

COMMISSIONER'S JOURNAL

Wednesday

Regular

May 28, 2008

The Coshocton County Commissioners met in regular session on Wednesday, May 28, 2008 with Mr. Gary Fischer, Mr. Dane Shryock and Mr. Larry Stahl in attendance. Also present was Mr. Ken Smailes, WTNS and Ms. Mary Beck, Clerk.

Approval of Minutes

Mr. Shryock made a motion, seconded by Mr. Stahl to approve the minutes as presented for Wednesday, May 21, 2008.

Vote: Shryock yea
Fischer yea
Stahl yea

Approve Bills

Mr. Shryock made a motion, seconded by Mr. Stahl to approve the bills per computer printout dated May 28, 2008.

Vote: Shryock yea
Fischer yea
Stahl yea

Then and Now Certificates

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

Table with 4 columns: PAYEE, AMOUNT, DEPARTMENT, ACCOUNT NUMBER. Lists various payees like Coshocton Co. Juvenile Court, Coshocton City Schools/Counseling, Maria R. Freeman, etc.

Vote: Shryock yea
Fischer yea
Stahl yea

Release of Mortgage – Guy & Virginia West

Mr. Stahl made a motion, seconded by Mr. Shryock to sign a Release of Mortgage for Guy Thomas, Jr. and Virginia Ann West filed for record on March 17, 2003 in Volume 291, pages 746-748, Coshocton County Mortgage Records for the real estate located at the tax mailing address being: 18426 TR 284, Coshocton, Ohio 43812.

Vote: Shryock yea
Fischer yea
Stahl yea

# COMMISSIONER'S JOURNAL

**Wednesday**

**Regular**

**May 28, 2008**

## Transfers/Additional

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

### Transfer - Auditor

FROM	TO	AMOUNT
300-0300-5009.00 Trans. Out Unclaimed Monies	001-1000-4046.04 Outstanding Warrants – General Fund	\$3,704.80

### Transfer – EMA

140-10100-5400.00 Other	140-0100-5111.00 W. Comp	\$500.00
-------------------------	--------------------------	----------

### Transfer - Prosecutor

FROM	TO	AMOUNT
001-0140-5400.00 Other	001-0140-5111.00 W. Comp.	\$277.98

### LETF

154-0100-5400.00 LETF Other	154-0100-5111.00 LETF W. Comp	\$160.50
-----------------------------	-------------------------------	----------

### Transfer – D& K

010-0100-5200.00 Supplies	010-0100-5550.00 Animal Claims	\$500.00
---------------------------	--------------------------------	----------

### Additional – Water & Sewer

Unappropriated Fund Balance	356-0100-5260.02 SR 83 Water Line Ext.	\$2,035.97
-----------------------------	--	------------

Vote:	Shryock	yea
	Fischer	yea
	Stahl	yea

### Release of Mortgage – Bobby Dotson

Mr. Shryock made a motion, seconded by Mr. Stahl to sign a Release of Mortgage for Bobby L. Dotson filed for record on September 11, 1998 in Volume 145, pages 1295-1297, Coshocton County Mortgage Records for the real estate located at the tax mailing address: 116 Church Street, Plainfield, Ohio.

Vote:	Shryock	yea
	Fischer	yea
	Stahl	yea

### Court Square

Mr. Stahl made a motion, seconded by Mr. Shryock granting permission to Liberty Church the use of the Court Square and Gazebo on July 5, 2008 for an Out Reach and Ice Cream Social.

Vote:	Shryock	yea
	Fischer	yea
	Stahl	yea

# COMMISSIONER'S JOURNAL

Wednesday

Regular

May 28, 2008

## Contract Amendment – JFS/Ridgewood Schools

Mr. Shryock made a motion, seconded by Mr. Stahl to sign a Contract Amendment between JFS and Ridgewood Schools/Alternative School, to change the total Contract value from \$73,500 to \$74,000.

Vote:	Shryock	yea
	Fischer	yea
	Stahl	yea

## JFS/Maximus Software Agreement

Mr. Stahl made a motion, seconded by Mr. Shryock to sign a Software Maintenance and Support Contract with Maximus for the JFS Financial software in the amount of \$3,225.00 for the period July 1, 2008 through June 30, 2009, as requested by Mr. Terry Miller, JFS.

Vote:	Shryock	yea
	Fischer	yea
	Stahl	yea

## Flood Plain Discussion

Mr. Fred Wachtel, Ms. Tiffany Swigert, Ms. Moe Conrad, Ms. Jennie Thompson, Ms. Christy Olinger, Mr. Kyle Hamilton, Ms. Viva Addy, Mr. Jon Brown, Ms. Beccy Porteus, Mr. Bruce Kolopajlo, Mr. Mike Calevski, Ms. Laura Miller and Mr. Richard Hudson attended the meeting. Mr. Fischer opened the meeting and stated that we called this meeting for an informational purpose. We first were made aware of this issue from Ms. Viva Addy. In 1969 federal regulations took place on the flood plain and then in 1986 the county adopted the first flood plain regulations. Mr. Shryock stated that we understand there is a difference between banking institution regulations and county regulations. The county must have flood plain regulations in place in order to be eligible for the federal flood insurance. Mr. Stahl stated that we need to have communications because we realize the important part the financial institutions play in our community. We appreciate everyone attending. Mr. Fischer then asked Mr. Wachtel to discuss the issue. Mr. Wachtel stated that since 1994 it has been a requirement that banking institutions are required to determine if a property is in the flood plain when utilizing federal monies. He then stated that the county's flood plain regulations require a permit when building in a flood plain. On any significant or new construction, the elevation of the lowest level must be 1 foot above the 100 year flood plain. We utilize the FEMA maps to determine what properties are in the flood plain. FEMA is in the process of developing new maps for the flood plain. He is hoping these maps will be available within the next year. Some homes that are in the flood plain now will not be in the flood plain and some that are not in the flood plain may end up in the flood plain. Mr. Wachtel then stated that at this time the county does stamp deeds that have a portion or all of the property in the flood plain. Mr. Kolopajlo asked if a banking institution finds a property that it is selling is in the flood plain, should they send them to the County Engineer for a permit? Mr. Wachtel stated that if that is the case then yes they should send them to get a permit and then his office will walk them through the process of what if any can be built in the flood plain and then they will have to produce a flood plain elevation certificate showing they are compliant. In order for a property to be removed from the flood plain, the resident will have to file a letter(ALOMA) with FEMA requesting to be removed for certain reasons and then FEMA will determine if they can be removed or not. Mr. Wachtel stated that if a remodel to a home that is in the flood plain is more than 50% of the value of that home; they will need go through the permitting process. Ms. Thompson asked what if anything the County Engineer's Office would do for the purposes of the lending institution. Mr. Wachtel stated that any time a property comes through his office; they do put a stamp on the deed that states maybe a portion of this property is in the flood plain or flood way. Ms. Addy stated that there is a rough draft that is coming out in September 2008 per the Army Corps of Engineers of the new FEMA maps. Also, Ms. Addy stated that the County GIS mapping is not always correct either and this mapping is sometimes used by the banking institutions to determine if a property is in the flood plain. Mr. Wachtel stated that there is a disclaimer on the website that states these maps may not be exact. Mr.

## COMMISSIONER'S JOURNAL

Wednesday

Regular

May 28, 2008

## Flood Plain Continued

Wachtel stated that this is one reason a landowner may need to go through process of an ALOMA. Mr. Mike Calevski, Congressman Zach Space's Office, stated that he contacted FEMA and the Army Corps of Engineers to try to help with Ms. Addy's issue and he would be happy to facilitate any meeting to help with this situation. He asked if the new FEMA map Mr. Wachtel was discussing was a map of revision or a new map. Mr. Wachtel stated that people call it different things but, what will be coming out from FEMA will be used to determine what is in the flood plain regulations. He also stated that it is why residents have the ability to request the Letter of Map Amendment (ALOMA) to FEMA to request that they look at the situation if the homeowner does not feel they should be in the flood plain. He stated that the homeowner would probably need a certificate of elevation for the ALOMA as well. Mr. Calevski asked what maps are being used by the banks. Mr. Wachtel stated that the banks use a company to determine if the property is in the flood plain or not. It is not the County Engineer. If the company utilizes the county's GIS mapping there is a disclaimer when they sign in that states these maps may not be 100% accurate. He really has no idea what they do to determine if a home is in the flood plain or not. Ms. Addy stated that it really depends on what company is used. She has used another company and they stated that her property is not in the flood plain, but it really depends on the company the banks use. Mr. Kolopajlo stated that they utilize companies that range in payment from \$7 -\$50 to determine if a property is in the flood plain. He stated that several counties do things differently. He stated that when the pricing ranges from the above, you really are not going to get that much. He then stated that if there is a question, they have the homeowner get the information and request an ALOMA from FEMA. Mr. Kyle Hamilton asked if the Engineer's Office is stamping properties in the City as well as the county. Mr. Wachtel stated that the City Hall has adopted a program in the city, he is not certain if we are stamping those deeds or not. He then stated that if a community has not adopted flood plain regulations, then the requirements do not apply. However, if they have a disaster, then they cannot get any FEMA help. Mr. Wachtel stated that the reasoning behind stamping the deeds was to notify the property owner that this property might have some flood plain issues. Not necessarily that the buildings are in the flood plain. Ms. Olinger asked if the new maps come out and a property that was once in the flood plain is now not in the flood plain will this affect these properties. Mr. Wachtel stated that the new maps coming out are digital, and if a homeowner wants to have the stamp removed, they can. She then stated that she recently sold a property that was sold three times in the last 5 years and this last time it sold, they were required to have flood insurance. There was an issue of not being able to determine a bench mark. Mr. Wachtel stated that sometimes they will have to go a few miles, but there are bench marks all around the county. Mr. Shryock stated that possibly they are talking about a base elevation. Mr. Wachtel stated that according to FEMA, there must be a base elevation which states that you have to build 1 foot above the flood plain. Mr. Stahl stated that government should never cost residents monies in the case of Viva Addy; she is clearly not in the flood plain. He stated that there are two types of ways to determine if it is in the flood plain or not. It is very expensive to do this though. This is what causes the expense to the landowner and this is wrong. Mr. Rick Hudson asked if there is any way to notify homeowners that they are in the flood plain. At this time it would appear that they are finding out that they are in the flood plain and they did not notice this before. Mr. Wachtel stated that residents can go to the website to determine if they are in the flood plain or close to it. They can then contact his office with questions. He stated that his office will work with residents and do all they can within their authority. Mr. Stahl asked if the deeds need to be stamped, or do the lending institutions need this. Mr. Wachtel stated that the deeds do not have to be stamped. It is done for the benefit of the landowner. Mr. Kolopajlo stated that he feels the county may have a liability issue when stamping deeds. Mr. Shryock asked if he sees this stamping of deeds in other counties. Mr. Kolopajlo stated that in the six counties he deals with, they do not stamp the deeds. Ms. Addy stated that ODNR has a map that shows she is 20 feet above the flood plain, but FEMA will not accept that. Mr. Shryock stated that the county does not have the ability to use other maps. We have to utilize the FEMA maps. Ms. Olinger stated that she personally does not feel the buyers and sellers look at the deed to see that it is stamped in the flood plain or not. Personally she feels that it is good information to have. Mr. Wachtel stated that if a property owner feels that they are not in the flood plain and FEMA has them in the flood plain, they must do an ALOMA through FEMA. The county does not have any authority in this matter. The county's regulations deal with

1 1 1

# COMMISSIONER'S JOURNAL

Wednesday

Regular

May 28, 2008

## Flood Plain Continued

New building or remodeling of existing buildings that is in the flood plain. Mr. Calevski thanked the Commissioners for having the meeting and agreed with Mr. Stahl's comment that government should not cost landowners monies. It is just unfortunate the way things have worked out for Ms. Addy. Mr. Fischer asked if the FEMA maps were adopted in 1969. Mr. Wachtel stated that the original maps were in effect in other parts of the country in 1969, but did not come into effect in Coshocton County until 1986. Mr. Stahl stated that he has a problem with the County Engineer stamping the deed. That is such a permanent thing and it is up for interpretation. He would prefer that Regional Planning send a notification in a letter. Mr. Wachtel stated that this does not mean anything. It is just more information available to the person purchasing the property. It is informational only. If the Commissioners feel that we should not stamp the deed, then he will stop doing that. Ms. Olinger stated that since the availability of land access is not there anymore, the landowner's go to the Auditor's site and look at the property record card. Maybe this would be a good place to put this information. The Commissioners thanked Mr. Wachtel for taking the time to come today and thanked everyone for attending. If they have any further questions, please contact use and we are trying to resolve everyone's concerns.

## GGC Engineers – Fresno Update

Mr. Mike Carder, GGC Engineer attended the meeting to give an update of the Fresno Sanitary Sewer update. Mr. Carder stated that they submitted drawings to the EPA and stated that they are in contact with the EPA about the changes to the system and they are pleased with the information that has passed on to them. Mr. Shryock stated that he really wanted it on the record that we are progressing with this project. Mr. Carder stated that keeping the EPA informed is always a good idea. He stated that they can get a lot of information from the EPA and it is likewise returned.

There was some discussion about Pearl Valley Cheese waste being able to utilize the Fresno Sewer System. Mr. Carder stated that the Fresno System is not able to handle that much waste. The Commissioners asked Mr. Carder to contact West Lafayette to determine if they could handle the waste from Pearl Valley and Fresno. Mr. Carder stated that he will look into the situation and get back with the Commissioners. Mr. Shryock made a motion, seconded by Mr. Stahl to get an estimate from GGC to determine if the Village of West Lafayette can handle the waste from Fresno and Pearl Valley and to determine a cost to accomplish this.

Vote: Shryock	yea
Fischer	yea
Stahl	yea

## Executive Session

At 10:46 a.m. Mr. Shryock made a motion, seconded by Mr. Stahl to go into executive session to discuss litigation. All vote aye. At 10:55 a.m. the meeting was returned to regular session. Mr. Stahl made a motion, seconded by Mr. Shryock to hire Mr. David Jennings, Isaac, Brandt, Ledman & Teeter to represent the county in a matter in Federal District Court at a cost not to exceed \$5,000.

Vote: Shryock	yea
Fischer	yea
Stahl	yea

## Executive Session

At 11:30 a.m. Mr. Stahl made a motion, seconded by Mr. Shryock to go into executive session with Ms. Schonauer to discuss personnel. All vote aye. At 11:44 a.m. the meeting was returned to regular session. No action taken.



## COMMISSIONER'S JOURNAL

Wednesday

Regular

May 28, 2008

Request for Funds BF-01-016-01

Mr. Stahl made a motion, seconded by Mr. Shryock to sign a Request for funds for BF-07-016-01 in the amount of \$92,762.00 as requested by Fiscal Officer, Robin Schonauer.

Vote: Shryock	yea
Fischer	yea
Stahl	yea

Viewing – Vacation Alleyway, 6<sup>th</sup> Street, Tuscarawas Township

At 11:00 a.m. Mr. Gary Fischer, Mr. Dane Shryock, Mr. Larry Stahl, Ms. Mary Beck, Mr. Charles Selders, Mr. William Albert, Mr. Terry Potter and Mr. Harold Potter attended the viewing. Mr. Selders stated that the Township is requesting the vacation and that he was not aware of any opposition. He then stated that Mr. Billman, an abutting landowner might have some opposition. Ms. Beck stated that she believed the Commissioners had received a telephone call from Mr. Billman, but he didn't voice any objection to the vacation, he only stated that he had tried to vacate the alleyway several years ago, but the Commissioners at that time did not do so. Mr. Harold Potter stated that for as long as he could remember, the alleyway was never a used alleyway. All persons present voiced no objection to the vacation.

Adjourn

At 12:10 p.m. the Mr. Fischer adjourned the meeting.



Gary L. Fischer



Dane R. Shryock



Larry K. Stahl



Clerk