

**Regular Meeting #08-19
Fairfield County Commissioners' Office
May 13, 2008**

Meeting with Dave Harcum

The Board of Commissioners met at 9:00 a.m. with Dave Harcum to discuss issues relative to the Decorative Arts Center of Ohio. Commissioners present were Jon Myers, Judith Shupe, and Mike Kiger. Also present were Jason Dolin and Scott Zody.

Mr. Harcum provided the Board with an update on the retaining wall in front of DACO on Main Street, stating that the wall continues to slowly bow out and unless repairs are affected soon, he fears the wall may collapse. DACO has been exploring repair estimates since 2004, but has been unable to obtain any funding assistance, as estimates have ranged from \$58,000 to \$130,000.

Commissioner Myers asked if the facility was a registered National Historic site, and Mr. Harcum stated that it is not. DACO had requested funding assistance through the Save America's Treasures Program, but was denied. Mr. Harcum stated that the primary objective is to fix the wall and fence, and if there is enough funding available, renovate the old gas powered lights. Mr. Harcum stated that he is very concerned regarding potential liability, should the wall fail, to both DACO and the county.

Commissioner Myers asked how the restoration work would be conducted, and if the work would repair the wall or restore it to its "original" condition? Mr. Harcum stated that the goal is to restore the wall. Commissioner Myers asked if the other wall was failing as well, and Mr. Harcum stated that the other retaining wall adjacent to the Sherman House seemed to be OK, but he was unsure if it was DACO's responsibility, or the Heritage Association's responsibility.

Commissioner Myers stated that the State would be enacting a Capital Improvements bill this year, and there may be an opportunity for funding through that, and Mr. Harcum stated that DACO has been working with Representative Stebelton and Senator Schaffer on a request. Commissioner Shupe asked when the Capital Bill might be enacted, and Mr. Zody stated that typically such a bill would be enacted in the Spring before summer recess, but the past 2-3 bills had been held until the late fall, and it would likely be the same with this year's bill.

Commissioner Myers stated that DACO needs to get a firm handle on costs and what is needed to fix the problem, and offered to have Facilities Manager Joe Spybey look into the wall and get his thoughts. Mr. Zody asked if any thought or research had been conducted with respect to drainage behind the wall, and Mr. Harcum stated that is a concern, because right now the 6" gutters drain into 4" downspouts, which creates a piping of the water.

Mr. Harcum stated that Julie Park has been working with many different organizations and persons to try to nail down some assistance. He said the facility needs to install a backup generator for the museum, as many collectors will not loan pieces for display due to the sensitive condition of items and need for constant temperature and humidity.

Commissioner Myers stated the Board would touch base with Joe Spybey next week regarding estimates for the wall, and he would like a more definitive scope of work developed to understand the true costs of the project.

Review Session

The Board of Commissioners met at 9:25 a.m. to review correspondence, pending items, and future action items. Commissioners present at the review session were Jon Myers, Judith Shupe and Mike Kiger. Present also were Christina Foster, Jason Dolin and Scott Zody.

Mr. Dolin provided an update on various legal issues, and reported that the Prosecutor's Office was preparing to hire an intern for the summer to help work on the vicious dog issue. Mr. Dolin also stated that Mr. Zody provided the resolutions he needed to complete work on the non-public utilities issue regarding permits.

Regarding the stormwater drainage area issue, Mr. Dolin reported that he has been researching the Revised Code, and the law is not very clear with respect to these entities, but it would appear that the Board would be required to hold hearings and go through a public process prior to approving any new assessment if funds are needed for emergency repair work. Mr. Zody reported that he had checked with the Auditor's Office and there was approximately \$9,000 still left in the Robinwood Acres account, so there may be enough funding to conduct some emergency/temporary repairs.

Commissioner Shupe stated that she had met with Mr. Vogel and he reported that there are many of these drainage maintenance areas, especially in Violet Township, and most have active assessments with various levels of funding while others had 10-year limits and are no longer assessed, such as Robinwood Acres.

Commissioner Myers stated that the former Clerk had quite a bit of involvement in these areas, and asked Mr. Zody if he had any knowledge of them. Mr. Zody stated that he had not had any dealings with these areas to this point, and Commissioner Myers asked Christina Foster to join the meeting and provide some background information.

Ms. Foster explained that each year she goes through each stormwater maintenance district landowner list to keep them current, and checks the balances in each account. The Engineer's Office and Auditor's Office determine the assessment amount if any is required, and apply those assessments to the tax duplicate. Commissioner Myers asked who adds the numbers up, and Ms. Foster stated the Auditor with input from the Engineer. Commissioner Myers asked if there is any time limit involved with respect to how long the assessments would be collected, and Ms. Foster stated that the previous Clerk did the checking on those.

10:00 a.m. Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, May 13, beginning at 10:00 a.m., with the following Commissioners present: Jon Myers, Judith Shupe and Mike Kiger. Also present were Bill Arnett, Michael Orlando, Jason Dolin, and Scott Zody.

Announcements

There were no announcements.

Public Comment

There were no public comments.

Approval of minutes of Tuesday May 6, 2008

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve the minutes for Tuesday May 6, 2008.

Roll call vote of the motion resulted as follows:

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

Approval of a Proclamation of Recognition – Peace Officer Memorial Day

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners

voted to approve a Proclamation of Recognition for Peace Officer Memorial Day, see resolution 08-05.13.a

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

Approval to Purchase van for Veterans' Service Commission

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve the purchase of a van for the Fairfield County Veterans' Service Commission, see resolution 08-05.13.b

Commissioner Kiger stated that the funds used for the purchase would come from the Veterans' Service Commission, not the General Fund. Commissioner Myers asked what the Commission did with its old vans, and Commissioner Kiger stated usually they are offered to the County for use, and one old van is being used by the Facilities Management department.

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

Approval of Fairfield County FY2005 Community Housing Improvement Program Final Performance Reports for the Ohio Department of Development, Office of Housing & Community Partnerships, grant numbers C-05-022-1, B-C-05-022-1, and B-C-05-022-02

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve the Fairfield County FY2005 Community Housing Improvement Program Final Performance Reports for the Ohio Department of Development, Office of Housing & Community Partnerships, grant numbers C-05-022-1, B-C-05-022-1, and B-C-05-022-02, see resolution 08-05.13.c

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

Approval of a Credit Card Policy – County Commissioners

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve a credit card policy for the Board of Commissioners and offices and departments under their jurisdiction, see resolution 08-05.13.d

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

Approval of Subgrant Agreement with the Ohio Department of Job & Family Services for grants received by Fairfield County Job & Family Services during State Fiscal Year 2009 (July 1, 2008 through June 30, 2009)

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve a subgrant agreement with ODJFS for grants received by Fairfield County JFS during State Fiscal year 2009, see resolution 08-05.13.e

Mike Orlando stated that this agreement has been the subject of much debate and discussion between the various county directors, CCAO, and the state, and this is as good of an arrangement as can be negotiated.

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

Approval of a Contract for Services between the Fairfield County Board of Commissioners, administrative agent for the Fairfield County Family, Adult & Children First Council and Lancaster Fairfield Community Action Agency

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve a Contract for Services between the Fairfield County Board of Commissioners, administrative agent for the Fairfield County Family, Adult & Children First Council and Lancaster Fairfield Community Action Agency, see resolution 08-05.13.f

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

Approval of a Board of Commissioners Allocation to the Lancaster-Fairfield County 4th of July Committee

On motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve an allocation to the Lancaster-Fairfield County 4th of July Committee, see resolution 08-05.13.g

Commissioner Shupe stated that the committee needed some assistance this year due to the Marine Corps Band coming to march and would have additional expenses for housing and food.

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

Approval of Financial Resolutions

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

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| 08-05.13.h | Approval of Amended Certificate & request for Appropriations for Additional Unanticipated Receipts – Adult Community Based Corrections |
| 08-05.13.i | Approval to Amend Certificate, Update Receipts & Appropriate from Unappropriated, Fairfield 33 Development Fund – Economic Development |
| 08-05.13.j | Approval to Amend Certificate & Update Receipts – Airport Authority |
| 08-05.13.k | Approval to Amend Certificate & Appropriate from Unappropriated - Job & Family Services |
| 08-05.13.l | Approval of Payment of a Voucher without and Appropriate Carry-over Purchase Order – Job & Family Services |
| 08-05.13.m | Approval of Payment of a Voucher without and Appropriate Carry-over Purchase Order – Engineer |
| 08-05.13.n | Approval of Account to Account Transfer – Maintenance |
| 08-05.13.o | Approval of Account to Account Transfer – Adult Community Based Corrections |
| 08-05.13.p | Approval of Fund to Fund Transfer – Insurance |
| 08-05.13.q | Approval to Appropriate From Unappropriated – Job & Family Services |
| 08-05.13.r | Approval to Appropriate From Unappropriated – Job & Family Services |
| 08-05.13.s | Approval to Appropriate From Unappropriated – Probation Services Fund |

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

Payment of Bills

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to approve the authorization for payment of bills, May 13, 2008, check date May 16, 2008, see resolution 08-05.13.t.

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

Review Session

The Board of Commissioners met at 10:20 a.m. to review correspondence, pending items, and future action items. Commissioners present at the review session were Jon Myers, Judith Shupe and Mike Kiger. Present also were Lee Gray, Allan Reid, Mike Orlando, Frank Anderson, Jeff Camechis, Tony Vogel, Jason Dolin and Scott Zody.

Mr. Gray asked the Board to consider some changes for some utility lines that will be installed as part of the new elementary and middle schools being constructed at the intersection of Toll Gate Road and Refugee Road. A planned development that was to be built to the West of the school property is now on hold, and the school district does not wish to be billed for the full cost of running the lines across their property. Mr. Gray proposed only running the lines to the point where the schools would hook into them, and leave the remainder until the developer decides to develop the adjacent property and have them foot the bill.

Commissioner Myers asked how far the line needed to go, and Mr. Gray stated the school only needs it to go about halfway across the property, and a Permit to Install has been granted by Ohio EPA.

Mr. Vogel stated that he would be willing to take a look at the situation, but is concerned about setting any precedent or granting an exemption. Mr. Gray stated that the county should treat the school differently because they are a public entity and this would save the taxpayers money. Mr. Gray also stated that it is unfair to have the school pay for extending the lines and not know how long they would sit unused until the property is developed.

Mr. Gray asked why the lines are being run entirely across the school property instead of adjacent to the road and run through the neighbors, and Mr. Vogel stated that he believes it is due in part to some of the required road construction that will occur as part of the school development and re-alignment of Toll Gate Road.

Commissioner Shupe asked if the developer would pay to extend the lines, and Mr. Vogel stated that the costs are negotiated, and tap fees and other fees are reduced in exchange for running the lines and having the developer pay for them.

Mr. Gray stated that Pickerington handles water & sewer extensions somewhat differently, but don't require them to be run all the way across properties if it is not necessary. Mr. Gray stated the \$120,000 in extra cost would be significant to the school, but not to a developer.

Commissioner Myers asked if work on the schools has begun, and Mr. Gray stated that it has. Mr. Anderson stated that as Engineer, he has had concerns in the past with developers relative to performing work off of property that they own and control, and would be concerned about granting a variance or exemption.

Mr. Gray stated that the developer can't be forced to do the work, but the county can't be forced to extend service either. Commissioner Myers asked how large the property is, and Mr. Gray stated that it is approximately 60 acres. Commissioner Myers asked what would happen if the school sold some of the property, and Mr. Gray stated that he did not see that as a possibility.

Mr. Vogel stated that he would look at the numbers provided by Mr. Gray and would try to work on a compromise with the school district.

Mike Orlando updated the Board on a request from the Ohio Department of Job & Family Service (ODJFS) to meet with the Board and himself relative to a \$900,000 "overpayment" from 2004. Mr. Orlando informed the Board that he had met with Director Helen Jones-Kelly last week on this issue and had informed her that Fairfield County did not intend to repay the funding. In addition, Mr. Orlando had met with Tammy Brown, who initiated the meeting request, prior to meeting with Director Jones-Kelly, and informed her of the same.

Mr. Orlando stated that he feels that ODJFS is trying to bully the county into paying the funding back, and is threatening to turn the matter over to the Attorney General's Office for collection. Mr. Orlando stated that Belmont County is in the same predicament, and is supposed to be having a meeting with the Governor this week to discuss.

Mr. Orlando stated that he could understand repaying a portion of the funding, and repaying it over time, but to require repayment in full and at one time is impossible.

The Board directed Mr. Zody to try to schedule a meeting involving ODJFS, Mr. Orlando, the Board, and Representative Stebelton and Senator Schaffer.

Allan Reid asked the Board for some assistance regarding the Secretary of State's recent actions to require county Board of Elections to provide paper ballots if requested by voters. Mr. Reid stated that Fairfield County had to print 12,000 extra ballots for the primary, and only 180 were actually used. Now the county BOE has to store all of the unused ballot for 22 months before they can be disposed of. Mr. Reid is very concerned about the number that may be required for the November election and the printing and storage costs of that.

Mr. Reid stated that the voting machines are working fine and have worked fine since 2004 when Fairfield County began using them. Mr. Reid state the machines have never had an error during the recount process, whereas the paper ballot recounts are always wrong, and doesn't understand why the Secretary of State wants to get rid of them.

Mr. Reid stated the idea of going to a central count raises questions about how to address incorrectly marked ballots and increased costs for little or no benefit.

Jeff Camechis stated that he has worked for several years as a poll worker and other than some slight errors that are easily corrected during setup of the machines, he has never had a problem at his polling location.

Commissioner Shupe asked what the primary issue seems to be, and Mr. Reid stated that he is not entirely sure himself, but believes there is some underlying agenda. Commissioner Myers stated that the Board would work with Representative Stebelton and Senator Schaffer as well as the CCAO, to try to get the concerns addressed.

Mr. Anderson stated that he had forwarded some information to the Board relative to several obstructions on county-owned property on Millersport Road. The Board directed Mr. Zody to schedule a meeting with the landowners, Engineer's Office, and the Board to discuss.

Mr. Anderson stated he had also sent a letter to the Board expressing his concerns relative to a proposed re-alignment of Busey Road in Violet Township, and that he

disagrees with the legal premise that Violet Township is within its legal authority to construct the project.

Executive Session

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to enter into Executive Session to discuss personnel matters. Commissioners present were Jon Myers, Judith Shupe, and Mike Kiger. Also present was Jason Dolin.

Roll call vote of the motion resulted as follows:

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

On the motion of Judith Shupe and second of Mike Kiger, the Board of Commissioners voted to adjourn from Executive Session. No actions were taken.

Roll call vote of the motion resulted as follows:

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

Adjournment

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

Roll call vote on the motion resulted as follows:

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

Mike Kiger
Commissioner

Jon D. Myers
Commissioner

Judith K. Shupe
Commissioner

Scott A. Zody, Clerk/Manager

**THE NEXT COMMISSIONERS' REGULAR MEETING IS SCHEDULED TUESDAY
MAY 20, 2008 AT 10:00 A.M.**