

Regular Meeting #39 - 2014
Fairfield County Commissioners' Office
September 9, 2014

Review

The Commissioners met at 9:01 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: Mike Kiger and Dave Levacy. Also present were Carri Brown, Rachel Elsea, Jason Dolin, Jon Slater, Ed Laramée, Mary Beth Lane, Dennis Keller, Randy Groff, Ray Stemen, Todd McCullough, David Uhl, Aunie Cordle, Jeff Porter, Tony Vogel, Jeff Barron, Jim Bahnsen, Branden Meyer, Staci Knisley, and Dan Jones.

- Legal Update

Mr. Dolin stated that he had no update.

- Administration and Budget Updates/Carri's List

- a. Highlights of Resolutions and Proclamations for the Voting Agenda

Ms. Brown reported that there is a proposed resolution for an additional \$25,000 match for the Moving Ohio Forward project in Thurston. There is some urgency to the resolution in that the grant is ending. The Land Bank intends to reimburse the County for the match; the resolution is placed on the voting agenda because the Land Bank does not meet until September 23, and in this case, it is actually more efficient to use county appropriations. In the future, we know that the Land Bank will have a great deal of flexibility and will be able to manage transactions very efficiently. In addition, there are several project related resolutions and traditional financial resolutions.

- b. Jail Financing and Project Reporting

Ms. Brown stated the series of meetings for the jail and public facility financing are on the calendar, with the next meeting scheduled on September 26 at 9 am. The plan is to conduct a bond rating meeting with Moody's on November 20-22.

The jail population remains just under 190.

Ms. Brown went on to say that she and all others respect the opinions of the members of Lancaster City Council. We believe in liberty of opinion and improving our collective understanding of complex issues by involving multiple stakeholders. City Council is one branch of three of Lancaster government. Two of the branches, the judiciary and the executive branch, support the current path for the public safety facility path. One branch does not. Given the multiple perspectives surrounding this complex

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project, it is not surprising that there is not complete consensus. This is something that was anticipated as the county moves through the complexity of this project. She pledged that we will continue to work with all branches of city government and many others to move the project forward. We will follow all building codes and requirements associated with protecting the water supply. We will follow the wellhead protection plan. We will reach out to continue to educate all stakeholders on our findings and plans as we move forward.

Mr. Kiger stated that the Commission has been honest and open at all times and had sought public feedback over a year ago.

Mr. Randy Groff of 311 East Wheeling Street in Lancaster stated that he spoke as a citizen. He asked several questions:

1. Is the County willing to finance wells for the City and the monitoring of these wells between the jail and the well field?
2. Would the County indemnify the City of any potential well field damages?
3. Will the County allow the City to have access to the site for a separate assessment?
4. Will the County permit the City to work with the EPA for an independent review of toxins and hazardous waste?
5. Is the County only relying on the technological findings relating to auger cast piling? Relying on technological assessments alone has proven to be faulty in the past with other projects.

Mr. Kiger stated that the Commission has contracts with Bennett & Williams and Wachtel/McAnally who are the subject matter experts. He went on to say the Commissioners would not damage the water and will take all necessary steps to avoid that.

Ms. Brown added that she appreciated the questions from Mr. Groff and that she would add Mr. Groff's five questions to the nine Mr. Hedges had previously submitted and would respond once she was able to connect with the environmental scientists. She stated that she regretted that she could not respond immediately.

Mr. Groff stated that was fine as he did not expect an immediate response and wanted to bring the questions forth.

c. Conduit Debt Fee Schedule for Review.

Ms. Brown reported the feedback received has been incorporated into a new draft. The new draft is in the review packet. An agenda fee has not

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been included, as is included with some counties. The fees are relatively minimal, as compared to the debt issuance history. The resolution will be proposed for a vote on September 16.

Commissioner Kiger stated at 9:55 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, September 9, 2014 beginning at 10:03 a.m., with the following Commissioners present: Mike Kiger and Dave Levacy. Also present were Carri Brown, Rachel Elsea, Staci Knisley, Aunie Cordle, Jeff Porter, Jim Bahnsen, David Uhl, Dennis Keller, Jeff Barron, Ed Laramie, Todd McCullough, Ray Stemen, Tony Vogel, Randy Groff, Jon Slater, Holly Mattei, Dan Jones, Jason Dolin, Mary Beth Lane, Branden Meyer, and Deward Watts.

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. There were no announcements.

Public Comment

Commissioner Kiger asked if anyone from the public who would like to speak or offer comments.

Mr. Ray Stemen of 2444 West Point Road in Lancaster urged everyone to contact their US Senators regarding a bill that would change an amendment to the articles. The Bill of Rights have been fine for 200 years. The bill is not a good bill and would limit the freedom of everyone.

Mr. Randy Groff of 311 East Wheeling Street in Lancaster stated that he has no opinion of the Commissioners that they would want to take chances of contaminating the water. He was concerned about the toxic metal and hazardous chemicals at the Wheeling Street site. He raised five questions:

1. Is the County willing to finance wells and the monitoring of these wells between the jail and the well field?

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2. Would the County indemnify the City of any potential well field damages?
3. Will the County allow the City to have access to the site for a separate assessment?
4. Will the County permit the City to work with the EPA for an independent review of toxins and hazardous waste?
5. Is the County only relying on the technological findings relating to auger cast piling? Relying on technological assessments alone has proven to be faulty in the past.

Ms. Brown indicated that she appreciated the five questions and as indicated in the review session, she would add Mr. Groff's five questions to the nine Mr. Hedges had previously submitted and would respond once she was able to connect with the environmental scientists. She went on to state for the record that that she and all others respect the opinions of the members of Lancaster City Council. We believe in liberty of opinion and improving our collective understanding of complex issues by involving multiple stakeholders. City Council is one branch of three of Lancaster government. Two of the branches, the judiciary and the executive branch, support the current path for the public safety facility path. One branch does not. Given the multiple perspectives surrounding this complex project, it is not surprising that there is not complete consensus. This is something that was anticipated as the county moves through the complexity of this project. She pledged that we will continue to work with all branches of city government and many others to move the project forward. We will follow all building codes and requirements associated with protecting the water supply. We will follow the wellhead protection plan. We will reach out to continue to educate all stakeholders on our findings and plans as we move forward.

Mr. Tony Vogel of 2972 Grace Drive in Lancaster stated that he respected Mr. Groff's views. He wanted to make sure that the facts were correct. Mr. Groff stated that the site has toxic metals. The fill material, foundry sand, has higher levels of metals but this material should not be construed as toxic. By OEPA's own classification it is not a hazardous waste nor is it even considered a solid waste. In fact, it is an unregulated waste which has been used for fill by OEPA's best management practices manual. So, Mr. Vogel was against the statement the fill is toxic metals. Further, the County understands public water supplies and the well field protection plan. The County has well fields that they protect with their own Well Head Protection Plan. With that being said, they will comply with the City of Lancaster's Well Head Protection Plan when building the public safety facility. Lastly, the use of technology, or "casing off", is not a necessity but rather a recommendation in which the county has received to address the concerns of the City regarding the potential of fill material being carried down.

Approval of Minutes for Tuesday, September 2, 2014

On the motion of Dave Levacy and the second of Mike Kiger, the Board of Commissioners voted to approve the Minutes for Tuesday, September 2, 2014.

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Roll call vote of the motion resulted as follows:
Voting aye thereon: Dave Levacy and Mike Kiger
Absent: Steve Davis

Approval of the Auditor's Office Resolution

On the motion of Dave Levacy and the second of Mike Kiger, the Board of Commissioners voted to approve the Auditor's Office resolution authorizing a fund to fund transfer for the General Fund 2% administration fee for managing the county insurance program, Fund #7671 to General #1001; see resolution 2014-09.09.a.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Dave Levacy and Mike Kiger
Absent: Steve Davis

Approval of the Clerk of Courts Resolution

On the motion of Dave Levacy and the second of Mike Kiger, the Board of Commissioners voted to approve the Clerk of Courts resolution to appropriate from unappropriated in a major expenditure object category Clerk of Courts Title Fund #2326 Certificate/Title Admin; see resolution 2014-09.09.b

Roll call vote of the motion resulted as follows:
Voting aye thereon: Dave Levacy and Mike Kiger
Absent: Steve Davis

Approval of the Commissioners' Office Resolutions

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

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| 2014-09.09.c | A resolution authorizing the County Auditor to assess and place on the tax duplicate delinquent sewer rentals for the Buckeye Lake Sewer System for the dates of May 15, 2014 through June 15, 2014 [Commissioners] |
| 2014-09.09.d | A resolution to appropriate from unappropriated into a major expense category for fund # 1001 & Fund# 2798 and fund to fund transfer for the Moving Ohio Forward Grant – Fairfield County Commissioners [Commissioners] |

Discussion: Ms. Brown stated that resolution D was discussed in review and was a match for the Moving Ohio Forward grant. We anticipate the Land Bank will be reimbursing the General Fund for the match used.

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Roll call vote of the motion resulted as follows:
Voting aye thereon: Dave Levacy and Mike Kiger
Absent: Steve Davis

Approval of the Emergency Management Agency Resolution

On the motion of Dave Levacy and the second of Mike Kiger, the Board of Commissioners voted to approve the Emergency Management Agency's resolution authorizing the approval to extend the due date for an advance repayment for EMA Fund 2091 (Subfund 8047) Hazardous Materials Emergency Planning Grant; see resolution 2014-09.09.e.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Dave Levacy and Mike Kiger
Absent: Steve Davis

Approval of the Engineer's Office Resolution

On the motion of Dave Levacy and the second of Mike Kiger, the Board of Commissioners voted to approve the Engineer's Office resolution to appropriate from unappropriated in a major expenditure object category County Engineer 2024-Motor Vehicle for a laptop for bridge inspections, tablet and new facility phone system; see resolution 2014-09.09.f.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Dave Levacy and Mike Kiger
Absent: Steve Davis

Approval of the Family, Adult, and Children First Council's Resolutions

On the motion of Dave Levacy and the second of Mike Kiger, the Board of Commissioners voted to approve the following Family, Adult, and Children First Council's resolutions:

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|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2014-09.09.g | A resolution authorizing the approval of a service agreement by and between the Fairfield County Commissioners, as administrative agent of the Fairfield County Family, Adult and Children First Council and Fairfield County Juvenile Court. [Family, Adult and Children First Council] |
| <hr/> | |
| 2014-09.09.h | A resolution to appropriate from unappropriated in a major expenditure object category for Fairfield County Family Adult & Children First Council Fund. [Family, Adult and Children First Council] |

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Roll call vote of the motion resulted as follows:
Voting aye thereon: Dave Levacy and Mike Kiger
Absent: Steve Davis

Approval of the Job and Family Services resolutions

On the motion of Dave Levacy and the second of Mike Kiger, the Board of Commissioners voted to approve the following JFS resolutions:

- 2014-09.09.i A resolution to approve a memo receipt and expenditure for Fairfield County Job & Family Services, Fund 2072 reimbursing Fund 2018 [JFS]
- 2014-09.09.j A resolution regarding approval of a Contract Amendment by and between Fairfield County Job & Family Services (FCJFS), and Creative Coach Company [JFS]

Roll call vote of the motion resulted as follows:
Voting aye thereon: Dave Levacy and Mike Kiger
Absent: Steve Davis

Approval of the Juvenile/Probate Court Resolution

On the motion of Dave Levacy and the second of Mike Kiger, the Board of Commissioners voted to approve the Juvenile/Probate Court resolution to appropriate from unappropriated into a major expenditure object category for contractual services for fund #1001, General Fund – Fairfield County Juvenile Court; see resolution 2014-09.09.k.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Dave Levacy and Mike Kiger
Absent: Steve Davis

Approval of the Regional Planning Commission's Resolution

On the motion of Dave Levacy and the second of Mike Kiger, the Board of Commissioners voted to approve the Regional Planning Commission's resolution to approve an updated Development Agreement for the Spring Creek Section 2, Phase 2 Subdivision; see resolution 2014-09.09.l.

Discussion: Ms. Mattei stated the agreement is being updated to reflect the transfer of Dominion Homes to Paulte Homes of Ohio.

Roll call vote of the motion resulted as follows:

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

Approval of the Payment of Bills Resolutions

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

- 2014-09.09.m A resolution authorizing the approval of payment of invoices for departments that need Board of Commissioners' approval [Commissioners]
- 2014-09.09.n A resolution to approve the payment of vouchers without appropriate carry-over purchase orders for all Departments that are approved by the Commissioners [Auditor- Finance]

Roll call vote of the motion resulted as follows:
Voting aye thereon: Dave Levacy and Mike Kiger
Absent: Steve Davis

Commissioner Kiger stated at 10:14 a.m. that the Commission would be in recess and will reconvene in his office shortly.

Review Continued

The Commissioners met at 10:23 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: Mike Kiger and Dave Levacy. Also present were Carri Brown, Rachel Elsea, Jeff Porter, Dennis Keller, Aunie Cordle, Ray Stemen, Jeff Barron, Jason Dolin, and Todd McCullough.

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

- a. **Connections Meeting – September 11th**

There will be a Connections Meeting on September 11 at 9 am. A draft agenda is attached. Additional feedback about the cash balance policy for the general fund will be accepted. The cash balance policy, along with a debt policy, is something that supports our operations and the request for a bond rating. The review packet includes drafts. Ms. Brown is seeking and accepting feedback from multiple internal and external stakeholders, including Rockmill Financial. The cash balance policy is anticipated for the next Board of Commissioners meeting, while the debt policy will take a little more time for review.

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b. Meeting with Veterans Services Commission

On Wednesday, September 3, Ms. Brown and Mr. Keller met with Mr. Russell to obtain information about the desires of the Veteran Services Commission for new office space. The Board of Commissioners is the contracting authority, and there is a need to issue a request for proposal for leasing property. We will be as helpful as possible in meeting the targeted timeframes for the Veteran Services Commission. We await Mr. Russell's narrative about the property that is desired to be leased so that the advertisements can be properly made. The narrative will include the desired size of the property and geographical location that would be considered the best. Mr. Keller stated that he is working with Mr. Russell on compiling the necessary information for the advertisement.

c. Picnic Table for Lancaster High School

Ms. Brown reported that Brian Kuhn is working on a project funded by the Fairfield Foundation to improve the Lancaster High School campus. A picture and email chain is included in the review packet. He requested one picnic table, and we now have six rectangular ones in the inventory. The Commissioners were supportive of the donation.

d. HB 483 and Publication Procedures

Ms. Brown consulted with Mr. Dolin about the publication procedures to follow, given updates with HB483. HB483 basically renames the state public notice website the official public notice website and requires the publisher trade association to operate and maintain it. This official public notice website will be the place that the publisher will publish a notice that we advertise. This procedure begins 3.14.15 even though the legislation is effective 9.15.14. We in the Commissioners' Office will call the newspapers we use to be sure that they are aware. Speaking of the newspapers we use, we are going to add a newspaper of general circulation in the Pickerington area to our general procedures, as it is codified to advertise in a newspaper of general circulation for a city in the county which is not the county seat and has a population of more than 8,000. For notices, our first advertisement will be in print (and placed on a newspaper website if they have one, at no charge). We will also place this on our website. For the second advertisement, if required, we will use an abbreviated version on a website, with the official public notice website going into effect 3.14.15.

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e. Follow on re: Beavers Lease

Ms. Brown reported that the lease has been signed and the contract is filed in the contract monitoring spreadsheet. Mr. Beavers will send the \$5 consideration and documentation from his insurance company to comply with the terms of the contract.

- Old Business
- New Business
- General Correspondence Received

a. Thank you from The Salvation Army

b. Conveyance Fees and Casino Revenues Reports

Ms. Brown stated that the conveyance fees were at 63% of the Commissioners projections and while they would like them to be at 67%, the revenue type is coming in at a higher level than it has in the past.

Further, the casino revenue report shows the actual revenues exceeding the Commissioners' and Budget Commission estimate. The Commissioners' estimate is \$1.62 million for the year, while the Budget Commission's estimate is \$1.67 million. The extrapolation shows casino revenues for the year to be just over \$1.7 million. However, the state expectations, often referenced in the news, are higher in the aggregate. This is where there is confusing information about how headlines show casino revenue shortfall, when from a local perspective, the casino revenues are exceeding estimates.

- c. OHIO EPA Notification re: Class 3 Modification Final Permit to Retrieval Technologies
 - d. Prosecutor's Annual Report Pursuant to ORC 309.16
 - e. Prosecutor's Annual Report as to Criminal Prosecutions
 - f. Thank you from Lancaster Festival
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- g. Notification from Rockies Express of suspension of REX East Loop Pipeline

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- Calendar Review/Invitations Received

- a. Pickerington Chamber Lunch – Thursday, September 18th at 11:30 a.m.
- b. Canal Winchester Veterans Ceremony – Saturday, November 8th – March at 10 a.m. and Ceremony at 10:30 a.m. at Stradley Place
- c. 2014 Fairfield County Youth Behavior Survey Data Release – September 30th at 8:30 a.m. at the Lodge
 - 1. Mr. Levacy will attend. Ms. Brown expects that Ms. Edwards will provide a summary of the survey results and she commented that Ms. Cordle would be attending.

- FYI

- a. DD August 2014 Newsletter

- Issues Bin

- a. Resolution to Confer Authority to County Administrator – prepared in draft
- b. Airport Vacancy – Accepting Resumes and Letters of Interest

Ms. Knisley added that Mr. McNeer has indicated he would like to be reappointed to his seat.
- c. Lease relating to Soccer Fields and City of Lancaster – we await contact from City representatives

- Open Items

- a. Meals on Wheels Update

Commissioner Levacy asked for an update on Meals on Wheels. Ms. Brown stated that she and Commissioner Davis met with a small group of Meals on Wheels leadership last Tuesday. Meals on Wheels indicated they desired for the Commissioners to appoint two board members to the MOW board. This was one of three contract options presented to MOW. MOW will possibly need to change their code of regulations and then they will provide a copy of their code of regulations to us. We will put the contract forth for additional review after receiving the code of regulations.

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The Commissioners will advertise the vacant board positions selecting the most qualified candidates, as is the traditional process. It is anticipated that the appointments will be effective in January for the duration of the contract. There was an article in the Eagle Gazette summarizing this development.

b. EG Editorial re: Jail Location

Mr. Levacy and Mr. Kiger thanked the EG for the editorial over the weekend which supported building the jail at the existing Wheeling Street site.

c. United Way Kick Off Day

Mr. Porter reported that he had begun distributing information to all offices. United Way's fundraising goal for this year is \$1.6 million. Last year JFS was the department with the highest participation in the county. Mr. Porter encouraged everyone to participate.

Ms. Brown added that the County would be hosting their United Way Auction and Cook Out on Thursday, September 18th.

Mr. Keller stated that the County was hosting 8 volunteers who were working at the Liberty Center for Community Care Day.

d. Airport – Hangar K

Ms. Knisley stated that the airport board voted to defer a decision on Hangar K renovations while they considered their options and priorities. They plan to make a decision over the next few months and will repay the loan from the County should they decide to not move forward. She also added that they are considering EMA's request for a storage facility.

e. Budget Hearings

Ms. Brown stated that she would be sending a memo and slideshow to Elected Officials and Department Heads to help everyone prepare. She provided an example of the memo and slide show template.

f. Farmland Presentation Application

Ms. Brown stated that Mr. Ferbrache had submitted the first part of an application for farmland preservation. Ms. Brown signed the application and returned it to him.

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Mr. Kiger stated at 10:47 a.m. that the Commission would take a short recess.

Review Continued

The Commissioners met at 10:53 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: Mike Kiger and Dave Levacy. Also present were Carri Brown, Rachel Elsea, Jeff Porter, and Jason Dolin.

Executive Session to discuss Pending Litigation

On the Motion of Dave Levacy and the second of Mike Kiger, the Board voted to enter into Executive Session regarding Pending Litigation at 10:53 a.m.

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

Roll call on the motion as follows:

Voting aye thereon: Dave Levacy and Mike Kiger

Absent: Steve Davis

On the Motion of Dave Levacy and the second of Mike Kiger, the Board voted to exit Executive Session at 11:06 a.m.

Roll call on the motion as follows:

Voting aye thereon: Dave Levacy and Mike Kiger

Absent: Steve Davis

Review Continued

The Commissioners met at 11:06 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: Mike Kiger and Dave Levacy. Also present were Carri Brown, Rachel Elsea, Jeff Porter, and Jason Dolin.

Commissioner Kiger stated at 11:06 a.m. that the Commission would be in recess until the next executive session.

Review Continued

The Commissioners met at 11:38 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: Mike Kiger and Dave Levacy. Also present were Carri Brown, Rachel Elsea, Jeff Porter, and Jason Dolin.

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Executive Session to discuss Pending Litigation

On the Motion of Dave Levacy and the second of Mike Kiger, the Board voted to enter into Executive Session regarding Pending Litigation at 11:42 a.m.

Discussion: Commissioner Levacy stated that the following be present: Commissioner Davis, Commissioner Levacy, Commissioner Kiger, Carri Brown, Rachel Elsea, Jeff Porter, a representative from BDD, and Jason Dolin.

Roll call on the motion as follows:

Voting aye thereon: Dave Levacy and Mike Kiger

Absent: Steve Davis

On the Motion of Dave Levacy and the second of Mike Kiger, the Board voted to exit Executive Session at 11:42 a.m.

Roll call on the motion as follows:

Voting aye thereon: Dave Levacy and Mike Kiger

Absent: Steve Davis

Review Continued

The Commissioners met at 11:42 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: Mike Kiger and Dave Levacy. Also present were Carri Brown and Rachel Elsea.

Ms. Elsea stated she had received an invitation to a Financial Forum with the Deputy Treasure of Ohio on Friday, September 19th at 11:30 a.m. at The Lodge.

Adjournment

With no further business, on the motion of Dave Levacy and a second of Mike Kiger the Board of Commissioners voted to adjourn 11:44 a.m.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Dave Levacy and Mike Kiger

Absent: Mike Kiger

The next regular meeting for the Board of Commissioners is scheduled for Tuesday, September 16, 2014 at 10:00 a.m.

Motion by:

Seconded by:

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that the September 9, 2014, minutes were approved by the following vote:

YEAS:

NAYS: None

ABSTENTIONS: None

*Approved on September 16, 2014

ABSTAIN
Steven A. Davis
Commissioner


Dave Levacy
Commissioner


Mike Kiger
Commissioner


Rachel Elsea, Clerk