

COMMISSIONERS MEETING – TUESDAY, JANUARY 18, 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 January 3 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 approving the final plat and annual assessment on improvements for the Maplewood Farms Subdivision in Montville Township, approving the annual highway system report prepared by ODOT, and approving the cooperation with the Director of ODOT regarding the I-71 and 224/Lake Road projects, which were discussed last week. Mr. Hambley moved to approve the 5 resolutions; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Commissioners reviewed the weekly permits list.

Chris Jakab, Finance Director, presented and reviewed resolutions approving a Title IV-D agreement between Child Support Enforcement and Domestic Relations Court for 2005, approving the Department of Planning Services internship agreement with the University of Akron, approving a contract for medical services at the County Home with Dr. A. V. Khandelwal, approving agreements for mental health and drug abuse counseling and literacy for inmates at the Jail, various fund transfers, purchasing fuel for the Engineering Center and Highway Garage from Ports Petroleum, and the weekly bills in the amount of \$832,875.03. There have been some rule changes effective January 1 for providers of Title IV-D services and those have been written into the agreement with Domestic Relations Court. The internship agreement with Akron University is a continuation in the amount of \$4,648.13. The contract for County Home medical services is for 2005 in the amount of \$500 per month. The agreements for inmate services at the Jail reflect a 3% to 5% increase to health care costs for the employees that are providing the services. Mr. Hambley moved to approve the 9 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, had no resolutions for today.

Ken Hotz, Sanitary Engineer, presented a resolution to release the escrow account of Fabrizi Trucking & Paving for the Chatham Township waterline project. Everything has been completed and cleaned up. Mr. Hambley moved to approve the release; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution to obtain sanitary sewer and water easements for 2 projects. Mr. Hambley moved to approve obtaining the easements; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution authorizing the collection of a portion of sewer tap in fees for Liquid Resources of Ohio on a monthly basis. They will make a 25% down payment with the remainder, plus interest, being collected monthly on their sewer bill. Mr. Hambley moved to approve the monthly collection; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

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Ken presented 2 resolution authorizing cooperative agreements with the Ohio Water Development Authority (OWDA). The first is for waterline projects in Hinckley along with the Hinckley Township water tank and the second is for sanitary sewer replacements in the Brunswick Garden area, which is a joint project with the City of Brunswick. Mr. Hambley moved to approve the 2 resolutions; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution authorizing the bidding for the rehabilitation of the Windfall water tower that is 25 years old. Mr. Hambley moved to authorize the bidding; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Patrice Theken, Department of Planning Services Director, presented and reviewed information on services provided in 2004. Their income was up 20,000 and is reflective of the number of sublots reviewed. In review of the services provided since 1997, 2004 was the highest year. They reviewed 31 preliminary plans and 36 final plans. The 36 final plans involved 1332 lots for mostly single family homes and the preliminary plans involved 1848 sublots.

Art Verdoorn, Building Official, presented and reviewed their report for December and the year-end. They issued 1020 single family home permits in 2003 and 1021 permits in 2004. Commercial is closer to the 2002 figures, noting that they were down in 2003. For December they issued 68 residential permits versus 65 in December 2003. From 2003 to 2004 Brunswick Hills Township had the highest number of permits issues. Most permits are issued in Brunswick Hills and Montville Townships. The State has adopted a new commercial code that is effective March 1. There were not many changes as they are mostly "housekeeping". His office will probably not receive a copy of the new code until the first part of February. The biggest change involves the administrative portion that deals with personnel in building departments. They are now going to require 1 week (40 hours) of classroom time in Columbus for inspectors. This will be mandatory before they can become certified inspectors.

Mr. Hambley asked if he could get the average construction cost broken down for the year by township and Art stated he will get that information to him.

Art stated that they are in the midst of their new computer program for issuing permits. They will be running both systems parallel until March 1.

Mrs. Geissman noted that the average cost of construction is \$211,000 and that it doesn't include the cost of the land. These are not affordable by the average working family.

Art stated that part of the impact on costs was that in the new building code they require better design for wind resistance and that increased the average cost by \$2,000 per home. He noted that the most affordable housing has been noted in the Sandusky area for just under \$100,000 and those are for cluster homes.

Rob Peters, City of Wadsworth, presented a resolution approving an Enterprise Zone for the City of Wadsworth. This has been discussed with the Board before and changes were made to their guidelines. All Enterprise Zone negotiations will involve the school and county.

Mr. Hambley noted that there had been a concern expressed to make their guidelines consistent with other Enterprise Zones in he county and he is pleased to see the changes that were made.

Mr. Hambley moved to approve the Enterprise Zone for the City of Wadsworth; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mrs. Geissman presented a resolution appointing Commissioners to areas of direct responsibility for 2005. There is a change to move Human Resources to Ms. Ray. Mr. Hambley

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moved to approve the resolution as amended; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mrs. Geissman presented a resolution to appoint representatives to the OPWC Integrating Committee. Mr. Hambley will be the Commissioners' representative with Ms. Ray as the alternate and Mike Salay, County Engineer, will be a representative with Doug King as his alternate. Mr. Hambley moved to approve the appointments; 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. 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.

Mr. Hambley noted that he received a call from Ken Wright, ODOT District 3, relative to the County TID's agreement for the expansion of U.S. 42 with the City and Township. This has been approved for the design phase for \$1.5 million from ODOT. The estimated construction time will be in the year 2010 or 2011.

Mrs. Geissman noted that there is an annexation hearing at 10:10 that will be followed by the discussion session and Executive Session.

Mr. Hambley moved to recess into Executive Session to discuss personnel/appointment after the discussion session; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Commissioners recessed the meeting at 10:00 a.m.

At 10:10 a.m. the meeting was reconvened for the public hearing on the petition for annexation of 5.1749 acres of land from Brunswick Hills Township to the City of Brunswick.

Mrs. Geissman swore in those wishing to testify during the hearing.

Harold Freidman, Attorney representing the Agent for the Petitioner, presented a written brief on the petition. The Agent for the Petition is Robert Knight and the Petitioner is Jeffrey Hooker who was the owner of the property at the time the petition was filed. Mr. Knight is the Manager of Merchants Square that purchased the property on December 30, 2004. The property is essentially surrounded on 4 sides by the City. The requirements of 709.02 and 709.03 of the Revised Code have been met and the annexation must be granted. The City of Brunswick has complied with 709.03(D) by adopting their resolution of services that they will provide upon annexation. This property is not unreasonably large. Relative to the balance of good, it will be shown that the benefits will outweigh any detriments. There is no street or highway being divided that will cause a road maintenance problem. He noted that he has one primary witness, Mr. Knight.

Mr. Oberholtzer, Attorney representing Brunswick Hills Township, introduced Michelle Slimak of his office. He stated that the Township believes the first thing to evaluate is the balance test. In reviewing the map that was submitted with the petition, parcels 5, 6, 7 & 8 will be completely isolated and inaccessible by the township. Parcels 4 and 9 are on the sides of the proposed annexation parcel. He has talked with the owners of the other parcels and no one is willing to provide them with assistance for drainage problems on their property from properties already within the City. The people owning those parcels are not willing to annexation.

There were neither challenges to the signatures on the petition nor any owner that signed the petition that wanted withdrawn.

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Mrs. Geissman reviewed the validity of the petition with the Clerk, which is a review of the requirements of ORC 709.02. The Clerk verified the requirements were met.

Mrs. Geissman reviewed the disposition of procedures, which is a review of the requirements of ORC 709.03. The Clerk verified that all required notices were properly filed. The City ordinance relative to services has been filed; however, there is no actual date for providing the services. It was noted that the information presented at the beginning of the hearing does show a date that services will be provided upon annexation as the services are immediately available.

Through questioning by Mr. Friedman, Mr. Knight testified that he purchased the property and that his business is across the street; he was appointed agent by Mr. Hooker; he is familiar with the property; he caused the notices to be sent to the Clerks of City Council and the Township; and, sent by regular mail the annexation information to property owners within and adjacent to the annexation territory. The notice of the hearing was published in the Gazette on December 6, 2004. The general good of the territory sought to be annexed will be served. The property cannot be developed without annexation and the plan for the property is for convenience retail. A couple of the retail establishments could not go in without water service. This will generate more tax dollars over a period of 12 years for the township with the transitional tax collection. The property to be annexed is essentially an island. Mr. Hooker had previously purchased the property to construct an (automobile) dealership and decided not to go through with those plans. Mr. Hooker split the parcel on the southerly part at the creek that is unusable for the northerly parcel. The only marketable parties interested in that are on the south in The Oak Tree development. There were 3 property owners that expressed an interest and purchased 4 of those parcels from Mr. Hooker. Those owners live in the City. There was a lot split done and recorded for those parcels. Those people now own a residence in the City with a “recreational” lot in the Township. At the time the petition for annexation was prepared they didn’t feel it was necessary to engage those owners in the process. After filing the petition, the City requested that it be amended to include those, but due to the time constraints they opted not to do that. There is a mini storage that has caused flooding onto those parcels and it doesn’t affect this proposed annexation parcel. The City cannot take care of it because the parcels are in the township. It is not prohibited for those owners to have part of their property in the city and part in the township. The City is making an effort to get those to annexation and he has volunteered to act as agent should they decide to proceed. He anticipates that will happen in the next few months. None of those owners have come forward with any objection to this annexation. He believes the City is planning to assist those people. If the property is not annexed there would be some limitations in developing within the township. One proposed tenant has said they cannot go forward if it remains in the township because there is no water. The City will provide water with annexation and that will facilitate the development of the property. The present plan is for 3 buildings; a lending institute, food chain and another for retail. If development occurs the result will be more tax benefits to the township with a diminishing transition over 12 years of tax revenues from the businesses. The tax base, according to the Planning Services report, is \$1800 per actual valuation. The proposed value of the property when developed will be \$3 million and that will impact the City, Township and Schools through taxation. No street will be divided. A traffic study is being done for the City and it is anticipated that there will be an egress at one point with ingress and egress on the main street. He feels the benefits of annexation will outweigh any detriments because of the development and the tax dollars that will be generated. He is not aware of any detriments that this will cause. In review of a map of the area surrounding this annexation area, this is an island within the City and part of the island will be removed. There are several areas like this around the City. Everything within half mile is within the City except a long slender piece between 2 Urgicare facilities.

Through questioning by Mr. Oberholtzer, Mr. Knight stated that he currently owned the property and that it has to be a part of the City for water. Most developers just want to know what rules to follow and he would like to see a JEDD or CEDA in the area. He agreed the City will also have the ability to collect income taxes from the proposed businesses. The Gudrow parcel is 40% developed and parcel 9 on a drawing is the mini storage. The 4 parcels in the back

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are privately owned and are part of properties within the city. Relative to run off problems, the past owner followed the rules and regulations and designed their stormwater management system. The rules and regulations are likely to be more stringent under the city's jurisdiction. He understands the owners of the back 4 parcels are concerned about drainage. He also understands that when the mini storage was developed it was under the township and he doesn't know how the water was handled. Those owners do have a problem with drainage from that property. The City had no involvement in the mini storage because it was developed in the township. He feels the City is looking at cleaning up boundaries and the only hold up with annexing the remainder of this island was the costs involved to annexation. The City has expressed a willingness to have their law director assist those owners with annexation. He is not sure of all of the issues involving the drainage problems but believes they are solvable. Whenever there is development in a neighborhood it is a reality that there are issues and situations that can't be avoided.

Bob Manser, representing the City, had no questions.

Through questioning by Commissioners, Mr. Knight stated that the 4 parcels in the back attach to city parcels and are owned by city residents. Those owners own split parcels. He was invited to the process of getting the remaining area to annex but because of time frames he didn't bring them in with this petition. He has offered to assist with the annexation of the remaining area and noted that there are meetings taking place regarding those properties. All of the island area is commercially zoned under the township. He doesn't see any detriments to the annexation. It is a city requirement that buffers will be used.

There were no further questions of Mr. Knight.

It was noted that the City will provide services to the property by December 13, 2005.

In closing, Mr. Friedman stated that the only issue is a perceived drainage issue, which can be solved. He believes the benefits clearly outweigh any possible detriments to the property being annexed.

Mr. Oberholtzer stated that the issue before the Board is clearly a detriment to the 4 back parcels and that must be evaluated. Brunswick City has a high handed approach to annexation and the only way to have balance is for the Commissioners to show there is equality of the issues. The drainage problem will not be resolved once annexation is approved. If the Commissioners continue to approve annexations there will no longer be townships. The Board must consider the detriments and that the annexation be rejected.

Mrs. Geissman noted that a message was received that Attorney David Spotts was on his way to the hearing to object to the annexation on behalf of the Gudrow property and had a medical emergency. There is a request to continue the hearing so that Attorney Spotts can present his statements. Mr. Hambley moved to continue the public hearing on the petition for annexation to January 31 at 9:40 a.m.; Seconded by Ms. Ray. There was no further discussion. Roll Call showed all Commissioners voting AYE.

Mr. Hambley noted that correspondence had been received from Jeannette M. Prebe regarding the annexation petition and that a staff report was received from the Department of Planning Services and that both documents are part of the annexation record.

Commissioners recessed the meeting at 11:05 a.m.

The meeting was reconvened at 11:10 a.m. for the discussion session.

Ken Hotz stated that he gave Commissioners a letter regarding the City of Cleveland contract. Once the contract was cancelled with Cleveland for the Hinckley water, which was June 30, there have been several meetings with Cleveland and letters going back and forth. We have agreed that Cleveland can keep the east side of Rocky River going up towards Richfield

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and we would keep the west side between Rocky River and Brunswick. That was okay with Cleveland except for about 500 customers near Bennetts Corner that we want to retain in our water system. The last letter sent to Cleveland says that we're willing to compromise and let you have the east side and if they don't agree that we'll cover the entire township instead of just a portion. Also Cleveland says they have incurred costs to supply to Hinckley and they want to recoup those costs. We don't agree with that and we don't know where they expended costs for improvements. We're saying in our letter that contract says we can terminate the contract with 5 years notice and there's no language in the contract for recouping costs.

Bill Thorne, Assistant Prosecutor, stated that there are no separation costs. They could try to increase their fees, but they would have to justify any increase based on physical improvements. We're not aware of any improvements they've put in to benefit Hinckley residents. They are also requesting that we allow them to continue serving the area for 10 years rather than 5 years. We have put the burden on them to show why they need an additional 5 years and what costs need to be recovered.

John Stricker stated that the boiler in the Medina Human Service Center went down last night. They got it up and running about 2:30 this morning. Many of the offices delayed opening about 2 hours because of the cold. Office for Older Adults opted to go in because they had meals to get out.

Mrs. Geissman noted that the Department of Planning Services has requested a commitment from the Commissioners for funding of their grant program. They would like to get their letters sent out to the local entities about the grant funds to give them more time to work on their applications this year. She feels this is a high priority program.

Mr. Hambley and Ms. Ray agreed that it is high priority, but noted a hesitancy to commit during the budget process and not knowing how the State will be handling the Local Government Funds (LGF).

After a brief discussion it was agreed that Planning Services can send out the letters noting the intent of the Board to continue the program, but that it may need to be revisited if the LGF is cut. It was noted that most townships are aware of the possible cuts with the LGF.

There was no further business before the Board.

At 11:16 a.m. the Commissioners recessed into Executive Session that was voted on earlier.

At 11:45 a.m. Mr. Hambley moved to adjourn the meeting; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

RESOLUTIONS PASSED:

- 05-0034 RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER
IN SETTLEMENT OF SUCH LIST OF CLAIMS

- 05-0035 RESOLUTION APPROVING THE FINAL PLAT FOR THE MAPLEWOOD FARMS
SUBDIVISION LOCATED IN MONTVILLE TOWNSHIP LOT 12

- 05-0036 RESOLUTION APPROVING ANNUAL ASSESSMENT ON IMPROVEMENTS
CONSTRUCTED...91.8360 ACRES OF LNAD IN LOT 12 OF MONTVILLE
TOWNSHIP...MAPLEWOOD FARMS SUBDIVISION AND ESTABLISHING SAID
IMPROVEMENTS AS A PUBLIC WATERCOURSE

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- 05-0037 RESOLUTION APPROVING THE ANNUAL COUNTY HIGHWAY SYSTEM REPORT PREPARED BY THE OHIO DEPARTMENT OF TRANSPORTATION

- 05-0038 RESOLUTION OF BOARD OF COUNTY COMMISSIONERS MEDINA COUNTY, OHIO TO COOPERATE WITH THE DIRECTOR OF TRANSPORTATION STATE OF OHIO

- 05-0039 RESOLUTION OF BOARD OF COUNTY COMMISSIONERS MEDINA COUNTY, OHIO TO COOPERATE WITH THE DIRECTOR OF TRANSPORTATION STATE OF OHIO

- 05-0040 RESOLUTION APPROVING AGREEMENTS PROVIDING SERVICES PURSUANT TO THE REQUIREMENTS OF TITLE IV-D OF THE SOCIAL SECURITY ACT

- 05-0041 APPROVAL OF AN INTERNSHIP AGREEMENT BETWEEN MEDINA COUNTY PLANNING SERVICES DEPARTMENT AND THE UNIVERSITY OF AKRON

- 05-0042 APPROVING A CONTRACT FOR THE PROVISION OF MEDICAL SERVICES FOR THE MEDINA COUNTY HOME

- 05-0043 APPROVING AGREEMENTS AND SERVICES FOR MENTAL HEALTH, LITERACY, AND PARENTING PROGRAMS AT THE MEDINA COUNTY JAIL

- 05-0044 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM THE COUNTY GENERAL FUND (0010) TO THE PUBLIC ASSISTANCE FUND (0120) FOR COUNTY MANDATED SHARE

- 05-0045 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM THE CHILD SUPPORT ENFORCEMENT AGENCY FUND FOR DOMESTIC RELATIONS COURT MAGISTRATE SERVICES, JUVENILE COURT MAGISTRATE SERVICES AND PROSECUTOR SERVICES

- 05-0046 CASH TRANSFER TO THE CRIPPLED CHILDREN'S HEALTH FUND

- 05-0047 RESOLUTION AUTHORIZING THE PURCHASE OF 3,400 GALLONS OF PREMIUM UNLEADED AND 3,300 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE ENGINEERING CENTER

- 05-0048 RESOLUTION AUTHORIZING THE PURCHASE OF 6,500 GALLONS OF DIESEL AND 1,000 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE MEDINA COUNTY HIGHWAY GARAGE

- 05-0049 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS

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- 05-0050 RESOLUTION AUTHORIZING THE COUNTY SANITARY ENGINEER TO RELEASE THE ESCROW ACCOUNT OF FABRIZI TRUCKING & PAVING FOR THE CHATHAM, SR 83 AND COON CLUB ROAD WATERLINE PROJECT MCSE #W-500/00-5.1.59
- 05-0051 AUTHORIZING THE SANITARY ENGINEER TO OBTAIN EASEMENTS FOR VARIOUS SANITARY SEWER AND WATER IMPROVEMENT PROJECTS
- 05-0052 RESOLUTION AUTHORIZING THE COUNTY SANITARY ENGINEER TO COLLECT A PORTION OF THE SEWER BENEFIT CHARGE FROM LIQUID RESOURCES OF OHIO, LLC ON A MONTHLY BASIS
- 05-0053 RESOLUTION AUTHORIZING COOPERATIVE AGREEMENT FOR 2004 WATER MAIN EXTENSIONS FOR GRAFTON RD, WEST LAW RD, WEIGEL RD, ABBEYVILLE RD, PALKER RD, SANFORD RD & CONGRESS RD WATERLINE PROJECT...HINCKLEY TWP WATER STORAGE TANK...OHIO WATER DEVELOPMENT AUTHORITY
- 05-0054 RESOLUTION AUTHORIZING COOPERATIVE AGREEMENT FOR REPLACEMENT OF SANITARY SEWERS IN FRANCIS BLVD, DOROTHY DR, HUDAK DR AND MELROSE DR AS PART OF THE BRUNSWICK CITY STORM SEWER CONSTRUCTION PROJECT...OHIO WATER DEVELOPMENT AUTHORITY
- 05-0055 RESOLUTION DECLARING THE NECESSITY OF REHABILITATING THE WINDFALL TANK...APPROVING PLANS & SPECIFICATIONS FOR THE REHABILITATION AND AUTHORIZING THE SANITARY ENGINEER TO COMMENCE ADVERTISING FOR TANK REHABILITATION BIDS
- 05-0056 RESOLUTION APPROVING THE CREATION OF AN ENTERPRISE ZONE FOR THE CITY OF WADSWORTH, OHIO
- 05-0057 RESOLUTION APPOINTING COUNTY COMMISSIONERS TO VARIOUS COMMITTEES AND AREAS OF DIRECT RESPONSIBILITY FOR THE YEAR 2005
- 05-0058 RESOLUTION APPOINTING REPRESENTATIVES AND ALTERNATES TO THE OWPC DISTRICT 9 INTEGRATING COMMITTEE
- 05-0059 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

MEDINA COUNTY COMMISSIONERS:

Patricia G. Geissman

Respectfully submitted,

Stephen D. Hambley

Pamela J. Terrill, Clerk

Sharon A. Ray