

## Hancock County Board of Commissioner's Meeting

September 18, 2018

Commissioners met in regular session. Those present were Board of Commissioner's President Brad Armstrong, Vice President John Jessup and Commissioner Marc Huber. Auditor Robin D. Lowder, Deputy Auditor Trish George and Attorney Ray Richardson were present.

Hancock County Board of Commissioner's meeting began at 8:00 am

### Highway Department

Gary Pool with the Highway Department appeared before the Board of Commissioners to discuss:

No signatures needed at this time.

IPEP Grant \$3800. Kim Davis' first grant.

Sheet pile and pumps removed on Bridge 93 this week.

Chip seal roads are all fogged. Paving finished in early October. Will continue edging and brushing.

Considering using some of the part-time employee money for grant help.

Went to look at a machine that super heats the pavement, sprays oil on it, grinds it up and packs it down. If it were 4" of recycling for \$4/yard, I think that would be cost effective. It looked to be 1 ½" so not worth it at this time. Gary would like to see a completed road.

Pennsy trail ROW purchase. Mary Ann Wietbrock will be in later to discuss. She is talking to property owners (between 600W & 500W) to purchase ROW. She believes she negotiated out an amicable price. We might be overpaying a bit but it will be clean (no lawyers, no condemnations). She raised \$15,000. We would be responsible for \$80,000-\$100,000 or so.

RFP review recommendations, five out for review (Gary Pool, Susan Bodkin Ryan Hartley).

Going to AIC workshops today.

### Claims & Payroll

Commissioner Huber made a motion to approve claims and payroll as presented. Commissioner Jessup seconded the motion. **Motion carried 3-0.**

### Commissioners Minutes

Commissioner Huber made a motion to approve Commissioners' Minutes for 9-4-18 as presented. Commissioner Jessup seconded the motion. **Motion carried 2-0.**

### **George Langston Tourism**

On July 26<sup>th</sup> there was a request for information from a member of the public. While it was extensive, it wasn't something that could not be handled. 85-95% of the information had been accumulated, what stopped George from sending it was that it could not be redacted. The Director then received a letter from a lawyer. She over reacted and contacted an attorney, Council Member Shelby and several members of the business bureau. They reacted too quickly and sent a letter out. The public has a right to information. George is concerned with internal controls. The Director should not be able to sign own payroll. Commissioner Armstrong would encourage the Commissioners to look into this further. George would like to see information more easily accessible at a central location (possibly server). Commissioner Huber suggested the Tourism Board get some procedural information together to help. Commissioner Armstrong said they will research this further and come up with solution.

### **Robin Lowder Auditor**

Robin Lowder, Auditor received an invoice from Financial Solution Services for \$11,269 and \$3,935. There is \$815 left in the account line he is paid from. There is \$25,000 left in Contractual. Robin suggested paying out of Contractual Services.

Commissioner Huber made a motion to pay the \$11,269 and \$3935 Invoices for Financial Services Group from Contractual Services. Commissioner Jessup seconded the motion. **Motion carried 3-0.**

### **Sheriffs Vehicle**

Chevy Tahoe was totaled and needs to be Surplus. Commissioner Huber made a motion to make Surplus the totaled 2013 Chevy Tahoe VIN #342902. Commissioner Jessup seconded the motion. **Motion carried 3-0.**

### **Mike Dale Zoning**

Shear/Peterson request to rezone 73.25 acres at 6299 W 300N. Larry Siegler with Peterson representing Shear. This was originally the Celadon ground. Carvana purchased the Southern half of that property, Shear is purchasing the northern half. This property used to be zoned IVP. Celadon moved it to PUD. Shear would like it to be zoned IVP.

Commissioner Armstrong made a motion to introduce Ordinance 2018-9A.

Commissioner Armstrong made a motion to adopt Ordinance 2018-9A with commitments. Commissioner Huber seconded the motion. **Motion carried 3-0.**

Carvana request PUD amendment at 6200 W FW Marks Drive for 70.0 acres (southern half of Celadon site). Planning Commission gave unanimous favorable recommendation. The only changes made were technical amendments to what was approved in April. The PUD Ordinance reflects additional land purchased and the uses have not been changed other than taking away some uses.

Commissioner Armstrong made a motion to introduce modified Ordinance 2018-9B.

Commissioner Armstrong made a motion to adopt Ordinance 2018-9B as presented.  
Commissioner Huber seconded the motion. **Motion carried 3-0.**

Smith Zoning Amendment SEC/200N/700W. This project involves an existing zone commitment that was struck out and omitted the option for contractors' warehouse and storage yard. The petitioner is here to request an amendment to that PUD or zoning commitment to allow contractors storage and warehouse at this location. Planning Commission gave an unfavorable recommendation with a vote of 5-3. Clay Smith with Ferguson Construction looking to relocate their current Columbus office to Mt Comfort road. Commissioner Armstrong inquired if any neighbors objected to this. There was one complaint.

Commissioner Armstrong made a motion to introduce Ordinance 2018-9C.

Commissioners decided to add this to the next Commissioners meeting in 2 weeks and take time to review.

#### **Joanie Fitzwater, Planning Director/Steller Grant**

Joanie Fitzwater, Planning Director for Greenfield went to the County Council last week and with certain changes made to the agreement and removing the financial responsibility, they decided to sign the agreement. Joanie requested separating community development from politics. Commissioner Jessup expressed appreciation for all the work put into this Steller Grant. Commissioner Armstrong made a motion to enter into inter-local governmental revised agreement. Commissioner Jessup seconded the motion. **Motion carried 3-0.**

#### **Dean Folkening Weed Mowing Transfer Money**

Dean Folkening explained this time of year, he needs money moved around with-in accounts (money transferred). Dean requested \$1,000 from Weed Specialist Chemicals be transferred to Weed Specialists. Commissioner Huber made a motion to move \$1,000 from Weed Specialist Chemicals Account #22403 to Weed Specialists Account #11408. Commissioner Jessup seconded the motion. **Motion carried 3-0.**

Dean requested \$1390.02 Weed Specialist Supplies transferred to Weed Specialist.  
Commissioner Huber made a motion to move \$1390.02 from Weed Specialist Supplies Account #22402 to Weed Specialists Account #11408. Commissioner Jessup seconded the motion.  
**Motion carried 3-0.**

Dean explained part of the \$2500 shortfall was for mowing the PSI sight. Dean sent a letter informing them of this action to be taken regarding this neglected property. The cost of bush hogging and care of this property was \$1900. A lien will put on this property.

Dean also had a property 600W by 300N just North of Wendy's. Dean requested the owner take care of thistle issues. Dean talked to the owner and he agreed to pay the bill if Dean took care of

mowing this property. Dean was pleasantly pleased he sent the owner a bill and received the check for \$1900. It was deposited in the General Fund.

Mr. Beaver in Carrington on Railroad Street, Dean had our railroad stretch mowed. The bill coming in should be \$600. Dean is sure he should be able to finish out the year comfortably.

Commissioner Huber made a motion to transfer \$2500 from Operating Supplies Account #22300 to Weed Board Mowing Account #39903. Commissioner Jessup seconded the motion. **Motion carried 3-0.**

Dean questioned with the Celadon Property if the mowing agreement transferred to the new owner. Complaints have been received on this property. Commissioners did not feel this would be a problem.

#### **Rachel Dennis Alternatives Inc.**

Rachel made her yearly request to place crosses in the court house lawn in observance of lives lost due to dating and domestic violence. Rachel estimates around 40 crosses and these will be placed after Riley Days and removed by November 1<sup>st</sup>. Commissioner Huber made a motion to allow Alternatives Inc. to place crosses on the court house lawn any time after October 8<sup>th</sup> and removed by November 1<sup>st</sup>. Commissioner Jessup seconded the motion. **Motion carried 3-0.**

#### **Marcia Moore Request Change in Voting Ordinance 2018-31**

Marcia Moore expressed concerns Hancock County Election Board over the chaos created by candidates, campaign signs and the number of days for early voting. The Election Board voted unanimously to request Commissioners consider a change to the Ordinance passed this spring. Instead of saying all days voting, it could more specifically and say on Election Day. This does not prevent anyone from campaigning or electioneering outside on public streets where they are allowed. This would just remove the signage off the property of the court house. Until this past spring, there have never been campaign signs on the court house property during the early voting period. The Election Board is requesting Commissioners to consider this new Ordinance to remove signs except for on Election Day. Which means they would be at the annex as in the past. Commissioner Armstrong questioned is Election Day legally defined as one day or as early voting. Marcia Moore clarified Election Day is legally defined as one day. Voting prior to that is defined as "Absentee Voting". Ray Richardson, County Attorney will send a revised Ordinance to all involved. An updated Ordinance will be introduced October 2<sup>nd</sup> at the next Commissioner's meeting.

#### **Emergency Temporary Jail Unit Discussion**

Commissioner Jessup reported back to Commissioners the results of the Council Meeting. The Council voted to move forward with the temporary solution at the county farm and the permanent jail solution at the county farm. They also voted to appropriate money to continue with the design and they passed a resolution agreeing to hire necessary jailers to staff the temporary jail. Commissioner Armstrong added at the Greenfield City Council meeting a motion was made to adopt the Commissioners Resolution to authorize and not oppose the jail being

built within Greenfield City Limits and it died for lack of a second. Commissioner Jessup relayed County Council approved the temporary solution of 148 beds at the county farm, from ADS for \$8.5 M Bond to move forward. Commissioner Armstrong questioned if they would not do the \$5 M temporary solution behind work release. Commissioner Armstrong questioned if Council excluded in town. Commissioner Jessup didn't think it was excluded. Commissioner Huber clarified we have gone from a temporary solution behind community corrections for \$5 M to a temporary solution at the county farm for \$8.5 M. Commissioner Jessup clarified part of the cost would go toward the permanent solution at the county farm. City of Greenfield has agreed to pay to run sewer/water to the county farm. The Council in writing has agreed to fund the full project consisting of complete jail facility that would not exceed \$65 M. Commissioner Armstrong clarified Council excluded in town as an option. Commissioner Huber asked for clarification what the \$65 M at the county farm consist of. Commissioner Jessup said the jail, sheriff's office, administration everything out there. Commissioner Huber questioned anything with probation (Commissioner Jessup "no"), anything with prosecutors office (Commissioner Jessup "no") anything with potential 4<sup>th</sup> court (Commissioner Jessup "no, a court but not a 4<sup>th</sup> court"). Commissioner Huber concerned with the failing prosecutors building and limited space for probation and we raised the price \$10 M and this does not help with these troubled areas. Commissioner Jessup expressed concern over the cost for facility continues to rise to build this permanent jail.

Roger Stephens with RQAW clarified all of the remodel included a full service jail, administration, etc. with redoing the current jail and redoing community corrections and probation would be done for that price. The only change he is aware of is Councilmember Shelby inquired how much additional for the temporary solution.

Commissioner Armstrong feels a \$5 M solution that was bondable for a temporary on-site was a workable good temporary solution. An off-site on a yet to be developed site \$8.5 M solution or more is not a good temporary solution and Commissioner Armstrong is not supportive of that. He still feels in town is the best solution. Recognizing the County Council and the City oppose it being in town, he is willing to look at the county farm site for development. He would like to have an analysis of the site, have soil tests done for however they will develop it.

Commissioner Huber believes the down-town campus is the best solution. This was discussed for years, that's always been the plan, that plan has never wavered until recently. How does the Council (fiscal branch) have the authority to tell Commissioners where to build something?

Ray Richardson, County Attorney discussed a zoning case where they took this to court and ruled in favor of the Commissioners. That would require Commissioners to go to court.

Commissioner Jessup would like to try and find middle ground. He would like to try to find viable a solution that would solve the problem. He feels its best if we move in the same direction. Commissioner Huber expressed concern for the taxpayers.

Brad Burkhart with Sherriff's Department discussed the immediate problem of overcrowding. There are not any places to place prisoners. Money will be needed to place prisoners in other

jails. Brad said he introduced a temporary solution to place a temporary jail outside the current jail that would be temporary relief. Jailers are tired and fed up with the conditions they work in. Brad would like a decision to place trailers in town or at county farm. Commissioner Armstrong is not fond of placing temporary trailers at county farm. Ray Richardson, Attorney suggest submitting paperwork asking city to put it in-town, if turned down go to zoning board and then this could be taken to court.

Commissioner Armstrong would like to apply for a building permit. Contract for services for the temporary jail structure in town and site analysis.

Commissioner Armstrong made a motion to authorize the Sheriff's Department to look at site development for the temporary \$5 M solution of trailers adjacent to the county jail. Along with that, they request a contract from RQAW for site development and encourage them to assist us in applying for a building permit for the temporary Jail structure to be with-in the city. Commissioner Huber seconded. **Motion carried 3-0.**

Commissioner Armstrong made a motion to approve negotiating with ADS for a temporary jail structure only adjacent to the current jail and not anywhere else. Commissioner Jessup seconded. **Motion carried 3-0.** Brad Burkhart, Sheriff Department is on record this is the best solution.

Commissioner Armstrong would like to do a site analysis first. He would like to check road cut, obstacles on US 40, utilities at county farm, study site, potential development, proper drainage solution and fully analyze the county farm site. (soil borings, road cut, drainage, utilities all options). Commissioner Armstrong would like accurate numbers for this site development. Commissioner Huber would like to hold on permanent jail and pursue the temporary jail.

### **Mary Ann Wietbrock Pennsy Trails**

Mary Ann Wietbrock with Pennsy Trails here at the request of Gary Pool for a plan to purchase trail property ROW at 600W & 500W. For the property we have received a \$5,000 Ninestar donation, \$5000 Community Foundation and the Pennsy Trails has raised \$5,000 with fund raising to provide immediate down payment. The request for today is for the Commissioners to pay the remainder \$100,000. Mary Ann expects another \$5,000 from Ninestar and \$5,000 from the Foundation Pledge. Mary Ann wants to do it with private funds not public. Commissioner Armstrong clarified Mary Ann would like to negotiate ROW's on the counties behalf with cooperative property owners, we do not want eminent domain for trails. We are willing to financially assist in the trails.

Commissioner Armstrong made a motion the Commissioners to authorize Mary Ann Wietbrock on behalf of Pennsy Trails of Hancock County to negotiate with property owners for acquiring ROW for a trail to connect the Pennsy trail between 600W and 500W and to Hancock County would financially participate in acquiring those parcels. Commissioner Jessup seconded. Commissioner Armstrong clarified Commissioners have to agree on purchase prices. **Motion carried 3-0.**

**The Hancock County Board of Commissioners meeting adjourned at 11:10 am**

Hancock County Commissioners

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Commissioner Brad Armstrong, President

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Commissioner John Jessup, Vice-President

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Commissioner Marc Huber

Attest: \_\_\_\_\_  
Robin D. Lowder  
Hancock County Auditor