

**MONDAY, JANUARY 5, 2009  
OFFICE OF THE BOARD OF COMMISSIONERS  
PICKAWAY COUNTY, OHIO**

The Pickaway County Board of Commissioners met in Regular Session in their office located at 139 West Franklin Street, Circleville, Ohio on Monday, January 5, 2009, with the following members present: Mr. Jay H. Wippel; and Mrs. Ula Jean Metzler. Mr. Glenn D. Reeser was absent. Ryan Scribner, County Administrator, was also in attendance.

**In the Matter of  
Minutes Approved:**

Due to unusual and extenuating circumstances in recent weeks, previous minutes were approved in today's session as follows:

Mr. Wippel offered the motion, seconded by Mr. Reeser to approve the minutes from December 22, 2008.

Voting on the motion was as follows: Mr. Wippel, yes; Mrs. Metzler, yes; Mr. Reeser, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

Mr. Reeser offered the motion, seconded by Mrs. Metzler to approve the minutes from the December 29, 2008.

Voting on the motion was as follows: Mr. Wippel, abstain; Mrs. Metzler, yes; Mr. Reeser, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

Mr. Wippel offered the motion, seconded by Mr. Reeser to approve the minutes from December 30, 2008.

Voting on the motion was as follows: Mr. Wippel, yes; Mrs. Metzler, yes; Mr. Reeser, yes. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

**In the Matter of  
Travel Authorizations Signed for  
Department of Job & Family Services:**

The Commissioners signed Travel Authorizations for numerous Job & Family Services employees to attend various meetings and training sessions to be held throughout the month of January 2009, at the total probable cost of \$1,585.66.

**In the Matter of  
Resolution Adopted Appointing 2009  
Members on the Pickaway County Community Corrections Planning Committee:**

Mrs. Metzler offered the motion, seconded by Mr. Wippel to adopt the following Resolution:

**Resolution No.: PC-010509-1**

WHEREAS, pursuant to Ohio Revised Code §5149.34, the Pickaway County Board of Commissioners appoints the following representatives to the Pickaway County Community Corrections Planning Board for year 2009:

- An administrator of a County Jail: **Lt. Larry Mosley**
- County Commissioners: **Ula Jean Metzler; Glenn Reeser; Jay Wippel**
- A judge of the Court of Common Pleas: **P. Randall Knece**
- A Judge of Municipal Court: **Gary Dumm**
- An attorney whose practice of law primarily involves representation of criminal defendants: **Michael Hess**

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- The chief law enforcement office of the largest municipal corporation: **Wayne Gray**
- The County Sheriff: **Dwight Radcliff**
- One or more prosecutors: **Judy Wolford**
- One or more representatives of the public, one of whom shall be a victim of crime: **James Dean; Vince Yaniga; Ralph Starkey; Terry Elliott**
- One or more additional representative of law enforcement: **Lieutenant Pat Vessels, Post 65, Ohio State Highway Patrol; Lieutenant Rob Radcliff, Pickaway County Sheriff Department.**
- One or more additional representatives of the judiciary: **Jan Long**
- One or more additional representatives of the field of corrections: **Rob Reeser**
- Official from the largest municipal corporation: **Terry Elliott**

Voting on the motion was as follows: Mr. Wippel, yes; Mrs. Metzler, yes; Mr. Reeser, absent.  
Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

**In the Matter of**  
**Meeting with Mark Passmore**  
**Regarding Countywide Building Department:**

Mark Passmore, Mr. & Mrs. Mark Passmore, Jr. and Mark Passmore III, Saltcreek Township residents, met with the Commissioners regarding countywide building code and permit requirements that went into effect January 1, 2009, as a result of the recent implementation of the Pickaway County Building Department. Terry Frazier, Director of the Pickaway County Development & Planning Office, and Al Sheldon, Pickaway County Chief Building Official, were also in attendance.

Mr. Passmore had several questions, but first inquired if it was unanimous vote by all three Commissioners regarding the implementation of countywide building department, to which the answer was "yes." He then stated he wanted to clarify if his understanding was correct in that building permits are now required for any buildings constructed in the county. The answer to his question was "yes", with the exemption of agricultural buildings. Mr. Passmore went on to explain that he is in the process of selling a golf course he owns located on Circleville-Tarlton Road and inquired if commercial building permits would be required for any new buildings constructed on the golf course, to which the answer was "yes." It was mentioned that commercial building codes have been in existence for a number of years. Mr. Passmore then inquired if separate commercial permits would be required for the foundation, electrical wiring, and plumbing, etc., and Mr. Frazier responded by stating that permits and inspections are required for all major trades. Mr. Passmore then asked if commercial building foundation permits require drawings from a licensed architect or engineer, and again the answer was "yes."

When Mr. Passmore inquired if a small commercial structure built on the golf course would require drawings for approval, Mr. Sheldon responded by stating that any commercial structure over 120 sq. ft. require drawings prepared by a licensed architect or engineer. Mr. Passmore then asked of Mr. Sheldon if ever in his tenure as Chief Building Official and inspector, did he convert from a non-commercial building permit to a commercial building permit. After Mr. Sheldon responded "yes", Mr. Passmore asked if he went back and required all the drawings be brought up to date in order to grant the commercial permit. Mr. Sheldon answered "yes," and went on to explain that if someone is building a commercial structure and it was found during an inspection that a commercial building permit was not obtained, he has always asked for complete drawings. Mr. Sheldon added that in the case of a residential or agricultural structure that has been in existence for years is being converted into a commercial structure, then drawings are required to confirm the structure is safe and sound and that drawings are required for any alterations related to converting from residential to commercial.

When Mr. Passmore indicated that some residents have stated the reason for the county's implementation of a countywide building department was primarily for the reason of gaining additional revenue, Commissioner Wippel stated that it was done for the protection of homeowners and landowners and that the building department is essentially a "break even" department. He went on to say that there have

been many homes constructed in Pickaway County which will have issues that will eventually come back on the homeowner because no residential building inspections were performed. Mr. Passmore asked what happens if it is found half way through the construction process that someone is constructing a commercial structure without the proper building permits. Mr. Sheldon stated that the person will have to obtain the proper permits and back inspections will be performed. Mr. Passmore then asked if a building has been torn down during construction because it does not meet code, to which Mr. Sheldon responded "no."

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When Commissioner Wippel reiterated the reasoning behind a countywide building department is for the protection and safety of homeowners and landowners, Mark Passmore, Jr. then posed the question of why he needs protection. He stated that if he wants to construct a building on his property that may last only 25 years, why does he have to obtain permits? The answer of to make sure it is built to code was given.

When the question of whether certified drawings from an architect or engineer was required for a residential structure was asked, Mr. Sheldon stated "no." He added that if he is provided detailed enough drawings/plans showing such things as the floor joists being properly spaced, the walls and roof structure will be safe, etc., the drawings/plans can be approved, however; once again, a commercial structure requires an architect's or engineer's certified drawings.

Mark Passmore, Jr. inquired if he can do electrical and plumbing work himself (for a residential structure), Mr. Sheldon stated "yes," and that there is no aspect of the construction process that he would not be permitted to do himself for a residential structure if he so desires.

The question was then raised by Mr. Passmore of if he wanted to build multiple cabins on a piece of property that is not zoned, would he need commercial permits for those cabins. Mr. Sheldon stated with the cabins being residential structures, "no." Mr. Passmore then asked if ex post facto is involved for structures already under construction before January 1, 2009, and Mr. Sheldon replied "yes, for residential structures." Mr. Passmore then inquired if the placing of stakes prior to January 1, 2009 for the construction of a residential structure was included in ex post facto and the answer again was "yes."

Mark Passmore III then posed the question in reference to if permit fees and inspections are required for residential structures, would the county then be liable if the structure were to, for example, burn down? The answer was "no", and Mr. Sheldon provided the analogy of when you are issued a drivers license through the state and you are struck by another driver who was also issued a drivers license, you cannot go back and sue the state.

Mr. Passmore then asked if the City of Circleville approached the county asking it to take over the building department because it could no longer fund the department. Mr. Sheldon answered by stating that four or five years ago the county commissioners approached the city about taking over the building department, however; the city safety director at that time was not in favor of the concept. It was further stated the recent transitioning to a county building department was initiated by the county and the city did not decide to close its building department until the county's legislation was enacted. Mr. Passmore then asked the question of if he were to build homes to be rented out on property that he owns, is he required to obtain building permits and he was told "yes," residential building permits would be required.

At the conclusion of the meeting, Mr. Passmore thanked the Commissioners for their time.

**In the Matter of**  
**Meeting with Terry Frazier**  
**Regarding Building Department:**

Terry Frazier, Director of Development & Planning, informed the Commissioners that the county building department has received its certification from the Ohio Board of Building Standards. As a result, the Board of Building Standards, pursuant to division (E) of section 3791.10 of the Revised Code orders the certification of the county building department to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections for residential and non-residential buildings in accordance with the provisions of Chapter 3781 and 3791 of the Revised Code and any rules adopted pursuant thereto.

The county building department is now officially operating out of its new location at 124 W. Franklin Street. The telephone number previously used by the city building department has been transferred to the Chief Building Official's cell phone until the telephone company makes the final transition to the new location. The EMA office and Development & Planning Office will not move into the building until the telephone system has been transferred.

Mr. Frazier is still attempting to obtain a contract from the Pickaway County Board of Health to perform commercial plumbing inspections. He explained that the county prosecutor has declined review the contract drawn up for those services due to conflict of interest. Also, Tammy Ayers of the Pickaway County Board of Health recently commented to Mr. Frazier that per a 2006 Ohio Attorney General's Opinion (2006-040) boards of health cannot contract with a county building department to perform plumbing inspections. However, Mr. Frazier informed the Commissioners that he has since found out that in 2008, S.B. 192 passed by the General Assembly specifically permits county boards of health to contract with county

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building departments. Mr. Frazier stated that he does not believe that the county prosecutor is aware of S.B. 192. With the enabling legislation allowing the contracts, it was determined that a letter to the county prosecutor will be composed and provided to the Commissioners for signature with a copy of S.B. 192 attached.

The Commissioners reviewed and made their choice from two logos that will be placed on county building department vehicles for identification and chose from two choices for the sign that will be placed in front of the building department.

**In the Matter of**  
**Meeting with Nate Green and**  
**Chad Davie Regarding Clean Ohio**  
**Trails Fund Program Application:**

Nate Green, P3 Economic Development Director, and Brownfields Coordinator Chad Davie, along with Pickaway County Park District Board (PCPDB) members Charles Babb and Pete Hartinger met with the Commissioners to discuss recreational trail assistance programs. Terry Frazier, Director of the Development & Planning Office, was also in attendance.

Last year the Commissioners approved a \$7,000 donation toward the purchase of 21.526 acres of real property totaling \$14,001.53 from the *Dayton Power & Light Company* to be converted into hiking and biking trails that runs along the railroad beginning at the southern portion of the City of Circleville to St. Rt. 104. A main goal of the PCPDB is to eventually have the hiking and biking trails go all the way to the Village of New Holland. The Pickaway County Community Park Foundation matched the county's \$7,000 donation for the acquisition of the property.

Since the purchase of that property last year, Commissioners requested that Mr. Davie research grant funds that are available purchase of additional property or the construction of trails on the already acquired property. Mr. Davie reported on two grants, one with Recreation Trails Program (RTP), and the seconded with the Clean Ohio Trails Fund Program (COTF), which are offered annually through the Ohio Department of Natural Resources. Mr. Davie stated that there is a February 1, 2009, deadline for both grants. He said that the most probable grant to apply for is the Clean Ohio Trails Fund Program which can go up to as much as \$500,000. Applications are ranked on a merit system. First time applicants, and hooking up to other trail systems fall within these merits. Grants can be split between land purchase and trail conversion. Applicants must provide a 25% local match, which can include contributions of land, labor, or materials. Equity in already purchased land can also be used as a match. The purchased land will be required to be inspected by ODNR in order to be approved as a local match and prior to any grant approval. Recipients are announced in late summer and all expenditures and reimbursements must be made within 18 months after the agreement is signed.

Following further discussion regarding aspects of the grants, it was ascertained that Mr. Green Mr. Davie, Mr. Babb, and Mr. Hartinger will set up a meeting right away and decide exactly what the project will be that the PCPDB wants to apply for, whether it be additional land purchase or trail construction on the recently purchased land, and then quickly move forward in completing the application for submittal by the February 1<sup>st</sup> deadline.

**In the Mater of**  
**Meeting with Ralph Starkey**  
**Regarding Mary Virginia Crites Hannan Community Park Activity Update:**

Ralph Starkey, Coordinator of the Pickaway Community Foundation, met with the Commissioners to provide an activity update for the Mary Virginia Crites Hannan Community Park.

Topics reviewed included:

- The boundless playground and installation of its equipment is complete and allows all persons, regardless of physical ability, to utilize it.
- The park's construction project manager is attempting to coordinate with the Pickaway County Park

District Board for the implementation of a trail leading from Circleville High School over to the park.

- Over a mile of ADA approved gravel trails in the park's woods are complete.
- The bird watching station has proven to be a popular component of the park.
- The two shelter houses are complete, which were Eagle Scout projects.

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- The wetlands are complete and full of water and should prove to be a great resource to enhance outdoor education programs for the schools. The Circleville Fire Department has agreed to provide water if the wetland/ice rink water is too low.
- Prisoners from Fairfield County will be working on clearing out an area for a small pond in the middle of the woods which will serve as another resource for outdoor education programs.
- Bid documents for the blacktop trail are complete and the project will go out to bid this month.
- Plans are still in the works for a 4-season shelter house that will be complete with closable doors, a fireplace, and a kitchen facility.
- There are city funds for water and sewer service, which will be installed this spring. This will allow for permanent restrooms.
- The park's state's capital budget grant has been divided into two grants that will primarily be used for blacktop and shelter house. Another grant will be used for a splash pad. The park has been awarded approximately \$1.3 million in various grants so far.
- The brochure that will be provided to the public for the fundraiser that is expected to begin in just a few weeks was presented to the Commissioners and reviewed. All donors will be recognized by "Giving Levels" on a bronze plaque at the main entrance of the park.
- When the park is complete it will be providing a \$2 - \$3 million asset to the community.
- Berger Hospital has pledged a \$50,000 grant to sponsor the hiking trail.
- The Kellogg Foundation's endowment for the maintenance of the park and equipment is a dollar for dollar match for raised funds. Mr. Starkey requested the Commissioners' consideration in providing a contribution towards this effort.

At the conclusion of the meeting, the Commissioners thanked Mr. Starkey for his hard work and dedication in making the park a reality for the residents of the community.

**In the Matter of**  
**Meeting Regarding**  
**Neighborhood Stabilization Program:**

The Commissioners attended a meeting at the City of Circleville Administration building regarding the Ohio Neighborhood Stabilization Program. In addition to Commissioners Wippel and Metzler, the meeting was attended by: Julie Clifton and Matt Allen of the City of Chillicothe; Devon Shoemaker, Ross County Planning Department; Doug Corcoran, Ross County Commissioner; Cindy Howard, of the Pike County Community Development Department; Marvin Rudd of the Mid-Ohio Regional Planning Commission (MORPC); Sharon Schall of the City of Circleville Grant Department; Terry Frazier, Pickaway County Development & Planning Director; Francis Lighty, Pike County Grant Consultant; and Dan Bradhurst of Chris Wojno Consulting, Pickaway County's CDBG and CHIP consultant.

The NSP is a result of the enactment of House Resolution 3221, and the U.S. Department of Housing and Urban Development (HUD) that recently awarded more than \$3.9 billion of Neighborhood Stabilization Program (NSP) funds to states and communities across the country to address the nation's abandoned and foreclosed homes crisis. In total, Ohio received an allocation of \$258,089,179, with more than \$116.8 million awarded to the state, and the remaining funds designated for Ohio cities and counties. Some counties and cities have been divided up into regions. Pickaway County is in Region 17. Region 17 was awarded a total of \$1,282,179 (which includes \$128,200 of administrative dollars) and consists of Ross County, Pickaway County, Pike County; the City of Circleville and the City of Chillicothe.

The NSP award may be used to establish financing mechanisms for the purchase and redevelopment of foreclosed upon homes/residential properties, including such mechanisms as soft seconds for low, moderate, and middle-income homebuyers; purchase and rehabilitate homes/residential properties that have been abandoned or foreclosed upon in order to sell, rent, or redevelop such homes and properties; establish land banks for homes that have been foreclosed upon; demolish blighted residential structures; and redevelop demolished or vacant residential properties. As a vital part of applying for the funds, each grantee will be requested to demonstrate that they are addressing the **greatest need** within their area and which activities will be the most effective in the stabilization of their neighborhoods.

The Ohio Department of Development recommends assembling a planning committee for all government entities involved and hold meetings to develop the most effective strategy. Suggested composition of the committee should include, but is not limited to, at least one representative of each of the following to assist with the assessment of the needs and the approach to be taken to address them:

- Person(s) with experience in rehabilitation, code enforcement, and/or knowledge of building codes;

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- Person(s) with experience in the acquisition of distressed property (i.e. realtor, lender, appraiser, real estate attorney);
- Person(s) with experience in community development, including demolition of property;
- Person(s) with non-profit with housing experience (i.e., Area Agency on Aging, MRDD, Community Action Organizations);
- Person(s) from low income organization (i.e. Metropolitan Housing Authority, Health Dept.);
- Person(s) with experience in tax foreclosure (i.e. County Auditor, attorney).

Many of the persons listed above are part of the already formed Housing Advisory Committee that was established for the Pickaway County Community Housing Improvement Program (CHIP) Grant. It is important that the meetings allow for input by all relevant parties to create a balanced assessment of needs and an effective distribution of resources. The committee is not expected to arrive at a consensus on every point, or even be the final determinant of priorities. Instead, it is to be used as a guide and point of reference in order to arrive at a reasonable course of action in light of the needs and available resources in the community.

In order for Region 17 to participate in the program, all region participants must unanimously select one of the units of local government to act as the lead community that will serve as the fiduciary agent of the region's allocation, which was the main objective of this meeting.

Following a discussion regarding which community will serve as the lead, the representatives from Ross County stated that they would be willing to serve in that capacity. Mr. Wippel then offered the motion, seconded by Mr. Allen designating Ross County as the lead community for Region 17.

Voting was as follows:            Yes: All                            No: None

Motion carried.

Letters from each community signed by its CEO will be prepared and provided to the Ross County Board of Commissioners as soon as possible.

During the meeting, Mr. Rudd stated that MORPC is willing to prepare the application on behalf of Region 17, which is due to the Ohio Department of Development by February 27, 2009, however; no definite decision was made at this time.

The Ohio Department of Development will be conducting a mandatory Ohio NSP Application Training on January 16, 2009, at the Ohio Department of Agriculture located in Reynoldsburg, Ohio.

**In the Matter of**  
**Resolution Adopted for County Engineer to**  
**Proceed by Force Account for Year 2009:**

Robert E. Parker, Pickaway County Engineer, met with the Commissioners and requested the adoption of a Resolution permitting him to proceed by Force Account when not required to use the competitive bidding process. presented for their review and signature the Annual Highway System Mileage

Mrs. Metzler offered the motion, seconded by Mr. Wippel to adopt the following Resolution:

**Resolution No.: PC-010509-2**

BE IT RESOLVED, that the Pickaway County Board of Commissioners authorizes **Robert E. Parker, Pickaway County Engineer**, to proceed by **Force Account for the year 2009**, for the normal construction, reconstruction, improvement, maintenance, or repair of roads, bridges, and culverts **when not required to use competitive bidding pursuant to Ohio Revised Code §5543.19 or other law.**

Voting on the motion was as follows: Mr. Wippel, yes; Mrs. Metzler, yes; Mr. Reeser, absent.  
Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

**In the Matter of**  
**Resolution Adopted for**

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**Annual County Highway System Certification for CY 2008:**

Robert E. Parker, Pickaway County Engineer, met with the Commissioners and presented for their review and signature the Annual Highway System Mileage Certification form.

Mrs. Metzler offered the motion, seconded by Mr. Wippel to adopt the following Resolution:

**Resolution No.: PC-010509-3**

WHEREAS, in accordance with the provisions specified in §4501.04 of the Ohio Revised Code, an annual County Highway System Mileage Certification must be submitted to the Ohio Department of Transportation for the total length of county maintained public roads, then

THEREFORE BE IT RESOLVED that as of December 31, 2008, the Pickaway County Board of Commissioners hereby **certifies 226.82 miles of public county roads** for which Pickaway County as responsible for maintaining in CY 2008.

Voting on the motion was as follows: Mr. Wippel, yes; Mrs. Metzler, yes; Mr. Reeser, absent. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

**In the Matter of County Engineer and  
Deputy County Engineer  
Re-appointments to District 17 Public Works Integrating Committee:**

Robert E. Parker, Pickaway County Engineer, met with the Commissioners requesting his reappointment and the reappointment of alternate Chris Mullins, Deputy Pickaway County Engineer, as the county's representatives on the District 17 Public Works Integrating Committee.

Mrs. Metzler offered the motion, seconded by Mr. Wippel to adopt the following Resolution:

**Resolution No.: PC-010509-4**

BE IT RESOLVED that the Pickaway County Board of Commissioners hereby **reappoint Robert E. Parker, Pickaway County Engineer, and reappoint alternate Chris Mullins, Deputy Pickaway County Engineer, as the county's representatives on the District 17 Public Works Integrating Committee.**

Voting on the motion was as follows: Mr. Wippel, yes; Mrs. Metzler, yes; Mr. Reeser, absent. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

**In the Matter of  
Issuance of Blanket Purchase Orders:**

Mrs. Metzler offered the motion, seconded by Mr. Wippel to approve the following requests for the ISSUANCE OF BLANKET PURCHASE ORDERS:

**545 for 209.5022.5901 – Family & Children First Council-Other Expense  
600 for 208.5025.5901 – Child Support Enforcement Agency-Other Expense  
2,475 for 207.5020.5901 for Children Services-Other Expense  
15,000 for 206.5015.5901 – Pubic Assistance-Other Expense**

**5,000 for 257.5027.5901 – Workforce Investment Act-Other Expense**

Voting on the motion was as follows: Mr. Wippel, yes; Mrs. Metzler, yes; Mr. Reeser, absent. Voting No: None. Motion carried.

Attest: Patricia Webb, Clerk

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**In the Matter of**  
**Weekly Dog Warden Report:**

The weekly report for the Pickaway County Dog Shelter was filed for week ending January 3, 2009.

A total of \$373 was reported being collected as follows: \$32 in sales of dogs; \$30 in redemptions; \$25 in donations; \$286 in sales of tags; and \$-0- in late tag fee penalties.

Four (4) dogs were destroyed.

No firearms were discharged.

With there being no further business brought before the Board, Mrs. Metzler offered the motion, seconded by Mr. Wippel to adjourn. Voting on the motion was as follows: Mr. Wippel, yes; Mrs. Metzler, yes; Mr. Reeser, absent. Voting No: None. Motion carried.

Jay H. Wippel, President

Ula Jean Metzler, Vice President

ABSENT  
Glenn D. Reeser  
BOARD OF COUNTY COMMISSIONERS  
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Attest: Patricia Webb, Clerk