

## COMMISSIONERS MEETING, MONDAY, NOVEMBER 13, 2006

Stephen D. Hambley called the meeting to order at 9:32 a.m. with Sharon A. Ray and Patricia G. Geissman present.

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

The oral reading of the minutes of November 6 was dispensed with as each Commissioner had read them personally. Ms. Ray moved to approve the November 6 minutes; the motion was seconded Mrs. Geissman. There was no discussion. Roll call showed all commissioners voting AYE.

Doug King, Administrative Assistant in the County Engineer's Office, presented and reviewed the following resolutions: (1) closing Lake Road (C.H. 19) between U.S. 224 and Buffham Road (T.H. 72) for the installation of a 27" culvert pipe; (2) closing Columbia Road (C.H. 24) between Lafayette Road (U.S. 42) and Palker Road (T.H. 290) for the repair of the CSX Transportation railroad crossing; (3) closing Smith Road (C.H. 4) between Carsten Road (T.H. 129) and Bachtell Road (T.H. 162) for culvert replacement; (4) approving the use of Subdivision Drainage Maintenance Fund for repair work in Montville Lakes Subdivision Phase I, Windfall Heights Subdivision Phase 2, Reserve Subdivision Phase 2B, Wakfield Run Subdivision Phase 1, Wakefield Run Subdivision Phase 3, Rivers Edge Subdivision Phase 1 in Montville, Medina, Hinckley and Liverpool Townships; (5) approving the use of Subdivision Draining Maintenance Fund for repair work in Reserve Subdivision Phase 2B in Medina Township; and, (6) approving the use of Subdivision Drainage Maintenance Fund for repair work in Reserve Subdivision Phase 2B in Medina Township. Ms. Ray moved to approve the six resolutions; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all commissioners voting AYE.

Commissioners reviewed the weekly permits list for November 2 through November 8, 2006.

Bev Valentine, Finance Department Budget Officer, presented and reviewed the following resolutions: (1) amending the 2006 Appropriations Resolution by transferring appropriations; (2) amending the Annual Appropriation Resolution; (3) transferring funds in the amount of \$49,474.77 from various Sanitary Engineering funds to the County General Fund for fourth quarter indirect costs; (4) transferring funds totaling \$32,481.02 from various county department accounts to the General Fund for the prorated share of CY 2005 county-wide audit costs; and, (5) approving an agreement with Maximus, Inc. to provide professional consulting services for the 2006 cost allocation plan for a total of \$13,000 allowing the General Fund to recoup over \$440,000 annually. Ms. Valentine requested payment of the weekly bills in the amount of \$1,112,416.86. Ms. Ray moved to approve the five finance resolutions and payment of the weekly bills; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all commissioners voting AYE.

Gary Berkowitz, Human Resources Director, presented and reviewed a resolution approving personnel changes for the employees under the jurisdiction of the Medina County Commissioners. Ms. Ray moved to approve the resolution; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all commissioners voting AYE.

Mr. Berkowitz presented a resolution amending the table of organization for the Medina County Building Department. Ms. Ray moved to approve the resolution; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all commissioners voting AYE.

Chris Jakab, County Administrator, had no resolutions to present.

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Ken Hotz, Sanitary Engineer, presented a resolution accepting and awarding bids for bulk chemicals to be utilized at the Medina County treatment facilities. Ms. Ray moved to approve the resolution and Mrs. Geissman seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Mr. Hotz presented a resolution authorizing the Medina County Sanitary Engineer to release the escrow account of Caldwell Tanks, Inc. for the Hinckley Township storage tanks. The work has been completed and final inspection has been approved. Ms. Ray made a motion to approve the resolution; seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting AYE.

The last resolution Mr. Hotz presented was amending Resolution No. 06-824 to amend the purchase price for land in Westfield Township from Ray H. Taylor for the construction of the southern Medina County water treatment plant. The purchase price was increased to include taxes and fees not previously included in the purchase price. Ms. Ray moved to approve the resolution; seconded by Mrs. Geissman. There was no discussion. Roll call showed all commissioners voting AYE.

Debra Radecky, Office for Older Adults Director, gave a report on the Office for Older Adults upcoming activities for November and December as follows:

11/15 – Free craft project	12/1 – Ophthalmologist discusses eyes
11/17 – MedBill Advantage	12/7 – Healthy life screening
11/17 – Medicare assistance	12/8 – Podiatrist discusses feet and nails
11/21 – Poultry Picks by OSU Extension	12/11-15 – Holiday Week
11/21 – Community Legal Aid	12/11 – Holiday dip instructions
11/23 – Closed for Thanksgiving	12/13 - Bingo
11/24 – Kitchen cleaning	12/14 – Gifts from Ford in Brookpark
11/29 – Bingo	12/14 – Community Legal Aid
11/29 – Movie - “RV”	12/15 – Holiday party and entertainment
	12/22 – Closed
	12/29 – Safe and healthy winter discussion

Ms. Radecky said in October they had 2 health units, 78 supportive units, 30 Alzheimer visits, served 1,285 congregate meals, 4,795 home delivered meals, and 1,804 transportation trips.

Mike Pataky, Child Support Enforcement Agency Director, gave an update on their new imaging system. He said it is working extremely well. Back file conversion is their main focus and it is approximately half completed and should be completely done by the end of this year. The company comes out approximately every two weeks and takes a load of 40 boxes full of child support cases (that have been pre-prepped) and scans them. He said it is really amazing to see 40 boxes full of papers come back on five CD's of information. The CD's get uploaded into the system and the information is available for everyone to view immediately.

Mr. Pataky reported that his department had a collection drive to replenish the food bank of the Medina United Methodist Church for the past couple months. They delivered about 15 boxes of foodstuffs, personal hygiene products, and baby care products. They had a different theme every week that all of the employees focused on. The church was very appreciative of their generosity.

Clerk Pam Vereb read two resolutions to allow expenses of County officials. Ms. Ray moved to allow the expenses; seconded by Mrs. Geissman. There was no discussion. Roll call showed all commissioners voting AYE.

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The meeting was opened for public comment. There was no one wishing to speak.

Mr. Hambley noted that the public hearing regarding building codes was scheduled for 10:30 a.m. The meeting recessed at 9:45 a.m. for the commissioners to move to the Conference Room for the Discussion Session at 9:52 a.m.

### Discussion Session

Mr. Hambley said James Bennett, Assistant Prosecutor, was present to give the Prosecutor's opinion about the timeliness of the application of funds submitted by the Battered Women's Shelter of Summit/Medina Counties and the Commissioners' ability to allocate funds. Mr. Bennett said the statute states that all applications for funds that come through the courts shall be submitted by the first day of October of the year preceding the calendar year for which the funding is desired. "Shall" being mandatory or directory had not been addressed by the court; whether it was an essential act or for convenience purposes. The Prosecutor feels it needed to be submitted by October 1 for Commissioners' convenience in order to give them the opportunity to review it by November 15, the date the decision must be made. The BWS applications have never been tardy in the past and the Shelter has successfully provided the only protective shelter for these victims for over 20 years. The purpose of the statute was to protect victims of domestic violence, and the harsh consequences of letting one disgruntled employee affect the funding is not what the statute envisioned when they specified the October 1 due date. There is the unlikely possibility that a court would later come back and say it was mandatory and require that the county pay the funds into the state fund (where it would go if nobody applied for it in Medina County). The Prosecutors believe the Commissioners can take the position that it was directory and they would defend them on that position. Mr. Bennett said it is a very defenseful legal position and the Commissioners could waive the October 1 deadline.

Mr. Hambley asked if the Commissioners have the latitude to designate the use of the funds to a domestic violence shelter if nobody had applied. Mr. Bennett said no; they either divide the funds among all the applications received or they send it to the state.

Chris Jakab, Finance Director, asked if the application for Summit County was also late and Terri Heckman, BWS Director, said yes, it went in at the same time. Ten years ago, Summit County made a general statement that the money would always come to Medina County. It does not have to go before council as theirs is handled differently. Appealing to the state would be their next step if the deadline was not waived.

Mrs. Geissman asked when the employee was terminated and Ms. Heckman said he was terminated in the spring. Mrs. Geissman asked if there wasn't a list of things to be done at a certain time so this could have been avoided. Ms. Heckman said that it was altered and it took all summer to put it back together by a Human Resources person and an auditing firm. Mrs. Geissman asked if she, as director, did not recall that there are certain things that have to be done every year at a certain time, and Ms. Heckman said, no, not on this.

Mrs. Geissman asked if they were aware of this at their board meeting last week. Mr. Rothenbuecher said he was made aware of this issue last week. He did not go to the BWS Board meeting, just the Rape Crisis Board meeting. He was made aware of it about four or five days ago, but he does not know what was said at the BWS Board meeting. Mrs. Geissman said she would think they would have wanted the board members to know of the mess that the finances were left in and some of the resulting consequences. The Commissioners had received the letter about it and nothing was said at the board meeting that there was a problem. Mr. Rothenbuecher said, at his board meeting, they were still dealing with the issue of the internal audit and checking to see if there was any check kiting, fraud, forgery, or anything else done by the former Chief Financial Officer (CFO). Fortunately, the audit came back clear. People just

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lost sight of the due date. Mrs. Geissman told Ms. Heckman that she should have told her board members that she had missed a date and had written a letter to the Medina County Commissioners because that was a surprise to the Medina County board members that there was a problem missing the date for funding. Ms. Heckman said there were numerous conversations in the minutes so this would have come up in the next report after it was resolved. Mr. Rothenbuecher said they made a tactical decision to handle it at the Executive Committee level first.

Mr. Hambley asked if they had sought any type of action against the former CFO. Mr. Rothenbuecher said they are looking into it. Mr. Hambley asked if he was bonded and Ms. Heckman said that he was bonded. Mr. Rothenbuecher said they are still deciding whether to sue the former CFO or not, and what expenses to go after.

Mrs. Geissman asked if the financial mess was intentional, or just sloppy and incompetent. Mr. Rothenbuecher said they can't tell because there are some things that lead them to believe that it was intentional and some things that look like he was just not paying attention. Things missing and deleted from the computers leads them to believe that there was a plan. The question is if this is an iron clad case against an individual to try to recoup costs, which could be an expensive battle. He asked if they wanted to spend funds on something that is not a surefire winner.

Ms. Ray said at this point it is a very unfortunate situation, but to punish the BWS is not this board's intent and the other Commissioners agreed that the money is well spent on this much-needed facility in this county. Mr. Hambley said he was supportive of passing a resolution today designating the funds for the BWS of Medina/Summit County. Mr. Jakab said the amount would be \$40,000 and he would prepare and present the resolution after the public hearing. The Commissioners were amenable to this outcome.

Ms. Ray reported that there was going to be a Joint Animal Organization meeting this Friday, November 17. They will be planning a second Adoptathon with the Auditor's Office in October 2007.

Jim Troike, Assistant Sanitary Engineer, said last spring, the county cut Liquid Resources from the process flow until they installed pre-treatment of their wastewater due to high strength loads. They were instructed to submit plans to the EPA for approval before they built anything. They ignored that and purchased three 10,000 gallon used tanks and installed them into their system. The county told them they could not do that. Mr. Hambley added that Liquid Resources transported the wastewater to facilities by truck because no single facility could take that much wastewater. Mr. Troike said the facilities that take it are having problems with it. The investors of the company investigated and promised the Sanitary Engineers they would address the problems with management.

Mr. Troike explained that the company takes "off-spec" beverage products, crushes the containers and the liquids come out into tanks to be fermented. The final product is alcohol to be used for fuel. The company is not making investments in the wastewater treatment end of it. They want to dispose of the 7,000 gallons per day of off-spec diet drinks and water such as Perrier, because they cannot do anything with that; it is not a sugar and cannot be fermented into alcohol. The water does not cause a problem. Mr. Hambley asked why they take diet pop and Mr. Troike said the beverage companies say, "it is all or nothing". They have a concern with how the saccharine, aspartame, and other non-sugar sweeteners would affect the bacteria in the plant. The county has agreed to test 6,000 gallons of diet pop that they will bleed into 1/3 of the system and experiment with it to see what it does to the bacteria. They will charge Liquid Resources the standard \$40 per 1,000 gallons. Mr. Troike said this is a compromise with what was originally said in the past.

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Mr. Jakab asked if the company was reimbursing the county for the costs associated with the test. Mr. Troike said yes, through the cost of disposal. Mr. Hambley said they are the only ethanol plant in the State of Ohio and he is glad to hear they are upgrading. Mr. Hotz added that they would have to shut their doors if they can't do something within the next two months. It is costing them \$7,000 per week now to haul the waste away. Mr. Hambley said they are being reasonable. Mr. Hotz said the original proposal two years ago was to put in pre-treatment and they still have not done it. Mr. Troike said the company wants to buy an evaporator for the wastewater end that would, through high heat through a boiler, evaporate the steam off the product that would go to the sewer's water and the rest would be dried and sold as feed for cattle or livestock.

The discussion session was recessed at 10:15 a.m.

### Public Hearing

Commissioner Hambley opened the public hearing to discuss revisions to the Medina County Building Code at 10:32 a.m. Those in attendance were Commissioner Hambley, Commissioner Sharon Ray, Commissioner Pat Geissman, Chief Building Official Charles Huber and Clerk Pam Vereb.

Charles Huber, Chief Building Official, stated that this was the second and final public hearing mandated by the Ohio Revised Code 307.37, which pertains to the Board of Medina County Commissioners contemplating the adoption of additional building regulations beyond those propagated by the State of Ohio Board of Building Standards. These draft Medina County building regulations would replace the Medina County Building Code adopted by the Medina County Resolution 04-576. The Public Hearing was advertised in the Gazette on October 26, 2006 via legal notice, and notice was also posted on the county's website with links to the draft. Hard copies of the draft were made available at the Building Department's customer service counter. Other than staff comments, no other comments have been received.

Mr. Hambley asked the Clerk if the Commissioners Office received any comments. Clerk Pam Vereb said no comments were received.

Ms. Ray moved to adjourn the public hearing at 10:34 a.m. and Mrs. Geissman seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

### Discussion Session (continued)

Commissioners reconvened the Discussion Session at 10:36 in the conference room.

Mr. Hambley presented a resolution designating the Battered Women's Shelter of Summit and Medina Counties to receive proceeds from marriage license and divorce fees for calendar year 2007. Ms. Ray moved to approve the resolution and Mrs. Geissman seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

At 10:36 a.m., the meeting was adjourned on a motion by Ms. Ray that was seconded by Mrs. Geissman. There was no discussion. Roll call showed all commissioners voting AYE.

## RESOLUTIONS PASSED 11/13/06

<u>Number</u>	<u>Resolution Title</u>
06-1035	RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS

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- 06-1036 RESOLUTION DETERMINING THE NECESSITY TO CLOSE LAKE ROAD (C.H. 19) IN WESTFIELD TOWNSHIP BETWEEN U.S. 224 AND BUFFHAM ROAD (T.H. 72) ON FRIDAY NOVEMBER 10, 2006, FOR THE INSTALLATION OF A 27" CULVERT PIPE
- 06-1037 RESOLUTION DETERMINING THE NECESSITY TO CLOSE COLUMBIA ROAD (C.H. 24) BETWEEN LAFAYETTE ROAD (U.S. 42) AND PALKER ROAD (T.H. 290)
- 06-1038 RESOLUTION DETERMINING THE NECESSITY TO CLOSE SMITH ROAD (C.H. 4) BETWEEN CARSTEN ROAD (T.H. 129) AND BACHTELL ROAD (T.H. 162)
- 06-1039 RESOLUTION APPROVING USE OF SUBDIVISION DRAINAGE MAINTENANCE FUND FOR REPAIR WORK IN MONTVILLE LAKES SUBDIVISION PHASE 1, WINDFALL HEIGHTS SUBDIVISION PHASE 2, RESERVE SUBDIVISION PHASE 2B, WAKEFIELD RUN SUBDIVISION PHASE 3, AND RIVERS EDGE SUBDIVISION PHASE 1
- 06-1040 RESOLUTION APPROVING USE OF SUBDIVISION DRAINAGE MAINTENANCE FUND FOR REPAIR WORK IN RESERVE SUBDIVISION PHASE 2B IN MEDINA TOWNSHIP, MEDINA COUNTY, OHIO
- 06-1041 RESOLUTION APPROVING USE OF SUBDIVISION DRAINAGE MAINTENANCE FUND FOR REPAIR WORK IN RESERVE SUBDIVISION PHASE 2B IN MEDINA TOWNSHIP, MEDINA COUNTY, OHIO
- 06-1042 RESOLUTION APPROVING USE OF SUBDIVISION DRAINAGE MAINTENANCE FUND FOR REPAIR WORK IN RESERVE SUBDIVISION PHASE 2A, RESERVE SUBDIVISION PHASE 2B, 2C, 3A, GRAFTON HILLS SUBDIVISION PHASE 2, AND FOX MEADOW SUBDIVISION PHASE 1 IN MEDINA, BRUNSWICK HILLS, AND MONTVILLE TOWNSHIPS
- 06-1043 RESOLUTION APPROVING USE OF SUBDIVISION DRAINAGE MAINTENANCE FUND FOR REPAIR WORK IN THE WOODS AT WINDSOR POINTE SUBDIVISION PHASE 1 IN BRUNSWICK HILLS TOWNSHIP, MEDINA COUNTY, OHIO
- 06-1044 RESOLUTION APPROVING ANNUAL ASSESSMENT ON IMPROVEMENTS CONSTRUCTED UNDER THE AUTHORITY OF SECTION 6131.63 OHIO REVISED CODE ON 55.5389 ACRES OF LAND IN LOT 97 OF HINCKLEY TOWNSHIP AND KNOWN AS MORNING STAR FARM SUBDIVISION ESTABLISHING THEREBY SAID IMPROVEMENTS AS A PUBLIC WATERCOURSE
- 06-1045 RESOLUTION AMENDING THE 2006 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS
- 06-1046 RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION
- 06-1047 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS SANITARY ENGINEERING FUNDS TO THE COUNTY GENERAL FUND
- 06-1048 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS COUNTY DEPARTMENT ACCOUNTS TO THE MEDINA COUNTY GENERAL FUND FOR THE COSTS OF THE COUNTYWIDE AUDIT
- 06-1049 RESOLUTION APPROVING AN AGREEMENT WITH MAXIMUS, INC. TO PROVIDE PROFESSIONAL CONSULTING SERVICES FOR MEDINA COUNTY

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- 06-1050 RESOLUTION APPROVING PERSONNEL CHANGES FOR EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
  
- 06-1051 RESOLUTION AMENDING THE TABLE OF ORGANIZATION FOR MEDINA COUNTY BUILDING DEPARTMENT
  
- 06-1052 RESOLUTION ACCEPTING AND AWARDING BIDS FOR BULK CHEMICALS TO BE UTILIZED AT THE MEDINA COUNTY TREATMENT FACILITIES
  
- 06-1053 RESOLUTION AUTHORIZING THE MEDINA COUNTY SANITARY ENGINEER TO RELEASE THE ESCROW OF CALDWELL TANKS, INC. FOR THE HINCKLEY TOWNSHIP STORAGE TANK MCSE#W-500/00-1.2
  
- 06-1054 RESOLUTION AMENDING RESOLUTION NO. 06-824 TO AMEND THE PURCHASE PRICE OF LAND IN WESTFIELD TOWNSHIP FROM RAY H. TAYLOR FOR THE CONSTRUCTION OF THE SOUTHERN MEDINA COUNTY WATER TREATMENT PLANT
  
- 06-1055 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS
  
- 06-1056 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS
  
- 06-1057 DESIGNATING THE BATTERED WOMEN'S SHELTER OF SUMMIT AND MEDINA COUNTIES TO RECEIVE PROCEEDS FROM MARRIAGE LICENSE AND DIVORCE FEES FOR CALENDAR YEAR 2007

All deliberations concerning official business and formal actions by this Board of Commissioners were conducted in an open public meeting this thirteenth day of November, 2006.

Respectfully submitted,

COMMISSIONERS \_\_\_\_\_  
Stephen D. Hambley

OF \_\_\_\_\_  
Sharon A. Ray

\_\_\_\_\_  
Pam Vereb, Clerk

MEDINA COUNTY \_\_\_\_\_  
Patricia G. Geissman