

REGULAR MEETING #06-50  
FAIRFIELD COUNTY COMMISSIONERS' OFFICE  
DECEMBER 5, 2006

**PUBLIC HEARING - PROPOSED ACCESS MANAGEMENT REGULATIONS**

The Board of Commissioners convened a public hearing on proposed Access Management Regulations at 9:00 a.m. Present at this hearing were Judith Shupe, Mike Kiger, Jon Myers, Fairfield County Engineer Frank Anderson, Jeff Baird, Jeff Camechis, Eric McCrady, Ethan Ortman, Brian Oliver, Larry Coyle, Janice Siefert, Mark Pontius, Jim Carmichael, Ed Pool, Bill Yapple, Tim Claypool, Dave Petty and Jackie Long. Commissioner Shupe announced that this is the second of two public hearings on the proposed Access Management Regulations and requested that County Engineer Frank Anderson address the hearing. Mr. Anderson stated he has some additional information and clarifications to present since the last hearing. To date, 41 counties have adopted access management and 17 are working on a plan; 58 of 88 counties working on access management is a very impressive statistic, he stated, and raises a question as to how the third fastest growing county in the state can ignore access management. He read for the record an e-mail from Dick Sommers of ODOT which encourages the Commissioners to adopt access management. Mr. Sommers' e-mail stated that the county is growing and the complexion is changing with regard to traffic and the Commissioners must respond by giving the County Engineer the tools to manage traffic and safety. Change for the sake of change is not desirable, the e-mail stated, but is a good thing if it is in the interest of safety. Mr. Anderson also addressed the trustees permitting on township roads, stating that ORC 5571.16 states that the County Engineer's guidance is required for excavation in any road right-of-way, including township, and that the Engineer's Office is still awaiting a Prosecutor's opinion on township authority. A 2002 Ohio Attorney General's ruling states that trustees cannot issue driveway culvert permits or allow township forces to install culverts for driveways and directs property owners to comply with the County Engineer's requirements unless the township has adopted home rule. Additionally, ORC 5547.04 requires Commissioner approval, he stated. Townships cannot do their own permitting, he concluded. Commissioner Shupe asked how township permitting has been occurring. Mr. Anderson responded that the law has been ignored and no one has enforced it. One township trustee spoke out that his township does not require permits and Mr. Anderson agreed that no law is being broken in that case. Mr. Anderson added that the specific dollar amount for the permit fee, while discussed at length at the last public hearing, is not a part of the regulations, allowing the amount to be modified. MORPC Representative Ethan Ortman, who also served on the Access Management Committee, stated that the committee made every effort to address concerns brought out during the process. Access Management is important for Fairfield County, particularly because of new development and continued growth. Fifty to sixty percent of accidents occur with people turning into or out of driveways, he stated, and careful location and design of driveways ultimately reduces the cost of road improvements by delaying or negating the necessity to widen roads or add turn lanes. Correcting bad decisions in the future is more difficult than making the right decision from the beginning, he stated, and added that consistent application of regulations countywide is important. Richland Township Trustee Brian Oliver stated that Richland Township trustees had initially favored access management regulations administered by the County Engineer but have since changed their stance to favor the trustees handling permitting under the plan. Committee member Larry Coyle stated that there were many heated debates during the process. He suggested that the Commissioners and trustees read ORC 5552 carefully, because it stipulates that, if a county does not adopt countywide access management and a township later chooses to do so, the township must go through the same lengthy process just completed by the county. This is not a political issue or turf battle, he stated, but is necessary for public safety. He asked if the Commissioners could modify the plan to allow townships to opt out of countywide access management by resolution. He recommended that all parties sit down and design a plan that works for all so no township has to go through this process later and he urged the Commissioners to set

up such a meeting. Amanda Township Mark Pontius stated that Amanda Township has no permit process and does not want one. A countywide plan doesn't make sense in a county as diverse as Fairfield County, he stated, and the township trustees know their residents' needs and can address them better at the township level. Berne Township Trustees Jim Carmichael asked the Engineer's Office for clarification of a statement made by Mr. Anderson that the County Commissioners are responsible for approving driveway permits. Jeff Baird of the County Engineer's Office responded that only a professional engineer is authorized to size culverts and the County Engineer is the designated engineer for townships. Any culverts, whether for roads or driveways, must have County Engineer's approval, he stressed. Mr. Carmichael stated it is too bad that township trustees are not considered capable of determining the proper size of a culvert to go over a ditch for a driveway. With the county's diversity, there is no reason townships cannot be allowed to decide whether to implement access management. He stated he is definitely against the County Engineer having say-so over township roads and that trustees are perfectly capable of deciding what size culvert to place over a ditch in a driveway. Commissioner Shupe asked how to address the townships who say they do not feel they have the ability to do their own permitting. Mr. Carmichael responded that the township should fall under the county rules, but the determination of who should administer the regulations should be up to the individual townships. Rushcreek Township Trustee Ed Pool stated he is not opposed to access management but is concerned with implementation and would like the control to remain with the township. Commissioner Shupe asked Mr. Pool for clarification as to what level of authority he would like to see with the township. Mr. Pool responded that authority to issue permits should be with the townships. Violet Township Director of Operations Bill Yapple stated that he is in favor of access management and understands the concerns of the trustees. Violet Township is currently ready to begin the hearing phase of adopting its own plan, which is anticipated by February 1. He requested that, should the Commissioners adopt countywide access management, they exempt Violet Township to avoid a statutory one-year delay in implementation of Violet Township's plan. Commissioner Myers asked how much the Violet Township plan differs from the countywide draft. Mr. Yapple stated the plan is very similar to Mr. Anderson's and included a \$50 permit fee. Hocking Township Trustee Tim Claypool stated he is opposed to access management and that the majority of townships feel the same. The Commissioners are not obligated by law to adopt countywide access management, he noted, and the township already has a zoning committee and appeals board that knows the area. Local people need the authority to allow variances through the appeals process, he stressed. Mr. Anderson responded that the policy establishes an appeals board, which is required by law. Mr. Claypool stated that certain areas of the county will never develop as fast as the high growth areas. He stated he understands that engineering issues must go through the Engineer's Office. Permitting for driveways is burdensome and will negatively impact development, he stated. He added that Mr. Sommers' comments at the April informational meeting seemed to center around a need to move traffic faster; faster traffic is the last thing anyone wants on township roads, he concluded. Pleasant Township Trustee Janice Siefert stated that she is personally generally in favor of access management for safety reasons. She asked how the Engineer's Office would respond to a current situation at Route 37 and Arbor Valley Drive, where business drives and a residential driveway are in conflict, should access management be in place. Mr. Camechis noted that this area is within the city and the county cannot intervene. Discussion followed regarding the possibility of some of the property being situated in the township. Commissioner Shupe noted that this seems to be an issue outside this public hearing. Ms. Siefert stated that a subdivision road for Cook's Pond subdivision was installed within 200 feet of Ginder Road on Stringtown Road and that she thought access management would eliminate such things from occurring. The Engineer's Office noted that access management could have helped in this situation, but is not in place. Ms. Siefert asked why something was not addressed through the Engineer's Office review during the Regional Planning Subdivision process. Mr. Anderson noted that only sight distance was addressed. She

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asked if access management regulations would have prevented this situation. Mr. Baird responded that access management would have been a tool to address the problem. Ms. Siefert asked how disputes between the township and County Engineer would be

addressed. Commissioner Shupe noted that the appeals process would be followed. Bloom Township Trustee David Petty stated he supports access management and does not want to be involved in the permitting. Township trustees are not engineers, he stated, and application of regulations needs to be uniform across the county. Bloom Township has an ongoing battle with ODOT regarding Route 33 access regulations which force more traffic onto township roads. This situation further underscores the need for access management, he stated. While there may be an avenue for townships to opt out of countywide access management, those townships that elect to do so must accept responsibility and liability for their decisions, he stated. The County Engineer's Office should be allowed to do its job, he concluded. Commissioner Shupe noted that Clearcreek Township Trustee Mark Sharp had stated in conversation that he supports access management and does not feel Clearcreek Township is capable of its own permitting. She stated that, while it may have initially appeared that the townships were overwhelmingly opposed to countywide access management, the townships are really fairly evenly divided on the issue. Some favor the regulations but are unwilling to give any authority and the Commissioners must respect those townships and find a way to allow townships to participate in the countywide plan but administer the regulations locally. She stated she feels there are more issues to resolve before the Commissioners can vote. Mr. Anderson cautioned that, if someone at the township level is telling property owners where to place driveways, the township is accepting liability. Mr. Pontius stated that Amanda Township has had no problems and does not need to advise landowners where to place driveways since landowners are applying common sense. Discussion followed regarding potential liability to the county and townships. Mr. Carmichael stated he would be glad to accept responsibility for telling people where driveways should be and that it doesn't take a rocket scientist to make that type of decision. Commissioner Shupe noted that there would likely be liability for the county even if the township made the decision and Mr. Anderson concurred. Commissioner Shupe asked if the townships would be opposed to countywide access management with the options for trustees to do their own permitting under the plan guidelines. Mr. Claypool asked how the county would be any better off by adopting such a plan than it is now. Commissioner Shupe noted that countywide continuity would be assured. Mr. Anderson stated that ORC 5552 states that one plan must be applied to both county and township roads, but did not say the duties could not be divided. The County Engineer could do some townships and other townships could do their own. The Prosecutor's Office had expressed concern about fair and equal application of regulations, which resulted in the proposal for the County Engineer to review township activities and temporarily take back the authority, if necessary, until a township is retrained. Commissioner Shupe asked if the plan could be written to allow townships to choose whether or not to participate in the countywide plan. Mr. Coyle stated that the county has come too far to abandon the project now and there is no reason all the parties can't sit down, resolve the remaining issues and modify the plan to accommodate all. He cautioned the townships about their potential liability if their personnel make an error in sight distance. Commissioner Shupe asked Hocking, Amanda and Berne Township trustees if they felt this could be worked out and whether they felt further meetings would be productive. There does not seem to be overwhelming opposition and there must be a way to satisfy both sides. Mr. McCrady stated that he is hearing that access management is desirable, but not under the current draft. He suggested the Commissioners deny the current draft and initiate the process again with the trustees, revise the policy and resubmit for approval. Mr. Claypool asked why these issues weren't dealt with before today. Commissioner Myers noted that the committee spent many weeks reviewing the proposed plan line by line and he had thought everyone agreed with the adjustments made. He stated he was amazed by the petitions and negative responses from the townships. Mr. Carmichael stated he recalls that two townships voted against submitted the plan as

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drafted to the Commissioners for consideration. Commissioner Shupe stated that there is no reason to reinvent the wheel and some fine tuning could be done with the current draft to allow the townships as much authority as possible. Mr. Oliver expressed appreciation to the Commissioners for their willingness to listen to and work with the trustees. Commissioner Shupe asked if the Board felt the committee should be reconvened. Commissioner Myers noted that the end result is that some townships want absolutely no oversight by the county and there is no way to change their minds.

Mr. Anderson noted that the County Engineer's office has statutory legal authority. Mr. Claypool stated the Commissioners' decision is whether or not to adopt access management. With adoption, more burden is placed on the trustees along with liability that they do not want. He asked why the county should even have it. Commissioner Shupe stated the Commissioners want to be respectful of the townships that want access management and don't want the responsibility of applying it themselves. Commissioner Kiger stated it sounds as if more townships are in favor of access management and that the draft needs to go back to the committee. Commissioner Shupe stated the Commissioners will try to schedule another meeting, as this issue is too critical to decide without more discussions. Commissioner Myers added that all townships will be invited to participate in this meeting. The hearing was concluded at 10:25 a.m.

### **REGULAR MEETING**

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, December 5, 2006, at 10:30 a.m. Present at this meeting were Judith K. Shupe, Mike Kiger and Jon D. Myers. Also present were Joe Spybey, Mary Beth Lane and Jackie Long.

### **APPROVAL OF MINUTES FOR TUESDAY, NOVEMBER 28, 2006**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the minutes as presented for Tuesday, November 28, 2006.

Roll call vote on the motion resulted as follows:

Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

### **PROCLAMATION OF DECLARATION - LANCASTER-FAIRFIELD CHARITY NEWSIES DAY**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve a proclamation of declaration for Lancaster-Fairfield Charity Newsies Day (See Resolution 06-12.05.a)

Roll call vote on the motion resulted as follows:

Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

### **PROCLAMATION OF RECOGNITION - AMANDA CLEARCREEK ACES FOOTBALL TEAM**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve a proclamation of recognition for the Amanda Clearcreek Aces Football Team (See Resolution 06-12.05.b attached)

Roll call vote on the motion resulted as follows:

Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

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### **APPROVAL TO HIRE TEC ENGINEERING, INC. TO PERFORM PROFESSIONAL ENGINEERING SERVICES FOR REFUGEE ROAD CORRIDOR SAFETY STUDY - FAIRFIELD COUNTY ENGINEER**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve an agreement for the County Engineer to hire TEC Engineering, Inc. to perform professional engineering services for the Refugee Road Corridor Safety Study as requested by the Fairfield County Engineer. (See Resolution 06-12.05.c)

Roll call vote on the motion resulted as follows:  
Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

**APPROVAL OF AWARD OF CONTRACT FOR REMOVAL AND LAND APPLICATION OF BIOSOLIDS TO SYNAGRO CENTRAL, LLC - FAIRFIELD COUNTY UTILITIES**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve an award of contract for the removal and land application of biosolids to Synagro Central, LLC, as recommended by Fairfield County Utilities (See Resolution 06-12.05.d attached)

Roll call vote on the motion resulted as follows:  
Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

**APPROVAL OF REQUEST FOR TIME EXTENSION - FY2005 CDBG FORMULA PROGRAM**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve a request for a time extension for the FY2005 CDBG Formula Program (See Resolution 06-12.05.e attached)

Roll call vote on the motion resulted as follows:  
Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

**APPROVAL OF REQUEST FOR PAYMENT AND STATUS OF FUNDS REPORT - CHIP FY2005 DRAWDOWN**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve a request for payment and status of funds report for a FY2005 CHIP drawdown (See Resolution 06-12.05.f attached)

Roll call vote on the motion resulted as follows:  
Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

**APPROVAL OF SUBORDINATION OF MORTGAGE OF RUTH AND FRANK AYRES TO LAN-FAIR FEDERAL CREDIT UNION - FY2002 - 2002 CHIP**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the subordination of the mortgage of Ruth and Frank Ayres, issued through the FY2002 - 2002 CHIP, to Lan-Fair Federal Credit Union (See Resolution 06-12.05.g attached)

Roll call vote on the motion resulted as follows:  
Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

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**PETITION TO ANNEX 4.879 ACRES GREENFIELD TOWNSHIP INTO THE CITY OF LANCASTER/GRETCHEN D. JEFFRIES, AGENT**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve the petition to annex 4.879 acres Greenfield Township into the City of Lancaster, an Expedited Type 2 petition filed under ORC Section 709.023 (See Resolution 06-12.05.h attached)

Roll call vote on the motion resulted as follows:  
Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

**APPROVAL OF SALE OF TOTALED VEHICLE TO DEERCREEK AUTO PARTS**

**DEPOT, INC. - FAIRFIELD COUNTY MAINTENANCE DEPARTMENT**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the sale of a totaled Fairfield County Maintenance Department vehicle to DeerCreek Auto Parts Depot, Inc. (See Resolution 06-12.05.i attached)

Roll call vote on the motion resulted as follows:  
Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

**APPROVAL OF CONTRACT FOR SERVICES BETWEEN FAIRFIELD COUNTY BOARD OF COMMISSIONERS/FAMILY, ADULT AND CHILDREN FIRST COUNCIL, AND LANCASTER-FAIRFIELD COUNTY COMMUNITY ACTION/HEAD START**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve a service contract between the Family, Adult & Children First Council and Lancaster-Fairfield County Community Action Head Start (See Resolution 06-12.05.j attached)

Roll call vote on the motion resulted as follows:  
Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

**APPROVAL OF AMENDED CERTIFICATE - FAIRFIELD COUNTY TREASURER**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve an amended certificate for the Fairfield County Treasurer (See Resolution 06-12.05.k attached)

Roll call vote on the motion resulted as follows:  
Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

**APPROVAL OF AMENDED CERTIFICATE - FAIRFIELD COUNTY TREASURER**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve an amended certificate for the Fairfield County Treasurer (See Resolution 06-12.05.l attached)

Roll call vote on the motion resulted as follows:  
Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

**APPROVAL OF AMENDED CERTIFICATE - FAIRFIELD COUNTY TREASURER**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve an amended certificate for the Fairfield County Treasurer (See Resolution 06-12.05.m attached)

Roll call vote on the motion resulted as follows:  
Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe  
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**APPROVAL OF ACCOUNT TO ACCOUNT TRANSFER - FAIRFIELD COUNTY AUDITOR**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve an account to account transfer for the Fairfield County Auditor (See Resolution 06-12.05.n attached)

Roll call vote on the motion resulted as follows:  
Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

**APPROVAL OF AMENDED CERTIFICATE AND REQUEST FOR APPROPRIATIONS FOR ADDITIONAL UNANTICIPATED RECEIPTS - REYNOLDSBURG TIEF-ONE/FAIRFIELD COUNTY TREASURER**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve an amended certificate and request for appropriations for additional unanticipated receipts for the Reynoldsburg TIEF-One (See Resolution 06-12.05.o attached)

Roll call vote on the motion resulted as follows:

Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

**APPROVAL OF ACCOUNT TO ACCOUNT TRANSFER - FAIRFIELD COUNTY PROSECUTOR/VICTIM WITNESS**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve an account to account transfer for Fairfield County Prosecutor/Victim Witness (See Resolution 06-12.05.p attached)

Roll call vote on the motion resulted as follows:

Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

**APPROVAL OF REPAYMENT OF ADVANCED FUNDS - FAIRFIELD COUNTY JOB AND FAMILY SERVICES**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve repayment of advanced funds from Fairfield County Job and Family Services (See Resolution 06-12.05.q attached)

Roll call vote on the motion resulted as follows:

Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

**APPROVAL OF ACCOUNT TO ACCOUNT TRANSFER - FAIRFIELD COUNTY COMMISSIONERS/MAINTENANCE**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve an account to account transfer for the Commissioners' Maintenance Department (See Resolution 06-12.05.r attached)

Roll call vote on the motion resulted as follows:

Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

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**APPROVAL OF REDUCTION IN APPROPRIATIONS - FAIRFIELD COUNTY COMMISSIONERS FY04 CDBG FORMULA PROGRAM**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve a reduction in appropriations for the Fairfield County Commissioners FY04 CDBG Formula Program (See Resolution 06-12.05.s attached)

Roll call vote on the motion resulted as follows:

Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

**APPROVAL OF REDUCTION IN APPROPRIATIONS - FAIRFIELD COUNTY COMMISSIONERS ECONOMIC DEVELOPMENT/ENTERPRISE ZONE**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve a reduction in appropriations for the Fairfield County Commissioners Economic

Development Enterprise Zone fund (See Resolution 06-12.05.t attached)

Roll call vote on the motion resulted as follows:

Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

**APPROVAL OF REDUCTION IN APPROPRIATIONS AND TEMPORARY CASH ADVANCE FROM GENERAL FUND - FAIRFIELD COUNTY COMMISSIONERS FY2005 CDBG FORMULA**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve a reduction in appropriations and temporary cash advance from the General Fund for the Fairfield County Commissioners FY05 CDBG Formula Program (See Resolution 06-12.05.u attached)

Roll call vote on the motion resulted as follows:

Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

**APPROVAL OF AMENDED CERTIFICATE, REQUEST FOR APPROPRIATIONS FOR ADDITIONAL UNANTICIPATED RECEIPTS AND CASH TRANSFER FROM THE GENERAL FUND - FAIRFIELD COUNTY COMMISSIONERS/CAPITAL IMPROVEMENT FUND**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve an amended certificate, request for appropriations for additional unanticipated receipts and cash transfer from the General Fund for the Commissioners Capital Improvement Fund (See Resolution 06-12.05.v attached)

Roll call vote on the motion resulted as follows:

Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

**APPROVAL OF APPROPRIATION FROM UNAPPROPRIATED FUNDS - FAIRFIELD COUNTY COMMISSIONERS CASH TRANSFER TO HISTORICAL PARKS FUND**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve an appropriation from unappropriated funds for a cash transfer from the Fairfield County Commissioners to the Historical Parks Fund (See Resolution 06-12.05.w attached)

Roll call vote on the motion resulted as follows:

Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

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**APPROVAL OF APPROPRIATION FROM UNAPPROPRIATED FUNDS AND FUND TO FUND TRANSFER - GENERAL FUND TO FLEXIBLE SPENDING ACCOUNT FUND/FAIRFIELD COUNTY AUDITOR**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve an appropriation from unappropriated funds and fund to fund transfer from the General Fund to the Flexible Spending Account Fund as requested by the Fairfield County Auditor (See Resolution 06-12.05.x attached)

Roll call vote on the motion resulted as follows:

Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

**APPROVAL OF AMENDED CERTIFICATE AND APPROPRIATION FROM UNAPPROPRIATED FUNDS - FLEXIBLE SPENDING ACCOUNT/FAIRFIELD COUNTY AUDITOR**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve an amended certificate and appropriation from unappropriated funds for the Flexible Spending Account as requested by the Fairfield County Auditor (See Resolution 06-12.05.y attached)

Roll call vote on the motion resulted as follows:

Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

**APPROVAL OF APPROPRIATION FROM UNAPPROPRIATED FUNDS - FAIRFIELD COUNTY COMMISSIONERS 9-1-1 WIRELESS PSAP FUND**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve an appropriation from unappropriated funds for the Fairfield County Commissioners 9-1-1 Wireless PSAP Fund (See Resolution 06-12.05.z attached)

Roll call vote on the motion resulted as follows:

Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

**APPROVAL OF WARRANT AND WIRE FOR GIS NOTE PAY OFF - DECEMBER 14, 2006/FAIRFIELD COUNTY COMMISSIONERS**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve the warrant and wire for pay off of the GIS Note by the Commissioners (See Resolution 06-12.05.aa attached)

Roll call vote on the motion resulted as follows:

Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

**APPROVAL TO RATIFY PREVIOUSLY APPROVED VOUCHER - FAIRFIELD COUNTY COMMISSIONERS' DOG TAGS POSTAGE**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to ratify a previously approved voucher for postage for dog tags (See Resolution 06-12.05.bb attached)

Roll call vote on the motion resulted as follows:

Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

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**APPROVAL OF AUTHORIZATION FOR PAYMENT OF BILLS FOR DECEMBER 5, 2006**

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve authorization for payment of bills as presented for December 5, 2006 (See Resolution 06-12.05.cc attached)

Roll call vote on the motion resulted as follows:

Voting aye thereon: Mike Kiger, Jon Myers and Judith Shupe

**REVIEW SESSION**

The Board of Commissioners met at 10:45 a.m. to review correspondence and pending and future agenda items. Present at this review session were Judith Shupe, Mike Kiger, Jon Myers, Joe Spybey, Brian Oliver, Carl Burnett and Jackie Long. Mr. Spybey talked briefly with the Board about increases to the maintenance department salaries. He presented a comparison study with City of Lancaster maintenance department salaries, which are significantly higher than the county's. The Commissioners asked Mr. Spybey

to return with a recommendation for them to consider.

### **MEETING WITH JOHN SNIDER**

The Board of Commissioners' 11:00 a.m. informational meeting with Attorney John Snider and representatives of Rockies Express Pipeline was canceled at Mr. Snider's request.

### **MEETING WITH DR. PAYNE**

The Board of Commissioners met with Dr. Ed Payne at 1:00 p.m. regarding FairCATS and the future of county transportation initiatives. Present at this meeting were Judith Shupe, Mike Kiger, Jon Myers, Dr. Payne and Jackie Long. Dr. Payne stated he first became involved in transportation issues in 1998 with the Center for Disabilities and that a 2001 study led to the establishment of FairCATS. FairCATS recently learned of denial of its ODOT grant and the program will close on December 13. He added that MR/DD, as fiscal agent, must oversee the City of Pickerington drivers until June as part of a contract FairCATS has with the city. In response to the Commissioners' questions, Dr. Payne explained that transportation will probably continue without coordination. The Center for Disabilities, JFS, Meals on Wheels and the Salvation Army do most of the trips. ODOT has stated that the county can reapply for a coordination grant next year if the matching funds situation is addressed, and Dr. Payne asked if the Commissioners are willing to set aside money for transportation coordination in the future. Commissioner Shupe responded that adding a permanent line item to the General Fund budget is not really an option. Commissioner Myers asked if any discussions had been held with the city regarding partnering in coordination. Dr. Payne stated he was not aware of any final plans and added that he had considered hiring the displaced FairCATS employee at the Center but the current salary exceeds what the Center can pay. The Commissioners asked if the county could offer to supplement the salary through an allocation to the Center for next year, after which the grant could be reapplied for. Dr. Payne agreed to get some figures together for what would be necessary. He noted that there may be some contracting issues without the existence of FairCATS.

### **MEETING WITH STACY MEDINA**

The Board of Commissioners met with Stacy Medina regarding her interest in appointment to the MR/DD Board at 1:30 p.m. Present at this meeting were Judith Shupe, Mike Kiger, Jon Myers, Stacy Medina and Jackie Long. Commissioner Shupe explained that the Commissioners like to meet prospective board members and invited Ms. Medina to tell the Board about herself. Ms. Medina stated she is the mother of an  
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autistic 15-year-old son who attends Forest Rose. She and her family moved to Fairfield County six years ago from Nebraska. She stated she has an interest in MR/DD programs and the needs of families with an emphasis on making certain that anyone who wants assistance has access to it. She is aware of new programs underway at Forest Rose, including a PTO and sensory garden, but does not have as much experience with Fairfield Industries, she stated. She indicated she would not have a problem with meeting attendance. Commissioner Shupe stated that, while it is rare, the Commissioners do have more than one person interested in serving on this volunteer board and the Commissioners would be making a decision before the end of the year.

### **MEETING WITH JON WALTON**

The Board of Commissioners met with Jon Walton regarding his interest in appointment to the MR/DD Board at 1:45 p.m. Present at this meeting were Judith Shupe, Mike Kiger, Jon Myers, Jon Walton and Jackie Long. Commissioner Shupe explained that the Commissioners like to meet prospective board members and invited Mr. Walton to tell the Board about himself. Mr. Walton explained that he is the father of a 40-year-old son with Down's Syndrome who has lived in a group home for 13 years and works at Fairfield Industries. His wife was formerly a teacher at Forest Rose and he is interested in giving back to the program now that he is retired. Mr. Walton stated he would like to become

more familiar with the programs and that he is extremely pleased with the new MR/DD facility on Coonpath Road. Meeting attendance would not be a problem, he stated. Mr. Walton also explained that, while he and his wife had intended to care for their son their whole lives, the sudden death of a family friend made them realize that they would not always be around for their son and that moving him to a group home would lessen the impact on him later. Commissioner Shupe stated that, while it is rare, the Commissioners do have more than one person interested in serving on this volunteer board and the Commissioners would be making a decision before the end of the year.

## **PUBLIC HEARING - PROPOSED REGIONAL PLANNING SUBDIVISION REGULATIONS AMENDMENTS - CONTINUANCE**

The Board of Commissioners reconvened a public hearing on the proposed amendments to the Regional Planning Subdivision Regulations at 6:00 p.m. Present at this hearing were Judith Shupe, Mike Kiger, Jon Myers, Brooks Davis, Holly Mattei, James Mako, Chad Lucht, Bill Yaple, Allan Reid, Frank Anderson, James Hockradel, Alan Dupler, Dave Eversole, Diana Uther, Jim Miller, Carrie Snoke, Jon Clark, Scott Rawdon, John Hizey, Larry Neeley, Ed Pool, Mark Pontius, Barb Gobel, Tim Claypool and Jackie Long. Holly Mattei of Regional Planning repeated the PowerPoint presentation from the November 21 public hearing on the proposed amendments. The amendments center primarily around creation of the No Plat-Large Lot subdivision regulations that will allow the county to review splits between 5.01 and 20 acres, and the limit of minor splits to four plus the remainder from an established date. This limitation does not prohibit more splits, she noted, but requires splits in excess of four to go through the platting process. Public health and safety, preserving road frontage, avoiding flag and "bowling alley" lots and preserving right-of-way for future improvements are some of the benefits of the amendments, she explained. She presented to the Board a response the Regional Planning Commission had prepared in response to the Bar Association Real Estate Committee. Violet Township Director of Operations Bill Yaple stated that he is in favor of the proposed changes, noting that many lots created during the 1980s and 1990s have drainage issues. A large number of exempt lot splits occur without any oversight and dedicated right-of-way is becoming a big issue, since existing easements are frequently too small to allow for drainage improvements. County Engineer Frank Anderson commended the Regional Planning staff for their efforts, noting that many versions have been studied. He added that these amendments would reduce the 750-foot intersection review rule to 610. Landowner Dave Eversole stated that he had

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requested that the Commissioners hold an evening hearing and had also suggested that notices be sent to all CAUV owners, on whom these amendments would have the most significant impact. He submitted for the Commissioners' review a pamphlet from a land auction he had handled over the weekend. He estimated that the family would have received \$322,000 less for their property had the restrictions limiting the number of tracts been in force. While he feels that some regulations should go into effect, he is opposed to the four split limit. He noted that farmers have no retirement fund and depend upon lot sales to supplement their income. He suggested that all the CAUV owners in the county be notified of another hearing. Commissioner Shupe asked Mr. Eversole if any limit on the number of splits would be acceptable and Mr. Eversole responded that no limit is acceptable. Greenfield Township Trustee John Hizey stated he can see both sides of the issue as a farmer and a township trustee. Regulations are needed in a county with the growth rate of Fairfield County, he stated, but the split limit allows big developers, not the families who have worked the land for many years, to benefit. Amanda Township Trustee Mark Pontius stated that his township opposes the split limit, adding that his land is his retirement and that, if he has more grandchildren, he would be prevented from lotting off parcels to each of them. He also expressed concern that the amendments would do away with some of the township zoning regulations. Ms. Mattei noted that township zoning supercedes these restrictions. Hocking Township Trustee Tim Claypool stated that he opposes the split limitation and that the county would be doing its residents a disservice in limiting their ability to sell their land. The farm community has had no input on these proposed amendments which have a huge impact on agriculture. Allan Reid stated that consideration needs to be given to the amount of road frontage a property has and that the four split limitation should be revisited. Commissioner Shupe

asked Regional Planning where the four split limitation originated. Mr. Davis noted that the original Subdivision Regulations adopted in 1974 had language requiring more than four splits of less than five acres to go through the platting process. Ms. Mattei noted that the state legislation specifically suggests the four split limitation. Mr. Davis stated that he understands the farmers' concerns, but once road frontage is stripped, health and safety are impacted and the splits should be platted. He added that road frontage lots are permitted to occur in one step. Mr. Hizey asked if it would be possible to "grandfather" current landowners from the four-split limitation. Mr. Eversole expressed concern that property owners will be hit with a mounding system expense in 2007, which is three times more expensive than current sewage requirements. To add these restrictions further impacts landowners' income. Mr. Claypool asked how the county can dictate where right of way needs to be in the future. Mr. Davis pointed out that dedicated right of way is an advantage to landowners, as it would be on land that is already a public easement and is unusable. Mr. Claypool expressed concern that the county would be taking something of value and making it untaxable. Mr. Yapple related a situation in Violet Township along Allen Road, where the right of way is only 35 feet (17.5 feet on each side) and the township is unable to improve the ditches and address drainage problems. Mr. Pontius stated he has no problem with requiring right of way dedication in situations where the right of way is less than 60 feet, but he still opposes the split limitation. Mr. Eversole suggested that a compromise to the split limitation would be a set-back requirement to ensure proper road frontage. Commissioner Shupe asked what the county's time frame is for the amendments. Discussion followed regarding the notification requirements and effective dates for any new legislation. The Commissioners' final date for action would be April 10, 2007, following the April 3 Regional Planning meeting. Mr. Claypool noted he would be opposed to the grandfathering suggestion. The county needs to either adopt or deny the amendments, not stifle future generations because the Commissioners couldn't make a decision. Mr. Hizey clarified his comments, explaining that his first choice would be no split limitation at all. Commissioner Shupe stated the Commissioners have to consider the testimony from the hearings. Mr. Davis requested that another continuance until April be granted to allow time for the Subdivision Committee to consider the suggestions. Commissioner Myers suggested that the continuance be held in March to ensure that there is still time to make changes before the absolute deadline of April 10.

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### **APPROVAL OF CONTINUANCE OF PUBLIC HEARING - PROPOSED SUBDIVISION REGULATIONS AMENDMENTS**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve the continuance of the proposed Subdivision Regulations Amendments to Tuesday, March 13, 2007, at 6:00 p.m. (Se Resolution 06-12.05.dd attached)

### **DISCUSSION**

Doug Leith asked if the Commissioners have veto authority over the amendments. It was noted that, while suggested changes from the Commissioners would be referred to the Regional Planning Commission, ultimate approval authority rests with the Commissioners. Mr. Leith asked if there would be any way to notify CAUV owners. Commissioner Shupe noted the list would be monumental. Mr. Claypool stated that this is a monumental decision and the county needs to work with the community.

Roll call vote on the motion resulted as follows:

Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

Commissioner Shupe noted that the Commissioners would welcome letters, e-mails or other communications regarding the proposed amendments.0

The hearing was recessed at 7:10 p.m.

### **ADJOURNMENT**

With no further business to come before the Board, on motion of Jon Myers and second of Mike Kiger, the meeting was adjourned at 7:15 p.m.

Roll call vote on the motion resulted as follows:

Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe

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Mike Kiger

Jon D. Myers

Judith K. Shupe

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Jacqueline D. Long, Clerk

**NEXT REGULAR MEETING SCHEDULED FOR THURSDAY, DECEMBER 14, 2006,  
AT 10:00 A.M.**