

**Regular Meeting #08-32
Fairfield County Commissioners' Office
August 5, 2008**

9:00 a.m.- Viewing – Sugar Grove Road Bridge Replacement Project

The Board of Commissioners met at 9:00 a.m. to view a bridge replacement project on Sugar Grove Road in Berne Township. Commissioners present included Jon Myers and Judith Shupe. Also present were Deputy Engineer Jeff Baird, Harry Geirhart, Dennis Geirhart, and Scott Zody.

Mr. Baird provided an overview of the project, explaining that the decking on the bridge had been replaced approximately 15 years previously, but the abutments were weakening and the entire structure now needs replaced and widened.

Review Session

The Board of Commissioners met at 9:30 a.m. to review correspondence, legal items, and pending and future action items. Commissioners present included Jon Myers, Judith Shupe and Mike Kiger. Also present were Facilities Manager Joe Spybey, Jason Dolin, and Scott Zody.

The Commissioners reviewed a list of proposed capital improvement and renovation and repair projects with Mr. Spybey.

Commissioner Myers stated that he is concerned with the cost estimate of over \$235,000 to repair the retaining wall of the Decorative Arts Center (DACO). Commissioner Shupe also expressed her concern stating that the estimate is nearly twice as much as an earlier estimate.

Commissioner Kiger asked if the project would be competitively bid, and Mr. Spybey stated that it would. Commissioner Myers asked if the project would need to comply with prevailing wage requirements, and Mr. Spybey stated that as long as there is public funding involved in the project, prevailing wage standards would apply.

Mr. Spybey stated that he could attempt to scale back the project to some extent, but the main wall and front steps are shifting and must be addressed. Mr. Spybey also stated that, while the estimate does seem high, with competitive bidding and the current construction market, he would not be surprised to see actual bids for the project come in under estimate.

Commissioner Myers stated that, with the current budget situation, the question is whether or not DACO or any other entities can help provide funding for the project. Commissioner Kiger stated that the uphill side of the wall doesn't appear to be leaning as much as the steps and the downhill side, and asked if the project could be scaled back to fix the worst areas. Mr. Spybey stated that the design calls for dismantling the wall down to a certain level, hardening the wall, backfilling and repairing the drainage behind the wall and installing "deadmen" to stabilize the wall. Mr. Spybey would advocate dismantling the wall down to its base and pouring a concrete footer to stabilize the wall even more.

The estimate also does not include conducting any work on the Sherman House side of the wall, where there is some evidence of bowing out near the corner.

Commissioner Myers suggested having Mr. Zody contact Julie Park with DACO to see what kind of assistance DACO could provide. Commissioner Kiger stated his agreement with that proposal.

Mr. Dolin asked if there would be any historic preservation funding available, and Commissioner Myers stated that the facility is not on the National Historic Register, and DACO has applied to the Ohio Historical Society for assistance, but there is nothing available. Commissioner Kiger stated that the Fairfield Foundation is providing \$10,000

to help repair the Rising Park wall, and perhaps they might be willing to provide assistance.

Commissioner Myers led a discussion of several other pending items with Mr. Spybey, including replacing several windows at the Job & Family Services building. Commissioner Kiger asked about the estimated architect fees for the project, and Mr. Spybey stated that the actual architect fees, which are for pre-bid, bid opening, and developing specifications, are only about \$5,000 out of the total project cost of \$187,000.

Commissioner Myers asked Mr. Spybey about several projects that were classified "life/safety", and Mr. Spybey explained those were projects involving the updating or installation of fire and emergency alarms, smoke detectors, closed circuit television (CCTV) or other security measures.

Commissioner Myers asked why the estimates were so high for some facilities, and Mr. Spybey stated that some of the projects could be pushed back into 2009, but the focus is on employee safety and security of county assets. For example, the Courthouse has a high historical value, and the Hall of Justice has some security issues. Also, the new phone system contract will pay to wire all the county buildings for phones and alarms, so the infrastructure will be in place.

Commissioner Myers asked if the Data Processing operation would move, and if so, what implications could that have, and Mr. Spybey stated that as long as there could be one staff person at or near the server room, they would be OK.

The Board proceeded to review the list of projects and set priorities for 2008 and 2009. Commissioner Kiger suggested Mr. Spybey work with the elected officials and department heads to hold emergency drills, such as fire and tornado drills.

Commissioner Myers asked Mr. Spybey if there were any other pending issues with the Courthouse, and Mr. Spybey stated that the cornice is severely deteriorated, and he is concerned that this could turn into a very expensive project. Mr. Spybey has a contractor from Cleveland coming down who specializes in such work to take a look at the situation.

Mr. Dolin provided an update on several legal issues, stating that he has discovered a recent Attorney General's Opinion relative to a county's ability to dispose of excess real estate. Mr. Dolin stated that the opinion requires real property to be disposed of through a competitive bidding process, even if the property has no monetary value.

Commissioner Shupe asked if this would apply to the old easement the Slagell's are asking the Board to vacate on BIS Road, and Mr. Dolin stated that this would apply to the piece of county-owned property that the Slagell's have expressed an interest in with respect to the obstruction issue the Board is working on with the Engineer's Office on BIS Road. It would not apply to the old road easement, as there is an established legal process for vacating that interest.

Commissioner Kiger stated that it would not make any sense to sell that property, because it would still be unusable because of the 30-foot right-of-way that would have to be kept clear. Commissioner Shupe stated the Slagells have informed her that their attorney has advised them that they would have to conduct a survey of the old easement in order to vacate it, and simply submitting a legal description would not be sufficient. The Slagell's are not willing to conduct a survey, and want the Engineer to conduct the survey.

10:00 a.m. Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, August 5, 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, Tony Vogel, George Hallarn, Bill Miller, Jason Dolin and Scott Zody.

Announcements

Mr. Zody announced there may be one possible add-on resolutions during the Commissioner's Review.

Public Comment

There were no public comments.

Approval of minutes of Tuesday July 22, 2008

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve the minutes for Tuesday July 22, 2008.

Roll call vote of the motion resulted as follows:

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

Approval of minutes of Tuesday July 29, 2008

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve the minutes for Tuesday July 29, 2008

Roll call vote of the motion resulted as follows:

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

Approval of Fairfield County Revolving Loan Fund Loan Environmental Review Record

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve a Fairfield County Revolving Loan Fund Loan Environmental Review Record, see resolution 08-08.05.a

Mr. Zody explained that normally the original loan approval resolution also authorizes the Board or Board President to sign any subsequent paperwork associated with the loan, but for some reason that language was not included in the approval resolution for this loan.

Roll call vote of the motion resulted as follows:

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

Approval to Rescind Resolution 08-07.29.o, Account to Account transfer – Human Resources

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve to rescind resolution 08-07.29.o, see resolution 08-08.05.b

Roll call vote of the motion resulted as follows:

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

Approval of Removal of Assets from County Inventory Record

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve the removal of assets from the county inventory record, see resolution 08-08.05.c

Roll call vote of the motion resulted as follows:

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

Approval of BWC (paid in 2008) Employer Premium Refund Invoice

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve a BWC employer premium refund invoice, see resolution 08-08.05.d

Roll call vote of the motion resulted as follows:

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

Approval of Off-site Temporary Sanitary Force Main & Pump Easement for Peyton Ridge Subdivision – Regional Planning

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve an off-site temporary sanitary force main and pump easement for the Peyton Ridge subdivision, see resolution 08-08.05.e

Roll call vote of the motion resulted as follows:

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

Approval of Engineer’s resolutions

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

- 08-08.05.f Approval of a Declaration of Necessity of Road Improvement Project - Engineer
- 08-08.05.g Approval of a Contract with the Shelly Company for the FAI-CR17-7.471 Pleasantville Road NE Drainage Improvement Project - Engineer
- 08-08.05.h Approval of Notice of Commencement – Pleasantville Road NE Drainage Improvement Project - Engineer
- 08-08.05.i Approval of Authorization for County Engineer Frank Anderson to submit an application to participate in the Ohio Public Works State Capital Improvement Program - Engineer

Roll call vote of the motion resulted as follows:

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

Approval of Repayment of Advance to the General Fund- Family, Adult & Children First Council

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve a repayment of an advance to the General Fund from the Family, Adult & Children First Council, see resolution 08-08.05.j

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:

- 08-08.05.k Approval of Account to Account Transfer – Fairfield County Airport
- 08-08.05.l Approval to Appropriate from Unappropriated - Adult Probation
- 08-08.05.m Approval to Appropriate from Unappropriated - Engineer
- 08-08.05.n Approval to Appropriate from Unappropriated - Adult Probation

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 5, 2008, check date August 8, 2008, see resolution 08-08.05.o.

Roll call vote of the motion resulted as follows:

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

Review Session, cont.

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 Jason Dolin and Scott Zody.

Commissioner Shupe asked what the options are for the obstruction issues with the Slagell's. Mr. Dolin stated that the burden for obtaining a survey in order to process the road easement vacation is clearly on the Slagell's, not the county, and he would not advise the Engineer or Commissioners to take part. The choice is up to the Slagell's. Commissioner Shupe asked about the small triangular piece of county owned land the Slagell's wish to purchase, and Mr. Dolin stated that there would need to be a finding or determination to dispose of it, and then the competitive bid process would need to be followed.

Commissioner Kiger asked what the Commissioner's obligation is to obey the law on the obstruction issue, and Mr. Dolin stated that if the law states the Commissioners "shall" enforce the Engineer's declaration of an obstruction, there the Commissioners must act, but as far as acting within a specific timeframe, Mr. Dolin stated that he would need to look into that question.

Commissioner Shupe asked how the clear zone policy plays into this, and Mr. Zody stated that the clear zone policy does not apply to fences. Commissioner Shupe asked why not, and Mr. Zody stated that fences are specifically addressed in the Revised Code, and the clear zone applies to other items such as signs, large rocks, and decorative items. Mr. Dolin stated the Revised Code has some specific language pertaining to fences, but on most everything else, the law is subjective and the Engineer has a lot of leeway in determining obstructions.

Mr. Dolin provided a copy of a recent Court of Appeals decision relative to a case that was filed against the Fairfield County Commissioners back in 2002. The root issue of the case involved public meetings and how or if a public meeting could be considered closed.

Commissioner Shupe asked Mr. Dolin if he had had a chance to review the Sugar Grove CDBG bids. Mr. Dolin stated that he had reviewed the bids and reviewed the pertinent Revised Code sections that address competitive bidding, and he believes the apparent successful bidder submitted a responsive bid that did not provide an unfair competitive advantage. In addition, Mr. Dolin found a recent court case that contains very similar issues to those being disputed by one of the unsuccessful bidders in the Sugar Grove project. In that case, the Court of Appeals held that just because the successful bidder bid \$0 on a line item that did not make the bid unresponsive.

Mr. Dolin stated that in the court's opinion, the changes were not material nor did the changes give the winning bidder a competitive advantage.

Commissioner Shupe stated the difference in the bids was roughly \$13,000, and asked if there was any discretion in the Revised Code to award contracts locally, and Mr. Dolin stated that to his knowledge, there is no mechanism in the Code for that. Commissioner Myers stated that at one time, there was a Buy Ohio program through the state, but it was focused more on minority business enterprises.

Mr. Dolin stated that the standard is for the lowest and best bid to be awarded, and if the Board would choose to award a bid to someone other than the lowest bid, it would require demonstration as to why that bid was superior to the low bid, and just because one bidder is local and one is not would not be sufficient reason to award a bid to one company over another.

Commissioner Myers stated that he would be concerned with the potential for change orders and attempts to add costs back into a project if bidders are bidding artificially low, but based upon Mr. Dolin's research, the Board would be outside of the realm if they chose to change this particular bid award. Mr. Dolin stated that he agrees with that assessment.

The Board discussed the repayment of a \$70,000 loan made to the Health Department and various repayment options that were proposed in a meeting with Director Frank Hirsch the previous week. Commissioner Kiger stated that his preference would be to capture the construction and demolition tipping fee revenue that the county is entitled to receive, which would not only repay the loan over time but would establish a long-term revenue stream for the county as well.

Commissioner Myers agreed, and the Board directed Mr. Zody to contact Director Hirsch to work out the details in making that change.

The Board received an overview of the proposed Meals-on-Wheels/Older Adult Alternatives replacement levy for the November ballot from Bill Miller and Mary Jane Gard.

Commissioner Shupe asked if the proposed ballot language has been reviewed, and Mr. Miller stated that the Board of Elections provided an informal review of the language and the MOW/OAA Board has approved the language. After the Commissioners approve the language, it is submitted to the Board of Elections and then the Secretary of State for final review & approval.

Commissioner Myers asked why MOW/OAA is asking for a replacement instead of a renewal levy, and Mr. Miller explained a replacement levy at the same millage would actually generate some additional income for the program, as it would be applied to the new county property valuations.

Commissioner Shupe asked how much additional income would be generated, and Mr. Miller stated that the current levy brings in about \$1.2 million per year, and the new levy would generate approximately \$1.5 million per year.

Commissioner Myers stated that due to timing concerns, the Board will need to act within the next few weeks if this issue is to appear on the November ballot.

Commissioner Shupe asked if the timing was correct to place a replacement levy on the ballot instead of a renewal levy, and Mr. Zody stated that, based upon the discussion held late in 2007, the levy could be either, but November was the first date that MOW/OAA could place any levy question on the ballot.

Commissioner Shupe asked if MOW/OAA had had any conversation with Pickerington or Violet Township, as they are discussing the possibility of placing their own seniors levy on the fall ballot. Mr. Miller stated that they have not had any discussions with either subdivision.

Commissioner Myers asked if the ballot language was essentially the same as the original language, and Mr. Miller stated that it was. Commissioner Myers asked if the Board wished to act on the resolution today, and Mr. Dolin stated that he would like an opportunity to review the language to ensure it is accurate first.

Commissioner Shupe stated that she would prefer to wait one additional week as well.

Commissioner Kiger asked Mr. Miller if anyone involved with MOW/OAA had talked to Pickerington, and Mr. Miller stated that Mike Sabatino, a Pickerington council member, is also a member of the MOW/OAA Board, and he has expressed his concern relative to the Pickerington/Violet Township proposal. Mr. Miller stated that their parade float was well-received in both Pickerington and Lancaster, with many folks providing unsolicited positive comments along the parade routes.

The Board discussed a request for supplemental funding from the Board of Elections in the amount of \$171, 289.50. Commissioner Myers asked what the funding would be used for, and Mr. Zody stated that it his understanding that the funding would be used for salaries, supplies, and overtime. Commissioner Kiger stated that there should not be a shortfall in the salary line, as the Board lost an employee to Data Processing earlier in the year, and as far as he was aware, the position had yet to be filled.

Commissioner Myers asked what all the overtime pay was for, and Commissioner Shupe stated that it is difficult to tell, as the Board doesn't seem to stick to it's budget and just spends as needed.

Mr. Zody stated that he was under the impression that the Board should have had a surplus of funds this year, because the Commissioners advanced funding in late 2007 to cover many expenses that were incurred in December for the March 2008 primary. In addition, the Board has submitted a request for a very large increase in their budget for 2009.

Commissioner Kiger stated that there needs to be some ways to provide cost reductions for the Board, and suggested taking up the issue of no longer funding health insurance coverage for the Board members. Commissioner Shupe stated that could be a possibility to consider.

The Board directed Mr. Zody to work with Fiscal Clerk Staci Knisley to provide more details on the Board of Elections current and requested budgets.

Hearing – Sugar Grove Road Bridge Replacement Project

The Board of Commissioner met at 11:00 a.m. to conduct a public hearing on a proposed bridge replacement project on Sugar Grove Road in Berne Township. Commissioners present included Jon Myers, Judith Shupe and Mike Kiger. Also present were Deputy Engineer Jeff Baird, Jacelyn Carle, Russell Myers, Jason Dolin, and Scott Zody.

Mr. Baird provided an overview of the project, explaining that the purpose is to replace an existing bridge, conduct some work to improve the approaches to the bridge, and widen and lengthen the span.

Commissioner Myers asked what the timeframe for the project would be, and Mr. Baird stated that he anticipates the work being done in 2009 or 2010, depending upon how long the design takes.

Jacelyn Carle, 3279 Sugar Grove Road, asked if there would be another hearing to review the plans once they are developed. Mr. Baird stated that another hearing would not normally be held, but he would stay in touch with the property owners and answer any questions that arise. Ms. Carle asked how long the project would take to complete, and Mr. Baird estimated the project would take about 15 weeks. Commissioner Myers asked Ms. Carle where she resided, and Ms. Carle stated she was the first house south of the bridge past the property where a mobile home used to sit.

Ms. Carle asked if the workers who would be constructing the project would be required to go through background checks, and Mr. Baird stated that the project would be contracted out, and he could not say if the construction company that would be selected would conduct background checks or not.

Russell Myers, 3170 Sugar Grove Road, asked how much wider the bridge would be, and Mr. Baird stated that the bridge would be widened to 32 feet with 11 foot travel lanes. Commissioner Kiger asked Mr. Baird to clarify how long the construction would take, and Mr. Baird stated that 12-15 weeks is normal for a bridge replacement.

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

Roll call vote of the motion resulted as follows:

Voting aye thereon: Mike Kiger, Judith Shupe 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 11:15 a.m. Commissioners present were Jon Myers, Judith Shupe and Mike Kiger. Also present was Facilities Manager Joe Spybey.

Roll call vote on the motion resulted as follows:

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

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to adjourn from Executive Session at 11:35 p.m.

Roll call vote on the motion resulted as follows:

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

No formal actions were taken during the session.

Meeting with Mitch Nusser

The Board of Commissioners met at 11:00 a.m. with Mitch Nusser of the Lancaster Public Transit System. Commissioners present were Jon Myers, Judith Shupe and Mike Kiger. Also present were Rosann Christian, Jason Dolin and Scott Zody.

Mr. Nusser provided a copy of the Transit System development plan and have been tracking riders and use patterns, as well as profiling the local communities and identifying potential needs and new users.

Mr. Nusser stated that they are finding some lingering public concern over the failure of the FAIRCats system and whether or not the Lancaster system should expand too much.

Mr. Nusser requested the Board sign the development plan and designate a lead agency to oversee the plan, per the Federal funding requirements. The recommends a countywide transit system, and specifically expansion for Violet Township, where there is high demand for services. Mr. Nusser stated that Mike Sabatino and Ted Hackworth represented Pickerington and Violet Township at a recent public meeting on the issue.

Mr. Nusser stated that they have been working on the plan for approximately 2 years. They are seeing an increase in ridership in the Lancaster area, and are trying to keep the ride rates as low as possible.

Commissioner Myers asked how many buses the System uses, and Mr. Nusser stated there are currently 12 buses. Commissioner Shupe asked if the System went outside of the county for rides, and Mr. Nusser stated that they do run limited trips to Columbus – mainly the airport and major medical facilities, and those trips are more expensive because the System can't subsidize trips outside of the county.

Mr. Dolin asked why there are no private providers for transit operating in the county, and Mr. Nusser stated that he was not sure – COTA has two stops in Canal Winchester, but that and the Peterson Transportation Company that works with MRDD are te only other systems he is aware of.

Commissioner Shupe asked if Mr. Nusser had any recommendations for a lead agency, and Mr. Nusser stated that no one entity has come forward and expressed an interest in doing that. The Federal government has mandated a coordinated plan locally in order to receive Federal funding.

Ms. Christian stated a big challenge is getting past the territorial issues with other organizations.

Commissioner Myers asked what was needed today, and Mr. Nusser stated that signing the development plan is his biggest need. Mr. Nusser stated that a resolution was approved in January of 2007 that allowed the Board to participate and sign the plan. Mr. Nusser also needs a lead agency designated. The lead agency would be responsible for keeping the plan and its goals and objectives current to continue to qualify for Federal funding.

Ms. Christian asked if the System could expect any additional subsidies to continue the program expansion, and Commissioner Myers stated the Board is in the process of reviewing budget plans for 2009, and funding will be tight.

Ms. Christian stated there are other grants coming on line that could allow for expanded services, but the System would need more than the current \$10,000 subsidy to secure those grants.

Commissioner Shupe asked where the Pickerington residents are asking for service, and Mr. Nusser stated they do not have a firm understanding of that, but much of the requests for service are from elderly and disabled individuals looking for ride assistance.

Commissioner Myers stated that the Board would look over the plan and discuss the requests and look at the countywide/regional approach.

12:30 p.m. – Meeting with David Conley

The Board of Commissioners met at 12:30 p.m. with David Conley of Baird & Associates for a final briefing on a recently completed refinancing of county debt. Commissioners present were Jon Myers, Judith Shupe, and Mike Kiger. Also present were Dale Jacques, Amanda Conley, Jason Dolin and Scott Zody.

Mr. Conley provided an overview of the final refinancing numbers for the Board, and stated that the timing on the refinancing worked out well, as interest rates have been rising. Overall, the refinancing will save the county approximately \$429,000 over the life of the bonds.

Commissioner Kiger asked what the final financing charges were for Baird's services, and Mr. Conley stated the final charge from Baird was \$75,105, and that included a discount of approximately \$5,000 that Mr. Conley gave after looking over all the numbers and deciding to reduce the charge.

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 12:50 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 AUGUST 12, 2008 AT 10:00 A.M.**