

COMMISSIONERS MEETING – MONDAY, JUNE 6, 2005

Patricia G. Geissman called the meeting to order at 9:30 a.m. with Stephen D. Hambley and Sharon A. Ray present.

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

There were no minutes for approval today.

Doug King, Administrative Assistant in the County Engineer's Office, presented and reviewed resolutions closing sections of Root Road, Vandemark Road, and Bear Swamp Road, and authorizing the advertisement for bids for the improvement of various county roads by resurfacing with various bituminous asphalt materials. Mr. Hambley moved to approve the 5 resolutions; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Commissioners reviewed the weekly permits list.

Bev Valentine, Finance Department, presented and reviewed resolutions authorizing various funds transfers, purchasing fuel for the Highway Garage from Ice Oil, approving the request for an advance of taxes collected for MCDAC, approval of an agreement with the American Red Cross, Medina County Chapter for emergency and disaster services funding, approving the submission of the SFY06 funding recommendations for the Ohio Children's Trust Fund Grant, authorizing the submission of a juvenile drug court program grant application to the Ohio Department of Youth Services in the amount of \$40,000 with no local match, declaring county property as excess property to be discarded or auctioned, and the weekly bills in the amount of \$464,305.65. An additional voucher for the bill pages was added in the amount of approximately \$9,000 for postage for the Treasurer's Office. Mr. Hambley moved to approve the 9 resolutions, payment of the bills and the addition of the postage voucher; Seconded by Ms. Ray.

Mrs. Geissman stated that it is wrong to be giving \$5,000 to the Red Cross. It is wrong to give tax dollars to any of our local non-profit organizations. There are also concerns about cuts with the Local Government Funds (LGF) and she doesn't feel the money should be given away with cuts pending in the LGF. She also doesn't feel Ms. Ray should be voting on this issue because she is/was a member of the Red Cross Board when the money was appropriated, and this is a conflict of interest.

Ms. Ray stated that she has a legal opinion from the Prosecutor's Office. She did resign from that Board and was only on it for a short time and they were already engaged in the processing of getting contributions long before she was on that Board. The \$5000 contribution is for the specific purpose of purchasing a disaster services vehicle that can be used anywhere in Medina County. The existing vehicle is 20 years old and is wearing out. Since 2000 Red Cross has responded with their current vehicle to 85 incidents with over 300 victims, provided meals, shelter and support to over 200 disaster relief volunteers, 600 volunteer firemen and numerous police officers. Unfortunately Homeland Security monies could not be used for this. Government cannot always do things best and cheapest and the \$5000 contribution along with contributions from the majority of townships and at least 1 city have allowed all political entities to provide this service to their constituents at a fraction of the cost it would cost us to own, maintain, insure and staff such a vehicle. This is an example of political subdivisions working together to provide constituents the most service at the least cost.

Mrs. Geissman believes this is not considered a true emergency vehicle; it is a canteen to serve food. She doesn't feel money should be going towards that.

Mr. Hambley stated that this has been an issue of contention. The budget where this provision was voted against is the same budget that provides \$12,345 to a poison control center that is a non-profit organization that provides services without a contract. From the beginning a contract for services was discussed in relation to a contribution for this vehicle. The contract has specific provisions for the use of the money as well as restrictions on the use of the vehicle. The

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poison control center also received \$12,345 last year. Economic Development Corporation has received funding for a number of years. Block grants have been used for the Society for Handicapped Citizens. There is a list that shows that government works well when we work with non-profits in providing for health and safety. If we were giving the Red Cross money with no specific reason or purpose that would be careless. There is a contract that ensures the use of the vehicle for specific purposes. This is a legal contribution. He presented a listing of non-profit agencies that are subsidized in their rent in our buildings. Community Legal Aid, Kidney Foundation, Salvation Army, Hands Foundation, Cornerstone Wellness, Catholic Charities, Northland Counseling, Alternative Paths and ADDS are all non-profits that are being charged very reasonable rents per square foot. Comparing their rates with the market rates for office space these agencies are getting a significant savings. The intent of this is to look at the support the county government gives to non-profits through evaluations and their benefits to the public. This helps them provide good service and it's a benefit to them to be co-located because people can go to one location. He agrees that the State continues to disinvest in local government, and as that happens we will have to look at what is discretionary and what is required. Maybe in the future we may have to look at whether it is affordable to maintain the buildings when providing discounted space to these agencies. He is trying to show that there is a public benefit and that it meets the public welfare, health and safety to provide for these agencies.

Mrs. Geissman stated that she stands by her comments. She has already had the Kidney Foundation ask for funding and she's not sure where that will stop. She feels it is a conflict for Ms. Ray to vote on this because she was on the Red Cross Board when the Commissioners voted to appropriate the money.

There was no further discussion.

Roll Call on the motion and second to approve the 9 Finance resolutions, payment of the bills as well as the addition of 1 voucher showed Mr. Hambley and Ms. Ray voting AYE on all resolutions and bills with Mrs. Geissman voting AYE on all except the contract with the Red Cross.

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 all Commissioners voting AYE.

John Stricker, County Administrator, presented a resolution authorizing a change order for Smith Paving for York Township sidewalk replacement. The Trustees requested a retaining wall along a sidewalk because of the height distance of the property abutting the sidewalk. The additional cost is \$6,025.20. Mr. Hambley moved to approve the change order; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken Hotz, Sanitary Engineer, presented a resolution authorizing the advertisement for bids for the purchase of a GPS base station and rover for the Sanitary Engineer's Survey Department. The surveyors are locating sewer and water lines to prepare a mapping system using satellite. Mr. Hambley moved to approve the advertisement for bids; Seconded by Ms. Ray.

Mr. Hambley noted that this also meets compliance with NPDES Phase 2.

There was no further discussion.

Roll Call on the motion and second to approve advertisement for bids for a GPS base station and rover showed all Commissioners voting AYE.

Dr. Ross Santamaria, Diversion & Forensic Services Director, reported that his licenses with the State for counseling and social work have been renewed as well as the malpractice

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insurance through the County and his own personal insurance. He noted that fees are down a little, which happens in the summer months.

Mrs. Geissman presented a resolution approving the petition for annexation of 137.0962 acres of land from Lafayette Township to the City of Medina. This was discussed last Monday and Thursday and it is now time to vote on the Expedited Type 2 petition. Mr. Hambley moved to approve the petition; Seconded by Ms. Ray.

Through questioning, Bill Thorne, Assistant Prosecutor, stated that an opinion from the Attorney General was not received.

Mr. Hambley stated that Trina Devanney, Assistant Prosecutor, did a good job on behalf of the Township. Although he doesn't like service islands created within the city, the telling piece of evidence was the letter from the Prosecutor's Office in January stating that the strict language of the statute that these could not be considered islands under this annexation. Had the letter not existed and the opinion was not presented, he likely could have voted the other way.

Mrs. Geissman stated that she feels an opinion will be received eventually. She feels bad about this because she likes to support the Trustees whenever possible and she is aware they were all against this annexation. Even though there was another intent meant by the law, that is not what is written.

There was no further discussion.

Roll Call on the motion and second to approve the Expedited Type 2 petition for annexation showed all Commissioners voting AYE.

Mrs. Geissman read a resolution recognizing and commending Matthew and Edna Bramley of Sharon Township in celebration of their 75th wedding anniversary. Mr. Hambley moved to approve the commendation; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

The Clerk read the resolution to allow expenses of county officials. Mr. Hambley moved to allow the expenses; Seconded by Ms. Ray.

Mr. Hambley noted that Betty Moehler is "on loan" from Job & Family Services to the Housing Network to develop their data base, and her travel is to boost her training to help with that. He noted that it is appreciated that JFS is allowing Betty to do this for the Housing Network.

There was no further discussion.

Roll Call on the motion and second to allow the expenses showed all Commissioners voting AYE.

The meeting was opened for public comment.

Lynda Bowers, Lafayette Township Trustee, thanked Commissioners for their consideration in dealing with the Expedited Type 2 annexation. The residents in the area clearly don't want to be surrounded by the City, and this expands the boundaries for future annexations. The Commissioners went above and beyond reviewing this annexation petition and were stuck with the language in the law for approval.

Kitty Dilley, Red Cross Volunteer, thanked Commissioners for the contribution contract. The disaster vehicle they will be purchasing is much more than a canteen. They transfer volunteers, provides equipment, food and home cleanup items. When there is a home fire the people need a place with heat and that is out of the element. Traditionally Red Cross depends on donations to support relief activities. The idea of government supporting Red Cross is not

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unprecedented. Most recently Congress appropriated \$70 million to Red Cross for the hurricanes in the south. This request to local governmental entities was a first for the local Red Cross in 88 years. The County, cities, townships, villages, corporations, foundations and individuals have mostly responded positively to the request. The reality of our post-9/11 world is that government and Red Cross are partners in emergency responses.

Jim Navratil presented and read a statement on the issue of townships being required to have sewer ditch enclosures and having a greater standard for subdivision roads. He had attached copies of letters from Johnson & Cunningham and Greg Elbater of Elbater & Rice, consulting engineers. Those letters support his position in this matter. Assistant Engineers in Stark and Summit Counties do not impose one standard for rural road drainage and it is based on the consulting engineer for a project. Geauga County has 16 townships and they do not approve enclosures because it is their opinion open ditches do a better job of keeping water from the road. Stark County agreed open ditches are better at handling water flow within rural developments and also implied that the Clean Water Act recommends the use of open ditches in rural development. He has been an appraisal consultant for the Muskingham Watershed conservancy District for 36 years. It was reported that Mike Salay, County Engineer, said there was concern among Trustees about residents in rural lot developments requesting ditch enclosures after they move in which presents a burden on the townships financially. He has developed over 500 rural home sites and guesses that a dozen or so have requested ditch enclosures. He had a lot of support at a recent Sharon Township meeting and asked that the County re-study this issue and allow the consulting engineers on each project to determine whether open or enclosed ditches are used. He urged the Commissioners and County Engineer to reconsider and support his appeal for a variance before the Sharon Township Trustees for Rose of Sharon, Phase 3.

There were no further public comments.

Mr. Hambley moved to recess into Executive Session after the annexation hearing to discuss pending legislation and personnel/appointment; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Commissioners moved to the Conference Room for their discussion session.

Mr. Hambley noted that he wanted the Board to be award that revisions were made for the United Way grant for clarifications. Sandy Downs, Transit Director has reviewed the changes and said they are fine.

Ms. Ray noted that a letter was received regarding sponsoring a County Fair blanket. The cost is \$25 for each Commissioner. All Commissioners agreed to sponsor this.

Ms. Ray presented a pamphlet with information from other areas regarding out-of-state travel. She asked that these be reviewed for discussion next week.

Mrs. Geissman stated that Debra Radecky, Office for Older Adults Director, has requested summer hours of 7 a.m. to 3:30 p.m.

It was noted that they have some seniors waiting to get into the Center prior to 8:00 in the morning and by mid-afternoon the seniors are all gone. The change in hours would work well with the services they provide. There should be no problems with the other agencies in the building or with security. After a brief discussion Commissioners agreed to allow the change in hours for the summer, noting that a notice needs to be in the elevator about their hours and security needs to be sure they have no issues with this.

John Stricker stated that he will be in Columbus on Wednesday with Tom Miller, Sheriff's Office, and Buck Adams, EMA Director, regarding wireless 911 training.

Mr. Hambley stated that it might be good to have Buck come in to discuss the training that is being required of elected officials. There is a lot of misunderstanding on why and what is

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needed. At this time it is only known that all elected officials are required to have the training or the county could lose some federal funding.

Ms. Ray noted that there is a Hazmat drill on Saturday, which is part of a training program. There needs to be clarification on whether it starts at 7 a.m. or 9 a.m.

There was no further business before the Board for discussion.

Commissioners convened the public hearing on the regular petition for annexation of 30 acres from Wadsworth Township to the City of Wadsworth.

Mrs. Geissman swore in those wishing to present testimony during the hearing.

Blake Gerney, attorney representing the petitioners, Wilcare Corp., stated that the parcel is on the north side of the City along Reimer Road. All owners have agreed to the annexation and the City ordinance has been provided relative to services. The parcel is not unreasonably large and there is no highway being segmented. The owners believe the benefits of annexation will outweigh any detriments. An affidavit was also received from John Easton of the City of Wadsworth. Neal Wenger and Shawn Leatherman are present and prepared to offer testimony.

Dennis Kreider, Wadsworth Township Trustee, stated that on April 22 the Trustees voiced their opposition in a letter. There are many that have problems with these issues not going before the voters of the area and it is getting to the point that no one wants any further annexations, both residents of the township and of the city. This would be a way to get the opinions of the people before everything is annexed from the township. If this land remains in the township it can be developed. The Trustees can't get their planning in place because they keep annexing land to the city. They were able to get one annexation turned down. The new law was supposed to have some advantage to it, but it does not. Their Clerk has been working with the County Auditor's Office and has been told they don't know how they will ever get their tax shares. Through questioning, he stated that the City does not want to talk about a JEDA or CEDDA because they can get the land/taxes clear and free through annexation.

Mr. Gerney called Shawn Leatherman to testify.

Through questioning, Mr. Leatherman stated that Wilcare Corp is a division of American Healthcare, which represents several businesses in the area. This acreage is directly across from the Galaxy and Holiday Inn and was acquired 3-4 months ago. Upon annexation the intent is to have 1/3 developed as residential. At this time they are considering light industrial or a small strip mall in the remaining 2/3. Park Center Drive is a dead-end that could be connected to Smokerise and then go through this property to Reimer Road. The tangible benefit is water and the only way to get that is through annexation. Water is needed for development. The city also has high-speed internet and other services in place such as police and fire. They talked with the Township after one of their meetings to see if there was any way to get an agreement between them and the City and it was apparent there is not a positive relationship between them. This was an attempt to have an expedited type annexation instead of regular.

Mr. Hambley asked that with the residential plan if their intent is also for the city's sanitary sewer, noting that according to the Department of Planning Services' report there is a visible absence of sewer in the area.

Mr. Leatherman stated they do also need the sanitary sewer, noting that the estimate is that 2/3 of the land can be served by the city's existing system and that a lift station would be needed in the middle section of the land.

There was no one from the City present to testify.

Tom Baldwin, Wadsworth Township Trustee, presented an outlook of the 30 acres and asked that if this is approved the Commissioners consider the time element and look at what else

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is going on in the area. When they say this is “only 30 acres” a review of annexations in the last few year’s shows where annexations have occurred of many “only so many acres” and what they add up to. Votes don’t seem to matter any more. Through questioning, he agreed that the Auditor’s said there is no way to figure the shared taxes on this.

There were no further comments.

In Mr. Blake’s closing statement, he asked that Commissioners review the affidavit by Chris Easton. All of the requirements have been met and the issues of highway segmentation and tangible benefits the City can provide have been reviewed. His clients sympathize with the Township and feels they are in the middle of their battle with the City.

There were no further statements or comments.

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

At 10:45 a.m. Commissioners recessed into Executive Session, which was voted on earlier in the meeting.

Commissioners adjourned the meeting at 11:32 a.m.

RESOLUTIONS PASSED:

- 05-0521 RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS

- 05-0522 RESOLUTION RECOGNIZING AND COMMENDING MATTHEW AND EDNA BRAMLEY OF SHARON TOWNSHIP IN CELEBRATION OF THEIR 75TH WEDDING ANNIVERSARY

- 05-0523 RESOLUTION DETERMINING THE NECESSITY TO CLOSE ROOT ROAD (C.H. 58) BETWEEN GARVER ROAD (T.H. 177) AND SMITH ROAD (C.H. 4)

- 05-0524 RESOLUTION DETERMINING THE NECESSITY TO CLOSE VANDEMARK ROAD (C.H. 31) BETWEEN BRANCH ROAD (T.H. 33) AND SHANK ROAD (T.H. 108)

- 05-0525 RESOLUTION DETERMINING THE NECESSITY TO CLOSE BEAR SWAMP ROAD (C.H. 52) BETWEEN WADSWORTH ROAD (S.R. 57) AND FIXLER ROAD (C.H. 75)

- 05-0526 RESOLUTION DETERMINING THE NECESSITY TO CLOSE BEAR SWAMP ROAD (C.H. 52) BETWEEN WADSWORTH ROAD (S.R. 57) AND FIXLER ROAD (C.H. 75)

- 05-0527 RESOLUTION AUTHORIZING THE MEDINA COUNTY ENGINEER TO ADVERTISE FOR BIDS FOR THE IMPROVEMENT OF VARIOUS COUNTY ROADS BY RESURFACING WITH VARIOUS BITUMINOUS ASPHALT MATERIALS

- 05-0528 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS COUNTY DEPARTMENT ACCOUNTS TO THE GASOLINE ROTARY FUND

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- 05-0529 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS COUNTY DEPARTMENT ACCOUNTS TO THE MEDINA COUNTY PRINT SHOP REVENUE LINE ITEM

- 05-0530 TRANSFER OF COUNTY GENERAL FUNDS TO THE MEDINA COUNTY ALCOHOL, DRUG ADDICTION & MENTAL HEALTH BOARD

- 05-0531 RESOLUTION AUTHORIZING THE PURCHASE OF 5,500 GALLONS OF DIESEL AND 1,500 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE MEDINA COUNTY HIGHWAY GARAGE

- 05-0532 APPROVING THE REQUEST FOR AN ADVANCE OF TAXES COLLECTED FOR THE MEDINA COUNTY DRUG ABUSE COMMISSION

- 05-0533 APPROVAL OF AN AGREEMENT WITH THE AMERICAN RED CROSS, MEDINA COUNTY CHAPTER FOR EMERGENCY AND DISASTER SERVICES FUNDING

- 05-0534 APPROVING THE SUBMISSION OF THE SFY06 FUNDING RECOMMENDATIONS FOR THE OHIO CHILDREN'S TRUST FUND GRANT

- 05-0535 AUTHORIZING THE SUBMISSION OF A JUVENILE DRUG COURT PROGRAM GRANT APPLICATIONS TO THE OHIO DEPARTMENT OF YOUTH SERVICES

- 05-0536 RESOLUTION DECLARING MEDINA COUNTY PROPERTY AS EXCESS PROPERTY

- 05-0537 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS

- 05-0538 RESOLUTION AUTHORIZING A CHANGE ORDER FOR SMITH PAVING FOR YORK TOWNSHIP SIDEWALK REPLACEMENT

- 05-0539 RESOLUTION AUTHORIZING THE SANITARY ENGINEER TO ADVERTISE FOR BIDS FOR THE PURCHASE OF A GPS BASE STATION & ROVER TO BE UTILIZED BY THE MEDINA COUNTY SANITARY ENGINEER SURVEY DEPARTMENT

- 05-0540 RESOLUTION APPROVING THE PETITION FOR ANNEXATION OF 137.0962 ACRES OF LAND KNOWN AS BEING PART OF LAFAYETTE TOWNSHIP TO THE CITY OF MEDINA, MEDINA COUNTY, OHIO

- 05-0541 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

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MEDINA COUNTY COMMISSIONERS:

Patricia G. Geissman

Respectfully submitted,

Stephen D. Hambley

Pamela J. Terrill, Clerk

Sharon A. Ray