

**Regular Meeting #26-2012
Fairfield County Commissioners' Office
June 5, 2012**

Review Session

The Board of Commissioners met at 9:03 a.m. to review legal issues, pending and future action items and correspondence. Commissioners present were Steven Davis, Mike Kiger, and Judith Shupe. Also present were Reed Bailey, Jeff Barron, Jason Dolin, Shane Farnsworth, Dave Levacy, and Branden Meyer.

Legal Questions Under Review and Prosecutor's Pending Items

▪ **Review/Update the Public Records Policy**

Mr. Dolin stated that this is still pending.

▪ **Review the Nuisance, Dangerous, Vicious Dog Protocol**

Mr. Dolin stated that this information was provided by Mr. Meyer to him yesterday. He stated that he will review the information and compare it with the law.

▪ **Board of Commissioners vs. Roger R. Ruble, Trustee, et al. [Case no. 12 CV 593]**

Mr. Dolin stated that he has a status conference with Judge Martin on June 6, 2012 at 9:00 a.m.

Commissioner Davis stated that he will attend if the other two Commissioners agree.

Commissioner Shupe and Commissioner Kiger agreed that Commissioner Davis should attend the conference.

Pending Items

▪ **Public Safety Facility**

Commissioner Kiger stated that he has a meeting with Lend Lease Corporation on Thursday and will report back with any new information next week.

▪ **Fairfield County BDD Board Resignation received from Fred Destadio** (this appointment must be an individual who has an immediate family member eligible for school age services).

Mr. Meyer stated that Jeff Barron put the information regarding the vacancy in the Lancaster Eagle Gazette.

Commissioner Davis thanked Mr. Barron for printing the information.

Items that Need New Action/Attention- Requests and Review

▪ **Request for benches downtown**

Commissioner Davis stated that he received a request from Rosemary Hajost requesting some benches for downtown Lancaster.

Mr. Meyer stated that he has asked Tony Vogel how many benches are available, but has not heard back from him.

Commissioner Shupe stated that Patty Bratton could possibly write another grant.

▪ **Parking along the hill on Main Street**

Commissioner Davis stated that the Commissioners received an email from David Uhl expressing his concern about parking along the hill on Main Street. Commissioner Davis stated that he is not aware of county employees parking on Main Street in 2 hour parking spaces. He suggested that Mr. Meyer ask Data Processing send out an email to county employees stating that county employees should not park in 2 hour parking spaces, which is not consistent with the content of the law."

▪ **Sheriff's Office Payroll/Staffing**

Commissioner Shupe stated that she asked Ms. Knisley to check the staffing numbers that the Sheriff provided several weeks ago. She stated that she Sheriff's information stated that he was down 29 people, but he is actually down 14 people. She stated that she wanted to clarify that the staffing in the Sheriff's office is not as dire as was shared.

▪ **DACO Wall Update**

Commissioner Davis stated that he spoken with Tony Vogel earlier in the morning. Mr. Vogel shared that the contractor stated that they would not be able to complete the east part of the wall prior to the start of the Lancaster Festival. They will complete the west part of the wall, clean up, pack up their equipment and then come back after the Festival to complete work on the east part of the wall if the county is willing to have that work completed. He stated that the question is whether the work should be done. There is a slight bowing to the wall, but in no real danger of falling, like the west section of the wall. He stated that Mr. Vogel also obtained information about the cost to repair and clean the wrought iron fence on the wall next to the Sherman House. He asked Mr. Vogel to come talk to the Commissioners later in the morning.

Invitations

▪ **Tree House Dedication, Saturday, June 16, 2012 (11:00 a.m.) Location: 1592 Granville Pike, Lancaster.**
This event is scheduled for the same day as the Fatherhood Initiative event.

▪ **Southeastern CCAO/CEAO Conference, Friday, June 29, 2012 (Registration- 9:00 a.m.) Location: Hocking County Commissioners' Office. RSVP deadline Friday, June 15, 2012. Cost: \$5.00.**
Commissioner Shupe will be attending, Commissioner Kiger stated that he will not be attending, and Commissioner Davis stated that he would check his schedule regarding his availability.

▪ **Public Service Recognition Breakfast, Thursday, June 28, 2012 (8:00 a.m.-9:30 a.m.) Location: Alley Park. RSVP by June 4, 2012.**

Informational

▪ **Letter received from Debi Clarridge, re: Dog Shelter**

▪ **Letter received from Debi Clarridge, re: Public Records Request**

▪ **Letter received from ODOB, re: Project Acknowledgement or Release of Environmental Conditions for B-F-11-1AV-1 (Miscellaneous CDBG Projects)**

▪ **Exotic/Wild Animals**

Mr. Levacy stated that a resident in Fairfield Beach was given two lionesses.

Commissioner Davis stated that local law verses state law needs to be looked at.

Mr. Dolin stated that local law cannot preempt state law, but sometimes the county can do lesser things. He stated that the Governor is signing the law soon.

Mr. Meyer stated that the Governor signed the legislation today. He stated that there is a wild cat place near Amanda.

Commissioner Kiger stated that there is a wild cat rescue place on Hamburg Road.

Mr. Dolin stated that he was unaware about this and will review the law regarding wild animals.

Review Session ended at 9:25 a.m. The Commissioners went into Recess until Mr. Vogel was able to meet with the Commissioners.

Review Session (continued)

The Board of Commissioners met at 9:33 a.m. to continue their discussion from earlier in the morning. Commissioners present were Steven Davis, Mike Kiger, and Judith Shupe. Also present were Reed Bailey, Jason Dolin, Dave Levacy, Branden Meyer, Jon Slater, and Tony Vogel.

Items that Need New Action/Attention- Requests and Review (continued)

▪ **DACO Wall Update (continued)**

Commissioner Davis asked for thoughts regarding the repair of the wrought iron on the wall next to the Sherman House.

Mr. Vogel stated that the iron will be painted with new paint, but it will blend in.

Commissioner Davis asked whether the Sherman House pay a third, the contractor pay a third and the county pay a third.

Mr. Vogel stated that he has not spoken with anyone at the Sherman House.

Commissioner Davis asked Mr. Vogel to contact them.

Mr. Vogel stated that he had spoken with the contractor regarding the repair of the east part of the wall and that they will complete it at a reduced cost since they are already on site. They will have to complete the east part of the wall after the Festival is over.

Commissioner Shupe stated that Commissioner Davis had shared this information earlier in the morning.

▪ **Request for benches downtown (continued)**

Mr. Meyer asked Mr. Vogel how many benches are available to give out.

Commissioner Davis asked Mr. Meyer to contact Mrs. Hajost regarding her request.

Mr. Meyer agreed to call Mrs. Hajost.

Review Session ended at 9:42 a.m. The Commissioners went into Recess at 9:42 a.m. and left to attend the Board of Developmental Disabilities graduation ceremony at Forest Rose School at 10:00 a.m.

Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, June 5, 2012 beginning at 10:50 a.m., with the following Commissioners present: Steven Davis, Mike Kiger and Judith Shupe. Also present were Jeff Barron, Alan Brown, Jason Dolin, Tammy Drobina, Ralph George, Irene Hager, Douglas Hockman, Gary Jenkins, Kathryn Jenkins, Gary Kinnlson Jr., James Mako, Holly Mattei, Branden Meyer, Tim Morris, Jeff Thimmes, Nancy Thimmes, Robert Snider, John Snook, and Jack Weidner.

Pledge of Allegiance

Commissioner Davis asked everyone to rise and led the Pledge of Allegiance.

Announcements

No announcements made.

Public Comment

There was no public comment.

Approval of the Minutes from the Regular Meeting for Tuesday, May 22, 2012 and the approval of the Minutes from the Regular Meeting for Tuesday, May 29, 2012.

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted on the approval of the Minutes from the Regular Meeting for Tuesday, May 22, 2012 and the approval of the Minutes from the Regular Meeting for Tuesday, May 29, 2012.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Mike Kiger, Judith Shupe, and Steven Davis

Approval of establishment of a viewing and hearing- petition to vacate a section of Stepath Mound Lane (TR 258) in Hocking Township [Fairfield County Commissioners]

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted on the approval of establishment of a viewing and hearing- petition to vacate a section of Stepath Mound Lane (TR 258) in Hocking Township [Fairfield County Commissioners], see Resolution 2012-06.05.a.

Commissioner Shupe stated that this portion of road was left standing when the Bypass went in and it will be interesting to find out more information from the Engineer about this during the Commissioners' Public Viewing on July 24.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Judith Shupe, Mike Kiger, and Steven Davis

Approval of delinquent sewer rentals [Fairfield County Commissioners]

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted on the approval of delinquent sewer rentals [Fairfield County Commissioners], see Resolution 2012-06.05.b.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Mike Kiger, Judith Shupe and Steven Davis

Approval of FY2013 Community Based Corrections Act Program 407 Subsidy Grant Agreement [Fairfield County Adult Probation]

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted on the approval of FY2013 Community Based Corrections Act Program 407 Subsidy Grant Agreement [Fairfield County Adult Probation], see Resolution 2012-06.05.c.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Judith Shupe, Mike Kiger, and Steven Davis

Approval of Engineer's Resolutions

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted on the approval of the following Engineer's Resolutions:

2012-06.05.d Approval of setting a Commissioner's viewing date of July 10 2012 at 9:00 a.m. and a final hearing date of July 10, 2012 at 11:00 a.m. to determine the necessity for establishing, altering and widening of Sitterley Road, Bloom Township, Fairfield County [Fairfield County Engineer]

2012-06.05.e Approval of setting a Commissioner's viewing date of July 10 2012 at 9:15 a.m. and a final hearing date of July 10, 2012 at 11:15 a.m. to determine the necessity for establishing, altering and widening of Alspach Road, Bloom Township, Fairfield County [Fairfield County Engineer]

2012-06.05.f Approval of contract bid award for the FAI-CR3/7/45/50 resurfacing project [Fairfield County Engineer]

Roll call vote of the motion resulted as follows:

Voting aye thereon: Mike Kiger, Judith Shupe, and Steven Davis

Approval of Job & Family Services Resolutions

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted on the approval of the following Job & Family Services Resolutions:

- 2012-06.05.g Approval of a compensation designation for Job & Family Services, Child Support Enforcement Staff Attorney [Fairfield County Job & Family Services]
- 2012-06.05.h Approval of a service agreement by and between Fairfield County Job & Family Services, Child Protective Services Division and Christian Children's Home of Ohio [Fairfield County Job & Family Services]
- 2012-06.05.i Approval of a service agreement by and between Fairfield County Job & Family Services (FCJFS) and Business Systems Solutions, Inc. [Fairfield County Job & Family Services]
- 2012-06.05.j Approval of a service provider contract by and between Fairfield County Job & Family Services (FCJFS) and the Office of the Fairfield County Prosecuting Attorney [Fairfield County Job & Family Services]

Roll call vote of the motion resulted as follows:

Voting aye thereon: Judith Shupe, Mike Kiger, and Steven Davis

Approval of Sewer Service Agreement Connection Fees for the Sagamore Pond Estates Subdivision [Fairfield County Utilities]

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted on the approval of Sewer Service Agreement Connection Fees for the Sagamore Pond Estates Subdivision [Fairfield County Utilities], see Resolution 2012-06.05.k.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Mike Kiger, Judith Shupe and Steven Davis

Approval of Financial Resolutions

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted on the approval of the following Financial Resolutions:

- 2012-06.05.l Approval of account to account transfer- Major Expenditure Object Category- Commissioners [Fairfield County Commissioners]
- 2012-06.05.m Approval of repayment of an advance to the General Fund- HOME Fund #2731 (cash #8007) [Fairfield County Commissioners]
- 2012-06.05.n Approval of payment of invoices without an appropriate carry over purchase order for the ADAMH Board [Fairfield County ADAMH Board]
- 2012-06.05.o Approval of account to account transfer- Fund 2689- Adult Community Based Correction Fund [Fairfield County Adult Probation]
- 2012-06.05.p Approval of fund to fund transfer (Insurance 7671) to (General 1001) [Fairfield County Auditor]
- 2012-06.05.q Approval to appropriate from unappropriated funds, Motor Vehicle Fund 2024, the County Engineer [Fairfield County Engineer]
- 2012-06.05.r Approval to appropriate from unappropriated funds, Motor Vehicle Fund 2024, the County Engineer [Fairfield County Engineer]
- 2012-06.05.s Approval of reducing appropriations from major expenditure categories- Fund #2771, Reentry Coalition- Fairfield County Job & Family Services [Fairfield County Job & Family Services]
- 2012-06.05.t Approval to appropriate from unappropriated Fund 2709 [Fairfield County Sheriff]

- 2012-06.05.u Approval to appropriate from unappropriated Fund 2503 [Fairfield County Sheriff]
- 2012-06.05.v Approval of a new Grant Fund for the Soil & Water Conservation District Buckeye Lake Nutrient Reduction Project [Fairfield County Soil & Water Conservation District]
- 2012-06.05.w Approval of fund to fund cash transfer from 5046 Water District Cash Fund to Water Debt Service for 2012 Interest & Principal Payments [Fairfield County Utilities]
- 2012-06.05.x Approval of fund to fund cash transfer from 5044 Sewer District Cash Fund to Sewer Debt Service for 2012 Interest & Principal Payments [Fairfield County Utilities]
- 2012-06.05.y Approval to ratify previous authorization for payment of invoice, outside the normal budgetary process- Fairfield County Utilities [Fairfield County Utilities]

Roll call vote of the motion resulted as follows:

Voting aye thereon: Judith Shupe, Mike Kiger, and Steven Davis

Approval of Authorization for Payment of Bills, June 5, 2012 [Fairfield County Commissioners]

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted on the approval of Authorization for Payment of Bills, June 5, 2012 [Fairfield County Commissioners], see Resolution 2012-06.05.z.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Mike Kiger, Judith Shupe, and Steven Davis

Approval of Fairfield County Revolving Loan Fund Review Committee's recommendations for funding a proposal for Economic Development Administration Revolving Loan Fund (EDA-RLF) financing [Fairfield County Economic Development]

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted on the approval of Fairfield County Revolving Loan Fund Review Committee's recommendations for funding a proposal for Economic Development Administration Revolving Loan Fund (EDA-RLF) financing [Fairfield County Economic Development], see Resolution 2012-06.05.aa.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Judith Shupe, Mike Kiger, and Steven Davis

The Regular Meeting ended at 10:58 a.m.

Public Hearing: CDBG Formula and Neighborhood Revitalization Program- Second Hearing

The Commissioners held the second Public Hearing for the Floodplain Regulations Amendment. Commissioner Davis called the meeting to order at 11:06 a.m. with the following Commissioners present: Steven Davis, Mike Kiger, and Judith Shupe. Also present were Jeff Barron, Alan Brown, Jason Dolin, Tammy Drobina, Ralph George, Irene Hager, Douglas Hockman, Gary Jenkins, Kathryn Jenkins, Gary Kinnlson Jr., James Mako, Holly Mattei, Branden Meyer, Tim Morris, Jeff Thimmes, Nancy Thimmes, Robert Snider, John Snook, and Jack Weidner.

Commissioner Davis read the following statement:

“THIS IS THE SECOND PUBLIC HEARING HELD ON FAIRFIELD COUNTY’S FISCAL YEAR 2012 SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATION. THIS YEAR’S ALLOCATION IS \$219,000. THERE WERE 15 REQUESTS FOR FUNDS TOTALING \$1.7 MILLION.

THE PRELIMINARY PROJECT SELECTION AND ALLOCATION IS:

- 1. \$32,700-PLEASANTVILLE COMMUNITY CENTER ADA REHAB, and*
- 2. \$43,800-FAIR HOUSING AND ADMINISTRATION, and*
- 3. \$47,800-WALNUT TOWNSHIP BIRCH STREET REHABILITATION, and*
- 4. \$55,100-CARROLL STREET REHABILITATION, and*
- 5. \$32,400-PLEASANTVILLE OTTE PARK IMPROVEMENTS, or*
- 6. \$46,500-BREMEN MARIETTA STREET ADA REHABILITATION*

IN ADDITION TO THE SMALL CITIES GRANT PROGRAM, FAIRFIELD COUNTY IS APPLYING FOR \$300,000 IN NEIGHBORHOOD REVITALIZATION PROGRAM FUNDS ON BEHALF OF THE VILLAGE OF PLEASANTVILLE. ACTIVITIES BEING CONSIDERED INCLUDE:

- 1. \$53,300-COMMUNITY CENTER GENERATOR AND FENCING*
- 2. \$94,600-COMMUNITY CENTER ROOF REHABILITATION AND CHIMNEY DEMOLITION*
- 3. \$83,900-NORTH MAIN STREET SIDEWALK REHABILITATION*
- 4. \$26,500-VILLAGE PARK IMPROVEMENTS*
- 5. \$13,600-WEST WALNUT STREET SIDEWALK IMPROVEMENTS*
- 6. \$8,000-COMMUNITY POOL ADA IMPROVEMENT*
- 7. \$30,000-ADMINISTRATION*

DO WE HAVE ANY PUBLIC COMMENT AT THIS TIME?”

Commissioner Davis asked for any public comments.

Mr. Mako stated that a correction should be made. The project is a fencing project instead of a roofing project.

Alan Brown from ME Companies, 5080 Tyler Plant Road, New Lexington: He expressed his thanks to the Commissioners for selecting the Pleasantville project and their past support. He encouraged the Commissioners’ support of the second project for Pleasantville, which he said would add more dollars to help their NSP Program.

Commissioner Davis clarified that this project was number 5 on the list.

Mr. Brown stated correct and stated that additional formula funds add to the leverage for their NSP projects. He stated that they had great participation from citizens and 10 residents are present at the hearing.

Kathryn Jenkins, Clerk/Treasurer from the Village of Pleasantville: She stated that \$20,000 is being contributed to help with their project.

Tammy Drobinia- Mayor, Village of Carroll: She expressed her thanks to the Commissioners for their support.

Commissioner Davis stated that the numbers are very preliminary. He stated that the Commissioners were unanimous in their support of the four projects. He stated that project #4 was added after #5 and #6 were decided upon.

Tim Morris, Walnut Township: He asked for the Commissioners to support their project.

Douglas Hockman- Administrator, Village of Bremen: He stated that their project is important to them. He expressed his thanks to the Commissioners for considering their Marietta Street project.

Commissioner Davis asked for any additional public comments.

The hearing ended at 11:10 a.m.

Meeting with Holly Mattei and James Mako

The Board of Commissioners met with Holly Mattei and James Mako from the Regional Planning Commission at 11:16 a.m. to further discuss the CDBG projects. Commissioners present were Steven Davis, Mike Kiger, and Judith Shupe. Also present were Jason Dolin and Branden Meyer.

Commissioner Shupe asked whether a decision needs to be made now.

Ms. Mattei stated she would like to have a resolution for the Commissioners to approve next week.

Commissioner Shupe stated that she would like to spread the money around the county more; most of the projects are located in the north. She stated that she was in favor of selecting the Bremen project.

Commissioner Davis asked Ms. Mattei for her opinion.

Ms. Mattei stated that she understands the concerns about spreading the money around the county, but also understands that Pleasantville will receive more points on their NSP program.

Commissioner Davis asked about the project at Otte Park.

Mr. Mako stated that it is mostly a mulching project, which was the largest part of the project.

Ms. Mattei stated that the money could be better for other parts of the park.

Commissioner Davis asked about the project for Carroll.

Ms. Mattei stated that the COMM has pledged \$20,000 match, a church has pledged in kind contributions and also OPWC matching dollars.

Commissioner Shupe stated that a Solid Waste District grant could be written.

Commissioner Davis stated that 50 people show up in a hearing supporting one project whether this should be factored in.

Ms. Mattei stated that the Commissioners have the right to make the decision, but the purpose of the hearing is to hear the opinions.

Mr. Mako agreed.

Commissioner Davis stated that Pleasantville has made decisions on what to include and asked whether their application has been submitted.

Ms. Mattei stated that the application has not been submitted. She stated that five projects will most likely be done.

Commissioner Davis asked whether the NSP projects could be modified.

Mr. Mako stated yes, and that this project will still be an eligible project. He stated that it must be prioritized higher.

Commissioner Davis stated that he tends to lean towards doing the Bremen project.

Commissioner Shupe agreed.

Commissioner Kiger also agreed.

Ms. Mattei stated that she was fine with this.

Commissioner Davis stated that the Commissioners were appreciative of the presentation of remarks from Pleasantville, but the importance of an ADA compliance project has a slightly higher ranking.

Commissioner Davis asked whether Ms. Mattei notifies the individuals prior to the Commissioner passing the resolution.

Ms. Mattei stated no because the individuals have the opportunity to speak at the Public Hearing.

The meeting concluded at 11:30 a.m.

Executive Session*

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to enter into Executive Session at 11:32 a.m. for the purpose of discussing pending or imminent litigation. Commissioners present were Judith Shupe, Steve Davis and Mike Kiger. Also present were Jason Dolin, Holly Mattei, Branden Meyer and Jeremiah Upp.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Judith Shupe, Steven Davis and Mike Kiger

*This meeting was not public pursuant to R.C. 121.22(G)(3).

Commissioner Davis had to leave the Executive Session for a meeting at 12:03 p.m.

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to adjourn from Executive Session at 12:04 p.m.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Judith Shupe and Mike Kiger

Absent: Steven Davis

No formal actions were taken.

Review Session (continued)

The Board of Commissioners met at 12:04 p.m. to discuss pending litigation. Commissioners present were Mike Kiger and Judith Shupe. Also present were Jason Dolin, Holly Mattei, Branden Meyer, and Jeremiah Upp.

• Board of Commissioners vs. Roger R. Ruble, Trustee, et al. [Case no. 12 CV 593]

Mr. Dolin suggested that the Commissioners have a meeting tomorrow in Judge Martin's Courtroom. He asked Mr. Meyer to send a notice for an Emergency Meeting [pursuant to R.C. 121.22(F)] for June 6, 2012 at 9:00 a.m. in Judge Martin's Courtroom, which may be followed by an Executive Session [not public pursuant to R.C. 121.22(G)(3)].

The Commissioners agreed to hold an Emergency Meeting on June 6, 2012 at 9:00 a.m. during the scheduled status conference with Judge Martin.

Mr. Meyer stated that he would send out the meeting notice.

Review Session ended at 12:06 p.m.

Adjournment

With no more business to discuss, on the motion of Mike Kiger and a second of Judith Shupe, the Board of Commissioners voted to adjourn at 12:06 p.m.

Roll call vote on the motion resulted as follows:
Voting aye thereon: Mike Kiger and Judith Shupe
Absent: Steven Davis

The next regular meeting (emergency meeting) of the Board of Commissioners is scheduled for Wednesday, June 6, 2012 at 10:00 a.m.

Motion by: Mike Kiger

Seconded by: Judith Shupe

that the minutes were approved by the following vote:

YEAS: Mike Kiger, Judith Shupe, and Steven Davis

NAYS: None

ABSTENTIONS: None

*Approved on June 12, 2012.

Steven A. Davis
Commissioner

Mike Kiger
Commissioner

Judith K. Shupe
Commissioner

Branden C. Meyer, Clerk