

COMMISSIONERS MEETING – MONDAY, APRIL 22, 2002

Patricia G. Geissman called the meeting to order at 9:30 a.m. with Stephen D. Hambley present. Thomas R. Bahr was out ill today.

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

There were no minutes for approval today.

The County Engineer's Office had no items for the agenda.

Chris Jakab, Finance Director, was out due to a death in the family.

Bev Valentine, Finance Department, presented and reviewed 6 resolutions involving amending the annual appropriations, various fund transfers, creation of Office for Older Adults Family Caregivers Support Fund, purchasing fuel for the Engineering Center from Weaver Oil, and the weekly bills in the amount of \$705,682.00.

Mrs. Geissman noted that the Family Caregivers Support Fund does not require matching funds. The support group is being set up for children of aging parents. They will meet the second Thursday of each month and provide free respite care for those children.

Mr. Hambley moved to approve the 6 Finance resolutions. Seconded by Mrs. Geissman. There was no further discussion. Roll Call showed both Commissioners voting AYE.

Roger Harris, Human Resources Director, was on vacation this week.

John Stricker, County Administrator, presented and reviewed the personnel changes resolution. Mr. Hambley moved to approve the personnel changes. Seconded by Mrs. Geissman. There was no discussion. Roll Call showed both Commissioners voting AYE.

John presented a resolution authorizing a one-day unpaid suspension for an employee of First Stop. Mr. Hambley moved to approve the suspension. Seconded by Mrs. Geissman. There was no discussion. Roll Call showed both Commissioners voting AYE.

John presented a resolution authorizing removal of an employee from the Building Department during her probation period. Mr. Hambley moved to approve the removal. Seconded by Mrs. Geissman. There was no discussion. Roll Call showed both Commissioners voting AYE.

John presented a resolution accepting and rejecting the bids for the Professional Building elevator control replacement. One bid was received for \$20,050 and there was an 8-10 week delay in the delivery of the control unit. They are now obtaining quotes to get it in quicker. John also presented a resolution authorizing a change order for Gene's Refrigeration for HVAC replacement at various buildings. This is an increase of \$1,120 for additional ductwork that was needed at the Community Center. Mr. Hambley moved to approve both resolutions. Seconded by Mrs. Geissman. There was no discussion. Roll Call showed both Commissioners voting AYE.

Ken Hotz, Sanitary Engineer, presented a resolution to invest the retainer of Underground Utilities for the Ledge/Ridge waterline project in an escrow account. The project is about complete. The retainer will be held in escrow until the project is completed and accepted. Mr. Hambley moved to approve investing the retainer. Seconded by Mrs. Geissman. There was no discussion. Roll Call showed both Commissioners voting AYE.

Ken noted that there were over 800 people in attendance at the Earth Day celebration. He also noted that they received 850 appliances at the Appliance Round-Up.

Mead Wilkins, Job & Family Services Director, presented a resolution to allow expenditures for the Foster Parent banquet. This is paid from their donated funds. Mr. Hambley moved to allow the expenditures. Seconded by Mrs. Geissman. There was no discussion. Roll Call showed both Commissioners voting AYE.

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Mead stated that they are preparing a strategic plan for the department to prepare for the next 3-5 years by reviewing the strengths and weaknesses of the staff, etc. The threat to the operation is the stress of the times. They need to handle the funding cuts and still help those applying for assistance. They have divided this plan in to 3 steps that involve the operational capacity (time needed for each procedure), quality assurance, and key procedural measures (managing the agency capacity rather than their time). They have found that they are doing 25% of the plan already. They are also working on a fiscal flow chart for those youth that are in care costing \$300 a day. They are pulling the revenue sources together for a report on each youth. Both programs are to be in place by June 1.

Chris Hartman, Soil & Water Conservation District, stated that they held a pond construction clinic with the County Engineer last month and had 12 participants. They completed a design for an animal waste structure for a large horse stable operation in the Hinckley Reservation of the Cleveland Metro Parks. They provided 3 copies of the manual "Guide to Ohio Streams" to each high school and junior high in the county. They assisted 200 people last month, had over 100 students tour the CPF, had 36 teachers in workshops and loaned out several education kits. The poster contest theme was "Gift of Trees" and they had 95 participants. The winners will go on to the state competition and possibly the national. There is a meeting later this morning regarding NPDES, Phase 2.

The Clerk read the resolution to allow expenses of county officials. Mr. Hambley moved to allow the expenses. Seconded by Mrs. Geissman. There was no discussion. Roll Call showed both Commissioners voting AYE.

Patrice Theken, Department of Planning Services Director, thanked Commissioners for allowing her to attend the American Planning Conference in Chicago. This was a very helpful and informative conference. As part of the conference she served as one of three delegates from Ohio and attended the National Delegate Assembly for APA. There were 110 people reviewing policies and procedures for wetlands and smart growth. One session she attended was on planning for natural disasters. On May 14 the Planning Department will hold a workshop on hazard mitigation and how it relates to planning. They will have people in talking about flooding and tornadoes and someone from the Building Department on preparing structures for natural hazards. There will be a Zoning Inspector meeting on May 10 to review zoning amendment procedures. In June there will be a workshop on basic zoning and minor subdivisions.

Mr. Hambley asked if the Subdivision Regulation meeting is still scheduled for Thursday, and if it is published as a public meeting.

Patrice stated that it begins at 1:30 and it will be published.

Susan Hirsch, Planning Services, presented a resolution approving changes to the "Operating Policies and Procedures of the Medina County Department of Planning Services". There were discussions regarding some tasks that the Department doesn't have the authority to undertake such as the GIS mapping and being able to give additional assistance to townships or villages. New wording in the policies and procedures will allow up to 10 maps to each entity annually and a section stating that extra planning activities must be items that the Planning Commission doesn't normally approve under the procedures. The Planning Commission unanimously endorsed the changes on the 3rd. Mr. Hambley moved to approve the changes. Seconded by Mrs. Geissman. There was no further discussion. Roll Call showed both Commissioners voting AYE.

The meeting was opened for public comment and there was no one present wishing to comment.

Commissioners recessed into the conference room for the discussion session at 9:59 a.m.

Mr. Hambley stated that there has been a discussion about having a premiere viewing of the history video. The video should be finalized in May and they would like to hold the premiere in the Broadway Hall (Administration Building auditorium). The plan is to invite everyone that has sponsored the video and all school superintendents. He requested approval for the nominal expense of using the Hall one evening in the latter part of May. Mrs. Geissman agreed.

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Chris Hartman presented a proposed letter regarding NPDES permitting mandates that will start next March. Part of the requirement, the permitted jurisdictions are required to develop a storm water management plan to address the 6 minimal controls required by OEPA. Those controls include public education/outreach, public involvement, elimination of discharges, construction site storm water run-off ordinances, post-construction storm water management ordinances, and pollution prevention. The jurisdictions required to be permitted are Brunswick City, Wadsworth City, Brunswick Hills Township, Wadsworth Township, Hinckley Township and the County. Through discussion he stated that he was told Sharon Township was not on this list, but he will double check that information. Medina City is on a potential designated list and will be determined at a later date. Subdivisions within those jurisdictions have to be included such as the Medina County Parks and Cleveland Metro Parks in Hinckley. Tom James, Park District Director, is willing to participate in development of this plan. The Soil & Water Conservation District (SWCD) is offering assistance to those jurisdictions to develop their plans. They will make sure the plans meet the mandated requirements and that they will have a plan that can be implemented over the next 5 years. There will be 3 levels of involvement. An advisory committee comprised of OEPA, SWCD, ODNR, and marketing and engineering professionals. The advisory committee will interpret and translate the requirements to make sure that when the plans are developed they meet all of the requirements. SWCD will do the “legwork” of gathering information from each permitted jurisdiction to see what they are currently doing about storm water management, the additional efforts they will need to do, and what funding they have available. The SWCD agreed to have this pursued and to request \$2,000 from each jurisdiction to help offset costs. The estimated cost is \$20,000. There will also be state matching funds. Tom Bahr had suggested that a joint letter be sent from this Board and the SWCD Board.

John Stricker asked about having a representative from the member jurisdictions.

Chris stated that they don't anticipate them being on the advisory board unless they want to be on. The jurisdictions are the clients and SWCD is serving as consultant. The advisory committee is being set up to make sure all of the EPA requirements are met. Each client wouldn't know that information unless they wanted to be that involved. They felt it was not necessary to have them on the committee.

John suggested that they might want one representative from a larger jurisdiction and one from a smaller jurisdiction to be sure you're dealing with all of the issues they need to deal with. Brunswick Hills and Hinckley may have problems that the County might not have.

Mrs. Geissman asked if they will be meeting with each jurisdiction individually.

Chris stated that they will be meeting with them at least twice and it could be more.

Mr. Hambley asked if the intent is that the advisory group will act as a consultant to each of the jurisdictions with recommended management practices. He also asked if the funding being discussed is for the planning process, not the implementation of those plans. He noted that the real expense of the plans will be implementing such as the inventory, outreach, etc.

Chris agreed. The SWCD will suggest to each jurisdiction what they should do based on the requirements. It will be up to the jurisdictions to choose out of a “menu” of things they can do. That will be taken back to the advisory committee to make sure they are doing enough.

Ken asked if the plan is voluntary and upon response that the plan is mandated, he agreed with John that someone from the jurisdictions should have some input in the planning process.

Through further discussion, Chris stated that SWCD will be meeting with each jurisdiction and reporting to the advisory committee. There will an effort to get everyone together at 1 or 2 times to share ideas on what each jurisdiction is doing.

Mr. Hambley noted that the Ohio Storm Water Task Force and NOACA are doing some of the work on the BPM's. Essentially this is “bringing it closer down home” to what applies here.

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Chris stated that they will use the information being generated and those will be some of the menu choices.

Mr. Hambley stated that this may look like a significant amount of money, but it is small compared to what it will be by 2007, which is being mandated. He believes the Cuyahoga County Soil & Water District estimated it will cost every household \$3.00 to implement phase 2 in Cuyahoga County. We don't have a lot of the problems that they have and there's no estimate on what it will cost here. This is one of those federal mandates that we have little choice in and is another cost shifting down to the local levels. He is in favor of this. He assume this is still operable even if 1 or 2 of the jurisdictions don't sign up. Brunswick City already has a consultant that is supposed to be doing some of this.

Chris stated that if 2 of the 8 say they want to do it they will still do it. It won't be as much work for them and they won't need as much money.

Mr. Hambley asked if this could be expanded if the new urbanized areas have to be permitted.

Chris agreed, adding that they will be offering this to Medina City. He assumes they will need this done also.

Mr. Hambley and Mrs. Geissman agreed to the proposal.

Chris will finalize the letter and bring it to the office for Commissioners' signatures.

Mrs. Geissman stated that at the CCAO Board meeting they discussed that the State Attorney General has not given an opinion on the annexation law and it's still a legal issue. The CCAO Board has not taken any action on this and they are looking for a county that can have a test case. There were a couple of counties that were willing because they have annexations going on.

Mr. Hambley noted that the legislature passed it, the Governor signed it, there was an attempt for a referendum that failed, and they failed to get enough signatures on a second try.

Bill Thorne, Assistant Prosecutor, stated that a copy of a letter where the Attorney General ruled before was received, but he doesn't know where that stands since it was released. The original ruling said the Secretary should not have given his 10-day letter until after all of the complaints on the ballot language had been resolved. After he had given that original 10 days, there were still complaints outstanding. That could be argued that he has to decide first and then give the 10-day notice. That would extend it further, but as the Friday before last, nobody had filed anything to challenge it.

Mrs. Geissman stated that everyone that deals with lobbying is totally up in the air about this. There have been some retractions by the Attorney General's Office that the release was done by an "eager person" within their office and that the release didn't come from the Attorney General. So I guess counties are on their own.

Bill feels that at this point we should proceed under the new law until something is filed.

Mrs. Geissman stated that most of the commissioners present at the CCAO meeting felt they were just going to sit tight and see what happened. A couple volunteered to take the issue back to their boards to see if they could be test cases. There are a couple counties that said they aren't going to do anything.

Bill stated that if there are any annexations pending they can't sit tight. They have to go one way or another or it opens them to a lawsuit because they have an obligation to proceed.

Mr. Hambley noted if we proceed under the new law, there is an easy remedy if we make a wrong decision, but there's no remedy if we go with the old law. In other words, if we make a decision based on the old law and get sued because we should have used the new law, would it be more problematic?

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Bill stated that either way there would be the same problems legally depending on the annexation. In terms of the 9th District (Court of Appeals), most of the changes in the law follow what the 9th District follows anyway in terms of the actual results. If you have an annexation that everyone agrees to then the 9th District isn't going to over rule it. The only one that would potentially appealed would be a contested one and the only argument there is that you'd have to go back and apply the old legal standards; in terms of all the procedures there wouldn't be anything wrong with that; it just gives them more than they would be entitled to and they aren't going to reverse it for that; it would just be a remand to consider it under the old standards rather than the new; I don't think following the new procedures is going to hurt you at all.

Bill stated that either way there would be the same problems legally depending on the annexation. Most of the changes in the law follow what the 9th District (Court of Appeals) follows anyway in terms of the actual results. If there is an annexation that everyone agrees to the 9th District isn't going to over-rule it. The only annexation that would potentially be appealed would be a contested one, and the only argument would be that the Commissioners have to go back and apply the old legal standards. In terms of the procedures, there wouldn't be anything wrong. It would just be a remand to consider the annexation under the old standards rather than the new ones. Following the new procedures is not going to hurt the County.

Mr. Hambley stated that basically by following the new procedures if there is a contested annexation, the issue will be whether to use the new standard in making a decision.

Bill agreed, noting that the expedited types are pretty consistent with what the 9th District is doing anyway.

Mrs. Geissman noted that Mr. Bahr is the liaison to the County Home and he has asked her to gather information on policies. A copy of Ashland County's policy has been received, and she will be sure the others get a copy. At this time our County Home has no policy on admissions. Joyce Farnsworth, County Home Administrator, was asked for a copy and it has not been received. Commissioners are in charge of operations and if the Home remains open there has to be a good policy for admissions and other areas.

Mr. Hambley stated that he understood from Lynn Remington that they have been working with Trina Devaney, Assistant Prosecutor.

Bill stated that they sent over some material on Friday. Their office had called the Home when they had heard the Home had said they were working together on this and told them nothing had been received. They dropped some things off Friday and there really is not policy on admissions. There are things they do for people admitted, but nothing that lists requirements for admission.

Mrs. Geissman stated this policy needs to be taken care of. She added that 3 residents are moving from the Home and the total residents will be down to 45. She believes 2 are moving to Metro assisted living and 1 is moving to a nursing home.

There was no further business before the Board for discussion.

At 10:18 a.m. Mr. Hambley moved to recess into Executive Session for personnel-labor, compensation and discipline. Seconded by Mrs. Geissman. There was no discussion. Roll Call showed both Commissioners voting AYE.

At 10:50 a.m. Mr. Hambley moved to adjourn the meeting. Seconded by Mrs. Geissman. There was no discussion. Roll Call showed both Commissioners voting AYE.

RESOLUTIONS PASSED:

02-0306 RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS

02-0307 RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION

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02-0308 RESOLUTION AUTHORIZING COUNTY AUDITOR TO TRANSFER FUNDS FROM THE CHILD SUPPORT ENFORCEMENT FUND TO THE PROSECUTOR TITLE IV-D FUND

02-0309 TRANSFER OF COUNTY GENERAL FUNDS TO THE COUNTY DIVERSION PROGRAM

02-0310 CREATION OF OFFICE FOR OLDER ADULTS FAMILY CAREGIVERS SUPPORT FUND AND AUTHORIZING APPROPRIATIONS

02-0311 RESOLUTION AUTHORIZING THE PURCHASE OF 3,000 GALLONS OF PREMIUM UNLEADED AND 4,000 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE ENGINEERING CENTER

02-0312 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS

02-0313 RESOLUTION APPROVING AND AUTHORIZING A ONE-DAY UNPAID SUSPENSION FOR ANNETTE CARRUTH, FIRST STOP

02-0314 RESOLUTION APPROVING AND AUTHORIZING REMOVAL OF KELLY ZGRABIK FROM HER POSITION WITH THE BUILDING DEPARTMENT DURING HER PROBATIONARY PERIOD

02-0315 RESOLUTION ACCEPTING AND REJECTING BID FOR PROFESSIONAL BUILDING ELEVATOR CONTROL REPLACEMENT

02-0316 RESOLUTION AUTHORIZING A CHANGE ORDER FOR GENES REFRIGERATION FOR HVAC REPLACEMENT AT VARIOUS MEDINA COUNTY BUILDINGS

02-0317 RESOLUTION AUTHORIZING THE COUNTY SANITARY ENGINEER TO INVEST THE RETAINER OF UNDERGROUND UTILITIES INC. FOR THE LEDGE/RIDGE WATERLINE PROJECT IN AN ESCROW ACCOUNT MCSE#W-500/00-7.1.19.2

02-0318 RESOLUTION ALLOWING FOR EXPENDITURES RELATING TO FOSTER PARENT BANQUET ON MAY 9, 2002 AT THE APPLE FARM RESTAURANT

02-0319 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

02-0320 RESOLUTION APPROVING CHANGES TO THE "OPERATING POLICIES & PROCEDURES OF THE MEDINA COUNTY DEPARTMENT OF PLANNING SERVICES" ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS OF MEDINA COUNTY

MEDINA COUNTY COMMISSIONERS:

Patricia G. Geissman

Respectfully submitted,

Stephen D. Hambley

Pamela J. Terrill, Clerk