

**Regular Meeting #07-38  
Fairfield County Commissioners' Office  
September 4, 2007**

**9:30 a.m. Meeting with Roger Miller**

The Board of Commissioners met with Roger Miller, the County Apiary Inspector, for an update on his first year of activities. Present were Mike Kiger, Jon Myers and Judith Shupe. Present also was Scott Zody. Mr. Miller reported that he had inspected 90 locations of bees, consisting of 285 colonies. For all the colonies inspected, there was an average of 23% mortality. Mr. Miller reported extensive problems with mortality around the state this year, and Fairfield County fared better than most – some colonies experienced 80-90% mortality.

Commissioner Myers asked if the local beekeepers sell their honey locally, to which Mr. Miller replied affirmative. Mr. Miller stated that purity of the honey is a very important issue, especially with respect to pesticide use, and he would like to see more of the beekeepers actually present when he conducts the inspections, for educational and informational purposes.

Commissioner Myers asked Mr. Miller to cover some beekeeping basics. Mr. Miller described how colonies are established, how each has one queen, and when the beekeeping season begins and when is the best time to harvest honey (June, July, August). Commissioner Myers asked if most honey in the U.S. is domestically produced. Mr. Miller replied that much of the honey is produced in China and Chile, and mixed with domestic product. Recent bee mortality has added to the concerns of keepers in the U.S., especially the source of replacement bees. Mr. Miller reported there are concerns about bringing bees up from the Southern states due to the Africanization issue. Commissioner Kiger asked Mr. Miller to elaborate on that issue. Mr. Miller explained that the Africanized bees are mainly in the Deep South, but the concern is most of the bee breeders are down there as well, and some Africanized bees could get intermingled and cause problems. Commissioner Shupe asked if most honey bees are safe, and Mr. Miller said for the most part they are, the Africanized ones are much more defensive over their hives and colonies.

Commissioner Myers asked how honeycomb is harvested, and Mr. Miller explained that process. Mr. Miller sells approximately 2-3,000 lbs. of honey each year, most of it locally.

Commissioner Myers asked how often hives are checked, is there a registration process, and have any beekeepers refused inspection? Mr. Miller explained colonies are inspected annually, registration with the Department of Agriculture is required, however, beekeepers do not have to open their colonies for inspection. Commissioner Shupe asked Mr. Miller if everything was going well with his position. Mr. Miller stated it was except that he had a hard time finding some of the locations of colonies, and that there were about 7-8 keepers who refused to allow their colonies to be inspected. Mr. Miller state there are about 5200 colony locations in Ohio, managed by approximately 3200 beekeepers.

Commissioner Kiger asked if there were any known causes for the 23% mortality. Mr. Miller stated there are a variety of causes, including poor care habits by some keepers and parasites that prey on bees in others. Commissioner Myers asked if overall he was enjoying the experience, to which Mr. Miller stated he was.

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

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, September 4, beginning at 10:00 a.m., with the following Commissioners present: Mike Kiger, Jon Myers and Judith Shupe. Also present were: Lynette Leach, County Prosecutor Dave Landefeld, and Scott Zody.

### **Announcements**

There were no announcements.

### **Public Comment**

There were no public comments.

### **Approval of minutes of Tuesday, August 28, 2007**

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve the minutes for Tuesday, August 28, 2007.

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

### **Approval of Proclamation of Recognition**

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve a Proclamation of Recognition for National Alcohol and Drug Addiction Recovery Month, see resolution 07-09.04.a

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

### **Letter of Credit**

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve a drawdown on a Letter of Credit for maintenance of public improvements for the Haaf Farms subdivision, see resolution 07-09.04.b

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

### **Contract with Downes, Hurst & Fishel**

On motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve a contract with the law firm of Downes, Hurst and Fishel to represent the County before the State Personnel Board of Review in the case of Smith vs. Fairfield County Utilities, see resolution 07-09.04.c

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

### **Lodging Tax Extension**

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve the extension of the 15-year county lodging tax to fund the Decorative Arts Center of Ohio, see resolution 07-09.04.d

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

### **CHIP FY 2005 drawdown**

On motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve the request for payment and status of funds report – CHIP FY 2005 drawdown #159 – Acquisition/Rehabilitation, Implementation and Administration and Building Repair; see resolution 07-09.04.e

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

### **Certify Drainage & Maintenance Districts**

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve to certify Drainage Maintenance District Assessments to the Fairfield County Auditor, see resolution 07-09.04.f

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

### **Certify Delinquent Water & Sewer Charges**

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve to certify Delinquent Water and Sewer charges to the Fairfield County Auditor, see resolution 07-09.04.g

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

### **Certify certain Delinquent Sewer Rentals**

On motion of Judith Shupe and the second of Jon Myers, the Board of Commissioners voted to approve to certify certain delinquent sewer rentals to the Fairfield County Auditor, see resolution 07-09.04.h

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

### **Service Contract – JFS/Liberty Union Schools**

On motion of Judith Shupe and the second of Jon Myers, the Board of Commissioners voted to approve a contract for services between Fairfield County Job & Family Services and Liberty Union Thurston Local School District.

Commissioner Myers asked Lynette Leach with JFS if this was a new grant or a continuation of funding. Ms. Leach responded that this was a continuation of funding, approximately \$84,000. Commissioner Shupe asked if there were any administrative fees collected by the County for this. Ms Leach replied that JFS does the work, but does not collect any fee for that service. Commissioner Myers asked if there are any other schools involved in this program. Ms. Leach replied negative – these are TANF funds for intervention programs.

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

### **Financial Resolutions**

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

07-09.04.j                      Approval to appropriate from unappropriated – Fairfield County ADAMH Board

- 07-09.04.k Approval to appropriate from unappropriated – Fairfield County Auditor
- 07-09.04.l Approval to appropriate from unappropriated– Fairfield County Commissioners
- 07-09.04.m Approval to appropriate from unappropriated – Fairfield County Dog Shelter
- 07-09.04.n Approval of account to account transfer– Fairfield County Domestic Relations Court
- 07-09.04.o Approval to appropriate from unappropriated – Fairfield County Engineer
- 07-09.04.p Approval to appropriate from unappropriated – Fairfield County Job 7 Family Services

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

### **Payment of Bills**

On motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve the authorization for payment of bills, September 4, 2007 – check date September 7, 2007; see resolution 07-09.04.q

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 at 10:15 a.m. to review correspondence, pending items, and future action items. Present at the review session were Mike Kiger, Jon Myers, Judith Shupe, County Prosecutor Dave Landefeld and Scott Zody.

### **Items Pending with the Prosecutor**

Mr. Landefeld reported that Roy Hart in his office was working on the Wilson property but there did not seem to be much progress. Commissioners Myers and Shupe stated the issues involved are straightforward, and Commissioner Shupe asked what options there were besides the Wilson property. Mr. Landefeld stated the best scenario would be to stay close to the Courthouse, but in the current space, they are running out of room. Commissioner Myers asked if the Sheriff's Office had any space, especially if a new Public Safety Facility would be built. Mr. Landefeld believed there would be room, but the facility would require significant renovation. Commissioner Shupe stated there were also significant ADA issues with that building that would likely prove cost prohibitive.

The limits on legal counsel spending issue is still pending – Commissioner Kiger stated that issue first came to light as a result of bond counsel. Mr. Landefeld would follow up on this.

The Geneva/Rush Creek Township road vacation is still awaiting action. Commissioner Kiger stated that Ed Poole had brought this petition in, and it had been sent to the Engineer's Office. The area in question is an unincorporated village near Bremen.

### **Pending Items**

#### **Car Wash Property**

Commissioner Myers asked about the status of the Car Wash property. Mr. Landefeld believes we should hear more about this once the needs assessment study is completed by Rick Axline. Commissioner Myers mentioned that he had met with Joe

Spivey and the preliminary work on this was conducted back in 1999, and it is time to do something with the car wash facility.

Mr. Landefeld felt this site would not score as high as other locations, particularly the Liberty Center, but is interested in learning what the site analysis produces.

Commissioner Shupe stated that the Commissioners will be meeting with Mr. Axline next week.

### **Recycling Center**

Commissioner Kiger asked if Commissioners Shupe and Myers had any direction to provide to Bill Arnett relative to the Recycling Center. Commissioner Myers stated his desire to dispose of the building for economic development and job creation, and Commissioner Shupe asked if there were alternative storage locations that could be used if the building was sold. Commissioner Myers stated there are other storage options available, and Commissioner Shupe suggested having Mr. Arnett work through CIC to pursue a sale.

Commissioner Kiger suggested offering the building to the Lancaster Fire Department, as they are looking for a more strategic location in the downtown area. Commissioner Myers stated that he believed the Fire Department might be looking for a location further north, and Commissioner Kiger replied that he believed the Department was interested in the former ODOT building on Memorial Drive. Dave Landefeld asked if the Recycling building would be large enough, and expressed concern about the limited parking. Commissioner Kiger agreed that parking could be an issue. Commissioner Myers suggested contacting the Mayor or Mike Pettit to gauge their interest.

### **County Property/Berne Township**

Commissioner Shupe was recently informed of a 40-acre parcel adjacent to Alley Park on Kettle Hill drive that is generating interest. The property was a former tire dump that the county cleaned up and placed a lien on for reimbursement, but since the owner failed to pay the taxes due, it was forfeited to the county. Lancaster Parks is interested in the property to add to Alley Park, but Commissioner Shupe informed Commissioner Kiger and Commissioner Myers that Frank Uhl, Berne Township Trustee, contacted her and objects to transferring the property to the city.

Commissioner Myers asked what the property's appraised value was, and Commissioner Shupe informed him the appraised value is \$112,000. Commissioner Shupe stated that she believes there is an old house on the property, and access is a question. Commissioner Myers wondered why the Township Trustees had not raised this issue previously.

The Commissioners directed Scott Zody to prepare a letter to send to Lancaster Parks and the Township Trustees asking them to state their intentions for the property. Commissioner Myers stated he would like to know what uses the property could have, and Commissioner Shupe questioned if either entity would have the resources to purchase the property.

### **Access Management System**

In reference to the Access Management Manual, Commissioner Shupe stated that Frank Anderson has finished the manual and it is in the hands of Julia Hilty, and to keep the issue on Pending Items for future discussion. Commissioner Kiger stated that the issue has been outstanding for nearly 3 years, and he would like to see some action on it. Commissioner Myers stated that it seems that not everyone is informed of the manual or the process, and if the County does not act, won't the townships be obligated to adopt their own manuals? Commissioner Kiger replied that he did not believe that was the case, but there is a deadline of 12/31/07 to keep in mind.

### **Board of Elections Request**

Commissioner Kiger stated that Staci Knisley was looking into this issue.

### **Lancaster Law Director/Misdemeanor Prosecution Contract**

Commissioner Kiger asked what alternatives could be explored, such as a case-by-case charge? Mr. Landefeld thought that process might be an administrative burden. Commissioner Shupe stated the contract covers all misdemeanors filed by the townships and villages, so the county is already covering those costs. Commissioner Myers asked if there was a better process to do this, to which Mr. Landefeld replied probably not.

Commissioner Kiger questioned the statistics referenced in the City's request, specifically that the County provided 60-70% of the misdemeanor cases the City prosecutes. Mr. Landefeld asked if those figures included State Highway Patrol misdemeanors, and the percentages did seem odd. Commissioner Shupe asked where the fines are deposited, to which Mr. Landefeld replied they do not go to the General Fund – it varies depending on offense and arresting agency.

Commissioner Myers asked if there is a deadline to respond, and Commissioner Kiger stated it is a budget request that would need to be addressed in the upcoming budget planning. Commissioner Shupe noted the costs have already increased from \$80,000 to over \$100,000 this past year. Mr. Landefeld stated that domestic violence cases and OMVI cases require the most effort and time to prosecute. Commissioner Kiger stated he would like more information on where the fines are deposited. Mr. Landefeld asked if the figures included traffic cases and questioned what Children's Services cases were included.

Commissioner Myers asked what is fair, and stated that a decision needed to be arrived at soon. Commissioner Kiger stated he would prepare a letter to Terry Vandevort for clarification on these issues. Mr. Landefeld asked if there was a way to "split" costs for state-initiated cases, such as Department of Natural Resource wildlife violations.

### **Paul Hellman Request**

Commissioner Shupe stated she received a return call from Courtney Green on this subject, and it does not appear that there are any other options available to Mr. Hellman. Mr. Zody informed the Commissioners that Tony Vogel reported this morning that Mr. Hellman, as the property owner, did not qualify for Community Action assistance due to his income level. Mr. Hellman's only recourse would appear to be to draw a loan from his Deferred Compensation package and repay it over time.

### **South Central Power Right-of-Way**

Regarding the airport right-of-way (ROW), Mr. Landefeld and Mr. Zody discussed their conversation with South Central Power and informed the company that they needed to gain the approval of Teppco/Texas Eastern to cross their existing pipeline ROW, which South Central is pursuing. Commissioner Kiger stated that the pipeline company is very protective of their easement, and referenced a recent conflict the County encountered with them on some proposed soccer fields.

### **Alice Walls**

Commissioner Kiger asked Mr. Landefeld about a complaint call he received from Alice Walls, who believes she was robbed by her former foster children. Mr. Landefeld explained that, because the children in question were originally from Franklin County, the disposition of the case must lie with Franklin County officials.

### **Meeting with Dave Landefeld**

The Board of Commissioners met with County Prosecutor Dave Landefeld at 11:15 a.m. Present were Commissioners Kiger, Shupe, and Myers. Also present was Scott Zody.

Mr. Landefeld requested the meeting to discuss his desire to hire a part-time attorney to assist his office, the County Treasurer's Office, and the County Auditor's Office with tax collection and forfeited property disposal. Currently, Mr. Landefeld does not have the necessary staff assistance to meet these needs, and would like to bring on Mr. Jason Dolan, who is an experienced real estate attorney, to perform this work 2 days a week for the County (Mondays and Fridays). Mr. Dolan has a private practice in Bexley.

Mr. Landefeld offered Mr. Dolan a \$30,000 salary plus county health care benefits, which Mr. Dolan is willing to accept. The health care benefits are critical to his decision. Mr. Landefeld apologized for not realizing that he required a waiver from the Commissioners to offer health care benefits to a part time employee who works less than 35 hours per week, per the county policy. Mr. Landefeld requested that the Commissioners grant a waiver for Mr. Dolan, as the alternative would be to increase the salary offer to the point that Mr. Dolan could purchase his own health care on the market, which would likely cost much more.

Commissioner Myers asked if Mr. Dolan would be willing to work fulltime, to which Mr. Landefeld replied negative, that Mr. Dolan wishes to continue his private practice, but in the future, may be interested if the need and desire is there. Mr. Landefeld also has space issues, as he is juggling a couple of other part-time attorneys in his office to ensure sufficient working space.

Commissioner Myers asked what Roy Hart's status is and what role he will play in all this. Mr. Landefeld replied that Mr. Hart will continue to work on foreclosure (which are up) and Sheriff's sales and serious delinquencies. Mr. Myers asked if Mr. Dolan would be required to make the same co-payments for his health care coverage as any other county employee, to which Mr. Landefeld answered affirmative.

Commissioner Shupe asked if there were other part-time attorneys in the office that could be converted to full-time to handle these duties, to which Mr. Landefeld answered possibly, but the workload changes and it would be difficult to anticipate needs on that basis.

Commissioner Myers asked if there is sufficient funding to cover all the costs of Mr. Dolan's employment, and Mr. Landefeld stated there were, and no General Fund dollars would be used for that. Commissioner Myers asked if there were any other attorneys in the office working less than 35 hours, and what their status was. Mr. Landefeld replied there are three part-time attorneys, one who does not want or need health care coverage, the other two are a married couple who do receive health care benefits and were grandfathered in under the new policy.

Commissioner Myers asked if the policy clearly allows waivers, and Mr. Landefeld replied yes. Commissioner Shupe asked if Aunie Cordle has confirmed that we can provide a waiver in this case, and Mr. Landefeld state she had.

Commissioner Shupe asked if Auditor Curtiss has sufficient funding to cover her share of the costs, and Mr. Landefeld stated she did. The Auditor's share would be paid out of the DREATAC fund, which is used for real estate related operations in the Prosecutor, Treasurer, and Auditor offices.

Commissioner Kiger asked if Mr. Dolan would serve in an unclassified position, and Mr. Landefeld state that is correct.

Commissioner Shupe asked if Mr. Landefeld expected Mr. Dolan to provide a return on his salary via increased tax collections or delinquent land sales. Mr. Landefeld stated that was difficult to predict, but he expected a return on the investment and greater efficiency in his office.

Commissioner Shupe requested a quarterly update on Mr. Dolan's activities, and Commissioner Myers stated he would like to confirm with Ms. Cordle on the waiver prior to making a final decision.

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to adjourn at 11:50 a.m.

Roll call vote of the motion resulted as follows:

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

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Mike Kiger  
Commissioner

Jon Myers  
Commissioner

Judith Shupe  
Commissioner

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Scott Zody, Clerk/Manager

**THE NEXT REGULAR COMMISSIONERS' MEETING IS SCHEDULED TUESDAY,  
SEPTEMBER 11, 2007 AT 10:00 A.M.**