

COMMISSIONERS MEETING, MONDAY, AUGUST 14, 2006

Stephen D. Hambley called the meeting to order at 8:00 a.m. with Sharon A. Ray and Patricia G. Geissman present.

Ms. Ray moved to recess into Executive Session for the purpose of discussing pending litigation; seconded by Mrs. Geissman. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ms. Ray moved to recess the meeting at 8:30 a.m. Mrs. Geissman seconded the motion. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mr. Hambley called the regular meeting to order at 9:30 a.m. with Sharon A. Ray and Patricia G. Geissman present. He said they had an Executive Session at 8:00 a.m. regarding the annexation hearing scheduled for 10:30 a.m. today.

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

At the beginning of the meeting, the oral reading of the July 24 minutes was dispensed with. Each Commissioner has read them personally. Ms. Ray moved to approve the minutes with a correction; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting aye.

Doug King, Administrative Assistant in the County Engineer's Office, presented and reviewed the following resolutions: (1) closing Leatherman Road between Blake Road and the Wadsworth City Limits for culvert repair; (2) finding that public convenience and welfare requires the replacement of Bridge No. 33 on Station Road in Liverpool Township; (3) finding that public convenience and welfare requires the replacement of Bridge No. 25 on Wolff Road in York Township; (4) finding that public convenience and welfare requires the replacement of Bridge No. 12 on Seville Road in Wadsworth Township; (5) authorizing the advertisement for bids for the replacement of Bridge No. 12 on Seville Road in Wadsworth Township; (6) approving the Final Plat for Falls Runs Estates Subdivision Phase 1 in Sharon Township; (7) approving the Final Plat for the West Chase Landings Subdivision Phase 2B in Brunswick Hills Township; and, (8) approving annual assessments on improvements on 8.7864 acres of land in West Chase Landings Subdivision Phase 2B in Brunswick Hills Township. Ms. Ray moved to approve the eight resolutions; seconded by Mrs. Geissman. There was no discussion. Roll Call showed all Commissioners voting AYE.

Commissioners reviewed the weekly permits list for August 3 through August 9, 2006.

Chris Jakab, Finance Director/Acting County Administrator, presented and reviewed the following resolutions: (1) resolution amending the annual Appropriation Resolution; (2) resolution amending the 2006 Appropriations Resolution by transferring appropriations; (3) transfer of funds from various Sanitary Engineering funds to the County General Fund; (4) transfer of funds from various County department accounts for Print Shop services for the month of July; and, (5) approving the submission of a grant proposal for Home Energy Assistance funding for the Office for Older Adults. Mr. Jakab requested payment of the weekly bills in the amount of \$1,145,453.13. Ms. Ray moved to approve the five finance resolutions and payment of the weekly bills; seconded by Mrs. Geissman. There was no discussion. Roll Call showed all Commissioners voting AYE.

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

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Sanitary Engineer Ken Hotz presented a resolution creating a restricted sanitary sewer main in Granger Road for the Crossbow Development Co., Inc. Ms. Ray moved to approve the resolution; seconded by Mrs. Geissman. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mr. Hotz presented a resolution to authorize a final adjusting change order for the Chatham Township Waterline Project 2005 to account for additional work encountered during the construction. Ms. Ray moved to approve the change order and Mrs. Geissman seconded the motion. There was no discussion. Roll Call showed all Commissioners voting AYE.

Debra Radecky, Director of the Office for Older Adults, reported on some of their upcoming programs and trips:

- August 15 – Meal Makeovers by OSU Extension
- August 16 – Community Legal, Bead Jewelry Project by Medina Meadows, Nursing Home data
- August 18 – Health talk by Medina Village
- August 23 – Movie “Memoirs of a Geisha”
- August 25 – Hearing Program by Interhealthcare
- August 30 – Bingo, trip to the West Side Market, Goodtime II boat ride

They had 26 Alzheimer units, 103 supportive units, 4 health units, 1,642 transit trips, 1,273 congregate meals, and 4,315 home-delivered meals.

Jim Douth, Economic Development Corporation Director, presented a resolution approving the Community Reinvestment Area Agreement and Community Reinvestment Compensation Agreement for Portside Holdings, LLC. He introduced Sally Sexauer, Vice President and Controller of Portside. They are a holding company that owns the \$6 million building soon to be built in the Portside Corporate Park on S.R. 18. Housed in the 70,000 square foot state-of-the-art warehousing and distribution facility will be Western Reserve Distributing (wholesaler of children’s products) and Shamrock Industries (manufacturer of children’s products). They plan to add offices and research and development in a couple of years. They are being offered a 50% tax abatement on the building for 14 years to entice them from relocating elsewhere. The company will still pay \$437,000 in real property taxes during that 14-year period. The schools have approved the compensation agreement that will provide Highland Schools with \$1,500 per year for 14 years and the Career Center with \$500 per year for 14 years. Sharon Township also approved the agreements. Ms. Ray moved to approve the resolution and Mrs. Geissman seconded the motion. There was no discussion. Roll Call showed all Commissioners voting AYE.

John Waddell, Tobacco Coordinator, presented a resolution authorizing the submission of the Annual Report to the Ohio Tobacco Prevention Foundation. Ms. Ray moved to approve the resolution and Mrs. Geissman seconded the motion. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mr. Hambley thanked Dr. Waddell for all of his hard work on the report. Dr. Waddell introduced Dr. Amy Benza, who was the chief evaluator for this project. Mrs. Geissman said the statistics were very interesting. She used to be the Executive Director of the American Cancer Society when they had a lot more smokers in the County than they do today. It disturbs her that the young people are smoking in great numbers.

Mr. Hambley read a resolution supporting the Clean Ohio Grant application being submitted by the Medina County Park District for the acquisition of Chippewa Lake. Ms. Ray made a motion to approve the resolution. Mrs. Geissman seconded the motion. There was no discussion. Roll Call showed all Commissioners voting AYE.

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Clerk Pam Vereb read the regular resolution to allow expenses of County officials and another resolution to allow expenses of the County Engineers. Ms. Ray moved to allow the expenses; seconded by Mrs. Geissman. There was no discussion. Roll Call showed all Commissioners voting AYE.

The meeting was opened for public comment. There was no one wishing to speak at this time.

Mr. Hambley read the notice from the Ohio Division of Liquor Control regarding a new liquor license application for Arthur J. Michaels, 428 Medina Road, Sharon Township, Medina, Ohio 44256. Mr. Michaels requested the following classes of permit; D1 – “Beer only for on premises consumption or in sealed containers for carry out”, D2 – “Wine and certain prepackaged drinks for on premises consumption or in sealed containers for carry out”, D3 – “Spirituous liquor for on premises consumption only until 1:00 a.m.”, and, D3A – “Extend issued permit privileges until 2:30 a.m.”. There were no comments and no hearing requested.

Mr. Hambley said they had a request for an Executive Session to discuss personnel/appointment. Ms. Ray moved to allow the Executive Session and Mrs. Geissman seconded the motion. There was no discussion. Roll Call showed all Commissioners voting AYE.

The meeting recessed at 9:50 a.m. for the Commissioners to move to the Conference Room for the discussion session at 9:58 a.m.

Discussion Session

Mrs. Geissman informed the Commissioners that there has been another request for sanitary sewer services in Lodi past Loves Travel. They were told to take their request to the Commissioners. Mr. Hambley said that the County’s objection was not to extending the line, but that they wanted the right to acquire it back from Lodi. Jim Troike, Assistant Sanitary Engineer, presented a draft letter to the Village of Lodi’s Board of Affairs saying they will allow Lodi to service Loves Travel Center. Mr. Hambley requested they take out the wording “for an indefinite period of time” because it is arguable as to how long they can service Loves Travel. The provision is that all other areas that are outside area “A” will remain in the County’s service area. The other Commissioners were in agreement to the draft letter as amended.

Ms. Ray said County Home Advisory Council terms were ending August 19, 2006 for Emily Muscatello, Ken Miller, Cheryl Scheck, and Brian Feron. All of them have indicated a willingness to be reappointed. Janine Dalton from the Society for Handicapped Citizens would be willing to serve as the non-profit organization representative. There was a discussion about the procedure to be followed, although all of the Commissioners were comfortable with those people. It was decided that the positions should be opened up for other applicants as they are with the other Boards. The Clerk will publish an ad in the Gazette and a notice in the Commissioners Newsletter. She will also request applications from the people Ms. Ray mentioned.

Mr. Hambley invited the Commissioners to a FEMA Map Modernization meeting at the Engineering Center at 1:00 p.m., Tuesday, August 15. The Flood Plan and Flood Damage Prevention Committee Manager, Dan Wilhoite, and FEMA representative will discuss technical issues. FEMA is asking for guidance from counties and local communities as to what they would like in the updated maps. Medina County’s resources, such as their digitalization of the soils map, will assist FEMA with this task. He commented that they really need the FEMA map updated as to where the floodplains lie as well as some of the other streams. They would like FEMA to consider some of the non-floodplain areas to improve the level of detail. Once they

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are designated a FEMA floodplain, they fall under regulations. The map has not been updated for about 30 years.

Chris Jakab, Finance Director/Acting County Administrator, said he, the Treasurer's and Auditor's Office, and Assistant Finance Director Scott Miller met with Manatron, who is the vendor for the Real Estate Tax Office last week. They set some tentative schedules and some mileposts for certain events to take place between now and the next 12-14 months. It will be a lot of work for the Treasurer's and Auditor's Offices, but will be well worth it.

Mr. Jakab said that he received the pricing for the Data Center Relocation Project. The totals are about three times what they budgeted in this year's budget. He asked the Commissioners how they wanted to proceed. Ms. Ray said she thinks they should postpone the project because they do not have the money set aside. Mrs. Geissman said she will be talking to Treasurer John Burke this week and she would see if he has any additional funds. Mr. Hambley said it would cost \$250,000 and there would be quite a gap to make up. The software (that he is paying for) was the priority and taking over the Data Center was a future needs issue. They have some higher priorities (expansion of the Jail and the Courthouse) that take precedence. Mrs. Geissman commented that she does not want to put it off if there is some way he can come up with the money. Mr. Hambley said that is fine, if he can come up with the funds. There was consensus not to move forward.

Mr. Troike discussed the York Township sewer project by Buckeye High School. He said the price (\$1.7 million) was very high. Mr. Hambley said the two trustees that approached them about it are no longer in office and the new trustees have not asked them. It is very important to communicate with them, meet with the property owners, and give them the price. In order to expand, it would have to be an assessment project. Mr. Troike said the sewer was never intended to go into that area. They could do it, but it would be very limited access with frontage only because there is limited sewer capacity. Eventually, developers could bring sewer from other areas, but are hesitant because there is bedrock. Sanitary Engineer Ken Hotz said they should wait until a developer brings in a trunk. Mr. Hotz and Mr. Troike will discuss the issue with the York Township Trustees.

Ms. Ray moved to recess the meeting at 10:15 a.m. for the annexation hearing; seconded by Mrs. Geissman. There was no discussion. Roll Call showed all Commissioners voting AYE.

Annexation Hearing

Commissioners reconvened the meeting at 10:32 a.m. for the annexation public hearing continuance on 139.6205 acres now 91.0765 acres from Wadsworth Township to the City of Wadsworth.

The Commissioners met with private counsel at 8:00 a.m. to discuss the annexation. Mr. Hambley read into the record the following statement from Commissioners:

1. Upon further review and review of the materials presented by the petitioners and the Township, we have reconsidered our July 24 finding and have determined that the Amended Petition satisfies the requirements of § 709.02(C)(2) in that it provides "an accurate legal description of the perimeter" of the territory proposed for annexation.

We find no requirement in the statute that the description of the perimeter be contained on one sheet, and as is supported by the affidavit of Mr. Tilisky and not contested by the Township, the accurate legal description of the perimeter was provided by reading the two perimeter descriptions attached to the amended petition. Indeed, no additional information was necessary to create a single page legal description of the perimeter. Furthermore, there is nothing

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confusing or misleading in presenting the description in this manner. Accordingly, the amended petition provided an accurate legal description of the property.

2. In addition, even if the statute required the legal description of the perimeter to be presented in the format requested by the Township, we find the form of the perimeter description as opposed to the content, to be procedural in nature. Accordingly, pursuant to § 709.015, we find this procedural requirement cured by the presentations of the combined description. Again, as explained above, no new or additional substantive information was added to create the single page, combined descriptions of the perimeter presented by the petitioners in their August 4 filing. For this additional reason, we find that the petition complies with § 709.02(C)(2).

Ms. Devanney objected to the statements. Mr. Hambley said that was duly noted. They would like to schedule a continuation of this hearing tomorrow, Tuesday, August 15, 2006, at 9:30 a.m.

Ms. Ray motioned to recess the hearing and continue tomorrow. Mrs. Geissman seconded the motion. She commented that this was a very difficult decision to make. They had outside counsel to advise them because their Prosecutor could not give them a true direction. Outside counsel advised them and now they feel more comfortable with this. Ms. Bruggeman thanked the Commissioners on behalf of the petitioners. There was no further discussion. Roll Call showed all Commissioners voting AYE.

At 10:35 a.m., Ms. Ray made a motion to adjourn the meeting and Mrs. Geissman seconded the motion. Roll Call showed all Commissioners voting AYE.

RESOLUTIONS PASSED 8/14/06:

NUMBER	RESOLUTION TITLE
06-0765	RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS
06-0766	RESOLUTION DETERMINING THE NECESSITY TO CLOSE LEATHERMAN ROAD (C.H. 260) BETWEEN BLAKE ROAD (T.H. 118) AND THE WADSWORTH CITY LIMITS
06-0767	RESOLUTION FINDING THAT PUBLIC CONVENIENCE AND WELFARE REQUIRES THE REPLACEMENT OF BRIDGE NO. 33 ON STATION ROAD (C.H.23) IN LIVERPOOL TOWNSHIP MEDINA COUNTY OHIO
06-0768	RESOLUTION FINDING THAT PUBLIC CONVENIENCE AND WELFARE REQUIRES THE REPLACEMENT OF BRIDGE NO 25 ON WOLFF ROAD (T.H. 94) IN YORK TOWNSHIP, MEDINA COUNTY, OHIO
06-0769	REOLUTION FINDING THE PUBLIC CONVENIENCE AND WELFARE REQUIRES THE REPLACEMENT OF BRIDGE NO. 12 ON SEVILLE ROAD (C.H. 16) IN WADSWORTH TOWNSHIP, MEDINA COUNTY OHIO
06-0770	RESOLUTION AUTHORIZING THE MEDINA COUNTY ENGINEER TO ADVERTISE FOR BIDS FOR THE REPLACEMENT OF BRIDGE NO. 12 ON SEVILLE ROAD (C.H. 16) IN WADSWORTH TOWNSHIP
06-0771	RESOLUTION APPROVING THE FINAL PLAT FOR FALLS RUN ESTATES SUBDIVISION PHASE I LOCATED IN LOT 32 OF SHARON TOWNSHIP
06-0772	RESOLUTION APPROVING THE FINAL PLAT FOR THE WEST CHASE LANDINGS

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SUBDIVISION PHASE 2B LOCATED IN TRACT 1, LOT 12 OF BRUNSWICK HILLS TOWNSHIP

06-0773 RESOLUTION APPROVING ANNUAL ASSESSMENT ON IMPROVEMENTS CONSTRUCTED UNDER THE AUTHORITY OF SECTION 6131.63 OHIO REVISED CODE ON 8.7864 ACRES OF LANDS IN TRACT 1 LOT 12 OF BRUNSWICK HILLS TOWNSHIP AND KNOWN AS WEST CHASE LANDINGS SUBDIVISION PHASE 2B ESTABLISH

06-0774 RESOLUTION APPROVING USE OF SUBDIVISION DRAINAGE MAINTENANCE FUND FOR WORK IN WAKEFIELD RUN PHASE 1 AND PHASE 3 AND 4 IN HINCKLEY TOWNSHIP MEDINA COUNTY OHIO

06-0775 RESOLUTION APPROVING USE OF SUBDIVISION DRAINAGE MAINTENANCE FUND FOR REPAIR WORK IN GRANDE BOULEVARD SUBDIVISION IN MEDINA TOWNSHIP MEDINA COUNTY OHIO

06-0776 RESOLUTION APPROVING USE OF SUBDIVISION DRAINAGE MAINTENANCE FUND FOR REPAIR WORK IN LOCKWOOD SUBDIVISION PHASE 2 IN BRUNSWICK HILLS TOWNSHIP MEDINA COUNTY OHIO

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NUMBER	RESOLUTION TITLE
06-0777	RESOLUTION APPROVING USE OF SUBDIVISION DRAINAGE MAINTENANCE FUND FOR REPAIR WORK IN GRAFTON HILLS SUBDIVISION PHASE IV IN BRUNSWICK HILLS TOWNSHIP MEDINA COUNTY OHIO
06-0778	RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION
06-0779	RESOLUTION AMENDING THE 2006 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS
06-0780	RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS SANITARY ENGINEERING FUNDS TO THE COUNTY GENERAL FUND
06-0781	RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS COUNTY DEPARTMENT ACCOUNTS TO THE MEDINA COUNTY PRINT SHOP REVENUE LINE ITEM
06-0782	APPROVING THE SUBMISSION OF A PROPOSAL FOR HOME ENERGY ASSISTANCE PROGRAM GRANT FUNDING FOR THE OFFICE FOR OLDER ADULTS
06-0783	RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
06-0784	CREATING A RESTRICTED MAIN IN GRANGER ROAD (SANITARY ENGINEER PROJECT SW-500/10-67.1)
06-0785	RESOLUTION AUTHORIZING THE FINAL ADJUSTING CHANGE ORDER NO. 1 FOR THE CHATHAM TOWNSHIP WATERLINE PROJECT 2005 MCSE#W-500/00-5.1.61
06-0786	APPROVING THE COMMUNITY REINVESTMENT AREA AGREEMENT AND COMMUNITY REINVESTMENT COMPENSATION AGREEMENT FOR PORTSIDE HOLDINGS, LLC
06-0787	RESOLUTION AUTHORIZING SUBMISSION OF THE ANNUAL REPORT TO THE OHIO TOBACCO PROVENTION FOUNDATION
06-0788	RESOLUTION SUPPORTING THE CLEAN OHIO GRANT APPLICATION BEING SUBMITTED BY THE MEDINA COUNTY PARK DISTRICT FOR THE ACQUISITION OF CHIPPEWA LAKE
06-0789	RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS
06-0790	RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

All deliberations concerning official business and formal actions by this Board of Commissioners were conducted in an open public meeting this fourteenth day of August 2006.

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Respectfully submitted,

Pam Vereb, Clerk

COMMISSIONERS _____
Stephen D. Hambley

OF _____
Sharon A. Ray

MEDINA COUNTY _____
Patricia G. Geissman