

TUESDAY, SEPTEMBER 26, 2017
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO

The Pickaway County Board of Commissioners met in Regular Session in their office located at 139 West Franklin Street, Circleville, Ohio on Tuesday, September 19, 2017, with the following members present: Mr. Brian S. Stewart, Mr. Jay H. Wippel, and Mr. Harold R. Henson. Brad Lutz, county Administrator, was also in attendance.

In the Matter of
Minutes Approved:

Commissioner Wippel offered the motion, seconded by Commissioner Henson, to approve the minutes from September 19, 2017, with corrections.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

In the Matter of
Bills Approved for Payment:

Commissioner Wippel offered the motion, seconded by Commissioner Henson, to adopt the following Resolution:

BE IT RESOLVED, that the bills have been found to be properly filed and their respective vouchers shall be cross-referenced to the approving pages dated September 27, 2017, in the Commissioners' Voucher Journal, the date in which checks will be cut; then,

BE IT FURTHER RESOLVED, that the Board of Pickaway County Commissioners orders the Auditor of Pickaway County, Ohio, to draw her warrant on this entry in the amount of \$375,719.64 on the County Treasurer to satisfy the same.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

In the Matter of
Waivers Approved:

Commissioner Wippel offered the motion, seconded by Commissioner Henson, to waive the waiting period to issue payment to Shelly & Sands, Inc. in the amount of \$303,730 from line item #251.6230.5401; and payment in the amount of \$429,575 from line item #917.6230.5401 related to Love's Travel Stops Road Improvement Project.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

Commissioner Stewart offered the motion, seconded by Commissioner Henson, to waive the waiting period to issue payment to Berqshire, LLC, in the amount of \$8,000 related to professional grant consulting services in reference to the Love's Travel Stops Road Improvement Project.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

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Commissioner Henson offered the motion, seconded by Commissioner Stewart, to waive the waiting period to issue payment to Pickaway Progress Partnership for reimbursement of upfront costs related to the Environmental Review and other necessary expenses involved with the Love's Travel Stops Road Improvement Project.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

In the Matter of
Report Provided by Erica Tucker:

The following is a summary of the report provided by Erica Tucker, RPHF Solid Waste District Administrative Assistant/Recycling Outreach Coordinator, and Special Projects Assistant:

- The invitation for the Pickaway County Fairgrounds Revitalization Internal Campaign Kick-off and walk-through have been sent out.
- Tom Davis and Mrs. Tucker attended the Candidate Forum that was held the evening wherein Mr. Davis spoke about the Pickaway Parks & Trails fundraiser scheduled for Thursday, September 28th, beginning at 5:30 p.m. for the Pickaway Countywide Park District levy that will be on the November 2nd ballot. So far, approximately \$10,000 has been raised. Mrs. Tucker also mentioned a YouTube video that she, Tom Davis, and Mike Moore, the Park District's volunteer webpage coordinator, made that will be posted on the Pickaway Countywide Park District website.

In the Matter of
Report Provided by Dave Conrad:

Dave Conrad, EMA Director, reported that under the direction of the Ohio EMA Office that he will be completing a list of approved equipment purchases utilizing Homeland Security funds over the last several years.

In the Matter of
Kindra Nye Hired as Part-time Custodial Worker 1:

Mrs. Dengler and Jon Brown, Maintenance Supervisor, conducted interviews for two Custodial Worker I positions, one for the 12:00 p.m. - 4:00 p.m. shift, and one for the 4:00 p.m. - 8:00 p.m. shift. Mrs. Dengler reported that there were two very good candidates as a result of the interviews, one for each shift, and background checks have been requested for both. The applications were provided to the commissioners for their review.

Following the review and pending the results of the background checks, Commissioner Wippel offered the motion, seconded by Commissioner Henson, to hire Kindra Nye, 2333 Walnut Creek Pike, Circleville, Ohio 43113, for the part-time Custodial Worker I position, 12:00 p.m. – 4:00 p.m. shift, at the rate of \$11.25 per hour, effective September 27, 2017, pending the results of the background check.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

In the Matter of
Roger Hanna Hired as Part-time Custodial Worker 1:

Commissioner Wippel offered the motion, seconded by Commissioner Henson, to hire Roger Hanna, 120 Stihl Avenue, Circleville, Ohio 43113, for the part-time Custodial Worker 1 position, 4:00 p.m. – 8:00

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p.m. shift, at the rate of \$11.25 per hour, effective September 27, 2017, pending the results of the background check.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

In the Matter of
Independent Contractor Agreement Signed with David Duckworth
For Chief Building Official and Other Additional Services:

An Independent Contractor Agreement between the county and David Duckworth prepared by the Pickaway County Prosecutor was reviewed. Mr. Duckworth would serve as the Chief Building Official (CBO) in the Pickaway County Building Department on an “as needed” basis at the rate of \$75.00 per hour. He will provide additional services as related to consultation on design, development, or other issues that arise, and will be directed by the 2011 Ohio Building Code. The agreement shall be for the term of one year, commencing on September 31, 2017, or until terminated by either party giving a 30-day written notice.

Following the review, Commissioner Henson offered the motion, seconded by Commissioner Wippel, to enter into and sign the agreement.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

In the Matter of
Report Provided by April Dengler:

The following is a summary of the report provided by April Dengler, Deputy County Administrator:

- Kelly Dennis, Sanitarian for the Pickaway County General Health District, will be leaving his position, effective October 6th, for a position at the Ross County Health District, and Mrs. Dengler has been asked to conduct the exit interview on the Health Department’s request, to which she stated she was agreeable.
- It was reported that 74% of county employees participated in the \$300 incentive for completing the three healthcare initiative program.

In the Matter of
2018 Healthcare Insurance Employer Share/Employee Share:

In reference to the Franklin County Healthcare Consortium insurance premium rates for the single and family plans for county employees, it was reported that there is a 6% increase for 2018. Mr. Lutz and Mrs. Dengler reviewed the breakdown of the numbers related to the county’s share and employee share in reference to the increase, and it was recommended that 4.5% of the increase be paid by the county, and 1.5% be paid by employees.

Following the review, the commissioners agreed with the recommendation and Commissioner Wippel offered the motion, seconded by Commissioner Henson, to approve 4.5% of the increase be paid by the county, and 1.5% be paid by the employees for 2018.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

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In the Matter of
Memorandum of Understanding Renewed Regarding
Pickaway County General Health District Being a Private Point of Dispensing Site:

The commissioners reviewed the renewal of the Memorandum of Understanding (MOU) between Pickaway County and the Pickaway County General Health District (PCGHD) regarding the PCGHD being a Mass Prophylaxis Dispensing and Closed Point of Dispensing (POD) site at the Pickaway County Service Center if a catastrophic biological incident or other communicable threat of epidemic proportion would occur.

Following the review, Commissioner Henson offered the motion, seconded by Commissioner Wippel, to sign the renewal of the MOU.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

In the Matter of
First Amendment to Subsidy Grant Agreement to
Targeted Community Alternatives to Prison Signed:

At the request of Jason McGowan, Chief Probation Officer, the commissioners reviewed the First Amendment to the Subsidy Grant Agreement for Targeted Community Alternatives to Prison (TCAP) between the Ohio Department of Rehabilitation and Correction (ODRC) and Pickaway County. A word omission was found in the original agreement and it was determined by ODRC to be necessary to amend Section 1, Part B, to read: "The person previously has been convicted of or pleaded guilty to any *felony* offense of violence, as defined in section 2901.01 of the Ohio Revised Code." All other terms and conditions of the original agreement remain the same.

Following the review, Commissioner Wippel offered the motion, seconded by Commissioner Henson, to sign the First Amendment to the original TCAP grant.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

In the Matter of
Travel Authorization Signed for County Treasurer:

Commissioner Henson offered the motion, seconded by Commissioner Wippel, to approve and sign the Travel Authorization at the total probable cost of \$880 for Ellery Elick, County Treasurer, to attend the Ohio County Treasurers Association's conference that will be held November 13th – 16th, at the Marriott NW, in Columbus.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

In the Matter of
Miscellaneous Discussions:

- Mr. Lutz reported that as part of the Pickaway County Courthouse Security Committee requests, Sheriff Radcliff has chosen a free-standing, six compartment gun case to be purchased by the county and installed next to the departmental mailboxes in the courthouse lobby.

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- Commissioner Stewart said that he was again contacted regarding the county’s interest in the opiate class-action lawsuit filed against Cardinal Health, and he informed the caller that at this point, Pickaway County is not interested in participating.
- A brief discussion was held related to the \$50 million state providing counties and transit authorities across the state based on a formula to fill in the gaps of the foregone Managed Care Organizations (MCO) sales tax. An additional \$30 million may be distributed at some point in the future. Counties and transit authorities are required to create Medicaid Sales Tax Transition Fund for the receipt of the transitional aid.

In the Matter of
Bid Opening Conducted for PIC-CR7GR-FY2018:

The bid opening for the project referred to as “PIC-CR7GR-FY2018” was conducted for the removal, replacement, and installation of 1.9 miles of guardrail along Walnut Creek Pike. Chris Mullins, County Engineer, and Anthony Neff, Deputy County Engineer, were in attendance.

County Engineer project estimate: \$295,803.67

The following bids were received and read aloud:

PDK Construction Pomeroy, Ohio 45769	\$ 267,523.50
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Lake Erie Construction Co. Norwalk, Ohio 44857	\$ 252,825.00
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M. P. Dory Columbus, Ohio 43209	\$ 269,925.00
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The bids were turned over to Mr. Mullins and Mr. Neff for review and contract award recommendation.

In the Matter of
Review of 2016 Pickaway County Audit:

Mr. Lutz reviewed the documentation related to the county’s 2016 draft audit report from the Ohio Auditor of State (AOS) office with the commissioners. Following the review, Commissioner Stewart offered the motion, seconded by Commissioner Henson, to sign the audit letter and the letter waiving a post audit conference.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

In the Matter of
Designation of Depository of Public Funds
For the Next Four-Year Period:

Ellery Elick, County Treasurer, met with the commissioners following his review of the applications received from eligible banks throughout the community that were solicited to serve as the county’s Public Depository of active and inactive monies for the next four-year period of October 11, 2017, to October 10, 2021. The county treasurer maintains four separate accounts: General Fund, Auditor Warrants, Auditor Payroll, and Money Market Account (MMA). In August 2017, applications were sent to eight banks requesting information that included, but not limited to, covering merchant processing fees (MPF), being credit/debit card convenience fees, by a compensating balance or by direct monthly billing. Up to this point, the Pickaway County Treasurer’s Office, and more recently, the Pickaway County Building Department, and the Pickaway County Dog Shelter have been able to provide credit/debit card services to the public with no

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MPF. It was noted in Mr. Elick's letter to the banking institutions that the compensating balance would be the preferred method. The following four banks submitted proposals: The Savings Bank, Pickaway County Banking Center (a member of the Vinton County National Bank family), Kingston Bank, and WesBanco. Mr. Elick noted that the PNC Bank sent a letter acknowledging it would be interested in providing the county other banking services, but did not submit public depository proposal.

Mr. Elick summarized and reviewed each proposal received with the commissioners, the first being from The Savings Bank, which offered a zero-fee schedule on all services with the exception of MPF. It was noted that during the last four years, The Saving Bank (the current designated public depository) absorbed all MPF and Mr. Elick stated that just for the month of August, The Savings Bank absorbed approximately \$112,000 in MPF. Last year, The Savings Bank absorbed \$106,000 in MPF, and this did not include the Dog Shelter and the Building Department. Mr. Elick stated that The Savings Bank is now proposing no MPF up to \$100,000 for four years with a \$250,000 compensating balance in a 4-year certificate of deposit at 0% to help offset the MPF. The Savings Bank noted in its proposal that it would continue with no charge for NSF checks, no charge for checks and deposit books for the county's three checking accounts, and the county's MMA would earn .47%.

With the increased volume of credit/debit card transactions, Mr. Elick stated that this would mean that approximately \$25,000 to \$30,000 per year in MPF would have to be absorbed by the county if it continued to offer no MPF. He stated that with the implementation of a \$5 flat-fee per transaction as of the end of last month, he estimated that the county would realize about \$20,000 in MPF income, and an approximate additional \$5,000 until the end of the year. Mr. Elick noted that in performing research, Pickaway County has been the only county that has not charged MPF either by a percentage of the transaction amount or a flat fee.

In reviewing the Pickaway County Banking Center's proposal, it was noted it would offer no monthly fees for the three public funds checking accounts and would pay .25% interest. The MMA account would earn .20%, no charge for checks and deposit books, no charge for NSF checks, but no form of free MPF was offered.

The Kingston National Bank's proposal was reviewed. Mr. Elick stated that the bank would pay .40% interest on a sweep deposit account and the county would not earn any interest for the first \$75,000. The MMA would have a limit of six transfers per month, which is considerably low for Mr. Elick's needs. Mr. Elick stated that this would make all checking transactions run through the sweep account. The payroll direct deposit account would require a separate ACH manager and cost \$25 per month, plus .10¢ per item. Stop payment fees would be \$30. The bank offered free courier service to its South Bloomfield office until the branch in Circleville is open. No form of free MPF was offered.

Regarding the WesBanco proposal, Mr. Elick stated that the General Fund checking account would require an average balance of \$950,000 and would pay 1.00% interest. This would incorporate the county's regular checking account and MMA into one account. The county would have separate checking accounts for payroll and warrants at no fee. Banking service fees would be waived, ACH (payroll direct deposit) EFT and manual transfers between accounts would strictly be done via Online Banking, which Mr. Elick noted he already does. Deposit tickets and checks would be provided at no cost. No form of MPF free service was offered.

Discussion was held regarding the implementation of MPF at some point, either based on a percentage of the purchase amount, or a flat fee of \$5 per transaction, to help offset the costs of the MPF, and after the discussion, it was Mr. Elick's recommendation to the board to approve The Savings Bank as the Public Depository for the next four-year period. The commissioners agreed to the recommendation and noted that the MPF matter can be revisited sometime in the future. Mr. Elick stated that in the meantime, he will poll other counties to inquire about the methods in which they charge MPF.

Therefore, Commissioner Wippel offered the motion, seconded by Henson, to accept the recommendation of Ellery Elick, Pickaway County Treasurer, in designating The Savings Bank of Circleville as the Public Depository of the active funds and custodian of the investments of the county for the next four-year period of October 11, 2017, thru October 10, 2021, and to adopt the following Resolution:

Resolution No.: PC-092617-1

RESOLUTION

**TUESDAY, SEPTEMBER 26, 2017
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**AUTHORIZING THE DESIGNATION OF ELIGIBLE FINANCIAL INSTITUTIONS FOR THE
DEPOSIT OF ACTIVE AND INTERIM FUNDS OF PICKAWAY COUNTY, OHIO**

WHEREAS, Section 135.33 of the Ohio Revised Code provides for the designation of public depositories for active monies every four years; and

WHEREAS, the County Treasurer has submitted an estimate of \$32 million as the aggregate of public monies that might be available for deposit as active monies at any one time during the next four-year period; then

THEREFORE BE IT RESOLVED, BY THE Board of County Commissioners of Pickaway County, State of Ohio, that:

SECTION 1. The Board of County Commissioners is authorized to designate, upon recommendation of the County Treasurer, one or more eligible institutions as public depositories for active monies.

SECTION 2. The County Treasurer hereby recommends the designation of The Savings Bank, Circleville, Ohio, as the depository of the active funds and custodian of the investment assets of Pickaway County.

SECTION 3. The Board of County Commissioners, hereby, accepts the recommendation of the County Treasurer and will execute a contract with The Savings Bank, Circleville, Ohio, as the depository for the active funds and the custodian of the investment assets of Pickaway County, which shall be for a term from October 11, 2017, to October 10, 2021.

Voting on the motion was as follows: Commissioner Wippel, yes; Commissioner Stewart, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

**In the Matter of
Resolutions Adopted Approving Amended Certificates:**

Commissioner Wippel offered the motion, seconded by Commissioner Henson, to adopt the following Resolution:

Resolution No.: PC-092617-2

WHEREAS, the Pickaway County Budget Commission granted and AMENDED CERTIFICATE in the amount of \$330,000 for Fund #251 CDBG-Love's Project; and an AMENDED CERTIFICATE in the amount of \$1,808,050 for Fund #917 Collaborative Projects-Love's; then,

THEREFORE BE IT RESOLVED, that the Pickaway County Board of Commissioners hereby appropriates the following sum for expenditure for period ending December 31, 2017:

Fund #251 – CDBG-Love's Project
330,000

Fund #917 – Collaborative Projects-Love's
1,808,050

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

Commissioner Wippel offered the motion, seconded by Commissioner Henson, to adopt the following Resolution:

Resolution No.: PC-092617-3

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WHEREAS, the Pickaway County Budget Commission granted and AMENDED CERTIFICATE in the amount of \$384,000 for Fund #260 – RE Assessment Fees; then,

THEREFORE BE IT RESOLVED, that the Pickaway County Board of Commissioners hereby appropriates the following sum for expenditure for period ending December 31, 2017:

Fund #260 – RE Assessments Fee
\$384,000

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

In the Matter of
Creation of New Line Items Approved:

Commissioner Wippel offered the motion, seconded by Commissioner Henson, to approve the following requests for the CREATION OF A NEW LINE ITEM:

101.1218.5474 – Juvenile-M.I. Court Cost
917.0000.4557 – State Share
917.0000.4938 – Love’s Local Roadway Contribution
917.6230.5401 – Love’s Travel Stop-Contract Services
917.6230.5901 – Love’s Travel Stop-Other Expenses

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

In the Matter of
Appropriations Approved:

Commissioner Wippel offered the motion, seconded by Commissioner Henson, to approve the following requests for the APPROPRIATION OF FUNDS:

300,000 to 260.1150.5401 – Contract Services
1,390.80 to 201.3007.5401
1,500 to 101.1105.5703 – Contingencies
320,000 to 251.6230.5401 – CDBG Love’s Travel Stops-Contract Services
1,021,874.28 to 917.6230.5401 – Love’s Travel Stop-Contract Services

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

In the Matter of
Transfers Approved:

Commissioner Wippel offered the motion, seconded by Commissioner Henson, to approve the following requests for the TRANSFER and RE-APPROPRIATION OF FUNDS:

1,500 from 101.1105.5703 – Contingencies
To
101.1218.5474 – Juvenile-M.I. Court Cost

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**1,000 from 251.6230.5521 – CDBG Administration-Love’s Travel Stop
To
251.6230.5401 – CDBG Contract Services-Love’s Travel Stop**

**15,000 from 201.3007.5506 – Engineer-Contract Projects
To
201.3007.5401-Engineer-Contract Service**

**112 from 501.6915.5202 – Engineer-Medicare
To
501.6915.5901 – Engineer-Other Expense**

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

**In the Matter of
Agreement for Use of County Property Approved:**

The commissioners reviewed an Agreement for Use of Courthouse Property submitted by Haven House for use the courthouse steps on Monday, October 2nd, for a brief ceremony following a Silent Victim’s March mourning those lost to domestic violence and celebrating survivors of domestic violence.

Commissioner Stewart offered the motion, seconded by Commissioner Wippel, to approve and sign the agreement.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

**In the Matter of
Meeting with Mike Schmidt of Cramer & Associates
Regarding Pickaway County Fairgrounds Capital Campaign:**

Mike Schmidt, of Cramer & Associates, met with the commissioners to discuss planning for the internal campaign kick-off scheduled for October 5, 2017, from 4:30 p.m. 6:00 p.m. in the coliseum at the Pickaway County Fairgrounds related to the Pickaway County Fairgrounds Revitalization Project.

**In the Matter of
Community Foundations, Inc.
Letter of Transmittal Signed:**

Commissioner Stewart offered the motion, seconded by Commissioner Henson, to sign the Letter of Transmittal from Community Foundations, Inc. in reference to the \$10,000 check from Pickaway County to create the Pickaway County Fairgrounds Revitalization Project Fund with the Pickaway County Community Foundation.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

**In the Matter of
Final Hearing Conducted for the
North Court Street Drainage Improvement Project:**

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The commissioners attended the Final Hearing for the proposed North Court Street Drainage Improvement project, a county-petitioned drainage improvement, held in the Pickaway County Common Pleas Courtroom, at 1:00 p.m., which was heard before an Arbitration Committee formed by Pickaway County Common Pleas Court Judge, P. Randall Knece. The petition was filed in the Pickaway County Clerk of Courts office on September 22, 2015.

In the Matter of
Final Hearing Conducted and Decision to
Not Move Forward with the Proposed Howard Drainage Improvement Project
Due to Cost/Benefit Analysis:

The Final Hearing for the proposed Howard Ditch Drainage Improvement Project was heard before the Pickaway County Commissioners at 2:00 p.m., in the Pickaway County Common Pleas Courtroom that was attended by Chris Mullins, Pickaway County Engineer, and Judy Wolford, Pickaway County Prosecutor. The proposed improvement is located in Wayne and Jackson Townships. An attendance sheet signed by interested landowners present for the hearing is on file in the commissioners' office.

Commissioner Stewart began the hearing with introductions of Commissioners Wippel and Henson, Mr. Mullins, and Mrs. Wolford, and welcomed everyone in attendance. He provided a brief summary of the hearing process and explained that after Mr. Mullins reviews the proposed drainage improvement, cost/benefit analysis, and provides his recommendation to the board commissioners, anyone who wished to provide their testimony could do so after approaching the podium and being sworn in under oath, and identify themselves before speaking. Commissioner Stewart then turned the hearing over to Mr. Mullins after he was sworn in.

Mr. Mullins thanked Commissioner Stewart and explained that he will be providing a summary of his final report followed by his recommendation related to the proposed drainage improvement, and at that point the commissioners will hear any testimonies from landowners. He explained the basic premise of the Ohio drainage law ORC §6131, and said this means that downstream landowners have to accept water from parcels upstream; however, those landowners in the upper watershed that are receiving benefit must help with any damage or improvements that need to be made for the water to flow through the watershed. Mr. Mullins stated that the petition was filed in the county commissioners' office on December 30, 2014, by Rick [Richard M.] Howard, Ronald Bates, Norm Dresbach, on behalf of the Trinity Lutheran Church, and Matthew; the field viewing was held on March 3, 2015; and the First Hearing was conducted on March 17, 2015, in the Pickaway County Common Pleas Courtroom. Mr. Mullins stated that for all those that were present for the First Hearing, it was initially realized that there were challenges related to the watershed, and not all soils in the watershed needed to be drained. The watershed is over 2,300 acres in size and Mr. Mullins pointed out parcels (using a color coded topographical map display) in the upper portion of the watershed that need drainage; however, they do have an outlet to a ditch that flows down along St. Rt. 56, out-letting onto the Bates property. In referring to the topographical map, Mr. Mullins pointed out the locations of St. Rt. 104, U.S. Rt. 22, and St. Rt. 56 [encompassing the proposed project location]. It was explained that the petition was to go from the Bowling and Yaple property line in a northwest direction, crossing U.S. Rt. 22, crossing St. Rt. 104, continuing north westerly almost to St. Rt. 56, and terminating on the Bates property. Mr. Mullins noted that he wanted everyone to understand that at the First Hearing, there is no project at that point, and mentioned a Memorandum of Understanding between the county commissioners, county engineer, and the Pickaway County Soil & Water Conservation District (SWCD) office. The SWCD performs some basic background for the first hearing, and it is a generalized watershed in what it would cost to go from "Point A to Point B." He said it was assumed to start at the Bowling and Yaple line, continuing northwest with an open ditch, under U.S. Rt. 22, to St. Rt. 104. Mr. Mullins stated from that point, it was realized there was a wetland on the Detillion and Gifford property that could not be drained by state law, and it was proposed moving to an 18" tile up to and terminating in the Bates property. He said that the cost estimate was based on those two factors, and the generalized watershed and what it would cost in getting water from Point A to Point B. Mr. Mullins stated at that time, the estimate was over \$700,000, and he explained that how a decision is made on a ditch petition is on a cost/benefit analysis. He said at that level they cannot do a cost/benefit analysis because they do not know the soil types, what needs to be drained, and they did not know if an open ditch would work at that point; however, he stated that the commissioners asked him to investigate the proposed project further. He said he believes at that level, a ditch petition deserves at least an investigation to see if there is a solution, and if a cost/benefit analysis makes sense. At that point, he, the SWCD, and Anthony Neff, Chief Deputy County Engineer, performed several surveys in the field, started the preliminary design, and talked about some of the challenges again.

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He then referred to the topographical map display for those in attendance and pointed out the soils that needed to be drained and the soils that did not need to be drained to improve crop production. Mr. Mullins stated that they met with soil scientists from NRCS (Natural Resources Conservation Service) in the field and performed eight test holes. What those test holes revealed was a heavy layer of top soil and clay, undermined by sand and gravel and a lot of water, essentially being unconsolidated glacial outwash, and Mr. Mullins said this is not good soil to put an open ditch, (which is cheaper than installing tile), and with the velocity of the water and other factors, an open ditch would continue to erode and be unstable. Other options were then explored by Mr. Mullins and SWCD, and the first option was to start at the Bowling and Yaple property line and continuing northwest under U.S. Rt. 22 to St. Rt. 104 with a grass waterway with a 6" tile, and replace an old existing 20" tile that runs the watershed areas of the tile in several locations has failed; however, it does convey some water that could be seen flowing in other locations. The replacement of the existing tile and installation of a 24" smooth-wall plastic tile was considered that would essentially replace the open ditch, and then take an 18" tile further northwest at St. Rt. 104 as originally planned. It was reported that this option had a cost estimate of \$527,000, and would drain an additional 207 acres. Mr. Mullins stated that again, they are limited as to what needs drained. He explained the cost/benefit analysis process in relationship to increased crop production yield, using the grain price point for a 10-year average for corn and soybeans and other factors, which calculated to a 20-year payoff, which Mr. Mullins stated is not a good cost/benefit analysis. The second option considered that Mr. Mullins said is essentially the same as previously described with a grass waterway and 6" tile from the Bowling and Yaple line, north to the Thomas and Howard property line with a 24" tile continuing to St. Rt. 104, but deleting the 18" tile going northwest of St. Rt. 104. Mr. Mullins stated that the estimated cost for this option was a little over \$400,000, and drain less soils to 160 acres. With the same cost/benefit analysis previously used, Mr. Mullins stated that there is still a 20-year payoff. The third option was discussed which Mr. Mullins stated was the area of the Bowling and Yaple line to the Howard and Thomas line and installing a grass waterway with a 6" tile and replace the 20" tile with a 24" tile and stopping at that location, and the project cost would be \$339,000, with a nearly 17-year payoff. Though Mr. Mullins said that the third option was the best and last option, he again spoke of the real benefit and legal benefit, and the formula that is used to taking into consideration factors involved to determine assessments and he provided the definition for each, that included: reach factor, volume of runoff factor, location/elevation factor, potential increase in productivity (set up for agricultural parcels and improved crop production, and residential parcels have a factor of 1), and flood protection/property enhancement factor. It was pointed out that the benefitted acreage that flows into the watershed is the only acreage that is entered into the assessment formula. He spoke of the reach factor and that the further down from the drainage improvement the smaller the reach factor will be. He also spoke of acres that could flow into a separate watershed. The volume run-off factor is based on the use of the land and its soil type. Different soil types have different soil-holding capabilities, as some allow water to percolate through, while others are heavier, or clay type soil, and there is more runoff or ponding. The land use is also taken into consideration whether it be agriculture, tilled, pasture, wooded, wetland, or residential and there is a different runoff factor for each. For the productivity factor, there are different types of soil that provide different levels of production on agriculture land and how well those the soils drain, whether it be by soil type or systematically, that is taken into consideration in the formula. The flood protection factor is relative to a residential household or agricultural areas adjacent to the improvement.

After providing more detail of the various factors, Mr. Mullins then read aloud portions of the *Report of the County Engineer* filed with the county commissioners' office on July 25, 2017, that reflected the following: Project cost: \$277,925.00; 10% Contingencies: \$27,792.50; 6% Engineering/Administration: \$18,343.05; 5% first year maintenance: \$15,285.88, for a total project cost of \$339,346.43. Mr. Mullins stated that of the three options, he recommended option #3 as the best option; however, due to the cost/benefit analysis, and the challenges associated with the project it was his recommendation to the commissioners to not move forward with the project.

Commissioner Stewart then provided the opportunity for landowners to approach the podium and provide a testimony after being sworn in and identifying themselves. The first to speak was Edith Cathell who lives on Mclean Mill Rd. first stated that they had not been notified of the first hearing. Secondly, she stated that the properties on Mclean Mill Rd. were purchased from Mr. Bates through Quorum Reality. She and her husband are life-long residents of the area and are familiar with the farmland around them it and were aware that there were some water issues. She essentially stated that 21 years ago they built their home on the cornfield they purchased from Mr. Bates and they had experienced drainage problems where water would stand even after they installed a curtain drain that they paid for own their own. She stated that residents on Mclean Mill Rd. are still fighting water issues on the road. Mrs. Cathell stated that if they have to pay to help Mr. Bates' water problems, she questioned if he was going to help pay for everyone's water problems on Mclean Mill Rd., and went on to state that if he has broken tile on his property, he needs to take

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care of his own maintenance. In explaining to Mrs. Cathell why she did not receive a notice for the first hearing, he said that when ditch petitions are initially filed, there are no studies done at that point. The SWCD office does a 30,000 ft. look at watersheds and often the boundary properties are inadvertently left out. When direction is given by the commissioners to move forward with investigating a ditch petition at first hearings, a more in-depth study is done on the watershed boundaries. She questioned why not all of the residents on Mclean Mill Rd. received notices about the hearing, Mr. Mullins stated that if there properties are outside of that boundary, their water goes upstream. Mrs. Cathell asked the commissioners to not approve the project.

The next landowner to speak was John Thomas, Trustee, of Thomas Farms. Mr. Thomas said that Mr. Mullins mentioned he grew up on the farm for 19 years and essentially expressed his concerns about the soil of the land from the Bowling property to the Howard property to U.S. Rt. 22 and said most of it sand and gravel with springs below and anything that would be put in those spots would sink. If the project was approved to move forward, and the ditch failed after two or so, it would flood his property. Mr. Thomas said that he is against the project if it could not be guaranteed it would work.

Brad Gifford then approached the podium and stated that it was his opinion that there would be no financial gain to him if the project moved forward and the farmers that rent his farmland feel the same way. Without a rent increase the almost \$22,000, Mr. Gifford said that he would be charged in assessments that would be a financial burden on top of the CAUV property tax and Circleville School levy he already has to pay. The only land on the farm that would benefit from the improved drainage was allowed to revert back to wetlands years ago, and he has no interest in draining the wetlands even if it were legal, and he asked the county commissioners to vote against implementing the drainage project and spare him the financial hardship it would cause.

The next landowner to speak was Melissa Schein Barnhart who stated she represents two of the farms that are included in the project and that she wanted to share in Mr. Mullins' recommendation to not move forward. She went on to essentially state that the farms are not directly in the construction part of the project, but the entire farms are included in watershed, and they would not be able to recoup the \$21,000 in assessments with increased crop productivity, and could possibly cause excess drainage in their property that already has high level of gravel and could cause a negative impact on their crop production and profit model.

Glenn Yaple, Trustee for Glenn Russell Yaple, was the last landowner to speak and agreed with previous landowners who stated the project would either flood or dry out their land. He said that he would like to state that he does not believe the project would work.

After no other landowners approached to the podium to speak after Commissioner Stewart inquired and asked if there were any questions from anyone, including Mr. Mullins or his fellow board of commissioner, there were none. He went on to explain that unlike the prior hearing that was just held for the North Court Drainage project, the board of commissioners, but law, cannot go into recess to deliberate. He went on to state that when ditch petitions are filed with the board of commissioners, they are not experts in this area and rely on the county engineer and SWCD to do the work and come up with the most feasible option. He said that a lot of time has been spent on this project and the county engineer and SWCD have literally worked on it for two years. With that being said, Commissioner Stewart stated that the cost/benefit analysis is used to determine if a project makes sense. He stated that it is not a decision that the board of commissioners takes lightly, as the petition was brought by landowners in the agricultural community that feel the project is necessary, and in hearing the testimonies, there are neighbors who believe it is not. After Commissioner Stewart said that with all things being considered, he offered the motion to concur with Mr. Mullins in his recommendation to not move forward with the petition based on the cost/benefit analysis. The motion was seconded by Commissioner Wippel.

Voting was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

The hearing concluded, and Commissioner Stewart thanked everyone for their attendance.

In the Matter of
Weekly Dog Warden Report:

**TUESDAY, SEPTEMBER 26, 2017
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The weekly Dog Warden report for the Wright Poling/Pickaway County Dog Shelter was filed for week ending September 23, 2017.

A total of \$335 was reported being collected as follows: \$120 in adoptions; \$90 in dog licenses; \$45 in dog license penalties; \$80 in owner turn-ins.

Five (5) dogs were processed in; three (3) dogs were adopted.

With there being no further business brought before the Board, Commissioner Wippel offered the motion, seconded by Commissioner Henson, to adjourn. Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes. Commissioner Henson, yes. Voting No: None. Motion carried.

Brian S. Stewart, President

Jay H. Wippel, Vice President

Harold R. Henson, Commissioner
BOARD OF COUNTY COMMISSIONERS
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Attest: Patricia Webb, Clerk