

**Regular Meeting #08-26
Fairfield County Commissioners' Office
June 24, 2008**

9:00 a.m.- Viewing – Pleasantville Road Drainage Improvement

The Board of Commissioners met at 9:00 a.m. to view a drainage improvement project on Pleasantville Road in Liberty Township. Commissioners present included Jon Myers, Judith Shupe and Mike Kiger. Also present were Jeff Baird, Deputy Fairfield County Engineer, Eric McCrady, Louise Smith, Gene Pegg, and Scott Zody.

Review Session

The Board of Commissioners met at 9:35 a.m. to review correspondence and current and future action items. Commissioners present included Jon Myers, Judith Shupe, and Mike Kiger. Also present were Jason Dolin, Jon Kochis, and Scott Zody.

Mr. Kochis stated that the Federal grant he has been waiting on has finally come out, but he only has until July 21 to submit an application and wanted to obtain some guidance from the Board regarding what to apply for. Mr. Kochis informed the Board that the former greenhouse property he was looking at is no longer on the market, and he would prefer to apply for funds to construct a new office/emergency operations center at the Liberty Center.

Commissioner Myers asked what is permitted under the grant, and Mr. Kochis stated the grant requires a 25% local match, and they can request up to \$1 million. Commissioner Shupe asked if Mr. Kochis had any available funds that he could put towards the match requirement, and Mr. Kochis stated that he has about \$25-30,000 that he could use if he has to.

Commissioner Myers asked how much Mr. Kochis intended to request, and Mr. Kochis stated that he believes he would need approximately \$550,000. Commissioner Myers asked if Mr. Kochis was looking to use the "Utility" site at the Liberty Center, and Mr. Kochis stated that is his preferred site, as the Utility Department is looking to move to their Lockville site to build an office. However, there are concerns relative to the possible wetlands issues and how FEMA might have concerns. Mr. Zody asked Mr. Kochis if he had factored in environmental mitigation costs into his estimate, and Mr. Kochis stated that he had not, and he also needed to update his cost estimates, as those are based on some dated plans.

Commissioner Shupe asked if there are any other alternate sites, and Mr. Kochis stated there were none that he was aware of for a new building, but there may be some sites downtown that could be remodeled. Commissioner Myers asked if there was a cap on the amount of grant funding for remodeling, and Mr. Kochis stated that was capped at \$250,000, with a 25% match. There is \$14 million available nationwide, and Mr. Kochis believes Fairfield County should score well given our location and size.

Commissioner Shupe asked Mr. Kochis what his preference would be, and he stated that he would like to discuss remodeling opportunities with Bill Arnett and Mike Petit.

Commissioner Myers stated he would prefer to see EMA build a new facility and use the Liberty Center site. Mr. Kochis stated the only other concern with using the Liberty Center site would be that he would need to find a secondary EOC, as he would be unable to use the existing Liberty Center site or the potential new public safety facility as secondary sites because they would be too close together.

Mr. Zody asked if the grant was an upfront payment or a reimbursement grant, and Mr. Kochis stated it is a reimbursement grant.

Commissioner Myers asked what is needed for the grant, and Mr. Kochis stated he would have 36 months to construct the project, and has some boilerplate plans that he could submit and modify as they get closer to construction. Commissioner Myers asked

if the assessment that is permitted under Senate Bill 84 could be utilized to fund the project, and Mr. Kochis stated that would be an allowable expense under the law, but he would prefer to utilize those funds for other countywide needs such as communications.

Commissioner Myers asked Mr. Kochis if \$125,000 would be the county share, and Mr. Kochis said that he wants to tighten down the numbers and get a better estimate, and he would bring that back to the Board for review on July 8th.

10:00 a.m. Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, June 24, 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, Lynette Leach, Dennis Schwallie, George Hallarn, Marilyn Steiner, Jean Fernow, Tony Vogel, Bill Arnett, Jason Dolin and Scott Zody.

Announcements

Mr. Zody announced that there could possibly be one add-on resolution relative to a change in the mileage reimbursement rate for county employees.

Public Comment

Dennis Schwallie of Peck, Schaeffer provided comments relative to three resolutions on the Board agenda dealing with the refinancing of county debt. Mr. Schwallie explained the three resolutions authorize the Board to consolidate bond issues dating back to 1996 and 1999 and set the stage for the Board to "pull the trigger" and refinance at their discretion. Commissioner Myers asked if there were any time limit on when the Board could move forward, and Mr. Schwallie stated that there was no time limit the he was aware of. Commissioner Shupe asked if the timing was right to move forward, and Mr. Schwallie stated it is a matter of market conditions, and right now interest rates are starting to trend upwards with no sign of falling back anytime soon. Commissioner Myers stated that the markets are very volatile right now, and the situation could change daily.

Approval of minutes of Thursday June 19, 2008

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve the minutes for Thursday June 19, 2008.

Roll call vote of the motion resulted as follows:

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

Approval of a Purchase of Service Contract by & between Fairfield County Job & Family services and ETAT Enterprises, LLC

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve a Purchase of Service Contract by & between Fairfield County Job & Family services and ETAT Enterprises, LLC, see resolution 08-06.24.a

Roll call vote of the motion resulted as follows:

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

Approval of Refinancing of County Debt Resolutions

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve resolutions authorizing the refinancing of county debt as follows:

08-06.24.b Approval of Consolidating two bond issues of the County of Fairfield, Ohio into a consolidated bond issue & establishing the terms of such consolidated bond issue

08-06.24.c Approval of authorizing the issuance of not more than \$1,915,000 of bonds for the purpose of paying part of the cost of refunding the county's various purpose bonds dated as of October 15, 1996, and matters related to such bonds

08-06.24.d Approval of authorizing the issuance of not to exceed \$6,315,000 of bonds for the purpose of paying part of the cost of refunding the county's various purpose utility bonds, series 1999 dated as of May 15, 1999, and matters related to such bonds

Commissioner Myers stated that this is an opportunity for the county to save significant dollars in reduced debt service payments, and Commissioner Kiger stated that this action prepares the Board to take action, but the Board could also wait if the timing does seem right as well.

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

Approval of an Order of Suspension for an employee of Fairfield County Job & Family Services, Child Support Enforcement

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve an Order of Suspension for an employee of Fairfield County Job & Family Services, Child Support Enforcement, see resolution 08-06.24.e.

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

Approval of Fairfield County Library Board Renewal Levy

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve the Fairfield County Library Board Renewal Levy, see resolution 08-06.24.f

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

Approval of Authorization of WIA Area 20 Workforce Investment Board – Job & Family Services

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve the authorization of WIA Area 20 Workforce Investment Board, see resolution 08-06.24.g.

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

Approval of a Change Order for the GRE-36 FAI-CR17-0.915 Pleasantville Road NW over Tributary to Walnut Creek Bridge Replacement Project – Engineer

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve a Change Order for the GRE-36 FAI-CR17-0.915 Pleasantville Road NW over Tributary to Walnut Creek Bridge Replacement Project, see resolution 08-06.24.h

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

Approval of Agreement for GPS/GIS services between Fairfield Soil & Water Conservation District and the Board of Fairfield County Commissioners

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners

voted to approve an Agreement for GPS/GIS services between Fairfield Soil & Water Conservation District and the Board of Fairfield County Commissioners, see resolution 08-06.24.i.

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

Approval of Mortgage Release for Karen T. Spiker and George L. Spiker, Sr. – FY2005-2007 CHIP Program

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve a Mortgage Release for Karen T. Spiker and George L. Spiker, Sr. – FY2005-2007 CHIP Program, see resolution 08-06.24.j.

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

Approval of a new Grant Fund for the FY2008-2009 Adult Community Based Correction and the establishment of revenue and appropriation budget

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve a new Grant Fund for the FY2008-2009 Adult Community Based Correction and the establishment of revenue and appropriation budget, see resolution 08-06.24.k

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:

- 08-06.24.l Approval to amend certificate, update receipts, and appropriate from unappropriated – Emergency Management
- 08-06.24.m Approval of fund to fund transfer – Job & Family Services
- 08-06.24.n Approval of account to account transfer – Adult Community Based Correction Fund & Appropriate from Unappropriated
- 08-06.24.o Approval of fund to fund transfer – Emergency Management
- 08-06.24.p Approval of fund to fund transfer – Engineer
- 08-06.24.q Approval of fund to fund transfer – Family, Adult & Children First Council
- 08-06.24.r Approval of fund to fund transfer – Family, Adult & Children First Council
- 08-06.24.s Approval of fund to fund transfer – Family, Adult & Children First Council
- 08-06.24.t Approval to Appropriate from Unappropriated - MRDD
- 08-06.24.u Approval to Appropriate from Unappropriated - Engineer
- 08-06.24.v Approval to Appropriate from Unappropriated – Building Department Fund

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 Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve the authorization for payment of bills, June 24, 2008, check date June 27, 2008, see resolution 08-06.10.w.

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 10:20 a.m. to review correspondence and future and pending action items. Commissioners present included Jon Myers, Judith Shupe, and Mike Kiger. Also present were Jason Dolin, Bill Arnett, Tony Vogel, George Hallarn and Scott Zody.

Mr. Dolin provided an update on several legal issues he has been working on, and reported that the so-called "Pay-to-Play" law has been ruled unconstitutional.

Commissioner Kiger asked Mr. Arnett for a progress report on the Fairfield 33 Alliance private fund-raising efforts, and Mr. Arnett stated that private entities has contributed about \$75,000 so far, and some have made multi-year commitments for funding, but they were short of the \$125,000 goal. The consultant working with the alliance believes that some of the reason for the shortfall is unwillingness by some businesses to contribute to a brand new endeavor, and some businesses stated that they wanted to see results before committing and funding to the effort. Commissioner Kiger stated that was the reason the Commissioner's committed to provide funding – to get the process started. Commissioner Shupe stated that the Board had in fact considered provided all of it's five-year, \$150,000 commitment up front, but the JEDD controversy has clouded the issue. Mr. Arnett stated that the consulting firm is implementing a marketing effort and spending about \$90,000 this year. In addition, Mayor Smith is scheduled to provide an update on the JEDD at Friday's Alliance meeting. Violet Township has approved the contract, Bloom Township may or may not approve it this week, and Pickerington and Lancaster are still discussing it.

Mr. Arnett stated the latest version of the contract addresses some of the concerns raised, but still contains very weak opt-out language that requires landowners to take action in order to opt out of the JEDD. Commissioner Shupe stated that landowners don't want to be forced to join – that is what happened in the CETA. Commissioner Myers asked where the boundaries of the JEDD would be, and Mr. Arnett explained that it would begin at the current boundary of the CETA in Violet Township, and run south and east along 33 and south of Diley Road to the Carroll village limits. Commissioner Myers asked about Lancaster, and Mr. Arnett explained that Lancaster would be a contracting partner, not a "member" of the JEDD, for use of the income tax.

Commissioner Myers asked what the advantages of having Lancaster as a partner, and Mr. Arnett explained that Violet Township approached Lancaster to be a partner initially when it did not appear that Pickerington or Canal Winchester were going to participate, because the JEDD needs a taxing authority as a partner in order to levy an income tax within the JEDD area.

Commissioner Myers asked Mr. Arnett about recent letter to the editor regarding the JEDD from Mayor Smith and Gary Weltlich, and Mr. Arnett stated that he disagrees with the comparisons in the letter trying to make the JEDD appear complimentary of the 33 Alliance.

Commissioner Shupe stated that another recent development has been with Mike Arcari's proposed development, which is now before the Regional Planning Commission and Violet Township has now filed three pages of objections to it.

Commissioner Myers asked if the new hospital on Diley Road would pay income taxes, and Mr. Arnett stated it would because it is within Canal Winchester city limits. Mr. Arnett stated that he will be presenting to the Canal Winchester Chamber the next day and will provide a comparison of JEDD's in Central Ohio to the one being proposed for

Fairfield County – the others were proposed at the request of a landowner or business, and not driven by government entities.

Commissioner Kiger asked if any companies were opting out of the CETA, and Mr. Arnett stated the only way to opt out of the CETA would be to physically relocate out of the territory. Commissioner Kiger stated that he was of the understanding that there were some companies that had opted out, and Mr. Arnett stated that there were some businesses that had rejected being annexed into Canal Winchester, but were included in the CETA. Tony Vogel stated that Site Solutions had relocated from Pickerington to Violet Township to get away from paying a municipal income tax.

Meeting with Michael Orlando

The Board of Commissioner met with County Job & Family Services Director Michael Orlando at 11:10 a.m. Present were Commissioners Jon Myers, Judith Shupe, and Mike Kiger. Also present were Jason Dolin and Scott Zody.

Mr. Orlando provided the Board with an update on the Ohio Department of Job & Family Services repayment issue, stating that he has been given a deadline of Friday June 27 to reply to their most recent letter or face having the matter referred to the Attorney General's Office for collection. Mr. Orlando has been going back and forth with ODJFS for the past 2-3 weeks, and Mr. Zody has been involved in those discussions as well – he has spent the past 2 weeks just trying to get Director Jones-Kelly to return a phone call.

Mr. Orlando would like to obtain a 10-year repayment agreement with ODJFS, but they will not budge from their offer of a 7-year repayment, and will not acknowledge that they offered Belmont County a 10-year repayment option.

Mr. Orlando stated that he is willing to accept a 7-year offer, as long as he can defer the first payment until 2010 when the levy funding starts to come in a finances won't be so difficult, but is not sure if ODJFS will accept that. The other option is to see if ODJFS will follow through and refer the matter to the AG.

The Board requested the Mr. Orlando offer his proposal to ODJFS and keep Mr. Zody informed of developments.

11:30 Meeting with Mike Springer

The Board of Commissioners met at 11:30 a.m. with Mike Springer to discuss fuel efficiency in county vehicles. Commissioners present included Jon Myers, Judith Shupe, and Mike Kiger. Also present were Paul Stolte, Rick Stillwell, Sgt. Joe Fuller, Jason Dolin, and Scott Zody.

Mr. Springer explained that he is a piano tuner by trade, but is also a marketer for a fuel additive product for a company based in Texas. He personally uses the product and claims that it has dramatically increased the fuel economy of his personal vehicle. The product, Bio-Petro Improver, comes in a powder or pellet form that is added to a vehicles fuel (gasoline or diesel) and is not sold retail, but rather person-to-person similar to cosmetics. The product was first introduced in Europe about eight years ago, and in 2005 the company was purchased by a Lowell Mims in Texas.

Mr. Springer stated that the product has been tested by the US EPA and is the only product proven to actually work that is currently on the market. The product can be used in individual vehicles, or can be added to fuel storage tanks prior to fueling vehicles.

Commissioner Myers asked how old the company is that is marketing the product, and Mr. Springer explained that the company has existed since 2005 in the U.S., but has already sold over \$25 million worth of product.

Mr. Springer stated that the Texas Attorney General attempted to shut the company down at the behest of large oil companies in 2006, but was unsuccessful. The product was tested on a court order and once it was proven to work, there was no case.

Sgt. Fuller asked how the product worked, and Mr. Springer explained that it is an enzymatic reaction to burn fuel more efficiently, but he could not divulge the ingredients other than to say they are petroleum distillate products.

Commissioner Myers asked if the product would be available in stores, and Mr. Springer stated that the owner, Mr. Mims, will not sell the product retail as he wishes to help individuals become successful businessmen such as himself – Mr. Mims made his fortune through various multi-level companies

Mr. Dolin asked if any other government entities were currently using the product, and Mr. Springer stated that he believes there are a few, but could not recall exactly who they were.

Commissioner Shupe asked what savings would be derived from using the product, and Mr. Springer stated that on average, motorists experience a 20-30% increase in fuel economy.

Commissioner Myers asked if there were any trial periods or guarantees with the product, and Mr. Springer stated there is a 30-day money-back guarantee. Mr. Springer stated that it sometimes can take several tankfuls to show an improvement, as some of today's engines have sensitive sensors that, unless adjusted, will think the engine is not running correctly and will actually cause the vehicle to burn more fuel.

Commissioner Shupe asked which form of the product was more efficient, and Mr. Springer stated that while both work well, the powder form tends to dissolve more quickly than the pellets.

Mr. Zody asked if there were any local businesses utilizing the product, and Mr. Springer stated that there is a Precision Lube business that sells the product direct to its customers, and Cecil Barry Insurance in Logan is using the product in its vehicles.

2:00 Meeting with Kimball & Associates

Commissioner Myers asked Mr. Vogel if his revenue stream has decreased, and Mr. Vogel stated that it has decreased somewhat this year, but he had budgeted for that with the slowing housing market last year, and he feels comfortable with his budget situation. Mr. Vogel expects the commercial market to begin to turn more positive before the housing market does.

For the Record

Mr. Zody reported that he had received three annexation petition requests – one from the City of Pickerington and two from the City of Lancaster.

The City of Pickerington has filed an annexation petition under Revised Code Section 709.16 requesting to annex 67.84 acres of city-owned property in Violet Township.

The first petition filed by the City of Lancaster under Revised Code Section 709.023 (Type 2 Expedited) requests to annex 15.482 acres of city-owned property in Hocking Township (Cedarlen Park).

The second petition filed by the City of Lancaster under Revised Code Section 709.023 (Type 2 Expedited) requests to annex 1.594 acres of state-owned property in Hocking Township.

Public Hearing – Winchester Road Culvert Replacement

The Board of Commissioners held a public hearing for a culvert replacement project on Winchester Road in Violet Township. Commissioners present were Jon Myers, Judith Shupe and Mike Kiger. Also present were Jeff Baird and Scott Zody. Commissioner Myers read the resolution establishing the viewing and hearing for the project and for public comment.

Mr. Baird stated the culvert is in an advanced state of deterioration and needs replaced, and he is hoping to complete the project yet this year.

Commissioner Myers asked if the landowners present at the viewing had expressed any concerns, and if they would be willing to donate the land needed for right-of-way. Mr. Baird stated that he believes the landowners will donate the land, provided the Engineer's Office replaces their fences and the trees that will be removed as part of the project. Commissioner Shupe asked if the Township Trustees were present, and Mr. Baird stated that Bill Yapple, the Violet Township Administrator attended the viewing.

Commissioner Kiger stated that a farmer expressed concerns about construction during the harvest season. Commissioner Myers stated that the Board could possibly approve the resolution at their meeting on Thursday, and asked Mr. Baird what is required to establish the value of the property if the landowners wish to donate. Mr. Baird stated that if the landowners request it, he would pay for and provide a full appraisal and would be required to offer the appraised value.

Commissioner Kiger asked if there were any effects on the local schools relative to the construction, and Mr. Baird stated that he estimates a 6-10 week closure, so there could be some possible impacts. Commissioner Myers asked what likely detour routes were near, and Mr. Baird stated the likely route would be Pickerington Road to Route 33.

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

Roll call vote of the motion resulted as follows:

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

Approval to vacate part of a public road, an alley in or near the Climer's Grandview Beach Addition, Walnut Township

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve to vacate part of a public road, an alley in or near the Climer's Grandview Beach Addition in Walnut Township, see resolution 08-06.17.t.

Roll call vote on the motion resulted as follows:

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

Meeting with Judge Kathy Mowry

The Board of Commissioners met with Judge Kathy Mowry to discuss court renovations. Commissioners present included Jon Myers, Judith Shupe, and Mike Kiger. Also present were Jason Dolin and Scott Zody. Judge Mowry explained that she is having issues with scheduling and catching up on case backlogs, particularly child support enforcement orders. Domestic Relations Court has two courtrooms, but sometimes there are as many as four judges and magistrates trying to schedule hearings. In addition, substitute courtrooms they use are sometimes incompatible with their transcript equipment.

Judge Mowry explained that her predecessor, Judge Jackson, had proposed clearing out space currently used for records storage down the hall, but she does not believe that would improve efficiency or security for the court. Instead, Judge Mowry proposed to relocate some interior walls and create additional courtroom and work space that would allow the staff to work together. Commissioner Myers asked if any staff or

magistrates would need to be added, and Judge Mowry stated that she does not need more staff, she just need more room to make the existing space more usable.

Commissioner Myers asked if the attorneys would still have conference space available, and Judge Mowry stated that there would still be one conference room, and she has already added benches to the hallways to allow for some informal conference/meeting space. Commissioner Myers asked if the cost estimates include wiring and any mechanical needs, and Judge Mowry stated that most of the needed wiring is in place, and does not anticipate the need to much additional infrastructure, but she would like to add a check-in window similar to that utilized by the Municipal Court.

Judge Mowry also said she would like to improve her video hearing capabilities, particularly with the jail. Commissioner Shupe asked if the courts were utilizing video arraignments, and Judge Mowry stated that she was not sure how the other courts were utilizing the technology, but she would like to use it more. She suggested the Board look into a new initiative by the Supreme Court called the Ohio Court Network, where the court is attempting to secure Federal funds to connect courts across Ohio.

Commissioner Myers thanked Judge Mowry for her presentation, and stated that he believes the project sounds reasonable, and Commissioner Shupe and Commissioner Kiger concurred. Commissioner Kiger stated that Joe Spybey is currently doing some work on some security issues, and may be able to assist Judge Mowry's bailiff.

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 1:35 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 THURSDAY
JUNE 19, 2008 AT 10:00 A.M.**