions during the installation, and Mr. Carter stated that any interruptions should be minimal, and any work that would be disruptive would be scheduled after hours.

Commissioner Myers asked how long the phone system would last, and Mr. Ballou stated the average life span is 7-10 years. Ms. Knisley stated the current county system is about 20 years old.

Commissioner Myers asked how long the project would take, and Mr. Ballou stated that it would take a couple of months.

Commissioner Shupe asked what the group needed from the Board, and Ms. Knisley stated that the Board could approve the RFP award at the next meeting. Commissioner Myers stated that he would like to have Mr. Dolin look over the recommendation before the Board approves the selection.

Mr. Spybey stated that as a separate issue, he would like the Board to consider a back up generator or generators for disaster preparedness such as when the power went out with the wind storm.

Commissioner Kiger asked what would be run off the generators, and Mr. Spybey stated he would like to be able to power the servers, telephones and computers. Mr. Spybey would like to look at stand-alone generators for the Hall of Justice and Courthouse or portable generators that could be placed on flat-bed trailers and moved around the county if needed elsewhere.

Commissioner Myers asked what Mr. Spybey would consider to be more important, the generators or the DACO wall, and Mr. Spybey stated that they are both important, and Commissioner Myers stated that is the problem – too many projects and not enough funding.

Commissioner Kiger asked if any additional wiring would be needed for generators, and Mr. Spybey stated there would be, but he was not sure how much.

Commissioner Kiger asked if the wiring could be done now, in anticipation of the purchase of generators in the future, and Mr. Spybey stated that is possible, but the wiring would likely cost around \$70,000 and would need to be a separate project from the phone RFP due to the nature of the wiring and it would take several weeks to put the specifications together.

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 3:00 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 TUESDAY SEPTEMBER 30, 2008 AT 10:00 A.M.