

**Regular Meeting #09-20
Fairfield County Commissioners' Office
May 19, 2009**

9:00 a.m. Viewing – Stonewall Cemetery Vacation

The Board of Commissioners met to view the proposed vacation of a portion of Stonewall Cemetery Road in Hocking Township. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were County Engineer Frank Anderson, Jeff Camechis, Janet Brown, Hocking Township Trustee Gail Ellinger, Deputy Jerry Feyko, Roger Ross, Don Ressler, Kenny Drake, Dorothy Drake, Nicole Drake, Dan Duellman, Scott Taylor, Dave Cook, and Scott Zody.

Mr. Anderson and Mr. Camechis provided a brief overview and history of the road and stated that various portions of the road had been proposed for vacation in the past, but never approved. Mr. Camechis stated that the road has been abandoned for many years. Commissioner Myers asked who maintains the road, and Mr. Camechis stated that Hocking Township would be responsible for maintaining the road, but no one is currently maintaining it.

Ms. Ellinger stated that the Hocking Township Trustees submitted the petition to vacate a portion of the road due to their concerns relative to cost and maintenance issues for the road.

Commissioner Shupe stated that the purpose of the viewing is for the Commissioners to better understand the circumstances of a vacation or road project, and the public hearing later in the morning would be the proper venue to submit formal comments or concerns, and invited all present to attend and speak or submit written comments.

10:00 a.m. Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, May 19, 2009 beginning at 10:00 a.m., with the following Commissioners present: Jon Myers, Mike Kiger and Judith Shupe. Also present were Michelle George, Tony Vogel, Linda Kaufmann, Bill Arnett, Jason Dolin and Scott Zody.

Announcements

Mr. Zody announced that there was a typo in the title of item 09-05.19.n, and the resolution has been replaced, but the agenda should state the agreement is being terminated, not continued.

Public Comment

There were no public comments.

Approval of minutes of Tuesday May 12, 2009

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the minutes for Tuesday, May 12, 2009.

Roll call vote of the motion resulted as follows:

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

Approval of Relinquishing County Asset to the Hocking County Sheriff's Office

On motion of Jon Myers and second of Mike Kiger the Board of Commissioners voted to approve relinquishing a county asset to the Hocking County Sheriff's Office, see resolution 09-05.19.a

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

Approval of Authorization for County Engineer Frank Anderson to prepare & submit an application to participate in the Ohio Public Works Commission State Capital Grants Program and to execute contracts as required

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve Authorization for County Engineer Frank Anderson to prepare & submit an application to participate in the Ohio Public Works Commission State Capital Grants Program and to execute contracts as required, see resolution 09-05.19.b

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

Approval of Job & Family Services resolution

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve resolutions for the county Job & Family Services agency as follows:

- 09-05.19.c Approval of Amended Service Agreement by & between Fairfield County Job & Family Services and Milestone Therapeutic Foster Care Network
- 09-05.19.d Approval of Amended Service Agreement by & between Fairfield County Job & Family Services and the Center for Child & Family Development
- 09-05.19.e Approval of Amended Service Agreement by & between Fairfield County Job & Family Services and A New Leaf
- 09-05.19.f Approval of Amended Service Agreement by & between Fairfield County Job & Family Services and Sojourners Care Network

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

Approval of Resolutions for the Economic Development Department

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve resolutions for the Economic Development Department as follows:

- 09-05.19.g Approval of Fairfield County Revolving Loan Fund Loan Review Committee's recommendations for funding a proposal for Economic Development Administration Revolving Loan Fund financing
- 09-05.19.h Approval of Continuing an Enterprise Zone Agreement between H & W Investments, LLC, Company Wrench Ltd., Fairfield County, and Greenfield Township

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

Approval of Enterprise Zone resolutions – Economic Development

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve Enterprise Zone resolutions for the Economic Development Department as follows:

- 09-05.19.i Approval of Terminating an Ohio Enterprise Zone Agreement between DK Manufacturing, Inc., NDK Investments, LLC, the City of Lancaster and Fairfield County

- 09-05.19.j Approval of Continuing an Enterprise Zone Agreement between Windsor Equity, LLC, the City of Lancaster and Fairfield County
- 09-05.19.k Approval of Continuing an Enterprise Zone Agreement between Anchor Acquisition LLC, the City of Lancaster and Fairfield County
- 09-05.19.l Approval of Continuing an Enterprise Zone Agreement between NFocus Consulting, Inc., the City of Lancaster and Fairfield County
- 09-05.19.m Approval of Terminating an Ohio Enterprise Zone Agreement between Anchor Acquisition LLC, the City of Lancaster and Fairfield County
- 09-05.19.n Approval of Continuing an Enterprise Zone Agreement between Anchor Acquisition LLC, the City of Lancaster and Fairfield County

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

Approval to Create new Sub Fund for Fund 2050 – Ditch Maintenance Fund – Spring Creek/Peyton Ridge - Commissioners

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve to Create a new Sub Fund for Fund 2050 – Ditch Maintenance Fund – Spring Creek/Peyton Ridge – Commissioners, see resolution 09-05.19.o

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

Approval of Repayments of Advances to the General Fund

On the motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve resolutions for repayments of advances to the General Fund as follows:

- 09-05.19.p Approval of Repayment of an Advance to the General Fund CFLP #2, FY2008 – Commissioners Fund 2739
- 09-05.19.q Approval of Repayment of an Advance to the General Fund from the FY08/09 Adult Community Based Correction Fund

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

Approval of Financial Resolutions

On motion of Jon Myers and the second of Mike Kiger, the Board of Commissioners voted to approve financial resolutions as follows:

- 09-05.19.r Approval of Appropriation of Funds EFSP Grant Fund – Job & Family Services
- 09-05.19.s Approval of Creation of a New Fund for the MSY Pooled Fund – Juvenile Court
- 09-05.19.t Approval of Payment of a Voucher without an appropriate carryover purchase order – MRDD
- 09-05.19.u Approval of payments of vouchers without appropriate carryover purchase orders – Job & Family Services
- 09-05.19.v Approval of Memo expenditure – Job & Family Services

09-05.19.w Approval of Account to Account Transfer – Job & Family Services
09-05.19.x Approval of Account to Account Transfer – Family, Adult & Children First
09-05.19.y Approval of Account to Account Transfer – Family, Adult & Children First
09-05.19.z Approval to Appropriate from Unappropriated - Engineer

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

Approval of Payment of Bills

On motion of Mike Kiger and the second of Jon Myers, the Board of Commissioners voted to approve the authorization for payment of bills May 19, 2009, check date May 22, 2009, see resolution 09-05.19.aa

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

Review Session

The Board of Commissioners met to review legal issues, correspondence, and pending and future action items. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were Bill Arnett, Jason Dolin and Scott Zody.

Executive Session

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to enter into Executive Session at 10:15 a.m. for the purpose of personnel matters. Commissioners present were Jon Myers, Mike Kiger and Judith Shupe.

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

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to adjourn from Executive Session at 10:25 a.m.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe
No official actions were taken.

Review Session, cont.

Acceptance of Resignation of Economic Development Director Bill Arnett

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to accept the resignation of county Economic Development Director Bill Arnett.

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

The Board expressed its appreciation to Mr. Arnett for his dedication and service, and wished him well in his new position. Mr. Arnett stated that his last day of employment with the county would be June 19.

Mr. Dolin stated that he has completed the latest draft of the county jail medical services agreement and Mr. Zody stated that he would send it to Dr. Vajen for his review and comment. Commissioner Myers stated that he believes Dr. Vajen's request for an increase to his stipend is reasonable, considering the amount of time and service he provides to the jail.

The Board directed Mr. Zody to contact County Human Resource Director Aundrea Cordle and initiate an increase in liability insurance coverage through the county insurance agent.

Commissioner Shupe stated that she would not attend the Solid Waste District Board meeting in Newark on Friday, and would instead attend the US 33 Development Alliance Board meeting. Commissioner Myers stated that the fees were set by the Policy Committee, but were a compromise from the original proposal.

Commissioner Shupe asked if the easement for the Carroll sewer project was progressing, and Mr. Dolin stated that he and Mr. Vogel are working on it, and Mr. Zody had made a contact with CSX through the company's public affairs office, and things seemed to be moving along, but he cannot set a firm timeline on when the agreement will be complete.

Commissioner Kiger stated that he is still waiting on comments or input from the Family, Adult & Children First relative to the Meals on Wheels agreement.

Commissioner Shupe asked if there was anything new to report on the request from Grinders to place a sandwich vending kiosk in the Job & Family Services. Mr. Dolin stated that he has some concern with allowing such activity, as it is much different than allowing an ATM in the lobby. Specifically, Mr. Dolin stated that this would be similar to a vending contract or food service, and the issue becomes where does the Board draw the line with respect to allowing private business to utilize county property to conduct their business.

Mr. Dolin briefed the Board on recent litigation that has been filed against the Sheriff's Office by a local towing company, stating the CORSA has refused to cover the county in the case, as it alleges breach of contract rather than liability.

Commissioner Kiger stated that he and Mr. Zody met with officials from the Department of Rehabilitation & Corrections and the County Engineer's Office to view and discuss the improvement to Meister Road adjacent to the Southeast Ohio Correctional Facility (SEOCF). Commissioner Kiger stated that he is satisfied that the DC is trying to do the right thing, even though the road improvements do not exactly comply with the Engineer's standards. There is very little vehicle traffic on the road, mostly DRC guards and staff. The Engineer is deferring final sign-off to the Board of Commissioners.

The Board directed Mr. Zody to obtain a copy of the position description for the county Economic Development Director so they could review and plan how to replace Mr. Arnett.

11:00 a.m. Hearing – Stonewall Cemetery Road Vacation

The Board of Commissioners met at 11:00 a.m. to hold a public hearing on the proposed vacation of a portion of a public road, Stonewall Cemetery Road in Hocking Township. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were County Engineer Frank Anderson, Jeff Camechis, Roberta Hyme, Janet Brown, Dave Cook, Nicole Drake, Dorothy Drake, Don Ressler, Hocking Township Trustee Gail Ellinger, Roger Ross, Jason Dolin and Scott Zody.

Commissioner Shupe called the hearing to order, and asked that all present please sign in and if anyone wished to speak, please fill out a Speaker's Form and try to limit comments to 3 minutes each to allow all to participate.

County Engineer Frank Anderson spoke, providing an overview of the proposed vacation, stating that the Engineer's Office had an initial concern relative to landlocking the Brown property, which has since been addressed, although the access would appear to be difficult. Mr. Anderson stated that he and several attendees of the viewing earlier in the morning had walked the property, and is somewhat concerned about the length of the alternate access, as it would appear that regional Planning Commission regulations relative to rural subdivisions discourage cul-de-sac roads greater than 600 feet in length. Mr. Anderson stated that he is also concerned with respect to emergency vehicle access to the Brown property.

Gail Ellinger, Hocking Township Trustee, spoke, stating that she was part of the walk-through as well, but believes the alternate access is adequate and is mostly open in its present condition, but would require some bulldozer work and stone application to be made passable. Ms. Ellinger added that she believes the current access off of Stoney Hill Road is not adequate for emergency vehicles, and the alternate access was recently utilized by a logging company on the Brown property.

Roberta Hyme, 140 Rock Mill Road NW, spoke, stating that she owns property off of Lifer Lane near the alternate access and her property has been in her family since the 1940's. She does not support the vacation due to access concerns.

Roger Ross, 3012 Stoney Hill Road, spoke, stating that the petition would not vacate the North end of Stonewall Cemetery Road, and expressed concern over the parking of cars at the Stoney Hill Road and Stonewall Cemetery intersection during inclement weather, and he favors the vacation.

Nicole Drake, 2520 Stoney Hill Road, spoke, stating that she supports the vacation and has also witnessed cars parked at the intersection as well. Ms. Drake maintained that Mr. Ross and Mr. Drake currently maintain the road. Mr. Ross added that he does not park any vehicles at the intersection.

Don Ressler, 4165 Hopewell Church Road, spoke, stating that he is a member of the Hocking Township Zoning Board and has lived in the area his entire life. Mr. Ressler expressed concern relative to emergency access, particularly in the event of a fire, stating that it is currently virtually impossible for emergency vehicles to access the Brown property. Mr. Ressler stated that a fire had occurred approximately 5 years previously, and at least one responding fire department could not gain access with its vehicles. Mr. Ressler stated that he favors the vacation.

Dorothy Drake, 3160 Stoney Hill Road, spoke, stating that she favors the vacation, and has concerns with the cars parking at the intersection and with trailers that appear to be occupied on the Brown property.

Kenny drake, 3160 Stoney Hill Road, spoke, stating that he supports the vacation and believes there is too much traffic on the road up to the Brown property for one homeowner. Mr. Drake stated that the Sheriff's Office has been called out to the Brown property many times, and his fence has been damaged on numerous occasions from vehicles getting stuck on the road. Mr. Drake stated the Lifer Lane/Stepath Mound access would be a better alternative.

Janet Brown, 3090 Stoney Hill Road, spoke, stating that she opposes the vacation. Approximately 10 years ago, when her property caught fire, there were several emergency vehicles that were able to access her property through the current road. Ms. Brown stated that she has used the road for over 20 years and it was grandfathered in on Mr. Cook's deed when the property was purchased. Ms. Brown stated that a new access road should not need to be constructed, and does not want the current road to be vacated. Ms. Brown stated that she would like to see the entire road opened up, and asked who that request should be directed to.

Mr. Ross asked where would the road be opened and where would it run, as no one seems to know where the right-of-way is located. Mr. Ross also stated that physical threats have been made to him in the past relative to this issue.

Ms. Ellinger stated that Regional Planning subdivision regulations would not apply to this road, as there is no subdivision, only a single residence.

Mr. Anderson stated that he was only referring to the 600 foot recommended limit for a rural cul-de-sac, and the alternate access would far exceed that length.

Ms. Brown stated that the hills on her property are very steep, and are worse than the hill on the Stoney Hill side. Ms. Brown asked who would build the road, and Ms. Ellinger stated the township would be responsible.

Mr. Cook asked what exactly does vacation mean, stating tha Ms. Brown should continue to have access to her property, the neighbors just want to limit the access to her.

Mr. Ross stated that he would like to see the access cut off completely. Ms. Brown asked if she could not use the access, then how could Mr. Ross use it, as he had to be granted special road frontage when he built his home.

Mr. Camechis stated that there is a question as to exactly where the Stonewall Cemetery right-of-way is located, and in a normal vacation, all access is cut off because the public right-of-way would no longer exist, and the only way to obtain access would be through an easement.

Mr. Cook stated that the entrance to the road is on his property, and he has no intention of cutting off Ms. Brown's access. Mr. Ross stated that he would not allow Ms. Brown access across his property. Ms. Drake stated that there is an expectation that when one purchases property, one takes care of their access.

Ms. Brown stated that when Mr. Ross built his home there was an expectation that he would maintain the access.

Mr. Anderson stated that in the 14 years he has served as County Engineer, he has had about 6 other similar access issues where landowners utilized abandoned rights-of-way to access properties – in those cases, the landowners improve the access at their own risk. Mr. Anderson stated there is also a difference between private roads and private driveways, as multiple persons might use a private road. In the case of Stonewall Cemetery Road, if it would be vacated, the residual land would be split between the landowners

Commissioner Myers asked if the alternate access had been improved at all, and Ms. Brown stated that it has not been improved. Commissioner Shupe stated that the Board would not be making any decision relative to the vacation on this day, but would consider the comments made and would welcome any additional written comments the residents would care to submit.

Ms. Ellinger stated that, currently, when Ms. Brown accesses Stoney Hill Road, she is technically crossing Mr. Ross' property.

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to close the hearing.

Roll Call vote of the motion resulted as follows:

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

Executive Session

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to enter into Executive Session at 11:45 a.m. for the purpose of personnel matters.

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

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to adjourn from Executive Session at 11:55 a.m.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jon Myers, Mike Kiger and Judith Shupe
No official actions were taken.

Approval of Proclamation of Recognition for Alice Saunders

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve a Proclamation of Recognition for Alice Saunders for her induction into the Senior Citizens Hall of Fame.

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

1:00 p.m. Meeting with Jon Kochis

The Board of Commissioners met at 1:00 p.m. with County Emergency Management Director Jon Kochis for an update on various EMA projects and issues. Commissioners present were Jon Myers and Mike Kiger. Absent was Judith Shupe. Also present were Jason Dolin and Scott Zody.

Mr. Kochis stated that he is interested in reorganizing his office and wanted to discuss some position changes with the Board.

Executive Session

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to enter into Executive Session at 1:05 p.m. to discuss personnel matters. Commissioners present were Jon Myers and Mike Kiger.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jon Myers and Mike Kiger

On the motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to adjourn from Executive Session at 1:20 p.m.

Roll call vote of the motion resulted as follows:
Voting aye thereon: Jon Myers and Mike Kiger

No official actions were taken.

Commissioner Kiger directed Mr. Kochis to contact County Human Resource Director Aundrea Cordle to review and finalize the position description and prepare any resolutions necessary to effect the changes. A new Table of Organization would need to be prepared to reflect the elimination of the Deputy Director position and addition of the two Manager positions.

Mr. Kochis provided an update on his plans to relocate his office to the first floor of the Job & Family Services building, stating that he has been working with Facilities Director Joe Spybey on planning a basic design layout.

Commissioner Kiger asked how many square feet the EMA would occupy, and Mr. Kochis stated his office would occupy approximately 5,200 square feet, and would share some space with the Prosecutor's Office. In addition, he would only need to add one restroom instead of two, which would save a considerable amount in remodeling costs. Mr. Kochis stated that one item he is investigating with the State EMA is whether or not he would be required to add a self-contained HVAC unit for air control.

Mr. Kochis stated that he would like to proceed with completing a design in order to apply for a state EMA grant to reimburse the county for 50% of the renovation costs.

Commissioner Myers asked what the source of the grant funds would be, and Mr. Kochis stated they are Federal pass-through funds, and he believes there will be additional funding in future years, as Homeland Security funding appears to be increasing at this point. Mr. Kochis added that to build a new facility, the Federal funds would cover 75% of the costs, but for remodeling or renovation, only 50%.

Commissioner Kiger asked who was designing the renovations, and Mr. Kochis stated that he is working with VPL Architects, a local firm. Mr. Zody stated that the Prosecutor has a lengthy list of renovations that he is requesting for the other side of the floor, and suggested the VPL also prepare some schematic design and cost estimates for that side as well. Commissioner Myers agreed, and suggested scheduling a meeting involving all parties once the schematic designs and cost estimates are prepared.

Adjournment

With no further business to come before the Board, on the motion of Jon Myers and the second of Mike Kiger, the Board of Commissioners voted to adjourn at 1:35 p.m.

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

Mike Kiger
Commissioner

Jon D. Myers
Commissioner

Judith K. Shupe
Commissioner

Scott Zody, Clerk/Manager

THE NEXT REGULAR MEETING OF THE COMMISSIONERS' IS SCHEDULED FOR TUESDAY MAY 26, 2009 AT 11:00 A.M.