

TUESDAY, MAY 12, 2015
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 Tuesday, May 12, 2015, with the following members present: Mr. Brian S. Stewart, Mr. Harold R. Henson and Mr. Jay H. Wippel. Brad Lutz, County Administrator, was also in attendance. Sara Reed of the Circleville Herald was also in attendance.

In the Matter of
May 5, 2015 Minutes:

Due to the absence of Patricia Webb, Clerk, the Commissioners will approve the minutes from May 5, 2015, on Tuesday, May 19, 2015.

In the Matter of
Payment of Bills:

Commissioner Wippel offered the motion, seconded by Commissioner Henson, 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 May 13, 2015, in the Commissioners' Voucher Journal, the date in which checks will be cut; 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 \$166,083.39 on the County Treasurer to satisfy the same.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: April Dengler, Assistant County Administrator

In the Matter of
Introduction of Christopher Rice,
Part-time Kennel Assistant:

Marc Rogols, Chief Dog Warden, introduced Christopher Rice as the new Pickaway County Kennel Attendant. Mr. Rice has been a volunteer at the Dog Shelter for over 7 months and is happy to now be a part-time County employee.

In the Matter of
Fiscal Specialist Report:

Erica Tucker gave an overview of her latest Leadership Pickaway class. She stated that she is working on the Health and Wellness newsletter and she would also like to conduct a toilet paper drive next week for Haven House. She would place collection boxes in various County departments. The Commissioners were in favor of having the toilet paper drive.

In the Matter of
Assistant County Administrator Report:

April Dengler stated that there were approximately 20 applications for the open Building Department Inspector position. Unfortunately, only two applicants had all of the qualifications for the position. One of them was disqualified for being fired from their last job as a building inspector due to sexual harassment, and the second applicant was brought in for an interview on Friday, May 8th. Geoff Davis, Building Department Inspector II and Ms. Dengler conducted the interview with Troy Watkins and recommend his hiring.

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Following some discussion, Commissioner Wippel offered the motion, seconded by Commissioner Henson, to hire Troy Watkins as a new Pickaway County Building Inspector III at the rate of \$27.50/hr. Mr. Watkins official start date will be determined after giving his two week notice and subsequent vacation time.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: April Dengler, Assistant County Administrator

Ms. Dengler reported that the recent Employee Health Fair was held on Wednesday, May 6th at Memorial Hall and 27 employees and spouses attended.

Ms. Dengler reported that all items that were up for bid on GovDeals.com were sold on Monday, May 11th and the results were as follows:

Engineer's Garage 2001 International Dump Truck sold for \$15,110
Veterans Services 2001 Ford Econoline Conversion Van sold for \$2800
Probation Office 2002 Chevy Malibu sold for \$2522
Engineer's Garage 1982 LA Pressure Washer sold for \$180

In the Matter of
Rental Lease Agreement with John Kougendakis,
DBA Bureau of Motor Vehicles, Renewed for One Year:

John Kougendakis, Deputy Registrar-DBA Bureau of Motor Vehicles (BMV), which is housed in the Pickaway County Annex Building, exercised his option to renew the Lease Agreement with the county to operate the Deputy Registrar Agency, Location No. 65-A, for an additional period of one year. The lease, which was signed by the Pickaway County Prosecutor for approval-as-to-form, will expire June 27, 2016. Mr. Kougendakis agrees to continue to pay the county \$933.33 per month for a total of 1,490 sq. ft. space at the cost \$8.00 per sq. ft., which reflects no increase from the previous lease.

Following the Commissioners' review, Commissioner Wippel offered the motion, seconded by Commissioner Henson, to approve and sign the Lease Agreement between Pickaway County and John Kougendakis, DBA Bureau of Motor Vehicles.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: April Dengler, Assistant County Administrator

In the Matter of
New Liquor Permit Approved for
Rhoads Garden Center:

The Commissioners received an application from the Ohio Division of Liquor Control for a new permit, No.: 73304459 for Rhoads Garden Center, Inc., 1051 S.T. 56 E, Circleville Township, and Pickaway County, Ohio. The application is for a D1 permit class which will allow for the sale of beer, wine, and low mix drinks. A member of the Circleville Township Trustees was contacted who stated that they have no with the approval of the new permit.

Therefore, Commissioner Wippel offered the motion, seconded by Commissioner Henson, to request no hearing for new liquor permit #7330445, Permit Class D1, for Rhoads Garden Center, Inc.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: April Dengler, Assistant County Administrator

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**In the Matter of
Certificates of Achievements Signed for
Members of Boy Scout Troop 170 Who Earned Rank of Eagle Scout:**

Commissioner Wippel offered the motion, seconded by Commissioner Henson, to sign the Certificates of Achievement earned by Thomas Eric Loy, Andrew Christian Dresbach, and David Lee Steele, II, who have earned the rank of Eagle Scout. In recognition of this achievement, an Eagle Scout Court of Honor is scheduled to be held at the Trinity Lutheran Church in Circleville, beginning at 1:00 p.m.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: April Dengler, Assistant County Administrator

**In the Matter of
Adoption of Pickaway County Community Development-
Competitive Set-Asides Priority Projects for PY 2015 & 2016:**

Related to the Pickaway County Community Development Allocation and Competitive Set-Asides Priority Projects List for PY 2015 & 2016, Commissioner Wippel offered the motion, seconded by Commissioner Henson, to approve the following projects to be included on the county's Community Development Implementation Strategy (CDIS):

<u>Rank</u>	<u>Jurisdiction</u>	<u>Project</u>	<u>Need</u>	<u>Program</u>	<u>Identified on Worksheet</u>	<u>Justification</u>
1.	City of Circleville	So. Court St. Connector	Traffic Safety	Allocation/Critical Infrastructure	Yes	LMI Area Benefit
2.	Village of Ashville	Long St. Sidewalks	Pedestrian Safety	Allocation	Yes	LMI Area Benefit
3.	Village of Darbyville	Water Tank Rehab	Drinking Water	Allocation/Critical Infrastructure	Yes	LMI Area Benefit
4.	City of Circleville	Turner St. Improvement	Street Improv.	Allocation	Yes	LMI Area Benefit
5.	Village of Tarlton	Redding St. Improvement	Street Improv.	Allocation	Yes	LMI Area Benefit
6.	Village of Ashville	Long-Station St. Intersect.	Street Improv.	Allocation	Yes	LMI Area Benefit
7.	Senior Center	Kitchen Equipment	Service to to elderly	Allocation	Yes	LMI Area Benefit
8.	Village of Ashville	Center Alley	Street Improv.	Allocation	Yes	LMI Area Benefit
9.	Village of Tarlton	Street Signs	ODOT Compliance	Allocation	Yes	LMI Area Benefit
10.	Village of Tarlton	Community Center	Public Facility	Allocation	Yes	LMI Area Benefit

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Improv.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: April Dengler, Assistant County Administrator

**In the Matter of
Summary of FY2015 CDBG Allocation and
Competitive Set-Aside Grant Applications Received:**

The following is a summary of the applications received by the county related to the Community Development CDBG Allocation and Competitive Set-Aside Grant Programs for PY 2015 - 2016:

<u>Community/Entity</u>	<u>Project</u>	<u>Total Cost</u>	<u>Local Share</u>	<u>Grant Request</u>	<u>Program</u>	<u>Eligible</u>
Senior Center	Freezer	\$ 3,258	\$ -0-	\$ 3,258	Allocation	Yes
Village of Ashville	Long St.	\$ 35,576	\$ 7,115	\$ 28,461	Allocation	Yes
Village of South Bloomfield	Walking Path	\$ 66,850	\$ 850	\$ 66,000	Neighborhood Revitalization	No
City of Circleville	S. Court St.	\$2,618,909	\$2,199,909	\$ 119,000	Allocation	Yes
City of Circleville	S. Court St. Connector	\$2,618,909	\$2,219,909	\$ 300,000*	Critical Infrastructure	Yes

*\$20,000 Administration

Pickaway County's 2015 CDBG Allocation Award - \$148,000

Less:	Fair Housing	\$ 3,000 (2%)
	Administration	\$ 26,000 (17%)
		\$ 29,000 (19%)

Available for Projects: \$ 119,000

Total Requests (3): \$ 150,719

Total Eligible Requests: \$ 150,719

City of Circleville: \$ 119,000 Third of county's three-year obligation to fund a project for the City of Circleville or a portion thereof

Critical Infrastructure Competitive Set-Aside

- Request for Circleville South Court Street Connector Project
 - Total Project Cost: \$2,618,909
 - Grant Request: \$300,000 (\$20,000 Admin.)
 - Eligible: Yes

Neighborhood Revitalization Competitive Set-Aside

- Request for South Bloomfield Multi-Use Path
 - Total Project Cost: \$68,850
 - Grant Request: \$66,000

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Eligible: No (LMI only 41.38% of at least 51% requirement)

**In the Matter of
Resolution Adopted Related to Projects to be Included in the
Pickaway County FY2015 Community Development Block Grant Allocation and
Competitive Set-Aside Programs Grant Application to the Ohio Development Services Agency:**

Commissioner Wippel offered the motion, seconded by Commissioner Henson, to adopt the following Resolution:

Resolution No.: PC-051215-1

WHEREAS, the Pickaway County Board of Commissioners received notification from the Ohio Development Services Agency that the county has been allocated the sum of \$148,000 in Community Development Block Grant Allocation Program funds for Fiscal Year 2015; then

THEREFORE BE IT RESOLVED that the Pickaway County Board of Commissioners hereby proposes the following projects and allocations be submitted as part of the county’s grant application to the Ohio Development Services Agency for Fiscal Year 2015:

<u>Activity</u>	<u>Total Cost</u>	<u>Other funds</u>	<u>Allocation Program</u>	<u>Critical Infrastructure</u>
City of Circleville	\$2,618,909	\$2,219,909	\$ 119,000	\$ 280,000
Fair Housing	\$ 3,000	\$ -0-	\$ 3,000	\$ -0-
Administration	\$ <u>46,000</u>	\$ <u>-0-</u>	\$ <u>26,000</u>	\$ <u>20,000</u>
Totals	\$2,667,909	\$2,219,909	\$ 148,000	\$ 300,000

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: April Dengler, Assistant County Administrator

**In the Matter of
Notice of Public Hearing #2 Approved for
FY2015 Community Development Block Grant (CDBG)
Community Development Program:**

Commissioner Wippel offered the motion, seconded by Commissioner Henson, to approve the following Notice of Public Hearing #2 related to the FY2015 CDBG Community Development Program:

**NOTICE OF PUBLIC HEARING #2
FY ‘15 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
COMMUNITY DEVELOPMENT PROGRAM**

Pickaway County Commissioners intend to apply to the Ohio Development Services Agency, Office of Community Development for funding under the CDBG Small Cities Program, a federally funded program administered by the State. The county is eligible for \$148,000 of fiscal year 2015 CDBG Allocation funding providing the county meets applicable program requirements. On February 17, 2015 the county held its first public hearing to inform citizens about the CDBG program, how it may be used, what activities are eligible, and other important program requirements including the Allocation Program and the Competitive Set-aside Programs (Downtown Revitalization, Neighborhood Revitalization, and Critical Infrastructure Programs). Funding requests were solicited from the community on March 4, 2015. The following projects have been selected for funding:

<u>Activity</u>	<u>Total Cost</u>	<u>Other funds</u>	<u>Allocation Program</u>	<u>Critical Infrastructure</u>
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City of Circleville	\$2,618,909	\$2,219,909	\$ 119,000	\$ 280,000
Fair Housing	\$ 3,000	\$ -0-	\$ 3,000	\$ -0-
Administration	\$ <u>46,000</u>	\$ <u>-0-</u>	\$ <u>26,000</u>	\$ <u>20,000</u>
Totals	\$2,667,909	\$2,219,909	\$ 148,000	\$ 300,000

It was also noted that any and all projects submitted for funding may be used as an alternate of needed. Citizens are encouraged to attend this meeting on June 2, 2015 at 1:30 p.m. at the Pickaway County Commissioner's Office, 139 West Franklin St., Circleville, Ohio 43113, to express their views and comments on the county's proposed CDBG application. Should any participant require auxiliary aid due to disability, please contact this office at least one week prior to the hearing date to ensure needs will be accommodated. Anyone wishing to submit written comments prior to the hearing date may direct them to the Pickaway County Commissioners at the address given above.

Pickaway County Board of Commissioners
 Brian S. Stewart
 Harold R. Henson
 Jay H. Wippel
 Publication date: May 21, 2015

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: April Dengler, Assistant County Administrator

In the Matter of
County Administrator Report:

Brad Lutz reported County foreclosures have been dropping. He also spoke about new and used vehicle sales. Mr. Lutz also gave an update on County maintenance issues including: concrete work that needs to be completed around the Courthouse which will probably be a 2016 project. He said that work is still being done on the basement of the Engineer's Office and that work needs to be completed by May 30th. The Service Center parking lot resurfacing project has a pre-conference meeting scheduled for Thursday, May 21st at 1:30pm. A start date should be determined after that meeting occurs. Mr. Lutz is still waiting on bids for flooring in the YMCA waiting area at Memorial Hall. Mr. Lutz also went over a budget spreadsheet regarding current revenue and expenses and after some discussion, it was agreed that the second half appropriations would be given on May 26th, 2015.

Mr. Lutz reminded the board that the Chamber of Commerce Dinner will be on Thursday, May 14th, 2015. Social hour is from 5:30-6:30 p.m., dinner at 6:30 p.m., program at 7:00 p.m., and awards at 7:30 p.m.

Mr. Lutz said that Farm Services/USDA is interested in renewing their lease at the Service Center, the rent will be kept the same as it is currently.

In the Matter of
Sub-Grant Agreement between Ohio Department of
Job & Family Services (ODJFS) and Pickaway County Signed:

Joy Ewing, Director of the Pickaway County Department of Job & Family Services, obtained the Commissioners approval and signatures on the bi-annual agreement between the Ohio Department of Job & Family Services (ODJFS) Ohio Department of Medicaid (ODM) and Pickaway County. The Sub-Grant Agreement is applicable to all sub-awards of ODJFS and ODM to Pickaway County for the operation of the Pickaway County Department of Job & Family Services (CDJFS) that is a combined agency and performs all CDJFS duties set forth in ORC §329.04 and all public children services agency duties and all child support enforcement agency duties. The overall principal of the sub-grant agreement is the same; however, there are

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two changes from the one two years ago. The first is the addition of ODM as a separate agency and as an additional signer of the agreement. The second change is updating language to include all applicable references to federal regulations regarding the uniform administrative requirements.

Following a brief question and answer session, Commissioner Stewart offered the motion, seconded by Commissioner Henson, to approve and sign Sub-Grant Agreement G-1617-11-5566 between the Ohio Department of Job & Family Services and Pickaway County

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: April Dengler, Assistant County Administrator

**In the Matter of
Job & Family Services Update:**

Joy Ewing, Director of the Pickaway County Department of Job & Family Services, provided an update for the department. It was reported that the Adult Protective Services Competitive Grant was approved in the amount of \$35,000 and will be used for contracted in-home competency assessments and mental health services. The Summer Youth Employment Program is underway for young people between the ages of 16-24 that are in the 200% Federal Poverty Level and 40 students are eligible. Discussion was held regarding changes Workforce Innovation and Opportunity Act. Conversation was held regarding the Office of Human Services Innovation to help Ohioans gain employment and succeed at work and prevent or move out of poverty. A total of \$98,256.254 in Public Assistance was issue in Pickaway County in 2014. An amount of \$199,279 was collected in 2014 towards PA overpayments, and 151 fraud investigation were completed. Carrisa Vanover is the departments' fraud investigator. The unemployment rate for Pickaway County for the month of March was 5.2%, down from 6.1% in February. Agency statistics were reviewed that showed the number of people served through the various programs of the agency for the last year.

**In the Matter of
Bid Opening Conducted for
2015 County & Township Resurfacing Program:**

The Commissioners conducted a bid opening for the project referred to as "2015 County & Township Resurfacing Program." Chris Mullins, Pickaway County Engineer, Anthony Neff, Deputy County Engineer, and Lance Boyer, of the Pickaway County Engineering Department, were in attendance.

Engineer Estimates:	Bid "A":	\$536,622.40	Resurfacing various township roads
	Bid "B":	\$698,902.14	Resurfacing various county roads
	Bid "C":	\$243,296.21	Chip sealing of various township roads

The following bids were received and read aloud:

Kokosing Construction Co. 6235 Westerville Rd. Westerville, Ohio 43081	Bid A:	\$499,250.50
	Bid B:	\$727,832.91
	Bid C:	No bid
Decker Construction Co. 3040 McKinley Ave. Columbus, Ohio 43204	Bid A:	\$603,474.54
	Bid B:	\$918,603.07
	Bid C:	No bid
The Shelley Co. 80 Park Drive Thornville, Ohio 43076	Bid A:	\$509,866.65
	Bid B:	\$749,866.76
	Bid C:	\$205,544.85

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KMC Paving, Inc.	Bid A:	\$511,184.44
6790 Brooksmiller Road	Bid B:	\$788,306.21
Circleville, Ohio 43113	Bid C:	No bid
Cox Paving, LLC	Bid A:	\$498,924.19
2754 St. Rt. 22 SW	Bid B:	\$782,164.73
Washington Court House, Ohio 43160	Bid C:	No Bid

The bids were turned over to Mr. Mullins and Mr. Neff for their review and contract award recommendations.

In the Matter of
Resolution Adopted Authorizing
County Engineer to Enter Into
Contract with the Ohio Department of Transportation for the
Purchase of Sodium Chloride for the 2015/5016 Winter Season:

Upon the request of Chris Mullins, Pickaway County Engineer, Commissioner Henson offered the motion, seconded by Commissioner Wippel, to adopt the following Resolution:

Resolution No.: PC-051215-2

WHEREAS, Section 5513.03 (B) of the Ohio Revised Code provides the opportunity for Counties, Townships, Municipal Corporations, Port Authorities, Regional Transit Authorities, State Colleges/Universities, and County Transit Boards to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies, or other articles; and,

WHEREAS, the Pickaway County Engineering Department is desirous to participate in the Ohio Department of Transportation's contract for sodium chloride; and,

WHEREAS, it is estimated that the Pickaway County Engineering Department will purchase 900 tons of sodium chloride; and,

WHEREAS, the Pickaway County Engineering Department will be bound by the terms and conditions of the contract; and,

WHEREAS, the Pickaway County Engineering Department will be responsible for payment directly to the vendor for the quantities purchased under the contract; and,

WHEREAS, the Pickaway County Engineering Department will be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01 (B) of the Ohio Revised Code; and,

WHEREAS, Pickaway County releases and forever discharges the Director of Transportation and the Ohio Department of Transportation from all such claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which Pickaway County may have or claim to have against the Ohio Department of Transportation or its employees, unless such liability is the result of negligence on the part of the Ohio Department of Transportation or its employees; then,

THEREFORE BE IT RESOLVED that the Pickaway County Board of Commissioners hereby authorizes Sterlin C. Mullins, Pickaway County Engineer, to enter into contract with the Ohio Department of Transportation for the purchase of sodium chloride for the 2014/2015 winter season.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: April Dengler, Assistant County Administrator

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In the Matter of
Meeting with County Auditor
Revenue & Expenditure Reports for
Period Ending April 2015:

Melissa Betz, County Auditor, and the Commissioners reviewed the revenue and expenditure reports for month ending April 2015. The month end General Fund balance was \$4,448,595.74, and the current balance was reported to be \$3,879,368.84.

In the Matter of
Resolution Adopted Congratulating Mary Pike as
Pickaway County's 2015 Inductee into the Central Ohio Senior Citizens Hall of Fame:

Commissioner Henson offered the motion, seconded by Commissioner Wippel, to adopt the following Resolution:

Resolution No.: PC-051215-3

WHEREAS, the Pickaway County Board of Commissioners recognizes the importance to acknowledge the contributions older individuals make to the social and economic well-being of our community and its residents through civic leadership; and,

WHEREAS, the Pickaway County Board of Commissioners joins the Central Ohio Area on Aging in honoring exceptional work and achievements made by our older adults in Central Ohio; and,

WHEREAS, Wendy Hux, of the Volunteer Guardian Program nominated Mary Pike, 12446 Oak Drive, Orient, Ohio, as Pickaway County's 2015 Inductee into the Central Ohio Senior Citizens Hall of Fame; and,

WHEREAS, Mary has exemplified the meaning of commitment, volunteerism, and compassion for others in her community since she began providing her time to assist with the Volunteer Guardian Program in 2002; and,

WHEREAS, as a court-appointed "guardian of the person," Mary serves lonely, vulnerable, and elderly individuals who have no family able or willing to assist them; and,

WHEREAS, Mary has helped six individuals so far and continues to assist others who are unable to care for themselves or make sound personal decisions; and,

WHEREAS, Mary's volunteerism doesn't stop there, she also generously volunteers her time to Hospice, her church, local civic organizations, and the Golden Hobby Shop; and,

WHEREAS, in the past, Mary also delivered holiday meals for Volunteers of America in Columbus, Meals on Wheels in Grove City, and now delivers Meals on Wheels in Mt. Sterling; then,

THEREFORE BE IT RESOLVED that the Pickaway County Board of Commissioners hereby commends the many, many years of her volunteer and other services she has unselfishly provided to residents of our community and is honored to congratulate

Mary Pike
as the
Pickaway County
2015 Inductee into the Central Ohio Senior Citizens Hall of Fame

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: April Dengler, Assistant County Administrator

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In the Matter of
Expedited Type 2 Annexation Approved for the Annexation of
45.72 +/- Acres of Harrison Township into the Village of South Bloomfield:

In providing a background summary, on May 6, 2014, a meeting was held regarding the Expedited Type 2 Annexation that was filed by Rob Rishel, Solicitor and Agent for the petitioner, the Village of South Bloomfield, for the annexation of 45.725 acres owned by the village and where the municipality's sewer plant was constructed approximately 10 years ago. The village solicitor at time of the construction of the sewer plant was reported to have "dropped the ball" related to annexing the land and the subsequent solicitor Rob Rishel, of Rinehart, Rishel, and Cuckler, LTD, was the agent for the ultimate filing of the annexation petition on April 28, 2014. During the May 6, 2014 meeting regarding the Expedited Type 2 Annexation, it was verified by Terry Frazier, Director of the Pickaway Count Development & Planning Office, and the Commissioners' Clerk verified that a full and accurate legal description of the property to be annexed was filed with the petition, along with the verification that Mr. Rishel, Village Solicitor, was the Agent for the petitioner; an accurate map of the area to be annexed was included; the data for the parcel to be annexed was included; and the statutory disclosure stated in bold face capital letters regarding the waiver of appeal rights was included in the petition. It was noted at the time that the ordinance from the village stating the services it will provide to the proposed territory for annexation was not included with the filing of documents, nor was the proof of notification to the Harrison Township Trustees of the proposed annexation included in order for them to provide their consent or object to the annexation to the Commissioners. Based on ORC §709.023, within 5 days after the petition is filed, the agent is to: provide proof to the Board of County Commissioners that the municipality and township were notified of the proposed annexation; within 20 days after the petition was filed the municipality is to adopt the statement of services and provide it to the Board of County Commissioners; and within 25 days after the petition was filed the township trustees are to provide their consent or objection and file it with the Board of County Commissioners. If no objection is received from the township within 25 days, it is deemed consent.

With the Commissioners' office just recently receiving the above-stated documents from the agent regarding notification to the Village of South Bloomfield and the Harrison Township Trustee being well passed the requirement timeframe specified in the ORC, a detailed discussion was held regarding whether these deficiencies in the annexation requirements are procedural defects or substantive defects. If the procedural requirements are sufficient, the Board of Commissioners can render its decision on the annexation petition; however, if the defects are deemed substantive, they cannot, and determining exactly what is procedural and what is substantive can be difficult. As a result, it was determined that the county prosecutor will be consulted regarding the issue.

The Commissioners' office subsequently received the Pickaway County Prosecutor's opinion on the matter, who stated that the Revised Code §709.015 is applicable to Type 2 Annexation petitions and allows for "procedural defects" to be cured. The county prosecutor letter of opinion said that the Ohio Revised Code §709.015 states:

"The procedural requirements set forth in sections 709.02 to 709.21 of the Revised Code are directory in nature. Substantial compliance with the procedural requirements of those sections is sufficient to grant the board of county commissioners jurisdiction to hear and render its decision on a petition for annexation filed under those sections. The board shall cure a procedural defect and shall not deny a petition for annexation solely upon the basis of procedural defects."

The county prosecutor's letter went on to state in part that she is of the opinion that the time constraints that were outlined would fall into the procedural law category.

Therefore, Commissioner Wippel offered the motion, seconded by Commissioner Stewart, to adopt the following Resolution:

Resolution No.: PC-051215-4

WHEREAS, an Expedited Type 2 Annexation Petition was filed in the Pickaway County Board of Commissioners' office on April 28, 2014; for the non-withdraw annexation of 45.74 +/- acres of Harrison Township into the Village of South Bloomfield, Ohio, with Rob Rishel, of Rinehart, Rishel, and Cuckler, LTD, as Agent for the Petitioner; and,

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WHEREAS, said annexation petition met all technical requirements set forth in Ohio Revised Code §709.023; and,

WHEREAS, the said petition asked the Pickaway County Board of Commissioners to follow Ohio Revised §709.023; and,

WHEREAS, said petition included the signature of the property owner, being the Mayor on behalf of the Village of South Bloomfield, in the area to be annexed and had title to the property on the date the petition was filed; and,

WHEREAS, the signature of the property owner was not obtained more than 180 days before the petition was filed; and,

WHEREAS, said petition included an accurate legal description of the perimeter of land to be annexed; and,

WHEREAS, said petition included an accurate map or plat of the land to be annexed; and,

WHEREAS, said petition included the name and address of the agent for the petitioner; and,

WHEREAS, said petition included the list of parcels in the area to be annexed and adjacent territory that included the same of owner, mailing address of owner, and permanent parcel numbers were submitted at the time of its filing; and,

WHEREAS, the real estate is contiguous to the municipality to which the annexation was proposed; and,

WHEREAS, said petition included the statutory disclosure statement in bold face, capital letters regarding waiver of appeal rights; and,

WHEREAS, the territory to be annexed does not exceed 500 acres; and,

WHEREAS, the territory to be annexed shares a contiguous boundary with the municipality for a contiguous length of at least 5% of the perimeter; and,

WHEREAS, the annexation will not create an unincorporated area completely surrounded by the territory to be annexed; then,

THEREFORE BE IT RESOLVED, that the Pickaway County Board of Commissioners hereby approves the Expedited Type 2 annexation of 45.72 acres +/- of Harrison Township into the Village of South Bloomfield, Pickaway County, Ohio.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: April Dengler, Assistant County Administrator

In the Matter of
Appropriations Approved:

Commissioner Wippel offered the motion, seconded by Commissioner Henson, to approve the following requests for the APPROPRIATION OF FUNDS:

15,000 to 233.1250.5404 – Prosecutor-Advertising
177 to 911.6141.5901 – Engineer-Other Expenses

**TUESDAY, MAY 12, 2015
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO**

45,000 to 918.6206.5401 – Roundtown Trail-Contract Services

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: April Dengler, Assistant County Administrator

**In the Matter of
Creation of New Line Item Approved:**

Commissioner Wippel offered the motion, seconded by Commissioner Henson, to approve the following request for the CREATION OF A NEW LINE ITEM:

15,000 – 233.1250.5404 – Prosecutor-Advertising

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: April Dengler, Assistant County Administrator

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

The weekly report for the Wright-Poling/Pickaway County Dog Shelter was filed for week ending May 2, 2015.

A total of \$671 was reported being collected as follows: \$200 in adoptions; \$6 in boarding revenue; \$180 in sale of tags; \$75 in late tag fees; \$130 in owner turn-ins; \$20 in private donations; \$20 in redemptions; and \$40 in transfer out-rescue.

No dogs were euthanized.

No firearms were discharged.

With there being no further business brought before the Board, Commissioner Wippel offered the motion, seconded by Commissioner Stewart, to adjourn. Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Wippel; yes. Voting No: None. Motion carried.

Brian S. Stewart, President

Harold R. Henson, Vice President

Jay H. Wippel
BOARD OF COUNTY COMMISSIONERS
PICKAWAY COUNTY, OHIO

Attest: April Dengler, Assistant County Administrator