

**Regular Meeting #07-44
Fairfield County Commissioners' Office
October 19, 2007**

10:00 a.m. Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Friday, October 19, beginning at 10:00 a.m., with the following Commissioners present: Mike Kiger, Jon Myers and Judith Shupe. Also present were: Bill Arnett, Roy Hart, Jeff Camechis, Jeff Baird, Tierra Palmer, Frank Anderson and Scott Zody.

Announcements

Clerk/Manager Scott Zody announced that the next Regular Meeting of the Board of Commissioners will be held in Commissioner Shupe's Office, due to the Hearing Room being utilized for the Campfire to Courthouse Program.

Public Comment

There were no comments from the public.

Approval of minutes of Tuesday, October 9, 2007

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve the minutes for Tuesday, October 9, 2007.

Roll call vote of the motion resulted as follows:

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

Lease Agreement Between Fairfield County and Farm Services Agency

On motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve a lease agreement between the Commissioners and the USDA Farm Services Agency for the Ag Center, see resolution 07-10.19.a

Commissioner Myers asked if the lease term is for five years, and Scott Zody stated that is was.

Roll call vote of the motion resulted as follows:

Voting aye thereon: Judith Shupe Jon Myers and Mike Kiger

Older Adult Services Levy Approval

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to approve the ballot language and certify to the Board of Elections a renewal levy to continue to provide Older Adult Services for Fairfield County, see resolution 07-10.19.b

Commissioner Myers asked if the language for the question was the same, and would the millage rate be the same, and Commissioner Kiger affirmed yes to both.

Commissioner Shupe asked if the Advisory Board that was discussed with the Meals-on-Wheels group had been formed, and if the Commissioners would have any appointments to it. Commissioner Kiger stated that the group is scheduled to have its first meeting next week, and he would raise the appointment question.

Roll call vote of the motion resulted as follows:

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

Approval to Rescind Resolution 07-10.09.b, vacating and re-aligning a portion of Toll Gate Road

On motion of Jon Myers and second of Judith Shupe, the Board of Commissioners voted to rescind resolution 07-10.09.b, to vacate and re-align a portion of Toll Gate Road in Violet Township, see resolution 07-10.19.c

County Engineer Frank Anderson explained that the resolution was missing some conditions that the Engineer and Regional Planning Commission would prefer to see included in the language. Commissioner Myers asked how soon the new resolution would be ready, and Mr. Anderson replied that his office was working with Regional Planning and Clerk/Manager Scott Zody and should have those conditions ready for a resolution in mid-November.

Commissioner Shupe asked if this would result in any schedule delays for construction, and Mr. Anderson replied that it would not.

Roy Hart asked if this would affect the Engineer's request for an opinion on the vacation, and Mr. Anderson replied that it may, depending on whether or not the turning radius for the proposed Toll Gate Court would need to be changed.

Commissioner Shupe asked what entity is responsible for making any changes to the plans, and Mr. Anderson stated that the consultant working with the school would be doing that. Mr. Hart stated that any changes to the plans after the viewing and hearing had occurred would not necessarily require a new viewing and hearing unless some new information comes to light that was not present for the first viewing and hearing.

Roll call vote of the motion resulted as follows:

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

Approval of Petition to vacate alleys in Jefferson

On motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve a petition to vacate certain alleys in the unincorporated village of Jefferson, Bloom Township, see resolution 07-10.19.d

Roll call vote of the motion resulted as follows:

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

Final Approval of Vacation of Alleys in Geneva

On motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve the vacation of all alleys in the unincorporated village of Geneva, Rush Creek Township, see resolution 07-10.19.e

Roll call vote of the motion resulted as follows:

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

Approval to Rescind Resolution 07-10.09.f, Fund to Fund Transfer, Benefits Fund

On motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to rescind resolution 07-10.09.f, a Fund to Fund transfer for the Health Care Benefits Administration Fund. See resolution 07-10.19.f.

Commissioner Myers asked why this resolution was being rescinded, and Clerk/Manager Zody replied that the original was not in proper form, and the Auditor's Office would be preparing a new resolution.

Roll call vote of the motion resulted as follows:

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

Approval of Appropriation of Property, County Engineer

On the motion of Jon Myers and second of Judith Shupe, the Board of Commissioner voted to table a request from the County Engineer to initiate appropriation action against a property owner in Walnut Township in order to complete a Public Works Project on Cattail Road, see resolution 07-10.19.g.

Jeff Baird with the County Engineer's Office explained the need for the action, stating that he has been trying to work with the landowners, the Upps, for over one year on this project, which involves widening the shoulders and re-working the adjacent ditch.

Commissioner Myers asked how much land would be taken for the project, and Mr. Baird stated approximately a ¼ to ½ an acre. Frank Anderson stated that the Upps have concerns relative to their field tiles, and don't seem to understand that the Engineer is required to repair any damages caused to the property owners drainage system. Mr. Baird stated that the landowner wants a retaining wall built or storm sewers installed, rather than the ditch widened, but that would be cost-prohibitive.

Mr. Hart stated that he had just received a letter from the landowner's attorney yesterday, but had not had an opportunity to review it. He asked Mr. Baird if the landowners had any engineering evidence to back their claims, and Mr. Baird stated that they did not.

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

Approval of Engineer's Contract and Change Orders

On motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve an Engineer's contract and change orders for two projects as follows:

- 07-10.19.h Approval to hire Lockwood, Lanier, Mathias & Noland, Inc, to perform Professional Engineering Services – County Engineer
- 07-10.19.i Approval of Change order for the Blacklick Road NW Profile Improvement Project – County Engineer
- 07-10.19.j Approval of Change Order for the 2007 Chip and Seal Project – County Engineer

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

Approval of Revolving Loan Fund Resolutions

On motion of Jon Myers and the second of Judith Shupe, the Board of Commissioners voted to approve resolutions relative to the Revolving Loan Fund as follows:

- 07-10.19.k Approval of Recertification of the Economic Development Administration – Revolving Loan Fund Plan
- 07-10.19.l Approval of Fairfield County Revolving Loan Fund Review Committee's recommendation for approval of the EDA/RLF Semi-annual Report

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

Approval of Community Development Block Grant Resolutions

On motion of Jon Myers and the second of Judith Shupe, the Board of Commissioners

voted to approve resolutions relative to Community Development Block Grants as follows:

- 07-10.19.m Approval of Award of Bid – CDBG FY2006 Fairfield County, Village of Amanda Street Paving Project
- 07-10.19.n Approval of Award of Bid – CDBG FY2006 Fairfield County, Village of Pleasantville, Municipal Building Handicap
- 07-10.19.o Approval of Fairfield County FY2005 Community Development Block Grant Formula Grant Final Performance Report

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

Financial Resolutions

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

- 07-10.19.p Approval to appropriate from unappropriated – ADAMH Board Fund 2066
- 07-10.19.q Approval to appropriate from unappropriated - County Engineer Fund 2050
- 07-10.19.r Approval of Memo Expenditure Fairfield County Job & Family Services, Children Services Fund 2072
- 07-10.19.s Approval of Account to Account Transfer - - ADAMH Board
- 07-10.19.t Approval of Amended Certificate & Request for Appropriations – Family, Adult & Children First Council Fund 7521
- 07-10.19.u Approval of Reduction in Appropriations – Fairfield County Family, Adult & Children First Council
- 07-10.19.v Approval of Account to Account Transfer – Fairfield County Municipal Court
- 07-10.19.w Approval of Account to Account Transfer – Fairfield County Family, Adult & Children First Council
- 07-10.19.x Approval of Local Match, Account to Account Transfer and Fund to Fund Transfer – General Fund 1001 – Victims of Crime Act and State Victims Assistance Act grants
- 07-10.19.y Approval of Account to Account Transfer – Fairfield County Airport General Fund 1001
- 07-10.19.z Approval of Account to Account Transfer – Fairfield County Domestic Relations Court
- 07-10.19.aa Approval of Amended Certificate and Request for Appropriations – Fund 3434 OPWC Payments
- 07-10.19.bb Approval to appropriate from unappropriated - County Engineer Fund 2024
- 07-10.19.cc Approval to appropriate from unappropriated - County Engineer Fund 2362
- 07-10.19.dd Approval of Repayment of Advance to the General Fund – Fund 2661
- 07-10.19.ee Approval of Repayment of Advance to the General Fund – Fund 2660

- 07-10.19.ff Approval to appropriate from unappropriated - ADAMH Board Fund 2066
- 07-10.19.gg Approval of Reduction in Appropriations –FY2005 CDBG Formula Fund 2647
- 07-10.19.hh Approval to appropriate from unappropriated - Job & Family Services, Child Protective Services Fund
- 07-10.19.ii Approval of Fund to Fund Transfer to repay Advance – Fund 2665 Victims of Crime Act Grant

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

Payment of Bills

On the motion of Judith Shupe and second of Jon Myers, the Board of Commissioners voted to approve the authorization for payment of bills, October 19, 2007, check date October 19, 2007, see resolution 07-10.19.jj

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

Review Session

The Board of Commissioners met at 10:30 a.m. to review correspondence, pending items, and future action items. Commissioners present at the review session were Mike Kiger, Jon Myers, and Judith Shupe. Present also were Roy Hart, Aunie Cordle, Tierra Palmer, County Engineer Frank Anderson, Jeff Camechis, Jeff Baird, and Scott Zody.

Pending Items

County Road Right-of-Way Obstructions

County Engineer Frank Anderson requested clarification and guidance relative to the issue of the Engineer and Board of Commissioner's process and authority to order the removal of obstructions from county and township road rights-of-way. Assistant prosecutor Roy Hart explained that according to his legal research on the issue, he believes that the Engineer must bring perceived obstructions before the Board, who must then hold a "fact-finding" hearing involving the affected landowner prior to enacting a resolution ordering an obstruction removed. Mr. Hart has been working with the Engineer's Office for several months on one particular obstruction case where the landowner has retained legal counsel and the uncertainty of the process has led to a backlog of potential obstruction notices. Mr. Anderson noted that he has 59 individual pending obstructions, 30 on one road (Bauman Hill).

Mr. Hart stated that part of the issue involves obstructions that have existed for decades, such as fences, and how to address those when the landowners goes to remove, repair, or replace them. In the Custer case, Mr. Custer attempted to replace his existing fence, which was in the county right-of-way, with a new fence.

Mr. Hart feels that the 5-day notice letter should not be sent until after the Commissioners hold a hearing where the Engineer presents the obstruction. A resolution ordering the removal of the obstruction would follow.

Mr. Baird stated that no other counties to his knowledge are holding hearings on obstruction matter. He asked what is required and what is not. Mr. Hart stated that a hearing should be held per the situation, similar to the decision rendered recently by Judge Martin. Mr. Camechis asked what if anything is missing from the process.

Mr. Anderson expressed concerns at the delays in addressing the issue, and wants to be sure the process is clear. Mr. Hart stated that he thought that issue had been addressed two months ago – that the Commissioners affirm an obstruction exists per the Engineer.

Commissioner Shupe stated that it would be difficult to hold hearings on such issues without viewings, and the sheer number of hearings could be overwhelming. Commissioner Myers asked what is the hearing process? Mr. Hart stated that it is not delineated, but would likely be comparable to an annexation hearing, where both sides could present arguments, but not like a legal courtroom trial.

Commissioner Myers stated that he had never heard of this hearing process – why is this coming to light now? Mr. Hart stated that his research on the Custer case showed this is what is needed. Commissioner Myers asked about the 5-day notice letter, and when those would be sent. Mr. Baird stated that the Engineer notifies landowners of the obstruction, then typically send a letter signed by both the prosecutor and Engineer. Commissioner Shupe asked if that process worked, and Mr. Baird stated that it usually did.

Mr. Hart stated that if the Engineer is to remove an obstruction, he has to have a resolution from the Commissioners. Commissioner Kiger asked who declares the obstruction? Mr. Hart stated the Board does based upon the Engineer's recommendation. Regarding a hearing, Mr. Hart stated that the form was up to the Board. Commissioner Kiger thanked all for their time, and stated that they would get back to the Engineer with guidance shortly.

Review Items

Commissioner Kiger reported that he had spoken with Joe Spybey relative to the maintenance staff working 40 hours per week. Mr. Spybey had increased the hours of some of the maintenance staff from 37½ hours per week to 40 but did not seek permission to do so from the Board. This has created an unintended problem with the accounting of employee hours and accumulation and usage of sick leave and vacation leave. Commissioner Myers asked when this change was made, and Aunie Cordle stated that it had started about two years ago. Ms. Cordle further stated that the Commissioners needed to set the work hours at 37½ or 40, but could not continue to have the hours set at 37½ and work the employees 40. Commissioner Myers stated that he would like to discuss the issue further with Mr. Spybey, but understood that need to set the hours one way or the other.

Commissioner Shupe asked Ms. Cordle if the two open positions had been posted. Ms. Cordle stated that they had, and would be advertised in the newspaper this weekend and are currently posted internally and on Worknet.

Access Management

Commissioner Myers stated that he would prefer to vote not to accept the plan and have the Engineer re-work the plan. Commissioner Kiger asked what needed to be done to do that, and whether or not two additional hearings would be needed. Mr. Zody stated that the Prosecutor's Office had advised if the Commissioners wished to vote on the plan as amended, two additional public hearings would be required, since the amendments were not part of the previous public hearings.

WESTEC Conference

Commissioner Myers and Commissioner Shupe reported on their attendance to the WESTEC Conference, which focused on water and wastewater management. There were over 1,100 exhibitors and 19,000 attendees at the conference, and some of the issues the Commissioners expressed interest in exploring included sale of treated

sewage sludge for fertilizer, sale of bottled water by the county, and looking at wireless project management software for the Utilities staff to increase efficiencies.

Meeting with Keisha Fallon

Keisha Fallon with Senator Voinovich's Office met with the Board prior to conducting an informal Town Meeting in the Commissioner's hearing room for local elected officials and the public.

Ms. Fallon updated the Commissioners on some of the legislation and issues the Senator was working on, and the Commissioners requested that Ms. Fallon explore some assistance for the County for transportation issues and if any Federal assistance would be available for the proposed county public safety facility.

Adjournment

With no further business to come before the Board, on the motion of Jon Myers and the second of Judith Shupe, the Board of Commissioners voted to adjourn at 12:00 p.m.

Roll call vote on the motion resulted as follows:

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

Mike Kiger
Commissioner

Jon Myers
Commissioner

Judith Shupe
Commissioner

Scott Zody, Clerk/Manager

**THE NEXT REGULAR COMMISSIONERS' MEETING IS SCHEDULED TUESDAY
OCTOBER 23, 2007 AT 10:00 A.M.**