

Regular Meeting #10-11
Fairfield County Commissioners' Office
March 9, 2010

Review Session

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

Mr. Dolin provided an update on legal issues, stating that he would like to brief Commissioner Kiger on the issue of possibly requesting an Attorney General's opinion relative to the Commissioner's obligations with the Health Department. Commissioner Myers noted the District Advisory Council (DAC) is scheduled to meet again March 29th, and Commissioner Shupe suggested waiting until then to make a decision. Mr. Zody noted the DAC has some approval authority relative to the Health Department budget, and it does not appear the issue would be resolved soon. Mr. Dolin agreed, stating the DAC has some approval authority in some areas but not others. Commissioner Myers stated that part of the problem appears to be a lack of cohesive direction from the health Department, and Commissioner Shupe stated that Lancaster should not be providing the direction or calling the shots.

Mr. Dolin stated the question needs to be resolved, and Commissioner Myers stated the Board of Health wants funding to make up the deficit that was created when Pickerington dropped out of the merger and the reduction in contribution the Department tentatively agreed to give to Lancaster. Commissioner Shupe noted that Lancaster appoints 5 of the 10 Board members, but complains that their contribution, which is much less than 50% is too much.

Commissioner Shupe asked if there is any timing concerns in asking for an AG opinion, and Mr. Dolin stated that if the issue does not look to be resolved by the 29th, the Commissioners should consider moving ahead and requesting an opinion, even if there is some risk involved. Commissioner Shupe stated she is not sure she is ready to take that risk, and Mr. Dolin stated he is concerned relative to what happens if the issue remains at impasse and the Prosecutor's Office has to step back and the health Department and Commissioners need to hire outside counsel.

Commissioner Shupe asked if it is possible to secure an informal opinion, and Mr. Dolin stated that is doubtful, and he and Mr. Zody had discussed that possibility, but it is unlikely the AG would provide one.

10:00 a.m. Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, March 9, 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, Dennis Schwallie, Jason Dolin and Scott Zody.

Announcements

There were no announcements.

Public Comment

There were no public comments.

Approval of minutes of Tuesday, March 2, 2010

On motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve the minutes for Tuesday, March 2, 2010.

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

Approval of Delinquent Sewer Rental – Licking County Water & Wastewater

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted approve authorizing delinquent sewer rentals for the Licking County Water & Wastewater District, see resolution 10-03.09.a

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

Approval of the Quarterly Report – Initial request for funding for the 2010 Drug Law Enforcement OCSJ Grant Award for the Major Crimes Unit

On motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve the Quarterly Report – Initial request for funding for the 2010 Drug Law Enforcement OCSJ Grant Award for the Major Crimes Unit, see resolution 10-03.09.b

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

Approval of a Contract between the Fairfield County Commissioners and Varga Communications for production assistance on the State of the County address

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve a contract between the Fairfield County Commissioners and Varga Communications for production assistance on the State of the County address, see resolution 10-03.09.c

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

Approval to rescind Resolution 10-03.02.nn, Approval to Appropriate from Unappropriated, Bridge & Road Levy Fund - Engineer

On the motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve to rescind Resolution 10-03.02.nn, Approval to Appropriate from Unappropriated, Bridge & Road Levy Fund – Engineer, see resolution 10-03.09.d

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

Approval of addendum to contract for County Telephone Equipment – Cincinnati Bell Technology Solutions

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve an addendum to a contract for County Telephone Equipment – Cincinnati Bell Technology Solutions, see resolution 10-03.09.e

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

Approval of a Petition to alter & vacate a portion of Election House Road, Greenfield Township – establishment of a viewing and a hearing

On motion of Judith Shupe and second of Jon Myers, the Board of Commissioners

10-03.09.m Approval of Amended Certificate, Update receipts & request for appropriations for Fund 5461 Bond – OPWC Loan (Liberty Township) - Utilities

10-03.09.n Approval to Amend Certificate, Update receipts, and appropriate from unappropriated for Fund 7594 – Major Crimes Unit

10-03.09.o Approval to Amend Certificate, Update receipts, and appropriate from unappropriated for Fund 2732 – OHTF - Commissioners

Roll call vote of the motion resulted as follows:

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

Approval of Advance from the General Fund – OHTF Fund 2732 - Commissioners

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve an Advance from the General Fund – OHTF Fund 2732, see resolution 10-03.09.p

Roll call vote of the motion resulted as follows:

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

Approval of Advance from the General Fund – HOME Fund 2731 - Commissioners

On the motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve and Advance from the General Fund – HOME Fund 2731, see resolution 10-03.09.q

Roll call vote of the motion resulted as follows:

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

Approval of Extension of Advance repayment dates

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

10-03.09.r Approval to Extend the due date for Advance Repayment – Fund 2722 Citizen Corps - EMA

10-03.09.s Approval to Extend the due date for Advance Repayment – Fund 2722 Citizen Corps - EMA

10-03.09.t Approval to Extend the due date for Advance Repayment – Fund 2723 State Homeland Security Fund – EMA

Roll call vote of the motion resulted as follows:

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

Approval of payment of a voucher without an appropriate carry over purchase order

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve the payment of a voucher without an appropriate carry over purchase order, see resolution 10-03.09.u

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:

- 10-03.09.v Approval of payment of a voucher without an appropriate carry over purchase order - BDD
- 10-03.09.w Approval of payments of vouchers without appropriate carry over purchase orders – ADAMH
- 10-03.09.x Approval of payments of vouchers without appropriate carry over purchase orders – JFS
- 10-03.09.y Approval of Fund to Fun Transfer – Major Crimes Unit
- 10-03.09.z Approval of Fund to Fund Transfer - Engineer
- 10-03.09.aa Approval to appropriate from unappropriated – Engineer Bridge & Road Levy Fund
- 10-03.09.bb Approval to appropriate from unappropriated – Engineer Bridge & Road Levy Fund
- 10-03.09.cc Approval to appropriate from unappropriated – Engineer Motor Vehicle Fund
- 10-03.09.dd Approval to appropriate from unappropriated – Engineer Motor Vehicle Fund
- 10-03.09.ee Approval to appropriate from unappropriated – Federal Equitable - MCU
- 10-03.09. ff Approval to appropriate from unappropriated – Motor Vehicle Fund - Engineer
- 10-03.09.gg Approval to appropriate from unappropriated – FACFC
- 10-03.09.hh Approval to appropriate from unappropriated – Commissioners CSBG Funds

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 9, 2010, check date March 12, 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 9, 2010, check date March 12, 2010, see resolution 10-03.09.ii

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 Laramie, Mary Beth Lane, Carl Burnett, Tony Vogel, Jason Dolin and Scott Zody.

The Board continued a discussion relative to the Health Department merger. Commissioner Myers stated the issue becomes one of what the law allows or requires relative to the Board of Commissioners. The City of Lancaster appears to be under the impression that the Commissioners should pick up the costs of providing facility costs and maintenance in the event the district demerges, but the current building is owned by the Health Department, as it was transferred to them by the Commissioners. The real question is what happens if the Health Department disposes of their current facility – are the Commissioners then liable to provide new quarters?

Mr. Dolin stated the issue is still very much under consideration and study. Ms. Lane asked if the building is owned by the Health Department, and Commissioner Myers stated that is correct, the building ownership was transferred several years ago to the Health Department. Commissioner Shupe stated an additional concern is Lancaster's representation on the merged Board – they have 5 of the 10 appointments, and those members should not be participating in any negotiations with the Health Department on a service contract if they are demerging at the end of the year.

Commissioner Myers stated at the last DAC meeting, Mr. Hirsch proposed that the Commissioners contribute \$156,000 to the Health Department budget, and the numbers presented to the DAC members represented increases in their allocations of 25-50%, so there is more to this issue, such as the overall Department of Health budget. With the pull out of Pickerington and the tentative reduction of \$47,000 to Lancaster's contribution, the Health Department has not reduced its proposed spending, and that will become an issue with the Budget Commission.

Ms. Lane asked what this would mean to the average Fairfield County citizen, and Commissioner Myers stated this would place a burden on the township and village budgets and make it difficult for them to provide services to their residents. He added that Violet Township stated its intent to explore pulling out of the District, but does not see how that would do anything to solve the bigger problem.

Ms. Lane asked who would be impacted, and Commissioner Kiger stated the real issue is who would bear the burden of paying for the Department of Health activities and programs. Mr. Dolin noted that if spending is not reduced, then the deficit becomes a growing problem.

The Commissioners discussed the request from Jon Kochis for the Commissioners to provide funding for his equipment needs as part of the 1st Floor JFS Building renovations. Mr. Zody provided the Board with Mr. Kochis' cost estimates, stating that Mr. Kochis committed to directing any leftover construction funding towards the equipment, but would like the Commissioners to make up the difference. The maximum amount he was seeking from the Board would be \$51,000. Commissioner Myers stated the Board may need to wait until the final costs come in from the renovations or issue a note to cover those costs.

Commissioner Kiger stated the other issue is one of need, particularly on the Closed Circuit TV. The Board directed Mr. Zody to ask Mr. Kochis the effect of delaying the purchase of the CCTV system by a year or two and utilizing other funds such as grants to make that purchase.

The Board asked Ms. Lane and Mr. Burnett for their thoughts on the recent State of the County event, and Ms. Lane stated the people she was sitting with seemed to like it, and Mr. Burnett stated he had heard positive feedback on the video portions.

Commissioner Myers asked who was heading up the day-reporting center initiative, and Commissioner Shupe stated Sheriff Phalen was supposed to be working with the judges on the idea to see if they are supportive. The Board directed Mr. Zody to follow up with the Sheriff on the issue.

Commissioner Kiger suggested touching base with Judge Harris, as he recalled that the Judge was going to provide periodic updates for the Board as well on Municipal Court activities.

Mr. Zody briefed the Commissioners on an issue involving the county Utilities Department and three subdivisions in Violet Township. The problem centers on older subdivisions that were originally served by water wells, but have since hooked into county water service. Ohio EPA rules require those water wells to be disconnected and plugged, or the homeowners must install backflow preventers to keep well water from

infiltrating the county water supply. Either way, there is a cost to the homeowner, and the Utilities Departments has to enforce the rules, and now several homeowners in the Chevington Woods subdivision are upset with the proposed requirement to install backflow preventers.

Mr. Laramee stated that the problem goes beyond that, as several residents are being told they must not only disconnect their well, but plug and seal it as well. In addition, the Utilities Department is telling homeowners this is a requirement, and he does not believe that is the case, and OEPSA is not helping because they are not giving any clear direction relative to the meaning of the rules either.

The Board directed Mr. Zody to ask Mr. Vogel to join the meeting following a break for a public hearing.

11:00 Public Hearing – Blacklick-Eastern Road Name Change

The Board of Commissioners met to conduct a public hearing relative to the proposed name change of a portion of Blacklick-Eastern Road in the Village of Millersport and Walnut Township. Commissioners present were Mike Kiger, Judith Shupe and Jon Myers. Also present were County Engineer Frank Anderson, Jeff Camechis, Walnut Township Trustee Alan Dupler, Millersport Village Administrator Vince Popo, Mary Beth Lane, Carl Burnett, Ed Laramee, Tony Vogel, Jason Dolin and Scott Zody.

Mr. Anderson provided an overview of the proposal, stating that the County Engineer has the responsibility under the Revised Code to determine road addresses. The Engineer does not have a problem with this change as proposed, nor does ODOT, as this is a State Highway. Mr. Anderson attended a session of the Millersport Village Council and they are supportive of the change as well.

Mr. Camechis provided supporting testimony from the Engineer's Office, stating that the Board of Elections raised an initial concern relative to the change, as two of the residences are located outside the corporation limits of Millersport, and therefore should use the "quadrant" designator on their address, i.e., Refugee Street "NE", so the BOE can identify the address as unincorporated for voting purposes.

Mr. Camechis stated there are only 2 addresses on the South side of the road that are changing, but those are within the village limits and would not need to use the quadrant designation. Mr. Camechis noted that proper identification of addresses is becoming more of an issue with respect to annexations, particularly the expedited annexations.

Commissioner Myers asked if part of the road has already been changed to Refugee Street, and Mr. Anderson stated the South side of the road has been changed.

Mr. Dupler stated that the Walnut Township Trustees do not object to the change as submitted, but do have a concern relative to the suggestion by resident Ed Parrish to carry the name change further out the road to the intersection with State Route 37. Mr. Dupler stated he had spoken to Mr. Parrish earlier in day and Mr. Parrish was comfortable with leaving the proposed change as is.

Mr. Zody noted for the record that he had spoken with Mr. Parrish via telephone the previous week about the proposed change, and Walnut Township Trustee Terry Horn had submitted a written comment supporting the extension of the change to Route 37.

Mr. Camechis stated the Engineer is opposed to extending the name change as well.

Mr. Popo thanked Mr. Anderson, Mr. Camechis and Mr. Zody for their assistance on this matter, stating this had been initiated back in 2006 with a Mr. Keller when 9-1-1 had trouble locating his residence.

Ed Laramee, 8914 Stonehenge Drive, Pickerington, spoke, stating that 2 entities use the quadrants in the county – the Postal Service for mail and the Engineer for road names. Mr. Laramee stated he is unaware that the Board of Elections used quadrants for all of those purposes, and they should rely on annexation documents. Mr. Laramee agreed that the Engineer has the naming authority, and does not believe it is a big problem.

Mr. Popo stated he has worked with Tom Hollett in the Engineer's Office several times, and they always try to work with the Engineer on such issues.

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

Roll call vote of the motion resulted as follows:

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

Review

Mr. Vogel explained the OEPA rules relative to the requirement to seal old water wells or install backflow preventers in areas served by public water systems. The OEPA holds annual meetings with the Utilities Office each year, and the previous year was critical of Utilities not enforcing this rule. The Utilities Office has been addressing commercial buildings first, and now is attempting to address the estimated 700 private homes affected.

Mr. Laramee stated that he would contend that he has disconnected his well in compliance with the rules – he has removed his well pump and removed the connection between the house and well, but is still being told he has to seal the well. Mr. Vogel stated that OEPA may consider that closed, and Mr. Zody stated there is a difference in the Revised Code between an abandoned well and a plugged well.

Commissioner Shupe asked if there was an issue with the annual inspection, and Mr. Vogel stated not only would there be an annual inspection, but the homeowners would have to sign an agreement, the Utilities Office would have to maintain an inventory and conduct a public information and education program, and the residents would still need to demonstrate the well is not affecting the public supply. It would be expensive and his office does not have the resources to do this, and would have to charge a fee for the service.

Commissioner Shupe asked who would pay the fee, and Mr. Vogel stated he would have to pass the costs on to the affected homeowners. Commissioner Shupe asked if inspections had been conducted in the past, and Mr. Vogel stated they have not. Commissioner Myers asked who would be affected, and Mr. Vogel stated most residents live in the Chevington Woods and New England Acres subdivisions. Mr. Zody asked if there were any outliers, and Mr. Vogel stated there were few, mainly along Pickerington Road.

Commissioner Myers asked what the cost would be for the average homeowner, and Mr. Vogels stated that he would estimate the cost to be approximately \$300 for a back flow preventer.

Commissioner Shupe asked if the Commissioners could put together a response to Mr. Snell, and Mr. Vogel stated he would like to conduct some additional research on the matter and ask the Prosecutor to look at the rules as well – the cheapest option for the homeowner would be to abandon the well.

Commissioner Kiger asked if the choice was up to the Utilities Department, or should it be up to the homeowner, and Mr. Vogel stated he believes the Utilities Department should make the choice on the overall direction with respect to conducting the education/outreach and creating an inventory, as that is the cost driver for his office.

Mr. Laramee asked if that cost could be assessed to homeowners, and Mr. Vogel stated that he believes he has the authority to charge a fee and place it on the customers bills for the service, but that would likely need to be approved by the Commissioners.

Commissioner Myers asked if all potentially affected homeowners had been notified, and Mr. Vogel stated they have only notified the Chevington North section, and estimated that would account for about 200 homeowners. Mr. Laramee stated the homeowners were interpreting the notices as orders, and Mr. Vogel stated that unfortunately, since the OEPA is driving this issue, they pretty much are orders.

Mr. Laramee asked what constitutes "abandoned" for a well, and Mr. Vogel stated that would probably depend on OEPA's definition. Mr. Laramee stated that is part of the problem, as the OEPA is not providing straight answers. Mr. Vogel stated it depends upon who you are talking to at OEPA.

Commissioner Myers stated the Utilities Office may need to conduct some educational efforts with the residents regardless, and Mr. Vogel stated there are approximately 3-400 affected residents in all of Chevington Woods. Mr. Laramee stated that if the Utilities Department wished to organize a public meeting, he could help make that happen.

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 11:45 a.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
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Scott Zody, Clerk/Manager

**THE NEXT REGULAR MEETING OF THE BOARD OF COMMISSIONERS' IS
SCHEDULED FOR TUESDAY, MARCH 9, 2010 AT 10:00 A.M.**