

COMMISSIONERS MEETING – TUESDAY, FEBRUARY 18, 2003

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 minutes of February 3 was dispensed with. Each Commissioner has read them personally. Mrs. Geissman moved to approve the minutes. Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

The County Engineer had no resolutions for today.

Chris Jakab, Finance Director, presented and reviewed 11 resolutions involving amending the temporary appropriations, various fund transfers, revenue adjustment for Workforce Development, purchasing fuel for the Engineering Center from Weaver Oil, authorizing an agreement with Vincent DeGeorge for independent contractor services for the Family First Council, accepting a proposal for Family First Council speech pathology services, approving agreements and services for mental health, literacy and parenting programs at the County Jail, resolution determining to proceed with the submission to the electors of the Medina County District Library the question of the issuance of Library Improvement Bonds, and the weekly bills in the amount of \$867,906.50. The agreement with Vincent DeGeorge is as the coordinator of the Family First Council from March 1, 2003 through February 28, 2004. This includes a 3% cost of living increase. The proposal for speech pathology services for Family First is for a comprehensive communication specialist to perform speech and hearing screening. The cost is \$10 per screening with a maximum of \$1,000 being set aside for the services. The agreements for the Jail are renewals with Alternative Paths, the Career Center and OSU Extension. The agreements include a 3-4% increase in their rates. The resolution to proceed with the submission of the issuance of Library Improvement Bonds is the second in this process. These are in the amount of \$42,300,000 and a 1-mill levy has been determined by the County Auditor for the bonds. Mrs. Geissman moved to approve the 10 resolutions and payment of the bills. Seconded by Ms. Ray.

Mike Harris, District Library Director, stated that the plan for the Library system is a well-conceived plan.

Chris noted that the documents are due into the Board of Elections by the 20th and they will be delivered there tomorrow.

Mr. Hambley stated that there has been a lot of debate on whether it is a good time for a levy, noting that Cleveland has a 6-mill levy on their ballot. There are a lot of uncertainties in the public with all that's going on in the world. Hopefully by May the voters will be more confident. This is the Library's last shot at the ballot.

There was no further discussion.

Roll Call on the motion and second to approve the 10 Finance resolutions and payment of the bills showed all Commissioners voting AYE.

Gary Berkowitz, Human Resources Director, 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.

Gary presented a resolution adopting a Memorandum of Understanding amending the 3-year contract between the Maintenance Department and the Service Employees International Union (SEIU), Local 47. This amendment continues the practice of a 25-cent shift differential for the employee on 2nd shift at the Jail. Mrs. Geissman moved to approve the Memorandum of Understanding. Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

John Stricker, County Administrator, had no resolutions for today.

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Mr. Hambley presented 2 resolutions on behalf of the Sanitary Engineer. The first is for an agreement for the Foscett, Station & Beck Roads waterline project with the Ohio Water Development Authority (OWDA) and the second creates a restricted sanitary sewer main and restricted water main in Poe Road. Mrs. Geissman moved to approve the 2 resolutions. Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mike Pataky, Child Support Enforcement Agency Director, stated that they work with the State on a lot of different issues and on the issue of federal taxes. It was brought up that a file upload that should have been sent to the federal government by the State was missed. There are a lot of people that should have been deleted from having their tax returns held. The State said they found the mistake and as of this morning the complete file has been forward to the federal government. Anyone that filed their taxes before today's date should contact the CSEA to work with them to get off the list and get their money back. Anyone filing from today forward should have no problems. Through questioning he stated that there were 8,000 additions, omissions, etc. statewide in this one file. When the office handled the federal tax offset program themselves it was done manually. He noted that this is approximately the same time as last year when a major file was missed by the State.

Patrice Theken, Department of Planning Services Director, stated that they have been taking steps to make sure developers, zoning inspectors and anyone else involved in developments is aware of the new Subdivision Regulations. They held a meeting with developers in January and had a meeting last week with township zoning officials. Under the new regulations, the staff has had 3 pre-application meetings with developers. These meetings were designed so that developers could discuss their plans with the staff before they go to their engineers and start their actual plans. The meetings were productive and helpful. The second zoning workshop will be held this Thursday to review ethics and conflicts of interest. Bill Thorne, Assistant Prosecutor, will be one of the presenters at this workshop.

Art Verdoorn, Building Official, presented and reviewed the Building Department's January report. Under single-family home permits, there was one more permit issued in January than in January 2002. The trend continues to be for smaller homes, which is the same nationwide. There were the same number of commercial permits issued as last January, however, the sizes of the construction was about half. The weather has to be taken into consideration on some of this. They will be holding their annual contractors open forum this evening. The department is reviewing the Building Code for any changes. It appears there will be mainly changes to references and corrections and clarifications on occupancy certificates. There will be no changes in their fees. He noted that public hearings will be required before changes can be made.

Mr. Hambley noted that the average size of commercial has gone down and that will impact the fees collected by the department if the trend continues.

Art noted that he has heard that the WalMart is going forward in Wadsworth, and that will have a large impact on their fees.

John Jones, Transportation Services Director, reviewed their January statistics. There were 1,509 riders on the "L", which was a 5% increase over last January. There were 157 on the Homerville Route, 283 on the Southwest Circulator, and 7,392 on the Demand Response. They had booked 10,600, but had many cancellations in January. The total passenger miles was 65,339 and vehicles miles were at 58,950. They used 6,877 gallons of fuel and had fleet miles per gallon of 8.57. They had almost 3,500 hours of service and a trip denial rate of 1.62%. There were 3 vehicle accidents, no passenger accidents and 4 customer complaints. The billing accuracy was at 99.9% and the fare box recovery rate was 3.85%. The cost per mile was \$1.12 and the cost per passenger was \$7.04. The on time performance rate was 92.27%, which was lower than normal due to the weather, which was also the reason for the customer complaints. There were 3 vehicle breakdowns for an average of 5.09 breakdowns per 100,000 miles. Under capital spending they spent \$3,324 for computer upgrades and 98% is for vehicle upgrades. The new vehicles are due by the end of February.

Mr. Hambley noted that the "L" ridership increased and that hopefully the new schedule, which started yesterday, will not affect their numbers

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John stated that he'd had some complaints about the new schedule not being easy to interpret. He worked on this over the weekend to make it easier. He noted that there were a few complaints about Schedule B.

John presented a resolution to amend Resolution #02-1120 regarding the contacts for alternate transportation services. Shields had submitted a local flat fee that was overlooked in the resolution. This doesn't affect the contract, but should be reflected in the resolution. Mrs. Geissman moved to approve the amendment. Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

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.

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

Mr. Hambley noted that the discussion session is immediately following the regular session this morning. There will be a fiber optic presentation at 1:30 p.m. He also noted that the Emergency Management Agency meeting is tomorrow morning at 8:30 a.m. and not today.

Commissioners recessed the meeting at 9:30 a.m. to move to the Conference Room for the discussion session.

Mary Sandmann was present regarding a dog complaint. John Shultz, Dog Warden, and Sandy Berger, Assistant Dog Warden, were also present.

Ms. Sandmann stated that she has been having a problem with a neighbor's dog and is upset that nothing can be done

John presented a summary of what they have done, and noted that they have been out 9 different times since April and have been unable to catch the dog on her property.

Ms. Sandmann stated that due to her daughter's medical problems they were unable to pursue this when the problems initially started. The neighbor's dog enters their property and digs holes around the year. They had their property surveyed and had a fence installed to try to help this situation. The neighbor's landlord, Ken Gregory, slapped her husband over this issue on January 14, and a copy of the police report was given to Commissioners.

John stated that because they have not seen the dog on the property and the dog is properly licensed there is nothing they can do. For a deposit of \$200, the Shelter can provide a cage to catch the dog when it is on the Sand's property.

Bill Thorne, Assistant Prosecutor, agreed that because the dog is property licensed and not running loose or on their property when the Dog Wardens show up there is little they can do. If the dog is caught in the cage and the owner goes onto the property to release it then the owner can be charged with trespassing.

Ms. Sandmann presented pictures of the fence, yard and of the dog being in their backyard.

John noted that he has been told that the courts will not accept pictures of this type as evidence. He added that if their cage catches the dog, the dog owner would be fined \$94 for the first offense and the fine would increase with each offense.

Bill added that these are not criminal charges and suggested that the Sandmann's get an attorney for civil action.

After further discussion, it was agreed that the \$200 deposit for the cage will be waived in this instance. It was suggested that the cage can be kept closed during the hours the Animal Shelter is closed so that the dog will not be caged overnight and the dog owner won't have the

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opportunity to set it loose. Once the dog is caught, a Dog Warden will be out to issue a citation to the dog owner.

Ms. Ray noted that she has a letter from Ron Rowe regarding a need for 3 people on the Workforce Development Policy Board. John Stricker gave Mr. Rowe the applications forms that will be turned back into the office to fill the positions.

Ms. Ray and Mr. Hambley noted that they attended the NOACA meeting on Friday and then went to a regional meeting regarding the State's biennial budget. There were areas identified of concern such as a proposal to cut daycare funding and funding for adult protective services. Overall it was a good meeting and another regional forum is planned on March 14 with a meeting on March 28 with legislators.

Mrs. Geissman and Mr. Hambley reported that they had attended the Health Department's meeting regarding the West Niles Virus. Mrs. Geissman noted that she heard a lot of comments, such as they are asking for a blank check, and that the presentation was misleading. Mr. Hambley noted that there were no handouts, and agreed there was a lot of confusion with information being given verbally and there were a lot of questions that couldn't be answered. Some townships were interested in the larvae program but not the entire program. The Health Department plans to send out an outline to each township and will be requesting a response back to see who is interested. They need to do some educational publicity. Some feel they should be getting into the high-risk areas, which would be the urban areas. There may be some problems with access to private properties. Cities could take care of this on their own as some of the villages have done, but many townships probably won't buy into this proposal.

There was a brief discussion about doing something with the Health Department on this issue on *Your Medina County*, and possibly also having a program with the OSU Extension Service.

Mr. Hambley noted that a memo was received from the Board of Elections regarding their upcoming review of new voting equipment. They will have 2 different vendors showing their equipment. The requirement for new equipment is similar to an unfunded mandate. The old punch card system has been ruled illegal, plus there is no space left in the current Board of Elections Office for the new equipment that is being required.

John Stricker noted that most of the new equipment will be computers and there should be some state and federal money available for much of it. Information from the Board of Elections shows that they have 150 precincts and they need 4 in each precinct plus backup and training units. Each unit will be between 20-47 pounds and one at each precinct must be handicap accessible for the hearing impaired and the blind. They also have to consider absentee ballots.

The Board of Elections is not required to be located in the County Administration Building. The level of funding from the state and federal levels has not yet been determined, and it is doubtful there will be much. Regarding extra space being available at the Health Department, they will be starting a free dental clinic in that area.

Jim Troike, Assistant Sanitary Engineer, noted that the resolution passed this morning approving the agreement with the OWDA requires repayment of funds for the Western Reserve Water District.

There were no further items for discussion.

Commissioners recessed the meeting at 10:20 a.m.

Commissioners reconvened at 1:30 p.m. in the Economic Development Corporation Office meeting room for a presentation regarding fiber optics.

Jim Douth, Economic Development Corporation Director, stated that the purpose of the meeting is to bring the Commissioners up to date on what they have been looking into since this project was first discussed 2 years ago.

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Jim Gerspacher stated that their vision is to create a telecommunications infrastructure that will provide competitive benefits of an open access, high capacity network. They have been looking at what we have in Medina County and where we can be. All participants have restricted access to fiber communications, there are vendor restrictions, and there is no community involvement or control. They desire to have unlimited capacity for all participants plus to have a system that is vendor neutral and has community control. There is ample cable throughout the county but different vendors control it all. Being vendor neutral will offer competitive bids so that everything isn't restricted to one vendor. This would result in long-term savings for institutional and private users. He is sure they haven't seen all of the uses that can or will be made with Internet access. He noted that in his business, real estate, they can't operate without Internet access. They are hearing from existing businesses and other businesses about the utilities and what they have access to and those costs. These are barriers. Butler County committed over \$2 million to fiber optics and Wadsworth has built their own fiber infrastructure. This is creating a fiber backbone to provide a service. This will provide the pipeline for business and even private use. Incumbent utilities are traditional and are against this. They are monopolies that try to block the way with regulations and legislation. It is costly to run fiber between facilities such as schools and libraries, but this is something that won't outlive itself. We would be supplying the pipeline and could continue expansion with new technological advances. Wireless service depends on fiber and this would enable that service to be available throughout the county. The Fiber Optic Taskforce was formed and they are very excited about the potential of fiber. The feasibility has been completed and they need to get a business plan together. They will be meeting with various industries, hospitals, etc. The county has a unique opportunity to be a controlling player in this. A port authority is a funding entity that would give the county control as the appointments to a port authority board are made by the county. They have talked with Squire, Sanders about making a non-profit entity to create something that is self-funding and self-retaining; something that would pay the system costs plus allow it to continue to grow. They need a commitment from the county to proceed with a business plan to see what the requirements are, what is expected in the future and what the costs are. They met with the consultant that put the feasibility study together and the cost for a business plan would be between \$20,000 - \$25,000. The business plan requires potential customers, a bonding company, and planning to raise money to put this all together. Over the next 4-6 weeks there will be meetings with all of the major participants about their costs and what their requirements are and will be. They will also be looking at funding sources for paying for the business plan and pursuing a port authority to become a funding conduit to put this all together. A port authority makes the most sense and it will also be able to offer other things to the county.

Jim Doutt stated that this is starting to take shape and they are at the stage that they can make this happen. To get any bonding issues settled they will need contracts of service. They will be looking at some of the larger users to see what their current costs are and project their needs that will play back into the revenue to pay off the bonds. They need to look at least 5-10 years into their needs. They are convinced that with just a few contracts of service they will be able to get bonds for this and there is a need for a port authority. If we wait to establish a port authority there won't be time to get this done. There are 2 port authorities, Cleveland and Toledo, that the county could tap into. Butler County started their program by working with incumbent providers for a potential partnership. There are 4 cable providers in the county and they mostly are in business to serve homes and not businesses.

Jim Gerspacher stated that this will open up the market. Armstrong has been asked to give a quote on doing this as an open system. The schools have all been involved in talks with this and a consultant was talked with that has put school systems together in the past.

Tom Arnold stated that this is a proposal for a ring that links can be brought into. Those links will be at the cost of the companies involved. There are 3 industrial parks in Brunswick that would like this type of access, and the City is considering doing what has been done in Wadsworth.

Chris Easton stated that using the Wadsworth facilities has a lot of advantages. Currently they use Verizon and are looking for other choices to connect to. They are looking to provide T1 lines to businesses in their community and they currently have over 100 business customers.

Through discussion it was noted that a lot of companies in large urban areas want their storage to be away from those areas. We are losing an opportunity for business growth without

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this link. Companies are eliminating us from the list because we don't have this to offer. If the fiber "ring" goes in there is a potential to attract business. Avon Lake supplies 140,000 homes with a fixed profit mark up. They have a 10% profit on their system that is used to maintain, expand and keep the service updated. This could happen in Medina County. Some counties have the advantage of a port authority. It will take time to create a port authority that would have a fund reserve. Seed money could be obtained from the State and possibly from the county, and there has to be agreements developed, etc. We can use a port authority from another area, and Cleveland and Toledo are the only ones that have bond reserve funds. The desire is to bring in the ring at one time at an estimated cost of \$2-\$3 million. They would need revenue of \$400,000 to \$500,000 a year to pay off the bonds. The next step they are at now is to get commitments from the county and various companies. They need what the county requires and what the county pays for service now. They propose the county loan \$20,000 to \$25,000 to pay for the business plan and they would like authorization to create a port authority or to use the Toledo port authority to fund this. Without a plan they cannot go to the large businesses and seek contracts. They would like an answer fairly soon so they can get the plan in place.

Commissioners agreed to consider this during their budget review. After returning to their conference room to continue discussions, Commissioners agreed to hold a budget meeting on Tuesday, February 25 at 11:00 a.m.

Gary Berkowitz presented a proposed letter to be sent out regarding Health Insurance Portability and Accountability (HIPPA). In 1996 Congress passed Title 1 dealing with portability, which involves employees that leave their employment and continue with insurance coverage. Title 2 deals with the confidentiality aspects due to electronically based information. This is directed at health care plans, health care clearinghouses and health care providers. These 3 entities have to provide certain safe guards for privacy and security. The Commissioners are an intermediary, and not a health care provider. We are a business associate and have an agreement with Medical Mutual as the health care provider. A contract has been entered assuring understanding and compliance with HIPPA. At this time our departments need to be educated on what they should do and a meeting has been scheduled for March 12 at 9 a.m. to go over the requirements with elected officials and department heads. Some organizations offer incentives to try to recruit business for themselves. The State has a site on the Internet that deals mostly with their agencies, but has organized information with various definitions and what needs to be done as a health care provider, clearinghouse or planner. Anything that contains employee social security numbers will be regulated.

Mrs. Geissman noted that Gail Carmen held a presentation about HIPPA at the Jail and that this is to be implemented by April.

Chris Jakab stated that identification of the county offices/agencies as a provider needs to be done and their responsibilities need to be reviewed. Alternative Paths has a contract for services at the Jail and would be a provider.

Gary added that the County Home should have a plan by the Commissioners.

Bill stated that ultimately the county is the one that will be held responsible for this, and one plan may not fit all.

Chris stated that an inventory needs to be done of what the departments are doing as health providers and a presentation will be given in order to give each participant enough information and understanding about HIPPA.

John Stricker noted that the elevator in the Administration Building will be shut down tomorrow between 8 am and 9 am for repairs. It will remain shut down for 3 days. For those that cannot go to the second or third floors, arrangements have been made to use the lunchroom on the first floor to meet with those people.

There were no further items for discussion.

Ms. Ray moved to adjourn the meeting at 2:51 p.m. Seconded by Mrs. Geissman. There was no discussion. Roll Call showed all Commissioners voting AYE.

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RESOLUTIONS PASSED:

03-0114 RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS

03-0115 RESOLUTION AMENDING THE TEMPORARY APPROPRIATION RESOLUTION

03-0116 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS SANITARY ENGINEERING FUNDS TO THE COUNTY GENERAL FUND

03-0117 CASH TRANSFER FOR INDIGENT COUNSEL REFUNDS TO THE GENERAL FUND

03-0118 CASH TRANSFER FOR THE ACHIEVEMENT CENTER

03-0119 TRANSFER OF COUNTY GENERAL FUNDS TO THE COUNTY DIVERSION PROGRAM

03-0120 REVENUE ADJUSTMENT FOR WORKFORCE DEVELOPMENT FUND

03-0121 RESOLUTION AUTHORIZING THE PURCHASE OF 2,500 GALLONS OF PREMIUM UNLEADED AND 4,500 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE ENGINEERING CENTER

03-0122 AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH VINCENT DEGEORGE, PH.D., FOR INDEPENDENT CONTRACTOR SERVICES FOR THE FAMILY FIRST COUNCIL

03-0123 ACCEPTANCE OF A PROPOSAL FOR FAMILY FIRST COUNCIL SPEECH PATHOLOGY SERVICES

03-0124 APPROVING AGREEMENTS AND SERVICES FOR MENTAL HEALTH, LITERACY, AND PARENTING PROGRAMS AT THE MEDINA COUNTY JAIL

03-0125 RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION TO THE ELECTORS OF THE MEDINA COUNTY DISTRICT LIBRARY THE QUESTION OF THE ISSUANCE OF LIBRARY IMPROVEMENT BONDS

03-0126 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS

03-0127 RESOLUTION ADOPTING A MEMORANDUM OF UNDERSTANDING APPENDING THE 3-YEAR CONTRACT BETWEEN THE MEDINA COUNTY MAINTENANCE DEPARTMENT AND SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), LOCAL 47

03-0128 RESOLUTION AUTHORIZING COOPERATIVE AGREEMENT FOR THE FOSKETT, STATION AND BECK ROAD WATERLINE PROJECT AND THE OHIO WATER DEVELOPMENT AUTHORITY

03-0129 CREATING A RESTRICTED SANITARY SEWER MAIN AND RESTRICTED WATER MAIN IN POE ROAD (S.E. PROJECT #S-500/00-195.1 AND #W-500/00-195.1)

03-0130 AMENDMENT OF RESOLUTION NO. 02-1120 SUPPLEMENTAL TRANSPORTATION SERVICES CONTRACT AWARD

03-0131 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

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MEDINA COUNTY COMMISSIONERS:

Stephen D. Hambley

Respectfully submitted,

Sharon A. Ray

Pamela J. Terrill, Clerk

Patricia G. Geissman