

Commissioner Journal

April 1, 2013

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Monday

Regular

The Coshocton County Commissioners met in Regular session on Monday, April 1, 2013 with Mr. Dane Shryock, Mr. Gary Fischer and Mr. D. Curtis Lee. Also present was Mr. Ken Smailes, WTNS, Mrs. Valerie Boateng, The Tribune and Mrs. Mary Beck, Administrator/Clerk.

Minutes

Mr. Fischer made a motion, seconded by Mr. Shryock to approve the minutes as presented for the Wednesday, March 27, 2013 meeting.

Vote:	Lee	yea
	Fischer	yea
	Shryock	yea

Status Report BF-12-1AP-1

Mr. Shryock made a motion, seconded by Mr. Fischer to sign a Status Report for Grant BF-12-1AP-1 as requested by Mrs. Robin Schonauer, Budget Director.

Vote:	Lee	yea
	Fischer	yea
	Shryock	yea

Request for Payment and Status of Funds Report – BF-12-1AP-1

Mr. Fischer made a motion, seconded by Mr. Shryock to sign Request for Payment and Status of Funds Report for Grant BF-12-1AP-1 in the amount of \$5,000 as requested by Mrs. Robin Schonauer, Budget Director.

Vote:	Lee	yea
	Fischer	yea
	Shryock	yea

Advertise Bids – 2013 OPWC Bridge Program (Phase II)

Mr. Shryock made a motion, seconded by Mr. Fischer to advertise bids for 2013 OPWC Bridge Program (Phase II). Ads will Appear April 12, 2013 and bids will be opened in the Coshocton County Commissioners Office on April 17, 2013 at 9:00 a.m. as requested by Mr. Fred Wachtel, County Engineer.

Vote:	Lee	yea
	Fischer	yea
	Shryock	yea

Resolution 2013-18

Mr. Fischer made a motion, seconded by Mr. Shryock to sign Resolution 2013-18 Coshocton County Commissioners' Resolution to Participate in ODOT'S Cooperative Purchase Program Sodium Chloride (Rock Salt) as requested by Mr. Fred Wachtel, County Engineer.

Vote:	Lee	yea
	Fischer	yea
	Shryock	yea

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Proclamation – Fair Housing

Mr. Shryock made a motion, seconded by Mr. Fischer to sign a Proclamation declaring April 2013 is the 45th Anniversary of the passage of the Fair Housing Act and that April is designated as Fair Housing Month.

Vote:	Lee	yea
	Fischer	yea
	Shryock	yea

Resolution 2013 -19

Mr. Fischer made a motion, seconded by Mr. Shryock to sign Resolution 2013-19 Fair Housing Resolution stating it is the policy of the Coshocton County Commissioners to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, military status, sex, national origin, handicap or disability, or familial status (families with children).

Vote:	Lee	yea
	Fischer	yea
	Shryock	yea

Transfers/Additional/Reductions

Mr. Shryock made a motion, seconded by Mr. Fischer to approve Transfers/Additional which have been certified by the County Auditor, Christine Sycks.

Clerk of Courts

From	To	Amount
001-0250-5111.00 WC	001-0250-5103.00 Ins. Bonus	\$400.00

Additional- Commissioners

Unappropriated fund balance	001-0710-5800.00 Agri Society	\$20,000.00
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Vote:	Lee	yea
	Fischer	yea
	Shryock	yea

Then and Now Certificates

Mr. Fischer made a motion, seconded by Mr. Shryock to approve the following Then and Now Certificate which has been certified by the County Auditor, Christine R. Sycks.

<u>PAYEE</u>	<u>AMOUNT</u>	<u>DEPT.</u>	<u>ACCT. #</u>
Treasurer of State	\$4,788.31	Health Dept.	132-0100-5400.00

Vote:	Lee	yea
	Fischer	yea
	Shryock	yea

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2013 CHIP Public Hearing

Mr. John Cleek, CDC of Ohio and Mrs. Robin Schonauer, Budget Director attended the public Hearing for the 2013 CHIP grant. At 10:00 a.m. Mr. Lee opened the public hearing. Mr. Cleek reviewed the proposed activities for the Community Housing Improvement Program in Coshocton County. The primary activities are Homeownership Program, Home Repair, Private-Owner Rehabilitation and New Housing Construction (HFH). The primary goal of CHIP is to improve the housing stock and living environment in Ohio's communities through a multi-faceted housing/neighborhood revitalization effort. He stated that the application process will be probably the most competitive as it has ever been. The grant applications are due this Friday and grant awards may not exceed \$400,000. This year the grant is targeting the Village of Warsaw. By having a target area this will help our grant application. We must use \$100,000 of the \$400,000 in the target area. There are income eligibility requirements for participants. The County median family income is \$50,900 and upper income limits for low-moderate income occupants (80% of County median income). Mr. Shryock then asked about the consolidation of some City CDBG funds to the counties. Mr. Cleek explained that we are just now getting information on this and some smaller cities monies are being included in the county monies. We are having training on this next week and will know more then. That being all, Mr. Lee then closed the public hearing at 10:11 a.m.

Discussion – Jason Given Prosecuting Attorney – Addendum to Minutes

Mr. Jason Given, Prosecuting Attorney and Mrs. Robin Schonauer, Budget Director attended the meeting to discuss a request from Ohio Department of Development and Housing and Urban Development (HUD) for a possible addendum to some previous minutes of the Commissioners. Mr. Fischer stated that as a process of reviewing the NSP Demolition grant that was received by the county in 2009, one of the homes that was submitted by the Village of Warsaw to be demolished was a home owned by Mr. Fischer's mother. At that time, when this came up, a phone call was made to the then Prosecuting Attorney, Robert J. Batchelor and he informed Mr. Fischer to abstain from voting and discussion on this issue. The State of Ohio then reviewed this and found there was not any issue. This was then submitted to HUD and they wanted a clarification of why he abstained in the Commissioners minutes. Mr. Given then stated that he feels the letter that he submitted to Ohio Department of Development with the explanation of events should be sufficient as well as a brief explanation of why this is being done at this time.

Mr. Shryock made a motion, seconded by Mr. Lee to approve an addendum for the following minutes : 9/23/09, 1/4/10, 11/9/09 and 11/16/09 as follows:

These minutes are subject to the attached addendum outlining the reasons for Commissioner Gary Fischer's abstention and public disclosure of a conflict of interest. The basis of the said abstention is outlined in the attached addendum referencing a certain Exhibit "A".

Vote: Lee	yea
Fischer	abstain
Shryock	yea

Mr. Fischer abstained for reasons referenced above and outlined in the addendum.

Executive Session – Personnel Discipline

At 10:55 a.m. Mr. Fischer made a motion, seconded by Mr. Shryock to go into executive session with Mr. Jason Given, Prosecuting Attorney to discuss personnel discipline. All vote aye. At 11:18 a.m. the meeting was returned to regular session. No action taken.

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Adjourn

At 12:00 p.m. Mr. Lee adjourned the meeting.


D. Curtis Lee


Gary L. Fischer


Dane R. Shryock


Administrator/Clerk

ADDENDUM

This addendum is made to incorporate the attached "Exhibit A", a letter from Coshocton County Prosecutor Jason W. Given dated 4/4/2012 and written statements from Commissioner D. Curtis Lee and Commissioner Dane R. Shryock in reference to a structure located at 409 Main Street, Warsaw, Ohio and owned by Mrs. Patricia A. Lewis, mother of Commissioner Gary L. Fischer. May it also be noted that this structure qualified for the NSP Demolition Program and Commissioners Gary L. Fischer did abstain from all voting and discussion on this issue.



Benjamin E. Hall
Assistant Prosecuting Attorney

Randall H. Peddicord
Assistant Prosecuting Attorney

Christie M. L. Thornsley
Assistant Prosecuting Attorney

Dennis Wood
Investigator

Jason W. Given
Coshocton County Prosecuting Attorney

April 4, 2012

Mr. Michael Hiler
Ohio Department of Development
P.O. Box 1001
Columbus, Ohio 43216-1001

RE: Coshocton County NSP Grant

Dear Mr. Hiler:

Coshocton County is the sub-recipient of an NSP Grant that is administered by Ohio Regional Development Corporation for the City of Coshocton. Coshocton County used its funding to demolish homes in various areas of Coshocton County, one being the Village of Warsaw. The Village of Warsaw was designated as one of Coshocton County's "target areas", however the Village Administrator, Ed Robinette, struggled to find homes within the village in need of demolition. With that being said, one of the homes Mr. Robinette identified and requested demolition of was owned by a family member of Commissioner Gary Fischer.

It has been brought to my attention that your office is now questioning the legitimacy of the expenditure for the demolition of the property in question. Therefore, in addition to researching the issue, I have also conducted interviews with Judge Robert J. Batchelor. Judge Batchelor was the Coshocton County Prosecuting Attorney at the time the expenditure in question was approved by the Coshocton County Commissioners.

Judge Batchelor informed me that he received a call on or about September 23, 2009 from Commissioner Shryock. He further indicated that Commissioner Shryock requested his verbal opinion as it related to Commissioner Fisher's involvement in the proceedings pertaining to the Fisher property in Warsaw, Ohio. Judge Batchelor informed me that he informed Commissioner Shryock that, in accordance with the guidelines set forth under Ohio Ethics Laws, Commissioner Fisher should abstain from any portion of the process involving his family member's property. Judge Batchelor also indicated that at the time he believed that Commissioner Fisher's abstention resolved any conflict of interest issues. This opinion was given via telephone conference only. Commissioner Fischer did as he was advised and abstained from all discussion and voting on this issue.

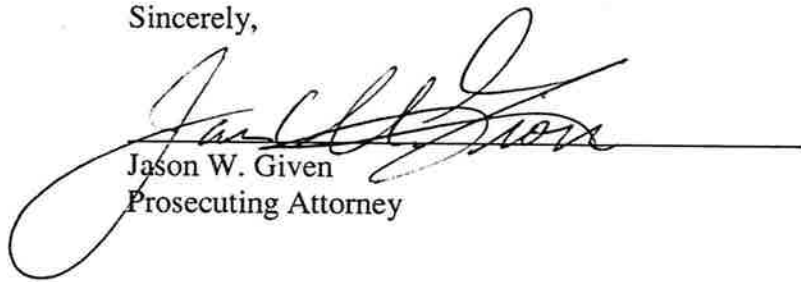
318 Chestnut Street • Coshocton, Ohio 43812-1116
740-622-3566 • Fax 740-623-6520 • www.coshoctoncounty.net/agency/prosecutor

Exhibit A

I believe that the Board of County Commissioners has followed the law as set forth by the Ohio Revised Code. The Board was not made aware of any internal policies or procedures at the state level relating to this issue.

Please find attached appropriate documentation that will support the counties efforts in this matter.

Sincerely,



Jason W. Given
Prosecuting Attorney

Enclosure

cc: John Saunders
Commissioners

Coshocton County Commissioners

Exhibit A



Board of Commissioners

Gary L. Fischer
Dane R. Shryock
D. Curtis Lee

401½ Main Street
Coshocton, Ohio 43812
Phone 740-622-1753
Fax 740-622-4917

Mr. Dane Shryock and Mr. D. Curtis Lee, Coshocton County Commissioners voted "Yea" on Resolution 2009-67, dated September 23, 2009 and Mr. Gary Fischer abstained from this vote. Mr. Fischer did not in any way influence our decision on this vote. This Resolution pertained to the demolition of homes in the Village of Warsaw. The vote was made based on the information that was collected and presented to our office by the Warsaw Village Administrator, Ed Robinette.

Signature: Dane R. Shryock
Dane R. Shryock

Sworn to me and subscribed in my presence this 2nd day of April, 2012.

Robin D. Schonaue
Notary Public



ROBIN D. SCHONAUER
Notary Public, State of Ohio
My Commission Expires
July 17, 2016

Signature: D. Curtis Lee
D. Curtis Lee

Sworn to me and subscribed in my presence this 2nd day of April, 2012.

Robin D. Schonaue
Notary Public



ROBIN D. SCHONAUER
Notary Public, State of Ohio
My Commission Expires
July 17, 2016