

## COMMISSIONERS MEETING – MONDAY, APRIL 7, 2003

Stephen D. Hambley called the meeting to order at 9:00 a.m. with Sharon A. Ray and Patricia G. Geissman present.

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

Dave Miller, County Engineer, had no items for review.

Chris Jakab, Finance Director, presented and reviewed 8 resolutions involving amendment of the appropriations reflecting increased costs for Workforce Development and cuts or increases to various grants, various fund transfers, amending the agreement with Catholic Charities for Family First Help Me Grow Coordination Services, authorizing an agreement for tax billing services for the Treasurer, authorizing the advertisement for bids for scanning services for the Recorder's Office, and the weekly bills in the amount of \$801,164.40. The agreement for the Help Me Grown Coordination Services is in the amount of \$6,451 for increased service hours. During the budget hearing Treasurer John Burke discussed tax billing services being outsourced and that the savings in mailing costs would be offset by an agreement for the services. The agreement presented is for a 6-month trial period with Miami Systems Corporation in the estimated amount of \$14,899 for the second half collections. Recorder Nancy Abbott discussed the scanning services during the budget hearings for the purpose of scanning official documents such as mortgages and deeds. The desire is to start the scanning July 1, 2003 through December 2005. Mrs. Geissman moved to approve the 7 resolutions and payment of the bills. Seconded by Ms. Ray.

Mr. Hambley noted that the authorization for the advertisement for bids for scanning services is just to receive RFP's for the service and it is not a commitment to this project at this time.

Chris stated that the resolution allows for the specifications to be prepared and to seek bids. The Recorder and Highway Engineer will review the bids for a recommendation that will come to Commissioners. It is the Board's discretion whether an award is made.

Mr. Hambley stated that due to the status of state level funding, this project may be reviewed closely as to priority. This is a very good project, but funding is questionable.

There was no further discussion. Roll Call on the motion and second to approve the 7 Finance resolutions and payment of the bills showed all Commissioners voting AYE.

Holly Muren, Human Resources Assistant, presented and reviewed the personnel resolution. Mrs. Geissman moved to approve the personnel changes. Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

John Stricker, County Administrator, presented a resolution approving a subrecipient agreement with the ADAMH Board for FY2002 CDBG funds. These will be used in conjunction with ADAMH Board funds and state mental health funds to construct an 11 room residential facility, which they hope to have completed by the end of this year. This agreement authorizes the ADAMH Board to handle the funding. Ms. Geissman moved to approve the agreement. Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

John presented a resolution approving an agreement for plan examination services for the Building Department with CT Consultants. This will help achieve better turn around of plans. Mrs. Geissman moved to approve the agreement. Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken Hotz, Sanitary Engineer, presented a resolution authorizing the investment of the retainer for Mark Schaffer Excavating into an escrow account. This is for the Erhart, Egypt, Coon Club, Carsten & Stone Roads waterline project that is 50% complete. Mrs. Geissman moved to authorize investing the retainer. Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution amending Chapter 6 of the Sanitary Engineer's Rules and Regulations relating to local pollutant limits for industrial dischargers. There are new

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requirements by the EPA on mercury discharges and this will allow his department to work with industrial facilities on the best approaches to limiting or eliminating mercury from discharges. The EPA limits are very stringent. Mrs. Geissman moved to approve the amendment. Seconded by Ms. Ray.

Mr. Hambley asked if this requires the companies to report annually and to perform analysis.

Ken stated that the companies will be required to perform analysis and to have a permit to discharge, which is done renewed annually.

There was no further discussion.

Roll Call on the motion and second to approve an amendment to the Sanitary Engineer's Rules and Regulations showed all Commissioners voting AYE.

Ken presented a resolution approving a change order for Thompson Electric for the Central Processing Facility (CPF). This is a final change order and takes into account additions and deductions that were made to the contract. Mrs. Geissman moved to approve the change order. Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution to purchase a single axle cab and chassis with dump body through State Purchasing. Various vehicles were bid and this was included within that bid, however, they received better pricing through State Purchasing. Mrs. Geissman moved to approve the purchase. Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution to accept bids for hauling and disposal of sludge from the various wastewater facilities. The bids were received on Thursday and are very close in price. The department is still analyzing all bids. Mrs. Geissman moved to accept the bids. Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ross Santamaria, Diversion & Forensic Services Director, presented a sample form that they will be using relative to HIPPA requirements. In Diversion some of the information is public but the health information is handled confidentially. The form explains how this is handled and the clients rights. This is signed by the individual and kept in their file. Another change is in the way they handle faxes. They now have to keep a record of all faxes and they are required to have an agreement with anyone working with the faxes that they will handle them confidentially. He doesn't believe they are required to follow of all HIPPA, but they will be following them anyway. Through questioning by Mr. Hambley, Ross stated that faxes are considered secured because they go from one phone line to another. Internet is not considered secure and they can't use it for these. He has been using regular mail for clients that he can't fax to. He is required to know who will be faxing and receiving faxes and that they will be secure. His policy prior to HIPPA was not to release any information on clients without their permission. The people he sees are allowed to see their files, but he is not required to release his notes, but he does review them with them. The HIPPA law is good, but it will cost some agencies to follow it.

Patrice Theken, Planning Department Director, presented a copy of their quarterly report. They did a total of 79 reviews that included 41 minor subdivisions and some map amendments, and a total of 327 lots or sublots. The added first review where the developer meets with the staff on an informal basis and the staff gives them ideas of what will be needed and will be reviewed has worked out very well and eliminated the need for help further into developing in terms of the concept planning. Information on the zoning workshops was presented. The Planning Department partnered with the Prosecutor's Office on the last workshop that was very well attended by township zoning commission members. The next workshop is April 17 and the focus will be on Board of Zoning Appeals responsibilities. The May 15 workshop will be held in Westfield Center and will be held along with the Township Association meeting regarding the authority of zoning inspectors and trustees. They are starting to gather ideas for upcoming workshops that will begin in the fall.

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Mr. Hambley presented and read a resolution expressing opposition to the reduction or elimination of Local Government Funds (LGF). Mrs. Geissman moved to approve the opposition. Seconded by Ms. Ray.

There was a discussion relative to the State's biennial budget and the period of time that it covers. It was determined that this is a 2-year budget and runs from July 1, 2003 through June 30, 2005.

There was no further discussion. Roll Call on the motion and second to approve the opposition to Local Government Funds reductions or elimination showed all Commissioners voting AYE.

Mr. Hambley noted that this should be faxed to all legislators today.

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

Mrs. Geissman asked about action on the minutes of March 24.

Mr. Hambley stated that he had not reviewed the minutes and meant to ask at the beginning of the meeting to table approval.

Commissioners agreed to table the minutes.

The meeting was opened for public comment.

Tim Fuller presented pictures of their property and the Plum Creek Wastewater Treatment Plant area. He confirmed that these were copies of the pictures that were shown to Mrs. Geissman last week, which were dated March 2001.

Nancy Abbott, Recorder, thanked Commissioners for writing to legislators relative to HB95 requirements that Recorder's double their fees and forward that collection onto the State, essentially making Recorders tax collectors for the State. This increase would have generated about 1.5 million in Medina County to be sent to the State.

Mrs. Geissman agreed that the State should collect their own taxes.

There was no further public comment.

Commissioners recessed the meeting at 9:30 a.m.

Commissioners reconvened the meeting at 1:30 p.m. for the discussion session.

Ms. Ray asked about a letter from Williams & Batchelder regarding CORSA and liability issues that aren't covered by CORSA.

Each Commissioner received this letter. Chris Jakab stated that the county is insured and there is no need to hire a separate attorney. He will handle responding to the letter.

Mrs. Geissman noted that a letter was received from Portage County regarding a 5-county Workforce Development meeting on April 24 in Kent.

Ms. Ray noted that she and Gary Searle, Workforce Development Director, plan to attend the meeting. Gary is also contacting the Policy Board to see if any members wish to attend.

Mrs. Geissman noted that Gilbert & Tim Fuller gave her reprints of pictures after this morning's meeting and she confirmed with him that they were the same pictures she saw last week that were dated March 2001. He agreed they were and that there are no new pictures of any problems since the header fell off and since there are pictures being taken every 20 minutes at the plant for our records. Mr. Fuller had asked about a plan that someone had told him about to install a gravity fed system. He said the plan was to go down and hit Route 3, Fenn Road and

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to go over to Route 42. She told him she wasn't aware of anything like this and that it sounded like it would cost an awful lot. She presented information that had been left on her desk involving a plan to install a gravity fed system. She agreed that the plan involved the Calderon property and that Mr. Fuller said there were 3 alternatives and one as the gravity fed system. When she had responded that it looked like it would involve a lot of money and she didn't believe there was anything planned for the near future, he had responded that someone on staff had said it might be 10-15 years.

Ken Hotz stated that he couldn't imagine why Mr. Fuller had said someone on staff had said this because it has never been discussed internally. That plan was a conceptual plan prepared for Calderon when he wanted to do the interchange. He noted that the Lincoln Estates Development on the north side of Fenn Road does not have sanitary sewers. When that was being developed the township was told they should run a trunk line and Medina Township said no, they didn't want sanitary sewers. If a sanitary sewer would be run it would have to go from the Fuller's land down around Route 3 and all the way over to the river. That is not in our plan and has never been in our plan. That plan is something a private developer wanted to do.

It was noted that the cost for that plan was \$3.4 million that the developer was going to pay. Basically the Fuller's want the county to put in the sewer line and to pay for it. Calderon didn't proceed with development because of a zoning issue involving the use of the property. Calderon appeared before the Zoning Board and was told to get out a couple of years ago.

Mrs. Geissman stated that evidently the Fuller's are keeping in contact with the developer that is currently working on other projects but will probably come back to this one. She believes the Fuller's will continue to come to the meetings unless a letter is sent to them telling them exactly what the county's stand is on this issue. She believes the bottom line is that Mr. Fuller wants the tanks taken out so he can develop his property.

Mr. Hambley agreed that Mr. Fuller wants to develop to a higher density. He noted that Ken was asked last week about the capacity, which is really tied into this.

Ken stated that they will be able to prepare the capacity information.

There was a brief discussion regarding the manhole that came up from the ground because of the pressure. Ken noted that the top had been bolted down and it did lift the concrete around it. The plant was built in 1961 and those along Sleepy Hollow Road were assessed for the line that was built about 2000 feet downstream at a depth of 200 feet. Mr. Fuller did not pay for any of that and we are under no obligation to provide service for him. This will limit the development of his property.

There was further discussion about putting all of the information in writing to Mr. Fuller so that he understands. It was noted that our Planning Department recommended against the rezoning of that area to the higher density because we didn't have sufficient capacity, but the township overruled that and took a ballot. That area still gets the higher density development regardless of whether they have the infrastructure to support it. There should be record somewhere that showed Medina Township not allowing these lines into their area.

Ken agreed to start preparing documentation, but doesn't feel this will keep them from trying to pursue the issue.

Mr. Hambley stated that he is hesitant to argue all of the history because Mr. Fuller basically wants to have some major modifications/upgrades to the entire area such as the sanitary sewers, at the cost of everybody else except himself and his property. He can't see investing millions of dollars to benefit one property owner.

Mrs. Geissman agreed. She noted that Mr. Fuller has been calling her, bringing her pictures, etc. She listens, but is hearing a different story from him than she is hearing from the officials that she trusts and leans on for advice. She's told him that she has to go by what our engineer says as she has no expertise in this. He argues that the Commissioners aren't getting the correct information.

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John noted that Mr. Fuller said he'd witnessed foam coming off the top of the tanks in the last few weeks, but then it came out that pictures are being recorded every 15-20 minutes at the plant and that it has been done for months. Those pictures show that it hasn't happened.

Mrs. Geissman stated that the bottom line is that he would like to have the tanks removed and there is no likelihood that the tanks will be removed because of the cost and because they are resolving the problem they were put there for. That is what she's getting from what he is saying.

Ken noted that the tanks replaced ones that were in the ground and were dangerous. The new tanks are 20 feet into the air and gated. He went on to say that the bigger concern is with the township who has been increasing their density. We are going to have to look at another water tower at Substation and Marks Roads because they're talking densities of almost 3 homes per acre. When the plant was put in the zoning was one home per acre and the township keeps bending over and appeasing the people that want to develop. They have lots on Sleepy Hollow Road that are 60 to 70 feet wide. He noted that Mr. Fuller has mentioned the gravity fed and with that he could develop his property more.

Mr. Hambley stated that when you look at our service area most of the development occurring in Brunswick has not impacted this plant as much as the Hinckley or Liverpool plants. Most of it is occurring from the older neighbors and our burden is coming from that infiltration.

Ken added that the plant has been there for 40 years and it didn't become an issue until Brunswick started filling up. The land has more value and people are coming to Mr. Fuller about developing and he wants to make it more valuable by being able to get more into it. Ken agreed to put a letter together to Mr. Fuller.

Mr. Hambley noted that Medina County Government Day with ODOT is on the 21<sup>st</sup>. They have changed this to an all day event and they want a response from Commissioners as to what's going to happen. He proposed that the discussion session for that date be moved to the morning to allow Commissioners at least the afternoon to attend the Government Day. Through questioning he noted that a copy of their proposed agenda was sent and it will be held at the Career Center. In the past there was a review of maps and discussions about upcoming projects in our area. The other alternative would be to move the Board's regular meeting to another day, which he's not interested in doing.

After review of the agenda for Government Day, Commissioners agreed to move the discussion session to the morning.

Mr. Hambley noted that he had asked Chris to prepare information regarding the state revenue as an assessment in terms of the total budget for the county. There's been a lot of talk about the high exposure with the Local Government Funds (LGF), but there is a lot of other state money that comes into the county that is threatened with cuts. For example, there's been discussion about the Reclaim and Auto & Gas cuts. There's a sizeable amount coming to the county through reclaim as well as Auto & Gas, which would affect transportation and the Transportation Improvement District (TID).

Chris noted that the information represents basically permissive funds at the state level that flow back to the local entities, which could change through legislative action.

Mr. Hambley noted that the total is \$16.8 million on an annual basis.

Chris noted that the impact is greater than just the LGF, which is \$3.3 million. Through discussion, he noted that he tried not to include any of the funding that the state acts as a conduit for from the federal government. The information is strictly for those that the state, through a budgetary process, funded and passed onto the local entities. The Office of Criminal Justice grants, for example, are federal grants that go through the state, and that was not included.

Mr. Hambley noted that this is for the Board's information and awareness and it shows that we are exposed to a problem from the state with more than just the LGF.

Ken reported that for the first quarter the solid waste collections are up over 5% from last year. Through questioning about making pellets, he stated that the conveyer that takes waste to the new building should be replaced by June 1. After that portable equipment will be brought in

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to make the pellets. They have 3 potential markets to get rid of the pellets, and they're not at liberty to say where those markets are. Hopefully by mid-year the process to make pellets will be going. Regarding making wood pallets into mulch, they will have that available in brown and black. They will be marketing it and doing all of the work. The mulch will be loaded into a truck and sold in bulk only. It is not being bagged, as it's not as fine as the other mulch that is sold by the bag. A letter was sent out to all communities advising of this new product.

There was no further business before the Board for discussion.

At 1:55 p.m. Mrs. Geissman moved to recess into Executive Session to discussion pending litigation and personnel/compensation.

Commissioners adjourned the meeting immediately following the Executive Session.

**RESOLUTIONS PASSED:**

- 03-0224 RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS
  
- 03-0225 RESOLUTION EXPRESSING OPPOSITION TO ANY PROPOSAL BY THE STATE OF OHIO TO CUT OR ELIMINATE LOCAL GOVERNMENT FUNDS
  
- 03-0226 RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION
  
- 03-0227 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS COUNTY DEPARTMENT ACCOUNTS TO THE GASOLINE ROTARY FUND
  
- 03-0228 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS COUNTY DEPARTMENT ACCOUNTS TO THE MEDINA COUNTY PRINT SHOP REVENUE LINE ITEM
  
- 03-0229 RESOLUTION AUTHORIZING COUNTY AUDITOR TO TRANSFER FUNDS FROM THE CHILD SUPPORT ENFORCEMENT FUND TO THE PROSECUTOR TITLE IV-D FUND
  
- 03-0230 AMENDING AN AGREEMENT WITH CATHOLIC CHARITIES FOR FAMILY FIRST HELP ME GROW COORDINATION SERVICES
  
- 03-0231 APPROVAL OF AN AGREEMENT FOR TAX BILLING SERVICES FOR THE MEDINA COUNTY TREASURER'S OFFICE
  
- 03-0232 AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR SCANNING SERVICES FOR THE MEDINA COUNTY RECORDER'S OFFICE
  
- 03-0233 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS

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- 03-0234 RESOLUTION AUTHORIZING A SUBRECIPIENT AGREEMENT WITH THE MEDINA COUNTY ADAMH BOARD FOR FY'02 CDBG FUNDING
  
- 03-0235 RESOLUTION ENTERING INTO AN AGREEMENT FOR PLAN EXAMINATION SERVICES FOR THE MEDINA COUNTY BUILDING DEPARTMENT
  
- 03-0236 RESOLUTION AUTHORIZING THE COUNTY SANITARY ENGINEER TO INVEST THE RETAINER OF MARK SCHAFFER EXCAVATING & TRUCKING INC. FOR THE ERHART, EGYPT, COON CLUB, CARSTEN & STONE ROADS WATERLINE PROJECT IN AN ESCROW ACCOUNT MCSE#W-500/00-5.1.55.1
  
- 03-0237 RESOLUTION TO AMEND CHAPTER 6 OF THE MEDINA COUNTY SANITARY ENGINEERS RULES AND REGULATIONS RELATING TO LOCAL POLLUTANT LIMITS FOR INDUSTRIAL DISCHARGERS AND INCORPORATING THEM INTO THE MEDINA COUNTY INDUSTRIAL PRETREATMENT PROGRAM
  
- 03-0238 RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 THOMPSON ELECTRIC INC. FINAL ADJUSTABLE CHANGE ORDER FOR THE MEDINA COUNTY MATERIAL RECOVERY FACILITY IMPROVEMENTS MCSE#700/00-28.3
  
- 03-0239 RESOLUTION AUTHORIZING THE SANITARY ENGINEERING DEPARTMENT TO PURCHASE ONE (1) SINGLE AXLE CAB AND CHASSIS WITH DUMP BODY INSTALLED THROUGH STATE PURCHASE OHIO DEPARTMENT OF TRANSPORTATION
  
- 03-0240 RESOLUTION ACCEPTING BIDS FOR HAULING AND DISPOSAL OF CAKE SLUDGE AND HAULING OF LIQUID SLUDGE FOR VARIOUS MEDINA COUNTY WASTEWATER FACILITIES
  
- 03-0241 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

**MEDINA COUNTY COMMISSIONERS:**

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Stephen D. Hambley

Respectfully submitted,

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Sharon A. Ray

Pamela J. Terrill, Clerk

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Patricia G. Geissman