

COMMISSIONERS MEETING – MONDAY, FEBRUARY 9, 2004

Sharon A. Ray called the meeting to order at 9:30 a.m. with Patricia G. Geissman, 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 February 2, 2004 was dispensed with. Each Commissioner has read them personally. Mrs. Geissman moved to approve the minutes. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Dave Miller, County Engineer, presented a resolution to regulate traffic on sections of Bellus and State Roads in Hinckley Township for Buzzard Day. Mrs. Geissman moved to approve the resolution and Mr. Hambley seconded the motion. Ms. Ray reminded everyone that Buzzard Day will be Sunday, March 21st and they serve great pancakes. There was no further discussion. Roll Call showed all Commissioners voting AYE.

Commissioners reviewed the weekly permits list.

Chris Jakab, Finance Director, presented and reviewed four resolutions involving amending the temporary appropriation resolution, fund transfers, and the weekly bills totaling \$785,282.45. Mrs. Geissman moved to approve the four resolutions and to pay the bills and Mr. Hambley seconded. There was no discussion. Roll Call showed all Commissioners voting AYE.

Gary Berkowitz, Human Resources Director, presented and reviewed the personnel resolution. Mrs. Geissman moved to approve the resolution and Mr. Hambley seconded. There was no discussion. Roll Call showed all Commissioners voting AYE.

The next resolution Gary presented was a resolution authorizing two suspensions in the Sanitary Engineering Department. They are recommending a one-day suspension for one individual and a two-day suspension for another individual for disciplinary matters. Mrs. Geissman made a motion to approve the resolution. Mr. Hambley seconded the motion. There was no discussion. Roll Call showed all Commissioners voting AYE.

Gary presented a resolution adopting a third 457 Deferred Compensation Plan option for Medina County employees through the Security Benefit Program. Mrs. Geissman moved to approve the resolution and Mr. Hambley seconded. There was no discussion. Roll Call showed all Commissioners voting AYE.

John Stricker, County Administrator, presented a resolution approving the acquisition of property in the Village of Gloria Glens. John said this is a house at 526 Twilight Trail that is being purchased in the amount of \$66,000. It is in the flood plain and the anticipated result will be four parcels (this is the fourth of four) that will be turned over to Gloria Glens and turned into a public park after the buildings are razed. The entire funding for this has come from a combination of state and federal dollars and there is no local cost involved. Mrs. Geissman moved to approve the acquisition and Mr. Hambley seconded. There was no discussion. Roll Call showed all Commissioners voting AYE.

John presented a resolution banning the carrying of weapons in all Medina County owned and leased buildings. He said that some time ago the Ohio legislature passed amended House Bill #12 that authorized the carrying of concealed weapons. As a part of that same House Bill, they authorized local governments to ban the carrying of any weapons in public buildings. Sheriff Hassinger strongly urges that the county take steps to keep all weapons out of public buildings that are owned or leased by the county. This resolution would ban the weapons and set specific guidelines for posting signs about that within those building. This would not include the Community Center, which is not a general government location. Mrs. Geissman moved to approve the resolution. Mr. Hambley seconded. Mrs. Geissman said that the Sheriff not only

COMMISSIONERS MEETING – MONDAY, FEBRUARY 9, 2004

wants the signs up at all public buildings, but also in some of the parking lots such as the lots behind the Court Houses and the Administration Building. There was no further discussion. Roll Call showed all Commissioners voting AYE.

Ken Hotz, Sanitary Engineer, presented a resolution authorizing agreement with Illes Architects to draw up some plans suitable for public bidding for the Meter Shop. They would like to put in a separate pole barn building behind the Engineering Offices by the storage building that will be enlarged. This would enable them to do all of the meter work at one location. The fixed fee for the work is \$15,900. Mrs. Geissman moved to approve Illes Architect's proposal for professional services and Mr. Hambley seconded the motion. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution to accept and award the bid for the S.R. 57 and S.R. 162 intersection waterline relocation and the Poe, Hamilton, and Hamlin Roads waterline construction project. These were bid as one project and the bids were taken last Thursday. The Sanitary Engineers recommend awarding the bid to the lowest bidder, G. E. Baker Construction, Inc. in the amount of \$345,100. Mrs. Geissman moved to award the bid and Mr. Hambley seconded. There was no discussion. Roll Call showed all Commissioners voting AYE.

Karl Cetina, MCDAC Executive Director, presented a resolution authorizing financial participation with the City of Brunswick for 2004 and payment of MCDAC funds. This year's allocation will be \$88,610.80 to the City of Brunswick for utilization in contracting of services from Medway Enforcement Agency. The payments will start in February 2004. They look forward to ongoing cooperation with the City of Brunswick and Medway in the future. Mrs. Geissman moved to approve the resolution and Mr. Hambley seconded. Mr. Hambley added that the Finance Director has approved this year's calculation. There was no further discussion. Roll Call showed all Commissioners voting AYE.

Debra Radecky, Director of the Office for Older Adults, reported on some upcoming trips and events at OOA. Senior Citizens will be having a Valentines Day Craft Party this Friday; watching the movie "Pirates of Caribbean" on 2/18; watching a fashion show on the 2/20; playing Bingo on the 2/25; listening to a talk from Medina City Schools on the 2/27; listening to a travel talk on 3/5; and taking a trip to the National First Lady's Education Center in Canton on 3/17. The OOA will be closed on President's Day, Monday, February 16th. Debra said they are doing 232 Home Delivered Meals.

Ms. Ray read the Resolution of Commendation for Brice D. Wiley on earning the Eagle Scout Award. Mrs. Geissman moved to authorize the commendation and Mr. Hambley seconded the motion. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ms. Ray read the resolution appointing alternates for the County Commissioners on the Medina County Planning Commission for 2004. Evelyn Czyz will represent Patricia Geissman. Chris Themes will represent Stephen Hambley and John Lund will represent Sharon Ray. Mrs. Geissman moved to approve the appointments and Mr. Hambley seconded. There was no discussion. Roll Call showed all Commissioners voting AYE.

The next resolution Ms. Ray read was appointing the representative for the City of Medina to the Medina County Planning Commission. Medina City Council has nominated Pam Miller as their representative. Mrs. Geissman moved to approve the appointment. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

The last resolution that Ms. Ray read was appointing the City of Medina's representative to the Medina Municipal Airport Zoning Board of Appeals. Medina City Council has selected John Wetzel. Mrs. Geissman moved to approve the appointment of John Wetzel and Mr. Hambley seconded the motion. There was no discussion. Roll Call showed all Commissioners voting AYE.

COMMISSIONERS MEETING – MONDAY, FEBRUARY 9, 2004

The Assistant Clerk read the Expenses of County Officials resolution. Mrs. Geissman moved to approve the expenses and Mr. Hambley seconded. 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 this morning.

The Commissioners recessed the meeting at 9:55 a.m.

The Commissioners reconvened at 10:00 a.m. for Executive Session to discuss personnel/employee evaluations.

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

Mrs. Geissman noted that she has been trying to find a real estate representative for the Access Management Committee. One gentleman she talked with has called and said he is unable. She will be contacting Chris Easton, City of Wadsworth, to get information on a realtor that she believes will be able to get a recommendation from.

Mrs. Geissman stated that the issue involving the County Commissioners' Association of Ohio (CCAO) and Extension Services for funding a new 4-H building is controversial. There have been very strong feelings expressed both for and against this funding.

Ken Hotz presented a renewal agreement with Ohio Edison for signatures. This agreement allowed for generating electricity at the Liverpool Treatment Plant. The original agreement expired December 31 and this agreement would extend the agreement for 2 years. Commissioners approved and signed the agreement.

Ken stated that the Port Authority has asked his office to determine the cost for sewer and water for the Technology Park. He presented a memo stating that the cost would be \$45/foot for sewer and \$35/foot for water. This is the cost when the \$250,000 grant is deducted from their costs, which is consistent with other projects. This is a frontage cost and is in place of the regular tap-in fee costs. There will be no manufacturing facilities at the Technology Park. The grant was received from CDBG.

John Stricker presented draft copies of the real estate agreement with the University of Akron. This was reviewed by Commissioners with Carol Shockley, Assistant Prosecutor, a couple of weeks ago and modified as suggested at that time. After review of the agreement, Commissioners agreed to have Carol send the draft to the University's attorneys.

Mr. Hambley presented a draft of the bylaws for the Housing Network to Bill Thorne, Assistant Prosecutor, for review, particularly regarding a proposed indemnification section. He feels this is unnecessary because the committee was established by Commissioners as an advisory committee for fair housing, coordination of planning for housing, and other related issues. This committee lasts only as long as Commissioners deem it necessary and they have no authority or funding.

Mr. Hambley asked Mrs. Geissman if the CCAO Board is reviewing House Bill 208, which limits the ability of counties for retainage of funds for construction projects. He and Ken explained that the language will hurt counties by requiring a smaller amount to be retained and also that the funds are released sooner. Ken noted that there are times under the existing law when a supplier is not paid by a contractor appropriately or the costs to suppliers are more than what has been retained. If funds are retained and released as proposed in HB 208 there would be problems. Ken believes that Brad Cole at the CCAO has come out against this proposal.

COMMISSIONERS MEETING – MONDAY, FEBRUARY 9, 2004

Mrs. Geissman stated that she is aware there will be a meeting with legislators over the sales tax issue and the hardship it will cause on local government funds if that collection is stopped too soon. She will check into the issues with HB 208.

Mr. Hambley noted that commitments have been made by Commissioners to attend the Regional Conference in Akron next Tuesday, which is the regular meeting date for the Board because of the February 16 holiday. He asked about moving the meeting to Thursday.

Commissioners agreed to move the February 17 meeting to Thursday, February 19 starting at 9:30 a.m. with the discussion session immediately following in the morning.

Ms. Ray asked if all Commissioners received a copy of the request from Medina City Chief Dennis Hanwell for 24 phone lines for the Reverse 911. All Commissioners had received this letter.

Ms. Ray noted that a letter was received from the Ohio Department of Rehabilitation and Correction with preliminary approval for reclassifying the Jail from a minimum security facility to a full service facility. There are 3 issues that they require to be addressed for full approval.

The Clerk reviewed a memo regarding the issue of notarizing annexation petitions that was brought up during the January 26th annexation hearing by John Oberholtzer, attorney for Brunswick Hills Township. The notary requirement was set up under the old annexation laws by our office based on the recommendation of Roxana Rohrich of the Tax Maps Office, who stated that the Recorder's Office requires notarization for recording documents. This requirement for annexation petitions was continued under the new law. Upon checking with Nancy Abbott, Recorder, last week she stated that the notary requirement is for subdivision recordings. The law does not require annexation petitions to be notarized; however, she felt the practice has been done for years and should be continued. Nancy also checked with other Recorder's and their recommendation is that the Board continue this requirement because the Board is accepting the documents and taking the responsibility that the signatures are legal and were signed by the petitioners of their free will.

Mr. Hambley noted that when subdivisions are filed there are no public hearings or challenges allowed in the process. Under the annexation laws, there are public hearings, notifications, and there is an ability to owners to say they did or didn't sign the petition. Basically, our requirement for notarization is not necessary.

Bill Thorne agreed, adding that the new law states that the Board cannot reject a petition based on a technicality that can be cured. This is a technicality and we don't know that there is a violation of it. He doesn't believe the court would uphold a denial based on that ground alone.

Mr. Hambley noted that Mr. Oberholtzer didn't question the legality of the signature, but that it hadn't been notarized. It is up to Commissioners to determine this.

The Clerk noted that in the draft for approval of the petition the notarization is not something that Commissioners even consider. The resolution was prepared using the criteria for approval that is based on the law requirements.

Bill stated that if it was required the petition could have been refused upon filing in order to get it done, but at this point to it would not be appropriate to refuse it because there were no challenges to the signature. There is specifically language in the law that a petition cannot be rejected on technical grounds.

Commissioners agreed to have the resolution scheduled for approval at next week's meeting. The petitioner, his attorney and Brunswick Hills' attorney need to be notified.

COMMISSIONERS MEETING – MONDAY, FEBRUARY 9, 2004

The Clerk noted that a gentleman that filed an application for appointment for the MRDD Board has been calling to check on the status of appointment.

Ms. Ray stated that she will be checking with Virginia Mitchell, Achievement Center Superintendent, about any further applicants. There was one interested party, but the person is not a U.S. citizen and the legality of appointing this person is being checked into.

Relative to the County Home Advisory Council applications for appointment, the Clerk was instructed to schedule interviews for the meeting in 2 weeks.

There was no further business before the Board for discussion.

Mrs. Geissman moved to recess into Executive Session to continue the personnel/evaluation session; Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mr. Hambley moved to adjourn the meeting at 2:10 p.m.; Seconded by Mrs. Geissman. There was no discussion. Roll Call showed all Commissioners voting AYE.

RESOLUTIONS PASSED:

- 04-0083 RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS

- 04-0084 RESOLUTION COMMENDING BRICE D. WILEY ON EARNING THE EAGLE SCOUT AWARD

- 04-0085 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 21, 2004

- 04-0086 RESOLUTION AMENDING THE TEMPORARY APPROPRIATION RESOLUTION

- 04-0087 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS COUNTY DEPARTMENT ACCOUNTS TO THE GASOLINE ROTARY FUND

- 04-0088 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS COUNTY DEPARTMENT ACCOUNTS TO THE MEDINA COUNTY PRINT SHOP REVENUE LINE ITEM

- 04-0089 RESOLUTION AUTHORIZING COUNTY AUDITOR TO TRANSFER FUNDS FROM THE CHILD SUPPORT ENFORCEMENT AGENCY FUND TO THE INDIRECT COST ALLOCATION

- 04-0090 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS

- 04-0091 RESOLUTION APPROVING AND AUTHORIZING A ONE DAY SUSPENSION FOR LORIE MAYNARD AND TWO DAY SUSPENSION FOR ALICE CHANNELL, EMPLOYEES OF THE MEDINA COUNTY SANITARY ENGINEER

COMMISSIONERS MEETING – MONDAY, FEBRUARY 9, 2004

- 04-0092 RESOLUTION ADOPTING SECURITY BENEFIT ADVISOR 457 DEFERRED COMPENSATION PLAN PROGRAM

- 04-0093 RESOLUTION APPROVING THE ACQUISITION OF PROPERTY IN THE VILLAGE OF GLORIA GLENS

- 04-0094 RESOLUTION BANNING THE CARRYING OF WEAPONS IN ALL MEDINA COUNTY OWNED AND LEASED BUILDINGS

- 04-0095 RESOLUTION AUTHORIZING AN AGREEMENT WITH ILLES ARCHITECTS INC. FOR ARCHITECTURAL SERVICES AT THE COUNTY ENGINEERING CENTER FOR THE MEDINA COUNTY WATER DISTRICT

- 04-0096 RESOLUTION ACCEPTING AND AWARDDING BID FOR STATE ROUTE 57 AND STATE ROUTE 162 INTERSECTION WATERLINE RELOCATION AND POE, HAMILTON AND HAMLIN ROAD WATERLINE CONSTRUCTION W-500/00-7.1.24

- 04-0097 AUTHORIZING FINANCIAL PARTICIPATION WITH THE CITY OF BRUNSWICK FOR 2004 AND PAYMENT OF MCDAC FUNDS

- 04-0098 RESOLUTION APPOINTING ALTERNATES FOR THE COUNTY COMMISSIONERS ON THE MEDINA COUNTY PLANNING COMMISSION

- 04-0099 RESOLUTION APPOINTING REPRESENTATIVE FOR THE CITY OF MEDINA TO THE MEDINA COUNTY PLANNING COMMISSION

- 04-0100 RESOLUTION APPOINTING THE CITY OF MEDINA'S REPRESENTATIVE TO THE MEDINA MUNICIPAL AIRPORT ZONING BOARD OF APPEALS

- 04-0101 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

MEDINA COUNTY COMMISSIONERS:

Sharon A. Ray

Respectfully submitted,

Patricia G. Geissman

Pamela M. Vereb, Asst. Clerk

Stephen D. Hambley

Pamela J. Terrill, Clerk