

COMMISSIONERS MEETING – MONDAY, MAY 17, 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 May 10 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 final plats for Westbury Place Subdivision Phase IV and River Trace Subdivision Phase I, approving annual assessments & establishment of public watercourses for Westbury Place Subdivision Phase IV and River Trace Subdivision Phase I, approving the use of Subdivision Drainage Maintenance Fund for repair work in Fox Meadow Subdivision Phase 2, and accepting & awarding the bid for the replacement of Bridge No. 36 on Ryan Road. Mrs. Geissman moved to approve the 6 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 annual appropriation resolution by increasing/decreasing appropriations, various fund transfers, revenue adjustment for Workforce Development Fund, approval of an agreement for health care plan consulting services, authorizing submission of a grant application for a Domestic Relations Court visitation center program, and the weekly bills in the amount of \$693,921.91. The agreement for health care plan consulting services is a renewal with Dorman-Ferrell for assistance with our self-insurance plan. The grant application for Domestic Relations Court is a renewal for funding, which began this year. The program is operating out of the YMCA, and the application is in the amount of \$17,975. Mrs. Geissman moved to approve the 8 resolutions and payment of the bills; Seconded by Mr. Hambley. There was no discussion. Roll Call 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.

John Stricker, County Administrator, presented a resolution entering into agreements for playground equipment for the Society for Handicapped Citizens, which will be funded through CDBG. The award is to Snider & Assoc. for the swing-sets swings & safety surface for a total of \$15,953.04, with the sidewalks, base for swing-set and pavilion base going to Pappas Construction for a total of \$14,352. Mrs. Geissman moved to approve entering the agreements; Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

John presented a resolution amending the Table of Organization for Human Resources by adding a seasonal worker to pick up the slack during an employee's maternity leave. Mrs. Geissman moved to approve the amendment; Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

John presented a resolution amending the Table of Organization for Sanitary Engineers-Water Division by adding a full time seasonal employee. Mrs. Geissman moved to approve the amendment; Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

John presented a resolution amending the Table of Organization for Building Department by deleting a full time Building Electrical Inspector and adding an Information & Computer

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Systems Specialist. Mrs. Geissman moved to approve the amendment; Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken Hotz, Sanitary Engineer, presented a resolution declaring the necessity of a project to extend sanitary sewer lines along SR 162 from the Highway Garage to the University property as well as to replace the line along Lafayette Road between Lake Road and the fairgrounds. This authorizes advertising for bids. Mrs. Geissman moved to approve the project; Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution declaring the necessity of a project to replace the Valley City pump station and to rebuild the pump station at Boston and Carpenter Roads. Both pump stations were constructed 30 years ago. This resolution authorizes advertising for bids. Mrs. Geissman moved to approve the project; Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution to invest the retainer of G.E. Baker Construction for the SR 57 and SR 162 intersection waterline relocation and Poe, Hamilton & Hamlin Roads waterline construction projects into an escrow account. Mrs. Geissman moved to approve investing the retainer; Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution approving a change order for SR 18 sanitary sewer relocation work that had to be done for the widening of SR 18 and I-71. There were some deficiencies in the plans from ODOT. Mrs. Geissman moved to approve the change order; Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Patrice Theken, Department of Planning Services (DPS) Director, thanked Commissioners for allowing her to attend the American Planning Association (APA) conference. She served as the delegate representing the Ohio APA Chapter for the third year. They reviewed and adopted policies on energy and public redevelopment. She also volunteered for a task force preparing a policy for adoption by the APA next year on security. She is seeking assistance from Buck Adams, EMA Director, on this. She also participated on "Planners Day on the Hill" where planners met with members of congress from their districts about various legislation. She met with Congressman Ralph Regula and a staff member of Senator Mike DeWine's and expressed the APA's concerns to continue T21, the Transportation Equity Act for the 21st Century. That was to expire but was continued for a couple of months to continue debate. The opening speaker at the conference was Oregon's Representative and he discussed urban growth boundaries and the separation of urban and rural areas to control sprawl. She presented information from the conference regarding the need for planners' active participation in advocating planning. She reported that attendees were impressed that the Medina County Commissioners have started a grant program to help local communities with their comprehensive plans by giving these incentives to the townships as well as the zoning workshops provided by DPS. Patrice noted that the next workshop is May 25th on the responsibilities of zoning inspectors. The Prosecutor had made a presentation last year on this subject and that material will be used as well as holding discussions on enforcement issues. Through questioning, Patrice stated that no grant application has been received as yet. There is a meeting on May 27 to answer questions from the entities interested in the grants. The grant applications are due June 18. The office is re-sending the grant information because some township representatives have not received it.

Art Verdoorn, Building Official, presented and reviewed their report for April. They issued 103 new home permits in April versus 99 last April. Year-to-day there have been 287 new home permits versus 281 during the same period last year. There has been a significant increase in commercial with permits being issued at a value of over \$21,000 for April and over \$73,000 year-to-date. By this time last year they had issued permits valued at \$60,000. Construction is still going at a higher pace than last year for residential and commercial. The Building Department has been involved with the adoption of the new residential code. There have been 2 evening meetings with contractors and the Homebuilders Association. Modifications were requested last week to use the '99 code for front entrances and that is being

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worked into the new code. They are still on track to have the new code adopted and effective by July 1.

Mrs. Geissman noted that the average construction cost for a new home in this report is over \$200,000. Yesterday's Beacon reported that the average is Medina County for building a new home is \$144,000.

Art stated that the cost in the newspaper may have been an overall cost, noting that his department does not report on construction within the cities and the costs are based on figures the contractors tell his office when they are issued the permits.

Mrs. Geissman noted that the costs listed do not include the cost of the land and that the average Medina County residents cannot afford those homes.

John Jones, Transportation Services Director, reviewed their statistics for April. The ridership on the "L" was down 23% from last year, and seems to have stabilized. He will be pressing a new route plan to the City of Medina for review. The overall ridership was up 4% for the year. They traveled 77,458 vehicles miles and used 7,999.9 gallons of fuel for an average fleet miles-per-gallon of 8.84. The trip denial rate was 2.03%. There was one vehicle accident and 14 customer complaints in April. The billing accuracy was 99.58%. The operating ratio was 8.51%, which was down because some checks were not received on time. The on time performance was 94.02% and the cost per passenger was \$14.93. They had 2 breakdowns, which were both transmissions. They have used the RLS report to make some changes in dispatching. They have eliminated will-call pickups, they have a dispatcher as well as a scheduler now, and a route analysis is being done now. There are several days during the week that they get overbooked. Next month they will be realigning the dispatching functions. He attended a seminar on chartering because there have been some charter operators complaining that public transportation operators are doing charter work. This doesn't impact our services much, but there were a few trips done that may be in question.

Mr. Hambley clarified that Transit can do charters, but there are certain procedures that have to be followed.

John added that there are guidelines. There is a limit on miles and groups that have to be given a list of charter providers. Those groups have to check with the charter operators and there has to be written permission before Transit can handle those trips.

Ms. Ray presented and reviewed a notice of an annexation petition filed. It is a regular petition for 177.1326 acres from Wadsworth Township to the City of Wadsworth. The hearing is scheduled for July 19.

The meeting was opened for public comment.

A gentleman asked if this is the time for comment relative to the annexation hearing.

Ms. Ray noted that this is part of the regular meeting and not part of the hearing.

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

Commissioners recessed the meeting at 10:02 a.m.

The meeting was reconvened at 10:15 a.m. for the public hearing on the petition for annexation of 139.2605 acres from Wadsworth Township to the City of Wadsworth.

A copy of the sign-in sheet is attached to the end of the minutes as Exhibit A.

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Ms. Ray swore in those wishing to testify during the hearing.

Amie Bruggeman, Agent for the Petitioners, proceeded with her opening statements. The petition was filed March 3 for the petitioners, the Vance's and Olmsted's, for the annexation of 139.77 acres. This was amended on April 30 to reduce the acreage by .1495 for a total acreage of 139.6205. All of the petitioners are related and Ms. Bruggeman reviewed the ownership of the properties involved. The family has decided that it is time to sell the land and to seek annexation. This is not filed under the expedited type of petition although 100% of the owners request the annexation because an annexation agreement could not be reached. This land will be used for a residential development once it is annexed. The township will benefit by receiving a tax share for 12 years. Currently the property is used for agricultural and doesn't generate much tax. Upon development, the tax benefit will increase. The fact that 100% of the property owners signed the petition is proof that they feel it is beneficial to their property. Case laws shows that annexation is to be encouraged and that deference be given to the owners. The City of Wadsworth passed their ordinance on services and David Singleton, Safety Director, and Mayor James Renacci have filed affidavits that services can be provided. The land meets the question of contiguity with 3230 linear feet on the south connecting to the City. The land is not unreasonably large nor is it irregular in shape. The majority of the land is west of Hartman Road, with a portion to the east. There is a reciprocal agreement of service and maintenance between the City and County involving boundary roads, which will cover Hartman Road. Therefore, there is no highway/road being divided to cause a maintenance problem. The City's comprehensive plan calls for this area to residential with sewer and water. The surrounding land is residential. Each owner has a good reason, such as retirement, for requesting annexation. For development the land needs sewer and water service, which the township cannot provide. All technical requirements and factors presented for Commissioners to consider have been met. Based on the evidence there is ample support for approval of this annexation.

Through questioning, Chris Easton, City Services Director, stated that Resolution #04-01 enacted by the City of Wadsworth describes the timing of delivery of public services if the land is annexed. The delivery of most services is upon annexation except for the delivery of water & sewer being conditional upon improvements to the infrastructure, which has at least a 2 year time period. The City's process of evaluation is to ask the Service Director, Safety Director, Superintendent of Schools, and Planning Director for their opinion of the impact of the annexation relative to a number of issues, such as public service delivery and comprehensive planning issues. There is an internal process of evaluation and those opinions are forwarded to a city council committee for economic development & planning. That committee forwards a recommendation with language in a resolution for council as a whole to consider. In this case the recommendation was favorable and council considered the recommendation and passed the resolution, which states most public services can be provided upon annexation and that some are conditioned upon improvements to infrastructure with approximately a 2 year time period. The City is in the process of examining the capacity of their well water supply, wastewater treatment capability and water treatment capability as well as the projected timelines for improvements of those facilities. The study also includes examination of the interceptor capability for the sanitary sewers that lead to the treatment plant primarily because of the proposed development in this case. A portion of this land is outside of the gravity flow area so lift stations are needed. Due to the lift stations they are looking at not only the wastewater treatment plant capacity but the interceptor sewer to the plant. The engineering studies are not only looking at this land but all of the development Wadsworth is facing. The majority of the portion of land south of I-76 and a small portion north of I-76, the southwest corner will have gravity flow. The City is in the process of expansion and has raised rates for a number of years in anticipation of this. The City has filed for a loan with the OWDA for \$17 million for the expansion of the wastewater plant. Construction is anticipated to begin in the early part of 2005 and has a projected construction time of approximately 3 years. Relative to the water supply the City has been in the process of expanding the well water supply. The City has been, and continues to be, in the process of land acquisition for a well water transmission line. The projected time for the new water supply is 2007. Based on the studies and current capacities, he believes this property can be provided sanitary sewer and water in the future. The proposed land use for this area in the City's current comprehensive plan suggest this as a potential residential growth area with a density anticipated

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as 2-3 units per acre. The comprehensive plan provides design guidelines for the area suggesting open space residential development. Once annexed, this land would be subject to the design regulations of the City including buffers and open space. Currently their zoning regulations for planned unit developments require a certain degree of open space. Relative to Hartman Road, there is a reciprocal maintenance agreement with the County Engineer. The City anticipates that the agreement would be updated as additional land is taken into the City, and perhaps this section would be the City's responsibility. That would be about a 4% increase in the City's road maintenance responsibility.

Ms. Bruggeman presented a copy of a road maintenance agreement as Exhibit A for the file and asked Mr. Easton about the agreement.

Mr. Easton stated that the copy is the latest signed maintenance agreement between the Medina County Engineer and City of Wadsworth that defines the locations of minor maintenance and the division of responsibilities of boundary roads. Hartman Road is included in the agreement and the section within the proposed annexation area is currently the responsibility of the County Engineer. He read Section 7 of the agreement that states the City and County will meet within 90 days after an annexation or detachment to review and make any necessary adjustments to balance the maintenance responsibilities. The agreement anticipates how the process will continue with the maintenance of this road.

Through questioning, Mike Salay, Assistant County Engineer, stated that currently the County Engineer handles the crack sealing, pot holes, and snow & ice removal on Hartman Road.

Mr. Easton responded to questioning that the City would not have a problem providing maintenance to the addition 4-5 miles of Hartman Road and that they do have the equipment to do that. The City already provides fire & EMS to the area and they would be able to provide adequate electric services. The City has 3 phase power in the area and there is plenty of capacity in the Akron Road substation. The City has adequate capacity for sanitation services in terms of their new automated loader system.

There was no further questioning of Mr. Easton.

Through questioning, Donald Vance, 8228 Hartman Road, stated that he and his wife signed the petition for annexation and do still want the property annexed. There are 3 parties involved: he & his wife, his sister & husband, and his mother. He and his wife are retired and overwhelmed with the amount of property. His sister lives out of state and is supportive of the annexation. His mother is in a nursing home and her funds are getting low with the high expenses there. He has Power of Attorney for his mother and signed for her on the petition. He has had Power of Attorney for approximately 20 years. They are requesting annexation for better service. The ability to sell the property would be less if it stays in the township and it would be much less than what they could obtain without the city services.

Ms. Ray asked if there were any challenges to the petition signatures and there were none.

Ms. Ray reviewed the validity of the petition in that it contains the signatures of the majority of owners and those signatures were not obtained more than 180 days before filing the petition; an accurate legal description and plat were filed; an agent was listed in the petition; and, a list of adjacent property owners was attached to the petition. She asked if the required procedures for filing had been followed and the Clerk responded that they had.

Rick Strong, 8206 Wilhite Drive, stated that his property is on the eastern boundary of the proposed annexation territory and that he and his wife have lived at the present residence for 13 years. He is expressing the concerns of himself and his wife. In looking at the big picture of this proposal the facts indicate that any benefit is outweighed by the detriments to the Township, City and the property proposed for annexation. The general proposition of urban sprawl is on

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everybody's minds on a statewide level, in Medina and in certain occasions in Wadsworth. He has a petition to present signed by 35 residents of the Wilhite Subdivision, which is an overwhelming majority of the subdivision, that consider this an extreme detriment to the life style of their rural suburban neighborhood. A bond issue was passed in the State 4 years ago to deal with urban sprawl and \$25 million was earmarked for farmland preservation. This is not a fringe concern but concerns of constituents. Some of you campaigned on that issue with respect to farmland preservation being a concern for Medina County. This property is presently farmland but under Township zoning it is subject to 2 acre development, not 2-3 residences per acre as it would be in the City. He has read the City's comprehensive plan and it speaks in specific terms of the concerns of the citizens of Wadsworth in 1996 that "the rural small town atmosphere of Wadsworth be preserved". In his opinion there is a faction in city government that is abandoning the intent of their comprehensive plan. Everybody is familiar with the development at the north end of Wadsworth and with the recently annexed property concerning the Route 261/I-76 area, and now this huge bite is proposed to be taken out of the Township. He received a copy of the comprehensive plan update summary from the City Planning Department, which he will submit as an exhibit. In the plan summary the land in question is designed as a rural residential area and it speaks of the various kinds of open space residential development that can take place. He listened to and read the March meeting of the Economic Development & Planning Committees and there's a thrust to abandon this kind of concept. There's no assurance that open space residential development will exist by the time this property would be subject to development. It is an extreme detriment to the Township that a probable dense urban development will be put into what has been a rural suburban atmosphere. When Mr. Easton was speaking about the improvements being available, he heard many contingencies and that "things are in process". Leading questions created an assumption that these services will in deed be available. There is a well publicized water concern in Wadsworth and the capability of the City providing water is something that is contingent, not assured. Relative to pump stations being needed, the City is promising these things and that they will be available. There has been no talk about traffic studies. The area has 2-lane rural roads, which are getting dangerous for bikes to travel on. Now there is talk of 500-600 residents being added on Hartman Road and that doesn't take into consideration the imminent traffic burden when the WalMart and the Route 261 developments are completed. The proposed changes are not minor or cosmetic but radical to the northeast portion of the greater Wadsworth area. High density is not in keeping with the long range plan. The March 6 Gazette had an article announcing Mr. Easton's promotion, which he will submit as a exhibit. In the article the Mayor of Wadsworth said there is a 60% residential to 40% business/industrial tax base ratio, which was described in the article as unfavorable. This proposal goes against the grain of that statement. An issue to the benefit of a residential development on this land is the fact that a large portion of the property is underlain with an abandoned coal mine. He reviewed a map from the ODNR, which he will submit as an exhibit, showing a coal mine in this area that is most likely filled with water. There is a creek going through the Wilhite Subdivision that is fed by a hole coming out of the ground that is the low end of the coal mine. Coal mines filled with moving water create a danger when subsidence occurs. He reviewed a publication from the DNR, which he submitted as an exhibit, about the dangers or subsidence and the difficulties of getting assistance and insurance when people are unnoticed before they buy property. Mr. Strong reviewed a picture, which he submitted as an exhibit, showing a slope into the subdivision and tree line. If the trees are removed when the land is developed there would be big problems in the subdivision from increased run off with no place to go. There is already a problem during heavier storms causing huge amounts of water going through the lots. Taking away the trees will also create run off into spoutings and a substantial portion of the clean water that flows through the aquifer will be taken away. A good portion of the Vance property that abuts the subdivision properties is the old woods. If the land is developed in 2-acre fashion he is sure there wouldn't be any problem with the aquifer, which affects their wells. He is concerned about what would drain into the wells if an urban development goes in. The Commissioners are the first step in the annexation process. The Commissioners are the only ones that look at the big picture. The other parties have their own interest involved. If Commissioners don't take a good look at this nobody will. The residents of the subdivision have no complaints about the services they receive from the Township. Township property is a premium and no farmer will suffer by selling his property at township lot

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prices versus city. The real beneficiary here is the developers that will slice this into as many pieces as they can.

Mr. Strong presented his exhibits to the Court Reporter for marking.

Ms. Ray asked if anything has been received from the Wadsworth Township Trustees regarding this annexation and the Clerk responded nothing was received.

Through questioning, Mr. Strong stated that his property is directly adjacent to the tree line. When he bought his property he relied on the fact that there was 2 acre zoning. When the City's comprehensive plan came out he was pleased that the City and several citizens, including Mr. Easton and Ms. Ray, were articulating what he felt was the right direction for the City and what most of the people he talked with perceived to be the direction. He agreed that zoning laws are laws and that the comprehensive plan is a guide for the City. As for the City requiring traffic studies during the process of development, he is not confident in what the City may do. The maps show that most of the City is not built over coal mines but he is sure there are many residents living over coal mines that are unaware of that. This is a huge coal mine and he feels the potential homebuyers need to know that.

Ms. Bruggeman stated that from her experience the City addresses the coal mine issue when development is taking place.

Mr. Hambley asked if Mr. Strong provided this information to the Wadsworth committee when they were going through the process of evaluating whether to provide services.

Mr. Strong stated that he was not aware of the proposal until he was told by Ms. Bruggeman that he would be receiving a letter about the annexation, and he had not opportunity.

Mr. Hambley asked Mr. Easton how the City handles subsidence issues and abandoned coal mines, and asked if he was aware of these concerns when Council evaluated the annexation.

Mr. Easton stated that the City did not and has not considered the annexation other than what services would be provided if the land is annexed. If the property is proposed for development within the City he believes the City Planning Commission would require a geologist and testing of the site to determine its capability for development and evaluate that as part of their development process as it has been done recently with similar issues.

Mike Cavanaugh, 8914 Wilhite Drive, on behalf of himself and wife, Kathy, reinforced Mr. Strong's statements that water and sewer services to the annexed land would be on the "if come". Mr. Easton has said it is in the planning. There has been an ongoing situation with water and sewer in the City. He understands traffic studies will be done, but they have to consider the traffic that WalMart and any residual stores on Reimer Road will bring. Another concern is the storm run off. Also of concern is a traffic plan because this annexation is on 2 sides of Hartman Road. He noted that he is aware of the stance the City has with coal mines. He was associated with a project on Great Oaks where the owner was forced to move his design and facilities. It took that owner over a year to redesign the area and get approval through the Planning Commission. The City does take this very serious. However, he's seen what happened with a development to the north and it is critical how they test these.

John Doering, 8171 Wilhite Drive, stated that his concern is the water run off. The creek that runs through the Wilhite Development is dorsal most of the time but during a big storm it becomes a raging stream. One time he saw a neighbor's house 80% surrounded by water. That has happened once in his 13 years living here, but he is concerned about what will happen with additional run off into the stream. A topographical map will show that the water drains to the east and north and eventually drains into this small stream.

Mr. Strong added that during dry periods the creek has an orange base which is indicative that there is iron pyrite in the water, which is further evidence that it is coal mine water. In

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Canton they had to keep filling an old coal mine under a freeway because subsidence kept reoccurring due to moving water in the coal mine.

There was no one else wishing to testify at this time and Ms. Ray asked for closing statements.

Ms. Bruggeman stated that there is concern by the Vance's and other property owners that development goes forward in cooperation with the neighborhood to make sure everyone's concerns are met. However, those concerns are for another day. Under the laws for annexation there are specific criteria that have to be met and she believes they have all been met. The issues that have been raised are valid and she feels that when the property is developed those issues will be addressed by the City. She asked that the issues of development not be confused with the issues of annexation. The law gives deference to a property who wants his property annexed. This is a family that's 100% for this, which is evidence that this is beneficial to their property. They feel it will also be beneficial to the surrounding property because it will be residential. The tax benefit gained by the development will assist the Township. The Township Trustees have not opposed this annexation. The City has passed a resolution to extend services. The statutory requirements have been met.

Mr. Strong stated that he attended the Township meeting and the Trustees said they were not in favor of this annexation. He's not sure what witnesses were referred to that the Township hasn't opposed it.

Ms. Ray stated that the Commissioners have not received anything from Wadsworth Township officials. She thanked those that participated in the hearing. The Board has 30 days to render a decision.

Mr. Hambley noted that he would like to review the exhibits that were presented and that additional information may be needed.

Bill Thorne, Assistant Prosecutor, stated that the hearing can be continued to allow for that.

After a brief discussion, Mr. Hambley moved to continue the public hearing on the annexation of 139.6205 acres from Wadsworth Township to the City of Wadsworth to Monday, June 7 at 10:00 a.m.; Seconded by Mrs. Geissman. There was no further discussion. Roll Call showed all Commissioners voting AYE.

Mr. Hambley moved to recess into Executive Session for the purpose of discussion pending litigation and personnel/compensation at 11:12 a.m.; Seconded by Mrs. Geissman. There was no discussion. Roll Call showed all Commissioners voting AYE.

At 1:30 p.m. the Assistant Clerk received bids for striping for the County Engineer's Office from Aero-Mark Inc., Oglesby Construction, JD Striping & Services Inc., and Interstate Road Management Corp. The bids were turned over to the Engineer's Office for review and recommendation.

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

Mrs. Geissman stated that she has received a phone call from the PUCO that there are a couple of problems with 2 of the railroad crossings that are to get gates and lights. There is a driveway within the railroad's right-of-way on Branch Road. The owner didn't get a driveway permit and the drive will have to be moved. The PUCO will move and fund this move. There will be a meeting on June 3 regarding the Beach Road crossing to discuss a culvert that has badly deteriorated and needs replaced. This will boil down to who is responsible for replacing the culvert. If it is the railroad company, they want it to be part of their 10% costs for installation of the lights and gates. She will report back after that meeting is held.

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Mrs. Geissman reported that almost the entire Railroad Safety Task Force participated in Operation Live Saver. The City of Medina had no officers available when the train arrived in Medina, but did try to provide available officers at the intersections in town before the train left. They did witness numerous violations and it was unbelievable to see how many chances are taken by drivers. Most of the violations involved crossing the tracks with cross-buck signs only. There was a brief discussion on malfunctions causing a problem by not coming on when they should or when they're on and there is nothing coming.

Ken Hotz presented pictures of the Hinckley Treatment Plant showing the lawn. A contract was awarded for lawn maintenance and the last time this lawn was mowed was May 1. The contractor has been contacted and met with his office. He suggested removing the Liverpool and Hinckley plants, which have the largest lawns, out of the contract and then to negotiate a split of the contract or a new contract. Through questioning, he stated that snow plowing is done by another contractor at the pump stations and treatment plants. He may have an amendment to the contract for next week.

Mr. Hambley noted that the meeting after Memorial Day is scheduled for Tuesday and asked if there was a problem moving it to Thursday, June 3. It was noted that the Auditor would be holding a sale on June 3 in the Administration Building. After a brief discussion, it was agreed to move the June 1 meeting to the 3rd and to change the meeting time to 10:00 am.

Mr. Hambley noted that the RFP's for professional advocacy services will be received on June 4. He shared this list with the Housing Network and the ADAMH Board does this work and he is getting a list from NOACA that they had when they took bids on this.

Through questioning, Chris noted that the consultant will be required to file monthly progress reports in order to receive payments. There is no advance payment. They will invoice monthly with their reports. There is a limit in the budget for this work, but it is not stated in the RFP. Commissioners will negotiate the contract amount.

Mr. Hambley moved to authorize advertising the RFP's; Seconded by Ms. Ray. There was no further discussion. Roll Call showed all Commissioners voting AYE.

Mrs. Geissman stated that this doesn't mean that she approves what is being done, noting that she expressed herself at the budget hearings.

Chris will get the advertisement out this week.

Ms. Ray noted that Peter Lawson Jones is making calls to recommend the Ohio Comp organization for worker's compensation management. The information has been forwarded to Gary Berkowitz, who is meeting with various companies to make a recommendation to the Board.

Ms. Ray noted that an email was received from Councilman Gary Werner of Brunswick regarding a freezer donation for their food pantry.

Mr. Hambley stated that he plans to talk with Julie King about FEMA money for this, noting that the food pantry had declined money through this a couple years ago.

It was noted that a vehicle auction will be held some time in the summer.

Ms. Ray asked if the City Council Clerk's have responded to a request for a joint meeting.

The Clerk stated that Medina is the only one that has responded at this time. It was noted that Brunswick and Wadsworth Councils are meeting this week.

Commissioners recessed the meeting at 1:55 p.m.

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Commissioners reconvened the meeting at 2:00 p.m. for the public hearing on the widening of a section of Lake Road.

A copy of the sign-in sheet is attached at the end of the minutes as Exhibit B.

Hal Gerspacher, County Engineer's Office, gave an overview of the project that will involve putting in a left turn lane to access the university/technology park. Additional right-of-ways will be taken, storm sewers will be replaced, and driveways will be replaced with concrete aprons. The project ties in right at the bridge driveway, which will not be affected much.

Eric Markert noted that his brick driveway will be disturbed. He expressed concern that this is a large undertaking and expenditure of money for a third lane. He suggested lowering the speed limit and maintaining 2 lanes until the impact from the university/technology Park is known. He questions the necessity of this widening for a third lane until it is understood what exactly will be needed. There will be an access to the Park at Route 162, which is a 55 MPH road, which would warrant a third lane for turning. However, Lake Road is a fairly residential rural road that doesn't have a massive amount of traffic except at the peak times of 7 am and 3 pm when factories have shift changes. He does foresee that a stop light will eventually be installed at 162/Lake as he seems them being put in every where else in the county.

Mr. Hambley stated that a traffic study was done with projections and forecasts in terms of traffic. He's not sure in any type of development such as this that it can be said it's precise within the next 10-15 years because there's a lot of assumptions. However, the traffic study indicated the need for this turn lane as well as one on 162.

Hal stated that other than knowing the study was done he has not been involved in any part of it.

Mr. Hambley stated that, as noted, there is a significant amount of traffic utilizing Lake and with the question of additional traffic being generated by the University Center and the Technology Park, people will still use Lake for access.

Mr. Markert stated that traffic tapers off after the 2 peak times and he feels lowering the speed limit will work. There's no reason for a turn lane to make a right turn if the speed is lowered.

Hal noted that the turn lane is not for a right turn, but a left turn. The widening taking place is an offset to have a left turn lane as people travel north bound so they won't hold up traffic. He reviewed the drawings showing where the left turn lane will be, noting that a right turn or deceleration lane is not being added.

Mr. Markert and Leroy Thomas questioned why the widening is not taking place on the opposite side of the road, noting that poles, mailboxes, fire hydrants and a waterline will have to be moved if done on their side of the road. The left turn lane is to benefit those traveling north and the widening should take place on that side of the road. They also feel it would be cheaper to move one storm sewer on that side rather than all of the items on the side planned for widening.

Hal stated that the waterline is not being moved. There will be a fire hydrant or 2 moved. There is a major storm sewer on the other side of the road, noting that it is a 36" diameter concrete pipe versus a 12" storm sewer on the side with the poles, etc.

Mr. Markert questions the rationale behind proceeding with this until it is know how many people will turn north onto Lake to make a left into the Park instead of going straight on 162 to make a right turn. There are a lot of unknowns and a lot is being presumed in order to proceed with this now.

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Mr. Hambley stated that the last thing you want to do is create a dangerous situation and then decide to do an engineering solution. A traffic study is done so that the engineering can be done before a situation develops.

Mr. Markert questions the people doing traffic studies. A stop light was put in at River Styx and Smith Roads and now there are problems with making turns at that intersection during peak hours. A traffic study said the light was a good idea, but in the afternoons there can be 17 people waiting behind someone making a left turn there. If it had remained a stop sign intersection people would stop and then proceed after waiting just a few seconds. The study done for this may show how much traffic is flowing on Lake at any given time of the day, but it doesn't predict the future by saying a specific number of cars will be making the turn into the Park. If people go down 162 and turn in it's a whole different scenario. He doesn't know the numbers expected to be generated by the university, but he doesn't believe people will go north on Lake to make a left turn when they can go down 162 and make a right into the Park. He hates to see the property owners inconvenienced and he hates to see the county spend the money on something that isn't necessary.

Mrs. Geissman stated she doesn't know what the numbers are, but she trusts those that have done the studies would know what the numbers mean and that's why the recommendation is coming before Commissioners as the solution to make sure traffic flows smoother in that area. We don't know the number of cars going to the facility until it is built, but there is a way to estimate that.

Mr. Markert stated that the university has been on his mind because it's in such an out of the way location, and he's not sure how best to handle the traffic, but he believes those going to the Park will go straight on 162 to make a right instead of going north on Lake to make a left turn. A left turn lane would be more warranted on 162 because the traffic is heavier and traveling at 55 MPH. A fourth lane for a right lane may also be warranted on 162.

Hal stated that ODOT has already dealt with that for 162 and there will be left turn and right turn lanes.

Mr. Markert stated that will see the brunt of the traffic going into the Park. He also is looking out for his property as the brick driveway, which he laid by hand, will be torn up.

Mr. Hambley asked if he wouldn't agree that the county should use the same criteria and analysis for turn lanes or deceleration lanes for the technology park/university center that is used for a subdivision by a developer.

Mr. Markert stated that a housing development has a quantifiable number and he would say they should have a different set of rules. The criteria should be considered site specific.

Mr. Hambley stated that the same rules in terms of anticipated traffic are being applied. They generate those numbers and what they anticipate by looking at similar types of commercial facilities. They have numbers from the University as to their estimates of traffic when their facility is built out. If a private developer was handling the technology park development the same information would be utilized and he believes the results would be the same. Relative to Mr. Markert's scenario of turning into the Park, entering at 162 would be towards the far end of site. Most people knowing where they are headed will try the straight line and/or shorter distance. Relative to the numbers in the traffic study, he stated that a copy of the study would be made available to Mr. Markert.

Mr. Markert stated that a stop light was put in where he's worked (River Styx & Smith Roads) and there was no improvement to the traffic pattern and now we are paying to operate and maintain the light. He questioned removing 4 stop signs and installing a light where a traffic problem has now been created that is unsafe.

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Ken Hotz stated that he lives $\frac{3}{4}$ of a mile from the River Styx & Smith Road intersection and it is much safer than it has ever been. The gentleman that lives on the corner has called the Commissioners and told them he was against the light but is now happy that they did it.

Mr. Markert stated that is not what the gentleman is telling him. He hates seeing money thrown at a project when the outcome is not certain. He would rather see the streets go in and the school built first. The prospective opening date is 2005 and there is no idea if they will be at full capacity at that time. He questions the need to do this project now if they aren't going to be at capacity for 5 years.

Mr. Hambley stated that the same rules, procedures, process and criteria are being applied that would be used if a private developer was doing it. There are a lot of developers that would like to hold off doing improvements to an intersection until they have their development completed. We are trying to live within our policies, which is the legitimate thing to do.

Mr. Markert understands that there's a criteria base and that the county has a blanket statement that everybody will receive this treatment, but he feels at some point the criteria has to be site specific. In this site he is concerned about the truth of its necessity.

Mrs. Geissman asked if the issue is true concern for the finance of the county or if the issue is more of a concern of changing his driveway.

Mr. Markert stated that it's a little of everything. The Park is going to be 50 feet from the back of his house and he is trying to keep informed of what is happening. He has concerns about the issue of displacing his driveway, but he realizes at the widest point he'll lose $3\frac{1}{2}$ feet of the corner of his property. He is concerned about the construction and the vehicles and equipment that will be there causing problems for his family to get in and out of their property. A lot is being done for the University of Akron and they are coming to the table with an educational facility that is unproven. He understands they will be bringing in teachers from other facilities to teach specific courses. It's going to be a commuter teacher college as well as a commuter college for training.

Mr. Hambley stated that they'll be using teachers from Medina County as well as using resident faculty from other institutions.

Thomas Prohaska stated that getting the study will be nice, adding that planning ahead is the best way of doing things. He lives on the southwest corner of 162/Lake. The area is growing like mad, not only with the University adding to it but the other developments being built.

Hal agreed that the University is not necessarily the sole generation of traffic. There are some advantages of doing it at one time rather than coming back later to re-do it. He added that if owners have issues directly involving their properties he will go over the details with them.

Mr. Hambley added that Stan Scheetz said there's another development that's going to connect to 162 and another that will eventually punch through. The whole area to the east is planned for subdivisions.

Mr. Markert stated that he read the map and the project starts at the corner of the current mailbox that is the corner of his driveway and it widens out. At the widest point they will take about 18 inches of his driveway, but when you build a road you have to build wider than that. He'll have about 20 feet of brick torn out that he will have to re-lay. He will go over those concerns personally with Hal. He is happy with the university idea, but he wants to be sure as much homework is done as possible before the project begins. He hates to see money spent on something that isn't necessary. Relative to the same criteria being used for this development as with other subdivisions, a housing development has a projected number of houses and you know exactly how many houses and how many cars within reason to project. With a school, knowing when they will be at full capacity and when things will actually come to fruition would be helpful.

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Hal stated any cost associated with removing and re-laying the bricks will be part of the project. Relative to access to his property, it is expected that there will be access in and out of the driveway. The Engineer's Office has done a lot more difficult jobs than this one.

Rebecca Markert noted that they are part of the Cloverleaf School District and they have a lot of financial concerns from that. The Lafayette School put in a new septic system at approximately \$89,000 a couple of years ago. There is an awful lot being done for the University Center with all of this stuff coming in new and yet their own school district is suffering. Through questioning, she said she understands the financial pools of money have nothing to do with one another.

Through discussion, Ken and Mr. Hambley stated that the technology park will put the property back on the tax duplicate and bring in more tax dollars to the school district. Currently the property isn't paying any tax. The Technology Park and University have some unique aspect. The road will go in before both facilities are started, and the buildings for the technology park will go up at the same time as the university. There is a criterion in the grants to general jobs. The construction is not going to be in phases, but was set up in blocks. The development will occur in the blocks closest to the roads first so that marketing for the technology park can start. There are certain criteria for what is allowed at the technology park. There will be a public hearing on the zoning text that limits the types of uses on June 8 at 7:30 at the Lafayette Township Hall. The text specifically talks about corporate headquarters and research & development. No warehousing or manufacturing will be permitted. This will eliminate additional truck traffic in the area.

There was a brief discussion relative to the proposed entrance landscaping. The signage, etc for the site will be determined by the Township Trustees.

Mrs. Markert asked if there are start and end dates for the road project and whether this is part of the process for the main entrances and drives through the site as well.

Hal stated that originally this road project was going to be done by the end of this year.

Mr. Hambley stated that construction of the new roads will most likely not start this year. The US Army Corp of Engineers is requiring that the site be treated in its entirety as one permit. The university and county parts are being treated together instead of as 2 separate projects for a nationwide permit that limits what can be done. If they were dealt with as 2 separate parcels there wouldn't be much disturbance to the land. By combining them into one permit things are basically being put off until next spring. The site is being looked at as to how best to protect the areas and avoid mitigating or disturbing things, such as the streams in the northwest portion. He agreed that there are some wetlands involved. In review of the plans there are areas that are undisturbed, but you have to disturb a stream to cross it. We are only allowed 200 lineal feet with the nationwide permit and by combining the 2 as one project site there is a need to go through a permitting process through the Army Corp. We are looking at the site to try to minimize how much gets disturbed.

Mr. Hambley and Hal noted that this was not known when this hearing was set up and we're a little ahead of the process.

Mr. Thomas asked about the proposed driveway into the site, noting that it is next to his property.

Hal and Mr. Hambley responded that the proposed 2 lanes in and 2 lanes out are for the 162 entrance. The medinaarch.com website shows the proposed concept drawings that haven't been accepted. The Township is involved just with the landscaping plan around that and the entrances are up for public discussion. The entrance on Lake Road shows one lane going in and 2 lanes going out for left and right turn lanes. Basically this entrance is centered on the parcel and there is a sketch on the website showing its location as well as the proposed buffering.

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Relative to this entrance being 150 feet from Mr. Thomas' house, there is a stream on the southern portion of the parcel that is being avoided. The architect, Bob Arnold, will be at the June 8th meeting and be able to address the landscaping that has been proposed.

Mr. Thomas asked if there is a current upscale drawing of 162 because there's very little traffic on Lake Road.

Ms. Ray and Hal stated that with all the new development coming in this widening is best for the university project. There's going to be an increase in traffic in general for the area. If it was anybody else coming through the process we would make them to through this too.

Mr. Thomas asked if Lake is being widened all the way to the intersection of 162.

Hal stated that it is not. This project is for widening for the lane hand turns into the Park area

Mr. Thomas asked why it isn't being widened to 162 for a turn lane to access 162.

John Stricker stated that this widening is being done so ongoing traffic won't be stopped to do a left turn.

Mr. Thomas asked if it wouldn't be wise to widen down to 162 while the equipment is already there if there's going to be an increase in traffic due to further development.

Hal stated that there will probably be a signal light at the intersection in the future.

Mr. Markert stated that it will probably be a signal light with a left turn lane. If traffic increases because of all of the development in the area it will probably need left and right turn lanes. The question is whether Lake should be widened now while the equipment is already there. Traffic studies are good but only tell you the here and now, and projections are only projections until they're borne out by facts. Until something is built we don't know the facts but we can't wait for those things to happen. This is a pro-active approach. He agrees that if the road is going to be torn up now with traffic being re-routed and delays caused by the construction then while the equipment is there the other approximately 800 feet of concrete should be used to widen Lake to 162.

Mr. Thomas added that if there is increased traffic heading south there are already times when backups are almost to his driveway.

Mrs. Geissman and Hal agreed this is something that can be looked into

Mr. Markert asked how comprehensive the study was and whether it took into account all of the factors brought up today

Mr. Hambley and John responded that they looked at the intersection, Ryan Road, 162 down to Route 3 as well as to Route 42.

Hal stated that there are certain things that are warranted now and some that will be in the future. With the current time frame we aren't being rushed. Originally we were talking of construction this year and there wouldn't be much of a time frame. There's not an urgency now to make a decision immediately about more widening of Lake. Through discussion it was noted that 800 feet of concrete would have to be bought plus a 10 foot width of right-of-way for that distance.

There were further questions about the costs involved in moving the telephone poles and hydrants versus moving the storm water sewer on the other side of Lake Road. In response, Hal stated that moving a hydrant is a minimal cost. The waterline is not being moved. There are waterlines under roads all over the place, not just in big cities. The cost of moving the poles will

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be a cost to the utility company and not a direct cost to the county. There are 4 poles that will be moved.

Mr. Markert asked about getting a guardrail for the S curve, noting that he had a pole shattered on his property by a car. He has had 16 cars in his driveway or some part of his yard when they have missed the curve.

Hal stated that he wasn't aware of that many cars going off the road and this is something they can look into. Prior to the homes being built in the area and before the road was overlaid with concrete there were a lot more cars going off the road. He noted that the curve is somewhat removed from the area of this project.

Mr. Hambley noted that in discussion with Dave Miller, County Engineer, nationally they've found that guardrails improve the situation in certain conditions but more often they are a danger to the traveling public.

There were questions and a brief discussion relative to the extension of gas lines, which would be the decision of Columbia Gas. They have their own criteria for extending lines. It was noted that Columbia Gas has been involved in the site meetings for the university/technology park.

There were no further comments or questions.

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

Mr. Hambley moved to adjourn the meeting at 2:51 p.m.; Seconded by Mrs. Geissman. There was no discussion. Roll Call showed all Commissioners voting AYE.

RESOLUTIONS PASSED:

- 04-0381 RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS

- 04-0382 RESOLUTION APPROVING THE FINAL PLAT FOR WESTBURY PLAE SUBDIVISION PHASE IV LOCATED IN TRACT 1, LOT 9 OF BRUNSWICK HILLS TOWNSHIP

- 04-0383 RESOLUTION APPROVING THE FINAL PLAT FOR THE RIVER TRACE SUBDIVISION PHASE I LOCATED IN LOTS 24, 25 AND 30 OF MEDINA TOWNSHIP

- 04-0384 RESOLUTION APPROVING ANNUAL ASSESSMENT ON IMPROVEMENTS...8.6578 ACRES...BRUNSWICK HILLS TOWNSHIP KNOWN AS WESTBURY PLACE SUBDIVISION PHASE IV ESTABLISHING THEREBY SAID IMPROVEMENTS AS A PUBLIC WATERCOURSE

- 04-0385 RESOLUTION APPROVING ANNUAL ASSESSMENT ON IMPROVEMENTS...85.0552 ACRES...MEDINA TOWNSHIP KNOWN AS RIVER TRACE SUBDIVISION PHASE I ESTABLISHING THEREBY SAID IMPROVEMENTS AS A PUBLIC WATERCOURSE

- 04-0386 RESOLUTION APPROVING USE OF SUBDIVISION DRAINAGE MAINTENANCE FUND FOR REPAIR WORK IN FOX MEADOW SUBDIVISION PHASE 2 IN MONTVILLE TOWNSHIP, MEDINA COUNTY, OHIO

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- 04-0387 RESOLUTION ACCEPTING AND AWARDING THE BID FOR THE REPLACEMENT OF BRIDGE NO. 36 ON RYAN ROAD (C.H. 40) IN LAFAYETTE TOWNSHIP, MEDINA COUNTY FOR THE MEDINA COUNTY ENGINEER
- 04-0388 RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION
- 04-0389 RESOLUTION AUTHORIZING COUNTY AUDITOR TO TRANSFER FUNDS FROM THE CHILD SUPPORT ENFORCEMENT AGENCY FUND FOR INDIRECT COST ALLOCATION
- 04-0390 CASH TRANSFER TO THE CRIPPLED CHILDREN'S HEALTH FUND
- 04-0391 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS SANITARY ENGINEERING FUNDS TO THE COUNTY GENERAL FUND
- 04-0392 TRANSFER OF COUNTY GENERAL FUNDS TO THE COUNTY DIVERSION PROGRAM
- 04-0393 REVENUE ADJUSTMENT FOR WORKFORCE DEVELOPMENT FUND
- 04-0394 APPROVAL OF AN AGREEMENT FOR HEALTH CARE PLAN CONSULTING SERVICES
- 04-0395 AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR A DOMESTIC RELATIONS COURT VISITATION CENTER PROGRAM
- 04-0396 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
- 04-0397 RESOLUTION ENTERING INTO AGREEMENTS FOR PLAYGROUND EQUIPMENT FOR THE SOCIETY FOR HANDICAPPED CITIZENS OF MEDINA COUNTY
- 04-0398 RESOLUTION AMENDING THE TABLE OF ORGANIZATION FOR MEDINA COUNTY HUMAN RESOURCES
- 04-0399 RESOLUTION AMENDING THE TABLE OF ORGANIZATION FOR MEDINA COUNTY SANITARY ENGINEERS - WATER DIVISION
- 04-0400 RESOLUTION AMENDING THE TABLE OF ORGANIZATION FOR MEDINA COUNTY BUILDING DEPARTMENT

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- 04-0401 RESOLUTION DECLARING THE NECESSITY TO EXTEND SANITARY SEWER LINES ALONG STATE ROUTE 162 FOR MEDINA COUNTY'S UNIVERSITY TECHNOLOGY PARK...REPLACE SANITARY SEWER LINES ALONG LAFAYETTE ROAD...APPROVING THE DETAILED PLANS AND SPECIFICATIONS...ADVERTISE BIDS
- 04-0402 RESOLUTION DECLARING THE NECESSITY FOR VALLEY CITY SANITARY PUMP STATION REPLACEMENT AND BOSTON/CARPENTER ROAD SANITARY PUMP STATION UPGRADE...DETAILED PLANS AND SPECIFICATIONS...COMMENCE ADVERTISING FOR BIDS
- 04-0403 RESOLUTION AUTHORIZING THE SANITARY ENGINEER TO INVEST THE RETAINER OF G.E. BAKER CONSTRUCTION...S.R. 57 & S.R. 162 INTERSECTION WATERLINE RELOCATION...POE, HAMILTON & HAMLIN ROAD WATERLINE CONSTRUCTION...IN AN ESCROW ACCOUNT MCSE #W-500/00-7.1.24
- 04-0404 RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR THE S.R. 18 SANITARY SEWER RELOCATION MCSE #SR-500/10-1
- 04-405 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

MEDINA COUNTY COMMISSIONERS:

Sharon A. Ray

Patricia G. Geissman

Stephen D. Hambley

Respectfully submitted,

Pamela J. Terrill, Clerk