

Regular Meeting #10-12
Fairfield County Commissioners' Office
March 16, 2010

9:30 a.m. Meeting with Aundrea Cordle

The Board of Commissioner met with Human Resources Director Aundrea Cordle to discuss potential litigation and insurance claims. Commissioners present were Jon Myers, Judith Shupe and Mike Kiger. Also present was Scott Zody.

Executive Session

On the motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to enter into Executive Session at 9:35 a.m. for the purpose of discussing potential litigation. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were Aundrea Cordle and Scott Zody.

Roll call vote of the motion resulted as follows:

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

On the motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to adjourn from Executive Session at 9:43 a.m.

Roll call vote of the motion resulted as follows:

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

No formal actions were taken

Executive Session

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to enter into Executive Session at 9:44 a.m. for the purpose of discussing insurance claims and potential litigation. Commissioners present were Jon Myers, Judith Shupe and Mike Kiger. Also present were Aundrea Cordle and Scott Zody.

Roll call vote of the motion resulted as follows:

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

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to adjourn from Executive Session at 9:52 a.m.

Roll call vote of the motion resulted as follows:

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

No formal actions were taken.

Ms. Cordle stated that she wanted to provide a brief overview on a resolution to change the methodology by which the Commissioners determine workers' compensation premium rates for county agencies. Ms. Cordle stated the resolution formalizes the county changing from a payroll based system to a claims experience based system, and the Engineer's Office would be the most negatively impacted.

Commissioner Myers asked how much that impact would entail, and Ms. Cordle estimated it could be as high as \$160,000 per year. Commissioner Kiger stated that would be a significant impact on the Engineer, and asked if the would be paid for out of the Motor Vehicle Fund or the Engineer's General Fund administrative costs. Ms. Cordle stated she was not sure what fund would cover that, but that Jeff Carnechis from the Engineer's Office had contacted her stating concerns and claiming he was not aware of the change. Mr. Zody stated that he clearly recalled Ms. Cordle discussing this issue at the last Quarterly Roundtable meeting.

Commissioner Shupe stated the next step would be for the Auditor to provide payroll information to Ms. Cordle so accurate premium costs could be assessed.

Review

The Board of Commissioners met to review legal issues, correspondence, and future and pending action items. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were Aundrea Cordle and Scott Zody.

Commissioner Kiger asked if there was any additional development relative to the EMA request for equipment funding, and Mr. Zody stated Mr. Kochis had provided updated cost estimates that reduce the requested amount to about \$20,000. Commissioner Myers stated the numbers keep changing, and Mr. Zody noted that some of the equipment Mr. Kochis believes he can obtain through grant funds, and obtained reduced price quotes on some others.

10:00 a.m. Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, March 16, 2010 beginning at 10:00 a.m., with the following Commissioners present: Judith Shupe, Jon Myers and Mike Kiger. Also present were Mary Beth Lane, Carl Burnett, Ritta Seitz, Ed Laramee, Roy Hart, Aundrea Cordle, Linda Kauffman and Scott Zody.

Announcements

Mr. Zody announced that resolution 10-03.16.i had been pulled from the agenda at the request of the Engineer due to a scheduling conflict with the Commissioners for a road project viewing and hearing.

Public Comment

There were no public comments.

Approval of minutes of Tuesday, March 9, 2010

On motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve the minutes for Tuesday, March 9, 2010.

Roll call vote of the motion resulted as follows:

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

Approval of a Board of Commissioners Allocation to the Lancaster Festival - 2010

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted approve authorizing a Board of Commissioners Allocation for the Lancaster Festival for 2010, see resolution 10-03.16.a

Roll call vote of the motion resulted as follows:

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

Approval of Changing how the Bureau of Workers' Compensation premiums are charged to County Departments

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve Changing how the Bureau of Workers' Compensation premiums are charged to County Departments, see resolution 10-03.16.b

Roll call vote of the motion resulted as follows:

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

Approval of Revolving Loan Fund resolutions

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve Revolving Loan Fund resolutions as follows:

10-03.16.c Approval of the Fairfield County Revolving Loan Fund Review Committee recommendation for subordination of loan under the Economic Development Administration Revolving Loan Fund (EDA-RLF)

10-03.16.d Approval of the Fairfield County Revolving Loan Fund Review Committee recommendation for subordination of a loan under the Community Development Block Grant Revolving Loan Fund program (CDBG-RLF) for Site Solutions Contractors, LLC

10-03.16.e Approval of the Fairfield County Revolving Loan Fund Review Committee recommendation for funding a proposal for Economic Development Administration Revolving Loan Fund (EDA-RLF) financing

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

Approval of a IV-D Contract between the Fairfield County Job & Family Services Child Support Enforcement Agency and the Fairfield County Sheriff, Provider

On the motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve a IV-D Contract between the Fairfield County Job & Family Services Child Support Enforcement Agency and the Fairfield County Sheriff, Provider, see resolution 10-03.16.f

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

Approval of Engineers resolutions

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve resolutions for the Engineer's Office as follows:

10-03.16.g Approval of a Contract with Cox Paving, Inc. for the FAI-CR13-2.87 Basil-Western Road Profile Improvement Project - Engineer

10-03.16.h Approval of a Notice of Commencement for the FAI-CR13-2.87 Basil-Western Road Profile Improvement Project - Engineer

10-03.16.j Approval of establishing, altering, and widening of Mt. Zwingli Road & Pleasant View Road, Rushcreek Township, Fairfield County and declaration of necessity and setting a Commissioners viewing date of April 20, 2010, at 9:00 a.m. and a final hearing date of April 20, 2010, at 11:00 a.m. - Engineer

10-03.16.k Approval of Contract Bid Award for the 2010 Spraying for Weed Control - Engineer

10-03.16.l Approval of Purchasing two (2) International Trucks - Engineer

10-03.16.m Approval of Purchasing two (2) Alamo Machete's - Engineer

10-03.16.n Approval of Purchasing two (2) John Deere tractors - Engineer

10-03.16.o Approval of Purchasing a John Deere Model 624 Wheel Loader - Engineer

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

Approval of Financial Resolutions

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve financial resolutions as follows:

- 10-03.16.p Approval of payment of a voucher without an appropriate carry over purchase order – Commissioners
- 10-03.16.q Approval of payment of a voucher without an appropriate carry over purchase order – BDD
- 10-03.16.r Approval of payment of a voucher without an appropriate carry over purchase order - BDD
- 10-03.16.s Approval of payments of vouchers without appropriate carry over purchase orders – JFS
- 10-03.16.t Approval of Account to Account Transfer – EMA 2723 State Homeland Security Program Grant 2008
- 10-03.16.u Approval of Account to Account Transfer – Public Assistance Fund – Job & Family Services
- 10-03.16.v Approval of Account to Account Transfer – Child Support Enforcement – Job & Family Services
- 10-03.16.w Approval to appropriate from unappropriated – Job & Family Service Workforce Development Funds
- 10-03.16.x Approval to appropriate from unappropriated – EMA 2723 State Homeland Security Program Grant FY2008
- 10-03.16.y Approval to appropriate from unappropriated – Motor Vehicle Fund 2024 - Engineer

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

Approval of Authorization for Payment of Bills, March 16, 2010, check date March 19, 2010

On the motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve the Authorization for Payment of bills, March 16, 2010, check date March 19, 2010, see resolution 10-03.16.z

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

Review Session

The Board of Commissioners met to review legal issues, pending and future action items and correspondence. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were Ed Laramee, Mary Beth Lane, Carl Burnett, Dan Bolger, Roy Hart and Scott Zody.

The Board discussed a candidate for the County Apiary Inspector, Kimberly Flippen. Commissioner Myers suggested asking Ms. Flippen to come in the following week to

meet with the Board and make a decision following that meeting. Commissioner Kiger asked if there was a position description for the inspector, and Mr. Zody stated the duties are pretty straightforward – inspecting and certifying bee colonies in the county, and he has not received any other applications, and the Department of Agriculture is anxious to finalize the appointment.

Mr. Bolger announced that he was retiring from the South West Licking Conservancy District Board due to business and health related issues involving his wife. The SWLC District is a sub-district of the Muskingum Watershed Conservancy District (MWCD), but is not within the political subdivision boundaries of MWCD, and so thus far has not been subject to the maintenance assessment that MWCD imposed, and the SWLCD would like to keep it that way.

Mr. Bolger stated he is asking the Commissioners to reach out and help find a candidate to succeed him on the Board, preferably someone who will be an active advocate. Jonathon Ferbrache with the SWCD has been helping the group pursue a grant from the Ohio EPA to fund a watershed coordinator so the SWLCD would have a full time staff person.

Mr. Bolger stated he would also like to request the Commissioners provide \$1,000 to help cover certain costs of the District such as filing certain legal paperwork.

Mr. Bolger stated there has been some discussion of merging the district into the MWCD, and the Conservancy Court is awaiting the seating of the new Common Pleas judge in Perry County before making a final decision, but he would be concerned with losing the SWLCD independence under a merger.

Commissioner Shupe asked Mr. Bolger if there were any candidates to take his place, and Mr. Bolger stated not at this time. Commissioner Myers suggested Dean DeRolph might be interested, and Mr. Bolger stated he would contact him. Commissioner Myers asked what kind of time commitment went with the position, and Mr. Bolger stated there are 12 meetings per year, and the meetings usually last 1-1 1/2 hours, plus whatever time the individual wishes to devote to it.

Commissioner Myers asked which judge makes the appointment, and Mr. Bolger stated the Common Pleas judges form the Conservancy Court and that body makes the appointment.

11:00 a.m. Public Hearing – Community Development Block Grant Program

The Board of Commissioner met to convene a public hearing on the annual Community Development Block Grant (CDBG) Formula Program. Commissioners present were Jon Myers, Judith Shupe and Mike Kiger. Also present were Holly Mattei, James Mako, Mary Boring, Tim Morris, Mary Beth Lane, Ed Laramee, Roy Hart and Scott Zody.

Commissioner Kiger called the meeting to order and read the official statement regarding the CDBG Program. There were no questions or public comments.

James Mako provided an overview of the Fair Housing program. The Regional Planning Commission administers the program, which is required for CDBG, and handles housing discrimination complaints for referral to the Ohio Civil Rights Commission. They also hear landlord/tenant conflicts.

Commissioner Myers asked when applications for CDBG funding were due, and Mr. Mako stated the communities have to have their applications submitted by April 16th, and the Commissioners must review and approve a final list of applicant, hold a second public hearing, and submit the list to the state by June 25th.

Holly Mattei stated she is exploring a grant opportunity through the Neighborhood Stabilization Program (NSP) that could provide as much as \$300,000 for low/moderate

income communities. At this point, because the program requires at least 60% low/moderate income residents, only the Village of Thurston and the Village of Pleasantville are eligible, and Ms. Mattei will be meeting with both communities to see which one may be interested.

Commissioner Kiger asked if this grant/program would be over and above the CDBG Program funding, and Ms. Mattei stated it is. Commissioner Myers asked who would administer the program, and Ms. Mattei stated her office would.

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

Roll Call vote of the motion resulted as follows:

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

11:25 Meeting with Tony Vogel

The Board of Commissioners met with County Utilities Director Tony Vogel to discuss Mr. Vogel acting as County Facilities Manager. Commissioners present were Mike Kiger, Judith Shupe and Jon Myers. Also present were Mary Beth Lane and Scott Zody.

Commissioner Myers stated that the Board needs to finalize the working of the 2 positions and square away payroll and accounting for Mr. Vogel.

Mr. Zody stated that he and Mr. Vogel has discussed his job share duties and he drafted a resolution to reflect that 25% of Mr. Vogel's time be paid out of the General Fund to cover his hours to use as a starting point for the conversation. Mr. Vogel stated the 25% would set a number for payroll and for the auditors to rely on, but due to the vagaries of the position, it is difficult to set a firm number on a daily or weekly basis.

Commissioner Kiger asked what the plan would be for the Facilities Manager position, as he would prefer to fill it sooner rather than later. Mr. Vogel stated he sees two issues that need to be addressed and decided upon – the length of temporary appointment and the accounting for time spent in each position. Mr. Zody noted the length of the appointment is critical.

Commissioner Shupe stated that Mr. Vogel asked to be appointed for the remainder of 2010, and Commissioner Myers stated that he had not heard that, and asked Mr. Vogel what he would prefer. Mr. Vogel stated that he believes he could perform both jobs for the remainder of 2010, but would be hesitant to commit to anything beyond that. Commissioner Myers asked if Mr. Vogel was enjoying the job, and Mr. Vogel stated he was, but would like to move forward with changing some things to make the department run more efficiently that would bring about long term change.

Commissioner Shupe stated that the issue becomes having the time to implement and address issues, and Mr. Vogel agreed, stating that if the appointment is too brief, then the employees might not be willing to buy into the changes he would propose.

Commissioner Myers stated he would like to understand the salary issue better, and asked Mr. Vogel if he expected to be paid the same rate that he is currently making or expected to receive additional compensation for the Facilities Manager duties, and Mr. Vogel stated that he has been putting in more hours with the new duties, and would expect to receive some additional compensation as a result of the added work and responsibilities.

Commissioner Shupe stated there would still be a savings to the General Fund, and Commissioner Kiger stated his concern is with the new Utilities Office and Pleasant Run wastewater facility coming up, Mr. Vogel might not have the time to devote to both positions.

Mr. Vogel stated that both projects are still in the design phase, and he feels comfortable that neither will have much impact on his time this year. Commissioner Shupe asked if acting as Temporary until June or July would afford enough time to implement needed changes, and Mr. Vogel stated if that is the case, he would advise the Board to move ahead and post the position, because it would take until June to get it filled.

Commissioner Kiger stated he does not see much difference on the issue of time, and Mr. Zody stated the issue becomes one of making the appointment temporary or "semi-permanent. Mr. Vogel stated he just needs a decision to be made to either appoint him through the end of the year or move forward and post and fill it.

Commissioner Kiger stated he would prefer to fill the position now, and Commissioner Shupe stated she would prefer to have Mr. Vogel stay in the position through the end of the year. Commissioner Myers stated he would like to further discuss the salary issue before deciding. Mr. Vogel stated it is up to the Board to decide, but he would like an arrangement that would benefit the county but would also benefit him as well.

Commissioner Myers stated he would need to fully understand the costs in order to make an informed decision, and asked how the arrangement appeared to be working so far, and Commissioner Kiger stated he has been hearing positive feedback from the maintenance staff and county employees. Mr. Zody stated that for him, the communications relative to facilities has never been better, and the staff morale has improved tremendously. Commissioner Kiger pointed out that communications should have been better with the previous Manager, and the staff would be happier regardless of who was supervising them now, but is happy with the progress that has been made. Commissioner Myers asked Mr. Vogel to gather his thoughts on the salary issue and present them to the Board the following week.

11:30 a.m. Curfew Meeting

The Board of Commissioners met to discuss a proposal from the Family, Adult & Children First Council to implement a county wide curfew for juveniles. Commissioners present were Mike Kiger, Judith Shupe and Jon Myers. Also present were Becky Edwards, Toni Ashton, Sheriff Dave Phalen, Sherry Orlando, Orman Hall, Roy Hart and Scott Zody.

Ms. Edwards stated the Prevention Works has been studying the curfew issue for some time and there is no consistent curfew standard in the county, and no curfew at all for the unincorporated areas of the county. Sheriff Phalen stated he would like to have a consistent enforcement standard for his deputies, as there are curfews in all of the cities and most of the villages in the county.

Commissioner Myers asked where this curfew would apply, and Ms. Ashton stated it would apply to all the unincorporated areas of the county. Ms. Edwards added they would like to see consistency across the county relative to curfew times – that would be the next step.

Mr. Laramee asked if this would be considered law enforcement by the Commissioners, and how this would affect Violet Township, which is a Home Rule township, and Commissioner Shupe asked if there were any more problems in one area of the county over others. Sheriff Phalen stated most parents are good with setting their own curfews for their kids, but there are a few issues here and there. Ms. Orlando stated that law enforcement really doesn't have the ability to do anything – it is more prevention than enforcement.

Mr. Laramee asked if the curfew would apply to pass-through traffic, and Ms. Edwards stated it would and that is another reason there needs to be consistency. Commissioner Myers asked if an adult is defined as anyone over 18, and Sheriff Phalen

stated that is correct. Commissioner Kiger asked how this would be applied to kids who like to go frog-gigging or fishing at night, and Sheriff Phalen stated that as long as the juvenile has parental permission from the parents to be out, such as fishing or camping, there would be no issue.

Commissioner Myers asked if any of the judges had reviewed the proposal, and Ms. Edwards stated that Judge Williams had reviewed the proposal and is OK with it. Commissioner Shupe asked if there were any issues from the Prosecutor on enforcement, and Mr. Hart stated that as long as the Commissioners have the proper authority under the Revised Code to adopt a curfew, there should not be a problem.

Mr. Laramee asked who would prosecute violation, and Mr. Hart stated that it would likely be the City prosecutor's Office, since the violations would be minor misdemeanors. Mr. Hall stated that from an enforcement standpoint, we all violate the law in one way or another every day when we drive our vehicles, whether it is traveling one mile per hour over the speed limit or failing to signal every time we turn. The curfew would provide parents with an expectation of when their kids should be home, and would provide the Sheriff with a mechanism to intervene in a potential enforcement situation.

Mr. Laramee asked if enforcement has the authority to stop someone, and Sheriff Phalen stated they could stop someone walking down the street but the deputy has to have probable cause that some illegal act has been committed. Mr. Laramee asked if this applied in unincorporated areas, and Sheriff Phalen stated they would probably stop and check to ensure everything is OK, but it is a fine line.

Commissioner Myers asked how many curfew violations had occurred in Lancaster, and Sheriff Phalen stated he did not know. Mr. Laramee asked if a lack of a curfew is a common problem, and Sheriff Phalen stated his deputies believe it would be helpful to them. Ms. Orlando stated it would be helpful for both enforcement and the kids to know what the rules are.

Ms. Edwards stated the proposed curfew would have two time limits for different aged juveniles – for kids 12 and under, there would be a dusk-to-dawn curfew, and for juveniles 17 and under, 11:00 p.m. to 5:00 a.m.

Mr. Laramee stated that would still appear to be an uneven standard, and Ms. Orlando stated the goal is not to increase arrests but to prevent bad actions from occurring. Mr. Laramee stated his concern is ambiguity. Commissioner Shupe asked if the 12 and under section is standard, and Ms. Ashton stated it is. Commissioner Shupe stated the concern is the perception about kids being out late and getting into trouble inadvertently, and sheriff Phalen stated when he was a kid, there was a curfew yet he and his friends would often play outside at night.

Mr. Hall stated that technically we can get a ticket for going 56 in a 55 mile per hour speed zone, but that rarely occurs, because the officer has the discretion of enforcing the law to that fine a point. Mr. Laramee stated speed limits are not set to make it easier to write tickets, and Ms. Edwards stated the goal is to keep children safe. Mr. Laramee stated if the goal is to provide the Sheriff authority, then do that, but don't try to take kids off the street from play.

Ms. Orlando stated that the Prosecutor appears to consider this worthy of consideration, and Ms. Edwards stated she would like to see every strategy employed to prevent drug & alcohol abuse in children. Mr. Laramee stated he would like to see buy-in from the parents in this process and get rid of the ambiguity.

Commissioner Myers asked if this is the final draft, and Ms. Orlando stated she believes it is, and Ms. Ashton stated they might need to spell out work exceptions. Commissioner Myers stated he would like to see the judges sign off on the proposal.

Mr. Burnett asked how many counties have county wide curfews, and no one was certain of the answer. Mr. Zody suggested that the County Commissioners Association of Ohio might know. Commissioner Shupe stated that Fairfield County tends to be progressive and a leader in new initiatives, so they may possibly be the first.

Adjournment

With no further business to come before the Board, on the motion of Jon Myers and the second of Judith Shupe, the Board of Commissioners voted to adjourn at 12:05 p.m.

Roll call vote on the motion resulted as follows:

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

Mike Kiger
Commissioner

Jon D. Myers
Commissioner

Judith K. Shupe
Commissioner

Scott Zody, Clerk/Manager

**THE NEXT REGULAR MEETING OF THE BOARD OF COMMISSIONERS' IS
SCHEDULED FOR TUESDAY, MARCH 23, 2010 AT 10:00 A.M.**