

COMMISSIONERS MEETING – MONDAY, JANUARY 14, 2002

Stephen D. Hambley called the meeting to order at 9:30 a.m. with Patricia G. Geissman and Thomas R. Bahr 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 7 was dispensed with. Each Commissioner has read them personally. Mrs. Geissman moved to approve the minutes. Seconded by Mr. Bahr. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mr. Hambley presented the reorganization resolution and setting dates of sessions for the year 2002. This appoints Mrs. Geissman as President of the Board with Mr. Bahr as Vice-President. Mrs. Geissman moved to approve the reorganization resolution. Seconded by Mr. Bahr. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mrs. Geissman took over the duties of the President at this time, noting that last year will be a year to remember, both locally and nationally and hopefully 2002 will be a good year for the County and for the nation.

Doug King, Administrative Assistant in the County Engineer's Office, presented a resolution amending Resolution #99-623 relative to additional engineering costs for improvement of Carpenter Road. The cost for the County's portion is \$844.64. Mr. Bahr moved to approve the amendment. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Doug presented a resolution approving the final plat for Silver Creek Estates Subdivision and a resolution approving annual assessment on improvements & establishing a public watercourse in Silver Creek Estates Subdivision in Wadsworth Township. Mr. Bahr moved to approve both resolutions. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Doug presented resolutions authorizing the advertisement for bids for the purchase of one new brush chipper for the Highway Department and for the improvement of various county roads during 2002 by resurfacing with various bituminous asphalt materials. Mr. Bahr moved to approve both 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 six resolutions authorizing the execution of an administrative services agreement with Medical Mutual of Ohio for the provision of health plan services for CY2002, various fund transfers, purchasing fuel for the Engineering Center from Ports Petroleum, and the weekly bills in the amount of \$1,231,299.57.

The agreement with Medical Mutual is a renewal and there is a 13-15% increase in their administrative fees. Chris noted that the Treasurer's Office is trying to get the tax bills out by this Friday and will need postage. The amount is not known at this time. He requested approval to add the postage to this week's bill page when the amount is known.

Mr. Bahr moved to approve the 6 Finance resolutions and the addition of a bulk postage bill for mailing the tax bills. Seconded by Mr. Hambley. There was no further 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.

John Stricker, County Administrator, had no resolutions for today. He noted that Louis Sharpe, Department of Planning Services Director, would like to present a resolution.

Louis presented a resolution approving an agreement between the Board of Commissioners and the University of Akron Department of Geography and Planning for a

COMMISSIONERS MEETING – MONDAY, JANUARY 14, 2002

graduate student internship within the Department of Planning Services. Mr. Bahr moved to approve the agreement. Seconded by Mr. Hambley.

Mrs. Geissman noted that the intern will be paid from the RPTT funds.

There was no further discussion.

Roll Call on the motion and second to approve the agreement with the University of Akron showed all Commissioners voting AYE.

Jim Troike, Assistant Sanitary Engineer, presented a resolution authorizing the advertisement for bids for the disposal of waste paint products. Mr. Bahr moved to approve the advertisement. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Jim presented a resolution accepting and awarding the bid for the Weymouth Road waterline project to Mark Schaefer Excavating. Mr. Bahr moved to accept and award the bid. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Jim presented a resolution authorizing a cooperative agreement with the Ohio Water Development Authority (OWDA) for financing of the Ridge/Ledge Road waterline project, Weymouth Road waterline project, and Weymouth Road pump station. Mr. Bahr moved to approve the agreement. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Debra Radecky, Office for Older Adults Director, stated that they are delivering 193 home-delivered meals and there is no waiting list. They had one outreach worker retire and they are looking for a replacement. They are starting plans for Senior Day, which will be held on Tuesday, May 21. Their Christmas program went well and they had a collection for the Battered Women's Shelter. The trip this month is to a planetarium. Upcoming activities include going over medical bills on the 18th, a crazy hat party on the 25th, and they're doing a program on home safety and the Health Department is doing a heart-smart program. Their office will be closed on the 21st and there will be no home-delivered meals that day. Through questioning, she stated that their office makes reservations and sets up appointments with the AARP for preparation of senior taxes. The AARP also handles this for low-income people. She agreed to be present at next week's discussion session to review plans for a seniors' needs study.

John Jones, Transportation Service Director, reviewed their statistics for December and some year-end totals. He hopes to have the annual report by next month. For December they had 1,283 passengers on the "L", 57 on the Homerville Circulator, 5,924 on demand response, and 222 on the Southwest Circulator. They had a total 94,456 riders for the year, which is a 10.8% increase over last year's ridership. They traveled 41,670 vehicle miles in December and a total of 559,441 for the year. This showed a slight increase in miles. For the year they used 68,953 gallons of fuel for an average of 8.11 fleet miles per gallon. They worked 29,675 demand response hours and 6,579 fixed route hours. The denial rate was 1.75% and the accident rate was 1.43%. There were a total of 52 service complaints. The billing accuracy was 99.62% and the fare box recovery rate was 40.95%. This is the first time since 1995 that their revenue was greater than their expenses for the year, although the exact numbers are known at this time. Through questioning he stated that the projected level of the State's cut is 10.9% and they were able to stop the second cut that was proposed. The County will also have to look at 20% capital matches, which will mostly affect next year. He hopes to have the year-end final report by the first of February.

John Shultz, Dog Warden, stated that they have started coordinating the annual Adopt-A-Thon program and he has signed up for a program with the H.S.U.S. He presented and reviewed statistics for the Shelter. They took in 795 stray dogs in 2000 and 659 in 2001; they had 261 impounds in 2000 versus 240 in 2001; they sold 428 dogs in 2001 versus 484 in 2000; and destroyed 200 in 2001 versus 234 in 2000. He believes the numbers are down due to the outreach program, their 7-day holding policy and the spay & neuter program. They gave the SPCA 141 dogs and the APL 29 dogs last year. The adoption rate went from 59.1% in 2000 to 70.7% in 2001, which is the highest in the state. Dog tag sales were down in 2001, but the

COMMISSIONERS MEETING – MONDAY, JANUARY 14, 2002

kennel licenses were up. They have been checking licenses door-to-door and those advertising the sale of dogs that are supposed to have kennel licenses. He checked with the Auditor's Office and tag sales are up 1500 in December, however, the 2002 tags are part of those sales. They responded to 2001 calls last year versus 1845 the prior year and traveled approximately 35,000 miles versus approximately 32,000 the prior year.

Mrs. Geissman presented and reviewed a resolution appointing Commissioners to various committees and areas of direct responsibility for 2002. Mr. Bahr moved to approve the appointments. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mrs. Geissman presented a resolution establishing various policies for the Commissioners Office. These policies are for taping of minutes, meeting notifications, public comment, commendations, applications for committee appointments, and destruction of records. Mr. Bahr moved to approve the policies. Seconded by Mr. Hambley.

Mr. Hambley noted that one of the changes involving meeting notifications is that they will be handled by e-mail and posted on the county's website.

There was no further discussion. Roll Call on the motion and second to approve the policies showed all Commissioners voting AYE.

Mrs. Geissman read a resolution commending Mary Jane Semivan for her years of service with the County Clerk of Courts. Mr. Bahr moved to approve the commendation. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Commissioners reviewed a resolution appointing the Richard Simmons as Medina City's representative to the County Planning Commission with his term expiring December 31, 2004. Mr. Bahr moved to approve the appointment. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Commissioners reviewed a resolution appointing John Root as the City of Medina's representative and Christopher Themes as Sharon Township's representative to the Medina Municipal Airport Zoning Appeals Board with their terms expiring December 31, 2004. Mr. Bahr moved to approve the appointments. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Commissioners reviewed a notice for a new liquor permit for Sandbaggers Golf & Game Center in Montville Township. No comments or questions have been received about this permit.

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.

Deacon Joe Loutzenhiser representing *Medina County Cares* thanked Commissioners for changing their position relative to the County Home and giving the community an opportunity to show their support for the Home. He presented petitions in which they collected 600 signatures in 4 days requesting for clear and simple ballot language for the County Home levy. They believe the language was confusing on the farmland preservation ballot and they do not want any confusion with this levy. They understand how the Commissioners felt with their fiscal responsibilities and they believe the citizens are willing to take on that responsibility.

Mrs. Geissman stated that it has already been noted that the Commissioners do not determine the ballot language. The Board of Elections sets the language and the Secretary of State approves the final language. She read sample language that was prepared by the Finance Director for the Board of Elections that simply states the amount of the levy and that it is for "the operation and maintenance of the Medina County Home".

Deacon Loutzenhiser stated that the sample language sounds good.

COMMISSIONERS MEETING – MONDAY, JANUARY 14, 2002

There was no further public comment.

Commissioners recessed the meeting at 10:04 a.m.

Commissioners reconvened the meeting at 10:10 a.m. for the public hearing on the petition for annexation of 131.9526 acres of land from Sharon Township to the City of Wadsworth.

Mrs. Geissman noted that the individuals sworn in at the original hearing of December 31 are still under oath. There was no one new present wishing to testify.

Thomas Palacek, Agent for the Petitioner, stated that the key reason Greenhaven wants annexation is water. Mr. DeMund is the single owner of the property. The City of Wadsworth has passed their resolution saying they will provide water. At the last hearing Township Trustees (Emil) Bolas and (Jim) Dudek testified they could not provide water to this land. He presented a packet of exhibits for review. A letter from Ken Hotz, Medina County Sanitary Engineer, references the 1979 agreement for the water tower and states that water cannot be provided to this parcel because of the amount of land along Ridgewood Road that would have first choice for water and only a small portion of the parcel in question is within the service area of the tower. Exhibit D is from the City Engineer that shows the location of the nearest water main to this property, which is across the road approximately 90 feet from the Greenhaven property. Exhibits B and C are the Wadsworth and Barberton legislations authorizing an agreement for up to 3 million gallons of water a day. All of the testing is done and Wadsworth is to sign the agreement today. Wadsworth has an “out” in the agreement if they are unable to get easements for the lines or if they can’t get 3 million gallons a day. Exhibit E shows the daily rates of flow for the City of Wadsworth, which is decreasing. The decrease is not due to the summer sprinkling adjustments but a conservation plan the City has with industries. Regarding adjacency, the statutes say there has to be some touching and there is no definition on the amount required for contiguity. They do not want islands created. The Supreme Court doesn’t want connecting strips as referenced in one of the cases mentioned by Mr. Schrader at the last hearing. Commissioners have to look at the entire area and see the cohesiveness. Although the property already touches, the southern part of this property is now contiguous by 1390 feet. This southern property includes a park, church and homes. There is also a large development going in on Reimer Road. Per the Supreme Court, County Commissioners must approve an annexation if the general good of the land sought to be annexed is served and they encourage annexation of adjoining territory. The general good of the territory includes fire protection, natural gas service, electric service, and cable TV. There isn’t anything showing that the city cannot provide water to this parcel. An argument against this annexation was that it is unreasonably large. There has been no reason given for ruling that it is too large. Cases brought up at the last hearing involved tax problems. The law the Commissioners must follow are the statutes, Supreme Court and 9th District Court of Appeals. In 1992 the Court of Appeals said that 155 acres was not unreasonably large. There is no significant loss of taxes to the township because this land is vacant. The required letters to the Township and City Clerks were filed, the legal advertisement was done correctly; all documents were filed per the requirements of the law.

Al Schrader representing Sharon Township stated that the standards provided by the courts for unreasonably large is not just based on size. It also considers geographic shape and character. Evidence has been provided showing the geographic shape and size and that there is not a community of interest. The County Prosecutor ruled that the contiguity has to be at the time the petition is filed. There was minimal touching with the city at the time the petition was filed. There is still a question of the city’s ability to provide services and he believes nothing much has changed. The proposed agreement between Wadsworth and Barberton states that Wadsworth has determined that it doesn’t have sufficient water for future needs. Their ordinance also says that Barberton owns a wellfield that is thought to have sufficient water. There are no water studies available yet. Wadsworth doesn’t have easements for the lines and they propose to acquire those. Wadsworth has not at this time signed the agreement. The agreement states Wadsworth is to hire someone to perform the water study within 30 days of the effective date of the agreement. If Wadsworth signs the agreement today, they still have 30 days for the testing to be done. Under the options to terminate the agreement, Wadsworth can terminate if they are unable to proceed with the construction of the lines, if the quantity or quality tests don’t yield right, and the water must be compatible with their existing water. The

COMMISSIONERS MEETING – MONDAY, JANUARY 14, 2002

earliest Wadsworth will be able to provide water from these wells is 2003. This petitioner is seeking annexation today. Wadsworth agrees water obtained from the wells will not be extended outside of their boundaries. It is not clear Wadsworth can provide sufficient water. The Sanitary Engineer has said part of this property is in the service area of the county. He suggests the petition should be denied. It is unreasonably large because, not considering the land recently annexed, it has minimal touching and because of the character and size.

There was no further testimony.

Mr. Bahr moved to adjourn the hearing on the petition for annexation of 131.9526 acres of land from Sharon Township to the City of Wadsworth. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mrs. Geissman noted that Commissioners have 90 days to make a decision on this annexation petition.

Commissioners recessed the meeting at 10:41 a.m.

Commissioners reconvened the meeting at 10:42 a.m. for the discussion session.

Mr. Hambley noted that NOACA has passed the update of their Code of Regulations and will be forwarding it for approval in the next couple of weeks.

Mr. Bahr stated that Dan Colantone, Greater Akron Chamber, has invited Commissioners to a roundtable discussion this Thursday on economic development in the northeast Ohio region. He will be attending a seminar and is unable to attend.

Mrs. Geissman noted that she will be in Columbus at the CCAO.

Mr. Hambley stated that he may be able to change around appointments in order to attend.

There was no further business before the Board of discussion.

Mr. Hambley moved to recess into Executive Session for the purpose of personnel/labor negotiations. Seconded by Mr. Bahr. There was no discussion. Roll Call showed all Commissioners voting AYE.

At 12 noon Mr. Bahr moved to adjourn the meeting. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

RESOLUTIONS PASSED:

02-0020 RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS

02-0021 RESOLUTION COMMENDING MARY JANE SEMIVAN FOR HER YEARS OF SERVICE WITH THE MEDINA COUNTY CLERK OF COURTS

02-0022 REORGANIZATION AND SETTING DATES OF SESSIONS FOR THE YEAR 2002

02-0023 RESOLUTION AMENDING RESOLUTION NO. 99-623 RELATIVE TO ADDITIONAL ENGINEERING COSTS FOR IMPROVEMENT OF CARPENTER ROAD IN MEDINA COUNTY, OHIO

02-0024 RESOLUTION APPROVING THE FINAL PLAT FOR SILVER CREEK ESTATES SUBDIVISION LOCATED IN LOT 2 OF TRACT 1 IN WADSWORTH TOWNSHIP, MEDINA COUNTY, OHIO

02-0025 RESOLUTION APPROVING ANNUAL ASSESSMENT ON IMPROVEMENTS...71.0096 ACRES OF LAND IN LOT #2, TRACT #1 OF WADSWORTH

COMMISSIONERS MEETING – MONDAY, JANUARY 14, 2002

TOWNSHIP...SILVER CREEK ESTATES SUBDIVISION AND ESTABLISHING THEREBY SAID IMPROVEMENTS AS A PUBLIC WATERCOURSE

02-0026 RESOLUTION AUTHORIZING THE MEDINA COUNTY ENGINEER TO ADVERTISE FOR BIDS FOR THE PURCHASE OF ONE (1) NEW BRUSH CHIPPER FOR USE BY THE MEDINA COUNTY HIGHWAY DEPARTMENT

02-0027 RESOLUTION AUTHORIZING THE MEDINA COUNTY ENGINEER TO ADVERTISE FOR BIDS FOR THE IMPROVEMENT OF VARIOUS COUNTY ROADS DURING 2002 BY RESURFACING WITH VARIOUS BITUMINOUS ASPHALT MATERIALS

02-0028 AUTHORIZING THE EXECUTION OF AN ADMINISTRATIVE SERVICES AGREEMENT WITH MEDICAL MUTUAL OF OHIO FOR THE PROVISION OF HEALTH PLAN SERVICES FOR CY 2002

02-0029 CASH TRANSFER TO THE CRIPPLED CHILDREN'S HEALTH FUND

02-0030 RESOLUTION AUTHORIZING COUNTY AUDITOR TO TRANSFER FUNDS FROM CHILD SUPPORT ENFORCEMENT FUND TO THE PROSECUTOR TITLE IV-D FUND

02-0031 RESOLUTION AUTHORIZING COUNTY AUDITOR TO TRANSFER FUNDS FROM THE CHILD SUPPORT ENFORCEMENT FUND TO THE JUVENILE COURT IV-D FUND

02-0032 RESOLUTION AUTHORIZING THE PURCHASE OF 3,200 GALLONS OF PREMIUM UNLEADED AND 4,200 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE ENGINEERING CENTER

02-0033 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS

02-0034 RESOLUTION APPROVING AN AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND THE UNIVERSITY OF AKRON DEPARTMENT OF GEOGRAPHY AND PLANNING FOR A GRADUATE STUDENT INTERNSHIP WITHIN THE DEPARTMENT OF PLANNING SERVICES

02-0035 RESOLUTION AUTHORIZING THE SANITARY ENGINEERING DEPARTMENT TO ADVERTISE FOR BIDS FOR THE DISPOSAL OF WASTE PAINT PRODUCTS

02-0036 RESOLUTION ACCEPTING AND AWARDING BID FOR WEYMOUTH ROAD WATERLINE PROJECT #W-500/00-7.1.19.3A

02-0037 RESOLUTION AUTHORIZING COOPERATIVE AGREEMENT FOR THE RIDGE/LEDGE ROAD WATERLINE PROJECT, WEYMOUTH ROAD WATERLINE PROJECT & WEMOUTH ROAD PUMP STATION WITH THE OHIO WATER DEVELOPMENT AUTHORITY

02-0038 RESOLUTION APPOINTING COUNTY COMMISSIONERS TO VARIOUS COMMITTEES AND AREAS OF DIRECT RESPONSIBILITY FOR THE YEAR 2002

02-0039 RESOLUTION ESTABLISHING VARIOUS POLICIES FOR THE MEDINA COUNTY COMMISSIONERS OFFICE

02-0040 RESOLUTION APPOINTING REPRESENTATIVE TO THE MEDINA COUNTY PLANNING COMMISSION

02-0041 RESOLUTION APPOINTING REPRESENTATIVES TO THE MEDINA MUNICIPAL AIRPORT ZONING APPEALS BOARD

COMMISSIONERS MEETING – MONDAY, JANUARY 14, 2002

02-0042 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

02-0043 RESOLUTION ADJOURNING THE PUBLIC HEARING ON THE PETITION FOR ANNEXATION OF 131.9526 ACRES OF LAND KNOWN AS BEING PART OF SHARON TOWNSHIP LOTS 74 & 75 TO THE CITY OF WADSWORTH, MEDINA COUNTY, OHIO

MEDINA COUNTY COMMISSIONERS:

Patricia G. Geissman

Respectfully submitted,

Thomas R. Bahr

Pamela J. Terrill, Clerk

Stephen D. Hambley