

**Regular Meeting #09-07
Fairfield County Commissioners' Office
February 17, 2009**

9:00 a.m. Viewing – East Street Vacation

The Board of Commissioners met on site to view the proposed vacation of a portion of a public road, East Street in Violet Township. Commissioners present were Judith Shupe and Mike Kiger. Also present were County Engineer Frank Anderson, Jeff Camechis, Michael Ryan, Violet Township Trustee Terry Dunlap and Scott Zody.

Mr. Anderson and Mr. Camechis described the portion of the alley to be vacated, and stated that there appears to be some encroachment by utility poles and some of the buildings may actually be in the right-of-way. Mr. Dunlap stated that it is his understanding that the township had granted an easement to the former building owners acknowledging the encroachment and allowing that to continue until the buildings would eventually be torn down. In addition, Mr. Dunlap stated that the township planned to register an objection to the vacation at the hearing. Mr. Dunlap stated he would research the township files and try to find the document and bring it to the hearing later that morning. Mr. Camechis stated that if the easement was never recorded, it might not be on file with the County Recorder. Mr. Ryan indicated he would be present at the hearing later that morning as well.

10:00 a.m. Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, February 17, 2009 beginning at 10:00 a.m., with the following Commissioners present: Jon Myers, Mike Kiger and Judith Shupe. Also present were Bill Arnett, Jeff Camechis, Frank Anderson, Ritta Seitz, Jason Dolin and Scott Zody.

Announcements

Mr. Zody announced there was one add-on resolution relative to a Revolving Loan Fund amendment.

Public Comment

There were no public comments.

Approval of minutes of Tuesday February 10, 2009

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the minutes for Tuesday, February 10, 2009.

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

Approval of Declaring it Necessary to Levy a Tax in Excess of the Ten Mill Limitation – Engineer Renewal Levy

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve to Declare a Necessity to levy a Tax in Excess of the Ten Mill Limitation for a renewal levy of the County Engineer's road, bridge and culvert levy, see resolution 09-02.17.a

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

Approval of Award of Contract and approval of Notice to Proceed and Notice of Commencement to Loveland Excavating, Inc. – FY2007 CDBG Formula – Village of Sugar Grove Waterline Replacement Phase II project

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve an Award of Contract and approval of Notice to Proceed and Notice of Commencement to Loveland Excavating, Inc. – FY2007 CDBG Formula – Village of Sugar Grove Waterline Replacement Phase II project, see resolution 09-02.17.b

Roll call vote of the motion resulted as follows:

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

Approval of Reports for the 2008 OCJS Grant Award – Major Crimes Unit

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve reports relative to grant awards for the Major Crimes Unit as follows:

09-02.17.c Approval of the Quarterly Report for the 2008 OCJS Grant Award – Fairfield-Hocking Major Crimes Unit

09-02.17.d Approval of the Final Report for the 2008 OCJS Grant Award – Fairfield-Hocking Major Crimes Unit

Roll call vote of the motion resulted as follows:

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

Approval of Financial Resolutions

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

09-02.17.e Approval of Account to Account transfer – Fairfield County Auditor

09-02.17.f Approval of Account to Account transfer – Fairfield County Board of Elections

09-02.17.g Approval to Amend the Certificate, Reduce Receipts and Appropriate from Unappropriated – FY2008 CFLP Fund # 2715

09-02.17.h Approval to Appropriate from Unappropriated – Fairfield County Economic Development – Fairfield 33 Development Alliance

09-02.17.i Approval to Appropriate from Unappropriated – Fairfield County Economic Development – Fairfield 33 Development Alliance

09-02.17.j Approval to Appropriate from Unappropriated – Fairfield County Job and Family Services

09-02.17.k Approval to Appropriate from Unappropriated – Fairfield-Hocking Major Crimes Unit

09-02.17.l Approval to Amend the Certificate & Increase Receipt Account and Reduction of Appropriations – Fairfield County Engineer

Roll call vote of the motion resulted as follows:

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

Approval of a IV-D Contract between the Fairfield County Job & Family Services and Fairfield County Domestic Relations Court

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners

voted to approve a IV-D Contract between the Fairfield County Job & Family Services and Fairfield County Domestic Relations Court, see resolution 09-02.17.m

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

Approval of Financial Resolutions

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

- 09-02.17.n Approval of payment of voucher without an appropriate carry-over purchase order – Fairfield County Commissioners
- 09-02.17.o Approval of payment of voucher without an appropriate carry-over purchase order – Fairfield County Engineer
- 09-02.17.p Approval of Payment of Vouchers without appropriate carryover purchase orders – Fairfield County Job and Family Services
- 09-02.17.q Approval of payment of voucher without an appropriate carry-over purchase order – Fairfield County Adult Probation
- 09-02.17.r Approval of attached requests for payments of invoices without appropriate carryover purchase orders – Fairfield County Board of Mental Retardation & Developmental Disabilities
- 09-02.17.s Approval to Rescind the Approval of Account to Account transfer – Fairfield County ADAMH

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

Approval of Payment of Bills

On motion of Jon Myers and the second of Mike Kiger, the Board of Commissioners voted to approve the authorization for payment of bills February 17, 2009, check date February 20, 2009, see resolution 09-02.17.t

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

Approval of the Fairfield County Revolving Loan Fund Review Committee recommendation for release of collateral and personal guarantor of a loan under the Economic Development Administration Revolving Loan Fund (EDA-RLF)

On motion of Mike Kiger and the second of Jon Myers, the Board of Commissioners voted to approve the Fairfield County Revolving Loan Fund Review Committee recommendation for release of collateral and personal guarantor of a loan under the Economic Development Administration Revolving Loan Fund (EDA-RLF), see resolution 09-02.17.u

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 at 10:20 a.m. to review correspondence, pending items, and future action items. Commissioners present at the review session were

Judith Shupe, Jon Myers, and Mike Kiger. Also present were Jason Dolin and Scott Zody.

Mr. Dolin noted that he continues to be very busy reviewing township requests for assistance and continues work on legal opinions, including the JEDD opinion he mentioned last week.

Mr. Zody provided the Board with an updated draft of the County Emergency Weather closure policy that Randy Carter had drafted, and requested the Board's authorization to present the draft policy at tomorrow's Quarterly Roundtable meeting. The Board made some additional amendments to the draft policy for clarification and directed Mr. Zody to prepare it for distribution at the Roundtable meeting.

Mr. Zody provided the Board with a public records request submitted by the Lancaster Eagle Gazette relative to county vehicles, and stated that he has some of the information requested, but that he would direct the paper to contact the individual agencies and departments for the more specific information they requested, which is not maintained by the Commissioner's Office.

The Board directed Mr. Zody to refer a meeting request from Perfection Services to County Facilities Director Joe Spybey, as it related to energy efficiency in county facilities.

The Board approved a request by Fairfield Industries to issue a Proclamation of Recognition for a butterfly sculpture made from recycled materials that the organization is selling.

Commissioner Kiger noted that he has come across some information relative to ladders that could be purchased using refunded workers' compensation premiums for the Commissioner file room in order to provide safe access to the Commissioners Journals.

Mr. Zody noted that the State of Ohio has established a website for local governments to submit requests for Federal Stimulus funding for local projects, and he would be submitting the county's projects through the website, including the Public Safety Facility and several Utility and Engineer's project.

11:00 a.m. Hearing – Vacation of East Street, Violet Township

The Board of Commissioners met to hold a hearing on the proposed vacation of a portion of a public road, East Street in Violet Township. Commissioners present were Judith Shupe, Jon Myers and Mike Kiger. Also present were Violet Township Trustee Terry Dunlap, County Engineer Frank Anderson, Jeff Camechis, Michael Ryan, Jason Dolin and Scott Zody.

Mr. Anderson provided an overview of the proposed vacation, noting that he had provided comments in January relative to the proposal, and has become aware this morning that Violet Township has some concerns relative to access to former canal lands that sit beyond the alley.

Mr. Anderson noted that it appears that there are electric utility poles that are encroaching in the right-of-way, and an old easement was granted in 1984 that was recorded in 1985 relative to some buildings that were constructed in the right-of-way. Mr. Anderson stated that in his opinion, it would have been better to vacate that portion of the alley at that time rather than grant the easement, which he believes was improperly granted by the township. Commissioner Shupe asked if that was the only easement granted, and Mr. Anderson stated that as far as he knows, that was the only one.

Terry Dunlap, Violet Township Trustee, 7155 Basil-Western Road, Canal Winchester, Ohio 43155, stated that the easement was an attempt to accommodate the landowners because the buildings had been constructed on the right-of-way more than 100 years prior.

Mr. Dunlap stated that the trustees concern is that a group is looking to acquire the former canal lands that the alley would provide access to in order to restore a former turning basin for canal boats and restore the canal between Canal Winchester and Lockville. The group wants to develop the area as a tourism attraction. Commissioner Myers asked if the trustees were opposed to the vacation, and Mr. Dunlap stated they are. Commissioner Myers asked if the trustees had granted other easements similar to the one for the buildings, and Mr. Dunlap stated he had no knowledge of any other easements.

Commissioner Shupe asked about other access points to the property, such as off of Waterloo Road, and Mr. Dunlap stated Waterloo Road could be utilized, but there is very little room between the properties and the canal lands, and access would be very difficult without the alley right-of-way.

Michael Ryan, 6832 Hill road, Canal Winchester, Ohio 43155, stated that he was the petitioner requesting the vacation and owns the buildings currently encroaching on the right-of-way and asked what canal lands are being discussed. Mr. Dunlap stated that the lands immediately behind Mr. Ryan's property are former canal lands and the old turning basin is directly behind his property. Commissioner Shupe asked if there were any other alleys that would access the canal lands or turning basin, and Mr. Dunlap stated there are other alleys, but none provide the direct access like East Street would.

Commissioner Kiger asked about lot 28, which would appear to be landlocked if the alley would be vacated, and Mr. Camechis noted that lot is owned by the same person that owns the canal lands and several other lots, and while it could not be split and sold off due to access, it can be accessed through the other properties or lots.

Mr. Dunlap noted that if one looks at the tax map, the old canal lands come directly behind lot 28, and if the turning basin would be restored, then access to lot 28 would be restricted. Mr. Camechis noted that there is another lot – number 35, that also could not be split due to no access.

Commissioner Myers asked Mr. Anderson if the easement for the buildings was legal or not, and Mr. Anderson stated that the Recorder's Office recorded the easement, so it must have been recognized as legitimate in 1985. Commissioner Myers asked who owns the right-of-way, and Mr. Anderson stated that it is his opinion that the Board of County Commissioners owns all county and township rights-of-way – the township rights-of-way are turned over to the townships to maintain, but it is the Commissioners decisions relative to vacations or easements that are granted. Mr. Anderson noted that he does not understand how a township could grant an easement over something the Commissioners own.

Commissioner Shupe asked Mr. Ryan what his goal was in requesting the vacation, and Mr. Ryan stated he would like to protect the buildings and be able to park his vehicles next to the buildings without concern of being in a public right-of-way. Mr. Camechis stated it might be possible to release or vacate that portion of the alley that the buildings occupy and still maintain some access to the canal lands, and Mr. Dunlap noted that was the intent of the easement granted in 1985.

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.

Adjournment

With no further business to come before the Board, on the motion of Mike Kiger and the second of Jon Myers, the Board of Commissioners voted to adjourn at 11:30 a.m.

Roll call vote on the motion resulted as follows:

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

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 FEBRUARY 24, 2009 AT 10:00 A.M.