

COMMISSIONERS MEETING – MONDAY, NOVEMBER 14, 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.

Mrs. Geissman asked for approval of the minutes of October 17, 24, 31 and November 7 to be tabled as she has not had a chance to review those. Commissioners agreed to table the minutes.

Mike Salay, County Engineer, presented a resolutions to close a section of Fenn Road during the day this week for road surface repairs, to close a section of Granger Road for culvert repairs, accepting & awarding the bid for furnishing & installing a tree trimming aerial device, chip dump body, hydraulics & specified accessories, and allowing the interim use of stop signs at the intersection of Spencer Lake Road and the Wheeling & Lake Erie Railroad Grade Crossing until the installation of flashing light signals and gates. Mr. Hambley moved to approve the 4 resolutions; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Commissioners reviewed the weekly permits list.

Chris Jakab, Finance Director, presented resolutions amending the annual appropriations by transferring and increasing appropriations, fund transfers, revenue & expenditure adjustments for the JFS-Protect Ohio Fund, creation of Expanded Transit Program fund, authorizing an agreement for the lease of farmland at the County Home, purchasing fuel for the Engineering Center from Ports Petroleum, and the weekly bills in the amount of \$588,066.36. The resolution creating a fund for Expanded Transit Program is for the agreement with Faith In Action to expand our transit service that has been awarded \$22,000 from United Way. This fund creation will allow for the funds to be segregated from the other Transit funding. The farmland lease is being continued for 2 years for 28.8 acres at \$55.50 per acre. Mr. Hambley moved to approve the 7 resolutions and payment of the weekly bills; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Holly Muren, Human Resources Department, 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 and reviewed a resolution amending the Tables of Organization for the Department of Job & Family Services. They are adding a position of Eligibility Controller Reviewer by modifying it to a trainer position. The position actually occurred and was on the Table before, but it was slightly different. Mr. Hambley moved to approve the amendment; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken Hotz, Sanitary Engineer, presented a resolution to award their chemical bids, which were accepted last week. All bids are being awarded except the powder activated carbon. The low bidder on the carbon is Calgon and they say they have improved this product. They will use their carbon for a trial period to make sure that it breaks down appropriately before awarding the bid. This gives the company a chance to be competitive and he agreed that they had changed their carbon in the past and it worked better but did not break down properly at that time. Mr. Hambley moved to approve the bid award as recommended; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution to accept an easement for the reservoir sewer replacement project and one for a subdivision in Medina Township. Mr. Hambley moved to accept the easements; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

COMMISSIONERS MEETING – MONDAY, NOVEMBER 14, 2005

Debra Radecky, Office for Older Adults Director, stated that the upcoming programs for December include Community Service Center presentation of needs for their Giving Tree on December 2, bingo on the 7th, Christmas Party on the 9th, special projects such as ornament making and soup-in-a-jar the 12th thru 16th, bingo on the 15th, gifts to the seniors at the Center from the Ford Factory in Brookpark, a Medicare Part D Program on the 16th, bingo on the 28th, and an education seminar, *You Don't Need Another Stroke*, on the 30th. The movie for the month is *Miss Congeniality 2*. There will be no programs or lunches on the 23rd, except for home-delivered meals and the office will be closed on the 26th. They held a flu clinic last week with the Health Department and 372 shots were given out. In October they served 3 health units, 37 Alzheimer's units, 90 supportive units, 1504 Transit trips, 1208 congregate meals and 4426 home-delivered meals.

Mike Pataky, Child Support Enforcement Agency Director, reported that there is new legislation at the federal level that would reduce the federal participation in support enforcement. Currently for every dollar collected 66 cents is reimbursed. The proposal is to reduce that down to 50% by the year 2010. Child Support Directors Association is making an effort to have letters sent to federal representatives against this proposed legislation. There has been some success on the Senate side so things are looking better than they were a week ago. This would affect Title IV-D contracts and it would be a huge ramification on funding and the way the program has worked. He noted that the Agency has been collecting food for a local church's food bank and they have that ready to deliver as a donation from the employees.

Ms. Ray stated that Commissioner did send a letter to our congressmen asking that they not cut the IV-D reimbursement and the importance of this money for the agencies.

Mrs. Geissman read a resolution commending Pat Keel for her years of service with Society for Handicapped Citizens. Mr. Hambley moved to approve the commendation; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mrs. Geissman presented the commendation to Pat, noting that she had first met her in the 1980's when Pat was a volunteer working on the Society getting their first van. Those in Missouri where Pat and her husband, Bob, are moving will get to know them well. All Commissioners agreed that the County will miss Pat.

Pat thanked the Board, noting that she has always enjoyed living and working in the county and that her heart will always be here.

Mrs. Geissman reviewed a notice of regular annexation petition filed last week for 4.6302 acres from Wadsworth Township to the City of Wadsworth. The hearing is set for January 9, 2006 at 10:30 a.m. This notice is filed as part of the meeting in order to have the filing entered upon the record.

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

The meeting was opened for public comment.

Joan Heller, Auditor's Office, stated that Mike Kovack, Auditor, has been called back for active duty. His departure date is December 5 and he will be working with the Army in Iraq for one year.

There were no further comments.

Mrs. Geissman noted that the discussion session will be followed by an annexation hearing at 10:30 a.m.

COMMISSIONERS MEETING – MONDAY, NOVEMBER 14, 2005

The discussion session was convened at 9:55 a.m.

The Clerk reviewed a memo regarding upcoming term expirations on various boards, questioning whether to proceed with advertising or reappointment of some of the members.

Mr. Hambley noted that one member of the Port Authority was appointed to cover the Brunswick area and that he would contact the City about reappointment. The other member does not cover a specific area of the county and could be reappointed.

Ms. Ray stated that she would check with Bill Hanigan about reappointments for the Workforce Policy Board.

Ms. Ray and Mr. Hambley thought that the reappointments to Community Action and the Emergency Management Agency Executive Board were already taken care of and the Clerk agreed to double check the records.

The Clerk also noted that the opening for the District Library Board was advertised and that one application was received and another was mailed out for completion.

Commissioners recessed the meeting at 10:00 a.m.

Commissioners reconvened the meeting at 10:30 a.m. for the annexation hearing on 81.6673 acres of land from Wadsworth Township to the City of Wadsworth. Mrs. Geissman noted that this hearing had been continued from October 17th and asked that new testimony be given today rather than repeating testimony from the last hearing.

Mrs. Geissman swore in those wishing to testify during the hearing.

The hearing was opened for opening statements.

Blake Gerney, Agent for the Petitioners, stated that he will try not to go over things that were discussed at the last hearing; however, there were a few things brought up at that hearing that may be referenced with some of the new testimony. Prior to any testimony, Mr. Gerney stated that in light of information he learned since the last hearing there is an issue of considerable concern to him, which he believes was brought up before. He requested that the Township not be permitted to be represented by the County Prosecutor's Office due to conflict of interest. He learned of some information that was part of a conversation between Chris Easton, Wadsworth Service Director, and an individual at the Prosecutor's Office, which highlights his concern of the appearance of impropriety. It is a situation that is not provided for in the law nor is it something that should be sanctioned for the reason that anybody in the position of a petitioner who is arguing in favor of annexation where the township is opposed, the primary advocate for the township shares the office with the person who assists the County Commissioners in making their decisions. Regardless of internal protections they may indicate they are taking at the Prosecutor's Office it creates a situation in which we'll never be sure of exactly what takes place. He raised this as a threshold issue, noting that he's sure James Bennett, Assistant Prosecutor, would have some thought on this and it would probably be appropriate for him to state those before any witnesses are called.

Mrs. Geissman asked Bill Thorne, Assistant Prosecutor, to meet with her outside the hearing room. Shortly after, Mr. Hambley and Ms. Ray were asked to join them.

Within a few minutes, Commissioners returned to the hearing and Mrs. Geissman stated that Commissioners do have a little concern in regards to the concerns brought up by Mr. Gerney, and that the hearing will be continued so Commissioners can talk with the Prosecutor on this issue.

James Bennett stated that he would like to put something on the record before the recess.

COMMISSIONERS MEETING – MONDAY, NOVEMBER 14, 2005

There were no objections to Mr. Bennett's request.

Mr. Bennett stated that for the record he would like to ensure Commissioners that he has been representing the township trustees since this petition was filed and that he has not represented Commissioners or provided them with any advice on this annexation. The Commissioners' counsel in this matter has been Bill Thorne. They have separated any discussions regarding this issue in their office. Mr. Thorne has not reviewed the Wadsworth file or any of the discussions that Mr. Bennett has had with the trustees. Likewise, he has not reviewed any of Mr. Thorne's advice or talked to him about anything he has advised Commissioners. There has been a clear separation in their office in representing both sides. He wanted to be clear on the record that he believes the Prosecutor's Office has a statutory obligation to Commissioners as well as the Trustees. He's been involved on behalf of the Trustees since the original expedited annexation was filed and there's been a complete separation in the office between Mr. Thorne and himself.

Mr. Gerney stated that he would have no problem with the continuation of the hearing. He asked to file a brief on the issue to give the Board written information as to why he believes what he believes. Relative to the continuation, he had subpoenaed Mr. Mochel and Mr. Kreider for this hearing and he asked that they not be released and that they be compelled to appear at the continued hearing.

Mrs. Geissman stated that is okay and that she would appreciate a written brief on the issue.

Mr. Gerney stated that he can provide that by the end of the week.

There was a brief discussion relative to setting the date and time for the continuation of the hearing and the availability of everyone to be present. Mr. Bennett noted that he would like to have a chance to respond to the brief that Mr. Gerney files. It was agreed that the hearing would be continued to December 5 at 10:30 a.m.

Mr. Thorne agreed to advise Dean Holman, Prosecutor, of this issue.

Mr. Hambley moved to continue the hearing until December 5 at 10:30 a.m.; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mr. Hambley moved to adjourn the meeting at 10:48 a.m.; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

RESOLUTIONS PASSED:

- 05-1059 RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS

- 05-1060 RESOLUTION COMMENDING PAT KEEL FOR HER YEARS OF SERVICE WITH THE SOCIETY FOR HANDICAPPED CITIZENS

- 05-1061 RESOLUTION DETERMINING THE NECESSITY TO CLOSE FENN ROAD (C.H. 70) BETWEEN PEARL ROAD (U.S. 42) AND WEYMOUTH ROAD (S.R. 3)

- 05-1062 RESOLUTION DETERMINING THE NECESSITY TO CLOSE GRANGER ROAD (C.H. 21) BETWEEN CODDINGVILLE ROAD (T.H. 61 AND STATE ROAD (C.H. 44)

COMMISSIONERS MEETING – MONDAY, NOVEMBER 14, 2005

- 05-1063 RESOLUTION ACCEPTING AND AWARDING THE BID FOR THE FURNISHING AND INSTALLATION OF A TREE TRIMMING AERIAL DEVICE, CHIP DUMP BODY, HYDRAULICS & ALL SPECIFIED ACCESSORIES FOR THE MEDINA COUNTY HIGHWAY DEPARTMENT
- 05-1064 RESOLUTION ALLOWING THE INTERIM USE OF STOP SIGNS AT THE INTERSECTION OF C.H. 45, SPENCER LAKE ROAD, AND THE WHEELING & LAKE ERIE RAILROAD GRADE CROSSING, DOT #002-054M, WHICH IS LOCATED .06 MILES EAST OF MEDINA COUNTY HIGHWAY 58, ROOT ROAD
- 05-1065 RESOLUTION AMENDING THE 2005 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS
- 05-1066 RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION
- 05-1067 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS SANITARY ENGINEERING FUNDS TO THE COUNTY GENERAL FUND
- 05-1068 REVENUE AND EXPENDITURE ADJUSTMENTS FOR THE JFS-PROTECT OHIO FUND
- 05-1069 CREATION OF EXPANDED TRANSIT PROGRAM FUND AND AUTHORIZING APPROPRIATIONS
- 05-1070 RESOLUTION AUTHORIZING AN AGREEMENT FOR THE LEASE OF FARMLAND AT THE MEDINA COUNTY HOME
- 05-1071 AUTHORIZING THE PURCHASE OF 7,400 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE ENGINEERING CENTER
- 05-1072 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
- 05-1073 RESOLUTION AMENDING THE TABLES OF ORGANIZATION FOR THE DEPARTMENT OF JOB & FAMILY SERVICES - ELIGIBILITY SERVICES
- 05-1074 RESOLUTION AWARDING THE BIDS FOR BULK CHEMICALS TO BE UTILIZED AT THE MEDINA COUNTY TREATMENT FACILITIES
- 05-1075 AUTHORIZING THE SANITARY ENGINEER TO OBTAIN EASEMENTS FOR VARIOUS SANITARY SEWER IMPROVEMENT PROJECTS
- 05-1076 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

COMMISSIONERS MEETING – MONDAY, NOVEMBER 14, 2005

MEDINA COUNTY COMMISSIONERS:

Patricia G. Geissman

Respectfully submitted,

Stephen D. Hambley

Pamela J. Terrill, Clerk

Sharon A. Ray