

MINUTES

February 6, 2014

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

Presiding: Zack DeLeon, President

Present: Clement Chukwu, Joel Denny, Gail Ellinger, Jim Hochradel, Doug Hockman, Kent Huston, Dean LaRue, Harry Myers, Larry Neeley, Peter Rockwood, Dan Singer, Jason Smith, Phil Stringer, Bob Clark (County Economic Development Director), Holly Mattei (RPC Director), James Mako (Senior Planner), and Gail Beck (Adm. Asst).

ITEM 1. MINUTES

The Minutes of the January 9, 2014 Fairfield County Regional Planning Commission meeting were presented for approval. Pete Rockwood made a motion for approval of the minutes. Doug Hockman seconded the motion. The motion passed.

ITEM 2. PRESIDENT'S REPORT

Zack DeLeon welcomed everyone to the rescheduled RPC meeting. Zack said that he appreciated everyone's flexibility on postponing the Tuesday meeting due to bad weather.

ITEM 3. PRESENTATION

Bob Clark, Fairfield County Economic Development Director, gave a presentation.

ITEM 4. SUBDIVISION ACTIVITIES

Holly Mattei presented the following report:

ITEM 4a. SUBDIVISION: Winding Creek – Section 5, Part 2 – Final Plat Extension Request

DEVELOPER/OWNER: Bob Deeter

ENGINEER/SURVEYOR: EMH&T, c/o Ed Miller

LOCATION AND DESCRIPTION: The Winding Creek Subdivision is located in Section 27, Township 16, Range 20 of Violet Township. A preliminary plan for 269 lots was approved by the Regional Planning Commission in January 1996. Centralized water and sewer are provided by the Fairfield County Utilities Department. The Regional Planning Commission conditionally approved the Winding Creek Section 5, Parts 1 and 2 Final Plats on November 4, 2003. The Section 5, Part 1 Final Plat has been recorded. Final Acceptance of the public improvements for Section 5, Part 1 was recently granted by the Fairfield County Board of Commissioners.

The Final Plat approval for the Section 5, Part 2 plat has been extended by the Commission to March 6, 2014. The developer is requesting another 180-day extension, which would take Final Plat approval through September 2, 2014. The necessary filing fee has been paid.

The originally approved Section 5, Part 2 plat included 32 lots. On October 7, 2008, the Regional Planning Commission approved the Section 5, Part 1A Final Plat for lots 209 and 217, which were originally a part of the Section 5, Part 2 plat. Therefore, the Section 5, Part 2 plat will include only 30 lots.

SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION: The Subdivision Regulations Committee recommends approval of the 180-day extension of the Winding Creek Section 5, Part 2 Final Plat, subject to the following conditions:

1. The applicant shall verify the location of utilities installed on this site during the construction of Section 5, Part 1. The verification of utilities must take place prior to commencing construction of the public improvements for Section 5, Part 2.
2. The construction drawings shall be revised to accommodate for post construction water quality required by OEPA as part of the NPDES permit that the site will have to obtain before construction can commence on Section 5, Part 2. In addition, the OEPA may require water quantity requirements to be met, which could result in the loss of additional lots to accommodate water retention facilities and would require a revised plat to be submitted.
3. The final plat extension shall expire on September 2, 2014.

A motion was made by Kent Huston to approve the Subdivision Regulations Committee recommendation. Jim Hochradel seconded the motion. Motion passed with Harry Myers abstaining.

Holly Mattei presented the following report:

ITEM 4b. SUBDIVISION: Thorla – North Bank Road – Variance Request

OWNER/DEVELOPER: Dana Thorla

ENGINEER/SURVEYOR: Scott D. Grundei

LOCATION AND DESCRIPTION: An application has been submitted requesting variance to Sections 2.3 (Frontage) and 2.4 (Lot Area) for a proposed lot split on the south side of North Bank Road in Walnut Township, Section 22, Township 17, Range 18. Each proposed lot would be approximately .12 acres with approximately 49 feet of frontage. The Walnut Township Board of Zoning Appeals has already granted a variance from its zoning requirements to allow the proposed split. Water service is proposed from the Village of Millersport. Sanitary sewer services are proposed from the Licking County Water and Wastewater District.

SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION:** The Subdivision Regulations Committee recommends approval of the proposed variance for the following reasons:

1. The proposed lot will be of similar size to the lots in the surrounding area. For this reason, the Subdivision Regulations Committee believes that the variance is not substantial when viewed in light of the surrounding area and it will not substantially alter the essential character of the neighborhood.
2. The Village of Millersport and the Licking County Water and Wastewater District have indicated that they can serve this additional lot with central water and sewer services. Access can be provided from North Bank Road. Therefore, the delivery of governmental services is not adversely affected.

*Also note a flood building permit will be required from the Fairfield County Regional Planning Commission prior to moving any dirt and/or constructing any building on these lots.

**At its January 9, 2014 meeting, the RPC continued this variance case to the February 4, 2014 meeting.

Holly Mattei updated the RPC members on the status of this variance request. Holly said the County Prosecutor has advised her that we need a certification of the township's Board of Zoning Appeals decision before the RPC takes action on this agenda item. Therefore, we are requesting it be tabled indefinitely until this certification is received. A motion was made by Pete Rockwood to table this agenda item. Doug Hockman seconded the motion. Attorney John Harker representing the Thorla's was present at the meeting and asked to speak. Mr. Harker stated that in July the Board of Zoning Appeals of Walnut Township allowed a variance for the Thorla's and it was presented to the RPC. Action on the variance has been delayed indefinitely by the complaining party. A brief was filed by both the applicant and the complaining party and the County Prosecutor asked to review. Earlier last week, Mr. Harker was informed that the County Prosecutor needs certification from the township. Mr. Harker said that he believes that

SUBDIVISION: Thorla – North Bank Road – Variance Request – Continued

the certification doesn't matter and the time for appealing has expired. Mr. Harker said that the Thorla's are requesting the RPC vote in favor and then the complaining party can appeal so that the Thorla's are not further delayed. Phil Hartman representing the land owners was present at the meeting and asked to speak. He stated that the land owners are asking Walnut Township to follow their own code. He also said why should the RPC go forward when Walnut Township hasn't followed procedure. Harry Myers asked if this matter came to the RPC first. Holly Mattei responded that on subdivision activities it goes to the township first and then to the RPC. Gail Ellinger stated that township zoning put some merit into their decision and we should respect its decision. Gail said that she doesn't understand the problem. After discussion, a vote was taken and the motion passed with Larry Neeley abstaining.

Holly Mattei presented the following report:

ITEM 4c. SUBDIVISION: Hickory Ridge – Replat of Lot 9

DEVELOPER/OWNER: Mary K. Wotruba

ENGINEER/SURVEYOR: Richard Mathias, 2LMN

LOCATION AND DESCRIPTION: The Hickory Ridge Estates subdivision is located on the south side of Ginder Road in Greenfield Township, Section 14, Township 15, Range 19. The final plat for this subdivision was approved on July 6, 1999 by the Regional Planning Commission and recorded on October 27, 1999. The recorded plat includes a 45' X 95' building zone, which is the location where the house for this lot was supposed to be constructed due to Health Department requirements. The house on this lot was constructed in 2002, and it is only partially within this originally platted building zone.

The applicant is now proposing a re-plat to remove the building zone, because the house was not constructed within it. The Health Department has reviewed the re-plat and has found it to be acceptable.

In addition to removing this building zone, the plat proposed to move the front setback (building line) from 60' to 90' from centerline as required per the township zoning resolution. This setback was previously reduced on the plat due to the building zone requirements. This re-plat will correctly plat the front setback line to comply with the zoning requirements. The building line for the other lots in this subdivision have a 90' (from centerline) setback.

SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION: The Subdivision Regulations Committee recommends approval of the Hickory Ridge – Replat of Lot 9, subject to the applicant complying with the requirements of the Technical Review Committee, the County Engineer, the County Utilities Department, the Fairfield Department of Health, the Fairfield Soil and Water Conservation District, and Greenfield Township Zoning.

SUBDIVISION: Hickory Ridge – Replat of Lot 9 – Continued

A motion was made by Harry Myers to approve the Subdivision Regulations Committee recommendation. Phil Stringer seconded the motion. Discussion followed regarding why the house was built over the line. Holly Mattei responded that it was allowed by the Health Department when a permit was issued. After discussion, a vote was taken and the motion passed.

ITEM 5. PROPOSED ZONING MAP AMENDMENT

James Mako presented the following report:

ITEM 5a. APPLICANT: Sybil Heim

LOCATION & DESCRIPTION: The property proposed for rezoning is comprised of one parcel (036-00065-00) totaling 10.44 acres located at 8455 Refugee Road in Violet Township, Section 3, Township 15, Range 20. Property is located on the south side of Refugee Road (southeast intersection of Refugee and Milnor Roads). The applicant wishes to rezone 7.68 of the 10.44 acres from PD to C-2.

EXISTING ZONING: PD, Planned Residential Development – It shall be the policy of the Township of Violet to promote progressive and orderly development of land construction thereon by encouraging Planned Residential Districts to achieve:

- (a) a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and acre requirements;
- (b) a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience and neighborhood compatibility in the location of accessory commercial uses and services;
- (c) a development pattern, which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;
- (d) a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utility lines and streets.

EXISTING LAND USE: Vacant

PROPOSED REZONING: C-2 Limited Commercial- The C-2 District is defined as an area reserved for general commercial and trade uses, both retail and wholesale. Permitted uses include all uses permitted in S-1, S-2, and C-1 Districts.

PROPOSED USE: Self storage facility with office and a commercial building. Self Service Storage Facilities are Conditionally Permitted Uses in the C-2, Limited Commercial District. If the property is rezoned to the C-2 district, a Conditional Use Permit will need to be obtained from the Violet Township Board of Zoning Appeals for a Self Service Storage Facility.

APPLICANT: Sybil Heim – Continued

ADJACENT ZONING

ADJACENT USE

| | | |
|-------|---|--------------------------|
| NORTH | C-2 Limited Commercial C-3 Community Commercial (City of Pickerington) | Vacant Vacant |
| SOUTH | PD Planned Residential Development (City of Pickerington) | Spring Creek Subdivision |
| WEST | C-2 Limited Commercial | Chevington Plaza |
| SOUTH | PD Planned Residential Development (City of Pickerington) | Spring Creek Subdivision |

RPC STAFF RECOMMENDATION

RPC Staff recommends approval of the proposed rezoning. The Violet Township Land Use Plan identifies this parcel being developed with commercial type uses. RPC staff recommends that the applicant work with the township to address issues relating to landscaping and parking. Since this parcel is a part of the Spring Creek Preliminary Plan the development will have to follow the Major Subdivision requirements for a final plat.

A motion was made by Pete Rockwood to approve the RPC staff recommendation. Kent Huston seconded the motion. Discussion followed regarding the commercial building and if it is already constructed. James Mako responded that the commercial building has not been constructed and this rezoning is for the storage units. After discussion, a vote was taken and the motion passed with Harry Myers abstaining.

Holly Mattei presented the following report:

ITEM 6. RPC PERSONNEL MANUAL – PROPOSED REVISIONS

Below are proposed revisions to the RPC Personnel Manual. Proposed additions are shown in **bold**, and proposed deletions are shown with a ~~strikethrough~~.

First, changes to Section V – C(1) are being proposed. This section now includes language that indicates sick leave cannot be used to put an employee into an overtime situation.

Secondly, the county recently adopted a Wellness Incentive Program into the County Personnel Manual. Per Article XV of the RPC Personnel Manual, RPC employees are currently eligible for this program, because the RPC Personnel Manual is silent on this matter. These proposed revisions to the RPC Personnel Manual would add a new Section V- G to place some additional provisions on the Wellness Incentive Program for RPC employees. The proposed revisions would: 1) modify the county’s conversion schedule to reflect the RPC’s 35 hour work week; 2)

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

require an eligible employee's vacation balance to be below the one year accrual level prior to utilizing personal hours and 3) clearly state that any unused personal hours earned within a wellness period shall not be payable upon resignation or dismissal from the RPC.

The RPC Director has reviewed the proposed changes with the RPC Executive Committee and they are requesting approval of these proposed changes.

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

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

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

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

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.

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

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.

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

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

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

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.

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 |
| Veterans Day | November 11 |
| Thanksgiving Day | Fourth Thursday in November |
| Day after Thanksgiving | Fourth Friday in November |
| 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.

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

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

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. 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.) **Part time employees and employees with less than a seventy hour pay period are credited proportionately. Hours over seventy per pay period are not computed for sick leave purposes. Sick leave is used in ¼ hour increments and cannot be used to put an employee into an overtime situation.**
2. Unused sick leave shall be accumulative without limit.
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.
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.
5. Evidence of Use-Each employee is required to complete a request for leave form

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

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.

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.
7. Transfer of Sick Leave - An employee who transfers from one public agency to another or is reappointed or reinstated 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. COURT LEAVE.

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.

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

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.

G. WELLNESS INCENTIVE PROGRAM

The Fairfield County Personnel Manual includes a Wellness Incentive Program (currently Section 4.14). The RPC employees are eligible to follow the then current Wellness Incentive Program in the Fairfield County Personnel Manual with the following additional provisions:

1. The County's conversion schedule is based upon a 40 hour work week. Per Section III of the RPC Personnel Manual, the RPC work week is 35 hours. Therefore, the conversion schedule is being modified to reflect the RPC's 35 hour work week and will be as follows:
 - a. If a full-time employee uses 7 hours or less of sick or unpaid leave during a wellness period, the employee may convert up to 35 hours of sick leave to personal leave hours.
 - b. If a full-time employee uses between 7.25 and 14 hours of sick or unpaid leave during a wellness period, the employee may convert up to 28 hours of sick leave to personal leave hours.
 - c. If a full-time employee uses between 14.25 and 21 hours of sick or unpaid leave during a wellness period, the employee may convert up to 21 hours of sick leave to personal leave hours.
 - d. If a full-time employee uses between 21.25 and 28 hours of sick or unpaid leave during a wellness period, the employee may convert up to 14 hours of sick leave to personal leave hours.
 - e. If a full-time employee uses between 28.25 and 35 hours of sick or unpaid leave during a wellness period, the employee may convert up to 7 hours of sick leave to personal leave hours.
2. In order to be eligible to utilize personal hours received under the Wellness Incentive Program, the employee's vacation balance must be below the one year accrual level as permitted by Section V (A).
3. As stated in the Fairfield County Personnel Manual, the employee must utilize the personal days within the wellness period that immediately follows the wellness period in which the personal hours were earned. Furthermore, for RPC employees, any unused personal hours earned within the wellness period shall not be payable upon resignation or upon dismissal as outlined in Section XIII B and E of the RPC Personnel Manual.

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

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 AND MEDICAL LEAVE.**

“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.

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.

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

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. All employees must comply with the Fairfield County Employee Motor Vehicle Eligibility requirements as outlined in the Fairfield County Personnel Policy Manual.

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.

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

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.

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

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.

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

- 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 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 submit, to the Director, all RPC equipment, uncompleted work, notes, files, and other materials related to RPC projects or activities.

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

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.

A RPC employee 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 **and personal days (earned under the Wellness Incentive Program) as described in Section V of the RPC Personnel Manual** ~~is~~ **are** not payable on resignation. 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.

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

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

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

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. **Sick leave and personal days (earned under the Wellness Incentive Program) as described in Section V of the RPC Personnel Manual are not payable upon dismissal.**

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.

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

ARTICLE XIV – CELL PHONE PLAN POLICY

The use of cellular telephones, in some instances, is the most effective manner in which to conduct RPC business. Use of cellular telephones for RPC business and appropriate reimbursement from RPC resources are allowable within the parameters outlined below coupled with normal RPC reimbursement procedures.

A. POLICY

The RPC will not purchase, own or provide cellular telephone contracts for the use by individual employees. Due to the nature of the Executive Director's position and the need to have telephone and e-mail access in multiple locations, the Executive Director shall be permitted to be reimbursed for his or her use of a personally owned cellular telephone through a cell phone allowance in accordance with Section B of this Article. All other RPC employees are eligible to be reimbursed from the RPC for eligible cellular telephone expenses in accordance with Section C of this Article. In all cases, payment of an employee's personally owned cellular telephone bill and cellular telephone fees is the responsibility of the employee.

B. EXECUTIVE DIRECTOR ALLOWANCE

1. Cellular Telephone Allowance

The RPC Executive Director shall be permitted a cellular telephone plan allowance. This allowance does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to annual raises or job upgrades.

2. Determination of the Dollar Amount of Allowance

The RPC, upon the recommendation of the Executive Committee, is responsible for establishing the amount of the cellular telephone plan allowance. This allowance will be reviewed annually by the Executive Committee. Any proposed changes to the allowance amount must be confirmed by the RPC.

The dollar amount of the cellular telephone plan allowance should cover the Executive Director's projected business-related expenses only. Cost of basic equipment and the Executive Director's cell phone use related to business should be considered.

3. Use of Phone

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

The Executive Director must retain an active cellular telephone plan contract as long as this allowance is in place. Because the cellular telephone is owned personally by the employee, the Executive Director may use the phone for both business and personal purposes as needed. The Executive Director may, at his or her own expense, add extra services or equipment features, as desired.

Use of the phone in any manner contrary to local, state, or federal laws will constitute misuse and will result in immediate termination of the cellular telephone plan allowance.

4. Documentation and Review Requirements

The Executive Director must submit annually a copy of his/her contract/invoice to the Executive Committee for review. The Executive Director must provide the RPC with his or her cell phone number and update the RPC of any changes while receiving this benefit.

C. EMPLOYEE REIMBURSEMENT

If a RPC employee, other than the Executive Director, uses his or her personally owned cellular telephone for RPC business related calls or text messages, then that employee may request reimbursement for the actual extra expenses of using his or her own cellular telephone. Actual business use may be reimbursed at actual costs assessed. When no actual costs are assessed per call, reimbursement for business use of the employee's personal cell phone shall be at the rate of \$0.10 per minute for cell phone use or \$0.10 per text message. Verification and a copy of the cell phone bill are required with the reimbursement request.

Requests for reimbursement for official RPC business calls or text messages made on a personal cellular telephone must include a complete copy of the detailed cellular telephone bill identifying applicable RPC and personal use charges.

ARTICLE XV – 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.

RPC PERSONNEL MANUAL – PROPOSED REVISIONS – Continued

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

Amended Personnel Manual Adopted by RPC

DATE OF AMENDMENT

A motion was made by Gail Ellinger to approve the proposed revisions to the RPC Personnel Manual. Joel Denny seconded the motion. Discussion followed regarding the Wellness Period. After discussion, a vote was taken and the motion passed.

Holly Mattei presented the following report:

ITEM 7. ELECTION OF OFFICERS AND EXECUTIVE COMMITTEE FOR 2014

It is time once again to elect new Officers and Executive Committee members to serve for the next two years beginning in April 2014. This election will be held during the March 4, 2014 RPC meeting. The Nominating Committee's recommendation is being sent to the RPC at this time to comply with the requirements of the RPC By-Laws and Rules of Procedure.

The Nominating Committee has nominated the following RPC members to serve as Officers and Executive Committee members for the next two years:

| | |
|------------------------------|-----------------|
| President: | Kent Huston |
| First Vice-President: | Bill Yaple |
| Second Vice-President | Phil Stringer |
| Secretary: | Mary Snider |
| Executive Committee Members: | Doug Ingram |
| | Donna Abram |
| | James Hochradel |
| | Harry Myers |
| Immediate Past President: | Zack DeLeon |

Elections will take place at the March 4th meeting.

Holly Mattei presented the following bills for payment:

ITEM 8. BILLS

| | | |
|--------|------------------------|-----------|
| 561000 | OFFICE SUPPLIES | \$ 102.19 |
| 543000 | REPAIR AND MAINTENANCE | \$ 95.93 |
| 558000 | TRAVEL & EXPENSES | \$ 236.87 |
| | TOTAL | \$ 434.99 |

A motion was made by Jason Smith to approve the bills for payment. Doug Hockman seconded the motion. Motion passed.

There being no further business, a motion was made to adjourn the meeting by Kent Huston and seconded by Pete Rockwood. Motion passed.

Minutes Approved By:

Zachary T. DeLeon, President

Mary K. Snider, Secretary