

Regular Meeting #29 - 2014
Fairfield County Commissioners' Office
July 8, 2014

Public Viewing – Milnor Road

The Commissioners met at 9:00 a.m. to view a culvert on Milnor Road. Commissioner Kiger called the meeting to order with the following Commissioners present: Steve Davis, Mike Kiger and Dave Levacy. Also present were Jeremiah Upp and Carol Plympton.

The Commissioners viewed the area and culvert on Rainbow Drive.

Review

The Commissioners met at 9:53 a.m. to review legal issues and pending or future action items and correspondence. Commissioner Kiger called the meeting to order with the following Commissioners present: Steve Davis, Mike Kiger and Dave Levacy. Also present were Carri Brown, Rachel Elsea, Mary Beth Lane, Ray Stemen, Jeff Barron, Jim Bahnsen, Jason Dolin, Aunie Cordle, Todd McCullough, Staci Knisley, and Randy Groff.

- Legal Update

Mr. Dolin stated that he did not have an update.

- Administration and Budget Updates/Carri's List

- a. Jail Project Update

Ms. Brown reported that yesterday, we received a copy of the Bennett and Williams report. The report is a lengthy one. There is a one page summary of recommendations. The full report is on the website. There are six copies of the report and the appendices in hard copy for the office. We are also creating CDs in case there are public records requests.

The Bennett and Williams evaluation was to investigate the subsurface and characterize the fill, along with conducting a risk assessment for chemicals of concern. The recommendations include "casing off" of fill materials prior to deeper subsurface penetration (which was already anticipated in previous conversations). The recommendations include having an environmental professional onsite during excavation, keeping soils within the footprint or disposing of them at a solid waste landfill, and using a combined sewer or otherwise managing storm water that comes into contact with the fill. Bid specifications will need to include a health and safety plan for workers and an OSHA compliance plan, as well as an initial air monitoring program and a plan to minimize dust. In addition, the soil gas sampling will need to be accomplished to confirm or deny vapor intrusion. Results could show the need for a vapor barrier, but that may or

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may not be the ultimate outcome. Each of the recommendations appears manageable within a project of the magnitude of the jail project.

To continue the soil gas sampling in support of the risk assessment and to conduct subslab and indoor air monitoring at the existing site, the Board talked about authorizing the county administrator to enter into an amendment for the existing contract not to exceed an additional \$190,350, for a total of \$296,780. About \$30,000 of the additional costs relate to laboratory costs. The additional study will demonstrate whether or not a vapor barrier is needed and if there are any additional risks associated with air quality. A motion to approve the continued study up to the full cost of \$296,780 was recommended, authorizing the administrator to sign on behalf of the board for expediency. In this way, we will have more information to further the project and the bid specifications. The architect has a copy of the recommendations. He indicated that there did not appear to be anything that would require the costs to skyrocket. However, there are manageable things to address. The full report will be studied prior to moving into the design phase.

Mr. Davis asked if they were recommending the additional testing be done not only for future buildings, but also for the current structure.

Ms. Brown stated they were recommending testing for both areas, for the soil gases and for the existing building.

Motion to continue the Environmental Study with Bennett & Williams for up to \$296,780 (total costs) to authorize Carri Brown to sign the amended agreement on behalf of the Commission.

On the motion of Steve Davis, and second of Dave Levacy, the Board of Commissioners voted to continue the Environmental Study with Bennett & Williams for up to \$296,780 and authorize Carri Brown to sign the amended agreement on behalf of the Commission.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Steve Davis, Dave Levacy, and Mike Kiger

b. Tax Budget Update

Ms. Brown reported that on Thursday, June 26, the tax budget was initially filed with the County Auditor. A public hearing regarding the tax budget is scheduled July 9th at 9 am. This is preliminary hearing to accept any questions that anyone has at this stage of the process. Later, there is a hearing and appearance before the Budget Commission on August 11 at

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10:15 am. There will be a formal resolution to adopt the tax budget at this early stage, prior to July 20.

c. CCAO Update

Ms. Brown reported the CCAO is going to review the possibility of Fairfield County obtaining a credit of \$1,000 for CORSA because we are using the Dynamix monitoring tool, which appears to be more robust than the CCAO proposed tool, which itself results in a credit. Ms. Brown reported that Ms. Cordle included this aspect in her earlier updates. Dynamix and Ross County approached this issue, and we, too, will seek a credit.

d. ShareOhio.gov

Ms. Brown stated that Auditor of State David Yost launched a website that helps communities share equipment: ShareOhio.gov. Capital equipment can be placed in a database for the purposes of loaning or borrowing. The website also allows for tracking of inventory and includes a sample sharing agreement. If the Engineer or others have equipment to share, this website could be a good tool to use. Ms. Brown offered her help in exploring the tool.

Commissioner Kiger stated at 9:59 a.m. that the Commission would be in recess until the Regular Meeting.

Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, July 8, 2014 beginning at 10:06 a.m., with the following Commissioners present: Steve Davis, Mike Kiger and Dave Levacy. Also present were Carri Brown, Rachel Elsea, Jason Dolin, Staci Knisley, Todd McCullough, Bob Clark, Aunie Cordle, Dennis Keller, Jeremiah Upp, Ed Laramée, Ray Stemen, Randy Groff, Jim Bahnsen, Jeff Barron, and Mary Beth Lane.

Pledge of Allegiance

Commissioner Kiger asked everyone to rise as able, and he led the Pledge of Allegiance.

Announcements

Commissioner Kiger asked Ms. Elsea if there were any announcements. Ms. Elsea stated that there were no announcements.

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Public Comment

Commissioner Kiger asked if anyone from the public who would like to speak or offer comments. No public comments were made.

Approval of Minutes for Tuesday, July 8, 2014

On the motion of Dave Levacy and the second of Steve Davis, the Board of Commissioners voted to approve the Minutes for Tuesday, July 8, 2014.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Dave Levacy, Steve Davis, and Mike Kiger

Approval of the Commissioners' Office Resolutions

On the motion of Dave Levacy and the second of Steve Davis, the Board of Commissioners voted to approve the following Commissioners Office resolutions:

- | | |
|--------------|---|
| 2014-07.08.a | A resolution authorizing the approval of Project Statement of Work with CBTS for the Voice System Implementation, upgrade to the county telecom equipment [Commissioners] |
| 2014-07.08.b | A resolution authorizing the Letter of Agreement (LOA) with CBTS Financial Services for the proposed lease for the purchase of the upgrade for the county telecom equipment [Commissioners] |

Discussion: Ms. Brown stated that these resolutions relate to a joint recommendation of the Commissioners and IT for a 60 month plan for telecommunications upgrades. The county will save \$7,000 annually going with the 60 month plan as opposed to a 36 month plan. Prior to the agreement itself, there is this resolution to authorize the signing of an intention to enter into the agreement. This is the same pattern taken previously with the upgrade.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Dave Levacy, Steve Davis, and Mike Kiger

Approval of the Emergency Management Agency's Resolutions

On the motion of Dave Levacy and the second of Steve Davis, the Board of Commissioners voted to approve the following Emergency Management Agency resolutions:

- | | |
|--------------|---|
| 2014-07.08.c | A resolution to appropriate from unappropriated in a major expenditure object category EMA 2707 Emergency Management Performance Grant Fund [EMA] |
|--------------|---|

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2014-07.08.d A resolution to appropriate from unappropriated in a major expenditure object category EMA Fund 2090 General EMA Fund (Subfund 8053) [EMA]

Roll call vote of the motion resulted as follows:

Voting aye thereon: Dave Levacy, Steve Davis, and Mike Kiger

Approval of the Engineer's Office Resolutions

On the motion of Dave Levacy and the second of Steve Davis, the Board of Commissioners voted to approve the following Engineer's Office resolutions:

2014-07.08.e A Resolution to Declare the FAI-TR250-3.564 Rainbow Drive Culvert Replacement Project a Necessity. [Engineer]

2014-07.08.f A Resolution to Approve the Notice to Commence [Engineer]

2014-07.08.g A resolution to appropriate from unappropriated in a major expenditure object category County Engineer 2024-Motor Vehicle for overtime payments [Engineer]

2014-07.08.h A Resolution to Approve the Contract with Asphalt Materials, Inc. for the Purchase of Liquid Asphalt. [Engineer]

2014-07.08.i A resolution to approve the Real Estate Agreement with ODOT for the HOC-26 Bridge Replacement Project. [Engineer]

Roll call vote of the motion resulted as follows:

Voting aye thereon: Dave Levacy, Steve Davis, and Mike Kiger

Approval of the Municipal Court Resolutions

On the motion of Dave Levacy and the second of Steve Davis, the Board of Commissioners voted to approve the Municipal Court resolution approving an account to account transfer into a major expense category for Fairfield County Municipal Court; see resolution 2014-07.08.j.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Dave Levacy, Steve Davis, and Mike Kiger

Approval of the Regional Planning Commission Resolution

On the motion of Dave Levacy and the second of Steve Davis, the Board of Commissioners voted to approve the Regional Planning Commission resolution to

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certify consistency of the Fairfield Metropolitan Housing Authority 2015 Annual Plan with the Fairfield County's Community Housing Improvement Strategy (CHIS), see resolution 2014-07.08.k.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Dave Levacy, Steve Davis, and Mike Kiger

Approval of the Sheriff's Office Resolution

On the motion of Dave Levacy and the second of Steve Davis, the Board of Commissioners voted to approve the Sheriff's Office resolution authorizing the approval of a service agreement by and between Fairfield County Sheriff's Office and the Lancaster Board of Education; see resolution 2014-07.08.l.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Dave Levacy, Steve Davis, and Mike Kiger

Approval of the Soil & Water Conservation District Resolution

On the motion of Dave Levacy and the second of Steve Davis, the Board of Commissioners voted to approve the Soil & Water Conservation District's resolution authorizing an account to account transfer 61779300-Fairfield Soil & Water Conservation District Buckeye Lake Nutrient Reduction Project; see resolution 2014-07.08.m.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Dave Levacy, Steve Davis, and Mike Kiger

Approval of the Payment of Bills Resolution

On the motion of Dave Levacy and the second of Steve Davis, the Board of Commissioners voted to approve the following Payment of Bills resolutions:

- | | |
|---------------|--|
| 2014-07.08.n. | A resolution to approve the payment of a vouchers without appropriate carry-over purchase orders for all Departments that are approved by the Commissioners [Auditor- Finance] |
| 2014-07.08.o | A resolution authorizing the approval of payment of invoices for departments that need Board of Commissioners' approval [Commissioners] |

Roll call vote of the motion resulted as follows:

Voting aye thereon: Dave Levacy, Steve Davis, and Mike Kiger

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Ms. Elsea announced that the next regular scheduled meeting for the Board of Commissioners will be Tuesday, July 15, 2014 at 10:00 a.m.

Commissioner Kiger stated at 10:11 a.m. that the Commission would take a short recess followed by the continuation of Review.

Review Continued

The Commissioners met at 10:18 a.m. to continue review legal issues and pending or future action items and correspondence. Commissioner Kiger called the meeting to order with the following Commissioners present: Steve Davis, Mike Kiger and Dave Levacy. Also present were Carri Brown, Rachel Elsea, Jason Dolin, Ed Laramée, Ray Stemen, Aunie Cordle, Todd McCullough, Jim Bahnsen, Jeff Barron, Dennis Keller, Staci Knisley, Bob Clark, Mary Beth Lane, and Jon Slater.

- **Administration and Budget Update/Carri's List**

Ms. Brown reported that she was able to speak with Mr. Upp after the Regular Meeting and he expressed knowledge and interest in the Share Ohio tool presented by Auditor Yost.

e. Land Bank Meeting

Ms. Brown reported that last week, Jeff Porter sent the Land Bank Meeting draft agenda for July 15 and the notes from the June 10 meeting. The July 15th meeting is at 2 pm in the Commissioners' Hearing Room.

f. Connections Meeting

Ms. Brown stated that on July 10 (Thursday), there is an Auditor, Treasurer, Commission, IT "Connections" Meeting. Agenda topics include technology, training, vendor relationships, the monitors in the hearing room, and the research for a cash balance policy.

g. CFLP Update

Ms. Brown reported that on July 25, there is a CFLP meeting. At that time, appropriations from unappropriated funds designated for Fairfield County can be discussed if the Board desires this on the agenda. Community Action is recommending appropriations from unappropriated funds in the amount of \$12,528.82 for the replacement of the site host stipend (\$11,500) and vehicle expenses (\$1,028.82). In addition, they are recommending appropriations from unappropriated funds of an additional \$11,588 for a roll off container trailer to replace a stolen drop off trailer. The roll off container would be used for bulk collections and delivery of

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cardboard containers at various sites. CFLP reports that there is \$68,000 in the budget that has not been appropriated yet. The additional amounts (the \$12,528.82 and the \$11,588) would need to be appropriated into the Fairfield County budget and approved by the CFLP board. The \$12,528.82 was something previously discussed with Community Action as part of the carryover discussion. The second amount for the trailer is the difference of what was recovered from insurance regarding a stolen trailer and the cost of a new roll off trailer.

The request would go to the Board of Directors for CFLP and if approved, there would be an application for funding and award for the normal process of a contract amendment. CFLP reports that there will need to be about \$39,218 of the carryover for the 2015 plan. The current request from Community Action could be accommodated while retaining the \$39,218 according to recent emails from the CFLP Administration; the CFLP Administration would like to know of agenda items today if at all possible.

Mr. Davis stated he thought it was appropriate to request the agenda item and have the CFLP Board of Directors vote. He also reminded everyone that he may not be back in town by July 25th. Mr. Kiger requested Carri Brown send email notification to the CFLP Administration and Community Action.

- Old Business

- a. Sunshine Review

Mr. Levacy stated that the county's website grade went from a D- to an A+. Fairfield County is one of just four counties in the state to have an A+ grade. He congratulated Carri Brown, Rachel Elsea, and the rest of the staff on their work in improving transparency and communications.

Mr. Davis added that a huge part of this is that the county is now making a tremendous amount of information available and accessible. It is far more than a grade from an advocacy group. While the information was previously available, it was not the easiest to find. We are continuing to improve transparency and access to information. A most recent example is how the Bennett and Williams report was on the county website upon its receipt.

Mr. Kiger agreed.

- New Business

- a. Notification to Bond Companies

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Ms. Brown reported that at 2 pm on Tuesday, Rachel Elsea and she are following up with Jason Dolin to ensure the proper steps are taken to place the bonding companies for the former clerk of courts on notice. We are aware that the full amount of a claim may increase based on the outcomes of a trial. Notice may mean providing information about the trial date, as well.

Mr. Davis stated that Ms. Smalley's witness list was released and that he was confident that the Human Resources Department would work with any employees listed in making sure they have what they need.

- General Correspondence Received

- a. Notice of Liquor Permit – Ugly Mug Bar & Grill (forwarded to Sheriff)

Ms. Elsea stated she forwarded the information to the Sheriff and received information back from Chief Perrigo. While there have been several complaints regarding fights and intoxicated individuals, the Sheriff's Office believe a change of ownership would be for the better and did not have any major issues with the permit.

- b. Notice of Public Hearings – Hocking Township Board of Zoning Appeals – Monday, July 21, 7:00 p.m. and 7:30 p.m. – RPC has this information.

- Calendar Review/Invitations Received

- a. Pickerington Chamber Lunch – Thursday, July 17th at 11:30 a.m.

- FYI

- a. Notice of Survey Action – Columbia Pipeline B105

Ms. Brown stated this was a traditional notification letter and provided highlights from the letter.

- Issues Bin

- a. US EPA Rules

Ms. Brown stated the Commissioners may have noticed articles and presentations in the media about the opposition to the proposed US EPA rules. A letter for comment has been drafted and is in the review packet. The draft indicates opposition based on cumbersome processes and additional regulations at the federal level. Comments can be made

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through October. There are no GIS maps showing the ditch infrastructure. If the draft is acceptable, it can be sent anytime.

b. COAAA Vacancy

Ms. Elsea stated that eight resumes had been received.

Mr. Davis asked that Ms. Brown "scrub" the applications and whittle the number down for efficiency in the decision making process. While this is not a paid position, Mr. Davis stated there needed to be a process.

c. Resolution to Confer Authority to County Administrator

Ms. Brown suggested that if the Commissioners continue to evaluation and consider this draft resolution for an effective date of January 1, 2015 in order to give time to put a process in place and to coincide with the new fiscal year. She would like to create an electronic approval process for easy tracking and reporting.

Mr. Dolin provided a copy of the statute previously reviewed and information from the State Auditor's compliance manual for review and discussion.

Mr. Davis stated he wanted to make sure the parameters were designed for the position, not an individual. While he has the utmost trust in Ms. Brown and her work, he could not say the same for individuals who may serve in the position in years to follow. The Commissioners need to be comfortable with the level of authority both now and down the road.

Mr. Laramée referred to the items in the draft resolution that mention advances and transfers. He stated the County Auditor's Office understood this must be done by resolution of the Commissioners and cannot be delegated.

Mr. Davis stated the Commissioners would not pass anything without the Prosecutor's approval and were continuing to evaluate the resolution.

Mr. Laramée stated that he recommended that the authority be conferred annually by Commissioners' resolution.

Mr. Dolin stated the authority is granted in the code and there would be restrictions. If the authority is not granted by resolution, it simply is not there.

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Mr. Davis stated that since he has been a Commissioner he has been frustrated with the depth of details that the Commissioners have to deal with. There is a level of day to day business that does not require debate at the Commissioners' level. When those debates do occur, there is a level of frustration he would like to avoid.

- Open Items

- a. DD Board Vacancy

Ms. Brown stated that John Pekar reported that Ms. Buccilla, the current DD Board President, resigned her position on the DD Board based on her new employment. Mr. Bob Competti expressed interest in filling the unexpired term through 12.31.2016. In error, Mr. Competti was approved (and vetted) by Judge Vandervoort as a Probate Court appointee, but the position is actually a Board of Commissioner appointee. There is a resolution in the review folder that can be placed on the voting agenda next week. Because Mr. Competti had already been vetted and because he is a known community stakeholder, drafting a resolution for review and placement on the July 15 agenda seemed to be the expedient action to take. We are aware that July 15th is a good time for DD to have the Commissioners' resolution.

Mr. Kiger asked if the Commissioner would like to bring in Mr. Competti for an interview.

Mr. Davis stated given the county's history with Mr. Competti as well as what has already taken place with the Probate Court, he did not think that was necessary. Mr. Davis endorsed the appointment.

Mr. Levacy agreed.

The resolution will be prepared for the voting agenda on July 15th.

- b. BRAVOs

Ms. Brown thanked Theresa Haynes and Mark Conrad and other members of Branden Meyers' office: There is a positive relationship with the Clerk of Courts and the Commission which is resulting in the potential to save money for postage.

- c. Casino Report

Ms. Brown stated that the extrapolation of the current revenues predict casino revenues exceeding the estimate for the year.

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Executive Session to discuss Pending Litigation

On the motion of Steve Davis and second of Dave Levacy, the Board voted to enter into Executive Session to discuss Pending Litigation at 10:50 a.m.

Discussion: Commissioner Davis stated that the following be present: Commissioner Davis, Commissioner Levacy and Commissioner Kiger, Carri Brown, outside legal counsel, and Rachel Elsea.

Roll call on the motion as follows:

Voting aye thereon: Steve Davis, Dave Levacy and Mike Kiger

On the motion of Steve Davis and second of Dave Levacy, the Board voted to exit Executive Session at 10:59 a.m.

Roll call on the motion as follows:

Voting aye thereon: Steve Davis, Dave Levacy, and Mike Kiger

Review Continued

The Commissioners met at 10:59 a.m. to continue review legal issues and pending or future action items and correspondence. Commissioner Kiger called the meeting to order with the following Commissioners present: Steve Davis, Mike Kiger and Dave Levacy. Also present were Carri Brown and Rachel Elsea.

Commissioner Kiger stated at 10:59 a.m. that the Commission would be in recess until the 11:00 a.m. Public Hearing.

Public Hearing – Milnor Road

The Commissioners met at 11:05 a.m. for a public hearing regarding Milnor Road. Commissioner Levacy called the meeting to order with the following Commissioners present: Steve Davis, Dave Levacy, and Mike Kiger. Also present were Carri Brown, Rachel Elsea, Jason Dolin, Jeremiah Upp, and Carol Plympton.

Mr. Upp stated the project would be to replace a culvert on Milnor Road. They will install a 72-inch concrete pipe with headwalls and also establish erosion control. They will then repave Milnor Road. They hope to do construction in Spring 2015 and paving in Summer 2015.

Mr. Kiger asked if this would interfere with the school year.

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Mr. Upp stated they would try to do it after school is out, but they could not promise this as they have a short window to complete the work. If they do have to close the road, it will only be for four days and they will make sure to work with the schools.

Mr. Davis stated he was in favor of the project but that it was hard to hold a viewing when you cannot see the structure.

Mr. Levacy asked what the current pipe's diameter was.

Mr. Upp stated it was 80 inches. He added that it was his understanding that they must hold a viewing and hearing for these projects.

Mr. Davis stated he was not being critical of the Engineer's Office and added this was an instance of there being rules and regulations that should have exceptions. He added that the system needs to allow for special circumstances.

Ms. Plympton stated that in the rural areas it is hard to judge the areas that need work.

Mr. Levacy asked what the life expectancy of concrete was, as compared to galvanized pipes.

Mr. Upp stated concrete pipes were at least 60 years and galvanized pipes varied greatly based on what type of liquid they would be holding.

With no additional comments or questions, the hearing was closed at 11:10 a.m.

Review Continued

The Commissioners met at 11:14 a.m. to continue review legal issues and pending or future action items and correspondence. Commissioner Kiger called the meeting to order with the following Commissioners present: Steve Davis, Mike Kiger and Dave Levacy. Also present were Carri Brown, Rachel Elsea, Aunie Cordle, Jason Dolin, and Dave Riepenhoff.

Executive Session to discuss Pending Litigation

On the motion of Steve Davis and second of Dave Levacy, the Board voted to enter into Executive Session to discuss Pending Litigation at 11:15 a.m.

Discussion: Commissioner Davis stated that the following be present: Commissioner Davis, Commissioner Levacy and Commissioner Kiger, Carri Brown, Aunie Cordle, Jason Dolin, Dave Riepenhoff, and Rachel Elsea.

Roll call on the motion as follows:

Voting aye thereon: Steve Davis, Dave Levacy and Mike Kiger

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On the motion of Steve Davis and second of Dave Levacy, the Board voted to exit Executive Session at 11:33 a.m.

Roll call on the motion as follows:

Voting aye thereon: Steve Davis, Dave Levacy, and Mike Kiger

Review Continued

The Commissioners met at 11:33 a.m. to continue review legal issues and pending or future action items and correspondence. Commissioner Kiger called the meeting to order with the following Commissioners present: Steve Davis, Mike Kiger and Dave Levacy. Also present were Carri Brown, Rachel Elsea, Aunie Cordle, Jason Dolin, and Dave Riepenhoff.

Executive Session to discuss Pending Litigation

On the motion of Steve Davis and second of Dave Levacy, the Board voted to enter into Executive Session to discuss Pending Litigation at 11:33 a.m.

Discussion: Commissioner Davis stated that the following be present: Commissioner Davis, Commissioner Levacy and Commissioner Kiger, Carri Brown, Jason Dolin, Tony Vogel, and Rachel Elsea.

Roll call on the motion as follows:

Voting aye thereon: Steve Davis, Dave Levacy and Mike Kiger

On the motion of Steve Davis and second of Dave Levacy, the Board voted to exit Executive Session at 11:37 a.m.

Roll call on the motion as follows:

Voting aye thereon: Steve Davis, Dave Levacy, and Mike Kiger

Review Continued

The Commissioners met at 11:37 a.m. to continue review legal issues and pending or future action items and correspondence. Commissioner Kiger called the meeting to order with the following Commissioners present: Steve Davis, Mike Kiger and Dave Levacy. Also present were Carri Brown, Rachel Elsea, and Jason Dolin.

Commissioner Kiger stated at 11:39 the Commission would take a short recess.

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*Approved on July 15, 2014

Absent

Steven A. Davis
Commissioner

David Levy

Dave Levacy
Commissioner

Mike Kiger

Mike Kiger
Commissioner

Rachel Elsea

Rachel Elsea, Clerk