

COMMISSIONERS MEETING, MONDAY, JANUARY 29, 2007

Sharon A. Ray called the meeting to order at 9:32 a.m. with Stephen D. Hambley and Patricia G. Geissman present.

The meeting opened with the Pledge of Allegiance and a prayer.

The oral reading of the minutes of January 16 and 22, 2007 was dispensed with as each Commissioner had read them personally. Mrs. Geissman moved to approve the January 16 and 22 minutes; the motion was seconded Mr. Hambley. There was no discussion. Roll call showed all commissioners voting AYE.

Doug King, Administrative Assistant in the County Engineer's Office, presented and reviewed the following resolutions: (1) approving the Final Plat for the Kensington Place Subdivision in Hinckley Township; (2) approving the Final Plat for the Montville Lakes Subdivision Phase 3C in Montville Township; (3) approving annual assessment on improvements on 55.5389 acres in Hinckley Township known as Kensington Place Subdivision and establishing a public watercourse; and, (4) approving annual assessment on improvements on 44.6189 acres in Montville Township known as Montville Lakes Subdivision Phase 3C and establishing a public watercourse. Mrs. Geissman made a motion to approve the four resolutions and Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Commissioners reviewed the weekly permits lists for January 11 through January 17, 2007 and January 18 through January 24, 2007.

Scott Miller, Finance Director, presented and reviewed the following resolutions: (1) amending the Annual Appropriation Resolution; (2) authorizing the purchase of 7,400 gallons of regular unleaded gasoline for the Engineering Center; (3) authorizing the execution of an agreement with Ken Bender for independent contractor services for the Family First Council; (4) cash transfer for the Port Authority Fund from the Transportation Improvement Fund for property taxes in the amount of \$18,433.11; (5) authorizing the transfer of funds from the Children Services SCPA Fund (0050) to the Public Assistance Fund (0120) for SCPA administration expenditures; and, (6) authorizing the transfer of funds from the General Fund (0010) to the Public Assistance Fund (0120) for the county mandated share. Mr. Miller requested payment of the weekly bills in the amount of \$1,052,917.35. Mrs. Geissman moved to approve the six finance resolutions and payment of the weekly bills; the motion was seconded by Mr. Hambley. There was no discussion. Roll call showed all commissioners voting AYE.

Gary Berkowitz, Human Resources Director, presented and reviewed a resolution approving personnel changes for the employees under the jurisdiction of the Medina County Commissioners. Mrs. Geissman moved to approve the resolution; the motion was seconded by Mr. Hambley. There was no discussion. Roll call showed all commissioners voting AYE.

Mr. Berkowitz presented a resolution amending the Table of Organization for the Sanitary Engineer. Mrs. Geissman moved to approve the resolution and Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Chris Jakab, County Administrator, presented and reviewed the following resolutions: (1) authorizing the submission of a funding application to the Ohio Department of Rehabilitation and Correction on behalf of the Adult Probation Department to assist in providing wrap-around services to young offenders as part of the diversion project; (2) approving an agreement with Hudson Printing for Tobacco Program marketing services in an amount not to exceed \$18,809 for materials and services; (3) authorizing the advertisement for bids for ADA renovations at the Medina Creative Housing Life Learning Center; (4) entering into a subrecipient agreement with Community Action Wayne/Medina Counties to provide financial assistance for home repair and weatherization projects using Community Development Block Grant funds; (5) amending a real estate agreement with the Medina County Port Authority that changes the marketing fee percentage and changes the date for making payment to the County Home; and, (6) approving a marketing and commission agreement with the Port Authority and CB Richard Ellis, Inc. for the sale of University Technology Park property to not include the transfer of the property from the county to the Port Authority as a commissioned sale. The transfer has been subject to delay due to the

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stormwater issue. Mrs. Geissman moved to approve the six resolutions; the motion was seconded by Mr. Hambley. There was no discussion. Roll call showed all commissioners voting AYE.

Jim Troike, Sanitary Engineer, presented a resolution authorizing the Sanitary Engineering Department to file an application for grant money from the Ohio Department of Natural Resources (ODNR). It would be a 50% match to pay for an igloo boom-truck for the recycling program. Mrs. Geissman moved to approve the resolution. Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Jeff Van Loon, Soil and Water Conservation District, District Manager, reported that the Board of Supervisors held a meeting with stakeholders on Friday regarding a plan to see what equipment such as straw blower might be appropriate for entities and land owners to have access to for conservation practices. The partnership meeting for the Balanced Growth Initiative will be held tomorrow, Tuesday, January 30, at the Professional Building. Eleven hundred landowners along the Black River Watershed have been notified of a meeting to be held at Spencer Town Hall on Thursday, February 8, at 6:30 p.m. They will discuss buffers, tree planting, and wetland restoration for those growing crops along streams. OSU Extension is having a program featuring agri-business retention on February 6 in the Professional Building. Mr. Van Loon presented a schedule of four "Best Local Land Use Workshops" to be held in Northern Ohio. One of them will be held in Medina County on March 29, 8:00 a.m. to 12:30 p.m. in the Administration Building. Topics include Storm Water/Phase II, conservation development, comprehensive planning, compact development, and riparian setbacks. Mr. Hambley asked who the local speakers would be and Mr. Van Loon said it would be led by Kirby Date and Chris Riddle from the Lake Erie office would speak.

Ms. Ray read resolution the re-appointing Debbie Kiley, Job and Family Services, as the Commissioners' representative to the Community Action Wayne/Medina Counties Board. Her term would begin immediately and end December 31, 2007. Mrs. Geissman moved to approve the resolution and Mr. Hambley seconded the motion. There was no further discussion. Roll call showed all Commissioners voting AYE.

The Clerk read the resolution to allow the expenses of county officials. Mrs. Geissman moved to approve the resolution and Mr. Hambley seconded the motion. There was further no discussion. Roll call showed all Commissioners voting AYE.

The meeting was opened for public comment.

Bruce Rockridge, 10352 Wooster Pike, Medina, presented maps and pictures of his property and the area around it that has had a water drainage problem since 2001 after the Village of Creston ran a waterline down the east side of S.R. 3 and interrupted the drainage line. Mr. Rockridge brought this to Commissioners' attention at last week's Commissioners meeting. Mr. Hambley said he spoke with Assistant Prosecutor Bill Thorne after the meeting and Mr. Thorne said he had attended a meeting with the people of that area the previous week and also talked to Carolyn Sims, Westfield Township Trustee, several times. Their current "game plan" is, that once the new Ohio Department of Transportation (ODOT) director is appointed by the district, they will work through ODOT and bring the parties together to come to an agreement to fix the problem. There are multiple jurisdictions involved (the Village of Creston, Medina County Highway Engineers, Westfield Township Trustees, and ODOT) all "pointing their fingers at one another". He feels it is better to get everybody together and fix the problem that impacts the entire neighborhood. Mr. Hambley said, hopefully, within the next week or two, they will contact all the parties and arrange a meeting. Ms. Ray asked if there was a timeline when the new ODOT District Director would be selected and Mr. Hambley said that is up to Governor Strickland.

There was no further discussion.

The meeting recessed at 9:52 a.m. for the commissioners to move to the Conference Room for the Discussion Session at 9:58 a.m.

Discussion Session

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Mrs. Geissman reported on the JumpStart, Inc. meeting she attended last Thursday, January 25, in Westlake and about 400 people attended. JumpStart creates and supports programming that fosters innovation and helps small businesses in Northeast Ohio get started. JumpStart reported on what they have accomplished since 2004. Speakers were Lieutenant Governor Lee Fisher and Carl J. Schromm, author of the book "Entrepreneurial Imperative: How America's Economic Miracle will Reshape the World (and Change Your Life)". She recommended visiting the web page www.ideacrossing.com. It is a free, online community where entrepreneurs connect with investment capital, professional expertise and other resources necessary to turn innovative ideas into viable businesses.

Mrs. Geissman said she attended the retirement party for Mary Vantz and Betty Gabriel at Job and Family Services and presented their commendations; it was very nice.

She said they needed to appoint a Commissioners' representative to the Medina County Drug Abuse Commission. The Clerk ran an ad and there were three applications received. She asked if they wanted to do interviews, and said another option would be to offer the representative position to alternate Roger Ingraham and appoint an alternate from the applicants. The Commissioners agreed to offer the representative position to Mr. Ingraham and they will review the applications for an alternate.

Mrs. Geissman presented recommended changes to the "Constitution of Medina County Advisory Council on Aging established by the Medina County Commissioners on October 10, 1972". She said the advisory group felt changes were needed because the bylaws were last amended in 1991 and senior citizens wants and needs have changed. It was determined that the Advisory Council on Aging had become more of a social gathering rather than a working advisory group. They felt it necessary to create committees, define the service requirements of members, establish term limits to allow for some rotation, and reduce the number of members to ten members and ten alternates. Alternates would have voting power when serving on a committee, but they would not have voting right at the Advisory Council meeting.

Mr. Hambley pointed out that the document said twelve members and Mrs. Geissman said that it should have been changed to ten after the last meeting. Ms. Ray asked if these were the Advisory Committee's recommendations and comments and Mrs. Geissman said, yes, that Office for Older Adults Director Debra Radecky met with President Kurt Sheffler and they had a committee that gave recommendations to them that they worked from. Then they met two or three times to review the recommendations. Mrs. Geissman said the most important change would be getting the Council reduced to a sizeable group that can get things accomplished. Mr. Hambley asked if the Advisory Council reviewed these changes. Mrs. Geissman said it is her understanding they reviewed them.

Mr. Hambley said he went to an Advisory Council meeting last Thursday and they had a separate set of bylaws; these are the changes that she, Kurt Sheffler and Debra Radecky proposed. As far as he understood, there were two sets. He can understand the change of reducing the size of the Council. Mrs. Geissman said she was not aware of two sets and there was some resistance to reducing Council; that might be the discrepancy. Everybody on the Council wants to serve, whether they have good attendance or not. The President said they are not an effective working committee and these are changes that needed to be made. She saw their suggestions from the meeting, but they were more of a social committee and it was difficult to keep them focused. Mrs. Geissman said she has no problem with the changes, and if they want them to be reviewed by the Advisory Committee, it is fine with her. She was told they had input from the Advisory Committee. Mr. Hambley said they distributed a separate set of bylaws with nominal changes. Mrs. Geissman said no one wants to lose their spot because it is a social activity for some of them. She asked the other Commissioners to read the document over carefully. Mr. Hambley requested that Mrs. Geissman find out if it should read twelve or ten members.

Mrs. Geissman said a confusing part of the bylaws was where they said they wanted three-year terms to end at the end of October. Their officers were not being elected and in place until May. She asked Mr. Sheffler if there was a reason for that, and he said there was none. He felt it was the right thing to do because of the timeline to get people in place by May. They would

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stagger the term commitments and originally appoint with three-, two-, and one-year terms to keep them staggering. She will tell them to take it back to their Advisory Committee for further review.

Mr. Hambley said Ms. Radecky keeps track of the Advisory Council attendance. Mrs. Geissman said Ms. Radecky is hoping to make recommendations to the Board of Commissioners, based upon attendance, to use if they wish to nominate three people. Mr. Hambley pointed out that the original bylaws say a person can be recommended to be removed by the Advisory Council. Mrs. Geissman said they changed that to say they "shall" be removed because they want active people. No one really looked at the bylaws in the past unless there were complaints. That is how they discovered the other resolution regarding obtaining funds from the City of Medina.

Chris Jakab, County Administrator, said he received a call from the manager of the Medina County Federal Credit Union requesting the county house an ATM machine in one of its buildings. Since the move to their new facility on S.R. 18, the Credit Union has experienced more traffic problems and this would be a convenience to county employees. Mr. Hambley asked what the county's legal or formal connection is to the Credit Union and if this would give them a commercial advantage over any other ATM. Mr. Jakab said the county has no affiliation with any other federal credit unions. There are 443 county employees (about 1/3 of the active employees) that have direct deposit with the Medina County Federal Credit Union. The ATM would not be available to the general public during off-county hours. Mr. Hambley asked if there would be any building that would be more convenient to the employees. Mr. Jakab said the manager suggested the Courthouse, but Mr. Jakab does not think that would work. He said the Administration Building would be the other possibility because the Credit Union would like something by the Medina Square. Mrs. Geissman said perhaps the Credit Union could find some other close building, and Mr. Hambley suggested a Medina City building. Ms. Ray said she has no problem with the Administration Building from the convenience standpoint for employees. She asked if it was like other ATM's where they can access other banks as well. Mr. Jakab said it may be limited to the Credit Union. Mrs. Geissman asked if it would get used much, and Mr. Jakab said he thinks it would avoid many trips down S.R. 18. The Commissioners will review the information provided.

Mr. Hambley said Mike Sharb of Squire, Sanders and Dempsey, L.L.P, prepared three draft resolutions: (1) enacting a sales tax; (2) enacting the use tax; and, (3) creating the Community Improvements Board (CIB) and recommending guidelines for its operations. He wanted to verify if the Commissioners were willing to go forward with the drafts to the public. There is a public hearing scheduled for next Monday and he wanted to make sure anything they disseminate is up-to-date. He asked Bill Thorne, Assistant Prosecutor, if he reviewed them. Mr. Thorne said he did, and he did some further research, as he mentioned briefly on Friday. The Prosecutors found a theory that that they think would support limiting the sales tax to schools. Unfortunately, they also found an Attorney General's opinion where he specifically refused to rule on the issue, whether or not the restriction on that particular section was appropriate or not.

Mr. Thorne reported that a couple of the schools called and their concern was that they have a guaranteed flow, and it is not guaranteed at this point. The Attorney General did not rule on it before, and he specifically withheld the ruling. It could be challenged again. Their concern is if somebody borrows a lot of money on it, and then it is found to be invalid and uncollectible, they could be left hanging. He had a letter expressing their concern about it. The Commissioners may want to withhold for an Attorney General's opinion. Had they known earlier, they could have gotten it, obviously. The schools have said they have been working on this since March of last year with the Commissioners. At this point, to put it on the ballot in May, he does not know if they could get the Attorney General's opinion that quickly.

Ms. Ray said she is somewhat confused; she thought the uncertainty was whether the issue could be dedicated just for school improvements and not whether it could be done. Mr. Thorne said there is no question whether it can be done. There were two parts: (A) whether it could be restricted on the ballot, and, (B) whether they could restrict the CIB. They have still found no authority to restrict the CIB. Although he doesn't necessarily have a big problem with the language in the resolution creating it, his preference would be to see that language in an exhibit where it is clearly a recommendation. The bigger concern was if they could they limit on the ballot. He said Mr. Sharb's office felt there was a theory they could do it, and the theory makes

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sense. They found some case law on analogous taxing issues where a similar theory had been upheld. Unfortunately, going through it, they found the specific Attorney General's opinion where the question was raised, and he did not rule on it. He withheld ruling on it until a better set of circumstances arose and Mr. Thorne is not sure exactly why. The issue to adopt this is potentially they can still get passed, restricted, and knocked off, which is exactly what the schools don't want to happen. Schools want a guaranteed source they can borrow on. Ms. Ray asked what he meant by "knocked off" and he said if they pass it for that purpose and they say they did not have the authority to pass it for that purpose, they could knock off all tax. Ms. Ray asked how Summit County did it. Mr. Thorne said nobody challenged it. The Secretary of State authorized its going on the ballot, but nobody challenged the language.

Mr. Hambley said they did some additional research that he sent over to Mr. Thorne; they looked at the Transportation Improvement District (TID) in 1997 or 1980 (whenever they put that issue on the ballot). Very clearly it indicated that utilizing that same section of code for the sales and use tax, it could be just for the purpose of road improvement. There is nothing in that section of code that says they couldn't do it for that purpose. They were able to do it back in 1997. Mr. Thorne said he would have to take a look at it. As he said, he did not see it. When he read that, he actually looked for that before he got sidetracked to something else. It could be buried in the stack of mail. He said he couldn't answer that without taking a look at it. As he said, they did find some case law that would imply and back up Mr. Sharb's theory that they could put it on there with a limited purpose. The Attorney General had an opportunity to verify if that was correct and didn't do it. If it is challenged and knocked off, and they can't collect the money and they borrowed on it, it causes the Prosecutor's some concern. Mr. Hambley said, in the same point, he also had the opportunity to be able to discount it or say it was not valid. Mr. Thorne said he did not rule either way. He thinks the theory they have sounds good. Actually, the Attorney General's opinion said he thought the rationale sounded good, but he didn't rule on it. Ms. Ray asked when this was, and Mr. Thorne said he did not remember. She asked if it was recent, and he said it was not that recent. He would have to go back and pull it.

Mr. Jakab asked, since last Monday's Commissioners meeting, what modifications have to be made to the text of the three resolutions. Mr. Sharb said, in the CIB resolution, the only point of what he would call direct substance was at the request of schools at the last working group meeting, which was to make clear that the open enrollment adjustments would be for intra-county resident students only. Outside of that, it was strictly a casting of the formula for distribution as a desire and recommendation of the Board of Commissioners, as opposed to calculating it in terms of mandate. Those are the only changes to that resolution.

Mr. Sharb said, as to the other two resolutions, the sales tax and its sister-resolution, there was simply to, at greater length, make clear that the intention was that this tax be levied for the purpose of distribution to school districts as referred to and defined in the CIB resolution.

Mr. Thorne said the only change he really had was, obviously, to change to two resolutions because he made that an exhibit rather than in the body of it to further clarify that it was simply a recommended procedure. That changed some of the sentences in it because of, obviously, pulling it out of the body of it. The guts of it are basically all the same. They just clarified it and took it out, and made it an Exhibit A entirely. Other than that, it is just a question of whether the school people are assured somehow, that this was going to "claw" and they would have the money and go out and make these loans. He said we cannot give that kind of approval. There is just nothing definitive on it. There is excellent theory to do it, but it is not saying it is going to "fly". The Attorney General had an opportunity to rule on it one way or the other, but the facts were there and he chose not to at that time. So, it could fly or not fly. From the schools' perspective, what is worse - having to wait a few months, or borrowing money and having it knocked off where you can't collect it? He would assume it is the latter, and all of sudden, where are they going to get the cash flow to pay that loan back? But, that is up to you. That's where they are at: they have found a theory, they have a letter and he will make copies. It documents the only basic change; the two needed a reference to the exhibit rather than section one. They have a recommendation that goes in Section A, a separate exhibit to further reinforce that this is a recommendation rather than anything in the body of it, which is mandatory. Mr. Sharb said, as he understands it, the idea was simply that once the CIB members were appointed, there would be a meeting of that Board. They would be expected to adopt those recommendations right away.

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Mr. Thorne said they can ask for the Attorney General's opinion now and maybe have something before anybody goes "out on a limb" and borrows a lot of money. It is another way to approach it as well. The letter simply verifies that they did find a theory for it, that they still have some concern, and they still may want to withhold while they pass the Attorney General's opinion. If they don't want to do that, they can modify the regulation, at least according with ours.

Mr. Hambley said, as far as he knows, there is only one district that has talked about borrowing against this. The rest are utilizing the replacement for their permanent improvements. Others would be just basically adding theirs. Mr. Thorne said he doesn't know; he got a couple of calls saying that they would like some way for it to be geared if they wanted to borrow on it. Mr. Hambley said when it comes down to it, the one district may have to be wary of this and maybe should alter their plans about going out and borrowing on it. Mr. Thorne said yes, until they can get a definitive ruling on it. Mr. Hambley said they're making proper notification to them through this process, and they still have the two public hearings where, likewise, they would have the opportunity to send some representation as to how they would deal with that issue. As soon as he can give them something in writing, they can disseminate that to them. Mr. Thorne said he had it. Mr. Hambley said that way they are aware of it and they can certainly evaluate their comments.

Mr. Thorne said the other thing they could ask for was the Attorney General's opinion, if that is what the Board would like. Mrs. Geissman said she thinks they should ask for that. It is a good reason to wait for the fall ballot for this. They do want a guarantee and that is what she was hearing, too. Mr. Hambley said a school district may have to go out and borrow. At this point in time, warning them that that may not be so assured, that they should do that very cautiously. In which case, obviously, he would agree with getting the Attorney General's opinion, and he thinks that makes some sense. The second issue is when the best time is to take this to the voters. Mr. Thorne said that this is not the Prosecutor's call. Mr. Hambley said they heard very clearly that it is unanimous among the school boards to go to the ballot in May. He certainly cannot challenge, in terms of their planning, because several of them would have to go in November for permanent improvement issues if this does not pass in May. He said he understand that. Mrs. Geissman asked Mr. Thorne what would happen if it is "knocked off". Mr. Thorne said if nobody borrows on it, then he doubts seriously if they would make them repay what was already collected and sent. He imagines they would just cut it off at that point and say they don't collect it any longer. He imagines it is similar to putting it on with a limited purpose and he would say they would probably knock it off because it was only offered with a limited purpose and they would not have voted on anything broader. Where before, like we said, they put it on for a broad purpose, like they both originally recommended, and they said you can't limit it just for that, but then the tax is still there. Then the Board still has the right to use it as they see fit and the Commissioners still have the veto power on anything they don't like. Any projects they don't like that the Board approves, they have veto power over.

Mr. Sharb pointed out that there is also the possibility that the Attorney General might chose not to rule again. Mr. Thorne said they don't know if it will make the ballot with the current Secretary of State. He thinks, at this point, they have some good language to support that, analogous not strictly with a sales tax, but it's a taxable issue. Mr. Hambley said the real downside for the schools is for any of them actually go out and borrow against it. Mr. Thorne said he got two phone calls where they left a message and indicated that they would like them to find some way to guarantee that, if this thing passes, they can be satisfied that they can go out and borrow on it. That really causes him some concern without having something definitive on it, that if somebody goes out and borrows a lot of money, particularly on a 30-year note that they are going to pay back and all of a sudden they haven't got it. Mr. Jakab said if they decrease their millage on the tax rate rather than assume on anticipation of receiving this, they can go back. Mr. Thorne said they can cover themselves if it gets knocked off. Mrs. Geissman asked if they would have to go back to the ballot again. Mr. Thorne said, as Mr. Jakab said, they can choose not to collect it right now, and it's still there, they can put it back on. The others can use it for more definitive projects such as a school bus or computers that last more than five years. Mr. Hambley said a district spends more for permanent improvements than they would get from this now so what it comes down to is to move money around. The only danger that Mr. Thorne points out really is to borrowing. Mr. Thorne said the phone calls brought the concern to his attention. Mr. Hambley said Medina is the only one. They certainly need at least one new building, an elementary school,

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and they are talking about two in the future and they question how they will end up paying for that. That is where they will have to look at their game plan.

Mr. Thorne said if they go this route, they can ask for an Attorney General's opinion assuming it gets by the Secretary of State and gets on. Mrs. Geissman asked if there was a way to rush the opinion. Mr. Thorne said they can contact them, obviously, but everybody's new down there. Mr. Hambley said he would say, based on what Mr. Thorne said, go ahead, proceed, and see if he can get an Attorney General's opinion on this. That makes some sense. Mr. Thorne said he could send it down. Mr. Jakab said they won't get anything by the 12th. Mr. Thorne said he doubts it. Mrs. Geissman asked about getting it past the Secretary of State. Mr. Hambley said that is a separate issue. Mrs. Geissman said that is the ballot issue, and she asked if they could turn it down or accept it. Mr. Thorne said the Secretary of State could turn it down, finding it inconsistent. Mr. Hambley said originally, what Summit County did, the original language the Secretary of State approved didn't include the four school districts. They ended up passing subsequent resolutions that specifically dealt with the four school districts to the board and that was the concern that Blackwell's office had. By the end, it was on the ballot and it said four school districts. Hopefully, they will not have to go through that process. Mr. Thorne said they don't know. The new Secretary of State has reversed several of his rulings already that she disagrees with. So she has changed rulings on other matters as well. Whether this will be one of them, he does not know. Mr. Hambley said that was more with the ballot language, not the legality of it. Mr. Thorne said, right, they could find the ballot matched and the Attorney General could still say it was wrong and it could be knocked off. He has drafts of his letter and would make copies for them. Unfortunately, his desk was stacked high and he didn't find what was sent over. Mr. Hambley said, given the discussion about restricting the CIB to specific purposes. Mr. Thorne said the substance of what he wrote, he did not change at all. He just moved it to clarify that it was a recommendation.

Mr. Hambley said they restricted the authority of the Port Authority. The code says the Port Authority has the right to tax and go to the ballot and when the Commissioners created the Port Authority, they precluded them from doing either. So, in a sense, he imagines they have that ability, too, to say there is only authority under the CIB to send it to school districts, but not other than that. Mr. Thorne said if the language passes, that is where their restriction would be. On the CIB, it is a little different from the other because it doesn't talk about restricting in any way. You simply set them up and that gives the Commissioners veto power over it once they do. That should be sufficient without controlling the day-to-day operations.

Mr. Sharb said his sense is that it is not expressly clear. They could make a very good argument, but implied authority to appoint the board, is put some rules around it, which is what this does. It's not that there is anything wrong with anything. It's just that there's uncertainty. Mr. Thorne said, with the veto power, you can knock it off if you don't like it. Mr. Hambley asked Mr. Thorne if he would work on the language and Mr. Thorne said he had it. Mr. Hambley said, with his approval, they will go ahead and make sure that these are the documents that are being created for the public hearing. They will be posted on the county's web site as well. They will post the meeting minutes from the three School Sales Tax Committee meetings. Ms. Ray asked if he would pursue getting the Attorney General's opinion and he said he would. She asked if the Secretary of State would sign off on the ballot language beforehand, and Mr. Hambley said they needed to pass the resolutions first. Mrs. Geissman said the Board of Elections will send it down to the Secretary of State. Ms. Ray wondered if there was a chance she could look at it beforehand. Mr. Thorne said in the past he knows it has been done, but, again, he does not know the new Secretary of State at all. He met her once, right after the election. Mr. Hambley said he thought it an excellent opportunity to have some adjudication with some of their staff members and send them some of this draft to them and have them make some comments.

Mrs. Geissman said she thinks he should talk to the school boards again and let them know of these uncertainties and maybe they would wait until fall. She thinks it would be easier to get the sales tax passed if there are no uncertainties. If there are still questions out there, she thinks it is going to give a negative impression they are trying to do something without having all the answers. Mr. Hambley said he is not sure they are ever going to have all the answers in anything they put to the ballot. Mr. Thorne said the Attorney General could rule in the county's favor and somebody could still challenge it in court and the judge could say it is wrong; that potential is out

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there. Mrs. Geissman asked him if that was what he was talking about when he said money would have to be paid back or money held if was appealed and there was a judgment against it. Mr. Thorne said yes, they basically would not be able to collect the money. The concern was if the school goes out and makes a big loan on it for 30 years and then they haven't got this cash flow to pay that back, they could be hurting. Mr. Hambley said they can certainly communicate back to the schools once Mr. Thorne gives them the letter to send out to them and make them aware they have public hearings already scheduled. Proceed through the process and this allows them the opportunity to communicate to the Commissioners what their thoughts are on that. Mr. Sharb said advocating or arguing against the tax as a general matter, he thinks most of this came up multiple times at the public hearings he attended. If there are board members from the schools asking for greater assurances, they simply weren't focusing on the whole conversation. It was made expressly clear that those kinds of assurances weren't forthcoming. Looking out for the Commissioners' interest, he does not think there was any kind of perception that they did a disservice in any way. Mrs. Geissman said she would never say that, but she thinks at the last meeting she did hear a couple of those board members. When she mentioned a compromise, if she would go along with putting on the ballot for a shorter period of time, they made it very clear that they needed 30 years because of borrowing money. Mr. Thorne said that is what he heard and then he got the follow up. Mrs. Geissman said she thinks when the voters see thirty years on there, even though they support the schools, she thinks thirty years is going to scare them to death. Mr. Thorne said he wasn't aware that it was limited because the calls they got said they wanted a guarantee of the long-term and they were hoping they could get that. The two that called in or emailed in, that was their concern as well.

Mr. Hambley said the fact sheet has some updated data and he wanted to get consensus to go ahead and have some of this information ready for the public hearing as well. We'll get that posted and we don't have to replicate the resolution language. If they are all fine with that, we'll make sure that information is available. If there are a couple public hearings and the time frame brings this on, within fifteen days is the resolution for the CIB creation they have to have for appointments. He asked if they had any objections to advertising for volunteers to serve on that board. The Commissioners get to appoint six. The code defines how they choose those. I think there are at least three that are general public. Ms. Ray said they are going to have to advertise. Mr. Hambley said that the 15-day period is not a lot of time. His thought is to go ahead and start advertising. If for any reason there is a delay, they just don't do the appointments if they don't pass the resolution. At least they would have some names of interested people, if that is agreeable. Mrs. Geissman said she has no problem with that. Ms. Ray instructed the Clerk to place the ads in the Gazette and put it in the Commissioners Newsletter. Mr. Hambley said another appointment is for a mayor from a municipality that is not the largest. They can talk amongst themselves about who likely candidates are. Another is a township trustee. Ms. Ray asked who the President of the Township Trustees' Association was and Mr. Hambley said it is Ron Rhodes. Mr. Hambley requested that Mr. Sharb make the changes and email to him.

Ms. Ray said she got a phone call from John Fitzpatrick from the Farm Bureau. There was a Black River art student that created an art project that was one of the top three awards at Ohio State Fair and was also selected as the Farm Bureau's most artistic piece. The artist would like to donate the piece to Medina County. Ms. Ray said she would like to display it in the showcase for a month and award her a resolution of commendation if everyone was agreeable. The other Commissioners agreed.

Scott Miller, Finance Director, said he has been through the budget and he and Mr. Jakab needed to discuss it further. He will schedule with the Commissioners today to meet during the week of February 5 or 12 to get their input.

At 10:42 a.m., Mr. Hambley motioned to adjourn the meeting and Mrs. Geissman seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

RESOLUTIONS PASSED 1/29/07

NUMBER

RESOLUTION TITLE

07-076

RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE

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TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS

- 07-077 RESOLUTION APPROVING THE FINAL PLAT FOR THE KENSINGTON PLACE SUBDIVISION LOCATED IN HINCKLEY TOWNSHIP LOT 58
- 07-078 RESOLUTION APPROVING THE FINAL PLAT FOR THE MONTVILLE LAKES SUBDIVISION PHASE 3C LOCATED IN MONTVILLE TOWNSHIP LOTS 89,90 AND 103
- 07-079 RESOLUTION APPROVING ANNUAL ASSESSMENT ON IMPROVEMENTS CONSTRUCTED UNDER THE AUTHORITY OF SECTION 6131.63 OHIO REVISED CODE ON 55.5389 ACRES OF LAND IN LOT 58 OF HINCKLEY TOWNSHIP AND KNOWN AS KENSINGTON PLACE SUBIDIVISION ESTABLISHING THEREBY SAID IMPROVEMENTS AS A PUBLIC WATERCOURSE
- 07-080 RESOLUTION APPROVING ANNUAL ASSESSMENT ON IMPROVEMENTS CONSTRUCTED UNDER THE AUTHORITY OF SECTION 6131.63 OHIO REVISED CODE ON APPROXIMATELY 44.6189 ACRES OF LAND IN LOTS 89, 90 &103 OF MONTVILLE TOWNSHIP KNOWN AS MONTVILLE LAKES SUBDIVISION PHASE 3C AND ESTABLISHING A PUBLIC WATERCOURSE
- 07-081 RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION
- 07-082 AUTHORIZING THE PURCHASE OF 7,400 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE ENGINEERING CENTER
- 07-083 AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH KEN BENDER FOR INDEPENDENT CONTRACTOR SERVICES FOR THE FAMILY FIRST COUNCIL
- 07-084 CASH TRANSFER FOR THE PORT AUTHORITY FUND
- 07-085 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
- 07-086 RESOLTUION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM THE COUNTY GENERAL FUND (0010) TO THE PUBLIC ASSISTANCE FUND (0120) FOR COUNTY MANDATED SHARE
- 07-087 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
- 07-088 RESOLUTION AMENDING THE TABLE OF ORGANIZATION FOR THE MEDINA COUNTY SANITARY ENGINEER
- 07-089 AUTHORIZING THE SUBMISSION OF A FUNDING APPLICATION TO THE OHIO

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DEPARTMENT OF REHABILITATION AND CORRECTION

- 07-090 APPROVING AN AGREEMENT WITH HUDSON PRINTING FOR TOBACCO PROGRAM MARKETING SERVICES

- 07-091 RESOLUTION AUTHORIZING THE MEDINA COUNTY ADMINISTRATOR TO ADVERTISE FOR BIDS FOR ADA RENOVATIONS AT THE MEDINA CREATIVE HOUSING LIFE LEARNING CENTER

- 07-092 RESOLUTION ENTERING INTO A SUBRECIPIENT AGREEMENT WITH COMMUNITY ACTION WAYNE/MEDINA COUNTIES TO PROVIDE FINANCIAL ASSISTANCE FOR HOME REPAIRS FOR HOMES LOCATED WITHIN MEDINA COUNTY

- 07-093 AMENDING A REAL ESTATE AGREEMENT WITH THE MEDINA COUNTY PORT AUTHORITY

- 07-094 APPROVING A MARKETING AND COMMISSION AGREEMENT FOR THE SALE OF UNIVERSITY TECHNOLOGY PARK PROPERTY

- 07-095 A RESOLUTION AUTHORIZING THE COUNTY SANITARY ENGINEER TO FILE AN APPLICATION AND ENTER INTO AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE 2007/08 ODNR COMMUNITY DEVELOPMENT GRANT

- 07-096 RESOLUTION RE-APPOINTING A MEMBER TO THE COMMUNITY ACTION WAYNE/MEDINA COUNTIES

- 07-097 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

All deliberations concerning official business and formal actions by this Board of Commissioners were conducted in an open public meeting this twenty-ninth day of January, 2007.

Respectfully submitted,

Pam Vereb, Clerk

COMMISSIONERS _____
Sharon A. Ray

OF _____
Patricia G. Geissman

MEDINA COUNTY _____

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Stephen D. Hambley