

**Regular Meeting #08-27  
Fairfield County Commissioners' Office  
July 1, 2008**

**9:30 a.m.- Meeting with Joe Spybey**

The Board of Commissioners met at 9:30 a.m. with Facilities Manager Joe Spybey to discuss various renovation and capital improvement projects. Commissioners present included Judith Shupe and Mike Kiger. Also present were Jason Dolin and Scott Zody.

Mr. Spybey provided an overview for some new renovation needs that have arisen, including two projects for the Minimum Security jail (MSMJ) facility. The MSMJ west wall is slowly settling and sinking near the Hocking River and the recommendation is to lift the walls and pump concrete fill to support the wall. Commissioner Shupe stated that particular site has experienced several problems of this nature, and is not a good location. Mr. Spybey estimates those repairs would cost approximately \$18,000.

The second project for the MSMJ is a need to repair the floor covering in the men's and women's dormitories. There used to be carpeting on the floors that was removed some time ago due to wear and is now bare concrete with the carpet adhesive on it. Mr. Spybey recommended covering the concrete with a commercial grade tile rather than simply trying to seal the concrete, as the beds and other furniture would scratch through the sealant. That project would cost approximately \$11,000.

Mr. Spybey stated that there is a fund for repairs to the MSMJ that contains approximately \$24,000, and he should be able to utilize those funds and only request about \$5,000 from the General Fund to complete these projects.

Commissioner Shupe asked if there were any new developments with the Decorative Arts Center (DACO) wall, and Mr. Spybey stated he is continuing to work with Ms. Park to identify a local architect to update the project and costs associated with excavating the soil, resetting the stones, and improving drainage. Mr. Spybey stated that DACO would like to redo the gas lights and lines, and Commissioner Shupe stated that there may not be sufficient funding to do that piece of the project.

Commissioner Kiger asked how much it would cost to update the plans, and Mr. Spybey estimated it would cost around \$5,000. Commissioner Kiger asked if there was a timeline associated with the project, and would it be completed this year, and Mr. Spybey stated that the project would likely begin in the spring of 2009.

Mr. Spybey stated that he has several projects still pending, such as the window replacement at the Job & Family Services building and the repair of the Courthouse cornices. Mr. Spybey stated that he has looked into improving the handicapped access for the amateur radio building on Granville Pike, and there is no easy solution to providing access due to the angle and height of the stairs both inside and outside the building. Commissioner Kiger asked if any other repairs had been done to the building, and Mr. Spybey stated some minor repairs, such as roofing and gutter work have been completed.

Mr. Spybey stated that the Adult Probation Office has requested some bulletproof glass to protect the administrative assistant who greets the public. The cost estimate for such a project is around \$6,000. Commissioner Shupe asked if the office had been experiencing problems, and Mr. Spybey stated that there had been nothing recent that he was aware of, but given the clients that office works with, there could be some safety considerations. Mr. Spybey stated that he is more concerned with the JFS building when it comes to exposure and safety concerns. Commissioner Kiger stated that visitors to Adult Probation already have to pass through security measures in the Hall of Justice, and the Sheriff was supposed to be adding security to the facility, based on funding that was provided last year.

Mr. Spybey stated that the arch glass in the two windows in the Commissioners file room need replaced, and will cost approximately \$2,000.

The carpeting/flooring replacement project for JFS is moving forward, and Mr. Spybey stated that he decided to use high-grade commercial carpeting rather than floor tiles to try to replace as much worn carpeting as possible, as the tile is too expensive.

Mr. Spybey stated that he would like to replace some trees that have been lost to damage or disease at county facilities along Wheeling and Memorial Drive, but will likely hold off until next year and assess funding availability. Mr. Zody suggested that Mr. Spybey consult with an urban forester from the Department of Natural Resources to help select the proper species of trees to survive that environment.

Mr. Spybey reported that, after consulting with JFS, they have decided to open the rear entrance for public traffic and direct the foot traffic to the front desk, rather than install pavement and sidewalks around the building, which should be a much less costly solution. Instead, they will expand and improve the landscaping around the side of the building to limit foot traffic through the grassed areas.

### **10:00 a.m. Commissioners' Regular Meeting**

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, July 1, 2008 beginning at 10:00 a.m., with the following Commissioners present: Judith Shupe and Mike Kiger. Also present were Mary Jane Gard, Michael Orlando, Jim Rauch, Robert Rauch, Jeff Slagell, Robert Oatney, Betty Lou Oatney, Roy Maynard, Gail Ellinger, Frank Anderson, Jeff Camechis, Jason Dolin and Scott Zody.

### **Announcements**

There were no public announcements.

### **Public Comment**

Several members of the public provided comments relative to obstructions along County Road 90 (BIS Road).

Jim Rauch, 1920 Stringtown Road, Lancaster, stated that he has relatives who live on BIS Road, and he had a problem with the Engineer's Office when some improvements were installed at Stringtown and Rainbow Drive, including damage to his yard from equipment, excavating and dumping spoil on his yard. Mr. Rauch stated that he had to contact the Engineer's Office three times to get the damages fixed, and still believes the problems were not fully resolved.

Robert Rauch, 3795 BIS Road, Lancaster, has a plastic fence in his front yard that has been declared an obstruction. He has received two letters from the Engineer ordering him to remove the fence, and has met with staff from the Engineer's Office twice to discuss the situation. He had installed the vinyl fence to replace a woven wire fence that had been in place for approximately 50 years. Mr. Rauch questioned why the Engineer is singling out these obstructions on BIS Road when there are hazards all over the county that have been let go for the past 28 years. In addition, Mr. Rauch stated that he was unhappy with the attitude displayed by the staff from the Engineer's Office.

Jeff Slagell, 3865 BIS Road, Lancaster, stated that his property was affected by the US33 by-pass construction, resulting in the relocation of BIS Road in front of his house, and he assumed that the vacated area in front of his house would become his property, and so he had constructed a fence, which has now been declared a hazard. He has been in contact with ODOT and is attempting to purchase part of a property they still own, and would like to purchase part of the county-owned property as well. He has also received letters from the Engineer's Office, and is willing to move his fence back to 30 feet from the center line of the road.

Robert Oatney, 3845 BIS Road, Lancaster, asked who had the power and authority to make these decisions, the Engineer or the Commissioners. Mr. Oatney stated that he has been getting bounced back and forth between the two, and just wants to find a

reasonable, common sense solution to the issue. Mr. Oatney stated that ODOT wasted money on the by-pass, for example, by building a drainage ditch in front of his house that wasn't needed. Mr. Oatney used to have a fence, but it was removed as part of the by-pass work, and he would like to re-install a fence because he has pine trees in front of his house that have been hit by vehicles on 3 separate occasions.

Mr. Oatney has already had to replace some concrete work he had done on his driveway due to the Engineer's objection.

Roy Maynard, 3325 BIS Road, Lancaster, is a farmer on the back side of the homeowners present and sold some of his property on what is now Darling Terrace to ODOT as part of the by-pass project. Mr. Maynard does not see where these structures could be considered hazards. He would like to buy back some of the property he sold to ODOT, in order to provide access to his current property to build a house, but can't get an answer from ODOT.

Gail Ellinger, Hocking Township Trustee, stated that there needs to be a reasonable solution to address the concerns of the residents. Ms. Ellinger stated that she believes the fences do not pose a hazard, and would simply fall down if struck by a vehicle. Ms. Ellinger asked if the Engineer would require the prison to remove the concrete wall at their entrance on BIS Road.

Frank Anderson, Fairfield County Engineer, provided responses to several of the comments. Mr. Anderson told Mr. Rauch that if he was having problems with his office or staff, he would ask Mr. Rauch to contact him directly and he would address those issues.

Mr. Anderson stated that Mr. Rauch's fence should have been addressed by ODOT, but ODOT refused to take care of any of the obstructions on BIS Road before turning the road over to the county.

Mr. Anderson told Mr. Oatney that his office determines what constitutes an obstruction per the Ohio Revised Code, and Mr. Slagell's fence has been placed on county-owned property, which makes that a trespass issue.

Jeff Camechis with the Engineer's Office stated that the Engineer went through a similar situation this spring on Lake Road with Mr. Custer, and the right-of-ways are established for highway use – fences are hazards and have been proven to cause fatalities. In fact, there was a recent lawsuit involving a hazardous fence that contributed to a fatal accident in a nearby county in the past year.

Mr. Camechis stated that the Engineer's Office has been very proactive in addressing hazards and obstructions, and has been taking a systematic approach to the problem for over 20 years.

Mr. Camechis stated that in Mr. Slagell's case, Mr. Slagell has taken over property that he does not own, and if the county would decide to dispose of the property, it would have to be sold at public auction.

Jason Dolin, Assistant County Prosecutor, stated that he had provided copies of the pertinent Revised Code sections for the landowners to review if they wished. Mr. Dolin stated that it is clear that the Engineer has the authority to make these determinations, and the letters of warning are not required – rather, they are attempts by the Engineer's Office to amicably address the situations.

Betty Lou Oatney, 3845 BIS Road, Lancaster, asked why landscaping needed to be removed if the fences were the main concern. Mrs. Oatney stated that she did not care for the attitude expressed by the Engineer's Office.

Mr. Oatney stated that he would like to have some follow-up come out of this discussion to understand what the next steps are and who is in charge of the decision making process.

Mr. Dolin stated that there is a process and there is a redress to the court system if the residents wished to pursue that avenue. Mr. Dolin encouraged the resident to review the section of Revised Code he had provided. Commissioner Kiger stated that the Engineer is the person charged with determining hazards.

Ms. Ellinger stated that she wanted to emphasize the issues with the proximity of the road to the houses and asked the Engineer to consider these as mitigating factors. Mr. Camechis stated that the Engineer's Office has to be consistent.

#### **Approval of minutes of Thursday June 24, 2008**

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve the minutes for Thursday June 24, 2008.

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

#### **Approval of Declaration of Necessity to levy a tax in excess of the ten mill limitation – Fairfield County Library Board Renewal Levy**

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve a Declaration of Necessity to levy a tax in excess of the ten mill limitation – Fairfield County Library Board Renewal Levy, see resolution 08-07.01.a

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

#### **Approval of a Contract for Services between the Fairfield County Board of Commissioners, administrative agent for the Fairfield County Family, Adult and Children First Council and Fairfield County TeenWorks**

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve a Contract for Services between the Fairfield County Board of Commissioners, administrative agent for the Fairfield County Family, Adult and Children First Council and Fairfield County TeenWorks, see resolution 08-07.01.b

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

#### **Approval of Parking Lease Resolutions**

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve resolutions relative to parking leases as follows:

08-07.01.c                      Approval of terminating a parking lease between the Fairfield County Commissioners and the City of Lancaster, Municipal Court

08-07.01.d                      Approval of a lease agreement for parking between the Fairfield County Commissioners and Downtown Lancaster Enterprises, LLC

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

#### **Approval of Revised Prima Facie Speed Limit for Drinkle Road SW, Madison Township**

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve a revised speed limit for Drinkle Road SW, Madison Township, see resolution 08-07.01.e

Roll call vote of the motion resulted as follows:

Voting aye thereon: Mike Kiger and Judith Shupe

**Approval of construction drawings for the HOC-44 FAI-33A-07.34 City of Lancaster US33A over the Hocking River Bridge Repair Project**

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve the construction drawings for the HOC-44 FAI-33A-07.34 City of Lancaster US33A over the Hocking River Bridge Repair Project, see resolution 08-07.01.f.

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

**Approval of establishing, altering & widening of Marcy Road (CR41) Bloom Township, Fairfield County, declaration of necessity and setting a Commissioner viewing date of July 22, 2008 at 9:00 a.m. and a final hearing date of July 22, 2008 at 11:00 a.m.**

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve the establishing, altering & widening of Marcy Road (CR41) Bloom Township, Fairfield County, declaration of necessity and setting a Commissioner viewing date of July 22, 2008 at 9:00 a.m. and a final hearing date of July 22, 2008 at 11:00 a.m., see resolution 08-07.01.g

Frank Anderson stated that he intends to submit this project as an Ohio Public Works Commission grant project.

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

**Approval of a Purchase of Service Contract by & between Fairfield County Job & Family Services Visitation Center and Jason E. Condrac**

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve a Approval of a Purchase of Service Contract by & between Fairfield County Job & Family Services Visitation Center and Jason E. Condrac, see resolution 08-07.01.h.

Michael Orlando stated that the contract will provide services as required by the Ohio Revised Code.

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

**Approval of Job & Family contract resolutions**

On motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve a Job & Family Services contract resolutions as follows:

- 08-07.01.i                      Approval of a Purchase of Service Contract by and between Fairfield County Job & Family Services, Child Protective Services and Fairfield Information Services & Associates
  
- 08-07.01.j                      Approval of a Purchase of Service Contract by and between Fairfield County Job & Family Services, Child Protective Services and Fairfield Information Services & Associates
  
- 08-07.01.k                      Approval of a Purchase of Service Contract by and between Fairfield County Job & Family Services, Child Protective Services and Licking County Department of Job & Family Services

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

### **Approval of Financial Resolutions**

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve the following financial resolutions:

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| 08-07.01.l | Approval to amend certificate, update receipts, and appropriate from unappropriated – FMIS – Finance System Fund                       |
| 08-07.01.m | Approval to amend certificate, update revenue accounts, and appropriate from unappropriated – Airport Federal Funds – FY2008 FAA Grant |
| 08-07.01.n | Approval of payment of a voucher without appropriate carry-over purchase order – Engineer  |
| 08-07.01.o | Approval of payment of a voucher without appropriate carry-over purchase order – Engineer  |
| 08-07.01.p | Approval of payment of a voucher without appropriate carry-over purchase order – Job & Family Services                                 |
| 08-07.01.q | Approval of account to account transfer – Domestic Relations Court   |
| 08-07.01.r | Approval of account to account transfer – Major Crimes Unit  |
| 08-07.01.s | Approval of account to account transfer – Commissioners  |
| 08-07.01.t | Approval of account to account transfer – FACFC  |
| 08-07.01.u | Approval of account to account transfer – FACFC  |
| 08-07.01.v | Approval to Appropriate from Unappropriated – Engineer   |
| 08-07.01.w | Approval to Appropriate from Unappropriated – Auditor  |
| 08-07.01.x | Approval to Appropriate from Unappropriated – Economic Development   |

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

### **Payment of Bills**

On the motion of Mike Kiger and second of Judith Shupe, the Board of Commissioners voted to approve the authorization for payment of bills, July 1, 2008, check date July 3, 2008, see resolution 08-07.01.y.

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

### **Review Session, cont.**

The Board of Commissioners met at 10:35 a.m. to review correspondence and future and pending action items. Commissioners present included Judith Shupe and Mike Kiger. Also present were Jason Dolin and Scott Zody.

Mr. Dolin provided an update on several legal issues he has been working on, and reported that he has investigated the question of whether or not the Board is required to physically view road vacations and Engineer projects or if it could be conducted via video tape or streaming video. Mr. Dolin stated that because to Revised Code does not specifically allow virtual viewings and the statute is fairly old, he does not believe that

virtual viewings would be permitted. Commissioner Shupe stated that she could understand the need to actually view the road vacations but had hoped there could be some leeway on the small Engineer projects such as culvert replacements.

Mr. Dolin reported that he and Mr. Zody have been working with the City of Lancaster on two annexations, one involving city-owned property (Cedarlen Park) and one involving state-owned property (Department of Public Safety).

Mr. Zody informed the Board that he had heard from Jim Kunde, and although Mr. Kunde is semi-retired, he is interested in once again helping facilitate the annual Budget Retreat and work with Maggie Lewis. The Board directed Mr. Zody to contact Mr. Kunde and work out the details.

The Board directed Mr. Zody to contact Karen Rotkis with Main Street Lancaster relative to a request they had received to place a piece of sculpture on display at the Job & Family Services facility.

Commissioner Shupe stated that she had received a letter from one of two neighbors in Violet Township involved in a dispute over a tree that had been planted by one of them in a township road right-of-way. Apparently, the matter had been to court and had been either dismissed or ruled upon and the neighbor who wants the tree removed is now contacting the Board and requesting their involvement/assistance. Commissioner Shupe provided the packet to Mr. Zody and requested that he work with Mr. Dolin and report back to the Board with their findings.

### **Adjournment**

With no further business to come before the Board, on the motion of Mike Kiger and second of Judith Shupe, 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 and Judith Shupe

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Mike Kiger  
Commissioner

Jon D. Myers  
Commissioner

Judith K. Shupe  
Commissioner

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Scott A. Zody, Clerk/Manager

**THE NEXT COMMISSIONERS' REGULAR MEETING IS SCHEDULED TUESDAY  
JULY 8, 2008 AT 10:00 A.M.**