

COMMISSIONERS MEETING – MONDAY, JANUARY 26, 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 January 20 minutes 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.

Doug King, Administrative Assistant in the County Engineer's Office, presented resolutions continuing established fees and inspection fees for permits issued under the Highway Use Manual, approving the use of Subdivision Drainage Maintenance Fund for repair work in Fox Meadow Subdivision Phase I, approving the final plat for the Morning Song Farms Subdivision Phase III, and amending the contract with Fechko Excavating Inc. for the final payment on the Foote Road contract. Mrs. Geissman moved to approve the 4 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 resolutions amending the temporary appropriations by increasing and decreasing appropriations, various transfers, approving agreements providing services for Title IV-D, amending the agreement with Medical Mutual for 2004, amending Resolution No. 04-21 by approving 3 additional agreements with veterinarians for dog spay and neuter services for the Animal Shelter, and the weekly bills in the amount of \$1,071,188.16. The agreements for Title IV-D are renewals for the Child Support Enforcement Agency with Domestic Relations Court, Juvenile Court and the Prosecutor's Office. Summaries were attached for review. The amendment with Medical Mutual is for 2004 and also has a summary attached. Proposals were received for prescription proposals separately and a summary was presented for those. Signa was very competitive, but with the combined benefits through Medical Mutual the costs were deemed more economical to stay with Medical Mutual. The amendment is for renewal of major medical, prescription, and dental coverage. Adding the 3 veterinarians to the Animal Shelter's program brings the total to 14 veterinarians out of 20 in the county participating in the program. Mrs. Geissman moved to approve the 6 resolutions and payment of the bills; Seconded by Mr. Hambley. 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 personnel changes; Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

John Stricker, County Administrator, had no resolutions today.

Ken Hotz, Sanitary Engineer, presented a resolution authorizing a reduction of the rate charged for water to those residents that qualify for a reduction from the Auditor's Office for Homestead Exemption. Homestead Exemption has been used in the past on the sewer system, which was approved by the EPA. This will be for a 50% reduction of the normal charge. He presented sample bills showing regular billing and one with the reduction. Mrs. Geissman moved to approve the reduction; Seconded by Mr. Hambley.

Ms. Ray asked when residents would see this on their billing.

Ken stated that it will be after March as they need a month to do a practice billing.

Mr. Hambley noted that the residents don't have to do anything special to get this reduction.

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Ken agreed, noting that they only have to be part of the Auditor's Homestead Exemption list. Those not already on the list will have to apply for reduction next year through the Auditor's Office and it would then be applied next year to their water billing. The list is updated annually by the Auditor's Office.

Joan Heller, Auditor's Office, noted that anyone applying now through May will be getting the reduction for next year. There was a brief review of the criteria.

Mr. Hambley noted that the criterion is on the Auditor's website.

There was no further discussion.

Roll Call on the motion and second to approve the reduction in the water bills for those receiving Homestead Exemption showed all Commissioners voting AYE.

Mead Wilkins, Job & Family Services Director, presented information on their year end statistics. The first is for Medicaid and medical programs and the second is for OWF. The caseloads for OWF and child care have doubled in 2004 and they had to add a person to their front desk because they have lines going out of the building. They are currently scheduling appointments for February. He noted that they normally don't get involved in holiday giving, but this year they received so many calls that donations, etc. were received. They were able to help 230 families over the holidays. He presented copies of thank you notes from kids.

Mead presented a resolution entering a contract to provide WIA service through the Lodi Center. This includes outreach and working with families for employability. Older teens and adults will be involved with this program. The contract is for 17 months. A second resolution was presented approving an agreement with the Sheriff's Office to work with their social workers on abuse cases. This is to set up a coordinated team and for the Sheriff to provide an investigator to that team. This will eliminate an abuse victim meeting with several individuals separately and having to go over the reporting repeatedly. They had 160 reports of abuse last year. The group has had one meeting and will be meeting again on the 29th. Mrs. Geissman moved to approve the 2 resolutions; Seconded by Mr. Hambley.

Mr. Hambley noted that this type of agreement has been worked out with all police departments except Brunswick Hills Township.

Mead stated that it is a volunteer program and Brunswick Hills has said no. Wadsworth has not agreed to the program at this time and would prefer to see how it works.

There was no further discussion.

Roll Call on the motion and second to approve the 2 JFS resolutions showed all Commissioners voting AYE.

Mrs. Geissman thanked Mead for his quick action involving a family with 2 children.

Karl Cetina, MCDAC Director, stated that their next meeting is February 2 and it will include a presentation by grantees that had expansion or new projects this year. He has also made site visits to those grantees to give them any help they needed with the new programs. The MCDAC Board will also be establishing the dates for grant applications, etc. for the next season of funding. He will be attending tobacco use and prevention workshops in Columbus February 3-5. The workshops are set up for grantee training, review of what the coalitions should be working on and a review of the second year for the program. The local coalition has held its fourth meeting. He has also been talking with various agencies regarding the Treatment Alternative to Street Crime program. There are Byrne grants available for these programs, but it is very competitive funding. The applications are due in late April or early May.

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Ms. Ray presented a notice of a new liquor permit for TA Operating Corp DBA Lodi Travelcenter. This is presented to Commissioners for informational purposes. There were no comments.

The meeting was opened for public comment.

John Oberholtzer noted that there is a whining noise coming from the taping closet of the hearing room. It was agreed that the tape machines will be checked.

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

Commissioners recessed the meeting at 9:53 a.m.

The meeting was reconvened at 10:00 a.m. for the public hearing on the petition for annexation of land from Brunswick Hills Township to the City of Brunswick.

Steve Sokol, Petitioner/Agent for the Petitioner, Greg Happ, Attorney for Petitioner/Agent, and John Oberholtzer, Attorney for Brunswick Hills Township were present.

Ms. Ray swore in those wishing to testify during the hearing.

Through questioning by Mr. Happ, Mr. Sokol stated that he is the owner of the property, that he filed the petition for annexation with the Clerk, notices were provided to other property owners, the legal description and plat were provided, and that he has owned the property for 7 years. The property is surrounded by Brunswick City and residential subdivision on 3 sides. Only a small portion on the south is not within the City. There are multiple access points by stub streets in the northwest and northeast corners of the property as well as the frontage on Laurel Road to the south. Approximately 30 sublots could be created within the property. The main purpose for annexation is for water. It would not be possible to drill wells for 30 sublots in the area and the only source of water would be through the City of Cleveland water system, which has 8" mains in the stub streets mentioned before. The stub streets would be continued for access points into this property. Annexation would allow for consistency with the rules and regulations for engineering work for the streets, utilities, etc. Fire, EMS and police would have better access through the northeast and northwest corners. The proper notices were filed with the Township and City.

Mr. Oberholtzer reviewed the petition and noted that the notary didn't put in the jurat, which is the statement that a notary public signs that the document was sworn to and indicates the State of Ohio and the notary's name. He asked Mr. Sokol to explain his issue with water.

Mr. Sokol stated that under the 1977 water agreement, without annexation he wouldn't be able to obtain water and develop this property.

Mr. Oberholtzer stated that the City is talking about joining the county water district and if they do this water would not be an issue.

Mr. Sokol stated that issue has been brought up for years and hasn't gone through. The plans are in place and he is ready to go forward with the development now.

Mr. Oberholtz asked if he was aware that this property is within the Western Reserve Water District (WRWD) and whether the restrictions on development in the City are more lenient than in the Township.

Mr. Sokol stated that he was not aware this was part of the WRWD. The restrictions are not more lenient in the City. He also noted that water is a considerable issue. He further stated, through questioning by Mr. Happ, that fire, police and EMS are also issues. Also, as a

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professional engineer he deals with issues in various county and city locations. The annexation would allow for the continuation of the 2 stub streets and match them to the City's standards.

Mr. Happ noted that ORC 709.02 doesn't require that the petition be sworn; it only requires the signature with the date next to it. The jurat is not necessary.

Mr. Oberholtzer stated that the petition is not sworn to and that is what the jurat would do. This makes the petition insufficient. He also feels the Board takes a strict construction of the statute in this case and this argument is in line on this. The water issue is as critical as it has ever been. In a prior annexation the Board was asked to impose a moratorium on annexations to the City until the City joins the county's water system. Some would say this is holding the City hostage, but the City has held water hostage in the past for annexations. He believes it is imminent an agreement will be reached and water will no longer be an issue. Annexation would take this land out of the WRWD and remove tax base from the District for paying off their water debt. That is an aborted assessment attempt but it is still an issue. If the tax base keeps getting reduced then the residents that remain in the WRWD will have a greater debt. The County has an agreement to pay back part of that so it would also be in the County's interest to have as much property remain within the District as possible.

Mr. Happ stated that in 2001, 709.02 was amended so that the petition doesn't have to be a verified petition under oath. A signature with a date is all that is needed. He understands the argument from the Township, but there was testimony about police, fire and EMS. If this is not annexed, these people would be inside an island of the City with different streets and different responses. This will be confusing to those people. Water is not the only issue. There is also the best interest of the people that will live there. The petitioner is looking for continuous development within the City and not an island.

Mr. Oberholtzer asked Bill Thorne, Assistant Prosecutor, about the "sworn to" portion of the petition. That should be clarified. However, he believes the instructions given out by the Commissioners' Office require that this be sworn to. When counsel said that's what the statute required he presumed that was correct. The bottom line is the petition doesn't have an appropriate notary jurat attached to it.

Bill stated that he has not had a chance to review this.

It was noted that the instruction sheets do not state the petition is to be sworn to; however, that is an issue that will be reviewed.

Mr. Happ read from the instruction sheet that "signatures must be notarized", but he believes that was written before 2001. The new statute does not require a verified petition.

Mr. Hambley, regarding the removal from the WRWD, asked if the charges were on a per parcel basis or on a per benefit basis.

Mr. Oberholtzer believes it is a per parcel basis, and the assessments were never finalized.

Mr. Hambley stated that this was regardless of benefit to the property or size of the property.

Mr. Oberholtzer stated that is his understanding.

Mr. Hambley noted that a staff report was received from the Department of Planning Services.

In review of the report, Mr. Sokol agreed that there are actually 2 streets, but 3 street stubs connecting to this parcel. The intent is to facilitate traffic by connecting these sections. There is a major City park within a couple of hundred feet of this property. The property owners

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in that area would have access to that. Part of the development will include a public pathway to access the park from the east side. The City has a requirement of setting aside a portion of land or paying a fee for recreation and this proposal would address that legal requirement.

Ms. Ray reviewed the criteria list for the annexation. It was noted that the filing has met the requirements of ORC 709.02, 709.03 and 709.031.

There were no closing statements or further comments for the hearing.

Mrs. Geissman moved to close the public hearing on the annexation petition; Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

It was noted that the issue regarding a notarized petition will be reviewed with the Prosecutor's Office. Commissioners agreed to set a time on the agenda and notify all parties when a decision is to be made.

At 10:30 a.m. Mr. Hambley moved to recess into Executive Session for the purpose of personnel/employee evaluations; Seconded by Mrs. Geissman. There was no discussion. Roll Call showed all Commissioners voting AYE.

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

Sheriff Neil Hassinger and Buck Adams, EMA Director, were present to discussion Reverse 9-1-1. This system will allow notification to everyone in a specified area if there is an "Amber Alert" or chemical spill. The phone system at the Jail and EOC would have to be upgraded, which is needed for day-to-day operations anyway. The EOC would have temporary services with the system in case of a disaster, and all dispatch points in the county would have access without duplicating the system. The cost to lease versus owning is about the same and the plan is to own the system. The system would also be able to be used for senior citizen checkups. Under the current system it would take dispatch 6-8 hours to notify residents in a large area. The reoccurring cost through Verizon will be \$900/month. There is a meeting with them tomorrow to see if that cost can be taken down. That cost is for the monthly fees and service for the phone lines. With the Wadsworth and Brunswick lines the county already has, long distance charges would be very nominal. This is similar to a CAD/GIS system that would define areas to be notified. Funding through a grant is available to purchase and install the equipment and phones, but the additional monthly costs would be paid by the county. The additional lines to the EOC would be in the EMA budget. When the system is used, cost recovery would be available from FEMA. There are a number of communities and counties that are going with this system for their areas. A major hold up has been the upfront costs to purchase and install, and that has become possible with the Homeland Security monies. Money to sustain the system may become available at a later time, but there is nothing available at this time.

John Stricker added that using the existing county T3 lines and due to the number of times the system would be used, it is felt it is best to pay any long distance that would occur rather than getting extra lines.

It was further noted that the only cost after installation will be the monthly charges. The total cost to install is \$100,000. The purpose of coming to the Commissioners was to keep them posted on what is going on and needed with installation of the system.

Mrs. Geissman presented information on remodeling the Jail for better use of inmate space. Minor changes to the misdemeanor section would be needed to make the Jail a full service jail. Approximately \$25,000 from capital improvements would be needed.

Sheriff Hassinger added that this would basically change 2 minor misdemeanor pods to medium security. Every inmate is classified and then assigned to pods. There are 20-24 empty beds in the minor misdemeanor pods daily. The misdemeanor inmates would be in the section

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that the work crew unit currently is in. The State Architect has approved the proposal and everything meets with the State guidelines.

Mrs. Geissman noted that we are not going to be receiving any federal funding for expansion and this proposed remodeling will add a couple of years by allowing 256 beds to be used as part of a full service facility.

Mrs. Geissman moved to allow up to \$25,000 from capital improvement money for this Jail project; Seconded by Ms. Ray. There was no further discussion. Roll Call showed all Commissioners voting AYE.

Mrs. Geissman presented the work plan from CORSA. They will be evaluating their staff the beginning of next year. CORSA has also put out a claims manual. They currently have 59 members under the liability insurance and 6 under CEBCO for medical benefits.

Ken Hotz presented the annual report for the Solid Waste District. They were up 7% in collection in 2003. Yard waste compost material brought in weighed approximately 12,150 tons. They had over 600 tons of recyclable materials dropped off by residents. The CPF is recycling 20% of the waste brought in, which doesn't include the pellets. The pellets will increase the recycling to 30% and there are 2 boilers in Rittman that are considering use of the pellets. They have had 20,000 visitors at the CPF since its opening.

Mike Salay, Assistant County Engineer, stated that Pride One Realty has requested use of a 60' right-of-way instead of the recommended 70' for a development off Ryan Road. He noted that Lake Road will probably be connected to Ryan Road in the future and even further into the future they will connect in the Route 162/Route 3 area. This development will go to the Montville/Lafayette Township line.

Dave Caldwell, Pride One, stated that the frontage on Ryan is 60' and that extends 1000 feet to the neighboring property to the north. This will only allow for a 60' right-of-way in that area. Their plans have been designed in accordance with that. There was a review of the plan drawings of the area. He noted that he is not requesting a variance to the road specifications or design for the collector street.

Mike agreed that they don't have control over the first part of the right-of-way. They are providing for open space per Lafayette requirements at the southern part of the property. The right-of-way could be widened by 10' the rest of the way on the south side and that 10' can be taken off the open space area.

Mr. Caldwell stated that they will need minimum lot size variances for that. The original intent was to do a cluster development, but that has proven too difficult. The open space involves a retention pond and the topography will be maintained in that area.

Dave Miller, County Engineer, stated that the County may have to purchase the additional right-of-way in the future and if development has occurred, especially with curb cuts, it would be more difficult and costly.

This request is for a variance from the Highway Use Manual. The preliminary drawings have been approved by the Planning Commission on the condition of approval by the other entities.

Mike recommended that the additional 10 feet could come from the south side of the right-of-way and the lots on that side could be moved back 10' into the open space area. He recommends that the 70' right-of-way be continued through the development other than in the area that is not able to be controlled.

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Commissioners agreed with the recommendation of the County Engineer's Office for the width of the right-of-way being 70' except in the one small section that will be 60' at the intersection with Ryan Road.

John Stricker and Carol Shockley, Assistant Prosecutor, presented a draft agreement for the property that is going to the University of Akron. Their attorneys have reviewed this and sent it back with some proposed changes. After review of each proposed change and recommended changes were made, it was agreed that Carol would update the agreement and forward it back to John, who will present it to Commissioners for review and comment before it is returned to the University's attorneys.

Mr. Hambley noted that a volunteer representative is needed for the Access Management Committee from the real estate business as well as the Homebuilder's Association. He will contact the Homebuilder's Association. The committee will meet once a month for about 6 months.

Mrs. Geissman agreed to contact people in the real estate business.

Mr. Hambley noted that Commissioners received a memo regarding the donation from Metro Transit of a bus to our Transit. The bus has about 3-4 years left on it. He has no problem with accepting this donation.

Commissioners agreed to accept the donation of the bus, and Mrs. Geissman noted that she had already sent a memo back to John Jones, Transportation Service Director.

Mr. Hambley presented 3 draft logo's for Transit. Commissioners agreed on a logo for this.

Ms. Ray presented draft surveys about service at the Building Department. She asked that this be reviewed and comments be given to her next week.

Ms. Ray noted that T Mobile has made a request for a cell tower to be placed inside the clock tower of the Old Court House. Tom Maupin, Maintenance Superintendent, and John took her to the clock tower and she has reservations on whether people should be permitted to go into that area.

Bill Thorne, Assistant Prosecutor, noted that a resolution was passed in the morning regarding an agreement between Job & Family Services and the Sheriff's Office for handling abuse cases. He had not seen this agreement until Friday and noted that there is an Attorney General's opinion on questioning such an agreement. He asked that Commissioners rescind the resolution and add to the resolution that the agreement is approved pending approval by the Prosecutor's Office.

Mr. Hambley moved to rescind the resolution approving an agreement between Job & Family Services and the Sheriff's Office; Seconded by Mrs. Geissman. There was no further discussion. Roll Call showed all Commissioners voting AYE.

There was no further business before the Board for discussion.

RESOLUTIONS PASSED:

04-0053 RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS

04-0054 RESOLUTION CONTINUING PREVIOUSLY ESTABLISHED PERMIT FEES AND INSPECTION FEES TO BE CHARGED BY THE MEDINA COUNTY ENGINEER FOR PERMITS ISSUED...MEDINA COUNTY COMMISSIONERS HIGHWAY USE MANUAL

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- 04-0055 RESOLUTION APPROVING USE OF SUBDIVISION DRAINAGE MAINTENANCE FUND FOR REPAIR WORK IN FOX MEADOW SUBDIVISION PHASE 1 IN MONTVILLE TOWNSHIP, MEDINA COUNTY, OHIO
- 04-0056 RESOLUTION APPROVING THE FINAL PLAT FOR THE MORNING SONG FARMS SUBDIVISION PHASE III LOCATED IN LOT 28 OF MEDINA TOWNSHIP
- 04-0057 RESOLUTION TO AMEND THE CONTRACT BY AND BETWEEN FECHKO EXCAVATING INC. AND THE MEDINA COUNTY BOARD OF COMMISSIONERS
- 04-0058 RESOLUTION AMENDING THE TEMPORARY APPROPRIATION RESOLUTION
- 04-0059 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM THE COUNTY GENERAL FUND (0010) TO THE PUBLIC ASSISTANCE FUND (0120) FOR COUNTY MANDATED SHARE
- 04-0060 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM THE CHILDREN SERVICES SCPA FUND (0050) TO THE PUBLIC ASSISTANCE FUND (0120) FOR SCPA ADMINISTRATION EXPENDITURES
- 04-0061 RESOLUTION APPROVING AGREEMENTS PROVIDING SERVICES PURSUANT TO THE REQUIREMENTS OF TITLE IV-D OF THE SOCIAL SECURITY ACT
- 04-0062 AUTHORIZING THE AMENDMENT OF AN ADMINISTRATIVE SERVICES AGREEMENT WITH MEDICAL MUTUAL OF OHIO FOR THE PROVISION OF EMPLOYEE HEALTH PLAN SERVICES FOR CY 2004
- 04-0063 RESOLUTION AMENDING RESOLUTION NO. 04-21 APPROVING ADDITIONAL AGREEMENTS WITH VARIOUS VETERINARIANS FOR DOG SPAY AND NEUTER SERVICES FOR THE MEDINA COUNTY ANIMAL SHELTER
- 04-0064 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
- 04-0065 RESOLUTION AUTHORIZING A REDUCTION OF THE RATE CHARGED FOR WATER CONSUMPTION TO THOSE PREMISES SERVED BY THE WATER DISTRIBUTION SYSTEM OF THE COUNTY WHICH QUALIFY FOR A CURRENT CERTIFICATE OF REDUCTION FROM THE COUNTY AUDITOR...SECTION 323.154 ORC
- 04-0066 RESOLUTION APPROVING A CONTRACT FOR YOUTH & ADULT OUTREACH, EMPLOYMENT & TRAINING SERVICES BETWEEN JOB AND FAMILY SERVICES AND THE CORNERSTONE WELLNESS CENTER LOCATED AT THE LODI FAMILY RESOURCE CENTER
- 04-0067 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

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MEDINA COUNTY COMMISSIONERS:

Sharon A. Ray

Respectfully submitted,

Patricia G. Geissman

Pamela J. Terrill, Clerk

Stephen D. Hambley