

COMMISSIONERS MEETING – MONDAY, JULY 29, 2002

Patricia G. Geissman called the meeting to order at 9:30 a.m. with Thomas R. Bahr and Stephen D. Hambley present.

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

At the beginning of the meeting, Mrs. Geissman noted that she has not had a chance to review the July 22 minutes and asked that approval be held until next week.

The County Engineer's Office had no items for the meeting and was not present.

Chris Jakab, Finance Director, presented and reviewed 6 resolutions involving amending the annual appropriations by transferring and increasing appropriations, purchasing fuel for the Engineering Center from Petroleum Traders, approving submission of a 2002-2003 State DARE grant program application in the amount of \$44,172 for the Sheriff, approving an agreement with Countryview Auto Recycling for disposal of salvage vehicles for the Sheriff's Department, and the weekly bills in the amount of \$1,122,842.02. Mr. Bahr moved to approve the 6 resolutions. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

John Stricker, County Administrator, 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.

Ken Hotz, Sanitary Engineer, had no items for review today.

Mrs. Geissman presented and reviewed a resolution appointing members to the City of Medina's Historic District Parking Committee. This committee will be looking into the needs of parking in the downtown Medina area. Mrs. Geissman will serve on the committee until September 2004 and Patrice Theken will serve until September 2006. 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 a policy relative to the retention of email for the Commissioners Office. This was discussed last week. Mr. Bahr moved to approve the policy. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mrs. Geissman presented a resolution amending Resolution #02-338 establishing general orders for the hearing of annexation petitions. Mr. Bahr moved to approve the amendment. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mrs. Geissman presented a resolution commending Robert "Skip" Trimble for his 27 years of service with the City of Brunswick. Mr. Bahr moved to approve the commendation. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mrs. Geissman presented resolutions commending youth selected for the 2002 4-H Outstanding Court. The youth selected for this Court include Lydia Bertram, Eugene Crum, Cassie Florian, Carmen Howard, Chris Kosman, Brandy Lengacher, John Lengacher, Kyle Marvin, Chip Miller, Emily O'Neill, Sara Pettry, Bill Santelmann, Lisa Sotak, Marie Skubon, Betsy Williams and Erin Witschey. Mr. Bahr moved to approve the commendations. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Commissioners reviewed liquor permit notices for C1 & C2 permits for Burchs Enterprises and A1 and A1A permits for Burkhardt Brewing Company. No action is required by the Commissioners unless complaints or comments have been received in the office.

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.

COMMISSIONERS MEETING – MONDAY, JULY 29, 2002

The meeting was opened for public comment.

Chris Bunch, Executive Director of the Medina Summit Land Conservancy, introduced Kathleen Schizow, member of The Friends of Plum Creek Park. Mr. Bunch stated that they are requesting a resolution and letter of support for a Clean Ohio Grant for additional land for the Plum Creek Park. He presented a couple pieces of literature that has been distributed. A fund raising effort has started to raise privately for the local match required for the property acquisition. He reviewed on a map the location of the property in question, noting that it adjoins the property already owned by the Park District and is connected to another piece of Plum Creek Park with a conservation easement held by the Park District. This project allows for blocking some significant forest habitat, which are the fastest disappearing pieces of habitat in the county. It also adds to the parklands in the northern part of the county, which is important to most of the residents of the area and it is where we have the least amount of this type of property. They are in the process of raising \$100,000 from neighbors in the area and the Park District will commit some funds to this. They will apply to the Clean Ohio Program on September 6 for a grant to make of the remaining balance of the purchase, which is estimated between \$450,000 to \$500,000. An appraisal and a couple other technical pieces are being done now. A number of the residents support this, the Conservancy is involved, the Park District has committed funds, and Brunswick Hills Township is behind this and has indicated they will commit some funds. They request a resolution and letter of support to include with the application, and would also accept any funding the county could put towards this project.

Mrs. Geissman asked about the timeline for getting the resolution and letter.

Mr. Bunch stated that the application is due September 6 and they would like those a week before that.

Mr. Hambley stated that he sits on the Clean Ohio Council that reviews the applications for our district, which includes Lorain, Huron and Medina Counties. This is a perfect project for those funds as it is exactly what the bond issue, which was on the statewide ballot last year, was intended for. The land is prime for development and has already gone through a proposed rezoning that was denied by the Township Trustees. Ultimately if it is not purchased now it will probably development. This is a great opportunity to add onto a good park and, as indicated before, it is in an area that is under high development pressure. In the last funding cycle, the district had \$1.7 million to spend and only spent \$500,000. The September deadline for applications is actually the second round for this year. Being the first year of funding, a lot of communities didn't produce many applications, but there's no doubt they will be applying next year. The money is there and this is a prime time to apply for it. It is important also to help promote and support this project as well as the fundraiser on August 8. The more local money they have the more points they get, and it is known that with a lot of the Issue 2 and other projects that 1 or 2 points can make a difference on whether a project proceeds or is pushed back to another year. Next year they are likely to face more competition for the funding. He supports this project.

Mrs. Geissman noted that she was at a large picnic on Saturday and there was a gentleman there that was talking about the project.

Mr. Bunch stated that they have around \$20,000 in pledges at this time, which is just before the fundraising event. This is a "poster child" because it adds to existing parkland with some priority habitat in an underserved area. They're very grateful for the support.

Mrs. Geissman stated that the Board will get a letter and resolution of support together.

Collene Schemrich, representing a small but growing group of people, stated that they are sick of having sewage backup into their homes, their streets and the parkways. She asked if it is possible to have a meeting closer to Brunswick in the evening so Commissioners can review video coverage and pictures. She would be willing to arrange a meeting place, such as the public library. She has lived in her home for 5½ years and had 4 backups. The cost of cleanup is huge and she's lucky enough to have insurance, but she's not sure how long they will cover her because this happens so many times. The main concern is that their personal rights to have a sanitary home are being violated and they can't protect themselves. They keep their homes as clean as possible but then the sewage permeates the walls. She has read that this can damage

COMMISSIONERS MEETING – MONDAY, JULY 29, 2002

concrete and duct work and that there are little niches that can house microorganisms. The sanitation workers go home to clean environments after 8 hours. These residents can't walk away from it and must live it, breathe it and wake up to it. On July 22 sewage was not only in home pervasively in Brunswick but in the streets, and they have video of it coming out of the sewers. She requested support from the Commissioners, possibly by putting pressure on to get an upgrade to the sewer systems. If the sewer systems are tied into new neighborhoods, maybe there is a need for bigger pipes and bigger systems to handle this. She then asked Jim Troike, Assistant Sanitary Engineer, some questions about what occurred on July 22.

Jim stated, in response to questioning, that there are 2 sewer basins by Plum Creek that are exclusively for sewage. On July 22 they knew the sewage didn't get to the basins and they have TV footage of the sewers that showed a blockage. There are 10 laterals in this neighborhood that are connected wrong and that overflow wouldn't have caused the overflow that occurred on July 22.

Ms. Schemrich stated that as she's talked with neighbors, some have found ways to live with this over the last 15 years and there is one lady that has had this going on for 30 years. She will continue to work on this because she refuses to live with sewage.

Ken stated that this area was isolated because there was a blockage that was found that caused the backups. There were many other cases where the storm sewer in the City of Brunswick didn't carry the water away. Since the sanitary sewer is lower than the storm sewers and streets, the water found its way into the sanitary sewer that isn't designed to carry storm water. Some streets were closed because you couldn't drive through them and there was one case that somebody punched a hole in their basement wall to relieve the pressure from water that was completely around the house. That hole took the water into the house and down the sanitary drain. There were also cases of sump pumps being installed. The storm sewers were overloaded and water couldn't get into them. Then the problem occurred with the blockage, and its obvious where that blockage was by which homes were flooded.

Mr. Hambley stated that last week was spent diagnosing the problem. Ms. Schemrich and the others present can review the maps with Ken and/or Jim to see whether they have a sanitary problem or stormwater problem on their parcels as well as the piping and where some of the restricted flows were. Some problems were found and they are looking at a combination of problems such as having the storm sewer overcharging the sanitary sewer. The intent is that once the problems are found and solutions identified that a public meeting be held in Brunswick along with the Brunswick officials because they will have to explain what their storm sewer problems were and what solutions they've identified. He believes it will be most beneficial to have the Commissioners and Brunswick officials at one meeting with the residents to indicate what was found, what we believe happened, and what we think will prevent the situation.

Ms. Schemrich stated that she's been dealing with this for 5 ½ years and been told various things about what causes it. This is a bigger problem this year and she's feels 5 ½ years is long enough to have diagnosed a problem. She wonders if a bigger system is needed.

Mr. Hambley stated that improvements have been made to the system and up until now we thought some advances were made. It was a very wet spring and he's not sure of any problems being reported at that time. Our people thought we were making improvement by eliminating the storm water connections. Because of this additional connections to the sewer from storm water have been found. We're going to have to sit with Brunswick and work closely with them to further correct the problems.

Mrs. Geissman stated that it is a long time problem because she's heard it ever since she's been a Commissioner. She believes the county has been trying to find a solution and she feels there is a need to sit down with Brunswick.

Mr. Bahr reviewed the history of this, noting that there were laterals, illegal connections, into the sanitary sewer that took storm water into the sanitary sewer. Medina County and the City of Brunswick have been working to get the illegal connections removed. The sanitary sewer system is to treat sanitary, not storm water. He asked about the original number of laterals found.

COMMISSIONERS MEETING – MONDAY, JULY 29, 2002

Ken stated that there were 71 storm sewer problems and 21 sanitary problems.

Mr. Bahr noted that is part of the problem that we've been trying to resolve. Low interest loans were made available and most people have cooperated. There are some that have been less than cooperative and those connections still remain in place and need to be removed.

Ken stated that the work that has been done by homeowners has helped, as noted earlier, this spring there were no problems. There is no question that blockage caused this, but there was 4" of rain in 30 minutes. There were streets completely under water and water ran into homes and through basement windows and ended up in the sanitary sewer.

Mrs. Geissman stated that even the best system may not have helped.

Ken added that unless the storm water is taken care of "we're going too be chasing our tail".

Mr. Hambley stated that is why he feels a joint meeting is needed with Brunswick. They've done their research and identified an area and what is needed for improvements, and we've identified our problems. We can continue on the road to progress. When you look at 4" of rain in 20 minutes, it was less than half hour, that's a flash flood.

Ms. Schemrich stated that she understands that, but she understood the sewer systems and storm sewers were separate. When it rains she can imagine floods and lakes, but sewage backup should be occurring. Those should be 2 separate systems.

Mr. Bahr agreed.

Mr. Hambley stated that is true unless the storm water is overpowered. A flash flood impacts that and runs in to our sanitary sewer because it is lower. If water goes into peoples basements and down a drain there is not a lot the county is able to do. There are some areas that need corrected. In terms of the equalization tanks at Plum Creek, they didn't fail. It was a failure of the transmission system because of blockage and restricted flow. Through questioning by Ms. Schemrich, he stated that he supports that something be done. He talked with Ken the night it happened and throughout the next day visited sites, drove around the neighborhood, walked to the park, etc. to look at the damage and what had happened. They have a list of each parcel, what the problem was and the nature of the problem. We need to communicate along with Brunswick to the residents that have been impacted and to work together to get it solved.

Mrs. Schemrich asked about the need for bigger sanitary sewer pipes to handle that.

Ken stated that sanitary is only 8" in diameter. There has to be bigger storm sewers to take the water into the streams. Sanitary sewer pipes take the water to the treatment plant to be treated and there is no sense in treating storm water.

Ms. Schemrich stated that there are residents that sanitary overflows into some homes every 6 months. Some have found ways around it so it wouldn't go into their basements. Through questioning she stated that one lady hasn't reported it until recently and now she reports it on a continual basis. She understands the rains could affect this, but she's talked to people that get this overflow out of the blue.

Mrs. Geissman agreed it is a serious problem that is being worked on and will continue to be worked on.

John Metter, Litchfield, stated that he received a letter June 11 from the Health Department about a \$55 charge for a semi-public sewage system. He asked how this came about.

Mrs. Geissman stated that she's not sure, noting that Commissioners do not oversee the Health Department. He will need to work with the Health Department to determine that.

Through questioning by Ken, Mr. Metter stated that he has a business there and that the Health Department is charging him for an inspection fee.

COMMISSIONERS MEETING – MONDAY, JULY 29, 2002

Jim stated that he believes it was House Bill 110 that gave the Health Department the authority to impose this charge.

Mr. Hambley added that the state legislature gives the Health Department the authority to charge for inspections for public and semi-public sewage treatment plants.

Mr. Metter believes they should go after some of the farms and older homes as well. His business isn't contaminating the waterways like some of the other places in the country that have had any service or ever pumped their septic system. He knows a lot of them that have their filtration system bypassed.

Mr. Hambley stated that a study demonstrated that there are a lot of home systems that do that. There was a bill at the state level last year to require mandatory inspection on a periodic basis. That bill stalled in committee.

Jim added that they are looking at legislation to go after the rest of them.

Through questioning, Mr. Metter stated that he knows where the Health Department is. He has tried to work with them and with the Health Board and received no satisfactory answer. That is why he came to Commissioners.

Mr. Hambley noted that the Health Board has more influence over the charge than Commissioners.

Mr. Metter stated that he read in the paper that there is going to be a rainfall tax that is charged if the rain falls on the ground.

Mr. Bahr stated that the City of Medina is considering a stormwater sewer tax that is based on the amount of land a person owns that will not absorb rain. Owners will be taxed to maintain a storm sewer system.

Mr. Hambley stated that this is basically an unfunded mandate. Under the Clean Water Act, the EPA has required NPDES Phase 2, which is licensing for stormwater discharging. Local jurisdictions such as the Cities of Medina, Brunswick and Wadsworth, and some townships like Sharon, Hinckley and Brunswick Hills have to be responsible for the quality of water coming from storm water. In order to pay for some of the programs and monitoring that is required Medina is looking at that type of tax.

Mr. Metter stated that Ms. Schemrich brought the problem in about gutters that run into the sewage system. That's probably most of the problem. Including himself, he has 5 people on payroll and he's being taxed to death.

Mr. Hambley stated that this is an unfunded mandate that is affecting practically everybody. In Cuyahoga County he's heard one figure of \$6.00 per household by 2007.

Mr. Metter stated that he can't handle all the taxes, charges and fees. He looks to the Commissioners to fight some of this and to those people at the Health Department to use some common sense.

There was no further public comment.

Commissioners recessed the meeting to move to the conference room.

Commissioners reconvened the meeting for the discussion session.

Mrs. Geissman noted that Dave Miller, County Engineer, has talked with Bill Thorne, Assistant Prosecutor, about the possible vacation of Maple Heights Drive in Montville Township about who the property reverts to if the vacation is granted.

Bill stated that the property will be divided and go to the adjoining property owner as it would in a normal vacation, and not to the estate of the past owner.

COMMISSIONERS MEETING – MONDAY, JULY 29, 2002

Commissioners agreed to have the approval for the vacation with a utility easement prepared for next week.

Commissioners reviewed the minutes of the hearing for the Orrin Drive extension in Harrisville Township. There was a brief discussion about this drive being needed. Commissioners agreed with Dave's recommendation for the extension. The approval for this is to be prepared for next week.

Commissioners reviewed the minutes of the hearing for the relocation of White Road in Westfield Township. Commissioners agreed there is no problem with this relocation. The approval for this is to be prepared for next week.

Mr. Hambley noted that all applications are in for the Medina County Home Advisory Committee. He asked to schedule an Executive Session to discuss interviews. A total of 11 need to be appointed and Commissioners need to make a decision for appointment under mental health/health care, senior citizen/general public, and non-profit agencies. Commissioners agreed to extend the Executive Session for legal matters to include personnel/appointment.

Mrs. Geissman noted that a letter was received in response to John Stricker's letter to the Sheriff regarding the need for 3 cameras. Sheriff Neil Hassinger feels the cameras are critical to get installed, noting that another lawsuit may be coming in. He estimates the cost at \$1500 with the County Maintenance Department doing the installation. It could possibly run up to \$2000. Mr. Hambley moved to authorize the Sheriff to proceed with the purchase of the cameras and for the Maintenance Department to install the cameras. Seconded by Mr. Bahr. There was no further discussion. Roll Call showed all Commissioners voting AYE.

There was a brief discussion about the Sheriff being told that some cameras were removed from the plans when the Jail was built. A committee helping with preparation of the plans may have removed some, however, once the plans were prepared no cameras were removed from the plans. There were no cameras removed from the plans to save money.

There was no further business before the Board for discussion.

At 10:21 a.m. Mr. Bahr moved to recess into Executive Session for a legal discussion and for personnel/appointment. Seconded by Mr. Hambley.

There was a brief discussion through questioning by a reporter about the appointment to a board being a personnel issue. Bill stated that it is a personnel issue, noting that the board will be under the Commissioners and following the Sunshine Laws.

There was no further discussion.

Roll Call on the motion and second to recess into Executive Session showed all Commissioners voting AYE.

At 11:02 a.m. Mr. Bahr moved to adjourn the meeting. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

RESOLUTIONS PASSED:

02-0645 RESOLUTION COMMENDING ROBERT "SKIP" TRIMBLE FOR HIS YEARS OF SERVICE WITH THE CITY OF BRUNSWICK

02-0646 RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS

02-0647 RESOLUTION COMMENDING LYDIA BERTRAM ON BEING SELECTED FOR THE 2002 4-H OUTSTANDING COURT

02-0648 RESOLUTION COMMENDING EUGENE CRUM ON BEING SELECTED FOR THE 2002 4-H OUTSTANDING COURT

COMMISSIONERS MEETING – MONDAY, JULY 29, 2002

02-0649 RESOLUTION COMMENDING CASSIE FLORIAN ON BEING SELECTED FOR THE 2002 4-H OUTSTANDING COURT

02-0650 RESOLUTION COMMENDING CARMEN HOWARD ON BEING SELECTED FOR THE 2002 4-H OUTSTANDING COURT

02-0651 RESOLUTION COMMENDING CHRIS KOSMAN ON BEING SELECTED FOR THE 2002 4-H OUTSTANDING COURT

02-0652 RESOLUTION COMMENDING BRANDY LENGACHER ON BEING SELECTED FOR THE 2002 4-H OUTSTANDING COURT

02-0653 RESOLUTION COMMENDING JOHN LENGACHER ON BEING SELECTED FOR THE 2002 4-H OUTSTANDING COURT

02-0654 RESOLUTION COMMENDING KYLE MARVIN ON BEING SELECTED FOR THE 2002 4-H OUTSTANDING COURT

02-0655 RESOLUTION COMMENDING CHIP MILLER ON BEING SELECTED FOR THE 2002 4-H OUTSTANDING COURT

02-0656 RESOLUTION COMMENDING EMILY O'NEILL ON BEING SELECTED FOR THE 2002 4-H OUTSTANDING COURT

02-0657 RESOLUTION COMMENDING SARA PETTRY ON BEING SELECTED FOR THE 2002 4-H OUTSTANDING COURT

02-0658 RESOLUTION COMMENDING BILL SANTELMANN ON BEING SELECTED FOR THE 2002 4-H OUTSTANDING COURT

02-0659 RESOLUTION COMMENDING LISA SOTAK ON BEING SELECTED FOR THE 2002 4-H OUTSTANDING COURT

02-0660 RESOLUTION COMMENDING MARIE SKUBON ON BEING SELECTED FOR THE 2002 4-H OUTSTANDING COURT

02-0661 RESOLUTION COMMENDING BETSY WILLIAMS ON BEING SELECTED FOR THE 2002 4-H OUTSTANDING COURT

02-0662 RESOLUTION COMMENDING ERIN WITSCHHEY ON BEING SELECTED FOR THE 2002 4-H OUTSTANDING COURT

02-0663 RESOLUTION COMMENDING CRYSTAL FRY ON BEING SELECTED FOR THE 2002 4-H OUTSTANDING COURT

02-0664 RESOLUTION AMENDING THE 2002 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS

02-0665 RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION

02-0666 RESOLUTION AUTHORIZING THE PURCHASE OF 2,500 GALLONS OF PREMIUM UNLEADED AND 3,500 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE ENGINEERING CENTER

02-0667 APPROVING THE SUBMISSION OF A 2002/2003 STATE DARE GRANT PROGRAM APPLICATION

02-0668 APPROVING AN AGREEMENT WITH COUNTRYVIEW AUTO RECYCLING FOR DISPOSAL OF SALVAGE VEHICLES FOR THE SHERIFF'S DEPARTMENT

COMMISSIONERS MEETING – MONDAY, JULY 29, 2002

02-0669 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS

02-0670 RESOLUTION APPOINTING REPRESENTATIVES TO THE CITY OF MEDINA'S HISTORIC DISTRICT PARKING COMMITTEE

02-0671 RESOLUTION ESTABLISHING A POLICY RELATIVE TO THE RETENTION OF EMAIL FOR THE MEDINA COUNTY COMMISSIONERS OFFICE

02-0672 RESOLUTION AMENDING RESOLUTION NO. 02-338 ESTABLISHING GENERAL ORDERS FOR THE HEARING OF ANNEXATION PETITIONS

02-0673 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

MEDINA COUNTY COMMISSIONERS:

Patricia G. Geissman

Respectfully submitted,

Thomas R. Bahr

Pamela J. Terrill, Clerk

Stephen D. Hambley