

**Regular Meeting #08-29
Fairfield County Commissioners' Office
July 15, 2008**

9:30 a.m.- Meeting with County Engineer Frank Anderson

The Board of Commissioners met at 9:30 a.m. with County Engineer Frank Anderson to discuss various county road obstruction issue. Commissioners present included Jon Myers and Mike Kiger. Also present were Jeff Camechis, Jeff Baird, Jason Dolin and Scott Zody.

Mr. Zody asked Mr. Anderson if he had received the most recent letter from Robert and Suzanne Rauch relative to their fence on BIS Road. Mr. Anderson stated that he had not yet seen the letter, and Mr. Zody provided Mr. Anderson with a copy. Upon review, Mr. Anderson stated that Mr. Rauch's action of merely removing the top board of the fence does not constitute removal of the obstruction, and that he would contact Mr. Rauch and instruct him to totally remove the fence. Mr. Camechis stated that in one of his conversations with Mr. Rauch, Mr. Rauch specifically stated that if Mr. Custer had to move his fence, he would move his own fence, and since Mr. Custer's fence has been removed, Mr. Rauch should now remove his.

Commissioner Myers asked Mr. Anderson if he would contact Mr. Rauch, and Mr. Anderson stated he would.

Regarding the Slagell request to vacate a portion of BIS Road to address their obstruction issue, all agreed that it would be reasonable for the county to vacate a portion of the old right-of-way where BIS used to run, but Mr. Camechis stated that the county had to retain all of the fee simple, county-owned property. Commissioner Myers asked if the Slagell's were aware of what is being considered, and Commissioner Kiger stated that as far as he was aware, the Slagell's knew that this was being contemplated. Mr. Zody stated that he and Commissioner Shupe had met with Mrs. Slagell last week to discuss the issue, and Mr. Zody had met with Andy Boystel from the Map Room and Mr. Anderson as well to try to determine the area that could be vacated. Mr. Zody stated that he had informed Mrs. Slagell that the old right-of-way could be partially vacated, and the Slagell's understood that none of the county-owned property could be relinquished.

Mr. Camechis stated that Mr. Slagell would need to have the property surveyed for the vacation petition, and Mr. Zody asked if the Engineer's office could conduct the survey or participate in the survey. Mr. Baird stated that, while he and other in the Engineer's Office are registered surveyors, their work is limited to actual road projects, such as construction or repair projects. Mr. Baird further stated that the public can request a survey if there is a dispute over a right-of-way, but for road or alley vacations, the Engineer has never conducted surveys as it is the responsibility of the petitioner to provide an accurate survey. In addition, if a citizen requests a specific survey, the Engineer charges the requester the cost of that survey.

Commissioner Kiger asked if the vacation would affect any future plans for an intersection at BIS Road and the US 33 by-pass, and Mr. Camechis stated that if that would ever happen, ODOT would acquire any additional right-of-way necessary for the project, and it would be unlikely to affect the Slagell's.

Mr. Zody stated that he would contact the Slagell's and advise them to obtain a survey.

Mr. Baird provided an overview relative to two additional obstructions that involve driveways that were installed without obtaining the proper permits from the Engineer's Office, one of which was installed despite a deed restriction prohibiting it (Steele's).

Mr. Baird explained that in the Steele's case, they requested a lot split through the Regional Planning Commission (RPC), and as part of the split, the Steele's agreed to place a deed restriction on their property specifying where any ingress/egress could be installed. Now, the Steele's have installed the driveway exactly where the Engineer told

them not to, and the Engineer wants it removed. Mr. Camechis added that the Steele's failed to obtain a permit per the Ohio Revised Code as well.

Mr. Dolin stated that the issue is whether or not that particular section of ORC cited (5547.03) is the correct vehicle to enforce this issue, and he does not believe it is based upon his review of a recent Supreme Court case relative to obstructions. Mr. Camechis stated the section relative to permits is 5547.16, and Mr. Dolin stated that he would look into that section and see what processes and procedures are in place to enforce that section.

Mr. Camechis stated that some time ago, the Engineer's Office was advised to use the term "obstruction" by the Prosecutor's Office to cover all issues that might interfere with road travel. Mr. Anderson asked if an obstruction could be considered something that might temporarily block roadway access, like a vehicle pulling out of a blind drive, and Mr. Dolin stated that obstructions only apply to fixed objects.

Mr. Dolin asked how the deed restriction was applied to the property, and Mr. Camechis explained that the Steele's applied for a lot split through the RPC, and the Engineer objected to the split unless the deed restriction was adopted to prevent a hazardous drive from being installed, and the Steele's agreed to the restriction, but still went ahead and installed the drive. Commissioner Kiger stated the RPC should have a record of that in their proceedings or minutes.

Commissioner Myers stated that the question becomes what vehicle to pursue in order to address the issue. Mr. Dolin stated that the Steele's situation is somewhat different from a hazard or obstruction and the Engineer may have to pursue an injunction through the court system.

Commissioner Myers asked if the other sections of Revised Code would apply to the driveway, and Mr. Dolin stated that he would need to research those issues and let the Board and Mr. Anderson know his findings.

Mr. Camechis asked about the other issue involving a ditch enclosure that they believe is an obstruction, and Mr. Dolin stated that he believes that situation would be very similar to the recent Supreme Court ruling, and doubts it would be considered an obstruction.

10:00 a.m. Commissioners' Regular Meeting

A regular meeting of the Fairfield County Board of Commissioners was held on Tuesday, July 15, 2008 beginning at 10:00 a.m., with the following Commissioners present: Jon Myers and Mike Kiger. Also present were Lynette Leach, Jason Dolin and Scott Zody.

Announcements

Mr. Zody announced there would be one add-on resolution for the Regional Planning Commission.

Public Comment

There were no public comments.

Approval of minutes of Tuesday July 8, 2008

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the minutes for Tuesday July 8, 2008.

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

Approval to sell two(2) vehicles at the City of Lancaster Auction – Major Crimes Unit

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the sale of two(2) vehicles at the City of Lancaster auction for the Major Crimes Unit, see resolution 08-15.08.a

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

Approval of Contract Bid Award for the FAI-CR17-7,471 Pleasantville Road NE Drainage Improvement Project – Engineer

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve a contract bid award for the FAI-CR17-7.471 Pleasantville Road NE Drainage Improvement Project, see resolution 08-15.08.b

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

Approval of the Quarterly Report for the 2008 OCJS Grant Award for the Major Crimes Unit

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the quarterly report for the 2008 OCJS Grant Award for the Major Crimes Unit, see resolution 08-15.08.c.

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

Approval of Subordination of Mortgage of Jeff and Kellie Fiedls – FY2000-2002 CHIP Program

On motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the subordination of a mortgage of Jeff and Kellie Fields, FY2000-2002 CHIP Program, see resolution 08-15.08.d

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

Approval of Financial Resolutions

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

- 08-07.15.e Approval of BWC 2007 Group Pool Reimbursement
- 08-07.15.f Approval to Purchase a Vehicle – Fairfield County Real Estate
- 08-07.15.g Approval of a Purchase of Service Contract by & between Fairfield County Job & Family Services and IForce, Inc.
- 08-07.15.h Approval of a Contract between Fairfield County Job & Family Services and the Child Advocacy Center of Fairfield County to purchase prevention education services
- 08-07.15.i Approval of Amended Certificate & Receipts and Appropriations – Fund 2709 – Ed Byrne Memorial Justice Fund – Sheriff's Office
- 08-07.15.j Approval of Fund to Fund Transfer – Multi-County Juvenile Detention Center, 3rd Quarter

08-07.15.k	Approval of Fund to Fund Transfer – Multi-County Juvenile Detention Center, 3 rd Quarter
08-07.15.l	Approval of Account to Account Transfer – Family, Adult and Children First
08-07.15.m	Approval of Account to Account Transfer - Older Adult Services Levy
08-07.15.n	Approval of Account to Account Transfer - Common Pleas Court
08-07.15.o	Approval of Account to Account Transfer - Juvenile Court
08-07.15.p	Approval to Appropriate from Unappropriated - Engineer
08-07.15.q	Approval to Appropriate from Unappropriated - Engineer
08-07.15.r	Approval to Appropriate from Unappropriated - Engineer
08-07.15.s	Approval to Appropriate from Unappropriated – Family, Adult & Children First Council

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

Payment of Bills

On the motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the authorization for payment of bills, July 15, 2008, check date July 18, 2008, see resolution 08-15.08.t.

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

Approval of Replat of Reserve A & B – New England Acres Section 4 – Regional Planning

On the motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to approve the replat of Reserve A & B – new England Acres Section 4, see resolution 08-07.15.u.

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

Review Session

The Board of Commissioners met at 10:15 a.m. to review correspondence and future and pending action items. Commissioners present included Jon Myers and Mike Kiger. Also present were Jason Dolin, Tony Vogel and Scott Zody.

Commissioner Myers stated that he would plan to attend the upcoming special meeting of the District Advisory Council that has been called to discuss Department of Health fees.

The Board received a request from Ralph Featherolf to once again provide auctioneer services for the annual County sale of salvage equipment. Commissioner Kiger stated that some time ago he had received a request from another auctioneer to provide the same services, and he would contact that party to see if they were still interested. If so, the Board would request proposals from all interested parties to bid out the auctioneer services.

The Board approved a request from Facilities Manager Joe Spybey to apply for Solid Waste District grant funding to purchase additional recycled plastic benches, tables, and trash receptacles for County facilities.

The Commissioners directed Mr. Zody to set the date of August 21st for the next County elected officials and department head Roundtable meeting, and to approve Auditor Barb Curtiss' request to have Paul Unger present his findings of his public records storage survey.

Mr. Dolin and Mr. Vogel provided a briefing relative to a letter received from a former County Utilities employee, Tom Smith, which alleges that County Utility Department employees are using county property for personal use, including telephones, computers, cell phones, and vehicles. Mr. Dolin suggested sending Mr. Smith a letter asking him to provide specific information relative to these alleged incidents to the Sheriff's Office or appropriate local law enforcement jurisdictions, as the Prosecutor's Offices does not possess the necessary investigatory staff to look into such allegations. The Board directed Mr. Dolin to draft an appropriate response letter for their review.

The Board directed Mr. Zody to check with Facilities Manager Joe Spybey on the status of a request for proposals to operate the car wash on Lincoln Avenue that was sent out a few weeks previously.

Commissioner Kiger stated that he had met with Jim George from 90.9 FM, and the station is offering to provide the Commissioners with a weekly 15-minute time slot to do a show. The Board directed Mr. Zody to put the item on the following week's review agenda for further discussion.

Ohio State University Ag Extension Quarterly Update Meeting

The Board of Commissioners met with representatives of the OSU Ag Extension Office for a Quarterly Update Meeting. Commissioner present included Jon Myers and Mike Kiger. Also present were Jim Skeeles, Cora French-Robinson, Hannah Kohler, Jason Dolin, and Scott Zody.

Ms. Kohler provided an update on the 4H Programs, noting that attendance was up this year for Senior and Junior Summer Camp, but was down slightly for the younger children. In addition, Community Club membership has also risen slightly this year, and the new 4H building at the Fairgrounds

Commissioner Kiger asked if the Community Clubs were something different from the 4H Clubs, and Ms. Kohler stated they refer to the 4H Clubs as Community Clubs and they are the same entities separated by age and group. Commissioner Myers asked Ms. Kohler if she was conducting any school visits, and Ms. Kohler stated that she visits every school in the county.

Ms. Cora-Robinson provided an update on Family & Consumer Sciences activities, including courses on personal finance for students and adults, and noted that she is planning to hold financial training this fall at Bloom Carroll, Amanda Clearcreek, and Berne Union local schools. Ms. Cora-Robinson also informed the Board that their quarterly newsletter will be coming out soon, and she has applied for a grant to fund a full-time nutritionist position to work with disadvantaged families on family nutrition.

Mr. Skeeles introduced himself as the new Ag Educator. Mr. Skeeles started his career in Fairfield County in 1978, then moved to Ashland County for several years before relocating back to Hocking County as a ½ time Ag Educator. He is now splitting his time between Fairfield and Hocking counties. Mr. Skeeles has two Program Assistants to help with his programs.

Mr. Skeeles stated that beef cattle and hog producers are struggling right now with the cost of feed, fertilizer, fuel, and land rent costs skyrocketing. Grain farmers are having a less difficult time, but 20% of the nation's corn production is now going into ethanol, which is tightening the supply for corn.

Mr. Skeeles stated that he believes there is a major trend shift occurring in agriculture now towards larger, industrial style farms and the traditional family farm is fast disappearing.

Commissioner Myers asked if the producers have any ability to raise their prices to help alleviate the problem, and Mr. Skeeles explained that the producers are in such competition as a group that it is impossible for individual producers to affect prices for their products. Mr. Skeeles is working on some direct marketing programs to try to help out local producers, like farmer's markets.

Commissioner Kiger suggested that Mr. Skeeles contact Historical Parks Director Dave Fey to see if the Master Gardeners would be willing to do some work in the Historical Parks.

Adjournment

With no further business to come before the Board, on the motion of Mike Kiger and second of Jon Myers, the Board of Commissioners voted to adjourn at 11:45 a.m.

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

Mike Kiger
Commissioner

Jon D. Myers
Commissioner

Judith K. Shupe
Commissioner

Scott A. Zody, Clerk/Manager

**THE NEXT COMMISSIONERS' REGULAR MEETING IS SCHEDULED TUESDAY
JULY 22, 2008 AT 10:00 A.M.**