

Regular Meeting #10-15
Fairfield County Commissioners' Office
April 6, 2010

9:00 a.m. Viewing – Waterloo Alley Vacation

The Board of Commissioner met to view a proposed vacation of an alley in the unincorporated village of Waterloo in Violet Township.. Commissioners present were Jon Myers, Judith Shupe and Mike Kiger. Also present were Mary Hargus, Violet Township Trustee Terry Dunlap, Jamie Freise, Rita Elliot, Frank Anderson, Jeff Camechis, Clara Greer, Jim Miesse, Violet Township Zoning Officer Kelly Sarko and Scott Zody.

Mr. Camechis provided an overview of the proposed vacation, stating their office had been contacted approximately one year ago due to some encroachments on the public right-of-way that have resulted in some zoning issues. The proposal is to vacate the alley running between platted lots 6 and 7, which involves two landowners.

Commissioner Myers asked if the dimensions of the alley are known, and Mr. Camechis stated the alley is 16.5 feet wide, but the actual starting and stopping points and the centerline of the alley are not known, as there do not appear to be any survey pins. Mr. Anderson stated the Revised Code permits landowners to request the Engineer to conduct a survey, but the Engineer would have to charge the cost of the survey to the landowners. Mr. Camechis added that the Auditor would split the vacation such that one half of the alley would be added to either landowners lot.

Mr. Miesse stated that back in the 1800s the alleys may have been 16.5 feet, but he is aware of some alleys in Canal Winchester that are only 8 feet. Mr. Camechis stated that most of the old village plats have varying alley widths, as there were no standards back at that time. He added that many of these old alleys and streets have encroachments, and some, like Lockville, have houses and in one case, a church built on the right of ways. Mr. Anderson stated the GIS Office discovers encroachments all the time with their new system.

Mr. Camechis stated that even if this particular alley is vacated, there may still be some remaining zoning issues, such as the storage shed. Ms. Sarko agreed, stating that even if the alley is vacated, the shed would still be in violation of the building setback ordinance, and the landowners would have to apply for a variance.

Commissioner Myers asked if there were any landlocking issues with respect to the vacation, and Mr. Camechis stated there are none. Mr. Zody asked if the shed would be on the Greer property, but would still require a variance, and Ms. Sarko stated that is correct.

Ms. Hargus asked if the Greer would be able to park vehicles there once the alley is vacated, and Mr. Camechis stated they should not be parking them there now, and once the alley is vacated, they could not park on Ms. Hargus' half of the alley.

Commissioner Myers asked what the cost of a survey would be, and Mr. Camechis stated he could not say for sure, as it would depend on whether or not pins could be located. Ms. Hargus asked if the cement foundation at the rear of the property would need removed, and Mr. Miesse stated that was the foundation for a chicken coop that had been built decades ago. Ms. Sarko stated it would probably depend upon where the center line of the alley would be. Mr. Camechis stated that technically any encroachment in the right-of-way should be removed, and no vehicles should be parking there – these are public road easements and if someone wished to drive a vehicle through them, they could legally do so.

Commissioner Myers stated the Board would be holding a public hearing on the matter at 11:00 a.m., and if anyone wished to be on the record, they could attend the hearing

and state their positions. Mr. Camechis stated the best approach would be for the property owners to survey their lots and the alley to determine the centerline together. Mr. Freise asked if that would not be the responsibility of the petitioners, and Mr. Camechis stated not necessarily, as both property owners should have a desire to properly mark the boundaries.

10:00 a.m. Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, April 6, 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, Walnut Township Trustee Sonny Dupler, Perry Orndorff, Jonathan Ferbrache, Jason Dolin and Scott Zody.

Announcements

Mr. Zody stated that he wanted to point out and clarify item "a" on the agenda, stating that the resolution is an authorization to issue approximately \$9 million worth of bonds related to the Recovery Zone Bonds created under the Federal Stimulus Bill. The resolution merely authorizes the issuance, and does not in any way commit the Board to issuing any of the amount, but is required to be submitted to the Ohio Department of Development under the program guidelines.

Commissioner Myers asked if this was tied into the bond refinancing the Board was considering, and Mr. Zody stated that is a separate issue. This resolution, along with several other documents, are being required by ODOD and the State Treasurer as part of the Recovery Zone Bond Program – the deadline to submit the information was May 1st, but some leniency is being permitted. Commissioner Myers stated he would be reluctant to approve the resolutions without reviewing some of the ODOD guidance, and Commissioner Kiger stated the Board could table the measure and consider it later.

Mr. Zody stated he could provide Commissioner Myers with documentation immediately following the meeting, and Commissioner Kiger asked how long the Board could hold off voting on the item. Mr. Zody stated he believes that ODOD wants the documentation as soon as possible, but since we are already past the deadline it may not be as urgent as it appears.

Public Comment

Walnut Township Trustee Sonny Dupler addressed the Board, stating he would like to clarify statements he had made on March 9th at a public hearing regarding the name change of Blacklick-Eastern Road. Mr. Dupler provided the Board with copies of emails provided by Mr. Zody relative to questions raised by Walnut Township Trustee Terry Horn of Mr. Dupler's testimony that day, and a copy of a letter from Richard Keller, who was present at the hearing as well. Mr. Dupler stated that he was speaking as an individual trustee, not on behalf of the Board of Trustees, and could understand that his words may have been misheard (trustees vs. trustee). Mr. Dupler stated that he was under the impression that the meeting minutes might be amended, but since they have not been amended, he wished to speak today and set the record straight.

Commissioner Myers stated that, to clarify, Mr. Dupler wished for his comments today to be entered into the record to clarify his previous statements, and Mr. Dupler stated that was his intent.

Commissioner Shupe provided a letter that had been given to her that morning by Jeff Camechis from the Engineer's Office that stated that he was also present the day of the hearing and did not recall Mr. Dupler's exact comments but that he believe that Mr. Dupler spoke as an individual to express his concerns relative to the road name change and suggested the Commissioners tape their hearing.

Commissioner Kiger directed Mr. Zody to ensure the meeting minutes reflect Mr. Dupler's concerns.

Approval of minutes of Tuesday, March 30, 2010

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve the minutes for Tuesday, March 30, 2010.

Roll call vote of the motion resulted as follows:

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

Approval of authorizing the issuance of not to exceed \$9.135,000 of bonds for the purpose of paying part of the cost of various sanitary sewer system improvements, and matters related to such bonds

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted table the authorizing the issuance of not to exceed \$9.135,000 of bonds for the purpose of paying part of the cost of various sanitary sewer system improvements, and matters related to such bonds, see resolution 10-04.06.a

Roll call vote of the motion resulted as follows:

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

Approval of an Addendum to contract for professional consulting services for telecommunications assessment and strategy

On motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve an Addendum to contract for professional consulting services for telecommunications assessment and strategy, see resolution 10-04.06.b

Roll call vote of the motion resulted as follows:

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

Approval of resolution of support of property for the Clean Ohio Agricultural Easement Purchase Program

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve a resolution of support of property for the Clean Ohio Agricultural Easement Purchase Program, see resolution 10-04.06.c

Roll call vote of the motion resulted as follows:

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

Approval to Rescind Resolution 10-03.30.dd, Approval to Appropriate from Unappropriated - Engineer

On the motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve to Rescind Resolution 10-03.30.dd, Approval to Appropriate from Unappropriated – Engineer, see resolution 10-04.06.d

Roll call vote of the motion resulted as follows:

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

Approval to Change the Name of a portion of Blacklick-Eastern Road, known as State Route 204 to Refugee Street – approval of the name change

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve to Change the Name of a portion of Blacklick-Eastern Road, known as State Route 204 to Refugee Street – approval of the name change, see resolution 10-04.06.e

- 10-04.06.p Approval of payment of vouchers without appropriate carry over purchase orders – Job & Family Services
- 10-04.06.q Approval of Amended Certificate, update receipts, increase appropriation, account to account and fund to fund transfer – Motor Vehicle Fund to Fund 3434
- 10-04.06.r Approval of Fund to Fund Transfer – General Fund to Multi-County Juvenile Detention Center – 2nd Quarter
- 10-04.06.s Approval of Fund to Fund Transfer – General Fund to Multi-County Juvenile Detention Center – 2nd Quarter
- 10-04.06.t Approval of Fund to Fund Transfer – General Fund to JFS Special Revenue Funds– 2nd Quarter
- 10-04.06.u Approval of Account to Account Transfer – FACFC
- 10-04.06.v Approval of Account to Account Transfer – FACFC
- 10-04.06.w Approval of Account to Account Transfer – Commissioners/Maintenance
- 10-04.06.x Approval of Account to Account Transfer – Clerk of Courts
- 10-04.06.y Approval of Account to Account Transfer – JFS Protective Service Levy Fund
- 10-04.06.z Approval to Appropriate from Unappropriated – #2707 EMA General Fund
- 10-04.06.aa Approval to Appropriate from Unappropriated – #2091 – EMA Planning Fund
- 10-04.06.bb Approval to Appropriate from Unappropriated – Engineer Motor Vehicle Fund
- 10-04.06.cc Approval to Appropriate from Unappropriated – Engineer Motor Vehicle Fund
- 10-04.06.dd Approval to Appropriate from Unappropriated – Engineer Bridge & Road Levy Fund
- 10-04.06.ee Approval to Appropriate from Unappropriated – Engineer Bridge & Road Levy Fund
- 10-04.06. ff Approval to Appropriate from Unappropriated – Engineer Motor Vehicle Fund

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, April 6, 2010, check date April 9, 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, April 6, 2010, check date April 9, 2010, see resolution 10-04.06.gg

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 Jason Dolin and Scott Zody.

Mr. Zody provided the Board with information relative to the Recovery Zone bonds. Commissioner Myers stated he still has some concerns about committing the county to issuing the bonds, and Mr. Zody stated that the Board would make any final decision relative to actually issuing the bonds, and depending upon the timelines and deadlines established by the Department of Development, he and Mr. Vogel may recommend cancelling the issuance of any bonds.

Approval to remove from the table authorizing the issuance of not to exceed \$9.135,000 of bonds for the purpose of paying part of the cost of various sanitary sewer system improvements, and matters related to such bonds

On motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to remove from the table authorizing the issuance of not to exceed \$9.135,000 of bonds for the purpose of paying part of the cost of various sanitary sewer system improvements, and matters related to such bonds, see resolution 10-04.06.a

Roll call vote of the motion resulted as follows:

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

Approval of authorizing the issuance of not to exceed \$9.135,000 of bonds for the purpose of paying part of the cost of various sanitary sewer system improvements, and matters related to such bonds

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve authorizing the issuance of not to exceed \$9.135,000 of bonds for the purpose of paying part of the cost of various sanitary sewer system improvements, and matters related to such bonds, see resolution 10-04.06.a

Roll call vote of the motion resulted as follows:

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

Review, cont.

Commissioner Myers stated that he has some concern about the Waterloo alley vacation, particularly without knowing exactly where the centerline of the alley is located. Commissioner Shupe asked if the Commissioners could require or order a survey be conducted as a condition of vacating the alley, and Mr. Dolin stated that could be a possibility.

Mr. Dolin briefed the Board on the possible sale of county lands at the Fairfield Medical Center, stating that the county cannot simply donate the land to FMC per a past Attorney General's Opinion, and if it were sold it would have to be a public sale, although it is doubtful there would be any other bidders.

Mr. Dolin stated the original deed contains a reversion clause that stipulates the land be returned to the city if the land is no longer used as a hospital. Mr. Dolin stated it may be possible for the county to donate the land back to the city, but they would likely have the same challenge of trying to donate or sell the land to FMC.

Commissioner Shupe asked if there were buildings on all of the parcels, and Mr. Dolin stated on some there are, but some are parking areas. Commissioner Myers stated he believes some of the property in question lies between Kroger and FMC, and Commissioner Shupe stated that she recalls that a property trade occurred several years ago between Kroger and FMC to allow both to expand. Commissioner Myers stated that Jim Edwards in the Prosecutors Office was involved in those discussions and might have some history for Mr. Dolin.

Mr. Dolin stated there is also the repayment/overpayment of prisoner medical expenses to consider, and Commissioner Kiger explained that last week Cathy Mathias, the nurse for the jail, saw an article relative to prisoner medical expenses and that by law, the

county should only be paying Medicaid rates. She contacted FMC and discovered that the county had been paying full rates for such care, and should have only been paying Medicaid rates since 2005. As a result, Dr. Vajen contacted Sky Gettys and he looked into the issue and discovered that FMC had over-billed the county, and the amount could be substantial. Commissioner Kiger stated he wanted to check with Job & Family Services to see if this could impact that agency as well.

Mr. Dolin noted that all prisoner medical bills from 2005 forward may need to be reviewed. Commissioner Myers asked if prisoners who have their own insurance pay for their own health care while incarcerated – for example, what if some millionaire gets arrested for DUI and has a heart attack while in jail? Mr. Dolin stated that technically, the county would likely be responsible for that person's medical care

The Board approved a draft letter to State Senator Tim Schaffer relative to an amendment that is being considered to a bill in the Senate Agriculture Committee that would divert certain Recorder's fees from the County General Fund.

11:00 a.m. Hearing – Waterloo Alley Vacation

The Board of Commissioners met to conduct a public hearing on the proposed vacation of an alley in the Unincorporated Village of Waterloo. Commissioners present were Jon Myers, Judith Shupe and Mike Kiger. Also present were County Engineer Frank Anderson, Jeff Carnechis, Violet Township Zoning Officer Kelly Sarko, Clara Greer, Jim Miesse, Mary Hargus, Jason Dolin and Scott Zody.

Mr. Anderson stated that his office reviewed the petition and did not find any landlocking issues, but there are some encroachments in the alley that are also zoning concerns. No visible utilities were observed at the viewing or are shown on any maps, and the Engineer has no objection to the vacation.

Ms. Sarko stated that the township is not opposed to the vacation but does request that all of the current obstructions in the alley be removed including the shed, but a variance could be granted for the building.

Ms. Greer spoke and stated she would like to know how wide the property is and who is responsible for determining that. Commissioner Kiger stated the Board reviews and hears the vacation request, but it would be up to the property owner(s) to survey the properties to accurately determine the location of the centerline of the alley for the split. Commissioner Kiger stated what is known is that the alley was platted to be 16.5 feet wide. Ms. Greer asked why the buildings were put there to begin with, and Commissioner Kiger stated that back when those buildings were constructed, there were no zoning codes, but they were still encroachments. Ms. Greer asked why they were not informed of the problem when the property was purchased in 1954, and Ms. Sarko stated zoning was not enacted in Violet Township until 1960.

Mr. Miesse stated he has some concern about the buildings and has paid taxes on those structures for several years. In addition, he believes the neighbor's fence line has been moved approximately 3-4 feet from its original location. Commissioner Kiger stated that is why a survey would be needed to accurately mark the centerline of the alley.

Commissioner Myers asked who would know where the original property lines would be located, and Mr. Carnechis stated that once pins could be established on the lot corners, then the centerline of the alley could be determined. Mr. Miesse stated the pins are probably under Hill Road, and Mr. Carnechis stated that is highly unlikely, since the alley and lots were platted off of the Hill Road right-of-way.

Commissioner Kiger stated today's hearing is to hear questions and concerns relative to the vacation and no decision would be made today. Ms. Greer asked why she would be expected to pay the costs of a survey, and Commissioner Kiger stated as the petitioner,

she would bear the cost of conducting the survey if the neighbors did not wish to participate.

Ms. Hargus spoke and stated that she favors the vacation.

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

11:30 a.m. Meeting with Jeanette Addington

The Board of Commissioners met with county fiscal consultant Jeanette Addington for a quarterly budget update. Commissioners present were Jon Myers, Judith Shupe and Mike Kiger. Also present were Ed Laramee, Staci Knisley, Jon Slater, Jason Dolin and Scott Zody

Ms. Addington provided an overview of the 1st quarter revenue and expenditure figures, stating that revenues are at 30% of the year's projection, but that also includes the first half property tax settlement figures, so it should be a little higher. Ms. Knisley also noted that the increased sales tax will not begin affecting the revenues until the second quarter deposits.

On the expenditure side, Ms. Addington stated her projected expenditures of \$34 million and the actual spending is just under \$14 million, but some expenses reflect allocation that have been transferred for the entire year. Ms. Knisley noted that so far expenses are down 19% from 2009. Ms. Addington stated the overall budget is tracking very well, but she would like to see how the 2nd and 3rd quarters track before becoming too optimistic. Ms. Addington stated the sales tax increase definitely helped the revenue, and the economy does seem to be heading in the right direction, but spending needs to be closely watched and controlled.

Commissioner Myers noted the real estate market continues to struggle, and Ms. Addington stated there appears to be some recovery occurring, but not nearly enough to affect an overall turnaround in the economy.

Ms. Knisley noted that she needs to send out tax budget parameters this week and needs some guidance from the Board. Commissioner Myers asked if there were any suggestions, and Ms. Addington stated that at this point in the fiscal year, she would advise to keep the numbers flat or allow a 1% increase. She is involved with several school district negotiations and they are planning no increases. Commissioner Shupe stated that State Representative Stebelton made a statement at the State of the Schools event that schools should not be giving raises this year.

Ms. Addington stated a full recovery will take some time. Ms. Knisley stated that due to 2010 having 27 pay dates, there was an extra 3.8% already built into the budget, so if the budget is flat there will be that much less spending. Commissioner Myers stated that amounts to approximately \$500,000, and asked if insurance costs would increase significantly in 2011. Ms. Knisley stated the insurance increases/rates are not usually known until late fall.

Ms. Addington stated there is also the question of what impact the recently passed Federal Health Care reform bill would have on rates next year.

Ms. Knisley stated she needs some decision on some items. Commissioner Myers stated that it is difficult to not provide any pay raise two years in a row, and Commissioner Shupe stated the county employees can't expect to leave and go somewhere else and receive a pay raise.

Ms. Krisley stated she also had a questions about the supplies and contract services line items, as she was proposing to initially leave those flat as well. Commissioner Myers asked Mr. Slater what kind of impact that could have, and Mr. Slater stated that he would rather leave that line flat and be able to provide his employees with a modest pay increase. Mr. Slater stated the real issue is the 2012 budget and asked how the cash carry over situation is looking. Ms. Addington stated she did projections for 2011, but did not bring them along. Mr. Zody stated he believes the projection was for about a \$7 million carry over to end 2010.

Ms. Addington stated the county started 2010 with a \$7.6 million carry over, and is currently at \$8.2 million, but that is with the recent property tax settlement deposit.

Mr. Laramee stated that in a conversation with Moody's last week he recalled estimating a \$1 million increase to the year-end cash by the end of 2010, so that would coincide with his estimate.

Commissioner Kiger stated he would prefer to keep the guidance flat for now, and the Board could re-adjust later as conditions warrant. Ms. Addington stated that even without a pay raise, the employees should at least be comforted to know not to expect further cuts.

Mr. Laramee advocated considering a bump in the employee health care share, as we look "rich" compared to many in the private sector. Mr. Slater stated he would have concerns with employees not getting any pay raise but then seeing a hit on their take-home pay, but the issue should be explored and discussed.

Mr. Laramee stated if the carry over comes in greater than anticipated, the Board could always consider options to share that in various ways. Commissioner Shupe stated the guidance could reflect a 0% increase subject to review later in the year.

Mr. Laramee stated there would be much flexibility if the Board waits too long, and Mr. Zody stated one option is that the offices and agencies would have the opportunity to reprioritize their General Fund dollars.

Commissioner Myers noted that fuel costs will likely rise this year, and Commissioner Kiger stated that the Board provided additional funding to the Sheriff last year for anticipated fuel increases that did not materialize, so he should have room to redirect funding if that occurs this year.

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 12:15 p.m.

Roll call vote on the motion resulted as follows:

Voting aye thereon: Jon Myers, Judith Shupe 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, APRIL 13, 2010 AT 10:00 A.M.**