

COMMISSIONERS MEETING – MONDAY, APRIL 10, 2006

Stephen D. Hambley called the meeting to order at 9:30 a.m. with Sharon A. Ray and Patricia G. Geissman present.

The meeting opened with the Pledge of Allegiance and a prayer.

At the beginning of the meeting, the oral reading of the April 3 minutes was dispensed with. Each Commissioner has read them personally. Mrs. Geissman moved to approve the amended minutes; the motion was seconded by Ms. Ray. There was no discussion. Roll call showed all Commissioners voting aye.

Mike Salay, County Engineer, presented the following resolutions: (1) to lift the weight limit reduction on improved County and Township roads, and (2) to determine the necessity to close Lake Road (C.H.19) between Kennard Road (C.H.78) and Chippewa Road (C.H.50). Ms. Ray moved to approve the two resolutions; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting aye.

Commissioners reviewed the weekly permits list.

Chris Jakab, Finance Director/Acting County Administrator, presented and reviewed the following resolutions: (1) authorizing a cash transfer for the Clerk of Courts' Auto Title Fund, (2) authorizing a cash transfer for the Medina County Emergency Management Agency, (3) a transfer of County General Funds to the Medina County Soil and Water Conservation District, (4) authorizing the County Auditor to transfer funds from various County department accounts to the Gasoline Rotary Fund, (5) authorizing the County Auditor to transfer funds from various County department accounts to the Medina County Print Shop revenue line item, (6) approval of an agreement for Health and Development services between Medina County Family First Council Help Me Grow and Medina County Health Department, (7) authorizing the expenditures related to an Office for Old Adults-sponsored Senior Day, and (8) reauthorizing of agreements relating to The University Center project. He also presented weekly bills in the amount of \$1,040,117.50. Ms. Ray moved to approve the eight resolutions and payment of the weekly bills; the motion was seconded by Mrs. Geissman. Mr. Hambley thanked the Soil and Water District Board and their staff for the expedited work they did so that the land could be transferred over to The University of Akron. There was no further discussion. Roll call showed Ms. Ray abstaining and Mrs. Geissman and Mr. Hambley voting aye.

Gary Berkowitz, Human Resources Director, presented a resolution approving personnel changes for the employees under the jurisdiction of the Medina County Commissioners. Ms. Ray moved to approve the personnel changes; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting aye.

Mr. Berkowitz also presented a resolution amending the Table of Organization for the Department of Job and Family Services-Eligibility Services. Mrs. Geissman moved to approve the resolution; the motion was seconded by Ms. Ray. There was no discussion. Roll call showed all Commissioners voting aye.

Mr. Berkowitz continued by presenting a resolution amending the Table of Organization for the Medina County Transit Department by deleting the Interim Road Supervisor and modifying the Vehicle Maintenance Supervisor to Services Supervisor. Ms. Ray moved to approve the resolution; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting aye.

Mr. Berkowitz presented a resolution amending the Table of Organization for the Medina County Transit Department by deleting the Interim Road Supervisor and modifying a Vehicle Maintenance Supervisor to a Road Supervisor. Ms. Ray moved to approve the resolution; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting aye.

Ken Hotz, Sanitary Engineer, presented a resolution to authorize the Sanitary Engineer to obtain easements for various water line improvement projects. Ms. Ray moved to approve the resolution; the

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motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting aye.

Debra Radecky, Office for Older Adults Director, presented a resolution increasing the cost for in-house home-cooked meals at the Office for Older Adults. Ms. Ray moved to approve the resolution; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting aye.

Ms. Radecky reported that the Office for Older Adults will close at noon on Friday, April 14. She noted the following: a stamping craft project and nursing home day on April 19; a program on cancer awareness on April 21; bingo and a movie (“Walk the Line”) on April 26; an Arthritis Foundation program on April 28; and, senior outreach services by Medina Services on May 5. A forum for seniors only will be held on April 18 (a Voices and Choices program) and is being held so that seniors can provide their input. The “My Medicare Matters” minivan will be in Medina on May 8; May 15 is the deadline for enrolling in Medicare Part B. A program for Friends in Focus, people visually impaired or blind, will be held on April 27. Tai Chi on Fridays and Yoga on Tuesdays is being held at the Center. Tuesday, May 16, will be Seniors Day at the Fairgrounds; the theme is Picnic in the Park and admission is \$3.00 for seniors. In March, there were four health units, 42 Alzheimer’s respite units, 105 supportive units, 1793 transit trips, 1323 congregate meals, and 5014 home-delivered meals.

Mike Patacky, Child Support Enforcement Agency Director, reported that the technology upgrade by the State of Ohio continues by delivering monitors next week, making the upgrade complete. Once the State of Ohio licensed software is removed from the old PCs, the PCs will be donated to Mead Wilkins who will refurbish them and distribute them to children in foster care, seniors, and others. Document imaging contracts will be forwarded for the Board’s review.

Jim Douth, Medina County Economic Development Corporation Director, presented a resolution to approve the minutes from the Tax Incentive Review Councils representing the City of Medina, Sharon Township, and Liverpool Township. All active abatement projects must be reviewed annually and all meetings went well. Mr. Douth noted that a Medina County polymer company’s personal property investment took place after January 1, 2005, so it’s exempted; therefore, the agreement will be terminated. He thanked the Auditor’s Office for working closely with them and the companies to complete accurate reports. In total, 25 enterprise zone projects were reviewed – they have invested nearly \$191 million and brought 476 new jobs to the County. The community reinvestment projects were also reviewed; there are 104 (mostly pre-1994 CRAs) and that review showed that since 1988, \$540 million has been invested with over 2000 jobs for the County. Ms. Ray moved to approve the resolution; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting aye.

The Assistant Clerk read the regular resolution to allow expenses of County officials. Ms. Ray moved to allow the expenses; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting aye.

Mr. Hambley read the resolution commending Pamela J. Terrill for her 30 years of service with Medina County. Ms. Ray moved to approve the resolution; the motion was seconded by Mrs. Geissman. Mrs. Geissman noted that it is very difficult to please three people all of the time and that Pam has done an exceptional job in doing that with so many different boards for so many years. She will be missed. There was no further discussion. Roll call showed all Commissioners voting aye.

The meeting was opened for public comment; there was none.

Mr. Hambley noted that there would be a discussion session and then an annexation hearing at 10:15 a.m. An Executive Session for the purpose of imminent and pending litigation, as well as personnel/compensation is needed. Ms. Ray moved to recess into Executive Session for the aforementioned purposes; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting aye.

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The meeting recessed for the Commissioners to move to the conference room for the discussion session at 9:55 a.m.

Discussion Session

Mrs. Geissman asked for approval from the Commissioners to hire a consultant to ascertain the cost of constructing a 48-bed pod to the jail. She would also like to speak to the municipal court judges to ask what is causing inmate peaks and if there are other alternatives other than jail time. She noted that the numbers are the lowest they've been in five years (221 average). There are more inmates during weekends.

Sheriff Neil Hassinger stated that no beds are being rented; therefore, the jail isn't full. He can't afford to rent beds. Today, they are below capacity (10 female beds empty and 23 empty male beds). The courts and the Prosecutor's Office have worked closely with Sheriff Hassinger. He noted that there are 13 offenders coming this weekend, resulting in only ten empty male beds. Ms. Ray asked if the weekend offenders could be scheduled differently; Mrs. Geissman inquired about utilizing the home arrest program for non-violent offenders. Sheriff Hassinger noted that some sentences mandate jail time. Mrs. Geissman asked if they could serve the jail time other than weekends; Sheriff Hassinger answered that judges want to keep the offenders working in order to support their families. Mrs. Geissman thought that perhaps the offenders could use their vacation time. Sheriff Hassinger stated that County judges and Prosecutor Holman work closely with his department; otherwise, 50 cots would probably be set up.

Other jails are able to utilize more cots; however, the Medina County jail doesn't have anywhere to set up cots. The classrooms are being used for rehabilitation programs (i.e., anger management, parenting) in order to decrease the recidivism rate. The average stay is 30 days, without weekend offenders. The State made changes so that counties are responsible for more offenders; this happened soon after the new jail was built. When beds are empty, the police departments are notified and the beds are filled. With increased population, there is better police work and more people are arrested. Our economic growth means more people from other counties come here to work and some take advantage to commit their crime in this County. Mrs. Geissman noted that there are more violent inmates than ever before and overcrowding is a safety issue. Sheriff Hassinger stated that there are inmates that are not permitted out of their cell unless they're in irons.

Mr. Hambley stated that the Community Correction Board should help identify the scale of an addition. Mrs. Geissman said that the jail was built to accommodate two more 48-bed pods. Maybe one could be built now and the other five years from now. We need to talk to judges – they want to be tough on crime, but there are budget considerations. Perhaps if they're not violent, there is another alternative when the State doesn't mandate the sentence. Ms. Ray noted that there are times that the offender can't afford home arrest or that the home arrest or probation is violated; then, they will be placed in jail. She continued that there are also storage issues at the jail. Sheriff Hassinger stated that the jail size must be increased in order to continue to have an accredited facility.

Sheriff Hassinger also noted that one of the biggest increases in crime in Medina County is child molestation cases. This year, 9 have been arrested; since the operation was started, 20 have been arrested. Officers work only a few hours a week on this, but 20 hours a week could be spent if there were enough officers. Mr. David Brown noted that while these offenders are eventually sentenced to State facilities, they spend 6-12 months in the County jail before their trial and sentence.

Ms. Ray moved to proceed on the \$4000 commitment to hire a consultant to ascertain the cost of constructing a 48-bed pod to the jail; the motion was seconded by Mrs. Geissman. There was no further discussion. The motion showed all Commissioners voting aye.

At 10:15 a.m., Commissioners recessed into the Annexation Hearing.

Annexation Hearing

Commissioners convened the meeting at 10:15 a.m. for the annexation public hearing on 11.1295 acres of land from Wadsworth Township to the City of Wadsworth. Mr. Hambley swore in those wishing to comment during the hearing and opened the hearing for opening statements.

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Attorney Craig Horbus of Witschey Witschey & Firestone Co., L.P.A. (405 Rothrock Road, Suite 103, Akron, Ohio 44321) stated that he was the agent for the petitioners, Richard and Shirley Brye, 1570 Reimer Road, Wadsworth Township. Jeffrey T. Witschey of the same legal office is also present to share information. This is a regular petition for annexation that requires 51% of the property owners who sign the petition to be in favor of the annexation; in this case, there are two property owners and there is 100% approval for annexation. Attorney Horbus noted that the property owners will receive tremendous benefit when the property is annexed; there is a lack of any real detriments to their property or surrounding properties.

On March 24, 2006, affidavits were filed in support of the annexation from Wadsworth City Service Director Chris Easton and Richard and Shirley Brye. These were filed at least 15 days before the hearing. Proper and timely filings of paperwork were done pursuant to Ohio Revised Code Section 709.02 and 709.03. He presented the following exhibits:

- Exhibit A
 - Contents of the petition, filed and date stamped February 3, 2006 by the Commissioners' office.
 - Signatures of the petitioners dated not more than 180 days prior to this hearing
 - Legal description filed on February 3, 2006
 - 8½ x11 copy of the plat map, originally filed with the full mylar copy given to the Commissioners
- Exhibit B
 - List of all of the parcels within the territory, as well as all the surrounding parcels (including their names, parcel numbers, and addresses)
- Exhibit C
 - Notice of the Hearing date and time issued by the Commissioners that was issued within five days after the petition was filed and not less than 60 nor more than 90 days after the petition was originally filed
 - Notice of the filing of the petitions with each of the municipalities
- Exhibit D
 - Notice required to be sent to the Clerk of the City of Wadsworth mailed on February 6 and date stamped February 7, 2006
- Exhibit E
 - Notice sent to the Clerk of the Township of Wadsworth mailed on February 6 and date stamped February 8, 2006
- Exhibit F
 - Notice sent to the Clerk of the Medina County Commissioners dated February 6 and date stamped February 7, 2006
- Exhibit G
 - Notice of proof of service of the aforementioned notices being sent mailed February 10 and date stamped February 14, 2006 (within 10 days after the completion of the serving of the notices)
- Exhibit H
 - Amended list of adjacent property owners that was required pursuant to the Tax Maps' suggestion because there was a minor address correction
- Exhibit I
 - Service of the hearing notice, map, and the Statement of Right to Withdraw a Signature to the owners of the territory, Richard and Shirley Brye, sent regular mail on February 13, evidenced by the Certificate of Service, which was within 10 days of filing the petition and receiving the notice
- Exhibit J
 - Same as Exhibit I except to the adjacent property owners; records show none were returned
- Exhibit K
 - Affidavit of the agent (Attorney Horbus) verifying service of all the notices that were sent to the land owners, marked as received on February 14, 2006.
- Exhibit L
 - Notice of Proof of Publication, the legal notice published on March 16 by the *Medina County Gazette* of the annexation hearing. The notice was filed March 20, 2006, within 10 days after publication of the notice.
- Exhibit M
 - Copy of the hand-delivery notice that he filed an amended original mylar and legal description pursuant to Tax Maps' request due to minor changes
- Exhibit N
 - City Services Resolution 06-02. The hearing was held March 21, 2006 and the resolution passed the same day. The resolution shows that upon the effective annexation date, the following services would be available: City Police, City Fire, emergency medical services, electric, City telecommunications (cable and high-speed internet), City sanitation collections, City water, and City sewer.
 - Certification that the Resolution was filed on March 22, 2006
- Exhibit O
 - Copy of the maintenance agreement between Medina County and Wadsworth City for the boundary roads (4.5 miles of road in front of the property).

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- Exhibit P • Affidavit of Wadsworth City Services Director
- Exhibit Q • Affidavit of Shirley Brye in support of the annexation
- Exhibit R • Affidavit of Richard Brye in support of the annexation

In summary, Attorney Horbus showed an aerial view of the property. There is a 4.7 acre stocked lake on the property and the fish were consumed by the Brye family. The lake is now contaminated by runoff from area developments and by an old coal mine. The water has been tested positive for mercury. The same runoff causes an issue for their well that was used for all of their household use. Installation of an ultraviolet sterilization system has not been successful. Sediment shuts down the filtration system and Mr. Brye must then run a chlorination process and flush all of the water lines. Because of his age and health, this is becoming increasingly difficult. All of the water that is used for drinking or cooking is purchased bottled water. City water is a necessity. The annexation meets all requirements outlined in the Ohio Revised Code and is reasonable.

There was no one present representing Wadsworth Township or Wadsworth City.

Mr. Hambley asked if there was anyone present to challenge the validity to the petition. Corrine Rakoci of 1100 Sterling Oaks Drive stated that she didn't have a challenge, only a question. The condominiums where she lives is adjacent to the property. The Sterling Oaks Condominiums also have city utilities available, but they must use a pumping station in order to pump sewage to the City lines. She inquired what would make this property any different. Attorney Horbus answered that in the resolution, the City Services Director states that the property owners must install the infrastructure to gain access to the sewer lines. Therefore, the Brye family must either put in their own pumping station or obtain access to a pumping station through other means. Mrs. Rakoci noted that each condominium owner pays a monthly fee to run their pumping station, which also serves the assisted living facility and perhaps all of the new homes being built on Great Oaks Trail, north and south, bordering to nearby Letterman Road.

Mr. Hambley stated that he would be surprised if the City of Wadsworth could add to the burden of the present pumping station without compensation. Mrs. Rakoci stated that it is supposed to accommodate 750 homes.

Mr. Hambley verified with the Assistant Clerk that all of the following were valid:

- 51% of the owners have signed the petition
- No signature was obtained more than 100 days before filing the petition with the Clerk
- The accurate legal description of the perimeter and an accurate plat map was filed
- The agent was listed in the petition
- The list of adjacent property owners was attached

Mr. Hambley noted that many of the problems are relating to urban run-off from adjoining subdivisions. He asked if the City of Wadsworth indicated that they would be willing to address those issues because it's against their own laws. Mrs. Brye answered that there is an EPA ruling and the City is working with them to resolve the issues.

Shirley Brye of 1570 Reimer Road stated that she and her husband are in their 70s and that their dream home has been affected. The past six years have been very stressful and discouraging, the property values have eroded, her husband's health has diminished, the well is not reliable, drinking water must be carried in, and the water is not good for daily household use. She asked that the Commissioners help them by approving the annexation.

Ms. Ray moved to close the public hearing; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting aye.

Mr. Hambley noted that they have 30 days to decide. Mrs. Geissman and Ms. Ray indicated that they were comfortable taking action today.

Ms. Ray moved to approve the annexation meeting the criteria stipulated in ORC 709.033. The motion was seconded by Mrs. Geissman. Mr. Hambley apologized that because the system moved slowly and

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judicially to allow input, the Brye family has suffered for so long. Mrs. Geissman stated that she was impressed with the thorough presentation. There was no further discussion. Roll call showed all Commissioners voting aye.

The annexation hearing ended at 11:08 a.m.

Discussion Session (Continued)

The session resumed at 11:10 a.m.

Ms. Ray noted that Emily Muscatello had completed an application to serve as a member of the Office for Older Adults Council on Aging for Medina County. No Commissioner had an objection and a resolution will be prepared for next week's meeting.

Mrs. Geissman noted that there is an opening on the Western Reserve Area Agency and applications are needed. Only one has been received.

Ms. Ray stated that Medina City will be talking next month about the historical district and since the County owns so much property, she would like Bill and Patrice to review the proposal. There was much discussion that it may be very restrictive and the historical preservation district will be extended.

Mr. Hambley asked for consensus to hold an informational TEL Amendment meeting on May 1 at 7:00 p.m. in the Choral Room. No Commissioner had an objection. He will coordinate sending invitations to townships, parks, libraries, etc.

Chris Jakab noted that he will be meeting this week with three consultants regarding the data center relocation and with the Auditor's office and Tax office to review the tax software RFP.

The discussion session ended at 11:15 a.m.

Executive Session

At 11:15 a.m., Commissioners recessed into Executive Session, which was voted on earlier in the meeting.

Mrs. Geissman moved to adjourn the meeting at 1:20 a.m.; the motion was seconded by Ms. Ray. There was no discussion. Roll call showed all Commissioners voting aye.

RESOLUTIONS PASSED:

- 06-0253 RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS
- 06-0254 RESOLUTION COMMENDING PAMELA J. TERRILL FOR HER 30 YEARS OF SERVICE WITH MEDINA COUNTY
- 06-0255 RESOLUTION LIFTING THE WEIGHT LIMIT REDUCTION ON IMPROVED COUNTY AND TOWNSHIP ROADS
- 06-0256 RESOLUTION DETERMINING THE NECESSITY TO CLOSE LAKE ROAD (C.H.19) BETWEEN KENNARD ROAD (C.H.78) AND CHIPPEWA ROAD (C.H.50)
- 06-0257 RESOLUTION AUTHORIZING A CASH TRANSFER FOR THE CLERK OF COURTS' AUTO TITLE FUND
- 06-0258 RESOLUTION TO TRANSFER COUNTY GENERAL FUNDS TO THE MEDINA COUNTY SOIL & WATER CONSERVATION DISTRICT
- 06-0259 RESOLUTION AUTHORIZING A CASH TRANSFER FOR THE MEDINA COUNTY EMERGENCY MANAGEMENT AGENCY
- 06-0260 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS COUNTY DEPARTMENT ACCOUNTS TO THE GASOLINE ROTARY FUND
- 06-0261 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS COUNTY DEPARTMENT ACCOUNTS OF THE MEDINA COUNTY PRINT SHOP REVENUE LINE ITEM

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- 06-0262 RESOLUTION TO APPROVE AN AGREEMENT FOR HEALTH & DEVELOPMENT SERVICES BETWEEN MEDINA COUNTY FAMILY FIRST COUNCIL HELP ME GROW AND MEDINA COUNTY HEALTH DEPARTMENT
- 06-0263 RESOLUTION AUTHORIZING THE EXPENDITURES RELATED TO AN OFFICE FOR OLDER ADULTS-SPONSORED SENIOR DAY
- 06-0264 RESOLUTION REAUTHORIZING AGREEMENTS RELATING TO THE UNIVERSITY CENTER PROJECT
- 06-0265 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
- 06-0266 RESOLUTION AMENDING THE TABLE OF ORGANIZATION FOR THE DEPARTMENT OF JOB & FAMILY SERVICES – ELIGIBILITY SERVICES
- 06-0267 RESOLUTION AMENDING THE TABLE OF ORGANIZATION FOR THE MEDINA COUNTY TRANSIT DEPARTMENT
- 06-0268 RESOLUTION AMENDING THE TABLE OF ORGANIZATION FOR THE MEDINA COUNTY TRANSIT DEPARTMENT
- 06-0269 RESOLUTION AUTHORIZING THE SANITARY ENGINEER TO OBTAIN EASEMENTS FOR VARIOUS WATER LINE IMPROVEMENT PROJECTS
- 06-0270 RESOLUTION INCREASING THE COST FOR IN-HOUSE HOME-COOKED MEALS AT THE OFFICE FOR OLDER ADULTS
- 06-0271 RESOLUTION APPROVING THE MINUTES FROM THE TAX INCENTIVE REVIEW COUNCILS REPRESENTING THE CITY OF MEDINA, SHARON TOWNSHIP, AND LIVERPOOL TOWNSHIP
- 06-0272 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

Respectfully submitted,

Peggy Folk CPS, Assistant Clerk

MEDINA COUNTY COMMISSIONERS:

Stephen D. Hambley

Sharon A. Ray

Patricia G. Geissman