

## COMMISSIONERS MEETING – MONDAY, AUGUST 22, 2005

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

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

At the beginning of the meeting the oral reading of the August 15 minutes was dispensed with. Each Commissioner has read them personally. Mr. Hambley moved to approve the minutes; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Doug King, Administrative Assistant in the County Engineer's Office, presented resolutions authorizing the President of the Board to submit applications and execute contracts to the Ohio Public Works Commissioner for Issue 2 funding, accepting & awarding the bid for the replacement of Bridge No. 26 on Medina Line Road in Wadsworth Township, approving the annual assessments and establishing a public watercourse for Meadow Preserve Subdivision and Emerald Lakes Subdivision Phases 1A & 2A, accepting the right-of-way plat for Champagne Shores and Knotts Landing in Emerald Lakes Subdivision Phases 1 & 2, closing sections of Mennonite Road, Williams Road and West 130<sup>th</sup> Street. Mr. Hambley moved to approve the 8 resolutions; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Commissioners reviewed the weekly permits list.

Mike Salay, County Engineer, noted that petitions had been filed for Champagne Shores and Knotts Landing to become public roads. Accepting the right-of-way for the roads is now being done because the drainage assessments have been signed by all owners and all of the conditions set forth in the hearing have been met.

Chris Jakab, Finance Director, presented and reviewed resolutions amending the annual appropriations by transferring and increasing appropriations, approving a public official bond for John Burke, Treasurer per ORC 321.02, various fund transfers, creation of a Family First Council Partnerships for Success FY06 Fund in the amount of \$75,000 and Family First Council Wellness FY06 Fund in an amount of \$199,750, purchasing fuel for the Engineering Center from Ports Petroleum, and the weekly bills in the amount of \$1,407,667.25. The total amount on the bills is high due to the first round of bills to Fechko for the University/Technology Park project. Mr. Hambley moved to approve the 11 resolutions and payment of the bills; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Gary Berkowitz, Human Resources Director, presented and reviewed the personnel resolution. Mr. Hambley 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 entering into a Housing Revolving Funds Administration Agreement with the Ohio Department of Development for use in the Community Housing Improvement Program (CHIP). This creates a housing revolving loan fund. Mr. Hambley moved to approve the agreement; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

John presented a resolution accepting and awarding proposals for kitchen fire suppression system at the Human Service Building, Office for Older Adults. This is for a hood suppression system that is 100% paid by Community Development Block Grants. The award is to Auto-Tech in the amount of \$2,250. Mr. Hambley moved to accept and award the proposal; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken Hotz, Sanitary Engineer, presented a resolution declaring the necessity of constructing waterlines along various roads in Chatham and Harrisville Townships and authorization to commence advertising for bids. This involves approximately 14 miles of line and will be the second phase for Chatham Township. Mr. Hambley moved to approve the

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waterline construction; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution authorizing the advertisement for bids for lawn maintenance and snow plowing for the Sanitary Engineering Department and various County facilities. This will be for 2-year contracts. Mr. Hambley moved to approve the bid advertisement; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution to accept easements for a water improvement project along Abbeyville, Sanford, Congress, Grafton, Weigel, West Law and Palker Roads. Mr. Hambley moved to accept the easements; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mead Wilkins, Job & Family Services Director, stated that the program for tutoring foster children now has 20 tutors for 20 kids. The program being run by Alternative Paths at the Jail is going well and the Child advocacy program is coming along and they are working on a sight plan. His office is looking into programs for healthy marriages and 2-parent families to help keep families together. Mead presented a resolution to allow travel expenses for interns approved to complete an education internship. The interns will be making home visits and using their own vehicles and this resolution will allow for mileage reimbursement. A second resolution presented authorizes an agreement for a contract monitor. He presented a copy of their contract providers. Some of the contractors with JFS won't sanction employees when they are not working as they are required under the JFS guidelines. Mr. Hambley moved to approve both resolutions; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Karl Cetina, MCDAC Director, stated that the year-end reports were received from the MCDAC grantees and the review of those has started. The first quarter disbursements for the upcoming year have gone out. Relative to the Family First Council's Partnership for Success, he is Chair of the Council and a member of a core team with Julie King of United Way, Susan LeSure of Cornerstone, Vince DeGeorge and Chris Ruf of Family First. Their mission is to prevent and respond to child and adolescent behavioral problems and promote youth development. In the first year, they will use the \$75,000 to identify 6 different areas dealing with youth – delinquency, school success, teen pregnancy, substance abuse, violence and behaviors associated with mental illness. By the end of the year they will determine the best use of next year's allocation of \$100,000 by targeting and reducing at least 1-2 problem areas. The year-end report has been finalized and sent in to the State regarding the Tobacco funding and how that was used to target youth prevention/cessation and cessation by pregnant women. The report was 104 pages long. A news release on August 5<sup>th</sup> is that the State said they are planning to cut the operating budget for the Tobacco grants by 11% on their operating budget, but they have a 10-year plan. He will be attending a conference September 11-14 on treatment alternatives for safer communities. This national conference is in Cleveland and a lot of state department heads involved in drug & alcohol, mental health and rehabilitation will be keynote speakers.

Mrs. Geissman thanked Karl and the team involved with the tobacco program and reporting.

Judge James Kimbler and Judge Christopher Collier were present to discuss court costs. Kathy Fortney, Clerk of Courts (Clerk), and an employee of the Clerk's Office that works with the collection of court costs were also present.

Judge Kimbler, Presiding Judge, reported that court costs for Common Pleas in the general division as well as the Domestic Relations division. The Clerk's Office has no authority with Juvenile or Probate Court and their costs are not collected through that office. Earlier in the year there were concerns expressed by Commissioner Ray about the court cost collections going down and that the costs had not been increased for several years. A review of costs was done of the Cleveland-Akron metropolitan areas as well as a review of a special projects fund to see if it could be used to offset costs for the magistrates' salaries, which was a concern of the

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Commissioners. It is understood that Judge Mary Kovack, Domestic Relations Court, has also raised some of their fees. The review showed that costs could be raised and the money could go into a special project fund to offset a magistrate's salary in each court room resulting in a decrease of money coming from the general fund. This will not result in an increase to the magistrates' salaries. Based on the last 1 ½ years it is anticipated that the \$50 increase in filing fees would result in a decrease to the general fund of \$37,000/year for each of the 2 magistrates' salaries of \$85,000/year. There's no guarantee that the same number of cases will be filed each year, but they have increased every year for the last 9 years. There's always been tension relative to the idea of court costs being charged to the people that use the court services. The administration of justice is a legitimate and fundamental use of taxpayer dollars. Government has to provide a justice system for civil and criminal cases. On the other hand, those using the justice system cause more of the resources to be used than the general population. This increase attempts to strike a balance of financial support of the government and the user of the system. They had hoped to have these in place before September 1, but instead decided to put the increases through at the same time as Judge Kovack to make less work for the Clerk of Courts. The Clerk's Office takes in the money and has to account for all the money that is taken in for the 3 courts.

Ms. Ray thanked the Judges for being pro-active in the review and adjustment of their fees. They were also very receptive at looking at the diminishing amount of returns on the criminal court case fees and the affect it was having on the general fund. She noted that the civil case filing fee is paid at the time of filing.

Judge Kimbler stated they are reviewing the court cost on the criminal side to try to determine why collections may have gone down. The Probation Department is collecting from those put on supervision. However, keeping a handle on that is lost when a person is taken off probation and put in jail for violating probation. Relative to putting a person in jail for contempt for not paying court costs cannot be done because an Ohio Supreme Court case says imprisonment for the collection of a debt is constitutionally prohibited. As noted by Ms. Ray, the ability to collect the civil fees is easier because they are paid upfront when the case is filed.

Ms. Ray added that reviewing the monthly filings with the Judges and if someone is sent to prison for 3, 5 or 7 years you're not going to get the money from them.

Through questioning by Mrs. Geissman, Ms. Fortney first noted that there hasn't been an increase in court costs since 1992. The increase is on the deposit, which hasn't always covered all of the court costs. The Clerk is responsible for collecting the money after the case. She supports the idea of increasing the court costs. Relative to the percentage collected, the percentage is up, but determining the percentage being collected is difficult and has not been done. Many of the foreclosures being filed don't follow through for a year or 2. She does know that they are doing more billings after the fact because there isn't enough money from the deposit to cover the initial procedures.

Judge Kimbler stated that it was brought to his attention that there is a way to collect court costs from people sent to prison by tapping into their commissary funds, which is money they earn while in prison. It has to be determined at what point collection is so prohibitive that people get "so far behind the 8-ball" that they give up and just say to send them to jail. On the other hand, people who commit crimes do cost more in terms of support staff salaries, sheriff expenses, incarceration expenses and to the victims of the crime. He stated he will try to get the collection rate figures by the end of the year.

Judge Collier thanked Ms. Fortney for her understanding of the nuances of the collections, noting that it is more complex that when you first look at it. He also thanked Judge Kimbler for his leadership on this issue and the Commissioners for their focus and help in this matter. Civil cases have increased in numbers, particularly the last 5 to 6 years, and as they increased the Judges were able to use their magistrates effectively in handling civil matters. With the court costs increasing the people using the civil filing system will be helping to pay the magistrates, which enables the Judges to hire good people as magistrates at a lower cost to the

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general fund. It also permits continuing the 2-judge system where in other counties with our numbers there are 3 judges. There is no need for a third judge because the magistrates handle the civil cases, which are a huge part of the court system.

Mr. Hambley stated that court mediation service is a third partner in being more cost effective and making access to the legal system easier.

Judge Kimbler stated that their court costs are run separately from the Common Pleas Courts, noting the mediation is a joint project that was done with Wayne County. Last year he started sending all of the civil cases to mediation before they went to trial, which resulted in a significant reduction on his docket of jury trials for civil cases. Another possibility, which has not been explored, is to get people to mediate cases before they even file with the courts. A problem is that people would be funded that may never use the system and he's not sure philosophically how that would work out. Every civil case is going to general \$100 - \$50 to the magistrate and \$50 to mediation. On one hand people using the system may feel the cost is high. However, he feels it is money well spent when you look at what we get back in terms of bringing people to jury trials and settling cases faster as well as offsetting magistrate salaries, which allows the handling of more cases without asking for another judge,

A representative of Domestic Relations Court noted that Domestic Relations is separate from the general division and that some of their fees have increased and some have decreased. She also noted that the salaries for the magistrates in Domestic Relations are \$20,000 less annually than those in the general division.

Mrs. Geissman presented a notice of a liquor permit transfer from the Medina Country Club to Medina Golf Management for D5 & D6 permits. This is for notification purposes and needs no action by the Board.

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

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

Mrs. Geissman noted that the discussion session will be followed by an Executive Session involving litigation. Mr. Hambley moved to recess into Executive Session for the purpose of discussing imminent litigation and pending litigation; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Commissioners recessed to move to the conference room and reconvened the meeting at 10:00 for the discussion Session.

Mr. Hambley reviewed information from NEOTEC on House Bill 66 that will allow a commercial activity tax exemption within only one Federal Trade Zone in Ohio. The commercial activity tax has no affect on schools or local governments, and allowing exemption in the one trade zone would be unfair to the other 9 zones within the State. He noted that there are 3 applications for the trade zone in Medina County. A draft letter opposing the tax exemption in only one trade zone and encouraging the exemption of the commercial activity tax for all Federal Trade Zones was reviewed and approved by the Commissioners.

There was a discussion about a letter that had been sent to Cheri Harney about flooding conditions on her property. She is not happy with the discussion or the letter that was sent to her that the County is not responsible for the flooding. Ken Hotz noted that upon inspection of the property the downspout and ground tile around the house were completely plugged. The fire hydrant is over 500 feet from the home and at a lower level than the home. Highway has also checked the area. An independent evaluation was also performed. Ms. Harney still feels the County is a part of the problem that is causing the flooding. It was agreed that another letter be

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sent stating the Commissioners concur with the conclusion that the County is not responsible for any of the flooding problem and that a copy of the memorandum and pictures of the downspouts be sent as well.

Mrs. Geissman reported that the first meeting of the 9-1-1 Planning Committee was held last week and have appointed members to the Technical Advisory Committee. Townships, by a majority, have to approve one representative for that committee. There will be a meeting in the near future for the Technical Advisory Committee to start working on the 9-1-1 wireless plan.

There was a discussion about changing the MCDAC levy to a continuing levy. Bill Thorne, Assistant Prosecutor, has said that the issue cannot be put on as a continuing levy as it is written. They would need to separate out the drug enforcement from the treatment and education. There was a suggestion to get a proposal from MEDWAY to cover all of Medina County and to take that information back to the Council of Governments on Drug Enforcement (COG).

Mr. Hambley stated that the Prosecutor and Medina City are not interested in MEDWAY and that the local officials are comfortable with the way things are running. This issue has been visited several times. The officials are comfortable with the system because it works and it has been demonstrated that having 2 separate enforcement agencies has worked well. He is concerned with a continuing level because elected officials should have the opportunity to review the levy and its use every so many years to make sure they are doing what they are supposed to be doing.

Mrs. Geissman stated that there were positive comments to having countywide enforcement and there are some interested in receiving a proposal from MEDWAY.

Ms. Ray stated that she has no problem taking a proposal before the COG. She added that the cities need to understand they can do this enforcement how they prefer.

Mrs. Geissman stated that she will get a proposal from MEDWAY and then call a meeting of the COG.

Doug King presented information on “starred” parcels, which indicates a problem with the legal description, on Blake Road. There were 2 surveys that said the properties go to the centerline of the “curved road”, and there is no curve. After review of this, it was agreed a surveyor from the Engineer’s Office will review the records on the public right-of-way for the road and make sure these are taken care of.

John Burke, Treasurer, asked about the status of office space issue. He hasn’t heard from anyone on this and noted that Nancy Abbott, Recorder, is willing to give up the corner office.

John Stricker stated that there is a possible solution, but there are some answers needed on a couple of issues, such as cell phone usage. After further discussion, John agreed to set a meeting with John Burke and Nancy Abbott.

Chris Jakab was asked to meet with John Burke and Auditor Mike Kovack to discuss the proposed pre-pay software proposed for use by the Treasurer.

The Clerk discussed the County Clerk’s and Engineer’s Secretaries Association meeting being held this Friday and the possibility of the Assistant Clerk attending rather than both the Clerk and Assistant Clerk. Gina Frimel, Engineer’s Office, will also be attending. No expense request is needed for attendance. Commissioners approved attendance by the Assistant Clerk.

At 10:40 Commissioners recessed the meeting for the Executive Session that had been voted on earlier.

Commissioners adjourned the meeting immediately following the Executive Session.

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At 1:30 p.m. bids were received for “CC” treated rock salt for the County Engineer’s Office from North American Salt Company, American Rock Salt Co. LLC, and Cargill Inc. Deicing Technology. Letters declining to bid were received from Morton Salt, Detroit Salt Company, Eastern Salt Company Inc. and International Salt Co. LLC. The 3 bids and the letters were turned over to the Engineer’s Office for review and recommendation.

**RESOLUTIONS PASSED:**

- 05-0791            RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS
  
- 05-0792            RESOLUTION AUTHORIZING THE PRESIDENT OF THE BOARD OF COUNTY COMMISSIONERS TO SUBMIT APPLICATIONS AND EXECUTE CONTRACTS TO THE OHIO PUBLIC WORKS COMMISSION FOR ISSUE 2 FUNDING
  
- 05-0793            RESOLUTION ACCEPTING AND AWARDING THE BID FOR THE REPLACEMENT OF BRIDGE NO. 26 ON MEDINA LINE ROAD (C.H. 2), IN WADSWORTH TOWNSHIP, MEDINA COUNTY FOR THE MEDINA COUNTY ENGINEER
  
- 05-0794            RESOLUTION APPROVING ANNUAL ASSESSMENT ON IMPROVEMENTS CONSTRUCTED...21.6002 ACRES OF LAND...YORK TOWNSHIP KNOWN AS MEADOW PRESERVE SUBDIVISION AND ESTABLISHING THEREBY SAID IMPROVEMENTS AS A PUBLIC WATERCOURSE
  
- 05-0795            RESOLUTION APPROVING ANNUAL ASSESSMENT ON IMPROVEMENTS CONSTRUCTED...10.49 ACRES...MONTVILLE TOWNSHIP KNOWN AS EMERALD LAKES SUBDIVISION PHASE 1A & 2A AND ESTABLISHING THEREBY SAID IMPROVEMENTS AS A PUBLIC WATERCOURSE
  
- 05-0796            RESOLUTION TO ACCEPT THE RIGHT-OF-WAY PLAT FOR CHAMPAGNE SHORES AND KNOTTS LANDING IN EMERALD LAKES SUBDIVISION PHASES 1 AND 2 LOCATED IN LOTS 63 AND 70 OF MONTVILLE TOWNSHIP, MEDINA COUNTY, OHIO
  
- 05-0797            RESOLUTION DETERMINING THE NECESSITY TO CLOSE MENNONITE ROAD (C.H. 51) BETWEEN SEVILLE ROAD (C.H. 16) AND HARPSTER ROAD (T.H. 186)
  
- 05-0798            RESOLUTION DETERMINING THE NECESSITY TO CLOSE WILLIAMS ROAD (C.H. 79) BETWEEN PAWNEE ROAD (T.H. 28) AND LAFAYETTE ROAD (S.R. 42)
  
- 05-0799            RESOLUTION DETERMINING THE NECESSITY TO CLOSE WEST 130TH STREET (C.H. 17) BETWEEN SLEEPY HOLLOW ROAD (C.H. 136) AND WEYMOUTH ROAD (S.R. 3)
  
- 05-0800            RESOLUTION AMENDING THE 2005 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS
  
- 05-0801            RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION
  
- 05-0802            APPROVING A PUBLIC OFFICIAL BOND FOR JOHN BURKE, MEDINA COUNTY TREASURER

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- 05-0803 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM THE GENERAL FUND AND THE CHILD SUPPORT ENFORCEMENT AGENCY FUND TO THE TITLE IV-D JUVENILE FUND FOR JUVENILE COURT SERVICES
- 05-0804 AUTHORIZING A CASH TRANSFER FOR THE CAPITAL IMPROVEMENT FUND
- 05-0805 AUTHORIZING A CASH TRANSFER FOR THE COMPREHENSIVE PLANNING GRANT PROGRAM
- 05-0806 CREATION OF A FAMILY FIRST COUNCIL PARTNERSHIPS FOR SUCCESS FY06 FUND
- 05-0807 CREATION OF A FAMILY FIRST COUNCIL WELLNESS FY06 FUND
- 05-0808 AUTHORIZING A CASH TRANSFER FOR THE MEDINA COUNTY DIVERSION PROGRAM
- 05-0809 AUTHORIZING A CASH TRANSFER FOR THE MEDINA COUNTY HIGHWAY ENGINEER
- 05-0810 RESOLUTION AUTHORIZING THE PURCHASE OF 3,500 GALLONS OF PREMIUM GASOLINE AND 3,000 GALLONS OF REGULAR GASOLINE FOR THE COUNTY ENGINEERING CENTER
- 05-0811 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
- 05-0812 RESOLUTION ENTERING INTO A HOUSING REVOLVING FUNDS ADMINISTRATION AGREEMENT FOR USE IN THE MEDINA COUNTY COMMUNITY HOUSING IMPROVEMENT PROGRAM
- 05-0813 RESOLUTION ACCEPTING AND AWARDDING PROPOSALS FOR KITCHEN FIRE SUPPRESSION SYSTEM AT MEDINA COUNTY HUMAN SERVICE BUILDING OFFICE FOR OLDER ADULTS
- 05-0814 RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTION WATERLINES IN CHATHAM AND HARRISVILLE TOWNSHIPS ...APPROVING DETAILED PLANS AND SPECIFICATIONS...AUTHORIZING THE SANITARY ENGINEER TO COMMENCE ADVERTISING FOR CONSTRUCTION BIDS MCSE#W-500/00-5.1.61
- 05-0815 RESOLUTION AUTHORIZING THE SANITARY ENGINEERING DEPARTMENT TO ADVERTISE FOR BIDS FOR LAWN MAINTENANCE AND SNOW PLOWING SERVICES FOR THE SANITARY ENGINEERING DEPARTMENT AND VARIOUS MEDINA COUNTY FACILITIES
- 05-0816 AUTHORIZING THE SANITARY ENGINEER TO OBTAIN EASEMENTS FOR VARIOUS WATER IMPROVEMENT PROJECTS

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05-0817            RESOLUTION TO ALLOW TRAVEL EXPENSES OF INTERNS WHO ARE APPROVED TO COMPLETE AN EDUCATIONAL INTERNSHIP WITH MEDINA COUNTY JOB & FAMILY SERVICES

05-0818            RESOLUTION AUTHORIZING AN AGREEMENT FOR A CONTRACT MONITOR

05-0819            RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

MEDINA COUNTY COMMISSIONERS:

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Patricia G. Geissman

Respectfully submitted,

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Stephen D. Hambley

Pamela J. Terrill, Clerk

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Sharon A. Ray