



*Fairfield County  
Regional Planning Commission*

Courthouse, 210 East Main Street • Room 104  
Lancaster, Ohio 43130

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Phone: (740) 652-7110

Fax: (740) 681-4713

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TO: Fairfield County Regional Planning Commission

FROM: Holly R. Mattei, AICP,  
Executive Director

DATE: March 29, 2011

SUBJECT: Meeting Notice and Agenda

There will be a meeting of the Fairfield County Regional Planning Commission on **Tuesday, April 5, 2011, at 7:30 p.m.** The meeting will be held at the Fairfield County Courthouse, Commissioners' Hearing Room, 3rd floor, 210 E. Main St., Lancaster, Ohio. **Please call 652-7110 to check the status of the meeting on our answering machine in case of inclement weather conditions.**

The tentative agenda will be as follows:

1. Approval of minutes of the February 1, 2011, RPC meeting (see enclosed)
2. President's Report
3. Presentation – Holly Mattei will present the 2010 RPC Annual Report (see enclosed)
4. Subdivision Activities
  - a) Variance to Section 2.1.1(F) – Toll Gate Road Lot Split (Parcel #036-00897.00) Violet Township (see enclosed)
5. Zoning Map Amendment
  - a) Applicant: Jeremy & Bethany Mills  
R-R Rural Residential to PRB Planned Rural Business District  
Berne Township (see enclosed)
6. Revisions to RPC By-Laws/Rules and Procedures and RPC Personnel Manual (see enclosed)
7. Bills (see enclosed)
8. Other Business

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Holly R. Mattei, AICP  
Executive Director

email: [rpc@co.fairfield.oh.us](mailto:rpc@co.fairfield.oh.us)

**AGENDA ITEM 1**

**MINUTES**

**February 1, 2011**

The minutes of the Fairfield County Regional Planning Commission meeting held at the Fairfield County Courthouse, Third Floor, Commissioners Hearing Room, 210 East Main Street, Lancaster, Ohio.

Presiding: Jim Hochradel, President

Present: Joe Henderson, Kent Huston, Doug Ingram, Dean LaRue, Harry Myers, John Reef, Peter Rockwood, Dan Singer, Mary Snider, Phil Stringer, Bill Yaple, Holly Mattei (Executive Director), James Mako (Senior Planner), Denis de Verteuil (Intern), and Gail Beck (Adm. Asst).

**ITEM 1. MINUTES**

The Minutes of the January 4, 2011 Fairfield County Regional Planning Commission meeting were presented for approval. Bill Yaple made a motion for approval of the minutes. Peter Rockwood seconded the motion. The motion passed.

**ITEM 2. PRESIDENT'S REPORT**

Jim Hochradel welcomed everyone to the meeting. He also announced that there would be an Executive Committee meeting after the RPC meeting to discuss budget matters.

**ITEM 3. PRESENTATION**

Holly Mattei gave a presentation on the Agricultural Economic Development Plan.

**ITEM 4. SUBDIVISION ACTIVITIES**

Holly Mattei presented the following report:

**ITEM 4a. SUBDIVISION:** Eversole Business Park – Variance Request

**OWNER/DEVELOPER:** Steve Eversole

**ENGINEER/SURVEYOR:** Clark & Associates

**LOCATION AND DESCRIPTION:** The proposed Eversole Business Park is located in Greenfield Township, Section 27, Township 15, Range 19. It includes the extension of Victor Road to Election House Road. The preliminary plan includes 14 lots on approximately 41 acres. The Subdivision Regulations Committee reviewed this preliminary plan in November 2009 and January 2010 and made its recommendation at its January 25, 2010 meeting. The RPC approved the preliminary plan with conditions at its May 4, 2010 meeting.

The developer is requesting a variance to Section 4.14.2, which requires 12 feet of serviceable area on each side of a drainage facility. The construction drawings for the Eversole Business Park include a drainage facility that outlets across lots 2 and 3 to Setter Court in the G&M subdivision. The applicable portion of the construction drawings that show the plan view of this proposed outlet was included in the RPC packet.

There is currently a 20 foot easement on lots 2 and 3 of the G&M subdivision (10 feet each side). The applicant is proposing to obtain a 15-foot drainage easement that overlaps the 10 foot easement on lot 3 of the G&M subdivision. The applicant pursued a 15-foot drainage easement over the existing 10 foot easement on lot 2 but was not able to obtain this easement from the owner of lot 2. Therefore, the applicant is proposing no additional easements on lot 2 of the G&M subdivision. Only the existing 10-foot easement on this lot would remain.

**SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION:** The Subdivision Regulations Committee recommends that the construction drawings be revised to show the proposed drainage improvements completely within the 15-foot drainage easement that will be obtained from the lot #3 owner. The Subdivision Regulations Committee further recommends the following:

1. That the applicant pursue obtaining additional easement width on lot #3 to comply with the width requirements within the subdivision regulations – if this is obtained a variance will not be needed.

If the applicant cannot obtain the additional easement width on lot #3, then the Subdivision Regulations Committee recommends approval of the variance to allow a total 25 foot easement (15 foot drainage easement on lot 3 with the existing 10-foot easement on lot 2), provided that the 10-foot easement on lot #2 be used only for access purposes and no drainage improvements are constructed within this 10-foot easement.

The Subdivision Regulations Committee also recommends that the applicant pursue obtaining drainage easement language over the 10-foot existing easement on lot #2 (without the additional 5 feet that the applicant originally requested from the lot #2 owner). Although this is a preferred

SUBDIVISION: Eversole Business Park – Variance Request - Continued

option, this is not a requirement of variance approval provided the existing 10-foot easement is only used for access purposes and no drainage improvements are constructed within it.

A motion was made by Phil Stringer to approve the recommendation of the Subdivision Regulations Committee. Kent Huston seconded the motion. Motion passed.

**ITEM 5.** James Mako gave an update on the FEMA map modernization process.

**ITEM 6.** James Mako discussed the upcoming CDBG application process and conducted a Fair Housing training.

Holly Mattei presented the following bills for payment:

**ITEM 7. BILLS**

530005	CONTRACT SERVICES - OTHER	\$ 175.00
558000	TRAVEL & EXPENSES	<u>66.68</u>
	TOTAL	\$ 241.68

A motion was made by Doug Ingram to approve the bills for payment. Mary Snider seconded the motion. Motion passed.

**ITEM 8. OTHER BUSINESS**

Jim Hochradel was congratulated on the recent award he received from the Village of Baltimore Chamber of Commerce. Denis de Verteuil was introduced as the new RPC intern from OSU.

There being no further business, a motion was made to adjourn the meeting by Doug Ingram and seconded by Kent Huston. Motion carried.

Minutes Approved By:

\_\_\_\_\_  
James R. Hochradel, President

\_\_\_\_\_  
Mary K. Snider, Secretary

## **AGENDA ITEM 4a**

**SUBDIVISION:** Variance to Section 2.1.1(F) – Toll Gate Road Lot Split (Parcel # 036-00897.00)

**OWNER/DEVELOPER:** Sam and Mary Fairchild

**ENGINEER/SURVEYOR:** Tobin – McFarland Surveying, Inc.

**DATE:** March 28, 2011

**LOCATION AND DESCRIPTION:** The property in question is parcel #036-00897.00, which is located on the west side of Toll Gate Road in Violet Township Section 25, Township 16, Range 20. The property in question currently consists of approximately 10 acres. The applicant is proposing to split 6.44 acres to tie to the property to the south, leaving a 3.56 acre parcel.

The Flood Insurance Rate Maps (FIRMs) show this parcel as being within an approximate A zone with no floodway established. This parcel also falls within the area included in the Sycamore Creek Study where a floodway and base flood elevations have been determined. The Regional Planning Commission utilizes this study as the “best available data” when determining whether flood plain or floodway exists on a property. According to the Sycamore Creek Study, the 3.56 acre parcel would include floodway and would therefore violate Section 2.1.1(F) of the Fairfield County Subdivision Regulations, which prohibits minor subdivisions involving floodway.

The applicant is requesting a variance to this section of the Subdivision Regulations arguing that there is conflicting data and the existing structures on the 3.56 acre parcel sit on extremely high banks 32 feet above Sycamore Creek. According to the applicant, any flooding would occur primarily on the 6.44 acres that is being tied to the parcel to the south and will not be utilized as a separate building site.

**SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION:** The Subdivision Regulations Committee recommends that the applicant be required to revise the survey to show the location of existing structures and the floodplain/floodway boundaries according to the data in the Sycamore Creek Study. Furthermore, the Subdivision Regulations Committee recommends approval of the variance to Section 2.1.1(F) provided that the revised survey shows the existing structures outside of the floodway/floodplain.

03/18315



**LEGEND**

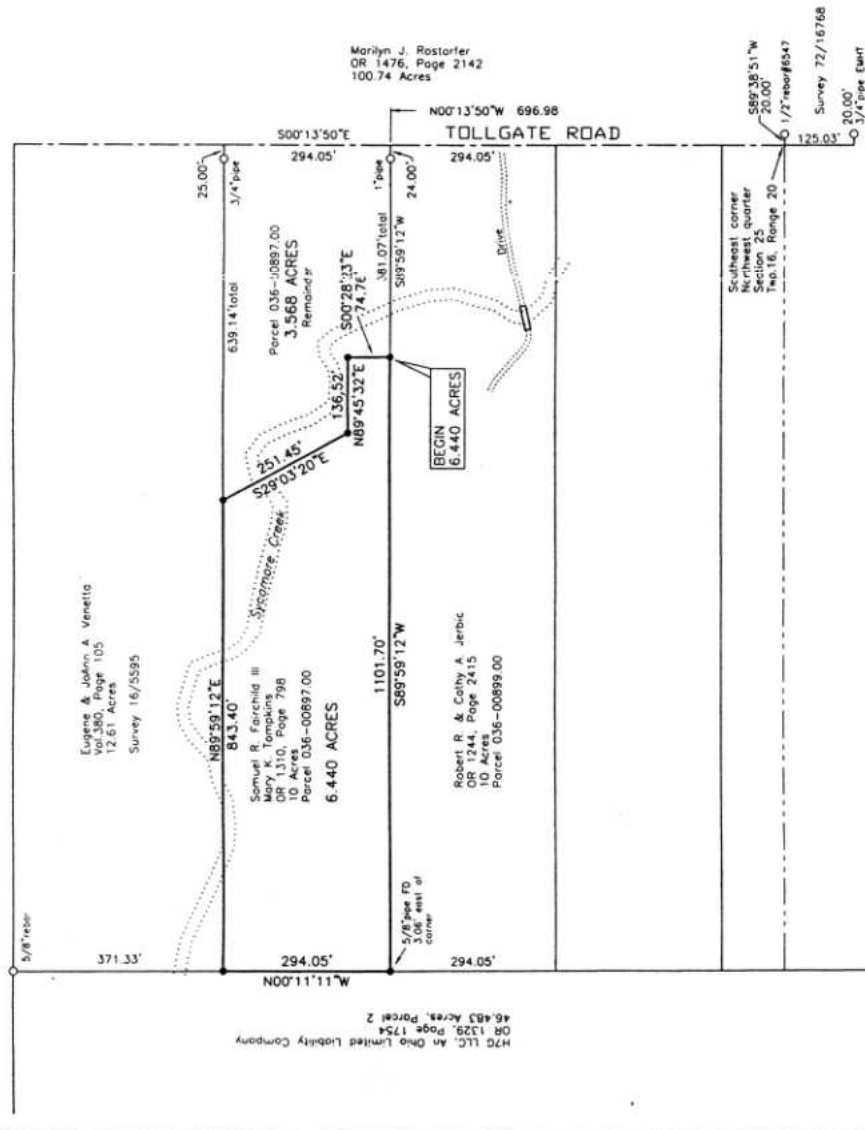
- 5/8" x 36" rebar set with a "Tobin-McFarland" ID cap
  - 5/8" x 36" "Tobin-McFarland" rebar previously set.
  - Iron pipe (or other) found, as labelled
  - ▲ Railroad spike set or previously set, as labelled.
  - ▲ Railroad spike found
- Resources used that are pertinent to this survey are shown on this plot.
- Bearings are based on the east line of the northwest quarter of Section 25 being N00°13'50"W.
- Based on Community Panel 3901380010E, 9/19/2007 the property is in Flood Zones A and X.

STATE OF OHIO  
 FAIRFIELD COUNTY  
 VIOLET TOWNSHIP  
 TWP.16, RANGE 20  
 SECTION 25  
 NORTHWEST QUARTER

For: Robert and Cathy Jerbic  
 Date of Drawing: Feb.25, 2011

BY: *Richard H. Jendland 2/05/11*  
 Registered Surveyor No.6416 Date

**TOBIN-MCFARLAND SURVEYING INC.**  
 111 West Wheeling Street  
 Lancaster, Ohio 43130  
 Ph. 740-687-1710 Fax 740-687-0877



APPLICATION FOR VARIANCE TO FAIRFIELD COUNTY  
SUBDIVISION REGULATIONS

Contact Information

Name of Applicant: SAM + MARY FAIRCHILD  
Mailing Address: 12677 Toll Gate Rd., Pickerington, OH 43147  
Phone Number: Home: 614-563-9804 Business: \_\_\_\_\_

Site Location

Road 12677 Toll Gate Rd Parcel No. 036-00897.00  
Section 25 Township No. 16 Range 20 Township WICKLE T

Regulations Governing Variance Requests

Variance requests are reviewed first by the Subdivision Regulations Committee, which makes a recommendation to the Regional Planning Commission. In granting a variance these bodies examine each case for the following conditions:

1. Due to exceptional topographic or other physical conditions, strict compliance with the subdivision regulations would result in extraordinary and unnecessary hardship.
2. The special conditions do not result from previous actions of the applicant and the requested variance is the minimum variance that will allow a reasonable use of the land or buildings.
3. Granting a variance will not result in any detriment to the public interest and will not impair the intent of the Fairfield County Subdivision Regulations or comprehensive plan.

**Nature of Variance** – Please provide a brief description of the nature of the variance request, taking into consideration the previous section. Also, provide the specific section and text from the Fairfield County Subdivision Regulations, from which you are requesting a variance, attach additional sheets if necessary.

SEE ATTACHMENT #1

In addition to this sheet, you must provide us with a copy of a plan, drawn to scale, which shows the dimensions and shape of the lot, the size and locations of existing and proposed buildings, the location of any adjoining property owned by the applicant, and any natural or topographic peculiarities of the lot in question.

I certify that the information contained in this application and its supplements is true and correct.

Applicant: SAM + MARY FAIRCHILD Date: 3/11/2011  
By: Daniel J. Gregor  
DANIEL J. GREGOR, Agent  
PH: 614-548-0531

TO: Fairfield County Regional Planning Commission

I was recently advised by Regional Planning that our proposed split of Parcel #036-00897.00 (see attached survey) could not be immediately approved because of 2.1.1 section F of the Fairfield County Subdivision Regulations. Section F states that "Minor subdivisions shall not be granted within any floodway noted in the latest flood hazard studies completed within Fairfield County."

My understanding of the situation is that the most recent (2007) FIRM maps do not show Sycamore Creek as a "floodway". Our assumption based on the 2007 FIRM was that this property split would likely be approved. A second reference source of Regional Planning was the older (2000) USDA Sycamore Creek Flood Plain Management Study which did show a "floodway" area.

Our request before you is that the proposed split be permitted. Attached are all the approvals to this point and we feel the following will lead to a favorable review:

- 1) The 6.44 acre parcel being split from the original 10 acres is to be joined to the neighboring property, Parcel #036-00899.00. There is no road frontage involved in the transfer and they are purchasing the property to ensure their views remain undisturbed. No additional buildings or structures are to be built.
- 2) The remaining 3.568 acres has a single family home built in 1975 and a small barn/utility building. Both are located on the east side of Sycamore Creek. The health department has already reviewed the site and approved the proposed split.
- 3) The existing house and barn, on the east of the creek, sit on extremely high banks 32 feet above Sycamore Creek, see the attached elevation map. These structures are well above and outside the flood hazard area, see the USDA-Sycamore Creek map attached. Any flooding, whether 100 year or 500 year floods would occur primarily on the 6.44 acre uninhabited ground leaving the existing dwelling on the remainder untouched. See the water Surface Profiles for Sycamore Creek, USDA with the subject property shown in red and referenced to elevation above MSL.
- 4) With there only being a change in ownership with no new construction and no change in present use, the existing dwellings are all already on the east side of the creek, and the major stumbling block to the approval being the discrepancy between the FIRM maps and the older USDA study my hope is that it appears logical to grant a variance to the regulation or approve the split based on the most recent data in the FIRM maps.

Thank you for your consideration.

Dan Gregor  
Agent for the Sellers  
Sam & Mary Fairchild

**GENERAL WARRANTY DEED WITH SURVIVORSHIP**

KNOW ALL MEN BY THESE PRESENTS, that **Samuel R. Fairchild III and Mary K. Tompkins, nka Mary K. Fairchild, Husband and Wife** ("Grantors"), of Fairfield County, Ohio, for valuable consideration paid, grants, with general warranty covenants, to **Robert R. Jerbic and Cathy A. Jerbic, Husband and Wife** ("Grantees"), for their joint lives remainder to the survivor of them whose tax mailing address is

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the following real property:

**Being further described at Exhibit "A" attached**

Prior Instrument Reference: \_\_\_\_\_ Fairfield County Recorder

Parcel Number PARENT PARCEL #0360089700

Property Address: 6.440 Acres Tollgate Rd NW Pickerington Oh 43147

This conveyance is:

- 1) Subject to easements, conditions, covenants, restrictions and reservations of record, zoning ordinances, building, use and occupancy restrictions, and all existing public streets and legal highways, if any,
- 2) The lien of real estate taxes and assessments not yet due and payable.

IN WITNESS WHEREOF, the said Grantors have caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
**Samuel R. Fairchild III**

\_\_\_\_\_  
**Mary K. Tompkins, nka Mary K. Fairchild**

STATE OF \_\_\_\_\_

: ss.

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2011, the foregoing instrument was acknowledged before me, a Notary Public in and for said State, by **Samuel R. Fairchild III** and **Mary K. Tompkins, nka Mary K. Fairchild**, who acknowledged the signing thereof to be their voluntary act and deed. In testimony thereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

\_\_\_\_\_  
Notary Public

This instrument prepared by: Forsythe, Mills & Neff, Co. L.P.A., Attorneys at Law

**AGENDA ITEM 5a**

**Berne Township Map Amendment**

**APPLICANT:** Jeremy & Bethany Mills

**LOCATION & DESCRIPTION:** The property proposed for rezoning is approximately 9.66 acres located at 4814 Chicken Coop Hill Road in Berne Township, Section 26, Township 14, Range 18.

**EXISTING ZONING:** R-R Rural Residential District- is established to provide areas for large lot single family residential development reflecting very low density and a rural lifestyle.

**EXISTING LAND USE:** Single family residence with outbuildings

**PROPOSED REZONING:** PRB Planned Rural Business District- is established to provide for a limited business in locations where commercial activity as permitted in the General Business District would be inappropriate. Generally, the district will allow a higher level of activity than would typically be permitted as home occupation. The district permits the property owner to design a business environment that may meet his/her general objectives, while providing a suitable level of protection for present and future land owners of adjacent property. The future enjoyment of nearby residential properties should be a primary consideration.

**PROPOSED USE:** Single family house would be used as a bed and breakfast; bank barn would be used to hold events (wedding receptions, birthday parties, meetings, etc.).

	<b>ADJACENT ZONING</b>	<b>ADJACENT USE</b>
NORTH	R-R Rural Residential District	Single Family Home
EAST	R-R Rural Residential District	Agricultural
WEST	R-R Rural Residential District	Single Family Home
SOUTH	R-R Rural Residential District	Agricultural

**Land Use, Environmental, and Regulatory Issues:**

1. The property proposed for rezoning has three existing buildings; one single family house, one bank barn and one storage barn.

2. Per Section 19.03.02 of the Berne Township Zoning Code, a development plan is required prior to amending to a PRB district. The applicant has submitted a development plan along with the application.
3. Per the application submitted, the applicant identifies the following specific uses of the property:
  - a. Hosting wedding ceremonies and receptions but not limited to birthday parties, meetings, reunions, holiday events, etc. The single family residence would be utilized as a bed and breakfast. The bank barn would be utilized to hold the events.
  - b. The proposed parking area will be behind the bank barn within the woods where it would be hidden from neighboring properties. The driveway to the parking area would connect from the existing driveway to the bank barn.
  - c. The maximum guest count for the events is 165 guests including vendors. According to the application there would be adequate parking to accommodate the guest count.
  - d. Music for the events would be held indoors during evening events and at no time will music be played past business hours. Business hours: Mon-Thur. 9AM to 7PM; Fri & Sat 9AM to 11PM; Sun. 9AM to 7 PM.
  - e. All deliveries would be made during regular business hours.
  - f. Frequency of events would be seasonal. Most events held from April to October.
  - g. Residence would be available for bed & breakfast purposes throughout the entire year. Check in time for residence: 3PM; check-out time: 11AM
4. Per the development plan submitted with the application, the existing drive is currently a large gravel parking area in front of the pole barn with a gravel driveway leading up to the bank barn. Proposed parking will be expanded in the woods behind the bank barn. Designated parking area for guests will be located on the property and hidden from neighboring properties to address any adverse impacts to traffic.
5. Per the application, all restrictions would apply and under no circumstance would the premises be used or occupied in a manner that would negatively impact any other person, land or district.
6. The Fairfield County Development Strategy and Land Use Plan (2002) shows this site being developed with rural residential and critical resource land uses.
7. This parcel is not located in a FEMA identified flood hazard area as delineated on Flood Insurance Rate Map # 390158 0185 D. The property to the west and south of the property is included in the 100-year floodplain.

8. According to the Soil Survey of Fairfield County (2002) the site is contained within the Glenford silt loam, Germano-Rock outcrop complex, Shelocta-Berks complex soil types.
9. The Fairfield County ground Water Resources Map (1992) indicates that the proposed site may support wells capable of producing up to 10 to 25 gallons per minute.
10. The Ground Water Pollution Map of Fairfield County (1996) indicates that the property has a Relative Pollution Potential Rating of 87 (6Db2) which denotes low vulnerability.

**Utility and Service Issues:**

1. This site is served by on site water and septic.
2. Fire and emergency services are provided by the Berne Township Fire Department. Response time to the area has been estimated to be approximately 10 minutes.

**Transportation and Access Issues:**

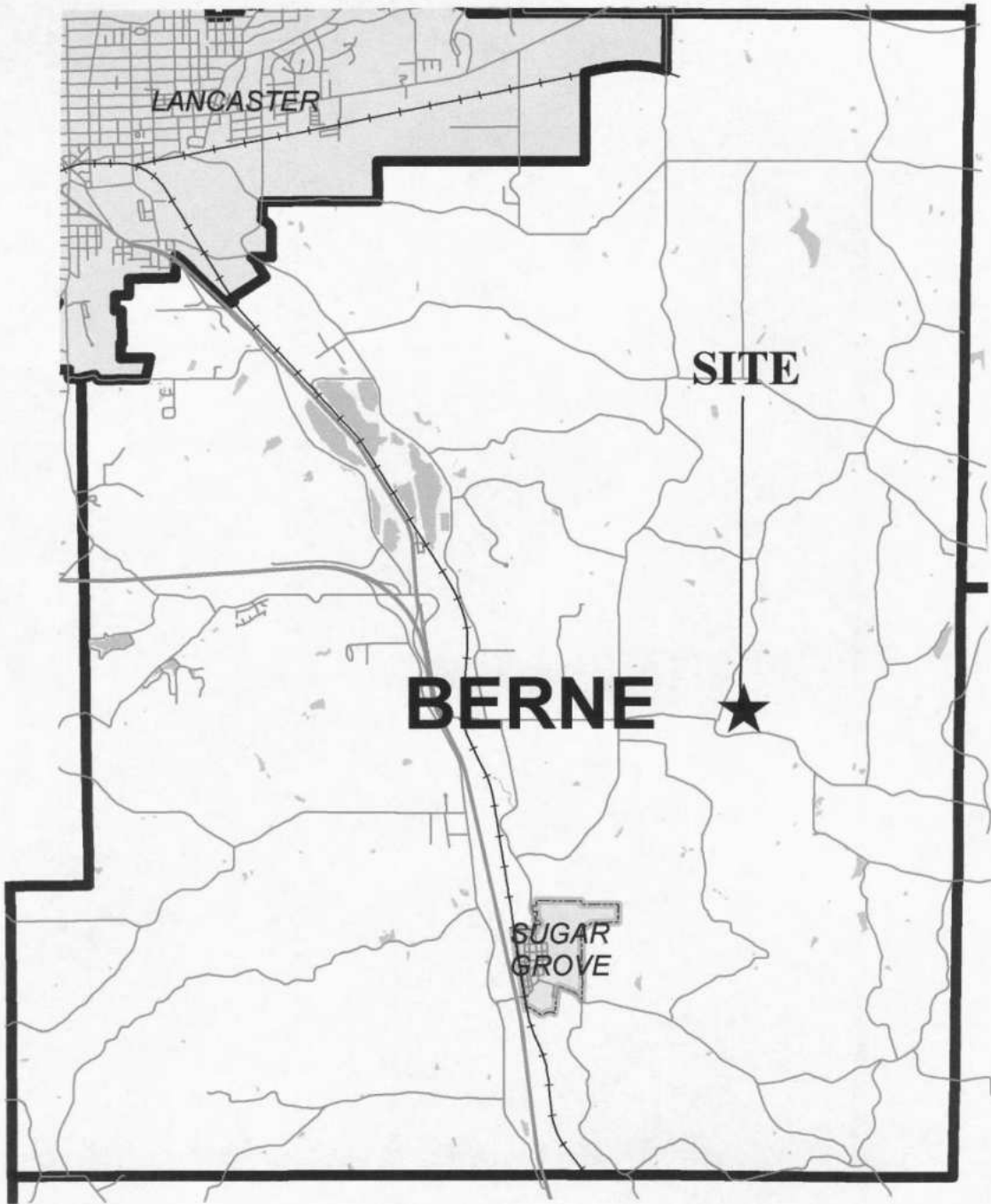
1. The site has road frontage on both Horns Mill and Chicken Coop Hill Road. A gravel drive in front of the pole barn is the primary access point for the property.
2. The Fairfield County Engineer's Office reviewed the property for access and site distance. The present drive to the existing home and barn does not have sufficient sight distance to the north per the legal road speed limit on Chicken Coop Hill Road. The Engineer's Office typically recommends that access drives have a minimum sight distance of 495' for a speed of 55 MPH. The current drive has an estimated sight distance of 340' which would meet a design speed of 43 MPH per the current standards.

**RPC STAFF RECOMMENDATION:**

RPC Staff recommends disapproval of this rezoning with the following comments:

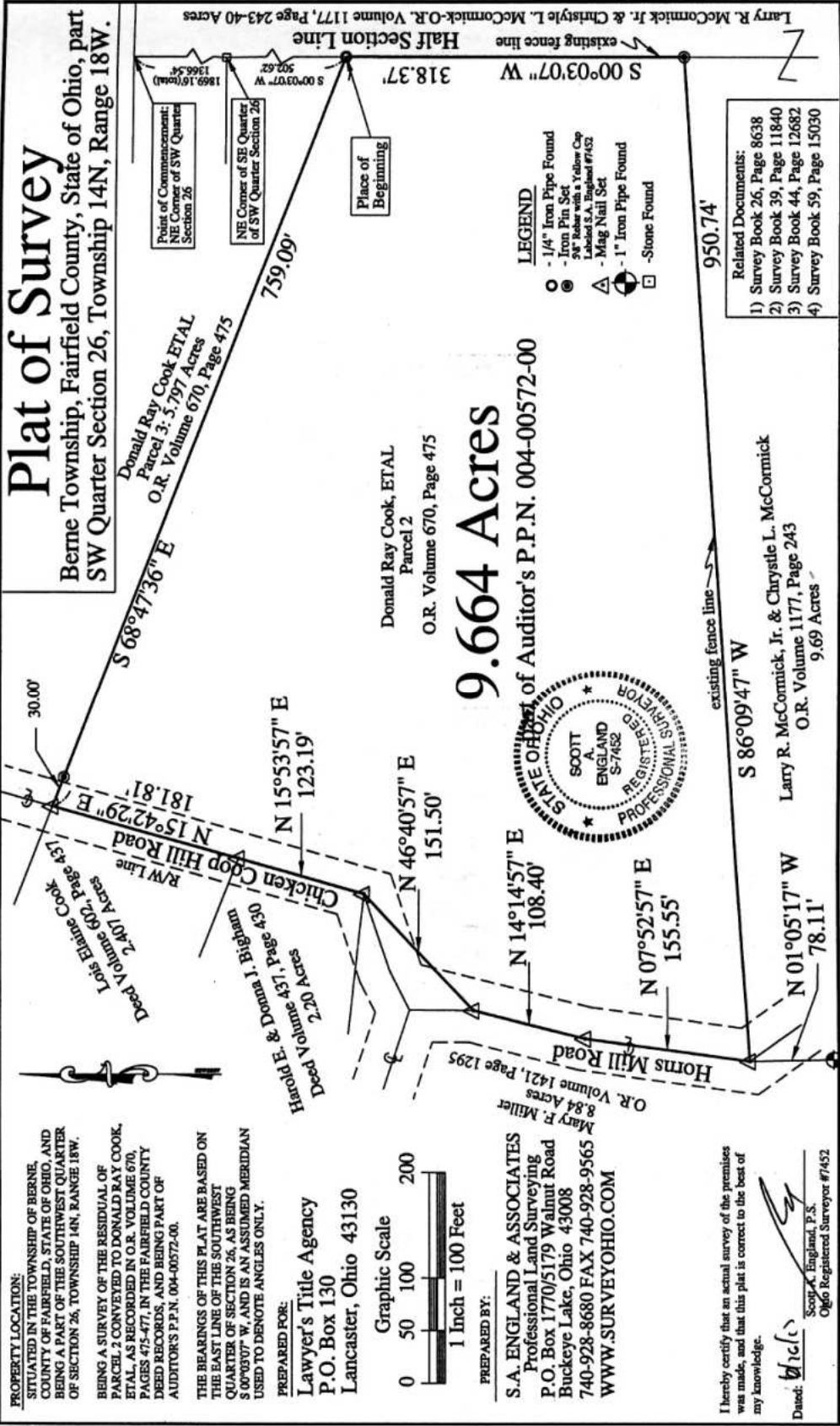
1. RPC Staff is concerned with the sight distance issue on Chicken Coop Hill Road. The existing gravel drive (in front of the pole barn) sets near the base of a hill on Chicken Coop Hill Road and currently does not meet sight distance recommendations. The development plan which was submitted with the rezoning is proposing to move the access for the bank barn farther to the north which would further decrease the sight distance to the north. Since this access point would serve the majority of the traffic for the proposed use, RPC staff has safety concerns.

2. The proposed use, specifically utilizing the bank barn as a reception facility with a maximum capacity of 165 persons (per the development plan), is an intense use for a residential neighborhood. In addition, the county's Land Use Plan does not recommend this type of intensive land use for this property.
3. RPC staff would also note that the intersection of Chicken Coop Hill Road at Horns Mill Road is located on a sharp curve and we have concerns with an increased number of vehicles trying to navigate the intersection.
4. RPC staff also has concerns about the proposed parking for the bank barn. The dimensions of the proposed parking area for guests of the bank barn are unclear on the development plan. We are unsure that there will be sufficient parking area for the maximum guest count of 165 people.
5. The Fairfield Department of Health does not have sufficient evidence at this time to make a recommendation on the proposed rezoning. The proposed use will likely cause the need for additional wastewater disposal areas and a food service license.





78/11606



**Plat of Survey**  
 Berne Township, Fairfield County, State of Ohio, part  
 SW Quarter Section 26, Township 14N, Range 18W.

Point of Commencement:  
 NE Corner of SW Quarter  
 Section 26

NE Corner of SE Quarter  
 of SW Quarter Section 26

Place of Beginning

LEGEND

- 1/4" Iron Pipe Found
- Iron Pin Set
- 5/8" Rubber with a Yellow Cap  
 Labeled S.A. England #7452
- Mag Nail Set
- 1" Iron Pipe Found
- Stone Found

Related Documents:  
 1) Survey Book 26, Page 8638  
 2) Survey Book 39, Page 11840  
 3) Survey Book 44, Page 12682  
 4) Survey Book 59, Page 15030

**PROPERTY LOCATION:**  
 SITUATED IN THE TOWNSHIP OF BERNE,  
 COUNTY OF FAIRFIELD, STATE OF OHIO, AND  
 BEING A PART OF THE SOUTHWEST QUARTER  
 OF SECTION 26, TOWNSHIP 14N, RANGE 18W.

BEING A SURVEY OF THE RESIDUAL OF  
 PARCEL 2 CONVEYED TO DONALD RAY COOK,  
 ETAL, AS RECORDED IN O.R. VOLUME 670,  
 PAGES 475-477, IN THE FAIRFIELD COUNTY  
 DEED RECORDS, AND BEING PART OF  
 AUDITOR'S P.P.N. 004-00572-00.

THE BEARINGS OF THIS PLAT ARE BASED ON  
 THE EAST LINE OF THE SOUTHWEST  
 QUARTER OF SECTION 26, AS BEING  
 S 00°03'07" W, AND IS AN ASSUMED MERIDIAN  
 USED TO DENOTE ANGLES ONLY.

PREPARED FOR:  
 Lawyer's Title Agency  
 P.O. Box 130  
 Lancaster, Ohio 43130

Graphic Scale  
 0 50 100 200  
 1 Inch = 100 Feet

PREPARED BY:  
 S.A. ENGLAND & ASSOCIATES  
 Professional Land Surveying  
 P.O. Box 17770/5179 Walnut Road  
 Buckeye Lake, Ohio 43008  
 740-928-8680 FAX 740-928-9565  
 WWW.SURVEYOHIO.COM

PROPERTY LOCATION:  
 SITUATED IN THE TOWNSHIP OF BERNE,  
 COUNTY OF FAIRFIELD, STATE OF OHIO, AND  
 BEING A PART OF THE SOUTHWEST QUARTER  
 OF SECTION 26, TOWNSHIP 14N, RANGE 18W.

BEING A SURVEY OF THE RESIDUAL OF  
 PARCEL 2 CONVEYED TO DONALD RAY COOK,  
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THE BEARINGS OF THIS PLAT ARE BASED ON  
 THE EAST LINE OF THE SOUTHWEST  
 QUARTER OF SECTION 26, AS BEING  
 S 00°03'07" W, AND IS AN ASSUMED MERIDIAN  
 USED TO DENOTE ANGLES ONLY.

PREPARED FOR:  
 Lawyer's Title Agency  
 P.O. Box 130  
 Lancaster, Ohio 43130

Graphic Scale  
 0 50 100 200  
 1 Inch = 100 Feet

PREPARED BY:  
 S.A. ENGLAND & ASSOCIATES  
 Professional Land Surveying  
 P.O. Box 17770/5179 Walnut Road  
 Buckeye Lake, Ohio 43008  
 740-928-8680 FAX 740-928-9565  
 WWW.SURVEYOHIO.COM

I hereby certify that an actual survey of the premises  
 was made, and that this plat is correct to the best of  
 my knowledge.

Dated: 11/16/10  
 Scott A. England, P.S.  
 Ohio Registered Surveyor #7452

### 19.03.02 Development Plan

- A. Survey – see attached
- B. Site plan – see attached
- C. Specific uses:

The specific use of the premises would be used for hosting wedding ceremonies and receptions but not limited to birthday parties, meetings, reunions, holiday events, ect. The single family residence would be utilized as a bed and breakfast. The bank barn would be utilized to hold the events in.

The proposed parking area will be behind the bank barn within the woods where it would be hidden from neighboring properties. The driveway to the parking area would connect from the existing driveway to the bank barn.

Max guest count for events is 165 guest including vendors. There would be adequate parking to accommodate the guest count.

Music for events would be held indoors during evening events and at no time will music be played past business hours. Business Hours: Monday thru Thursday 9am to 7pm  
Friday and Saturday 9am to 11pm  
Sunday 9am to 7pm

All deliveries would be made during regular business hours

Frequency of events would be seasonal. Most events held from April to October

Residence would be available for bed and breakfast purposes throughout entire year.

Check in time for residence: 3pm

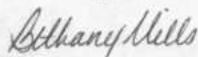
Check out time: 11am

D. Existing drive is currently a large gravel parking area in front of pole barn with gravel driveway leading up to the bank barn. Proposed parking will be expanded in woods behind bank barn. This will keep noise and exterior lighting away from neighboring properties. Anticipated traffic flow would be minimal throughout the week. On weekends there could be an anticipated increase but very moderate in respect to the normal flow of traffic in area. The property is located directly off of Hornsmill Road which has a moderate traffic flow on a regular basis. Designated parking area for guest which will be located on the property and hidden from neighboring properties will address any adverse impacts to traffic.

E. Listed specific restriction proposed is for property to be rezoned as a planned rural business district. All restrictions would apply and under no circumstance would the premises be used or occupied in a manner that would negatively impact any other person, land or district.

F. This is our statement that if the premises located at 4814 Chicken Coop Road, Sugar Grove, OH 43155 is approved as a planned rural business district, we the owners, Jeremy and Bethany Mills, will comply with all the standards and requirements as specified in the Development Plan. We personally will do everything in our abilities to ensure that no noxious impacts such as noise, vibration, odor, dust, heat, exterior light and glare would affect any neighbors or neighboring properties. We appreciate your time and look forward to the opportunity to become a planned rural business district. Thanks again!

Sincerely,







*Fairfield County  
Regional Planning Commission*

Courthouse, 210 East Main Street • Room 104  
Lancaster, Ohio 43130

AGENDA ITEM 6

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Phone: (740) 652-7110

Fax: (740) 681-4713

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TO: The Fairfield County Regional Planning Commission

FROM: Holly R. Mattei, AICP  
Executive Director

DATE: March 28, 2011

SUBJECT: RPC By-Laws/Rules and Procedures  
RPC Personnel Manual

The RPC Executive Committee and I have been working over the last several months to make revisions to the RPC By-Laws/Rules and Procedures and the RPC Personnel Manual. On February 1, 2011, the RPC Executive Committee passed a motion to approve the proposed revisions. I am enclosing a copy for your review. Proposed additions are shown in **bold**. Proposed deletions are shown with a ~~strike through~~. Per Section XI of the existing By-Laws, these revisions are being presented to the RPC for consideration at its April meeting.

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Holly R. Mattei, AICP  
Executive Director

email: [rpc@co.fairfield.oh.us](mailto:rpc@co.fairfield.oh.us)

**BY-LAWS AND RULES OF PROCEDURE  
OF THE  
FAIRFIELD COUNTY REGIONAL PLANNING COMMISSION**

**DRAFT 1-11-11**

**PREAMBLE**

By virtue of the adoption of a Resolution of Cooperation by the Board of County Commissioners of Fairfield County, Ohio, by the Councils of Municipalities within Fairfield County, Ohio, and by the Boards of Township Trustees of townships within Fairfield County, Ohio, there has been created a Regional Planning Commission vested with powers given to Regional Planning Commissions under the laws of the State of Ohio, particularly Revised Code Section 713.21 et seq. Subject to the provisions of all applicable statutes, and in order to carry out the duties and functions for the Regional Planning Commission vested in it by virtue of the Resolution of Cooperation and the statutes of the State of Ohio, it hereby is determined to be necessary and desirable that the following By-Laws be adopted:

**SECTION I - NAME**

The name of the Commission shall be the "Fairfield County Regional Planning Commission" hereinafter referred to as the "RPC".

**SECTION II - REGION**

The region for which the RPC shall be created and maintained is all of Fairfield County, Ohio, any adjoining counties or parts thereof, and municipalities and townships which become adjoining by virtue of expansion of the area through cooperation between municipalities, township, and counties, provided proper cooperation with said RPC is duly provided.

**SECTION III - MEMBERSHIP**

The RPC shall consist of the following members:

A. **VOTING MEMBERS**

1. **Municipal Members.**

Municipal corporations cooperating in the maintenance of the RPC shall be entitled to one (1) representative for each 5,000 population; but, notwithstanding

the preceding formula, every cooperating municipal corporation shall be entitled to one (1) representative. Said representatives of cooperating municipal corporations shall be appointed by the Mayor with the approval of the legislative bodies of said cooperating municipal corporations, for such terms as such legislative bodies may elect. Such members hereinafter shall be referred to as "Municipal Members". Each cooperating municipal corporation also may designate an alternate for each municipal member, who hereafter shall be referred to as "Alternate Municipal Member".

2. Township Members.

Townships cooperating in the maintenance of the RPC shall be entitled to one (1) representative for each 5,000 population; but notwithstanding the preceding formula, every cooperating township shall be entitled to one (1) representative. Said representatives of cooperating townships shall be appointed by the trustees of the cooperating township for such term as trustees may elect. Such members hereafter shall be referred to as "Township Members".

3. Citizen Members.

Eight (8) resident citizens of Fairfield County and eight (8) resident citizens of each cooperating county, designated by the Boards of County Commissioners of each of said counties, for a term of three (3) years each, commencing on January 1st. The terms shall be so arranged that the terms of three (3) members will expire each year, excepting the third year when two (2) members terms expire. The following may be represented by one (1) member each: agriculture, banking and finance, industry, labor, public utilities, education, retail merchandising, and minorities. Such members shall be referred to as "Citizen Members".

4. Board of County Commissioners.

The members of the Boards of County Commissioners of any cooperating county shall be voting members of the RPC and shall serve during the tenure of office.

5. At Large Members.

Three (3) resident citizens of the region, designated by the RPC Executive Committee for a term of three (3) years commencing from the date of appointment. The at large members shall represent vital interests of the region which in the opinion of the executive committee can provide vital input to the planning process.

6. Alternate Members

Each Municipality or Township may designate an alternate member. In the case of Citizen Members, the Board of County Commissioners may appoint an alternate member, for each Citizen Member. Each County Commissioner may appoint an alternate member for themselves. The alternate member shall represent the member in the member's absence and only in such case shall they have full rights and privileges including voting power. When the regular member is present the alternate member will function as an ex-officio member of the RPC. At-Large Members shall not be represented by an alternate, due to the special nature of these members.

B. EX-OFFICIO MEMBERS

1. The County Engineer, or his/her designate, of any cooperating county, shall serve during the tenure of office.
2. The District Conservationist of the Soil Conservation District, or his/her designate, shall serve during the tenure of office.
3. The District Technician of the Fairfield Soil and Water Conservation District, or his/her designate, shall serve during the tenure of office.
4. Representative from the Health Department.
5. The County Sanitary Engineer, or his/her designate, shall serve during the tenure of office.
6. Other appropriate officials, as may be appointed by the RPC, shall serve during his/her, tenure of office.

C. VACANCIES - MANNER OR REAPPOINTMENT.

~~If any member, or their alternate of the RPC is absent for the three (3) previous consecutive meetings, that person may at the option of the President be considered to have resigned for the purpose of determining the numerical requirements of a quorum.~~ Any vacancy occurring among the members, or alternate members, shall be filled for the unexpired term in the same manner in which the said members were designated or chosen originally.

**SECTION IV - POWERS AND DUTIES OF THE COMMISSION**

The RPC Staff and Members shall have the powers and duties now and hereafter granted or prescribed for Regional Planning Commissions by all applicable statutes of the Ohio Revised Code and any revision thereof.

A. OFFICERS.

All officers shall serve a two (2) year term.

1. Executive Officers.

The executive officers of the RPC shall be its President, First Vice-President, and Second Vice-President, each of whom shall be elected by the commission from its membership at its regular March meeting of alternate years, and who shall take office at the first regular meeting in April of the year in which they are elected. All officers shall serve two (2) year term.

2. Other Officers.

The commission shall elect a Secretary and may appoint or elect such other officers as it shall deem necessary, who shall have such authority and shall perform such duties as from time to time shall be assigned by the commission or the executive committee.

3. Nominations.

On or before January 15th of alternate years, the President shall appoint a "Nominating Committee" of five (5) members of the commission, which committee shall prepare a list of one (1) or more nominations for each office, selected from among the members of the commission for its officers. Municipal members, township members, citizen members and at-large members shall each be represented on said committee. Such list shall be mailed to each member of the commission at least seven (7) days prior to the regular March meeting of the commission. Additional nominations may be made from the floor by any member of the commission at this meeting with the approval of the nominee. Election will be by ballot if requested by three (3) members of the commission and tally shall be made by the nominating committee.

4. Vacancy.

If any executive office shall become vacant by reason of death, resignation, disqualification, or any other cause, the commission shall elect a successor to hold office for the unexpired term in respect to which such vacancy occurred or was created. Such vacancy shall be filled at a regular meeting by nominations from the commission members present and by receiving the most votes cast.

5.

a. Duties of the President.

The President shall preside at all meetings of the RPC and the executive committee, and, except to the extent hereinafter, otherwise provided, sign all written contracts and obligations of the commission. The President shall be, ex-officio, a member of all standing committees and shall perform all the duties as may from time to time be required or requested by the commission or the executive committee.

b. Duties of the Vice-Presidents.

The Vice-Presidents shall perform all the duties of the President in case of his absence or disability, and such other and further duties as may from time to time be required or requesting of them by the commission or the executive committee. In case the Vice-Presidents and President are absent or unable to perform their duties, the executive committee shall appoint a President Pro Tempore. The First Vice President shall serve as chairperson of the budget committee.

c. Duties of the Secretary.

The Secretary shall keep or supervise the keeping of the minutes of all meetings of the commission or executive committee in books provided for that purpose, and shall perform such other and further duties as may be required or requested by the commission or the executive committee.

B. COMMITTEES.

1. Executive Committee.

a. Membership.

The executive committee will consist of President, the two Vice-Presidents, Secretary, Immediate past President and not less than two (2) other members. These other members shall be elected from the commission at its regular March meeting of alternate years immediately following the election of officers.

b. Term of Service.

Each member of the executive committee shall serve a two (2) year term commencing at the first regular meeting in April following the election of officers of the commission or until a successor is chosen and qualified. **If an executive committee member (excluding officers) resigns, becomes disqualified, or his/her position becomes otherwise vacant, In the event a vacancy occurs in such committee by resignation, disqualification, or**

~~otherwise, it the President of the Commission shall be filled by appointment~~ **appoint a qualified person to the Executive Committee for the unexpired term of the predecessor.** ~~by the president of the commission~~ **Said appointment shall be** subject to confirmation by the commission. ~~of a qualified person for the unexpired term of the predecessor.~~

c. Powers of Executive Committee.

All of the powers and duties of the commission, except as otherwise provided in the statutes of the State of Ohio, or in the terms of these By-Laws, shall be possessed and may be exercised by the executive committee, but always subject to review by the commission as a whole as hereinafter provided.

d. Dismissal - Reason For.

If any member of the executive committee is absent for three (3) consecutive meetings, the member may at the option of the president, be considered to have resigned, and shall be replaced as set forth in Section (b) above.

2. Committees.

a. Standing Committees.

The President is authorized to appoint the following standing committees: Budget and By-Laws; but it is not required to appoint them. Membership of these committees is confined to members of the commission. Standing committees only serve for the period the president serves.

b. Special Committees.

Special committees shall be appointed by the President, with approval of the executive committee. The chairman of said committees shall be a member of the commission. Upon request by any participating unit of government, representation must be granted. Members of special committees need not be commission members.

c. Reports.

All reports of committees appointed by the President, unless otherwise directed, shall be submitted in writing to the commission for authorization of issuance, approval of contents, or recommendation for further study, before being acted upon.

## SECTION VI - MEETING OF THE COMMISSION AND ITS COMMITTEES

### A. MEETINGS OF THE COMMISSION.

#### 1. Regular Meetings.

The commission shall hold at least eight (8) regular meetings in each calendar year. Such meetings are to be conducted according to generally accepted parliamentary procedures **and may be conducted as provided in the Roberts Rules of Order. Notwithstanding the foregoing, failure to strictly adhere to Roberts Rules of Order shall not negate, invalidate, or otherwise affect any action or vote taken at any such meeting.**

#### 2. Special Meetings.

Special meetings may be called by the president, or any three (3) members, for any purpose of the commission.

#### 3. Notification.

The Secretary or the RPC staff shall have mailed or delivered written notice of each regular or special meeting to each member of the commission not more than seven (7) days, nor less than three (3) days, before such meeting. Notices of any special meeting shall state the purpose for which such meeting is called and the location and time of such meeting.

### B. MEETINGS OF THE EXECUTIVE COMMITTEE.

The President or three (3) members of the Executive Committee shall determine when the Executive Committee shall meet. Such meetings are to be conducted according to generally accepted parliamentary procedures **and may be conducted as provided in the Roberts Rules of Order. Notwithstanding the foregoing, failure to strictly adhere to Roberts Rules of Order shall not negate, invalidate, or otherwise affect any action or vote taken at any such meeting.**

### C. QUORUM.

At any meeting of the RPC, a quorum ~~shall~~ **consisting of not less than** twelve (12) members thereof, and shall include at least two (2) officers, **shall be required for the passage of any motion. If fewer than twelve (12) members are present** ~~If there is no quorum, then the majority of the members present may adjourn the meeting. a unanimous vote of those members present shall be required for the passage of any motion.~~

At any meeting of the RPC executive committee, a quorum shall consist of three members thereof, and shall include at least two (2) officers.

**SECTION VII - FINANCIAL PROVISIONS (Amended August 1, 1995)**

A. **APPORTIONMENT OF COSTS.**

The cost of maintaining the RPC shall be apportioned in the following manner.

1. Each cooperating member jurisdiction shall contribute in each calendar year such sum as shall be determined and appropriated by the legislative authority of the respective jurisdiction but in no event less than twenty (20) cents for each person residing in said jurisdiction according to the last federal census. Such contribution shall be paid in January of each year.
2. In no event shall the amount paid by any city exceed the amount paid by the remainder of Fairfield County including the villages.
3. The RPC may accept, receive, and expend funds, grants, and services from the federal, state, or local governments or their agencies, from departments, or from civic sources, contract with respect thereto and provide such information and reports as may be necessary to secure such financial aid.
4. Each county cooperating herein shall contribute in each calendar year such sum as shall be determined and appropriated by the legislative authority of the respective county, but in no event less than twenty (20) cents for each person residing in the cooperating portions of said county according to the last federal census. Such contribution shall be paid in January of each year.
5. In addition to the payment above provided for, Fairfield County shall also pay for and on behalf of any villages within said county containing a population of less than 3,000 persons according to the last federal census such contribution as would otherwise be payable to said village for the first complete comprehensive plan of the entire region. The village will pay the full cost of any portion of the plan which covers territory lying inside its corporation limits after the first comprehensive plan.
6. In no event shall the amount paid by any city exceed the amount paid by the remainder of Fairfield County including the villages.
7. The RPC may accept, receive, and expend funds, grants, and services from the federal government or its agencies, from departments, or from civic sources, contract with respect thereto and provide such information and reports as may be necessary to secure such financial aid.

B. BUDGET.

The preliminary budget for the following year will be submitted to the county prior to June 1st of the current year. The final budget will be submitted to the county prior to January 1.

C. APPROPRIATIONS.

The commission shall, at its first regular meeting in each year, make appropriations for that year, which appropriations may be modified or supplemented from time to time during the year, but shall at no time exceed the total amount received or due from authorized sources.

D. EXPENDITURES AND DISBURSEMENTS.

1. Manners.

All disbursements of the RPC shall be by voucher drawn by the Auditor of Fairfield County.

2. Budgeted expenditures and disbursements, or commitments or purchase orders for expenditures of disbursements, shall be authorized by the Director (or in the Director's absence by the Assistant Director if the position is filled) or in their absence by the President.

3. Unbudgeted expenditures require RPC approval and may require transfer of funds.

**SECTION VIII - CERTIFICATION AND ADOPTION OF PLAN**

A. CERTIFICATION TO LOCAL COMMUNITIES

The commission, after making the regional plan, or any change, supplement, or abolition thereof, shall certify a copy thereof to the city or village council of each cooperating municipality of the region, to the Board of Township Trustees of each cooperating township and to the Board of County Commissioners of each of the cooperating counties.

B. ADOPTION OF PLANS.

Upon the adoption by the commission of any map or plan of the kind and character described in Section 713.223 et seq. of the Ohio Revised Code, or any change, supplement, or amendment thereof, the commission shall cause copies thereof to be available at the next two regularly scheduled meetings of the commission for distribution to the membership.

C. ADOPTION BY LOCAL COMMUNITIES - EFFECT.

The council of any cooperating municipality to which such plan, change, supplement, or abolition is certified, may adopt the same, and it shall thereupon have the same force and effect within such municipality as is provided by law or charter for plans prepared and adopted by said council.

D. FILING WITH COUNTY RECORDER.

When so adopted, said plan, change, supplement, or abolition shall be certified to the RPC and filed with the County Recorder of each county, as provided by law.

**SECTION IX - PERSONNEL**

The RPC may authorize the employment of a professional director, and such engineers, accountants, and others as may be necessary and may fix their compensation. When so authorized, such employment and benefits thereof shall be in accordance with the Personnel Manual of the RPC.

**SECTION X - WITHDRAWAL**

Any cooperating municipality, village, or township of the county may withdraw their cooperation hereof at any time by adopting a resolution to do so delivering a certified copy thereof to the secretary of the RPC. Such withdrawal shall be effective upon delivery, but shall not relieve the withdrawing part of contribution of its share of the cost for the year in which the withdrawal occurs, nor, shall it withdraw for that year the party's territory from the region.

**SECTION XI - AMENDMENT**

These By-Laws may be amended from time to time only in accordance with the following procedure:

- A. An amendment may be proposed by the Executive Committee, the By-Laws Committee or by any three (3) members of the RPC. Amendments will be considered at the next regular meeting or at a special called meeting. The text of the proposed amendment shall be delivered to the Secretary at least fifteen (15) days in advance of the regular or special

meeting. The Secretary shall, at least seven (7) days before such regular or special meeting, mail or deliver to each member of the commission a copy of the proposed amendment, together with a notice of the meeting.

- B. The proposed amendment shall be presented at the next regular or special meeting, when called for that purpose. The amendment shall become a part of the By-Laws when adopted by the members of the RPC.

These By-Laws and Rules of Procedure supersede all previous By-Laws, Rules of Procedure, and amendments thereto.

Amended By-Laws and Rules of Procedure adopted by RPC

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Date

## **PERSONNEL MANUAL**

The Fairfield County Regional Planning Commission (hereinafter called the RPC) was organized in accordance with Section 713.21 of the Ohio Revised Code. A Regional Planning Commission is an entity separate and distinct from the county and the procedures and policies employed by the commission must be established by said commission. The purpose of this manual is to establish personnel procedures, policies, and benefits.

### **SECTION I - CODE OF ETHICS**

- A. No employee shall use his position with the RPC for personal gain, nor shall the employee engage in any business transactions nor shall have a financial or other interest, direct or indirect, which is in conflict with the proper discharge of the employee's duties. No employee shall use such information to advance the financial or other private interests of the employee or others.
- B. No employee shall accept any gift, whether in form of services, loan, item or promise from any person, firm or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with the RPC; which may tend to influence any employee in the discharge of the employee's duties or which in the discharge of employee duties may grant any improper favor, service, or item of value.
- C. No employee shall represent private interests in any action or proceedings against the interest of the RPC in any manner in which the RPC is part.
- D. State law prohibits employees and officials from having a financial interest in companies which do business with public agencies with minor exceptions. Employees who have any doubt concerning possible violations of these statutes are advised to consult their own attorney.
- E. No employee shall engage in or accept private employment or render services for private interests when such employment conflicts with the proper discharge of the employee's official duties or would tend to impair the employee's independent judgment or act on in the performance of the employee's official duties. Any employee having doubt as to the applicability of a provision of the code should consult the Executive Director. If the Executive Director has doubt as to the applicability of a provision of this code to a particular situation, the Executive Director should consult the Executive Committee.

## **SECTION II - JOB APPOINTMENT PROCEDURES**

### **A. EMPLOYEE APPLICATION AND INTERVIEWS.**

Every applicant must complete and submit to the office of the RPC a resume as precedent to consideration for employment.

The Director will be responsible for conducting interviews for applicants for all RPC positions, except the Director. Applicants for the position of Director shall be interviewed by the Executive Committee.

### **B. DISQUALIFICATION.**

The RPC reserves the right to investigate any information shown on an applicant's resume or employee's resume. Falsifying any information on this resume may be reason for immediate disqualification of an applicant or dismissal of any employee whose employment has commenced. Relatives of current employees are ineligible for employment with the RPC.

### **C. NOTICE OF APPOINTMENT.**

Once a decision to employ an applicant has been made, the Director will write to the applicant a letter of appointment stating his job title, salary, starting date of employment, and other pertinent information. The Executive Committee will notify a new Director of employment in the same manner.

### **D. EMPLOYEE INFORMATION.**

On the first working day, an employee should report to the Director to supply any necessary information needed to complete the employee's personnel folder, execute payroll withholding authorization, and enroll in the applicable employee benefit programs.

### **E. EMPLOYEE ORIENTATION.**

When the employment procedure is completed, a new employee should be given materials which will better acquaint the employee with rules, regulations, and functions of the RPC and the employee's job responsibilities. The new employee should then be taken on a tour of the County Offices to familiarize the employee with the various offices with which the employee will be associated.

### **F. PERSONAL STATUS CHANGE.**

Should any change occur which would affect an employee's personal records (mailing address, telephone number, marital status, number of dependents, etc.), the employee should make this information known to the RPC office.

G. NON-DISCRIMINATION.

The RPC is an Equal Employment Opportunity employer. Discrimination against any person in the recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration because of religious belief, affiliation, race, national origin, ancestry, or other nonmerit factors, is prohibited. Discrimination on basis of age, sex or physical disability is prohibited except where specific age, sex or disability requirements constitute a bona fide occupational qualification necessary for proper and efficient administration.

H. PROBATIONARY PERIOD.

Every new employee shall serve a probationary period which will consist of his first six (6) months of employment. During this period, the employee will be given certain job assignments which will indicate his ability to perform required duties and assume certain responsibilities. At the conclusion of the six (6) month period, the employee must have shown successful signs of development based upon an evaluation of the employee's progress made by the Director in order to remain on the staff as a permanent employee. If, at the end of the probationary period, the written job evaluation of the employee indicates a poor rating, the employee will be informed and asked to resign or be terminated by the Director. The Executive Director will be evaluated at the end of the probationary period by the Executive Committee.

**SECTION III - WORK SCHEDULE**

A. HOURS OF WORK.

The RPC observes regular working hours from 8:00 a.m. to 4:00 p.m., five (5) days a week, Monday through Friday. These hours may be modified at the discretion of the Director.

B. ABSENCE FROM THE OFFICE, FOR ANY REASON, DURING WORKING HOURS.

In the event any staff employee has to leave the office for any period of time, the employee will obtain approval from the Director and notify the Director where the employee will be, how the employee can be reached, and when the employee will return.

C. LUNCH PERIOD.

The normal lunch period for RPC employees is one (1) hour, unless specifically changed by the Director. The lunch period should be taken as scheduled by the Director.

D. OVERTIME.

Most state and local government employees are now covered by the minimum wage and overtime pay provisions of the Fair Labor Standards Act. Among those persons exempted from coverage are employees who fill bona fide executive, administrative, or professional positions as defined under the act.

Under this coverage any non-exempted employee who works longer than a forty (40) hour work week must receive compensation for those hours in excess of forty at a rate not less than one and one-half (1 1/2) times the regular rate at which he is employed.

Overtime compensation due non-exempted employees must be in cash and ordinarily be paid at the regular pay day for the period in which the work was performed.

Each new position added to the RPC staff will be classified in accordance with the standards set forth in the Fair Labor Standards Act (29 U.S.C. 213) and whether included in or exempted from the overtime compensation requirements contained therein.

Approval for overtime work for any employee must be secured from the Director prior to the work being performed.

E. COMPENSATORY TIME.

Compensatory time in lieu of cash for overtime work is specifically prohibited in the case of employees covered under the Fair Labor Standards Act (see Section D above).

F. TARDINESS.

Each employee is responsible for being punctual each day. Habitual tardiness will result in a warning by the Director. If an employee continues to be tardy after the warning is issued, time lost may be deducted from his pay upon determination by the Director.

**SECTION IV - PAY INFORMATION**

A. TIME REPORTS.

All RPC employees are required to keep accurate attendance records on a daily basis.

On specific projects accurate time reports, recorded daily, the hours spent on each work Element and Project shall be required.

Attendance records and time sheets are subject to review by the Director at his discretion.

Time reports are the principle source of information in preparing invoices for presentation to state and federal government agencies and enable these agencies to perform audits. It is, therefore, imperative that all employees spend the necessary time to prepare complete and accurate reports.

B. PAY PERIOD AND PAY CHECK DISTRIBUTION.

Pay period and pay check distribution shall be as set forth by County procedures.

C. PAY CHECK DISCREPANCIES.

Any employee who finds a discrepancy in the employee's pay check should immediately present the check to the secretary so that the necessary arrangements can be made to correct the check. Also, any employee desiring further information or explanation concerning a pay check should consult the secretary.

D. ABSENTEEISM ON PAY DAY.

In the event an employee is absent or unavailable on the day or at the time pay checks are distributed, the employee's pay check will remain in the possession of the secretary until the employee reports to the office. In case of prolonged illness, arrangements will be made with the secretary.

## SECTION V - PAID ABSENCES

A. VACATION.

Vacations are for the purpose of giving individuals a beneficial change and rest. The RPC believes it is important for all its employees to take vacation leave for their mental and physical health. **Therefore, all earned and accrued vacation must be taken within twelve (12) months following an employee's anniversary date. However, in special cases and upon written prior request, an employee may be allowed to accumulate vacation for a period not to exceed three (3) years. An employee who has accrued but unused vacation leave equivalent to three years of accumulation shall not accrue additional vacation leave until their leave balance is reduced below three (3) years of accumulation.** ~~It is, therefore, suggested that all earned and accrued vacation be used each year, but it may be accumulated up to but not to exceed the accrual for three (3) years.~~

Vacation schedules should be planned as carefully as possible so as not to interfere with critical work schedules. However, vacations, insofar as possible, will be granted at times

most desirable to the individual, but final scheduling of vacations will be determined by the Director to assume orderly operation.

All full-time employees earn annual vacation leave based on their years of local service with the state or local government and other public agencies who are members of the Public Employees Retirement System of Ohio (PERS).

Vacation leave accumulated per pay period: Employees accumulate 2.7 hours per pay (which will be equal to two (2) weeks vacation); after eight year anniversary date, employee accumulated 4.04 hours per pay (which will be equal to three (3) weeks vacation); after fifteen year anniversary date, employee accumulates 5.4 hours per pay (which will be equal to four (4) weeks vacation); and after twenty-five year anniversary date, employee accumulates 6.73 hours per pay (which will be equal to five (5) weeks vacation).

**B. HOLIDAYS.**

The RPC offices observe the following legal holiday and RPC employees shall not be required to work on these holidays:

New Years Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
<del>Columbus Day</del>	<del>Second Monday in October</del>
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
<b>Day after Thanksgiving</b>	<b>Fourth Friday in November</b>
Christmas Day	December 25

**If the Fairfield County Board of Commissioners approved holiday schedule differs from that above, the RPC office shall observe the holidays in accordance with the county's approved schedule. ~~The RPC shall also observe any day or portion thereof approved by the Fairfield County Commissioners for County employees employed in the Court House.~~**

Full-time employees will be paid for the above legal holidays. However, part-time employees will not be paid for holidays.

When a holiday falls on Sunday, the RPC office will observe that holiday the following Monday. When a holiday falls on Saturday, the RPC office will observe that holiday the preceding Friday or in conformity with other County offices.

C. SICK LEAVE.

- ~~1. The previously accumulated sick leave of an employee who has been separated from the public service in the State of Ohio, shall be placed to his credit upon his reemployment in the public service, provided that such reemployment takes place within ten (10) years of the date on which the employee was last terminated from public service.~~
- ~~2.~~ 1. Sick leave is accumulated per pay period at the rate of 4.04 hours per period worked. (This will be equal to three (3) weeks sick leave annually.)
- ~~3.~~ 2. Unused sick leave shall be accumulative without limit.
- ~~4.~~ 3. Absence and the employee's reason for absence must be communicated to the secretary or Director as soon to the starting hour as possible on the first day of absence or sooner, if possible.
- ~~5.~~ 4. With the approval of an employee's supervisor and completion of "Request for Leave form", sick leave may be used by the employee for the following reasons:
  - a. An employee's illness, injury, or pregnancy-related conditions.
  - b. Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other persons.
  - c. Examination of the employee, including medical, psychological, dental, or optical examination, by an appropriate practitioner.
  - d. Death of a member of the employee's immediate family. Such usage will be limited to a reasonably necessary time and will not exceed three days.
  - e. Illness, injury or pregnancy-related condition of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member.
  - f. Examination, including medical, psychological, dental, or optical examination, of a member of the employee's immediate family by an appropriate practitioner where the employee's presence is reasonably necessary.

- 6. 5. Evidence of Use-Each employee is required to complete a request for leave form upon use of sick leave. If professional medical attention is required by the employee or a member of the employee's immediate family, a certificate, from a licensed physician, stating the nature of the condition may be required by the appointing authority to justify the use of sick leave. Falsification of either the signed statement or a physician's certificate shall be grounds for disciplinary action which may include dismissal.
- 7. 6. Notification for Extended Sick Leave
  - a. Institutionalization or Hospitalization: When institutionalization or hospitalization is required, an employee is responsible to notify his or her immediate supervisor or other designated person upon admission to and discharge from such institution or hospital, unless emergency conditions prevent such notification.
  - b. Convalescence: When convalescence at home is required, the employee is responsible for notifying his or her immediate supervisor or other designated individual at the start and termination of such period of convalescence.
  - c. Abuse: An employee who fails to comply with these policies shall not be allowed to use sick leave for time absent from work for such non-compliance. Application for use of sick leave with the intent to defraud shall be grounds for disciplinary action which may include dismissal.
- 8. 7. Transfer of Sick Leave - An employee who transfers from one public agency to another, or is reappointed or reinstated, ~~or transfers from one public agency to another~~ will be credited with his or her balance of accumulated but unused sick leave up to the maximum of sick leave accumulation permitted in the public agency to which the employee transfers, provided the time between separation and reappointment does not exceed ten years or the employee did not choose to convert his or her sick leave upon separation. The words "public agency" as used above include the state, counties, municipalities and all boards of education within the State of Ohio.

D. PERSONAL LEAVE.

Personal leave may be granted by the Director for special circumstances.

E. COUR LEAVE. ~~JURY DUTY.~~

**Court leave shall be granted by the RPC and shall follow the policies and procedures within the then current Fairfield County Personnel Manual for Court Leave.**

~~Employees who are summoned for jury duty or subpoenaed as a witness must submit a request to serve to the Director as soon as possible prior to jury duty or the court session. Remittance of compensation for jury or court duty shall be made to the RPC for transmittal to the County Auditor.~~

F. COMPENSATORY TIME.

The Director may authorize compensatory time for professional positions when he determines that the individual involved has worked in excess of ten (10) hours more than would have normally been required during any particular pay period.

**SECTION VI - ABSENCES WITHOUT PAY**

Requests for leaves of absence shall be submitted in writing, to the Director stating the time an employee needs to be away and the reason for the leave of absence.

A. PERSONAL LEAVE OF ABSENCE.

Leaves of absence may be granted at the discretion of the Director. Leaves of absence not to exceed thirty (30) days and without pay, may be granted on the basis of an employee's contributions to the Commission and years of service.

B. MEDICAL LEAVE.

A regular employee who is afflicted by an extended period of illness may request a medical leave of absence not to exceed six (6) months. Before a medical leave of absence will be approved, the employee must have used all accumulated sick leave and vacation credits.

~~C. FAMILY LEAVE.~~

**FAMILY AND MEDICAL LEAVE.**

~~"Family Leaves of Absence" required to be granted to RPC employees by federal and/or state law shall be authorized.~~

**“Family and Medical Leave” required to be granted by the RPC employees by federal and/or state law shall be authorized and shall follow the policies and procedures within the then current Fairfield County Personnel Manual for Family and Medical Leave.**

### **SECTION VII - MILITARY LEAVE**

**The RPC shall follow the policies and procedures within the then current Fairfield County Personnel Manual for Military Leave.**

~~A regular employee who is a member of the National Guard or Reserve Corps or any component of Armed Forces shall, when ordered by the proper authority to active duty, be entitled to a leave of absence without loss of pay for such time as they are in the military service on field training or active duty for periods up to fifteen (15) work days and not to exceed twenty (20) work days in any one calendar year. However, these employees will receive only the difference between their regular salary and the military pay for that period. This shall apply only to a regular employee who is required to make training tours of duty in connection with his military reserve activities.~~

~~Extended military leaves are granted for periods of compulsory service without pay up to a period of required compulsory service.~~

### **SECTION VIII - EXPENSE ACCOUNTS**

Expenses incurred by employees in conducting RPC business are reimbursable. Each employee must record all information required on an applicable expense account form. The expense account form is to be kept on a monthly basis.

All employees must have prior approval from the Director before incurring any costs.

The Commission recognizes the varying costs of living throughout the United States and, therefore, each employee will be reimbursed for ordinary, necessary, and reasonable expenses incurred in the performance of RPC business. However, all employees should exercise discretion when incurring any costs.

All expense account forms will be reviewed by the Director. If the expenses are deemed to be excessive, the costs will be questioned and may be subject to only partial reimbursement.

A. AIR TRAVEL.

Air coach, tourist class, or similar accommodations must be used when traveling by air. First class accommodations are not permitted unless other accommodations are not available.

B. PERSONAL CAR MILEAGE.

Approval for the use of personal cars must be obtained from the Director prior to incurring any costs. Each employee must show proof of automobile insurance.

Mileage while driving on RPC business will be paid at the rate as established by the County Commissioners.

C. RECEIPTS.

Receipts for costs incurred in the performance of Commission business must be attached to the applicable expense account form before submission. Failure to comply with this procedure may result in partial reimbursement and/or suspension of expense account privileges.

**SECTION IX - FRINGE BENEFITS**

A. MEDICAL INSURANCE.

Employee medical insurance is presently provided by the County through a special contract with the Fairfield County Board of Commissioners.

A full time RPC employee who works at least 35 hours per week is eligible for this insurance at shared cost. The employee share of the cost of medical insurance shall be determined by the Executive Committee.

B. PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS).

The RPC is a contributing partner to the Public Employees Retirement System of Ohio for its employees. Participation in the PERS is mandatory for all employees.

Employee and employer contributions to the System will be in accordance with present applicable rates in effect.

Should an employee leave the Commission or Ohio Public Service before attaining retirement eligibility status, the money deducted from the employee's pay will be refunded to the employee, if the employee requests it, after ninety (90) days have elapsed. However, the employee may leave the money on deposit and draw a monthly benefit when the employee reaches retirement age, if the employee qualifies for minimal pension.

For more specific information, refer to a booklet entitled PERS, A Handbook for Members. These booklets may be obtained through the secretary.

C. DEFERRED COMPENSATION PLAN.

RPC employees who contribute to PERS have the opportunity to join an income tax-sheltered investment/savings/insurance plan. The Board of County Commissioners has approved three plans for county and RPC employees. The Ohio Public Employees Deferred Compensation Board, created by state law, provides a program through which employees may save for retirement through a savings account or through investment options. In addition, the program offers a life insurance and a disability insurance option. CCOA and Aetna have similar programs for employees as well.

The program options are purchased through payroll deduction. Because of the "deferred" use of the money, federal income tax benefits are available. Only legally authorized representatives of each plan are permitted to explain the program. The RPC office makes arrangements for employees to meet with these representatives.

## **SECTION X - EMPLOYMENT PROCEDURES**

A. EMPLOYMENT OF DIRECTOR.

In the event that the position of Director becomes vacant, it will be the responsibility of the RPC to select a new Director.

Applicants for the position must meet or exceed the Director's job description and existing federal and state requirements for the direction and participation in the programs being funded. Applications for employment shall be directed to the RPC.

At least three (3) qualified applicants should be available for consideration within a reasonable period of time before the final selection is made by the Executive Committee. The final selection of Executive Director shall be ratified by the RPC.

B. EMPLOYMENT OF SUPPORTING STAFF.

The Director may recommend the addition or deletion of staff positions needed with the concurrence of the Executive Committee and approval of the Planning Commission. The Director will solicit for and fill the approved additional position(s) with the approval of the Executive Committee. Regarding the deletion of staff position(s), every effort will be made to reassign the staff member to some other position.

C. EMPLOYEE EVALUATIONS.

The Executive Director will be evaluated by the Executive Committee on an annual basis. The Executive Director will evaluate all other employees on an annual basis. Evaluations will take place by November 30 of each year. Evaluations will become part of each employee's permanent personnel record.

## **SECTION XI - SALARY PROCEDURES**

**STAFF SALARY RANGES** - The budget is submitted to the RPC annually for review. The Budget Committee is responsible for recommending the staff salary budgets for approval by the RPC.

The Director's salary is set by the Executive Committee and the staff salaries are set by the Director, both within budget limitations.

## **SECTION XII - SUSPENSION FROM EMPLOYMENT**

The Director may suspend, without pay, an employee for a period of not less than one (1) work day nor more than five (5) work days for any action(s) of the employee which are in violation of this manual. Any suspension by the Director will be held in abeyance until determination by the Executive Committee upon appeal by the employee suspended. This action(s) which are considered to be sufficient grounds for employee suspension include, but are not limited to the following:

- A. Disorderly or immoral conduct on premises.
- B. Violation of safety rules, such as carelessness in regard to safety; causing danger or accident to fellow employees.
- C. Intoxication and/or substance abuse, while on the job or during working hours, and possession of liquor or other intoxicants or introducing them into the office.
- D. Insubordination, including refusal or failure to perform work assigned, and the use of profane or abusive language.
- E. Habitual tardiness, abuse of sick leave, unauthorized or excessive absence from duty without notice to and permission from the Director, except in cases of illness or causes beyond the employee's control which prevents the employee from giving sufficient notice.
- F. Willful neglect in the care or use of RPC property.
- G. Discourtesy to public.

## SECTION XIII - SEPARATION FROM EMPLOYMENT

### A. RESIGNATION.

When an employee decides to resign, every attempt should be made to find out why. If the reason given is something within the control of the RPC, it may be possible to make an adjustment and avoid losing the employee. Experienced employees are valuable and every effort should be made to keep them.

However, in spite of efforts made to avoid losing an employee, sometimes circumstances, beyond the employee's control, require the employee to resign anyway. In this case the following policies apply:

1. When an employee resigns a minimum two week advance notice of termination should be given. Planners and other supervisory staff personnel desiring to resign, should attempt to give a minimum of one-month advance notice whenever possible.
2. **The RPC Executive Committee shall be responsible for accepting the resignation of the Executive Director. The RPC hereby delegates to the Executive Director the responsibility for accepting the resignation of all other RPC employees.** The employee's notice of termination should be typed in letter form addressed to the **Director** ~~President~~ of the RPC. This notice should include a definite date of termination.
3. The Director should, then, write the employee a letter accepting his resignation, if no acceptable alternative can be arrived at to avoid losing the employee.
4. The terminating employee **shall** ~~should~~ submit, to the Director, all RPC equipment, uncompleted work, notes, files, and other materials related to RPC projects or activities.

In some cases, it may be desirable for a terminating employee to leave as soon as possible after his resignation has been accepted. Sometimes, the attitude of a terminating employee may be detrimental to others. In deciding whether the resigning employee should be kept on to work out his notice, the Director should consider the circumstances, the attitude and character of the employee, the status of his work, and the availability of a replacement.

### B. PAY UPON RESIGNATION.

Upon the termination of employment by an employee, after his first anniversary date of employment, the employee will be paid for all accumulated vacation time at his/her current rate of pay.

~~If an employee has given proper notice, A RPC employee he/she~~ should be paid his/her salary up to the date he intends to leave in addition to any vacation pay to which he is entitled. In no case will an employee receive any pay after his termination date as stated in his notice of termination. Sick leave is not payable on resignation. ~~Upon termination of service with the RPC, an employee with ten (10) or more years service with said RPC~~ **Upon retirement, an employee of the RPC** shall receive pay for the unused portion of his/her accumulated sick leave, at the rate of 25% of such an accumulation, up to a total of thirty (30) work days at his/her current rate of pay.

C. DISMISSAL.

The Executive Committee shall make the final ruling on all dismissals of staff members. Dismissals will be based upon the Committee's determination that there is sufficient cause for such action. The Director shall provide details of specific incidents or conditions warranting discharge.

At the Executive Committee's discretion, in certain appropriate cases such as substandard job performance, the employee may be given opportunity to remedy the situation before dismissal action is taken. In these situations the Director should notify the employee well in advance of dismissal as to the exact nature of the job performance or behavior which may result in dismissal unless improved.

Planning Commission staff members are expected to exhibit desirable and acceptable standards as regards their conduct in economic, social, and professional matters.

Reasons considered to be sufficient grounds for employee dismissal include, but are not limited to the following:

1. Conviction for the violation of any penal law.
2. Disorderly or immoral conduct on the premises.
3. Violation of safety rules, such as carelessness in regard to safety; causing danger or accident to fellow employees.
4. Fighting, threatening or attempting bodily injury to another; stealing, malicious mischief resulting in injury or destruction of other employees or of the RPC.
5. Intoxication and/or substance abuse, while on the job or during working hours, and possession of liquor or other intoxicants or introducing them into the office.

6. Habitual use of habit-forming drugs or their introduction or possession on RPC premises.
7. Insubordination, including refusal or failure to perform work assigned.
8. Habitual tardiness, abuse of sick leave, unauthorized or excessive absence from duty without notice to and permission of the Director, except in cases of illness or causes beyond the employee's control which prevents him from giving sufficient notice.
9. Willful neglect in the care or use of RPC property.
10. Failure, after a fair trial, to satisfactorily perform the duties for which employed.
11. Harboring a disease which may, through carelessness, endanger the health of fellow employees.
12. Falsification of any records or employment data.
13. Discourtesy to public.
14. The destruction or removal of RPC property.
15. Repeated failure to comply with the provisions set forth in this Manual.
16. Insufficient work or funds requiring a reduction in the Commissioner's staff.

D. DISMISSAL PROCEDURE.

Upon determination that dismissal of a non-probationary employee is necessary, the Director shall provide said employee with written notice specifying the reasons for dismissal at least two (2) weeks prior to the proposed date of termination of employment.

Within this two (2) week period the employee may submit a written request for a hearing to the Director. If no such request is made within this time termination becomes effective on the date indicated in the notice. If the employee does request a hearing, the Director shall set a date for the hearing which will be not later than one (1) week after the request is submitted.

The hearing will be informally conducted by the Executive Committee. During the hearing the Committee shall present its reasons for any witnesses or documents supporting their proposed action. The employee shall have the opportunity to present his

own witnesses and other evidence in rebuttal, and to confront and cross-examine witnesses against him/her.

The Executive Committee, after considering the entire record, will issue a final decision in writing to the employee. If it affirms the original dismissal decision, employment will terminate immediately.

During the employee's probationary period (his/her, first six (6) months of employment) an employee may be dismissed without notice or the opportunity for a hearing.

E. PAY UPON DISMISSAL.

Upon dismissal of an employee, after the employee's first anniversary date of employment, the employee will be paid for all accumulated vacation at his/her current rate of pay.

F. RETIREMENT.

1. RPC employees are covered by the Public Employees Retirement System (PERS). For rules affecting retirement, employees should refer to the current applicable PERS booklet.
2. Upon retirement an employee of the RPC shall be paid for all accumulated vacation time at the employee's current rate of pay.
3. Upon retirement an employee of the RPC shall receive pay for the unused portion of the employee's accumulated sick leave, at the rate of 25% of such an accumulation, up to a total of thirty (30) work days at the employee's current rate of pay.

G. REPRESENTATION AFTER SEPARATION.

No former employee shall represent private interests in any action or proceeding before the RPC for a period of one (1) year after separation of employment with the RPC.

H. APPLICATION.

**The policies and procedures in this RPC Personnel Manual shall apply to all RPC employees, unless otherwise prohibited or limited by state or Federal law. The then current Fairfield County Personnel Manual shall also apply to all RPC members on any policy or procedure not covered by this RPC Personnel Manual. When both manuals cover a particular policy or procedure, the RPC Personnel Manual shall apply and take precedence to the Fairfield County Personnel Manual.**

This **RPC** Personnel Manual supersedes all previous Personnel Manual provisions and amendments thereto.

Amended Personnel Manual Adopted by RPC

~~/s/ William A. Losoney~~ ~~3/11/94~~  
\_\_\_\_\_ Date

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**DATE OF AMENDMENT**

## AGENDA ITEM 7

BILLS  
REGIONAL PLANNING COMMISSION  
APRIL 5, 2011

561000	SUPPLIES				
	<b>Office Max</b>	\$	<u>126.27</u>		
		Subtotal		\$	126.27
543000	CONTRACT SERVICES – REPAIR				
	<b>Gordon Flesch Co.</b>	\$	<u>44.29</u>		
		Subtotal		\$	44.29
558000	TRAVEL & EXPENSES				
	<b>Holly Mattei</b>	\$	213.51		
	<b>James Mako</b>	\$	<u>45.20</u>		
		Subtotal		\$	258.71
558002	MEALS – NONTRAVEL				
	<b>Holly Mattei - OSU Extension Workshop</b>	\$	<u>45.00</u>		
		Subtotal		\$	<u>45.00</u>
		GRAND TOTAL		\$	474.27