

**Regular Meeting #09-30  
Fairfield County Commissioners' Office  
July 21, 2009**

**9:00 a.m. Meeting with Becky Edwards**

The Board of Commissioners met with Family, Adult & Children First Council (FACFC) Director Becky Edwards to discuss the renewal of the Meals on Wheels (MOW) levy contract. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were Ed Laramée, Jason Dolin and Scott Zody.

Commissioner Shupe stated that the current contract with MOW expires at the end of the year, and the Board needs to work on any possible changes soon. Ms. Edwards stated that she was present to discuss the letter that was submitted by the FACFC Executive Committee that outlines some concerns they have with the current administration and have been issues with the Council for at least two years.

Ms. Edwards stated that there are consistent concerns from several agencies regarding service complaints or a lack of assistance from MOW. The opinion of the Council is there needs to be more transparency and coordination with other agencies, such as MRDD and JFS. In addition, there is concern regarding the disparity of funding such as with Pickerington and Violet Township relative to their pursuing their own seniors levy.

Ms. Edwards stated that the Council recommends the creation of a county aging services office, and take the administrative functions out of MOW and place within this office to coordinate and oversee the spending of levy funds for seniors.

Commissioner Myers asked if the Council is recommending combining all the programs, including Pickerington's levy, and Ms. Edwards stated that an office to coordinate needs and provide assistance to service agencies is necessary to properly serve the seniors in the county.

Commissioner Shupe asked if a committee could be established to review grants and funding from the levy, and Ms. Edwards stated the biggest problem is a lack of transparency. Commissioner Shupe stated that she would want to see a committee that would be granted the authority to overrule the MOW Board. Commissioner Myers stated the Commissioners have the oversight, and Commissioner Kiger stated the Commissioners already have the authority to approve or disapprove grants. Ms. Edwards stated a separate entity to do the grants process and oversight is needed.

Commissioner Myers asked what power an aging office would have, and Ms. Edwards stated the office would administer the levy funds under the Commissioners. Commissioner Kiger asked if there was not already an Aging Office, and Ms. Edwards stated it is one person under the MOW Board, which to the Council is a conflict of interest. Commissioner Myers asked what is wrong with the MOW budget or spending, and Ms. Edwards stated it is not necessarily the budget, it is the administration of the program that is the problem.

Ms. Edwards stated that the Council is unhappy with the distribution of the funds from the levy with respect to how they are apportioned. Commissioner Myers asked for some examples, and Ms. Edwards stated that she and other members of the Council have received phone calls relative to the potential misuse of funds and nepotism on the part of the staff of MOW, and at their most recent Board meeting, claimed to be out of funds.

Commissioner Shupe stated that Commissioner Kiger has been attending both the FACFC meetings and the Friends of MOW Advisory Board meetings, and asked for his opinion on the matter. Commissioner Kiger stated that his goal has been to try to make the process more transparent, and has tried to make available minutes from meetings and information on grants. Commissioner Kiger reminded that Board that they had

recently denied a request from MOW to pay for pet food for their clients, and stated that it is difficult to pinpoint where the funds might be misspent.

Ms. Edwards stated that she would prefer not to discuss specific complaints or allegations in this environment, but assured the Board that she believes there are legitimate complaints and concerns relative to the administration of MOW. Ms. Edwards stated that the bottom line is that MOW should be removed as an administrator over the program if they are going to continue to receive funding through the levy.

Commissioner Myers asked how upset the public is over these issues, as the levy was recently renewed by a large margin. Ms. Edwards replied that she believes the voters will continue to support the levy, as they recognize the benefit to the community. Commissioner Myers stated that it would appear that the majority of the complaints are arising from the agencies, not the public. Ms. Edwards stated that the concerns are focused on the non-meal services and lack of support they are receiving.

Commissioner Myers stated that the new Child Protective Service (CPS) and Adult Protective Service (APS) levy will provide funds for both children and older adults, and that should provide some support. Ms. Edwards stated that older adults tend not to complain, but she has spoken to several members of the Council who are willing to document the complaints they have received. The Information and Referral Hotline receives calls from people who seek assistance and are told by MOW that they can't help them.

Commissioner Myers asked if MOW is supposed to help those folks, and Ms. Edwards stated there are specific services spelled out in the MOW levy ballot language. Commissioner Myers asked what assistance JFS is providing, such as utility shut-off assistance, and Ms. Edwards stated JFS can no longer provide funding for those purposes, and Mr. Zody stated that he was at a meeting in JFS the previous day and confirmed that, except for AEP customer, JFS is no longer providing utility assistance.

Commissioner Shupe stated that in some ways, the MOW arrangement is like having the fox guard the henhouse, as it would appear that MOW is looking after its own need first, and the Advisory Board has not been able to do much to change that. Commissioner Shupe stated that her concern is that the MOW Board is shutting out input, including that of the County Commissioners.

Commissioner Myers asked if a separate accounting system is developed, should the same apply to the CPS/APS levy funding. Commissioner Shupe stated the problem is that multiple agencies should be receiving funding through the older adult services levy, but are not.

Ms. Edwards stated that prior to the levy being enacted, United Way used to provide funding for MOW, but after the levy was approved, MOW stopped asking for \$\$ from United Way. Ms. Edwards repeated that the Council does not wish to take funding away from MOW for their meals program, but wants transparency and accountability.

Ms. Edwards stated that she has serious concerns relative to some items in the contract, such as the item that permits MOW to not include specific line item information for grants in their budget.

Mr. Dolin stated that the Board of Commissioners has authority by contract to determine the processes for distribution of the funds, and there is merit to the argument, as MOW is currently contracting with itself to provide services, which is not a good arrangement.

Ms. Edwards asked if audits are required, and Mr. Zody stated that is one change he and Mr. Dolin proposed, as there are specific requirements in the Revised Code that would appear are not being followed by MOW currently, including an audit requirement.

Commissioner Shupe stated that she is concerned with the total control that MOW appears to have over the levy funding, and would prefer an independent board oversee the distribution of the funds.

Ms. Edwards stated that the Council provides grants, and they have a very open and regimented process they follow in awarding funds, including a fair and balanced scoring process.

Commissioner Myers asked if the State Auditor's Office conducts audits of MOW, and Commissioner Shupe stated that she believes they do, but not to determine who receives funding.

Commissioner Shupe asked the Board where the needed to go from here, and reiterated her desire for a stand-alone oversight board. Mr. Zody stated that he and Mr. Dolin are scheduled to meet with the MOW sub-committee next week to initiate discussions relative to the contract, and recommended that Ms. Edwards meet with her Council and develop some specific recommendations for changes to the contract.

Commissioner Kiger stated that if an independent review board is established, the question becomes who should sit on it to avoid conflicts of interest. Ms. Edwards stated that she would also like to build collaborative and cooperative efforts with MOW and have them as a partner at the table.

#### **9:30 a.m. - Records Storage Meeting**

The Board of Commissioners met with Data Processing Chief Randy Carter and Andy Gleissner to discuss public records storage. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were Jason Dolin and Scott Zody.

Mr. Carter stated that he and Mr. Gleissner wanted to provide an update to the Board from the previous weeks meeting regarding records storage and security cost estimates for the Hall of Justice, Sheriff's Office, and the jail facilities from Acree-Dailey.

Mr. Gleissner stated that the cost estimate for Drew Shoe, the records storage facilities still in the \$38,000 range, and they will proceed with that phase. Commissioner Kiger asked what maintenance costs there would be with the system, and Mr. Gleissner stated that Acree-Dailey based the maintenance costs on the total costs of the project. The first year is free, the second year is 6% of total cost, the third year is 7%, and additional years are 8%. This would cover the key fobs, plates, contact plates, cameras and locks. Mr. Carter added that ADT does not provide coverage like that on the current system.

Mr. Zody asked if the quote for the Sheriff's Office, Hall of Justice, and jail facilities included the extra costs if ADT pulls their equipment, and Mr. Gleissner stated he based the estimate on the assumption that ADT would remove most of the equipment that could be easily reused.

Mr. Gleissner stated the quote for the Minimum Security Jail is \$26,349, due to a large amount of rewiring that would be required, the main jail would be \$16,017, and the Hall of Justice would cost \$6,738, for a total of just under \$50,000.

Commissioner Shupe asked if Mr. Carter is seeking guidance on where to go from here, and Mr. Carter stated he would like to proceed with the Drew Shoe piece, but does not see the utility of moving forward with the other pieces at this time, particularly with the jails.

Commissioner Kiger stated the original estimate for all the work from Mr. Spybey was for \$60,000, and now it would appear the total cost could be as high as \$90,000.

Commissioner Shupe asked what the savings would be by eliminating the annual ADT contract, and Mr. Carter stated the ADT contract costs approximately \$11,000, but that would be partially offset by the Acree-Dailey maintenance fees.

Commissioner Kiger stated that one aspect that he likes is that the county is not tied to staying with Acree-Dailey as the equipment can be serviced by multiple vendors, but he is concerned about finding the funds in next year's budget to pay rent on the facility.

Mr. Zody stated that one option the Board may wish to consider would be to charge non-General Fund agencies for their share of the rent at Drew Shoe.

### **10:00 a.m. Commissioners' Regular Meeting**

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, July 21, 2009 beginning at 10:00 a.m., with the following Commissioners present: Judith Shupe, Jon Myers and Mike Kiger. Also present were Ritta Seitz, George Hilliard, Michael Orlando, Linda Kaufmann, Jason Dolin and Scott Zody.

### **Announcements**

Mr. Zody stated that there would be one add-on item relative to a contract between the Sheriff's Office and Lancaster City Schools for security at Lancaster High School.

### **Public Comment**

Mr. George Hilliard, 1375 Cincinnati-Zanesville Road, Lancaster, Ohio, provided public comment relative to a dispute involving his neighbor. Mr. Hilliard stated that he is frustrated that his neighbor, Mr. Jim Fosnall, has some trees on his property that have fallen or lost large branches that have fallen into Mr. Hilliard's property, and he is not responding quickly to clean up his "mess". Mr. Hilliard stated that he is concerned because some of the branches are on the guide wires for his electric poles, and he is concerned that it could affect his electricity, as his wife is disabled and on oxygen. Mr. Hilliard stated that he had contacted the Hocking Township Trustees and they would not do anything to assist.

Mr. Hilliard stated that he had also had AEP come out and look at the problem, and they would not do anything either. Commissioner Shupe stated that the Board could contact the trustees and see if there is anything they could do to help. Mr. Hilliard stated that he was planning to attend the next trustees meeting the following night, and Commissioner Shupe stated the Board would contact the trustees prior to the meeting.

Commissioner Kiger suggested Mr. Hilliard obtain a couple of portable oxygen bottles as an emergency backup in the event the electric fails, and Mr. Hilliard stated that he has paid to have an emergency generator installed for that purpose.

### **Approval of minutes of Tuesday July 14, 2009**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve the minutes for Tuesday, July 14, 2009.

Roll call vote of the motion resulted as follows:

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

### **Approval of Revolving Loan Fund resolutions**

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

09-07.21.a                      Approval of the Fairfield County Revolving Loan Fund Review Committee recommendation for the loan to Tiberio's Pizzeria and Ristorante to be written off

09-07.21.b 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 Solution Contractors, LLC

09-07.21.c Approval of the Fairfield County Revolving Loan Fund Review Committee recommendation for funding a proposal for Economic Development Administration Revolving Loan financing for the Lancaster Golden Corral project

Commissioner Myers asked what the cost of writing off the Tiberio's Loan would be, and Ms. Kaufmann stated it would cost approximately \$33,000, as the business is going to foreclosure.

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

#### **Approval of Lease Agreement with R. Miller Farms, LLC - Utilities**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve a lease agreement with R. Miller Farms for the Fairfield County Utilities Department, see resolution 09-07.21.d.

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

#### **Approval of CDBG Drawdown resolutions**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve CDBG drawdown resolutions as follows:

09-07.21.e Approval of request for payment and status of funds report – FY2007 CDBG Formula Program – Drawdown #190

09-07.21.f Approval of request for payment and status of funds report – FY2006 CDBG Formula Program – Drawdown #189

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

#### **Approval of establishing, altering, and widening of Refugee Road, Fairfield County, Ohio, declaration of necessity and setting a Commissioner viewing date of August 11, 2009 at 9:00 a.m. and a final hearing date of August 11, 2009 at 11:00 a.m.**

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve the establishing, altering, and widening of Refugee Road, Fairfield County, Ohio, declaration of necessity and setting a Commissioner viewing date of August 11, 2009 at 9:00 a.m. and a final hearing date of August 11, 2009 at 11:00 a.m., see resolution 09-07.21.g

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

#### **Approval of Advertising for the BLO-31, FAI-CR39-0.408 Lithopolis Road NW over a Tributary to Walnut Creek Bridge Replacement project**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve Advertising for the BLO-31, FAI-CR39-0.408 Lithopolis Road NW over a Tributary to Walnut Creek Bridge Replacement project, see resolution 09-07.21.h

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

**Approval of Job & Family Services Service Agreement resolutions**

On motion of Jon Myers and the second of Mike Kiger, the Board of Commissioners voted to approve Job & Family Services service agreement resolutions as follows:

- 09-07.21.i Approval of a Service Agreement by & between Fairfield County Job & Family Services, Child Protective Services and Mid-Ohio Psychological Services LLC
- 09-07.21.j Approval of a Service Agreement by & between Fairfield County Job & Family Services, Child Protective Services and Sojourners Care Network
- 09-07.21.k Approval of a Service Agreement by & between Fairfield County Job & Family Services, Child Protective Services and Milestone Therapeutic Foster Care

Commissioner Kiger asked why one of the agreements was for 6 months, and the other were for 12 months, and Mr. Orlando stated that the Mid-Ohio Psychological services contract was for a therapist to be housed at the JFS building to provide direct assistance to children, and the other two are current contracts that are being renegotiated due to the budget cuts, but will need to be revisited in January.

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

**Approval of an Advance from the General Fund to the CSBG Housing Improvement Fund #2730 - Commissioners**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve an Advance from the General Fund to the CSBG Housing Improvement Fund #2730 – Commissioners, see resolution 09-07.21.l

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

**Approval of Amended Certificate, Update Receipt Line Item, Appropriate from Unappropriated – Fund to Fund transfer – Fairfield County Airport**

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve an Amended Certificate, Update Receipt Line Item, Appropriate from Unappropriated – Fund to Fund transfer – Fairfield County Airport, see resolution 09-07.21.m

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

**Approval of Financial resolutions**

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

- 09-07.21.n Approval of Memo Expenditure – Job & Family Services
- 09-07.21.o Approval of Payment of a Voucher without an appropriate carryover purchase order – Emergency Management
- 09-07.21.p Approval of Fund to Fund Transfer - Treasurer

- 09-07.21.q Approval of Account to Account Transfer - Maintenance
- 09-07.21.r Approval of Account to Account Transfer – Family Adult & Children First Council
- 09-07.21.s Approval of Account to Account Transfer – Family, Adult & Children First Council
- 09-07.21.t Approval of Account to Account Transfer – Maintenance
- 09-07.21.u Approval of Account to Account Transfer - Prosecutor
- 09-07.21.v Approval of Account to Account Transfer – Dog Shelter
- 09-07.21.w Approval to Appropriate from Unappropriated – Fund #1001 – Fairfield County Juvenile Court - Unemployment
- 09-07.21.x Approval to Appropriate from Unappropriated – EDA Revolving Loan Fund
- 09-07.21.y Approval to Appropriate from Unappropriated – Fund to Fund Transfer – Airport #3011 and Fund #3712
- 09-07.21.z Approval to Appropriate from Unappropriated – Fund #7710 – Fairfield 33 Development Alliance

Roll call vote of the motion resulted as follows:

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

**Approval of Authorization for Payment of Bills, July 21, 2009, check date July 24, 2009**

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve the authorization for payment of bills July 21, 2009, check date July 24, 2009, see resolution 09-07.21.aa

Roll call vote of the motion resulted as follows:

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

**Review Session**

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

Mr. Dolin stated that he had met with Sky Geddes from Fairfield Medical Center (FMC) to discuss the issue of county owned land at FMC. Mr. Dolin stated that there needs to be some review and discussion of the options of a transfer, and FMC is willing to cover any costs for such review and research, such as a title search.

Commissioner Myers asked what would happen if the hospital would be sold, and Mr. Dolin stated that he believes there are some current restrictions on that and there is a reversion clause to the city if the hospital would be sold or transferred. Commissioner Myers suggested that Mr. Dolin continue discussions with Mr. Geddes and asked whether or not the county or city would first need to change any deed issues. MMr. Dolin stated the land is under a 99-year lease that began in 1983.

Commissioner Myers asked if Mount Carmel is a for profit or non profit, and Mr. Dolin stated that he believes most hospitals are non profit. Commissioner Myers asked who would pay the real estate taxes, or if the property would be exempt, and Mr. Dolin stated that he is not sure. Commissioner Shupe stated that additional information may need to be gathered.

Mr. Dolin stated that it would make life easier for FMC, but what is the land actually worth? Mr. Dolin stated one consideration for compensation might be for the county to transfer the land under an agreement to receive a share of future parking revenue if they would start charging such a fee. Commissioner Myers stated that he believes a title search on the property may have been conducted that last time bonds were issued to add onto the hospital.

Commissioner Shupe asked if there were any updates with respect to the Carroll Sewer line and CSX Railroad, and Mr. Dolin stated that just the previous evening, he received a draft agreement/easement from CSX and he has approved it as to form, but would like Tony Vogel to review for impacts to the Utility Department. Commissioner Shupe asked if there is a timeframe for approval, and Mr. Dolin stated that it depends on whether or not there are any problems, and the Village of Carroll is working on obtaining an agreement from the Indiana & Ohio Railroad, which operates the line owned by CSX.

The Board directed Mr. Zody to check with Tony Vogel to see if he had completed a survey for the Health Department on the House2House Program.

Regarding a citation on the Law Library to repay some funds to the General Fund, the Board directed Mr. Zody to check with the Law Library on their ability to repay the funds.

The Board directed Mr. Zody to prepare proclamations to declare a "White Clover Day" for the AMVETS, and to recognize Pleasantville Mayor Jack Weidner for 25 years of service.

#### **11:00 a.m. Post-audit Conference**

The Board of Commissioners met with Auditor Barb Curtiss and staff from the Auditor of State to review the draft audit report for 2008. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were Staci Knisley, Chief deputy Jerry Perrigo, Prosecutor David Landefeld, Lisa Nodestone, Brian Bibler, Treasurer Jon Slater, Jason Dolin and Scott Zody.

#### **11:30 a.m. Meeting with Deputy Gary Hummel**

The Board of Commissioners met with Deputy Gary Hummel for an update on litter enforcement in Fairfield County. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were Jason Dolin and Scott Zody.

Deputy Hummel reported that he has been working with ODOT, the County Engineer, the Ohio Department of Natural Resources, and the townships on litter enforcement. Deputy Hummel stated that he has successfully prosecuted three illegal dumps this year, all of which were tracked back to Licking County residents.

Commissioner Shupe asked if the budget was working OK, and Deputy Hummel stated that he is doing alright. Commissioner Myers asked how many citations resulted from the 65 traffic stops he recorded, and Deputy Hummel stated he wrote tickets for 21 unsecured loads and 9 were for non-litter.

Commissioner Myers asked if Deputy Hummel's salary is paid through the solid waste district, and Deputy Hummel stated that everything except his non-litter enforcement hours is paid for by the solid waste district funds. Commissioner Myers asked if that included overtime, and Deputy Hummel stated that he tries to avoid overtime, as the solid waste district is not very keen on it, so he typically flexes his hour worked over. Commissioner Myers asked if all litter officers are worked this way, and Deputy Hummel stated that each county is somewhat different, even those within the district.

Commissioner Myers asked if Deputy Hummel had full law enforcement authority, and Deputy Hummel stated that he is on the same enforcement level as any other deputy.

Deputy Hummel stated that he is having some problems on Rock Mill and Greenfield Lake, where the ODNR, Division of Wildlife has removed dumpsters and people are still dumping trash. Mr. Zody suggested that Deputy Hummel contact the local Wildlife Officer for assistance, and Deputy Hummel stated that he has been in contact with the local officer.

Deputy Hummel stated that he is also seeing an increase in illegal dumping at businesses and schools.

**Adjournment**

With no further business to come before the Board, on the motion of Mike Kiger and the second of Jon Myers, the Board of Commissioners voted to adjourn at 11:45 a.m.

Roll call vote on the motion resulted as follows:

Voting aye thereon: Mike Kiger Jon Myers and Judith Shupe

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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 COMMISSIONERS' IS SCHEDULED FOR TUESDAY, JULY 28, 2009 AT 10:00 A.M.**