

## COMMISSIONERS MEETING – MONDAY, JUNE 14, 2004

Sharon A. Ray called the meeting to order at 9:30 a.m. with Stephen D. Hambley present. Patricia G. Geissman was out of town on business.

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

At the beginning of the meeting the oral reading of the June 3 and 7 minutes was dispensed with. Each Commissioner has read them personally. Mr. Hambley moved to approve the minutes; Seconded by Ms. Ray. There was no discussion. Roll Call showed both Commissioners voting AYE.

Doug King, Administrative Assistant in the County Engineer's Office, presented 2 resolutions approving the use of Subdivision Drainage Maintenance Fund for repair work in Fox Meadow Subdivision Phase 2 in Montville Township and a resolution authorizing the advertisement for bids for resurfacing of various county roads with Item 448 and Item 402. Mr. Hambley moved to approve the 3 resolutions; Seconded by Ms. Ray. There was no discussion. Roll Call showed both Commissioners voting AYE.

Commissioners reviewed the weekly permits list.

Chris Jakab, Finance Director, presented and reviewed resolution amending the annual appropriations by increasing and/or decreasing appropriations, revenue adjustments for various funds, transfer of funds, approving the request for an advance of taxes collected for MCDAC, expenditure adjustments for various funds, authorizing the purchase of a telephone system and Reverse 9-1-1 system for the Sheriff's Office, and the weekly bills in the amount of \$669,243.56. The request for advance of taxes is done semi-annually is required for MCDAC for their cash flow. The purchase of the telephone system and Reverse 9-1-1 has been reviewed previously. The funding will come from Emergency Management through the Homeland Security Funds and the purchase will be made through State Purchasing. The systems will be purchased through Verizon for \$62,285.35 and the maintenance cost for 3 years is \$7,565.99. Mr. Hambley moved to approve the 6 resolutions and payment of the bills; Seconded by Ms. Ray. There was no discussion. Roll Call showed both Commissioners voting AYE.

Gary Berkowitz, Human Resources Director, presented and reviewed the personnel resolution. Mr. Hambley moved to approve the personnel changes; Seconded by Ms. Ray. There was no discussion. Roll Call showed both Commissioners voting AYE.

Gary presented a resolution approving and authorizing the 2-day suspension without pay for an employee in the Sanitary Engineer's Office. Mr. Hambley moved to approve the suspension; Seconded by Ms. Ray. There was no discussion. Roll Call showed both Commissioners voting AYE.

John Stricker, County Administrator, had no resolutions today.

Ken Hotz, Sanitary Engineer, presented a resolution authorizing an amendment to the cooperative agreements with the City of Avon Lake, City of Avon, City of North Ridgeville, City of Medina, and the Rural Lorain County Water Authority. The agreements pertain to the County receiving water from Avon Lake for 2 maintenance funds for repairs, etc., and for electric for pumps. After the last pump station was completed problems arose when the tanks were filled and shut down, they had to pump at a higher rate that used a lot of power. The amendment has Avon Lake taking over the operation and will combine the 2 maintenance funds with a rate increase. Mr. Hambley moved to approve the amendment; Seconded by Ms. Ray. There was no discussion. Roll Call showed both Commissioners voting AYE.

Mike Pataky, Child Support Enforcement Agency Director, reported that the State is piloting a new program for payments. They already offer electronic fund transfers (EFT) and they are now starting a debit card program for child support recipients where their payments are credited to a debit card that they can use at stores, etc. The State is hoping this will reduce their costs for postage and paper while getting the payments out quickly. There are a few counties on

## COMMISSIONERS MEETING – MONDAY, JUNE 14, 2004

the pilot program and if it does well the program should be statewide later this year. He also reported that the State passed the data reliability audit for 2 years in a row and can bypass the audit next year. The computer system certification and this audit are part of a federal mandate for the program that connects to various states. They are getting more states joining the program every month. He noted that they meet with their local providers, Domestic Relations and Juvenile Courts, quarterly to clear up complicated issues and review their processes. They are in constant communication with the Prosecutor's Office under their contract. Through questioning, Mike stated that they are receiving application for the attorney position until June 30. They have already received some very good applications.

Patrice Theken, Department of Planning Services Director, stated that the last zoning workshop will be held on June 22 and the topics they will be covering include public participation for comprehensive planning, non-performing uses and home occupations. Those that attended 4 of the 5 workshops will be receiving certificates. On Friday the zoning inspection meeting will be a continuation from April on the discussion of agricultural uses. She noted that the deadline is Friday for the comprehensive planning grant applications.

John Jones, Transportation Services Director, stated that he just returned from vacation and has a short report this morning. They had 9,303 passengers last month and traveled 6,748 revenue service hours. He will have his full written report to the Commissioners later this week.

Virginia Mitchell and Gene Goebel, Achievement Center, were present to ask for support of a resolution addressing Medicaid issues that have come up in the last several months. In 2001 a law was passed to help refinance local tax dollars and draw-down funds from the federal government. There was a lot of hard work at the state level to develop rules for this law. The ODJFS has submitted 2 proposed rule changes that cause a difficult situation regarding reimbursements and service contracts. The reimbursement rule mandates rates that are 10 to 200 times what the normal rates are and public agencies have to be reconciled and private agencies do not. MRDD Boards are asking that all providers should be reconciled and should be submitting their billing using "usual and customary rates" (UCR). A letter to the Governor is being requested along with this resolution to ask that a reasonable fee schedule be established, that reimbursement be re-authorized for public providers at the UCR and based on the 2003 cost report rates, that current 2 rules be upheld, and that there will be no further delays in payments to MRDD Boards for services already provided. Under the proposed rule, in the next 45 days there are at least 45 MRDD's that will go bankrupt. Due to the management of funds, our MRDD Board is able to be status quo with no expansion of services. The second rule regarding service contracts ignores state laws to assess needs and doesn't give MRDD Boards the ability to terminate contracts for cause. There is an obligation to the taxpayers and she feels this is an outrageous set of rates that will hurt MRDD Boards around the state. As an example, Delaware County spent \$65,000 last year and under the proposed new rule will spend \$325,000 for the same service. Through questioning, Virginia agreed that the changes would allow ODJFS to modify contracts without the counties being involved. Mr. Hambley moved to approve the resolution objecting to proposed rules by the Ohio Department of Job & Family Services pertaining to implementation of the MR/DD Medicaid-funded programs; Seconded by Ms. Ray. There was no further discussion. Roll Call showed both Commissioners voting AYE.

Ms. Ray presented and reviewed a resolution approving the petition for annexation of 6.2528 acres of land known as being part of Guilford Township to the Village of Seville. This is municipal owned property that is petitioned to be annexed.

Through questioning, the Clerk agreed this is a review and not a hearing that has to be heard at a specific time.

Glenn Sheller, Guilford Township Trustee, stated that they have no objections to this annexation.

Mr. Hambley noted that because this is a review the Board has the ability to act on this petition today.

## COMMISSIONERS MEETING – MONDAY, JUNE 14, 2004

Mr. Hambley moved to approve the petition for annexation of land from Guilford Township to the Village of Seville; Seconded by Ms. Ray. There was no further discussion. Roll Call showed both Commissioners voting AYE.

The meeting was opened for public comment and there was no one present wishing to comment.

Ms. Ray noted that there is a public hearing at 2:00 today on the Residential Code of Ohio and the Medina County Building Code. A second hearing is scheduled for next Monday.

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

Mr. Hambley moved to recess into Executive Session for the purpose of discussing a legal matter and property acquisition; Seconded by Ms. Ray. There was no discussion. Roll Call showed both Commissioners voting AYE.

At 1:30 p.m. the Clerk received bids for road resurfacing for the Highway Engineer's Office. Bids were received for Item 448 resurfacing from Kokosing Construction Company Inc., Kenmore Construction Company Inc., Karvo Paving Company, and The Shelly Company. Bids were received for Item 402 resurfacing from Kokosing Construction Company Inc., Karvo Paving Company, and The Shelly Company. Bids were turned over to the Highway Department for their review and recommendation.

There was no discussion session this afternoon.

At 2:00 p.m. Commissioners reconvened the meeting for the public hearing on the Residential Code of Ohio and the Medina County Building Code.

The following people were present for the hearing: John Stricker, County Administrator, William Shook, Tim Vander Laan of the Homebuilders Association, Tim Pelton, and Lorin Byler of Homes by John Hershberger.

Art Verdoorn, Building Official, stated that the Residential Code of Ohio is derived from the International Code. The Ohio Building Officials Association held hearings on this to incorporate the International Code for the Ohio Code. The biggest change involves wind loads and wind bracing. Other changes are mostly for clarifications and to simply sections. Our Building Department had 2 meetings with contractors about the Code as well as holding meetings the 3 cities within the county, Wayne County and Wooster. Brunswick and Medina have already adopted the Ohio Code and the others are close to adoption. The attempt is to have a universal code.

Art reviewed information regarding the proposed amendments to the Residential Code of Ohio. They have received clarification from the Ohio Code Committee regarding 3 tables that seemed to conflict with the International Code. His office took the Ohio Code administrative section to modify it for the Medina County Building Code's administration. He reviewed the 24 sections under administration that are proposed to be modified for the Medina County Code. Many of these sections are being deleted for the County Code because our code already covers those items.

In review of deleting section R105.3.1.1 regarding substantially improved or damaged existing buildings in areas prone to flooding, there was a discussion about keeping that section in the County Code because of the construction that is being allowed in those areas. Mr. Vander Laan felt it should be kept separate or there would be 2 different departments trying to mesh their statements and codes together. Mr. Hambley stated that the Highway Department has mostly been involved with subdivisions and the problems are actually arising with lot splits not

## COMMISSIONERS MEETING – MONDAY, JUNE 14, 2004

associated with subdivisions. These areas cannot be regulated by the Subdivision Regulations and eventually the Building Department will need to be involved. Mr. Pelton stated that legally the County would run into problems if it is adopted within this Code. If anything is allowed to be built in those areas there may need to be a standard set for that construction. Art explained that this section is under administration and is being deleted because it puts it under the administration of the Building Department. It was noted that the Medina County Soil & Water Conservation District is no longer overseeing the flood plains and that the Medina County Highway Engineer is taking over that responsibility.

The recommendation relative to R106.1.1 dealing with information on construction documents is to delete allowing electronic media documents to be submitted because the department doesn't have that capability at this time. There was a discussion on this section and it was determined to leave allowance in for electronic media documents to allow that use in the future when it becomes available. If it is deleted now and the capability becomes available later a public hearing would be required to add this back into the Code.

Art reported that he has talked with the Insurance Service Organization about the changes and schedule for the adoption of those changes, noting that the changes are in the administration portion of the County Code and not the structural sections. With the adoption of the Residential Code of Ohio 2004 Edition there are 5 pages of the County Code that need to be amended. He reviewed the pages and sections to be modified. Page 2 is to change reference to the new Residential Code of Ohio; Page 3 is changing the section of the Ohio Administrative Code referenced that was missed during the last update for commercial and under the general scope of commercial changing the reference to the Ohio Building Code rather than the Ohio Administrative Code; Pages 18 and 19 involve changes to the references of the Ohio Administrative Code to the Ohio Building Code; and Page 37 changes the footer depth for pole building structures from 38" and 43" to 48".

Mr. Hambley noted that page 34 references 38" footers for pole structures and that also should be changed to the 48".

Mr. Pelton of Pelton Design & Construction and code liaison for the Homebuilders Association, stated that, as a building community, they are supportive of this because it's the right thing to do, but it needs to be noted that this is a very expensive change for the taxpayers of the county to build by this code. He agreed it is mostly due to the wind sheer improvements but also some of the span tables, etc. They were very careful in this and went with the things that make sense. Art and his staff were pretty easy to work with on this.

Mr. Hambley the insurance industry is the one that pushed to increase the standard to help reduce their losses. Obviously this is for public safety.

Mr. Byler asked about the 32 foot roof span and the need for a registered design professional and whether it pertains to the specific table.

Mr. Pelton stated that it does and that it pertains to what kind of construction is needed for 2 story walls and a roof span that exceeds 32 feet. If this is the scenario, then an architect needs to be consulted. It doesn't say that any house with a roof span of 32 feet has to be engineered. Other conditions are considered for the requirement to have a engineer design the house.

Art stated that a lot of tables were taken out and they got very conservative on the spans, etc.

Mr. Byler stated that they use the same design over and over. He asked if a letter for that design is approved can be used or whether they have to have it reviewed each time they bring that in.

## COMMISSIONERS MEETING – MONDAY, JUNE 14, 2004

Art stated that if they turn in a prototype of the design that is stamped by the engineer it is kept by their department then it is approved every time as long as they stay with that design. There are some builders that do that already. It helps with the turn around of getting their permits because it's already reviewed and approved. They can also do that with just the foundation system. In these cases everything has to remain the same.

Mr. Byler asked about the difference in requirements for 3' by 3' landings at basements and outside doors and why there is a need for a landing on both sides of some doors.

Art stated that the inside of the house is not subjected to weather and the code specifically considers whether the door is swinging open over a floor, whether you have to do something automatically to get to those stairs, and whether it's a nice clean surface. With the exterior the stairs are subjected to snow, rain, etc. If there is only 16 ½ inches to a set of stairs outside and there's a sliding glass door you can reach up from the ground and open it. If the stairs are higher than 16 ½ inches and there are more stairs you have to reach higher to open the door and then you have to install a landing to use that door.

Mr. Byler asked if a garage would require a landing.

Art stated that as long as the door opens over the finished floor then that is considered the landing. The code takes into consideration if the doors are weather protected or not. He agreed that outside landings have to be frost protected. Also, that the landing is 3 foot by whatever the opening of the door is. There was also a clarification on the use of handrails for risers that are more than 4". If the distance between one finished plain to the finished grade is more than 30" a guardrail is required. If there is a need for a guardrail then you have to have handrails. There were also changes made on the requirements for spindles and the types that can be used.

Mr. Shook stated that the reason he came to the hearing is that about 2 years ago he was helping a family member look for a house. Some of the things they found with homes included no attic access, bad chimney construction and non-working fire/smoke alarms. He doesn't believe these items were inspected when the homes were constructed.

Art stated that relative to chimney's they do look at the construction, but not how neatly they are done. Relative to testing smoke alarms, they are tested in the final inspection. The inspections are only good for the day the inspector is there and they believe everything meets the code. Some of the items brought up are maintenance related and the responsibility of the homeowners. There are also people that construct additions or remodel without getting permits and without inspections.

Mr. Shook feels that there should be a higher decibel requirement on smoke alarms. He understands that with newer homes the alarms are connected together, which would be louder and easier to hear when sleeping. However, homes that don't have the alarms wired together have a problem.

Art noted that the codes have changes over the years. At this time alarms are required in each bedroom, each floor, etc. The average is 8-9 in a new home and they are all wired together.

Mr. Shook stated that he is bringing this up because the alarms on the market are very low and he feels a state law or something needs passed that those cannot be marketed because there are people going deaf that can't hear them.

There was no further discussion relative to the code changes.

Mr. Hambley moved to close the hearing; Seconded by Ms. Ray. There was no discussion. Roll Call showed both Commissioners voting AYE.

Mr. Hambley moved to adjourn the meeting at 3:15 p.m.; Seconded by Ms. Ray. There was no discussion. Roll Call showed both Commissioners voting AYE.

**COMMISSIONERS MEETING – MONDAY, JUNE 14, 2004**

**RESOLUTIONS PASSED:**

- 04-0506            RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS
  
- 04-0507            RESOLUTION APPROVING USE OF SUBDIVISION DRAINAGE MAINTENANCE FUND FOR REPAIR WORK IN FOX MEADOW SUBDIVISION PHASE 2 IN MONTVILLE TOWNSHIP, MEDINA COUNTY, OHIO
  
- 04-0508            RESOLUTION APPROVING USE OF SUBDIVISION DRAINAGE MAINTENANCE FUND FOR REPAIR WORK IN FOX MEADOW SUBDIVISION PHASE 2 IN MONTVILLE TOWNSHIP, MEDINA COUNTY, OHIO
  
- 04-0509            RESOLUTION AUTHORIZING THE MEDINA COUNTY ENGINEER TO ADVERTISE FOR BIDS FOR THE RESURFACING OF VARIOUS COUNTY ROADS WITH ITEM 448 AND ITEM 402
  
- 04-0510            RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION
  
- 04-0511            REVENUE ADJUSTMENTS FOR VARIOUS FUNDS
  
- 04-0512            RESOLUTION AUTHORIZING COUNTY AUDITOR TO TRANSFER FUNDS FROM THE CHILD SUPPORT ENFORCEMENT FUND TO THE COUNTY GENERAL FUND FOR DOMESTIC RELATIONS COURT SERVICES
  
- 04-0513            APPROVING THE REQUEST FOR AN ADVANCE OF TAXES COLLECTED FOR THE MEDINA COUNTY DRUG ABUSE COMMISSION
  
- 04-0514            EXPENDITURE ADJUSTMENTS FOR VARIOUS FUNDS
  
- 04-0515            AUTHORIZING THE PURCHASE OF A TELEPHONE SYSTEM AND REVERSE 9-1-1 SYSTEM FOR THE MEDINA COUNTY SHERIFF'S OFFICE
  
- 04-0516            RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
  
- 04-0517            RESOLUTION APPROVING AND AUTHORIZING THE SUSPENSION OF TWO (2) DAYS WITHOUT PAY FOR LINCOLN DRENNON MEDINA COUNTY SANITARY ENGINEER'S OFFICE
  
- 04-0518            RESOLUTION AUTHORIZING AN AMENDMENT TO THE COOPERATIVE AGREEMENTS BETWEEN THE CITY OF AVON LAKE, CITY OF AVON, CITY OF NORTH RIDGEVILLE, CITY OF MEDINA, RURAL LORAIN COUNTY WATER AUTHORITY AND COUNTY OF MEDINA

**COMMISSIONERS MEETING – MONDAY, JUNE 14, 2004**

- 04-0519            RESOLUTION OBJECTING TO PROPOSED RULES BY THE OHIO DEPARTMENT OF JOB & FAMILY SERVICES PERTAINING TO IMPLEMENTATION OF THE MR/DD MEDICAID-FUNDED PROGRAMS
- 04-0520            RESOLUTION APPROVING THE PETITION FOR ANNEXATION OF 6.2528 ACRES OF LAND KNOWN AS BEING PART OF GUILFORD TOWNSHIP TO THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO
- 04-0521            RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

**MEDINA COUNTY COMMISSIONERS:**

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Sharon A. Ray

Respectfully submitted,

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Stephen D. Hambley

Pamela J. Terrill, Clerk