

COMMISSIONERS MEETING – MONDAY, JUNE 21, 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 June 14 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 approving the use of Subdivision Drainage Maintenance Fund for repair work in Reserve Subdivision Phase 2C in Montville Township, authorizing advertisement for bids for bituminous liquids for sealing roads during 2004, and accepting and awarding the bids for Item 448 resurfacing of Smith and Ridgewood Roads and for Item 402 resurfacing of Vandemark and State Roads. 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 appropriations resolution by transferring and increasing/decreasing appropriations, various fund transfers, revenue adjustments for Family First Council, purchasing fuel for the Engineering Center from Ports Petroleum, declaring county property as excess property for the on-line auction, and creation of Office for Older Adults A.D. Network Fund, Family First Council Wellness FY05 Program Fund, Family First Council Help Me Grow FY05 Grant Program Fund, Community Corrections Act Intensive Supervision Probation Grant Fund, Community Corrections Act Intensive Supervision Probation/Diversion Grant Fund for FY05, MCDAC-Tobacco Use Prevention FY04 Fund, Felony Delinquent Care FY05 Fund, WIA-TANF Fund, Workforce Development FY04 Fund, and the weekly bills in the amount of \$5,785,636.39. The high amount on the bill pages is due to semi-annual OWDA payments. Mrs. Geissman moved to approve the 18 resolutions and payment of the bills; Seconded by Mr. Hambley.

Through questioning, Chris stated that the Public Defender Commission held 5-6 interviews last week for their lead attorney and they will be re-interviewing their top 2 selections this week. He has communicated to them the amounts being spent on assigned counsels.

There was no further discussion.

Roll Call on the motion and second to approve the 18 Finance resolutions and bills 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.

Gary presented and reviewed a second personnel resolution for requests that came in late on Friday. Mrs. Geissman moved to approve this set of personnel changes; Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Gary presented a resolution approving and authorizing removal of a Vehicle Operator 1 in the Transit Department. Mrs. Geissman moved to approve the removal; 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 notifying the City of Cleveland, Division of Water that Medina County intends to cancel a contract to provide water service to

COMMISSIONERS MEETING – MONDAY, JUNE 21, 2004

Hinckley Township. The County intends to start supplying the water. There were 2 meetings held with residents who prefer the county supplying water. The contract requires a 5 year notice of cancellation and there will be negotiating to supply to some of the residents. After the 5 years the county will take over the water supply. Mrs. Geissman moved to approve the notification; Seconded by Mr. Hambley.

Through questioning, Ron Rhodes, Hinckley Township Trustee, stated that as a result of interviews with suppliers and public hearings, an overwhelming number of residents want Medina County to supply the water.

There was no further discussion.

Roll Call on the motion and second to approve notification to the City of Cleveland showed all Commissioners voting AYE.

Art Verdoorn, Building Official, presented and reviewed their monthly report. In May they issued 117 single family home permits versus 108 last year in May. For the year-to-date, 404 single family permits have been issued versus 389 last year. Construction is on pace for another record year. Commercial is continuing to increase. Last year was a very low year in commercial construction. The staff is keeping pace with the new construction and increased workload and they may have to do some personnel adjustments if it continues to rise. The increase in commercial includes churches and school renovations. There are a lot of “you store” buildings being constructed. He noted that the second hearing for the new residential codes is being held this afternoon. He has been keeping in touch with the Insurance Service Organization (ISO) regarding the adoption of the new code amendments.

Ms. Ray presented a resolution adding an addendum to the resolution to permit Medina County Commissioners to apply for public and/or private grants on behalf of Sharon Township and/or York Township for active warning devices at grade crossings at Branch road and Beach Road. Mrs. Geissman moved to approve the addendum; Seconded by Mr. Hambley.

Mrs. Geissman noted that the addendum adds the Angels On Track Foundation as a participate on the crossings that will be improved so that they can receive the same documentation the county has received.

There was no further discussion.

Roll Call on the motion and second to approve the addendum showed all Commissioners voting AYE.

Ms. Ray reviewed a notice of an annexation being filed on June 17. This is an Expedited Type 2 petition for 12.46 acres from Wadsworth Township to the City of Wadsworth. This will be reviewed on July 19.

The meeting was opened for public comment.

Jim Douth, Economic Development Corporation Director, introduced Sandy Neuman. Ms. Neuman started as his Assistant on June 1.

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 9:51 a.m.

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

COMMISSIONERS MEETING – MONDAY, JUNE 21, 2004

Ms. Ray noted that the annual letter from the Fair Board was received relative to Commissioners sponsoring a race horse blanket. Commissioners agreed to sponsor this and to turn their money into the Clerk to send in.

There was a discussion relative to CCAO Urban County issues. Mrs. Geissman stated that there has been one meeting so far and Medina County has been included in this. The first issue to be discussed is casinos. This is being taken up as a statewide issue. The letter from CCAO is requesting any specific topics the county would like to have addressed. Ms. Ray agreed to fill in the form noting the issues of reduced percentages for assigned counsels and fiscal health. Others may add to the list before she sends it in tomorrow.

Tom Miller, Sheriff's Office, was in to discuss the position of a Dare Officer at Black River High School. Black River has received money from MCDAC in the past for prevention work and they are now seeking money for an SRO Dare Program. MCDAC has agreed to \$29,000 with our Sheriff being over the program. Black River has students from Medina, Lorain and Ashland Counties. The school building is located in Ashland County and their Sheriff has agreed to swear in the officer. They don't feel the amount being awarded is enough for a Dare Officer, and the Sheriff is questioning how a Medina County Officer would be certified for handling things through the other counties. They feel that the final amount with the school adding to the MCDAC grant will not be enough to cover this position and they need to be sure the funding level is appropriate.

There was a discussion on whether the funding would be enough for a part-time Dare Officer or 2 part-timers, or contracting the position for the 9 months needed during the school year. Tom does feel these options would not work as well because it would not be as easy to control. The Black River program was patterned after Brunswick Schools program in which there is a full-time officer at the high school and part-time officers at the middle school and elementary. They switch officers around for this duty and the positions are paid by Brunswick. MCDAC has been pulling away from funding Dare and SRO positions but are willing to give Black River a year to see how they use the officers. The last thing MCDAC wants to fund is a security program. There are 3 county schools that use the Dare program as part of their educational programming. Dealing with Black River has challenges because there are other counties involved. The preference is for the school to pick up any additional costs because nothing is being paid by Ashland and Lorain Counties for this program. Tom agreed to meet with Chris Jakab to go over the figures and plan for the program.

Karl Cetina, MCDAC Director, noted that Black River received less than they requested for this program but all grantees received a 3% increase over last years grant amounts.

There was a brief discussion relative to overtime at the Sheriff's Department and Tom feels they are trying everything possible to keep that cost down.

It was noted that nothing has been heard from the architect on cost updates for funding an additional pod at the Jail.

Mr. Hambley stated that he attended a 211 summit with John Stricker, Dianne Ranftl and a number of department heads. A decision was made to form a committee to examine and put together a proposal to incorporate that. There is a committee meeting next week to include Mead Wilkins, Job & Family Service Director. Over 51% of the population of Ohio has 211 available, including most of Northeast Ohio. He will follow up on this.

Commissioners agreed to table the discussion relative to the annexation petition for land from Wadsworth Township to the City of Wadsworth until after the 2:00 public hearing.

Mr. Hambley moved to recess into Executive Session at 1:52 p.m. to discuss litigation; Seconded by Mrs. Geissman. There was no discussion. Roll Call showed all Commissioners voting AYE.

COMMISSIONERS MEETING – MONDAY, JUNE 21, 2004

At 2:00 p.m. Commissioners reconvened the meeting for the public hearing on amendments to the Residential Code of Ohio 2004 Edition and the Medina County Building Code.

Tim Vander Laan, Homebuilders Association, was present for the meeting.

Art Verdoorn, Building Official, noted that the first public hearing was held last week and revisions were made after that hearing. The revisions in the Ohio code include: every reference to flood plain areas is listed under the County Highway Department rather than Soil & Water Conservation District and leaving in the section on documents being accepted electronically when it becomes available. Under the County Code, revisions include correcting page 34 to match the footer depth requirements in the chart on page 37 and changing the minimum width dimension for pole buildings. He has received no calls or inquiries about the updates and there are no further changes to the code since last week's hearing.

Mr. Vander Laan asked for verification that if a roof is more than the maximum 36' that a design by a truss engineer will be acceptable rather than bringing in another engineer. Also, if a truss company gives their specifications for a certain type of wall whether that would be acceptable.

Art stated that a truss engineer can be used. Only when construction is getting away from the charts provided in the code do they need to get an engineer's design approved. They can get this approval for sections of a house as well.

Mr. Hambley asked if this will be brought back to the Commissioners next week for adoption.

Art stated that it will and that he would like the changes to become effective August 1. If an application is received on July 31 the old code would apply.

There was no further discussion.

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

Commissioners reconvened the discussion session.

A settlement and release agreement was presented for approval by the Board for a complaint that had been filed in Common Pleas Court. Mrs. Geissman moved to approve the agreement; Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Relative to the petition for annexation of 139.6205 acres from Wadsworth Township to the City of Wadsworth, the Clerk noted that the petitioners have met all of the criteria under items #1 through #3 of the criteria sheet and under #4 there is no street or highway that is going to be divided. There was some argument that it is unreasonably large when the acreage from all of the recent annexations are taken into consideration, but the Clerk felt this annexation is not unreasonably large.

Mr. Hambley stated that the *Petitioner's Brief* dealt with a number of those issues adequately. There were statements made regarding the bond issue for agricultural farmland preservation and this particular parcel would not meet the current criteria of the State for funding for agricultural easements because of its proximity to the city. In terms of the Natural Resources Conservation Easement program, which we have regionally received quite a bit of money, this parcel would not be very competitive for funding because of its lack of proximity or connection to natural resources. Another item brought up was a failure of burden of proof to establish that the annexation is a higher benefit to the Vance family rather than selling the land as township property. He noted that there is no burden of proof that the Vance family has to make more

COMMISSIONERS MEETING – MONDAY, JUNE 21, 2004

money by selling it in the township. Through questioning on this, he stated that it is not one of the requirements and that, if he understands correctly, it is up to the property owners what they feel is the best benefit to the property. Another issue was the inventory and risk assessment of abandoned underground mines. This issue would be faced whether the land is in the township or city and one that will have to be faced with any future zoning regardless of the annexation.

Mrs. Geissman stated that is the only issue she had concerns about.

Mr. Hambley stated that even if there were an issue with this it appears it would not be one that would cause a detriment to the surrounding township in terms of mines and public safety. In his mind they have met the balance of good.

Mrs. Geissman stated that the depth of the earth's crust before you get to the mines was never determined so it's difficult to say yes or no to whether or not something could be built on the land.

Mr. Hambley added that the exact location was never determined either. He looked at a 1987A property map and it showed the mines in a different location off of Route 261 rather than along Hartman Road.

Ms. Ray stated that Chris Easton explained that the city engineer utilizes a geologist to study the issue when development is proposed. This should have not detriment on this hearing because whether the land is developed as part of the township or part of the city this issue is going to be constant. It is not unique to the land being annexed.

Mr. Hambley stated that there seems to be no apparent difference in how this land would be evaluated for development whether it was in the township, which is under the County Subdivision Regulations, or the city. Our regulations in fact have a basic reference to the consideration of underground mines so he doesn't feel there's any difference in evaluating the risk and requirements to meet subdivisions. As he stated before, the balance of good test fails to show a detriment to the surrounding area regarding the mines.

Mr. Hambley moved that the Clerk prepare a resolution approving the annexation.

Bill Thorne, Assistant Prosecutor, asked whether Mr. Hambley wants to say it doesn't show there's a detriment to the surrounding territory or should it be that the detriment would be no different whether its annexed or not because of the mines.

Mr. Hambley stated that that there's no way of determining there would be a detriment to the property or the surrounding area. He agreed that it would be the same whether it's in the township or the city. He feels that in Mr. Strong's testimony he was trying to say that because of the mine this development would create problems for the surrounding area. There is no evidence to prove that is the case and that's why he said before that it doesn't cause a problem for the surrounding area.

Mr. Hambley restated his motion that the Clerk prepare a resolution approving the annexation and that the list of requirements be outlined; Seconded by Mrs. Geissman. There was no further discussion. Roll Call showed all Commissioners voting AYE.

There was a discussion relative to a developer that would like the Commissioners help on their behalf with a zoning issue in Brunswick Hills Township that had gone to the ballot and was voted down. The developer is saying they can't get an agreement with Brunswick Hills Township, but the message from the Trustees is that they aren't against the development but that it has to be done within their existing zoning. The developer has hired an attorney to right the Township's decision, but would like to settle without going through court and has asked the Commissioners to talk with the Trustees. The Township has not said the land cannot be developed but that the zoning would not be changed for the development. The issue went to the ballot because adjoining property owners were against the zoning changes. Commissioners

COMMISSIONERS MEETING – MONDAY, JUNE 21, 2004

agreed the developer should meet individually with the adjoining owners and that although they can talk with the Trustees, the Board cannot intervene in this situation.

Ms. Ray stated that she was contacted by Tom Palecek regarding the 12.46 acre annexation to Wadsworth that was filed last week and noted in this morning's session. He is concerned that the city will be unable to get everything done within the 20 days required for an Expedited Type 2 petition. He believes the city is going to suggest that the land not be annexed because, in his opinion, an island will be created and there are buffer concerns. They still have a meeting with their Planning Director and Public Services Committee to get a statement regarding services.

Mr. Hambley noted that as an Expedited Type 2 the land could be annexed without the consent of the municipality. He asked if they will be getting back to the Commissioners.

Ms. Ray stated that they will. Mr. Palecek wanted to let Commissioners know ahead of time that there were some concerns.

There was no further business before the Board for discussion.

Mrs. Geissman moved to adjourn the meeting at 2:25 p.m.; Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

RESOLUTIONS PASSED:

- 04-0522 RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS

- 04-0523 RESOLUTION TO NOTIFY THE CITY OF CLEVELAND, DIVISION OF WAER THAT THE COUNTY OF MEDINA INTENDS TO CANCEL A CONTRACT WITH THE CITY OF CLEVELAND TO PROVIDE WAER SERVICE TO HINCKLEY TOWNSHIP

- 04-0524 RESOLUTION APPROVING USE OF SUBDIVISION DRAINAGE MAINTENANCE FUND FOR REPAIR WORK IN RESERVE SUBDIVISION PHASE 2C IN MONTVILLE TOWNSHIP, MEDINA COUNTY, OHIO

- 04-0525 RESOLUTION AUTHORIZING THE MEDINA COUNTY ENGINEER TO ADVERTISE FOR BIDS FOR THE PURCHASE OF BITUMINOUS LIQUIDS FOR SEALING MEDINA COUNTY ROADS DURING 2004

- 04-0526 RESOLUTION ACCEPTING AND AWARDED THE BID FOR 2004 ITEM 448 RESURFACING OF SMITH ROAD AND RIDGEWOOD ROAD FOR THE MEDINA COUNTY HIGHWAY DEPARTMENT

- 04-0527 RESOLUTION ACCEPTING AND AWARDED THE BID FOR 2004 ITEM 402 RESURFACING OF VANDEMARK ROAD AND STATE ROAD FOR THE MEDINA COUNTY HIGHWAY DEPARTMENT

- 04-0528 RESOLUTION AMENDING THE 2004 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS

- 04-0529 RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION

COMMISSIONERS MEETING – MONDAY, JUNE 21, 2004

- 04-0530 CASH TRANSFER TO THE CRIPPLED CHILDEN'S HEALTH FUND

- 04-0531 RESOLUTION AUTHORIZING COUNTY AUDITOR TO TRANSFER FUNDS FROM THE CHILD SUPPORT ENFORCEMENT FUND TO THE PROSECUTOR ITLE IV-D FUND

- 04-0532 RESOLUTION AUTHORIZING COUNTY AUDITOR TO TRANSFER FUNDS FROM THE CHILD SUPPORT ENFORCEMENT FUND TO THE JUVENILE COURT IV-D FUND

- 04-0533 TRANSFER OF COUNTY GENERAL FUNDS TO THE COUNTY DIVERSION PROGRAM

- 04-0534 REVENUE ADJUSTMENT FOR FAMILY FIRST COUNCIL

- 04-0535 RESOLUTION AUTHORIZING THE PURCHASE OF 3,200 GALLONS OF PREMIUM UNLEADED AND 4,800 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE ENGINEERING CENTER

- 04-0536 RESOLUTION DECLARING MEDINA COUNTY PROPERTY AS EXCESS PROPERTY

- 04-0537 CREATION OF OFFICE FOR OLDER ADULTS A.D. NETWORK FY05 FUND AND AUTHORIZING APPROPRIATIONS

- 04-0538 CREATION OF A FAMILY FIRST COUNCIL WELLNESS FY05 PROGRAM FUND

- 04-0539 CREATION OF A FAMILY FIRST COUNCIL HELP ME GROW FY05 GRANT PROGRAM FUND

- 04-0540 CREATION OF A COMMUNITY CORRECTIONS ACT INTENSIVE SUPERVISION PROBATION GRANT FUND FOR THE MEDINA COUNTY ADULT PROBATION DEPARTMENT FOR FY 05

- 04-0541 CREATION OF A COMMUNITY CORRECTIONS ACT INTENSIVE SUPERVISIRION PROBATION/DIVERSION GRANT FUND FOR FY05

- 04-0542 CREATION OF THE MCDAC-TOBACCO USE PREVENTION FY04 FUND AND AUTHORIZING APPROPRIATIONS

- 04-0543 CREATION OF THE FELONY DELINQUENT CARE FY05 FUND AND AUTHORIZING APPROPRIATIONS

COMMISSIONERS MEETING – MONDAY, JUNE 21, 2004

- 04-0544 CREATION OF THE WIA-TANF FUND AND AUTHORIZING APPROPRIATIONS
- 04-0545 CREATION OF THE WORKFORCE DEVELOPMENT FY04 FUND AND AUTHORIZING APPROPRIATIONS
- 04-0546 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
- 04-0547 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
- 04-0548 RESOLUTION APPROVING AND AUTHORIZING REMOVAL OF CHARLES HARRISON, VEHICLE OPERATOR 1
- 04-0549 RESOLUTION ADDING AN ADDENDUM...TO PERMIT THE MEDINA COUNTY COMMISSIONERS TO APPLY FOR PUBLIC AND/OR PRIVATE GRANTS ON BEHALF OF SHARON AND/OR YORK TOWNSHIPS AT BRANCH ROAD/TWP 33 & BEACH ROAD/TWP 54...ACTIVE WARNING DEVICES AT GRADE CROSSINGS
- 04-0550 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS
- 04-0551 RESOLUTION APPROVING AN AGREEMENT OF SETTLEMENT AND RELEASE

MEDINA COUNTY COMMISSIONERS:

Sharon A. Ray

Respectfully submitted,

Patricia G. Geissman

Pamela J. Terrill, Clerk

Stephen D. Hambley