

COMMISSIONERS MEETING MONDAY, FEBRUARY 4, 2002

Patricia G. Geissman called the meeting to order at 9:30 a.m. with Thomas R. Bahr and Stephen D. Hambley 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 January 28 was dispensed with. Each Commissioner has read them personally. Mr. Bahr moved to approve the minutes. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Doug King, Administrative Assistant in the County Engineer's Office, presented a resolution authorizing the release of the escrow for the Ohio Department of Transportation and the Bennetts Corners Improvement Project, a resolution approving the annual county highway system report prepared by ODOT, a resolution authorizing the President of the Board to submit applications and execute contracts to the Ohio Public Works Commission for Issue 2 funds, a resolution authorizing the advertisement for bids for various types of traffic signs, sign posts, reflectorized sheeting, electronic cuttable films and preformed pavement markings for the Highway Department, a resolution authorizing the County Engineer to regulate traffic on a section of State Road in Hinckley Township on Sunday, March 17 (Buzzard Day), a resolution approving the replat and final plat for the Lexington Ridge Subdivision Phase IV in Montville Township, and a resolution approving annual assessment on improvements and establishing a public watercourse for Lexington Ridge Subdivision Phase IV. Mr. Bahr moved to approve the 7 resolutions. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Commissioners reviewed the weekly permits list.

Chris Jakab, Finance Director, presented and reviewed eight (8) resolutions involving amending the temporary appropriations by increasing appropriations, creation of the Juvenile Detention Center JAIBG FY02 Fund, various fund transfers, approving employee contribution rates for the Health Care Program for CY02, and the weekly bills in the amount of \$504,810.23.

The JAIBG fund is being created for a grant that was received from the Department of Youth Services in the amount of \$65,775. A transfer was made for the Achievement Center from their general fund to their residential support fund. The employee contribution rate of \$20 for single coverage will remain the same, and the rate for family coverage will increase from \$30 to \$50.

Mr. Bahr moved to approve the 8 Finance resolutions. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Roger Harris, Human Resources Director, presented and reviewed the personnel changes resolution. Mr. Bahr moved to approve the personnel changes. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Roger presented a resolution approving and authorizing removal of a Maintenance Department employee for violations of work rules. Mr. Bahr moved to approve the removal. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

John Stricker, County Administrator, and Jim Troike, Assistant Sanitary Engineer, had no resolutions today.

Joyce Farnsworth, County Home Administrator, stated that they are down to 48 residents and they have 8 on a waiting list. A person that had worked at the Home in the past saw that there was a vacancy and has returned. They have had no problems with the flu this year.

Dr. Ross Santamaria, Diversion & Forensic Services Director, presented statistics for their office. Page one shows the closed cases for 2001, which comes from Common Pleas Court, Municipal Courts, and a few from Brunswick Mayor's Court. The EAP is the county employee assistance program. The forensic services were broken down to psychological testing for the Sheriff's Department and the other police departments. Other police departments are charged for

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their testing. Last year there were a couple of out-of-state municipal courts that asked for their help. The statistics go back to 1974 when the program started. One thing that is misleading involving the closing of cases is that there are some cases that can be close easily while others can take a year to close.

Al Bon, Triad, stated that Triad is an organization that includes senior citizens and law enforcement officers that deals with concerns for older adults. Cell phones have been donated to Triad and are cleaned and tested for 911 emergency use only by seniors. They have distributed 35 cell phones and they have 65 seniors on a waiting list for phones. An example of use would be if a senior's car breaks down, they could use the phone to call 911 for assistance. Donations of phones can be made at the Sheriff's Department or the Office for Older Adults. Another program is the distribution of special light bulbs for outside use. These bulbs act as regular outside bulbs, but with a double flick of the switch it turns into a flashing beacon. This beacon can be used by emergency crews to locate the household needing assistance quickly.

There was a brief discussion about the cell phones that the county uses. The old phones are traded back in for the new ones under the contract.

Mrs. Geissman presented and reviewed a resolution setting a hearing on the petition for annexation of 2.3625 acres of land from Brunswick Township to the City of Brunswick. The hearing is set for April 8 at 10:15 a.m. Mr. Hambley moved to set the hearing. Seconded by Mr. Bahr. There was no discussion. Roll Call showed all Commissioners voting AYE.

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

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

Commissioners recessed the meeting at 9:52 a.m.

Commissioners reconvened the meeting at 10:00 a.m. for the public hearing to consideration a resolution authorizing the execution of a second amendment to Public Hospital Agencies agreement in connection with the issuance of Health Care Facilities Revenue Bonds of the County of Clark and authorizing other documents in connection with the issuance of such bonds.

Jason George of Peck, Shaffer & Williams, bond counsel for the Ohio Masonic Homes, stated that The Oaks of Medina went into receivership recently and the Ohio Masonic Homes and the Western Reserve Masonic Community successfully bid on and was awarded the sale of The Oaks of Medina. The financing for this acquisition will be through the issuance of healthcare facilities revenue bonds through Clark County. The Ohio Masonic Homes and Clark County have a long-standing relationship. They have debt and bond documents in place and will piggyback these on that debt instead of issuing new documents, which will be a cost savings for Ohio Masonic Homes. The agreement before Commissioners says that Clark County can issue the bonds to finance the facilities in Medina County. This will not affect the debt limitation or bank eligibility of Medina County. No taxes will be raised in Medina County or Clark County to pay off any of the bonds. The bonds will be the sold obligation of the Western Reserve Masonic Community and the Ohio Masonic Homes group. He introduced Dan Harkins, Counsel for the Ohio Masonic Homes and the Western Reserve, and Greg Olms.

Mr. Olmes thanked Commissioners for consideration of the resolution. Other counties, including Hamilton and Lucas Counties, have entered similar agreements to allow Clark County to issue bonds on behalf of Ohio Masonic Homes. The Ohio Masonic Homes was established in 1890 in Springfield and began operations in 1892. For more than 110 years they have provided care and support to elderly individuals who number of 12,000 since the founding. They respectfully request approval to obtain bond financing to complete the acquisition of The Oaks. For the record, the acquisition is of assets, not liabilities, except 3. They are purchasing the real and personal property of The Oaks free and clear of all debts and liabilities of The Oaks, except for the commitment by Western Reserve to refund or make available the refund of any deposits that remain unadvertised under their respective resident contracts for those residents that are residents at the time of the closing. The closing is expected to occur on March 5. The second

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commitment is to refund deposits of prospective residents that tendered a down payment to reserve a space at The Oaks. The third commitment is to back the personal funds of the residents of the nursing home facility. The aggregate of the 3 liabilities are less than \$3 million. They are not assuming any other liabilities of The Oaks. The County Prosecutor is making sure that sale proceeds are applied towards the payment of back taxes that The Oaks have not paid, which he believes is the first item to the closing. There are Series A & B bonds that are backed by letters of credit issued by Bank One and then by National City Bank and it is anticipated that the remaining sale proceeds will be applied to satisfy those holdings. All other debts of The Oaks may not be satisfied, and that will be done at the direction of Judge Christopher Collier of the Medina County Common Pleas Court.

Through questioning, Bill Thorne, Assistant Prosecutor, stated that he hasn't been involved in this proposal. Their office was involved in the foreclosure action to secure the taxes and some other things.

Chris Jakab stated that the County retained the services of Squires, Sanders & Dempsey to review this matter in conjunction with Peck, Shaffer & Williams. Our bond counsel is satisfied with the transaction.

Mr. Bahr asked about the plans for the operation.

Mr. Olms stated that they hope for a better operation. They plan is to have a "seamless transfer" of operations. The contract requires the Ohio Masonic Home to retain at least 70% of the employees of The Oaks. They have been trying to facilitate the process and they have offered to have no interruption of health insurance for those employees. They are running into some lack of cooperation by the receiver of those employees of the insurance transaction. The court records show that these efforts are frustrating. Their efforts are to provide employment and continuous quality care to the residents. They hope the residents and employees will see better services and have greater comfort knowing they are taking over the operation.

Mr. Bahr noted that they are purchasing all of the land and asked about the plans for that.

Mr. Olms stated that there are over 200 acres of land that are undeveloped and at this time there are no plans for development. They have entered into discussion with the Township Trustees and they understand the township's concerns about a conflict with the prior operator and there is pending litigation in the court about the change of zoning that was initiated by the township in reaction to the prior operator's actions. The township has also filed an action before the State Board of Tax Appeals to challenge the tax status of portions of the property. The Ohio Masonic Homes' hope is to resolve those issues to the mutual satisfaction of the township and themselves. Part of the townships concerns is about density and development. A portion of a senior care retirement community that is committed to nursing home and residential care is entitled to exemption under the real estate tax, but everything else is subject to taxation. The part that hasn't been developed to its maximum capacity is the portions that would be subject to the tax duplicate. The ability to expand depend on the market and so at this time they cannot commit to any further development or construction at the site. If the market would warrant expanded facilities, they would anticipate seeing further development of the patio-homes and working with the township about the capacity and green space. Being a continued care facility they are interested in making sure their facilities are close to each other so the resident can walk and socialize with their fellow residents. Having homes on 5-acre lots is not conducive to that. They would hope that the township would allow more dense operations with a green space that would address the townships concerns. At this time that is not proposed because of the market demands.

Chris asked about the financing of the independent living portion of the facility.

Mr. Olms stated that when The Oaks was originally financed it was through tax-exempt bonds. The independent living portion will be financed with a taxable low floater by the Western Reserve. There are tax implications when acquiring housing facilities. If they are acquired with tax-exempt bonds there would be a set of requirements and to avoid that they are going to finance with taxable debt.

There were no further questions or comments.

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Mr. Bahr moved to adjourn the hearing and to approve the resolution authorizing the execution of a second amendment to Public Hospital Agencies agreement in connection with the issuance of Health Care Facilities Revenue Bonds of the County of Clark and authorizing other documents in connection with the issuance of such bonds. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Commissioners recessed the meeting at 10:12 a.m.

Commissioners reconvened the meeting at 10:15 a.m. for the public hearing on the \$5 license tax.

Dave Miller, County Engineer, noted that this hearing is normally held in November. In the 1980's the Commissioners imposed 2 \$5 permissive taxes. The total amount of permissive taxes collected on license plates, including the county, villages, cities, and townships, is approximately \$2 million annually. The total gross income for the \$20 plate is about \$6 million. The permissive tax is accountable for about ¼ of the revenue on license plates for all of these entities. There are 4 \$5 taxes and the county first put one on in the 1960's that was repealed through a referendum. After that the 3 cities and Villages of Lodi and Seville have re-enacted that tax. In the 1980's the county put 2 new ones on. The incorporated areas get 50% and the county gets 50% and the unincorporated areas get 30% and the county gets 70% of the first tax. Under the second tax the municipalities get nothing and the townships get 30%. There is also a 4th \$5 tax available for the townships and cities. The Cities of Brunswick and Wadsworth and the Villages of Seville and Lodi as well as Brunswick Hills, Chatham, Homer and Lafayette Townships have enacted that tax. The portion used by the county has primarily been used for bridge and culvert replacements and will continue to be used for those. ORC 4504.051, which passed last year, allows for townships to request more than the 30% of the one tax. The townships have to pass a resolution and send it to the Commissioners by October 1 and the Commissioners have to decide whether to increase or decrease that percentage. He will be reviewing this with the townships at their annual meeting in March. If a higher percentage is sent to the townships the money would come from the county's share.

There were no questions or further comments.

Mr. Bahr moved to adjourn the public hearing on the \$5 license tax. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

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

Commissioners reconvened the meeting at 10:30 a.m. for hearing on the Permissive Real Property Transfer Tax (RPTT).

Dave noted that this hearing is also normally held in November. When both these permissive taxes, license and RPTT, were enacted, the Commissioners agreed to hold a public meeting annually to discuss the use of the funds. The main part of the RPTT money goes into running the Tax Map Office and the computer system. Money also goes to one Recorder's employee plus \$20,000 is being set aside for the Recorder this year. In addition \$15,000 will go into Planning and is used at Chris Jakab's discretion. Last year the new records room was built and it is almost ready to move into. Documents will be moved and secured into this room. Approximately \$280,000 will go into topographic mapping this year so they will be available on the computer system when they are done. Other major items include the upgrade of the Planning Department's server and hardware/software upgrades.

There were no questions or further comments.

Mr. Bahr moved to adjourn the hearing on the RPTT tax. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mrs. Geissman stated that relative to the comments by Mr. Bon, she suggested that anyone in the audience that has old cell phones can donation to the Sheriff for the emergency program for seniors.

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Mr. Hambley added that the Office for Older Adults can also accept the phones.

Mr. Bon stated that the Older Adults Centers in Wadsworth and Brunswick can accept the phones as well.

Commissioners recessed the meeting at 10:33 a.m.

Commissioners reconvened the meeting at 10:34 a.m. for the discussion session.

Mr. Hambley stated that the Jail overcrowding has been discussed, noting that it is at capacity with Medina County residents and there is no space left for renting beds to other communities. The pay-to-stay program has been brought up in the past but wasn't considered an issue because there were sufficient beds being rented out. He proposed that the Commissioners attend next week's Community Corrections Planning Committee meeting, which involves Judges and the Sheriff, to discuss possible revenues that could be generated. A *County Advisory Bulletin* from the Commissioners' Association provides information on methods of collecting fees from inmates at the time of sentencing by the judges or fees that can be initiated by the Commissioners. He presented a graph showing the expenditures versus Sheriff's fees, including the fees received from bed rentals. There was a peak in 1998 and the fees have gone down since. There are people that are indigent at the Jail, but there are those that could afford to pay, such as Audrey Iaconna who cost the County \$49,000. The Jail collected \$147,000 last year in commissary fees so the inmates have money for snacks. There are a few counties that do have a pay-to-stay program.

Mrs. Geissman stated she would prefer looking at the possibility of paying to house the female prisoners elsewhere and changing the female pod into rental bed space for males since the female pod is not at capacity. There is resistance statewide by Sheriff's to these programs because of the paperwork involved, the possibility of another employee to keep track of the fees collected and those not paying, plus there will be those that cannot pay.

After further discussion it was agreed that this will be brought up at the committee meeting on the 12th.

Mr. Hambley noted that he has talked with Dave Miller about appointments to the Ohio Public Works Commission (OPWC) Integrating Committee. He is a representative with Mike Salay, Asst. County Engineer, as his alternate and Dave is a representative with Mr. Bahr as his alternate. He understands the terms are expiring and that the terms are for a couple of years. With Mr. Bahr not running for office, he suggested that Mrs. Geissman be appointed as Dave's alternate. Commissioners agreed to have this done.

Mr. Bahr noted that there was an article about the annexation law and there was supposed to be a ruling on February 1. He asked Bill Thorne if there was any action that day.

Bill stated that the last action taken was that Common Pleas Court issued a stay (TRO). Normally TRO's are affective for 14 days, but this order does not have an expiration date on it. The Township Association is challenging the TRO saying that it expired after the 14 days. The Municipal Association is arguing that the TRO is still in affect. At this time the judge has to rule on when the TRO expires and they are hoping for a ruling by the 18th.

There was no further business before the Board for discussion.

Mr. Hambley moved to adjourn the meeting at 10:50 a.m. Seconded by Mr. Bahr. There was no discussion. Roll Call showed all Commissioners voting AYE.

At 1:30 p.m. the Clerk received a bid from Vermeer Sales & Service for a brush chipper for the County Engineer. The bid was turned over to the County Engineer for review and recommendation.

RESOLUTIONS PASSED:

02-0079 RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS

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02-0080 RESOLUTION AUTHORIZING THE RELEASES OF THE ESCROW FOR THE OHIO DEPARTMENT OF TRANSPORTATION AND THE BENNETTS CORNERS IMPROVEMENT PROJECT

02-0081 RESOLUTION APPROVING THE ANNUAL COUNTY HIGHWAY SYSTEM REPORT PREPARED BY THE OHIO DEPARTMENT OF TRANSPORTATION

02-0082 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

02-0083 RESOLUTION AUTHORIZING THE MEDINA COUNTY ENGINEER TO ADVERTISE FOR BIDS FOR VARIOUS TYPES OF TRAFFIC SIGNS, SIGN POSTS, REFLECTORIZED SHEETING, ELECTRONIC CUTTABLE FILMS & PREFORMED PAVEMENT MARKINGS FOR USE BY THE HIGHWAY DEPARTMENT IN 2002

02-0084 RESOLUTION AUTHORIZING THE COUNTY ENGINEER TO REGULATE TRAFFIC ON A SECTION OF STATE ROAD (C.H. 44) SOUTH OF BELLUS ROAD (C.H. 140) IN HINCKLEY TOWNSHIP ON SUNDAY, MARCH 17, 2002 (BUZZARD DAY)

02-0085 RESOLUTION APPROVING THE REPLAT TO REMOVE AN EXISTING DETENTION BASIN EASEMENT & A DETENTION BASIN ACCESS EASEMENT AS RECORDED IN DOCUMENT #2000PL000165 & THE FINAL PLAT FOR THE LEXINGTON RIDGE SUBDIVISION PHASE IV IN MONTVILLE TOWNSHIP LOTS 29 & 30

02-0086 RESOLUTION APPROVING ANNUAL ASSESSMENT ON IMPROVEMENTS...29.0264 ACRES OF LAND IN LOTS 29 & 30 OF MONTVILLE TOWNSHIP KNOWN AS LEXINGTON RIDGE SUBDIVISION PHASE IV AND ESTABLISHING THEREBY SAID IMPROVEMENTS AS A PUBLIC WATERCOURSE

02-0087 RESOLUTION AMENDING THE TEMPORARY APPROPRIATIONS RESOLUTION

02-0088 CREATION OF THE JUVENILE DETENTION CENTER JAIBG FY02 FUND