

MONDAY, MARCH 8, 2010
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, March 8, 2010, with the following members present: Mr. Jay H. Wippel; Mr. Glenn D. Reeser; and Mrs. Ula Jean Metzler. Ryan Scribner, County Administrator, was also in attendance.

In the Matter of
Minutes Approved:

Mrs. Metzler offered the motion, seconded by Mr. Wippel to approve the minutes from March 1, 2010.

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

Attest: _____
Patricia Webb, Clerk

In the Matter of
Approval for Payment of Bills:

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

BE IT RESOLVED, that the bills have been found to be properly filed and their respective vouchers shall be cross-referenced to the approving pages dated March 5, 2010, in the Commissioners' Voucher Journal, then

BE IT FURTHER RESOLVED, that the Board of Pickaway County Commissioners orders the Auditor of Pickaway County, Ohio to draw her warrant on this entry in the amount of \$172,738.10 on the County Treasurer to satisfy the same.

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

Attest: _____
Patricia Webb, Clerk

In the Matter of
Funding Approved for
Regarding Stepping Stones Supervised Visitation Center:

Probate/Juvenile Judge Jan Michael Long and Court Magistrates Elisa Branham and Shelly Harsha met with the Commissioners to discuss the funding shortfall for the operations of Stepping Stones, a Supervised Visitation Center, which provides supervised visitations and exchanges in order for children to be kept safe while in a comfortable, neutral setting to enjoy time spent with non-residential parents. Stepping Stones provides mediation services and court-ordered parenting classes.

Judge Long began by stating that Stepping Stones has been a successful ancillary facility that has provided valuable services to the courts handling child custody and abuse cases for nearly ten (10) years. He said that the Child Support Enforcement Agency (CSEA) originally obtained grants to initiate and support Stepping Stones, but those grant funds did not continue to be available. Since that time the director of Stepping Stones has been operating on funds received through the United Way, donations, fundraisers, contracts with the CSEA, and just recently with a percentage of American Legion ticket sales; however, the CSEA, a division of the Department of Job & Family Services (JFS), was unable to renew its contract with Stepping Stones due to the department's severe reductions in state funding. Judge Long stated that for the past few years the Juvenile Court was able to provide funds allocated from the Department of Youth Services, however, those grant funds will be drastically cut this year. He indicated that there will be a portion of funding from Area Recovery & Reinvestment Act (ARRA) Stimulus funds the Juvenile Court secured, but are yet to be received. Judge Long stated that the percentage of its ticket sales from the American Legion will only marginally help the situation. He added that the courts also implemented

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increases in court fees for child custody and abuse cases, but much of the people that appear for these court cases are indigent and fees collected are insignificant, about \$5,000 per year, compared to Stepping Stones \$85,000 annual operating budget, equating to just over \$7,000 per month. Currently, there is approximately \$8,500 in remaining funds. Judge Long said that while the director of the facility, Wendy Wood, continues to seek grants and donations in an effort to keep the facility operational, however; it is now in at a critical point and may no longer be able to continue to exist. Judge Long requested the Commissioners' consideration in providing financial support. In responding to the request, the Commissioners stated that Ms. Woods met with them a few weeks ago where she provided an update, and they agree that facility provides vital services. Commissioner Reeser stated that the county's budget for this year is balanced and with the current financial challenges the county is facing, this presents a tough situation. Stepping Stones provides vitally needed services, however; on-going funding from the county's budget will not be feasible due to the financial challenges the county will continue to face next year. Commissioner Reeser indicated that this is what sometimes happens with 'start-up' grants. It presents a dilemma when those funds are gone and these ancillary facilities that offer essential services are forced to seek alternate resources to remain operational. Discussion was held regarding the possibility of Children's Services placing a levy on the ballot at some point to finance Stepping Stones' operations, for which the Commissioners would be supportive. The Commissioners requested Ryan Scribner, County Administrator, to obtain a copy of Stepping Stones final budget for their review.

Following further discussion regarding the matter, Mr. Reeser then offered the motion, seconded by Mrs. Metzler to approve an amount up to \$35,000 to Stepping Stones Visitation Center for the facility's 2010 operations and the matter will be revisited this fall.

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

Attest: _____
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Judge Long and Court Magistrates Branham and Harsha thanked the Commissioners for their consideration and financial support. Judge Long also informed the Commissioners of an upcoming program that the Juvenile Court Advisory Board and the Pickaway Area Recovery Services will be providing at the Ohio Christian University on April 21st, beginning at 6:00 p.m. He stated the he would like to see elected officials, educators, parents, youth, and anyone from the general public attend the presentation. Judge Long said that it is an excellent program that will focus on the increased drug problem Pickaway County is experiencing, which ultimately contributes to the need of the vital services provided by Stepping Stones.

In the Matter of
Equipment Sale Agreement Signed with
Pickaway Township Trustees for Sale of Air Compressor:

The Commissioners signed a Sale of Equipment Contract with the county and the Pickaway Township Trustees for the sale of an air compressor and three (3) air bottles in the amount of \$1 that was purchased by the county in 1987, now valued less that \$2,500. Since that time, the equipment has been maintained and stored at the location of the Pickaway Township Fire Department. The value of the equipment is less than \$2,500.

The contract states that the equipment will continue to be maintained and stored at the location of the Pickaway Township Fire Department with the understanding that the equipment will also be available to all emergency response units within the county.

In the Matter of
Travel Authorizations Approved:

Travel Authorizations were signed for numerous Job & Family Services employees to attend various meetings and training sessions to be held throughout the month of March at the total probable cost of \$966.28.

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**In the Matter of
Meeting with Richard Pankratz
Regarding Application for Appointment to
Pickaway County Planning Commission:**

The Commissioners spoke with Richard Pankratz regarding his application in reference to his interest in limited public service by an appointment on a county board or commission. Mr. Pankratz's application reflected his interest to serve on several boards/commissioners, inclusive of the Pickaway County Planning Commission. Terry Frazier, Director of the Pickaway County Development & Planning Office, was also in attendance and provided Mr. Pankratz with an overview of the purpose and duties of the commission, scheduled meeting dates, etc.

In addition to member vacancies, there are also alternate member vacancies on the planning commission. The Commissioners asked Mr. Pankratz if he would be interested in an alternate appointment on the Pickaway County Planning Commission as a way to initially familiarize himself with the planning commission. An alternate to a member of the planning commission fills in during a specified member's absence and possesses the same voting powers of that member. Mr. Pankratz was receptive to the idea, stating that he would be interested.

At the conclusion of the meeting, the Commissioners thanked Mr. Pankratz for his time and interest and informed him that they will be making their decision very soon.

**In the Matter of
Randal Winter Appointed to
Pickaway County Planning Commission:**

Following a discussion regarding all individuals interviewed over the past few weeks related to appointments and alternate appointments to the Pickaway County Planning Commission, Mrs. Metzler offered the motion, seconded by Mr. Reeser to appoint **Randall Winter, 567 Oakland Terrace, Circleville, Ohio, as the replacement for Hugh Harmount on the Pickaway County Planning Commission**, effective immediately. This is a one-year term, and will expire February 2, 2011.

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

Attest: _____
Patricia Webb, Clerk

**In the Matter of
Richard Pankratz Appointed as the
Alternate Member of Pickaway County Commissioner,
Ula Jean Metzler, to the Pickaway County Planning Commission:**

Mrs. Metzler offered the motion, seconded by Mr. Reeser to appoint **Richard Pankratz, 167 Brookhill Lane, Circleville, Ohio, as Pickaway County Commissioner Ula Jean Metzler's, alternate member on the Pickaway County Planning Commission**, effective immediately.

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

Attest: _____
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**In the Matter of
Jack Corder Appointed as the Replacement for
Earl Palm on the Pickaway County Planning Commission:**

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Mrs. Metzler offered the motion, seconded by Mr. Reeser to **appoint Earl Palm's alternate, Jack Corder, 7309 Old Tarlton Pike, Circleville, Ohio**, as his replacement on the Pickaway County Planning Commission, effective immediately. This is a one-year term and will expire February 2, 2011.

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

Attest: _____
Patricia Webb, Clerk

In the Matter of
Motion Withdrawn for Various Re-appointments to
Pickaway County Planning Commission:

Mr. Wippel offered the motion for the re-appointments of Franklin Christman, Arnold Gabriel, and Jerry Hines to the Pickaway County Planning Commission. The motion died due to the lack of a second motion following Commissioner Reeser's requested Terry Frazier to provide the commission's membership meeting attendance records before making a final decision. Therefore, Mr. Wippel's motion was withdrawn, and the matter will be revisited upon the Commissioners' review of the commission's membership attendance records.

In the Matter of
Meeting Regarding Ohio Housing Finance Agency Form 004
For Kingston Manor, Phase III:

John Siddons, Frontier Community Services' Chief Development Officer, and John LeVally, LW Associates' Director of Acquisitions, met with the Commissioners regarding the Ohio Housing Finance Agency (OHFA) Form 004, Certification of Consistency with Local Consolidated Plan or Comprehensive Housing Improvement Strategy for the proposed Phase III of Kingston Mound Manor, located in Circleville Township. Kingston Mound Manor provides housing to the Area Median Gross Income (AMGI) senior population. Phases I and II contain 97 units.

Mr. Siddons began by stating that the OHFA Form 004 is a required form as part of application packages to the OHFA for financing for the development of affordable residential housing for the low-to-moderate income population. OHFA provides financing and tax incentives to developers for these types of projects. Mr. Siddons stated that the form is designed to reflect that a proposed housing development project is within the goals of the local Community Housing Improvement Strategy (CHIS), adopted by the county in 2005. The CHIS ties in with Community Housing Improvement Program (CHIP), a competitive grant applied for by the county designed to assist qualifying low-to-moderate income residents with first-time homebuyer down-payment assistance, housing rehabilitation assistance to bring homes up to current building codes, and emergency home repair assistance. The Ohio Housing Finance Agency (OHFA) provides financing with Federal Housing Tax Credits, which developers sell to investors to raise cash for building acquisition, new constructions, or substantial rehabilitation costs related to affordable housing. Mr. Siddons said that OHFA also provides housing grants to the developers through the Housing Development Assistance Program (HDAP). In return for the Federal Housing Tax Credits, OHFA places 30-year rent and income restriction on funded properties. With a recent Supreme Court ruling regarding *WODA Ivy Glenn vs. Fayette County Board of Revisions*, the property appraisals for housing developments financed with Federal Housing Tax Credits are to be based on a rental income model, resulting in the property tax assessments for these properties being approximately 1/3 less than normal full fair taxes.

In discussing the county's CHIS, the Commissioners inquired if there was a section applicable to the type of housing Kingston Mound Manor provides, particularly for a third phase. Mr. LeVally stated that there are several sections, one of which states the strategy is to provide affordable housing to persons with special needs. In researching the document further, Mr. LeVally was not able to locate the other relevant sections during the meeting. It was decided that Mr. LeVally will review the CHIS more thoroughly and provide any applicable sections to the construction of this type of housing development to the Commissioners later in the week for their review.

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Discussion was held regarding the covenants for Phase I and II and the restrictions related to the number of units, age range restrictions, and the area median gross income (AMGI) restrictions. Phase I covenants are restricted to person 55 years and older and monthly rent is based on their AMGI. Mr. Siddons stated that the 55 years and older restriction was placed by Frontier Services itself as a promise to the Circleville Township Trustees to provide more affordable housing for seniors. There are 45 units in Phase I. Mr. Siddons stated that a small number of rental units are at or below 35% of the AMGI; other units are at 45% - 50% AMGI; and the balance is at or below 60% of the AMGI. Thusly, the monthly rents for these units are \$450 - \$606 per month, excluding utilities. For Phase II, all renters are also restricted to 55 years and up with a small number of units (3 to 5) in the 35% AMGI range, however; while he was unsure at the time of the meeting of what the restrictions are on the remaining units, he thought the other rent restrictions overlapped and are at \$606 per month, plus utilities. Phase III, again targets the 55 years old and above population and the maximum rent would be \$648 per month, plus utilities.

In a recent meeting with the Commissioners, Mr. Siddons had stated that there is a waiting list of approximately 400 people that are waiting for this type of housing, which he later provided to the Commissioners at their request. In reviewing this list in the meantime, Commissioner Reeser stated that it appears to be merely a daily diary of telephone calls, some several years old. Commissioner Reeser said that he counted at least 50 of the phone calls showing interest in the units are from people outside of Pickaway County and that it would be theoretically possible that all the units for Phase III could be occupied by non-Pickaway County AMGI residents. Mr. Siddons responded by stating that he felt that would be unlikely, but it is possible.

After further discussion, the meeting concluded with Commissioner Wippel requesting Mr. LeVally to provide the Commissioners with the applicable sections of the county's CHIS related to the additional need for of this type of project before the end of the week, and stated that a decision will be made by the Board of Commissioners next Monday, March 15, regarding the necessary signature on OHFA Form 004. The application is due to the OHFA by March 18, 2010. Frontier Community Services partners with the development contractor, L.W. Associates, Ashville, Ohio, the development contractor, in submitting the application to OHFA. L.W. Associates also assists in structuring the financing request that is obtained by selling the Federal Housing Tax Credits.

In the Matter of
Medical Professional Malpractice Liability
Coverage Approved for Pickaway County Jail Physician:

Pickaway County Sheriff, Dwight Radcliff, and Lt. Rob Radcliff along with Dr. Gary Gillen, Pickaway County Jail's contracted physician, met with the Commissioners to discuss medical professional malpractice liability insurance coverage. Also in attendance were Ginny Shrimplin, County Risk Sharing Authority (CORSA) Marketing Manager; Greg Gilliam, CORSA Claims Supervisor; and Andy Cupp, Pickaway County's local CORSA liaison. CORSA is a property and liability self-funded pool established by the County Commissioners Association of Ohio (CCAO), of which Pickaway County is a member. The program is governed by a nine member board of directors, all of whom must be Commissioners from member counties.

Sheriff Radcliff brought the Commissioners up to date regarding a matter that was brought to his attention as a result of a pending law suit filed by a family of a female inmate who committed suicide while incarcerated at the Pickaway County Jail. Initially a law suit filed against the Sheriff Department/Jail related to the facility's medical policies and procedures, however; a medical malpractice suit was subsequently filed in which Dr. Gillen was named. Sheriff Radcliff stated that he was unaware that the county's CORSA liability policy did not include medical professional malpractice liability coverage for the jail's physician until the law suit occurred, nor was Dr. Gillen.

Dr. Gillen explained that he was fortunate in one respect because, unlike most, his personal private medical professional malpractice liability carrier has covered his expenses related to the law suit, and consequently increased his premiums. He stated that the increase exceeds his compensation he will receive for his services at the jail in the next year. Dr. Gillen stated that his private insurance carrier advised him to obtain coverage under the county's liability insurance as quickly as possible or his private carrier will not continue to cover him. Dr. Gillen stated that: 1) he thought he was covered under the county; 2) if the county is unable to provide the liability coverage, he will no longer be able to remain as the jail's physician. The Commissioners stated that they also were unaware of the fact that Dr. Gillen was not covered under the county's liability insurance and they understand why he has taken his position on the matter.

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Ginny Shrimplin stated that Dr. Gillen is correct in the fact that nearly all private medical malpractice carriers do not cover physician's services at correctional facilities, therefore; CORSA began offering its members this type of coverage as a result. She stated that the coverage would add an additional \$6,016 to the county's annual premium. The additional premium will also provide coverage for a substitute physician during the primary physician's absences, i.e. vacations, etc. Ms. Shrimplin stated that the coverage is up to \$1 million, minus the county's deductible of \$2,500.

When the Commissioners inquired of Dr. Gillen's comfort level with the \$1 million limit, he stated that it would at least cover defense fees. Greg Gilliam, CORSA Claims Supervisor, then informed the group that the \$1 million covers any awards resulting from a law suit and CORSA also covers the physician's defense fees, for which there is no "cap" amount, and are set apart from the \$1 million. Ms. Shrimplin again mentioned that the law suit was originally filed related to the facility's policies and procedures, which was covered by CORSA, and CORSA offers assistance to physicians who provides help to county jail facilities in the development of their medically related policies and procedures. The Commissioners reiterated that they were unaware that the jail's physician was not covered under the county's liability insurance and inquired of Dr. Gillen if he was comfortable with the coverage CORSA can provide, to which he stated he was.

After further discussion regarding the matter, Commissioner Metzler offered the motion, seconded by Commissioner Reeser to **approve medical professional malpractice liability insurance coverage in the amount of \$1 million for Dr. Gary Gillen, Pickaway County Jail Physician, to be provided under the Pickaway County CORSA Liability Policy in addition to the approval of the additional associated annual premium of \$6,013.** The coverage will be effective immediately and the county's CORSA premium will be prorated accordingly for the 2009/2010 coverage period.

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

Attest: _____
Patricia Webb, Clerk

Ms. Shrimplin stated that there should be an addendum made to Dr. Gillen's contract with the jail reflecting that CORSA has agreed to extend his coverage to \$1 million because the jail physician is an independent contractor. She stated that independent contractors are excluded by CORSA's coverage unless the county has agreed to extend the coverage. Ms. Shrimplin stated that CORSA can assist the Sheriff and Dr. Gillen in regards to that. The county will work with Mr. Cupp in submitting the necessary application to CORSA for Dr. Gillen's medical malpractice liability coverage. She also stated that the coverage would be specific to Dr. Gillen, adding that if the jail's primary physician were to change for any reason at any time, a new application will need to be submitted accordingly. It was also suggested that Dr. Gillen inform his private medical malpractice insurance carrier that he is now covered under the county's liability coverage. Conversation took place in reference to exploring whether Dr. Gillen could be compensated for his "out of pocket" expenses he has incurred related to the increase of his private professional medical malpractice premium.

In the Matter of
Meeting in Executive Session
Regarding Pending Litigation:

At 11:29 a.m., Mrs. Metzler offered the motion, seconded by Mr. Reeser to enter into Executive Session related to pending litigation.

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

Attest: _____
Patricia Webb, Clerk

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

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No action was taken.

In the Matter of
Meeting with County Auditor
Regarding Month End Reports:

Melissa Betz, Pickaway County Auditor, met with the Commissioners to review the county's revenue and expenditure reports for month ending February 2010.

In the Matter of
Transfers Approved by County Administrator:

Ryan Scribner, County Administrator, signed the following TRANSFER and RE-APPROPRIATION requests for approval:

4,580 from 201.3006.5527 – Engineer-Equipment-Materials & Supplies
to
201.3006.5501 – Engineer-Equipment

10,600 from 251.6213.5520 – CDBG '08 – Projects
to
251.6213.5521 – CDBG '08-Administration

In the Matter of
Meeting in Executive Session
Regarding Personnel Matter:

At 3:15 p.m., Mr. Reeser offered the motion, seconded by Mr. Wippel to enter into Executive Session to discuss a personnel matter.

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

Attest: _____
Patricia Webb, Clerk

At 3:53 p.m., Mr. Reeser offered the motion, seconded Mr. Wippel to resume Regular Session.

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

Attest: _____
Patricia Webb, Clerk

No action was taken.

In the Matter of
Weekly Dog Warden Report:

The weekly report for the Pickaway County Dog Shelter was filed for week ending March 6, 2010.

A total \$316 was reported being collected as follows: \$96 in sales of dogs; \$-0- in redemptions; \$25 in donations; \$117 in sales of tags; and \$78 in late tag fee penalties.

Thirteen (13) dogs were euthanized.

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No firearms were discharged.

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

Jay H. Wippel, President

Glenn D. Reeser, Vice President

Ula Jean Metzler
BOARD OF COUNTY COMMISSIONERS
PICKAWAY COUNTY, OHIO

Attest: _____
Patricia Webb, Clerk