

**Regular Meeting #07-20  
Fairfield County Commissioners' Office  
May 8, 2007**

**9:00 a.m. Viewing Academy Road**

At 9:00 a.m., the Board attended a viewing for a petition to vacate portions of Academy Road. Attending the viewing were: Commissioners Kiger and Myers. Also attending were Carri Brown, Frank Anderson, and Larry Frear.

**10:00 a.m. Regular Meeting**

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, May 8, beginning at 10:00 a.m., with the following Commissioners present: Mike Kiger and Jon Myers. Also present were: Carri Brown, Michelle Thomas, and Julia Hilty.

**Announcements**

Judy Shupe is at a conference today and is not able to attend the Board of Commissioners' Meeting. Therefore, the approval of the meeting minutes for Tuesday, May 1, 2007, will be on the agenda for the Tuesday, May 15, 2007, meeting, as Judy Shupe and Jon Myers were the two commissioners at the meeting of Tuesday, May 1, 2007.

**Public Comment**

There were no public comments.

**Approval of items relating to the County Engineer**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve several resolutions relating to the operations of the County Engineer as noted below.

07-05.08.a            Approval of advertising for the 2007 Microsurfacing project –  
Fairfield County Engineer

07-05.08.b            Approval to reroute overhead lines parallel to Horns Mill Road –  
Fairfield County Engineer

07-05.08.c Approval of Land Gift Agreement for a Highway Improvement Project – Fairfield County Engineer

**Approval of establishing, altering, and widening of Holder Road NE, Walnut Township, Fairfield County, Ohio, declaration of necessity and setting a Commissioner viewing and final hearing date – Fairfield County Engineer**

On motion of Jon Myers and second of Mike Kiger, the Board voted to approve establishing, altering and widening of Holder Road NE, Walnut Township, Fairfield County, Ohio declaration of necessity and setting a Commissioner viewing and final hearing date – Fairfield County Engineer; see resolution 07-05.08.d.

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

**Approval of Conditional Acceptance of WoodStream Section 5**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted To approve the conditional acceptance of WoodStream Section 5; see resolution 07-05.08.e.

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

**Approval of an Award of Bid- CDBG FY 2005, Fairfield County, Stoutsville Residential Sewer Service Installation Project**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted To approve an Award of Bid- CDBG FY 2005, Fairfield County, Stoutsville Residential Sewer Service Installation Project; see resolution 07-05.08.f.

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

**Approval of appointment of an interim Emergency Management Agency Director - Bob Clark**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted To approve the appointment of an interim Emergency Management Agency Director – Bob Clark; see resolution 07-05.08.g.

Discussion: Jon Myers reported that Bob Clark had many years of experience with emergency management and that he had served as an interim director in the past.

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

**Approval of agreement with Bob Boyd Ford for the purchase of one vehicle – Fairfield County Sheriff**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted To approve an agreement with Bob Boyd Ford for the purchase of one vehicle – County Sheriff; see resolution 07-05.08.h.

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

**Approval of fund to fund transfer/debt service fund – Fairfield County Engineer**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve a fund to fund transfer/debt service fund; see resolution 07-05.08.i.

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

**Approval of an amended certificate, conversion of prior year encumbrance to current year appropriations – Fairfield County Auditor – FMIS Fund # 3688**

On motion of Jon Myers and second of Mike Kiger, the Board of Commissioners voted to approve an amended certificate, conversion of prior year encumbrance to current year appropriations, for the Fairfield County Auditor – FMIS Fund # 3688; see resolution 07-05.08.j.

Discussion: Jon Myers asked for a little more information about this resolution, and Carri Brown reported that the amended certificate was to reduce the carry-over encumbrance and then to increase current year appropriations in order to maintain compliance with the Ohio Revised Code.

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

### **Approval of various financial related resolutions**

On motion of Jon Myers and second of Mike Kiger, the Board voted to approve various financial resolutions as noted below.

- 07-05.08.k            Approval of payment of voucher without an appropriate carryover purchase order – Fairfield County Emergency Management Agency
- 07-05.08.l            Approval of payment of voucher without an appropriate carryover purchase order – Fairfield County Mental Retardation & Developmental Disabilities
- 07-05.08.m            Approval of payment of voucher without an appropriate carryover purchase order – Fairfield County Job and Family Services
- 07-05.08.n            Approval of payment of voucher without an appropriate carryover purchase order – Fairfield County Job and Family Services

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

### **Approval of the payment of bills**

On motion of Jon Myers and Mike Kiger, the Board of Commissioners voted to approve the payment of bills, for the check date of May 11, 2007; see resolution 07-05.08.o.

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

### **Review Session**

The Board of Commissioners met at 10:15 a.m. to review correspondence, pending items, and future action items. Present at the review session were Mike Kiger, Jon Myers, Julia Hilty (for a portion of the meeting) and Carri Brown.

Bob Stebelton joined the review session at 10:30 a.m. Bob Stebelton reported that he was appreciative of the Board of Commissioners for its voting against the RPC proposed subdivision regulations. He also stated that he was about to visit RPC to “pull the plug” on a subdivision. He stated that he would be required to pay about \$500,000 for the development, and he was very displeased with the requirements for the

maintenance of roads. Mike Kiger asked if Bob would be more agreeable to a 20 year maintenance agreement. Bob stated that if he is required to pay to inspect the road he should not also have to maintain the road for the five year period. Bob Stebelton stated that this whole process has become a hassle. He also stated that he wanted to be informed of the access management processes, stating that he hoped that access management was “dead” too. Jon Myers reported that he believed that the access management was still “alive” as an issue. There would be more information to come.

Mike Kiger and Jon Myers discussed generally a question about tax incentives, and Mike will follow-up by providing a copy of e-mail communication.

### **Executive Session regarding potential sale of real estate**

At 10:30 a.m., Jon Myers made a motion to go into executive session to discuss the potential sale of real estate. The motion was seconded by Mike Kiger.

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

Present during the executive session were: Commissioners Myers and Kiger and Carri Brown and Julia Hilty.

At 10:49 a.m., Jon Myers made a motion to go out of executive session to return to the review session. The motion was seconded by Mike Kiger.

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

### **Review Session continued**

Frank Anderson joined the review session at 10:50 a.m.

Jon Myers asked Frank Anderson if he remembered anything about the Snoke property, comparing the Snoke property with the Babbert vacation situation. Frank recalled that the Snoke property was corrective action for steps taken by ODOT, whereas the Babbert situation is not the same thing. It is not excess land acquirement. Frank stated that he would review the files to see if there is anything to add to the discussion.

**11:00 a.m. Public Hearing regarding the petition to vacate portions of Academy Road**

The Board of Commissioners held a public hearing regarding a petition to vacate portions of Academy Road. Attending the hearing were: Commissioners Kiger and Myers. Also attending were Carri Brown, Frank Anderson, and Larry Frear.

Carri Brown read resolution 07-04.17.b into the record. This was the resolution establishing the viewing and public hearing.

Frank Anderson, County Engineer, reported that he believed that if the road was vacated, the property to vacate should begin at the south right-of-way line of Dolson Court NW, vacating less than what was originally noted on the petition.

Frank also commented that there would be land owned by the County Commissioners that would lose its potential public road access. This land is adjacent to the airport. Frank reported that he believed that the airport should weigh in on the situation.

Frank noted that there would be no other change upon vacation except that lots would be expanded with an easement for any existing utilities, although he did not notice any utilities during the viewing.

Larry Frear reported that he would like an answer soon in order to make his plans to proceed. He stated that he received a voice mail message from an airport official (David Scheffler), but he had not spoken to anyone at the airport directly.

Jon Myers commented that he would prefer to have input from the airport and also from Commissioner Judy Shupe, who is at a conference today. Other than this input, Jon stated that he did not see the need for additional information.

Jon Myers made a motion to close the hearing at 11:08 a.m., and Mike Kiger seconded the motion.

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

**11:15 a.m. Review Session continued**

The Board of Commissioners met at 11:15 a.m. to review correspondence, pending items, and future action items. Present at the review session were Mike Kiger, Jon Myers, and Carri Brown.

Some specific items discussed included opinions pending with the County Prosecutor, the parking lot request from the City of Lancaster, access management, various correspondence, and publications with the Town Crier for Economic Development outreach.

### **1:00 p.m. Meeting with Robert Schultz and the Records and Retention Committee**

At 1:00 p.m., the Board met with Robert Schultz and members of the Records and Retention Committee. Present at the meeting were Commissioners Kiger and Myers and Carri Brown, Barbara Curtiss, Robert Shultz, Gene Wood, John Matthews, Deborah Smalley, Eric Coakley, and Holly Littrell.

Bob Schultz reported that he was happy to share information about the services that he provides to help counties and other jurisdictions manage records and retention schedules. He stated that the presentation he conducted regarding HB 9 pointed out how the issues of public records, with the new changes going into effect in September, were becoming more complex. He has worked most recently with Richland County, where he has helped keep the county informed about changes and has helped formulate policy statements. He stated that records management cannot be a secondary task. It is reasonable to state that the challenges will become increasingly complex. His firm offers services to help with retention schedule development, storage space issues, policy formulation, implementation of programs and laws, and professional consultation and training.

Deborah Smalley asked if Bob planned to make a presentation for the potential of entering into a contract. Bob stated that he was asked to come to a meeting in order to provide information. Deborah stated that she would like to review the Richland Co. summary and their policy statements. Barb Curtiss stated that Bob sent a copy of a draft contract, and Mike Kiger commented that he received a copy of the draft contract. Bob distributed a copy of a draft contract during the meeting.

Gene Wood asked if there were certain departments that required additional attention or services, as opposed to other offices. Bob stated that he believed that some departments have greater needs, such as the larger departments of the Sheriff's Office, Job and Family Services, and other large departments with heavy caseloads.

Bob stated that in counties in which he is consulting, he attends the Records and Retention Committee meetings. He does this in order to increase communication.

Barb Curtiss asked if every department was required to have a records retention policy, and Bob stated that every department with records and a function should have a policy statement. He stated that there are 38 different records systems in Richland County. He believes there will eventually be 39 records systems documented in Richland County.

Barb stated that when she first became the Auditor in 1995, she called a meeting of the statutory Records and Retention Committee in order to help get the county on the right page for records disposal and retention. She believed that there are old records that should be reviewed for disposal. She stated that we are storing paper in places where we need to house people. Deborah Smalley stated that additional courtrooms are necessary, and valuable space is being used for storage.

Bob stated that this situation is also reported in other counties, as well. Bob reported that the Supreme Court provided some changes to ORC 9.01 regarding the transition from paper records to electronic records. Bob reported that the records of Richland County are managed with two computers. Richland County is now in the process of scanning images for the courts. Bob reported that the indexing of records and the scanning of records have become cost effective alternatives. Bob stated that he is the first point of contact for Richland County records at this time. This is part of his existing contract with Richland County.

Carri Brown asked if Bob worked directly with the Records and Retention Committee in most cases. Bob responded that while he enjoyed working with the elected officials, he typically works with the people on the front lines. Bob commented that 80% of the work amongst counties is similar; there are differences from county to county in the remaining 20% based on structure, history, and policy. Bob reported that his contract is usually for a period of about a year. He asked us to keep the September deadlines with HB 9 in mind.

Bob mentioned that in the past, there had been attention paid to large, visible offices, and there is now a trend to expand investigations regarding public records into other areas and offices, including the Recorder's Office. Bob reported that SB 6 defines "personal information" and puts restrictions on accessible websites, to ensure redaction of personal information. Deborah Smalley asked if SB 6 had a retroactive element. Bob reported that the law is absolute, and if the information is on a website, it needs to be redacted or obstructed from view.

Barb Curtiss reported that the Records and Retention Committee passed a motion at its last meeting to invite Bob Schultz to come before the Board of Commissioners and the Committee in order to review the potential of contracting with Bob for professional services for public records consulting.

There was a general discussion about corrections being introduced by various associations to correct recent public records legislation.

Jon Myers asked how many people with Bob's staff would be dedicated to the Fairfield County project, and Bob reported that he would be the only one working with the project. Jon asked about the proposed hourly rates, and Bob stated that the rates were \$95/hour for service and \$45/hour for travel time.

There was a general discussion about SB 6. Jon Myers reported that SB 6 is still on the floor. It has not yet passed at this point. Barb Curtiss reported that she was concerned about HB 9, and it has already passed. She stated that the Attorney General needed to come up with plans for training, and Bob believed there could be legislation introduced to change certain responsibilities, outlining some responsibilities for the Auditor of the State and some for the Supreme Court.

Barb reported that in 2008, she believed that the State Auditor would begin looking into additional areas of compliance, areas that the auditors do not typically review. Bob reported that one area that will be under review is likely the production of business continuity plans, to ensure that all federal requirements are met. Barb stated that there are other requirements in financial reporting that are changing with respect to what is included in a management letter and how things are defined with respect to a material weakness.

Deborah Smalley asked Bob how the scanning operations worked with the Clerk of Courts. Bob reported that the scanning can be accomplished in a number of different ways depending on a county's needs and operations. Bob reported that HB 9 exempted judges and clerks from training, but the provision for increased reporting requirements has created additional burdens for the courts. Bob reported on the unreasonable requirements of HB 9 where officials are responsible to be informed of all case law about public records.

Jon asked if the contract would be for consulting, and Bob stated that it was for consulting services and there could be additional expenditures for equipment or software. Deborah Smalley reported that she believed that records and retention were very important "as the backbone of all of our work," and she supported the decision to contract for professional services.

Bob stated that he would like for one person to be his contact person, suggesting Eric Coakley, for his historical work with the Records and Retention Committee. He stated that by the first week of June, he would like to begin interviewing departments, starting with a list of functions in county governments. He would also like to initially review the existing records policies and to review existing labor contracts. He stated that we would likely not see an invoice from him until September, with the initial work beginning in June. Barb stated that the Committee wanted to make sure that existing policies were accurate.

### **2:00 p.m. Meeting with Brooks Davis with Regional Planning**

At 2:00 p.m., the Board met with Brooks Davis regarding CDBG grant proposals. Present at the meeting were Commissioners Kiger and Myers and Carri Brown, Brooks Davis, and James Mako.

Brooks reported that the allocation for the FY 2007 Small Cities CDBG projects is \$194,000, net of administration and the fair housing program. He provided a spreadsheet and a cover letter regarding the current submittals.

Brooks reported that the downtown revitalization project with Bremen is encouraging, as the village has accomplished good things trying for additional state funding and grants.

There was a general discussion about eligibility requirements. This grant cannot fund projects that benefit the City of Lancaster specifically, as the City of Lancaster has its own similar CDBG grant.

Brooks reported that six is the maximum number of projects. RPC has recommended five projects at this time.

With the Bremen project, it is estimated that the state revitalization grant decision would be available in the fall.

RPC took into account the number of people served, the history of funding, and eligibility requirements for its recommendation. One criterion is to correct "slum and blight" - generally defined with more than 50% of the structures being substandard.

Brooks stated that he and James would conduct more research regarding Bremen if necessary. Jon Myers wondered what the village's chance was with the revitalization grant. Jon Myers and Mike Kiger stated that the information would be provided to Judy Shupe. There may or may not be a need for an additional meeting.

### **2:30 p.m. Meeting with Perry Orendorff with the Soil and Water Conservation District**

At 2:30 p.m., the Board met with Perry Orendorff regarding a proposal from McClain Companies about moving a ditch and some trees and shrubs at the Inn at Fairfield Village. Present at the meeting were Commissioners Kiger and Myers and Carri Brown, Joe Spybey, Perry Orendorff and Amy Robinson.

Perry provided a couple of maps of county property and the property at the Inn at Fairfield Village. He stated that he and Amy reviewed the request from McClain where the architects desired to “clean up the brush and trees.” Commissioners Kiger and Myers reviewed the maps with Amy and Perry. Perry reported that he and Amy had talked with JB with the Engineer’s Office.

Amy reported that the amended request was to remove the trees and create an open ditch. Perry reported that the trees should not be removed from the county property given the conservation reserve program. If removed, the trees would need to be restored. He agreed that the current situation is unsightly, and there are some complications with the distance requirement away from the gas line. Mike Kiger asked if the area was a wet spring, and Perry and Amy reported that it was.

Joe asked if the Inn could stay on its own land, and cut the asphalt to correct the issue. This was unknown, but it was thought to be a possibility. Mike Kiger wondered if a ditch could be placed on the Inn’s property, and Amy stated that it might be a possibility. Jon Myers wondered if the Inn had already considered that option. Joe asked if there was a required set-back with City requirements. This is a possibility, but there could have been a variance.

Perry agreed to go back and look at the property again in case there was another option to help correct the problem. Carri will contact McClain Companies to let them know that the removal of the trees and brush was not an option. She will also make sure that the architects know that the situation is still under review for the potential of another solution. Perry will be in touch with the Board again, too.

As a side note, Joe Spybey reported that he is researching the costs for the roof repair at the little white house next to the Clarence E. Miller Building.

**Adjournment**

With no further business to come before the Board, on motion of Jon Myers and on the second of Mike Kiger, the Board of Commissioners voted to adjourn the meeting at approximately 3:05 p.m. Roll call vote of the motion resulted as follows: Voting aye thereon: Jon Myers and Mike Kiger.

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Mike Kiger  
Commissioner

Jon D. Myers  
Commissioner

Judith K. Shupe  
Commissioner

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Carri L. Brown  
Clerk/Manager

**THE NEXT REGULAR COMMISSIONERS' MEETING IS SCHEDULED TUESDAY,  
May 15, at 10:00 a.m.**