

# COMMISSIONER'S JOURNAL

**Monday**

**Regular**

**August 25, 2008**

The Coshocton County Commissioners meet in regular session on Monday, August 25, 2008 with Mr. Dane Shryock, Mr. Gary Fischer and Mr. Larry Stahl in attendance. Also present was Mr. Ken Smailes, WTNS , and Ms. Mary Beck, Clerk.

### Minutes

Mr. Shryock made a motion, seconded by Mr. Stahl to approve the minutes as presented for the Friday, August 15, 2008 meeting.

Vote:	Fischer	aye
	Shryock	aye
	Stahl	aye

### Then and Now Certificates

Mr. Stahl made a motion, seconded by Mr. Shryock to sign the following Then and Now Certificates which have been certified by the County Auditor.

PAYEE	AMOUNT	DEPARTMENT	ACCOUNT NUMBER
American MFG-Amer. Prof. 012-8-8	\$3,592.00	DJFS	035-0100-260.00
American MFG-Amer. Prof 009-8-8	\$3,592.00	DJFS	035-0100-260.00
American MFG-Amer. Prof. 013-8-8	\$3,592.00	DJFS	035-0100-260.00
American MFG-Amer.Prof. 014-8-8	\$3,592.00	DJFS	035-0100-260.00
Coshocton Co. Sportsmans Assoc.	\$60.00	DJFS	030-0100-400.02
Children Services	\$23,001.35	DJFS	030-0101-400.00
Annin Flag Company	\$185.85	Clerk of Courts	001-0250-5200.00
Coshocton Co. Clerk of Courts	\$1,549.04	DJFS	380-0100-262.00
Crown Plaza Columbus North	\$872.00	Veterans	001-0910-5300.00
Physia Control	\$1000.00	Sheriff Rotary	150-0100-5260.00
Coshocton Tire	\$417.50	Sheriff Rotary	150-0100-5210 .04

Vote:	Fischer	aye
	Shryock	aye
	Stahl	aye

### Right of First Refusal – Port Authority Property

Mr. Shryock made a motion, seconded by Mr. Stahl to sign a Right of First Refusal with the Coshocton Port Authority for a certain real property situated in the City of Coshocton, Coshocton County, Ohio. The Purchaser has offered to purchase said property for a sum of \$157,000.00 and the offer shall remain open until August 1, 2009.

Vote:	Fischer	aye
	Shryock	aye
	Stahl	aye

### Dog Wardens Report

Received the Dog Warden's Report for the week ending 8-15-08, 10 dogs left in drop box, 8 dogs picked-up, 18 dogs per owner surrender, 9 dogs brought in as strays, 15 dogs destroyed, 8 warnings issued, 1 citation issued, 16 tags sold, 2 late fees paid, 10 dogs sold, 5 puppies sold under 3 mos. Old, 2 puppies/dogs sold to rescue and 3 dogs redeemed.

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Court Square

Mr. Stahl made a motion, seconded by Mr. Shryock granting permission to The Salvation Army the use of the court square on September 12, 2008 for a Rally Day, kick-off for community youth programs from 12:00 p.m. to 8:00 p.m. as requested by Captain John Cornelius.

Vote:	Fischer	aye
	Shryock	aye
	Stahl	aye

Transfers/Additional

Mr. Shryock made a motion, seconded by Mr. Stahl to approve the following Transfer/Additional Appropriations which have been certified by the County Auditor.

Additional – Juvenile/Probate

FROM	TO	AMOUNT
Unappropriated Fund Bal.	15-0100-5400.00 Indigent /Oth. Atty. Fee	\$5,000.00

Unappropriated Revenue	Additional –JFS 380-0100-262.00 Contract Service	\$50,000.00
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From		To		AMOUNT
088-0100-5210.00	Equipment	088-0100-5260.00	Cont. Serv. Copier	\$1,000.00
088-0100-5210.00	Equipment	088-0100-5300.00	Travel	\$1,000.00
088-0100-5210.00	Equipment	088-0100-5400.00	Other	\$1,000.00
088-0100-5210.00	Equipment	088-0100-5400.01	Oth. Exp. Veh. Mant.	<u>\$1,000.00</u>
<b>Total</b>				<b>\$4,000.00</b>

FROM		TO		AMOUNT
001-0610-5103.01 Insurance Bonus		001-0610-5102.00 Salaries		\$3450.00
001-0610-5210.01 Equipment Cruisers		001-0610-5400.02 Gasoline		\$963.00
001-0610-5400.01 Training		001-0610-5102.00 Salaries		\$900.00

FROM		TO		AMOUNT
012-0100-5260.00 Contract Services		012-0100- 5102.00 Emp. Salary		\$2500.00
012-0100-5300.00 Travel		012-0100- 5102.00 Emp. Salary		\$1000.00
012-0100-5400.00 Other Expenses		012-0100- 5102.00 Emp. Salary		\$3500.00

Vote:	Fischer	aye
	Shryock	aye
	Stahl	aye

Public Hearing – Vacation TR 222, Clark Township

Mr. Fischer opened the public hearing with the following persons in attendance: Ms. Karen Cox, Ms. Kaitlin Cox, Ms. Colleen Cox, Ms. Beverly A. Patterson, Raymond Patterson, Mr. Luke Forbs and Ms. Rebecca Myers. He then asked for input. Ms. Karen Cox expressed her opposition to the vacation of this roadway. She stated that emergencies are an issue, this would require the homeowners to maintain a private drive, there is a fair amount of traffic that travels this road, it would be a significant cost to bring the road up to county standards at a future date, the majority of the persons requesting the vacation do not live on the road, and several more issues. Ms. Cox asked



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## Vacation TR 222 Continued

if the Commissioners can increase the townships budget to maintain these roads. Mr. Shryock explained that the monies that the township gets are from gas tax and real estate taxes. The Commissioners really have no way to increase the tax. Mr. Luke Forbs stated that he is really neutral on this issue and he would like to see the township maintain the road better. It does become pretty dangerous in the winter with the melting and freezing. Ms. Cox stated that they constantly have complaints from the mail, FedEx and UPS. She stated that she will usually meet them so they don't have to come down the road. Mr. Forbs stated that most of the time, the township will not even touch their road in the winter. Ms. Cox asked how the road will be maintained if the Commissioners close the road? Mr. Fischer stated that we are asking for opposition or approval of the vacation. Ms. Cox stated that she is opposed to this vacation. Mr. Forbs stated that he really wished they would do something with the road. Ms. Cox stated that she is not opposed to Mr. Hind's request, but she feels closing the road is not the answer. Ms. Beverly Patterson stated that she opposed the vacation of the road. She asked who would be liable if the road is closed and someone would have an accident on the road. Ms. Myers stated that her property has an access road to the oil wells and she would like to have the road remain open. Mr. Raymond Patterson stated that he would like to have the road open. Mr. Robert Hinds was unable to attend, but he told Mr. Patterson to tell the Commissioners he was opposed to the vacation. Mr. Stahl stated that he is surprised that none of the trustees, clerk or Mr. Hinds are here today. He stated that it is a burden on townships but when you work with the residents it can help fix the road. He stated that at this time, he feels that he cannot vote to close this road. The way he reads the map, it does land lock two parcels. Mr. Shryock stated that the Commissioners have 60 days to act on this. We need to determine if we are going to act on this today or wait. Mr. Stahl stated that he would like to make a decision within a week. Mr. Forbs stated that he spoke with the trustees and Ms. Cox stated that she did not talk with the trustees at all. Mr. Shryock stated that he would like to make a decision on this issue next Wednesday, September 3, 2008. At this point, based on what he has heard today, he is not in favor of closing this road. Mr. Fischer stated that we will address this issue next Wednesday and notify all landowners by mail.

## Public Hearing – Regional Planning Fee Schedule

Ms. Tiffany Swigert and Mr. Greg Rice attended the public hearing. At 9:00 a.m. Mr. Fischer opened the hearing. Ms. Swigert went over the changes to the existing fee schedule. She stated that prior to making these changes, they did survey other counties to determine what they charge for fees to make sure we are not inconsistent. Mr. Rice stated that he feels it can be confusing that we are charging \$50 for one tract or unit not for the whole thing. Mr. Shryock asked on the minor variance request, did it go from \$100 to \$150. Ms. Swigert stated that there was no charge for a minor variance request. The change is \$100 to \$150 for a variance request. He then went over some of the charges now vs. the changes. Mr. Rice asked if he takes 150 acres and divides it into 10 tracts, what are his charges. Ms. Swigert stated that it would cost him roughly \$80 per tract. He then asked if he would need to do anything else if there would be any changes. Ms. Swigert explained that it is being reviewed with the intent to sell and that is why they have to review this whether it be 10 tracts or 2 tracts. Mr. Shryock stated that based on Muskingum, Licking, Tuscarawas, Wayne and Holmes, other than Holmes, it would appear that we are lower in cost than other counties. Mr. Shryock asked if this matter was discussed in the last Regional Planning Meeting. Ms. Swigert stated that it was discussed a couple months ago and moved to this format. Mr. Rice stated that he would like to look at how the final sale comes out to determine how to charge the individuals for the tracts. Mr. Rice stated that he understands that things need to be reviewed, but that person doing the review is already being paid. Mr. Shryock stated that the fees do help with the compensation of these persons doing the review. He stated that he just wishes the fee structures could change a little bit. That being all, Mr. Shryock made a motion to adopt the Regional Planning Fee Schedule as presented by Ms. Tiffany Swigert to replace the one in affect at this time. The effective date for this new fee schedule will be September 1, 2008. Mr. Stahl seconded the motion.

Vote:	Fischer	aye
	Shryock	aye
	Stahl	aye

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## Access Management Advisory Committee

Ms. Swigert presented the list to the Commissioners for the Advisory Committee. She stated that at the last full board meeting of Regional Planning voted to have her be the representative for Regional Planning. Mr. Stahl made a motion, seconded by Mr. Shryock to appoint and activate the Access Management Advisory Committee as presented below:

Coshocton County Engineer – Fred Wachtel

Registered surveyor in private practice – Scott Johnson

Representative of homebuilding industry – Chuck Hathaway

Representative of Planning Commission- Tiffany Swigert

Pro Engineer with expertise in traffic engineering – Harold Hitchens

Representative of MPO – N/A

At least three township trustees – Curtis Garber  
Alan Donaker  
Don Wells

Member of the Board of County Commissioners – Larry Stahl

Licensed Realtor - Jim Stoffer

Any Other Person - Mike Campbell  
T.J. Justice

## Records Request

Ms. Cheryl Willis and Ms. Mary Hughes attended the meeting. Ms. Willis asked the Commissioners where her public record that she requested last week is. Mr. Fischer explained that there are some records that are not public and we have had to hire an attorney to redact the e-mails to make certain that we don't give her something that is not a public record. Ms. Willis asked what the Commissioners feel is a reasonable amount of time for her to get the request. Mr. Fischer stated that we copied our e-mails and did overnight them to Downes Hurst and Fishel for them to redact because there are issues of Hippa compliance and there are some records that are not public such as litigation, ect. He is not certain what is considered reasonable, but we have made every effort to get those records to the attorney's and for them to go through each record and determine which ones are public and which ones are not. If she would tell us what she is looking for, it might decrease the amount of time it takes to get her this record. This will be at a considerable cost to the county.

## Township Utilities

Ms. Tiffany Swigert, Mr. Robert Batchelor, County Prosecutor and Mr. Fred Wachtel, County Engineer attended the meeting to discuss the Township Utilities Right-of-ways. Mr. Stahl stated that townships have issues with the utilities. There is a policy in place at this time for the utility right-of-ways. He asked if this is what is being used at this time. Mr. Batchelor stated that it is being used at this time. Mr. Stahl stated that in the policy, it is to be updated and addressed each year. It has not been addressed since 1997. Mr. Batchelor explained that it just has to be a reasonable fee under the circumstances. Mr. Stahl asked what we can do to work with the

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## Townships Continued

townships and the county Engineer to make certain these utilities are placed in the correct area. Mr. Batchelor explained that the utilities would like to have one contact in the county that can deal with these issues. Mr. Wachtel stated that he and Mr. Batchelor discussed the issue and the Engineer agreed to take on this project. This would save the county as a whole a lot of time. He sent out a request to all the townships about this approach and received responses from about a dozen townships. Only six of the townships wanted to be part of this process. Mr. Stahl asked if we didn't already have this in place. Mr. Wachtel explained the past process and the burdens it placed on the Engineer and the Commissioners Offices because it just seemed to slow the process down sometimes taking as long as a month and a half to go through.. Since that time, they turned it back to the townships. Mr. Batchelor stated that he would like a person to go out and see where they are placing the lines and make certain things are going in correctly. He feels this will alleviate many of these issues. Mr. Shryock asked if they have a suggestion of how we should handle this issue. Mr. Batchelor explained that the townships must approve the utilities requests. If they so choose to allow the Commissioners to handle this for them, they will need to do a resolution allowing this. Mr. Batchelor feels that this should be an all or nothing proposition for the townships. Mr. Shryock stated that if this is an all or none proposition, then we are not at the stage for the Commissioners to adopt anything. Mr. Batchelor asked the Commissioners to write a letter asking for his opinion on this issue. Mr. Wachtel stated that this is an attempt to make the townships jobs easier so they don't have to deal with the installations of the utilities. Mr. Wachtel thought this would be a good procedure for the county as a whole. They looked at the fee schedule to determine the cost for an employee to travel out to look at the area and issue the permit. At this time in the county, it is a \$10 fee for the county and a \$2 permit fee. Mr. Fischer stated that we will get the letter requesting his opinion. The Commissioners thanked them for attending.

## Safety Facilities Committee

Mr. Joseph Robertson, Mr. Matt Stout, Mr. Rick Merrell, Mr. Mike Snyder, Sheriff Tim Rogers, and Mr. Charles Hathaway attended the meeting. Mr. Robertson explained that the meeting is to update the Commissioners and the committee on the bond issue. Mr. Fischer asked for an explanation on the bond issue. Mr. Robertson stated that some preliminarily if the issue passes in the fall, after the election has been certified, the monies will be put into a note and a schedule will be put together for the issuance of the bonds to be done in the summer of 2009. Mr. Stout stated that by issuing notes right away, we can get those monies into the bank and start accumulating interest for the county. Mr. Hathaway asked if the issue passes in November, will he be paying taxes on that amount in 2009. Mr. Robertson stated that the millage will come on and it will not exceed the required payment. Mr. Shryock stated that we thought we would have limited issues on the ballot when we first decided to put this issue on the ballot. Since then, we were approached by MRDD and the Senior Citizens Levy's requesting that they be placed on the ballot in November this year as they would only have one shot at passing the levy's in the fall of 2009. Therefore, the Commissioners struggled with the decision and then did place those levies on the ballot. The Commissioners and the Sheriff will be on the Talk Show on September 2<sup>nd</sup> to discuss the issue. Mr. Stout stated that it is key to educate the voters of the cost and what exactly they are trying to do. Mr. Robertson agreed that the Commissioners need to educate the citizens and make them understand the need for this facility. He will provide the county any information needed for questions pertaining to financial information. Mr. Shryock stated that besides the actual need for this facility, this is a defensive position for the county. So far we have been very fortunate. If we would be federally mandated we would be required to build this facility and staff the facility at the required federal mandate. At this time, with the plans that we have in place now, it will only be an increase of approximately 4-6 persons. If federally mandated, the number of increased staff would be 38-40 additional staff members. Sheriff Rogers stated that we do need to educate residents, but we don't want to make them feel like we are strong-arming them on this issue. Mr. Fischer stated that we understand that this is not any easy issue for residents. However, as Commissioners, we are charged with operating this facility as responsibly as possible. We feel this is not a matter of what if, but a matter of when. Sheriff Rogers stated that it needs to be said that this is not a State issue, but a Federal issue and they are the ones that will ding us. Mr. Merrell stated that it is important for

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Safety Facility Continued

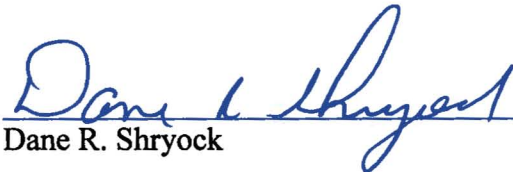
the facts figures questions and answers are all the same. Everyone needs to be telling exactly the information to the citizens. Mr. Robertson stated that possibly a facts sheet could be made a distributed. Mr. Rogers stated that if this facility gets built, we will have the ability to educate these repeat offenders and hopefully decrease ~~that~~ repeat offenders. Mr. Hathaway stated that we need to inform the residents in the area of the facility that the sewer line to the facility is included in the bond issue. He also asked if we would have video conferencing in this facility. Sheriff Rogers stated that yes we will have that ability. Mr. Snyder asked if the operation of the facility is being addressed. Mr. Shryock stated that at this time, we will have to find the funding for that. One way we potentially feel we can get some monies back is to house prisoners from other counties and that could help offset some of the costs. Mr. Fischer stated that we do not plan to have an operating levy at a later date. Mr. Stout asked what the plans for the existing facility are. Mr. Shryock stated that in its present form, it really doesn't have a use. Mr. Merrell asked if we bring prisoners in to help offset the cost, will that increase the more prisoners we get? Sheriff Rogers stated that with the way this building is being built, we can have 71 or 105 prisoners and need no additional employees to operate the facility. Mr. Hathaway asked how many jailers there are today. Sheriff Rogers stated that we have 2 per shift at this time and we will need one additional one with new facility. Mr. Stahl stated that he will promote this issue very strongly. He hopes that this does not become a campaign issue for him. Mr. Stout stated that they could come up with some questions and answers for the talk show. The Commissioners asked if there is a cost for that and Mr. Stout stated that there was none at this time. The Commissioners thanked everyone for attending.

Adjourn

At 12:40 p.m. Mr. Fischer adjourned the meeting.



Gary L. Fischer



Dane R. Shryock



Larry K. Stahl



Administrator/Clerk

