

REGULAR MEETING #06-39
FAIRFIELD COUNTY COMMISSIONERS' OFFICE
SEPTEMBER 19, 2006

MEETING WITH DAVE BOGEAR

The Board of Commissioners met with Lancaster City Parks Director Dave Bogear at 9:30 a.m. regarding issuance of a building permit by the county building department. Present at this meeting were Mike Kiger, Jon Myers, Dave Bogear, Don Sherman and Jackie Long. Commissioner Shupe was attending a Community Coalition meeting. Mr. Bogear stated that he feels public entities should work together for the public good and that it does not make sense for the county's commercial building department to charge the city parks a permit fee. He suggested that, while any out-of-pocket costs incurred by the county should be reimbursed, that should be the only cost for the parks department. He added that the structure in question, an open shelter house on the grounds of Olivedale Senior Center, was built from pre-set architectural plans and is really no different than a playground structure. Commissioner Myers noted that the shelter house has electricity, which necessitates additional inspections. He added that the city charges permit fees to the county. Mr. Bogear responded that he feels this is improper and noted that the city parks don't charge non-city residents for using city parks. He added that his department could easily come up with the \$880 permit fee by charging non-city residents for use of city parks, such as county soccer teams. Commissioner Myers pointed out that the soccer fields are county property which the city uses free of charge. He asked Mr. Sherman what sort of arrangements the county has with other public entities. Mr. Sherman responded that the county pays other entities' fees and other entities pay county fees; no special considerations are given. In response to Commissioner Myers' question regarding fees incurred by the county for the shelter house project, Mr. Sherman stated that there is a charge of \$150 from Mr. Asebrook for plan review and there will be about a \$150 inspection fee. Mr. Bogear questioned the logic of a plan review, since the plans for the structure were already stamped by a licensed engineer. Mr. Sherman explained that the plan review was necessary to ensure compliance with Ohio Building Codes and that the city would have had to pay similar, if not higher, fees to the state if the county had not created the commercial building department. Mr. Bogear stated that this "shell game" of public money is ludicrous and that the structure is a pre-designed, pre-engineered shelter house, not a major construction project. Commissioner Myers noted that the county pays approximately \$26,000 annually in stormwater fees to the city and is not given a reduction. Mr. Bogear agreed this "rain tax" is wrong. He stated that the city and county should not charge each other and that \$880 from the parks budget means two less picnic tables that can be purchased for public use. Utilities Director Don Rector joined the meeting at 9:50 a.m. Commissioner Kiger clarified that the permit fees are \$800.80, not \$880, and suggested that, if the county were to offer a reduction to the city parks, what would stop other governmental entities from asking for the same concessions. Mr. Bogear stated that he would expect elected officials to offer concessions to local governments. He added that he can find a way to make up the \$800, but the Commissioners will wish he hadn't. The county should only charge enough to cover out-of-pocket costs. This issue should be cut and dried, Mr. Bogear stated, and urged the Commissioners not to use the city's fees against other entities. Commissioner Shupe joined the meeting at 9:55 a.m. and Mr. Bogear recapped his points. He added that none of the city's open shelter houses have had to go through a permit process and that this project was built with Olivedale funds. The Commissioners agreed to give further consideration to Mr. Bogear's request.

REGULAR MEETING

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, September 19 2006, at 10:00 a.m. with the following members present: Judith K. Shupe, Mike Kiger and Jon D. Myers. Also present were Julia Hilty, Joy Davis, Lynette Leach, Ann Darling Cyphert, Mary Beth Lane and Jackie Long.

PUBLIC COMMENT

Ms. Cyphert asked the Commissioners if they intend to approach the State Auditor's Office regarding comments made at last week's Board of Elections vs Board of Commissioners trial regarding inappropriate expenditures related to personnel. Commissioner Shupe stated that the Commissioners would wait to hear the judge's decision and confer with legal counsel.

APPROVAL OF MINUTES FOR TUESDAY, SEPTEMBER 12, 2006

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the minutes as presented for Tuesday, September 12, 2006.

Roll call vote on the motion resulted as follows:

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

APPROVAL OF CHANGE ORDER - RUS-08 JERUSALEM ROAD OVER RUSH CREEK BRIDGE REPLACEMENT PROJECT - FAIRFIELD COUNTY ENGINEER

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve a Change Order for the RUS-08 Bridge Replacement project on Jerusalem Road over Rush Creek as recommended by the Fairfield County Engineer (See Resolution 06-09.19.a)

Roll call vote on the motion resulted as follows:

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

APPROVAL OF CHANGE ORDER - PLEASANTVILLE ROAD NW PROFILE IMPROVEMENT PROJECT - FAIRFIELD COUNTY ENGINEER

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve a Change Order for the Pleasantville Road NW Profile Improvement Project as recommended by the Fairfield County Engineer (See Resolution 06-09.19.b)

Roll call vote on the motion resulted as follows:

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

APPROVAL OF CONDITIONAL ACCEPTANCE - VALLEY VIEW FARMS SECTION 1 - FAIRFIELD COUNTY REGIONAL PLANNING

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve conditional acceptance of the Valley View Farms Section I Subdivision as recommended by Fairfield County Regional Planning Commission (See Resolution 06-09.19.c attached)

Roll call vote on the motion resulted as follows:

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

APPROVAL OF CONDITIONAL ACCEPTANCE - VALLEY VIEW FARMS SECTION 2 - FAIRFIELD COUNTY REGIONAL PLANNING

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve conditional acceptance of the Valley View Farms Section 2 Subdivision as recommended by Fairfield County Regional Planning Commission (Resolution 06-09.19.d attached)

Roll call vote on the motion resulted as follows:

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

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APPROVAL OF ACCEPTANCE OF VOCA (VICTIMS OF CRIME ACT) AND SVAA (STATE VICTIMS ASSISTANCE ACT) GRANT - FAIRFIELD COUNTY

PROSECUTOR'S OFFICE

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to accept VOCA and SVAA grants on behalf of the Fairfield County Prosecutor's Office (Resolution 06-09.19.e attached)

Roll call vote on the motion resulted as follows:

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

APPROVAL OF DISPOSAL OF VEHICLE - DONATION TO PERRY COUNTY SHERIFF - FAIRFIELD COUNTY SHERIFF

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to authorize the donation of a sheriff's cruiser to the Perry County Sheriff as requested by the Fairfield County Sheriff (See Resolution 06-09.19.f attached)

Roll call vote on the motion resulted as follows:

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

APPROVAL OF APPROPRIATION FROM UNAPPROPRIATED FUNDS - FAIRFIELD COUNTY ENGINEER

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve an appropriation from unappropriated funds for the Fairfield County Engineer (See Resolution 06-09.19.g attached)

Roll call vote on the motion resulted as follows:

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

APPROVAL OF APPROPRIATION FROM UNAPPROPRIATED FUNDS - FAIRFIELD COUNTY ENGINEER

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve an appropriation from unappropriated funds for the Fairfield County Engineer (See Resolution 06-09.19.h attached)

Roll call vote on the motion resulted as follows:

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

APPROVAL OF APPROPRIATION FROM UNAPPROPRIATED FUNDS - FAIRFIELD COUNTY ENGINEER

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve an appropriation from unappropriated funds for the Fairfield County Engineer (See Resolution 06-09.19.i attached)

Roll call vote on the motion resulted as follows:

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

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APPROVAL OF ACCOUNT TO ACCOUNT TRANSFERS - FAIRFIELD COUNTY COMMISSIONERS/MAINTENANCE

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve an account to account transfer for the Fairfield County Commissioners/Maintenance (See Resolution 06-09.19.j attached)

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

APPROVAL OF FUND TO FUND TRANSFER - GENERAL FUND MANDATED SHARE OF COSTS - FAIRFIELD COUNTY JOB AND FAMILY SERVICES/HUMAN SERVICES

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve a fund to fund transfer for the General Fund mandated share of costs to Fairfield County Job and Family Services Human Services Division (See Resolution 06-09.19.k attached)

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

APPROVAL OF FUND TO FUND TRANSFER - GENERAL FUND MANDATED SHARE OF COSTS - FAIRFIELD COUNTY JOB AND FAMILY SERVICES/CHILDREN'S SERVICES

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve a fund to fund transfer for the General Fund mandated share of costs to Fairfield County Job and Family Services Children's Services Division (See Resolution 06-09.19.l attached)

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

APPROVAL OF ACCOUNT TO ACCOUNT TRANSFER - FAIRFIELD COUNTY FAMILY, ADULT & CHILDREN FIRST COUNCIL

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve an account to account transfer for the Fairfield County Family, Adult & Children First Council (See Resolution 06-09.19.m attached)

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

APPROVAL OF UPDATED REVENUE LINE ITEM AND APPROPRIATION FROM UNAPPROPRIATED FUNDS - FAMILY, ADULT & CHILDREN FIRST COUNCIL

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve an updated revenue line items and appropriation from unappropriated funds for Family, Adult & Children First Council (See Resolution 06-09.19.n attached)

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

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APPROVAL OF ACCOUNT TO ACCOUNT TRANSFER - FAIRFIELD COUNTY AIRPORT

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve an account to account transfer for the Fairfield County Airport (See Resolution 06-09.19.o attached)

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

APPROVAL OF APPROPRIATION FROM UNAPPROPRIATED FUNDS - FAIRFIELD COUNTY ADAMH BOARD

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve an appropriation from unappropriated funds for the Fairfield County ADAMH Board (See Resolution 06-09.19.p attached)

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

APPROVAL OF AUTHORIZATION FOR PAYMENT OF BILLS FOR SEPTEMBER 19, 2006

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve authorization for payment of bills as presented for September 19, 2006 (See Resolution 06-09.19.q attached)

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

APPROVAL OF COUNTY EMERGENCY OPERATIONS PLAN (EOP) PROMULGATION DOCUMENT

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the Fairfield County Emergency Operation Plan (EOP) Promulgation Document as submitted by Fairfield County EMA (See Resolution 06-09.19.r attached)

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

APPROVAL OF ACCOUNT TO ACCOUNT TRANSFER - FAIRFIELD COUNTY JOB AND FAMILY SERVICES/PUBLIC ASSISTANCE

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve an account to account transfer for Fairfield County Job and Family Services Public Assistance (See Resolution 06-09.19.s attached)

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

REVIEW SESSION

The Board of Commissioners met at 10:15 a.m. to review correspondence and pending and future agenda items. Present at this review session were Judith Shupe, Mike Kiger, Jon Myers, Julia Hilty, Joy Davis, Ann Darling Cyphert, Mary Beth Lane, Jon Slater and Jackie Long.

Mr. Slater asked the Board how they would be proceeding with the process to replace the Economic Development Director. The Commissioners stated they would be reviewing the job description and proceeding with posting the position soon.

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Commissioner Shupe asked Mr. Slater about the Budget Commission's proposed cuts to the Historical Parks District and the suggestion that was reportedly made that the parks be turned over to Columbus Metro Parks. Mr. Slater responded that the Historical Parks budget may be impacted by expected cuts to the Local Government Fund but that the Budget Commission is very supportive of the historical parks and would not advocate turning them over.

MEETING WITH MIKE MILLER

The Board of Commissioners met with Fairfield County Dog Warden Mike Miller at 10:45 a.m. regarding impound fees at the Dog Shelter. Present at this meeting were Judith Shupe, Mike Kiger, Jon Myers, Mike Miller, Nina Morgan, Ann Darling Cyphert, Mary Beth Lane and Jackie Long. Mr. Miller updated the Board on the results of a fee study he conducted pursuant to an authorizing resolution approved by the Board in April (Resolution 06-04.04.p). Proposed changes include increasing the adoption fee from \$25 to \$38 and the first-day redemption fee from \$11 to \$25 for the first offense, with increases to \$50 and \$75 for second and third offenses, respectively. The shelter does currently track offenses, Mr. Miller noted, and frequently has repeat offenders. Commissioner Myers asked if the repeats would be considered only during a certain time frame. Mr. Miller suggested that they could be accumulated on an annual basis. Other suggested fee modifications would include increasing the cremation fee from a flat rate of \$20 to a scaled fee of \$30 for small dogs of 30 pounds or less, \$50 for medium dogs of 31 - 50 pounds, \$60 for large dogs of 51 - 100 pounds and \$75 for x-large dogs over 100 pounds. He added that it costs the shelter \$130 to cremate 400 pounds. The study conducted by shelter staff included an analysis of actual county costs and comparisons with similar and adjacent counties. Commissioner Myers asked what the budgetary impact of the fee increases would be. Mr. Miller responded they would increase the shelter's revenues by an estimated \$15,000. He noted that the proposed increases are to fees charged to irresponsible dog owners rather than to license fees. The additional revenues would likely be used to purchase new equipment, he added. Commissioner Kiger suggested that the \$5,000 in gas allocated by the City of Lancaster may need to be revisited based on the percentage of calls in the city. Ms. Morgan noted that the calls to Lancaster addresses don't necessarily indicate the house is in the city limits, but agreed to provide a report pulling out the actual city calls. The Commissioners agreed to consider the suggestions and set a public hearing if they feel it is necessary to proceed with consideration of fee increases.

EXECUTIVE SESSION - PERSONNEL

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to go into executive session at 11:10 a.m. regarding personnel.

Roll call vote on the motion resulted as follows:

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

Present at this executive session were Judith Shupe, Mike Kiger, Jon Myers, Julia Hilty, Mike Miller, Nina Morgan, Aundrea Cordle and Jackie Long.

RETURN TO OPEN SESSION

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to return to open session at 11:30 a.m.

Roll call vote on the motion resulted as follows:

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

No official action was taken.

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EXECUTIVE SESSION - PERSONNEL

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to go into executive session at 11:30 a.m. regarding personnel.

Roll call vote on the motion resulted as follows:

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

Present at this executive session were Judith Shupe, Mike Kiger, Jon Myers, Aundrea Cordle and Jackie Long.

RETURN TO OPEN SESSION

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to return to open session at 11:45 a.m.

Roll call vote on the motion resulted as follows:

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

No official action was taken.

BREMEN CHAMBER LUNCHEON

The Board of Commissioners attended a monthly luncheon of the Bremen Chamber of Commerce at 12:00 p.m.

MEETING WITH CAROL PHILIPPS

The Board of Commissioners met with CFLP Solid Waste District Coordinator Carol Philipps at 1:30 p.m. regarding 2007 grant applications. Present at this meeting were Judith Shupe, Mike Kiger, Jon Myers, Carol Philipps and Jackie Long. Ms. Philipps reviewed with the Board the district counties' grant applications for Sheriff, Health Department and Litter Prevention funds. New Ohio Revised Code requirements will need to be discussed and voted upon by the Board of Directors at the next meeting. The Board must decide whether to require financial review for contractors with whom contracts between \$100,000 and \$300,000 are approved or to require them only on a case-by-case basis. The Board must also vote on whether or not to allow indirect costs to be paid from district funds. Currently, only direct costs are permitted and allowing indirect costs would increase the contract amounts district wide. She noted that Lancaster-Fairfield Community Action has included indirect costs in its application. She also noted that the agency receives approximately \$100,000 annually from materials it collects through its recycling contract with the county.

MEETING WITH BROOKS DAVIS & BRAD TOLBERT

The Board of Commissioners met with Regional Planning Director Brooks Davis and Brad Tolbert of Soil & Water Conservation at 2:15 p.m. regarding a farmland preservation grant. Present at this meeting were Judith Shupe, Mike Kiger, Jon Myers, Brooks Davis, Brad Tolbert, Perry Orndorff and Jackie Long. Mr. Davis explained that Ohio State University offers a Farmland Protection Grant for which he would like to apply. Grant funds in the amount of \$10,000 would be used to provide training to the newly formed Fairfield Land Preservation Association (FLPA) and would require a 25% match of \$2,500 from the County Commissioners. The FLPA would eventually become the lead organization for farmland protection programs in Fairfield County and would be the land trust, an arrangement that is present in the only other counties that have been more successful than Fairfield County in leveraging Agricultural Easement Purchase Program dollars. The Commissioners agreed to support the program and Mr. Davis will prepare the resolution for the next Board meeting.

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PHONE CONFERENCE WITH MARC FISHEL

The Board of Commissioners had a telephone conference with Attorney Marc Fishel, the Board's legal counsel in the *Board of Elections vs Board of Commissioners* case. The Board discussed with Mr. Fishel the findings and final judgement released by the court this afternoon. Mr. Fishel estimated that the court cut around \$125,000 from the Board of Elections' additional appropriations request. The Commissioners indicated they were satisfied with the judge's decision, as they had expected some additional appropriations would be necessary, and that they were hopeful that some questionable personnel practices at the Board of Elections that were brought to light during the trial would be stopped. They agreed with the judge's suggestion that the parties try to resolve future issues without involving the court, as the Commissioners had attempted to initiate mediation on several occasions, but the Board of Elections was intent on taking the

matter to court.

ADJOURNMENT

With no further business to come before the Board, on motion of Jon Myers and second of Mike Kiger, the meeting was adjourned at 3:15 p.m.

Roll call vote on the motion resulted as follows:

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

Mike Kiger

Jon D. Myers

Judith K. Shupe

Jacqueline D. Long, Clerk

**NEXT REGULAR MEETING SCHEDULED FOR TUESDAY, SEPTEMBER 26, 2006,
AT 10:00 A.M.**