

## COMMISSIONERS MEETING, MONDAY, NOVEMBER 20, 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 13 was dispensed with as each Commissioner had read them personally. Ms. Ray moved to approve the November 13 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) approving the final plat for the Morning Star Farm Subdivision located in Lot 97 of Hinckley Township; (2) approving annual assessment on improvements constructed on 88.8430 acres of land in lots 36, 37 and 44 of Granger Township and known as Miller's Meadow Subdivision establishing a public watercourse; (3) approving use of Subdivision Drainage Maintenance Fund for repair work in Fox Meadow Subdivision Phase 1 in Montville Township; and (4) approving the vacation of a portion of Jelica Drive (T.H. 343) in Hinckley Township. Mr. Hambley commented that he is glad the Jelica Drive vacation issue has been resolved; it has taken a couple of years. Ms. Ray moved to approve the five 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 9 through November 15, 2006.

Scott Miller, Finance Director, presented and reviewed the following resolutions: (1) amending the Annual Appropriation Resolution; (2) amending the 2006 Appropriations Resolution by transferring appropriations; (3) transfer of County General Funds to the County Diversion Program in the amount of \$10,000 for November 2006 operating expenses; (4) authoring County Auditor to transfer funds from the Child Support Enforcement Agency Fund in the amount of \$7,475.97 for indirect cost allocation; (5) transfer of County General Funds to the Medina County Alcohol, Drug Addiction & Mental Health Board in the amount of \$131,325.00 for CY2006 third and fourth quarter allocated funds; (6) cash transfer to the Crippled Children's Health Fund; (7) authorizing a cash transfer for the General Bond Retirement Fund in the amount of \$457,735.00; (8) authorizing the purchase of 8,400 gallons of regular unleaded gasoline for the Engineering Center; (9) approving the submission of a proposal for Title III Grant Program funding for the Office for Older Adults for FY 2007; and, (10) expenditure adjustments for various funds. Mr. Miller requested payment of the weekly bills in the amount of \$1,012,789.62. Ms. Ray moved to approve the ten 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. He announced the retirement of Sanitary Engineer Ken Hotz on December 15. 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. Mrs. Geissman commented that the county will still be in good hands with Jim Troike after Mr. Hotz retires.

Chris Jakab, County Administrator, presented the following resolutions: (1) authorizing Change Order 2 for Ameriseal and Restoration for Medina County 2006 building tuckpointing for an increase of \$920.00 for additional limestone steps at the Administration Building; (2) approving the acquisition of property located at 495 and 496 Playland Parkway in the Village of Gloria Glens under the Hazard Mitigation Program; and, (3) authorizing the advertisement for bids for Adult Probation oral drug testing supplies and services. Ms. Ray moved to approve the

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three resolutions; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all commissioners voting AYE.

Jim Troike, Assistant Sanitary Engineer, presented a resolution authorizing an agreement with GPD Associates for consulting engineering services for electrical and structural design at the Westfield Township Well Water Treatment Plant. Mr. Troike presented another resolution creating a restricted main in Center Road in Kensington Place Subdivision in Hinckley Township. Ms. Ray made a motion to approve the resolution; seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting AYE.

Patrice Theken, Department of Planning Services Director, announced that their Open House on November 9 was well attended; they had about 70 people. There were displays, seven planning awards were given out, and there was a contest to identify locations of local photographs that was won by Medina City Council President Pam Miller. Mr. Hambley said the event was standing room only so they might have to do something different next year. Mrs. Geissman added that the contest was a nice ice breaker and got people to see the displays. The Assistant Clerk set up a very nice Railroad Safety Task Force display.

Ms. Theken presented a resolution authorizing the Department of Planning Services to proceed with extra planning services for Chatham Township in accordance with the "Operating Policies and Procedures of the Medina County Department of Planning Services" established by the Board of County Commissioners of Medina County. They will assist them with completing their Comprehensive Plan that they began about two years ago. Her department will do the mapping and assist putting together their goals, objectives and implementation strategies. Ms. Ray made a motion to approve the resolution; seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting AYE.

Charles Huber, Chief Building Official, presented a resolution supporting a request for the county to apply to the State of Ohio Board of Building Standards to modify the state's certification of the county to enforce the Ohio Building Code. This will add authority to apply the Ohio Building Code to buildings of Use Group I-2, which includes hospitals and nursing homes. Currently Ohio building codes administer to these hospitals and nursing homes by the state's building department and this will move toward the county taking over that service from the state. The next resolution Mr. Huber presented was authorizing the county to apply to the Ohio Board of Building Standards for certification to enforce the Residential Code of Ohio, which applies to one, two, and three-family residential construction and it adopts Medina County Building Regulations that replace the existing the existing Medina County Building Code. The Building Department's fee schedule is part of the code and is carried forward into the Medina County Building Regulations unchanged except for authority to start to collect a 1% state permit fee on one, two, and three-family residential construction effective May 27, 2007 (the effective date of the certification of the Building Department). Ms. Ray moved to approve both resolutions; seconded by Mrs. Geissman. There was no discussion. Roll call showed all commissioners voting AYE.

Mr. Huber presented and reviewed copies of the Building Department's October 2006 report. The October 2006 construction costs of permitted buildings by the department shows a decline year-to-date of 15.78% compared to October 2005. The detailed breakout for the month of October comparing 2006 to 2005 for permits and revenues collected shows a decrease of 9.23%. Year-to-date figures comparing 2006 to 2005 show total receipts decreased 8.26%. The breakout of one, two, and three family residential permitting activities by townships shows Montville Township had the most year-to-date and for the month of October. Brunswick Hills was the second-most active township, followed by York Township. The commercial permits broken down by townships and villages, year-to-date and monthly, shows Brunswick Hills Township with the most activity; followed by Medina Township. Seville had the most

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commercial permits in October and year-to-date. The last page of the report has a detailed description of the commercial permits issued.

Clerk Pam Vereb read the resolution 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.

The meeting was opened for public comment.

Bill Whelan, 3253 Hardwood Hollow, Medina Township, thanked Commissioner Geissman for the emails she sent him. He asked if the Chairman of the Fiber Optic Task Force was the same person as the Economic Development Director Jim Doult. Mrs. Geissman said, no, the Fiber Optic Task Force Chair is Jim Gerspacher. Mr. Hambley added that Macy Hallock is the Co-Chair. Mr. Whelan said he would like to speak with Mr. Gerspacher and Mrs. Geissman offered to arrange an appointment.

Mr. Whelan asked about the request for proposal (RFP) for the fiber network that was posted Friday. Prior press reported that the cost of the project would be about \$7 million, yet there is no mention of budgets or costs of any kind in the RFP. He asked if the county had a budget for the project. Mr. Hambley said the purpose of the proposal is to identify the actual cost. Now there will be some options available, rather than being entirely built by the Port Authority, that will obviously alter the budget. County Administrator Chris Jakab added that there is a budgetary assessment to the RFP that is to be completed by the responders. They are not in a position to tell them what is going to cost; they are waiting for them to respond in the RFP specifically to give pricing based on their design build or design build/negotiated service of current providers. They don't usually provide responders with the cost of the framework; that is the opposite of how the system works. Mr. Whelan asked if the people doing the RFP's were aware of that, and Mr. Hambley said he is certain the people that are proposing know the business and that they are going to have to come down and fine-tune what the costs are depending on the alternatives. Ms. Ray said if the partnerships work out like they have been talked about, the cost of the project could be decreased in excess of 70%.

Mr. Whelan asked Mr. Jakab about his meeting with the bond attorneys and the question as to whether the county would be restricted from purchase versus lease or lease versus purchase. Mr. Jakab said they are still waiting for a written opinion and they should have it soon.

There were no further comments. The meeting recessed at 9:53 a.m. for the commissioners to move to the Conference Room for the Discussion Session at 10:00 a.m.

### Discussion Session

Mrs. Geissman reported that she made a trip to Columbus to meet with the Ohio Rail Development Commission (ORDC). She got an on-the-spot approval of the county's loan application that the Commissioners passed a resolution for a couple of weeks ago. Medina County will have the money to take care of the bills for the railroad grade crossings until The Angels on Track Foundation sends the grant money. Mr. Hambley asked if they got anything in writing from Foundation and Mrs. Geissman said she spoke with the Vickie Moore last week. She gave Mrs. Geissman the date she mailed it and it should arrive this week.

Mrs. Geissman presented each Commissioner and the Clerk a poster of all Ohio's 88 counties' flags, suitable for framing. The County Commissioners Association of Ohio (CCAO) had them made for the counties.

Ms. Ray said her County Planning Commission (CPC) alternate, John Lund, will be resigning; he is moving out of the county. She could have Clerk Pam Vereb advertise for the

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position in the Commissioners' Newsletter. Mr. Hambley said his alternate's position will be opening up as well. It is hard to find people willing to volunteer that have an interest in land use and zoning, and not have a conflict of interest. The other Commissioners agreed to advertising in the newsletter and county's website.

Mr. Hambley said he, Ken Hotz and Steve Viny, Norton Environmental, made a presentation to the Solid Waste Advisory Council about the Process Engineered Fuel Project. They wanted to make them aware that fluff is actually a commodity and not solid waste. Senator Tom Neihaus voiced his support at the meeting. He indicated that if it cannot be resolved by the Environmental Protection Agency (EPA), he would be willing to take legislative action. He hopes the county gets approval before Mr. Hotz retires; they have been struggling for approval since 1993.

Chris Jakab, County Administrator, reported that last Thursday he appeared before the Medina City Historic Preservation Board to provide additional information on the request to demolish the two properties in the courthouse parking area; the old Prosecutor's Office and gas station. After some discussion, the Board approved the application for demolition. They will target the spring for that project. Ms. Ray said she would like to offer the opportunity to the Medina City Fire Department to do a practice-burn if they would like.

Mr. Jakab said the county offices had supervisory training last Wednesday, November 15, for preventing discrimination and harassment training. About 35 individuals attended and it was very successful. Ben Albrecht, an attorney from Jonathan Downs firm in Columbus, on behalf of County Risk Sharing Authority (CORSA), presented two hours of information that was very educational and useful. This will probably be an annual training session for supervisors.

Jim Troike, Assistant Sanitary Engineer, discussed a letter to the Commissioners from the EPA about the sludge program. The Sanitary Engineer's office has prepared a lengthy response to it. The county is not negligent at the Hinckley plant with the sludge program; it was a misunderstanding of the timing of the testing regulation and they had been going above and beyond what was required. The matter has been handled with the personnel.

Mr. Troike said they met with Don Aiken and Matt Bahr from the Lodi Water Department regarding the emergency water connection. They will be presenting an agreement for the Commissioners to review.

Bill Thorne, Assistant Prosecutor, said he went to Columbus regarding S.B. 18 (regarding zoning, development and land use) trial last week, but it did not go to trial. The new trial date is Friday, December 22 and the decision is some time after the first of the year. They resolved most of the evidentiary issues. There is time to do it on briefs if the Attorney Generals working on the case still have jobs.

Mr. Jakab gave Mr. Thorne a Board of Elections filing for his review.

Mr. Jakab said that the Tobacco Foundation in Columbus announced Friday that they are awarding \$265,000 to Medina County to continue the tobacco programming. Mr. Hambley said it is not for continuing to target pregnant women and youth cessation. Mr. Jakab said they will need further work to conform to what the state would like; a focus on cessation clinics for adults. It is an increase from the last annual award of \$205,000. Mrs. Geissman said that is probably because public buildings will be smoke-free.

Charles Huber, Chief Building Official, said, parallel to the two pieces of legislation adopted this morning, he sent letters out Friday to the mayors of six villages that the Medina County Building Department provides services. He asked them to go take similar legislation to their councils; both the hospital and nursing home resolution and a resolution supporting their applications to the State of Ohio for enforcement of Residential Code of Ohio. The only

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difference between the county and the villages is that the villages will be enforcing the code as they have been for one, two, and three-family residential via an intergovernmental agreement between each village and Medina County. Draft legislation and draft intergovernmental agreements have been sent to the mayors and he is setting up meetings.

At 10:15 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 11/20/06**

<u>Number</u>	<u>Resolution Title</u>
06-1058	RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS
06-1059	RESOLUTION APPROVING THE FINAL PLAT FOR THE MORNING STAR FARM SUBDIVISION LOCATED IN LOT 97 OF HINCKLEY TOWNSHIP
06-1060	RESOLUTION APPROVING ANNUAL ASSESSMENT ON IMPROVEMENTS CONSTRUCTED UNDER THE AUTHORITY OF SECTION 6131.63 OHIO REVISED CODE ON 88.8430 ACRES OF LAND IN LOTS 36, 37, & 44 OF GRANGER TOWNSHIP AND KNOWN AS MILLER'S MEADOW SUBDIVISION ESTABLISHING THEREBY SAID IMPROVEMENTS AS A PUBLIC WATERCOURSE
06-1061 FUND	RESOLUTION APPROVING USE OF SUBDIVISION DRAINAGE MAINTENANCE FOR REPAIR WORK IN FOX MEADOW SUBDIVISION PHASE 1 IN MONTVILLE TOWNSHIP MEDINA, COUNTY OHIO
06-1062	RESOLUTION APPROVING THE VACATION OF A PORTION OF JELICA DRIVE (T.H. 343) IN HINCKLEY TOWNSHIP
06-1063	RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION
06-1064	RESOLUTION AMENDING THE 2006 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS
06-1065	TRANSFER OF COUNTY GENERAL FUNDS TO THE COUNTY DIVERSION PROGRAM
06-1066	RESOLUTION AUTHORIZING COUNTY AUDITOR TO TRANSFER FUNDS FROM THE CHILD SUPPORT ENFORCEMENT AGENCY FUND FOR INDIRECT COST ALLOCATION
06-1067	TRANSFER OF COUNTY GENERAL FUNDS TO THE MEDINA COUNTY ALCOHOL, DRUG ADDICTION & MENTAL HEALTH BOARD
06-1068	CASH TRANSFER TO THE CRIPPLED CHILDREN'S HEALTH FUND

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- 06-1069 AUTHORIZING A CASH TRANSFER FOR THE GENERAL BOND RETIREMENT
- 06-1070 AUTHORIZING THE PURCHASE OF 8,400 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE ENGINEERING CENTER
- 06-1071 APPROVING THE SUBMISSION OF A PROPOSAL FOR TITLE III GRANT PROGRAM FUNDING FOR THE OFFICE FOR OLDER ADULTS FOR FY 2007
- 06-1072 EXPENDITURE ADJUSTMENTS FOR VARIOUS FUNDS
- 06-1073 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
- 06-1074 RESOLUTION AUTHORIZING CHANGE ORDER 2 FOR AMERISEAL & RESTORATION FOR MEDINA COUNTY 2006 BUILDING TUCKPOINTING
- 06-1075 APPROVING THE ACQUISITION OF PROPERTY IN THE VILLAGE OF GLORIA  
GLENS
- 06-1076 AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR ADULT PROBATION ORAL DRUG TESTING SUPPLIES AND SERVICES
- 06-1077 RESOLUTION AUTHORIZING AN AGREEMENT WITH GPD ASSOCIATES FOR CONSULTING ENGINEERING SERVICES FOR ELECTRICAL AND STRUCTURAL DESIGN AT THE WESTFIELD TOWNSHIP WELL WATER TREATMENT PLANT
- 06-1078 CREATING A RESTRICTED MAIN IN CENTER ROAD (SANITARY ENGINEER PROJECT #MC300/00-62.1)
- 06-1079 RESOLUTION AUTHORIZING THE DEPARTMENT OF PLANNING SERVICES TO PROCEED WITH EXTRA PLANNING SERVICES FOR CHATHAM TOWNSHIP IN ACCORDANCE WITH THE OPERATING POLICIES AND PROCEDURES OF THE MEDINA COUNTY DEPARTMENT OF PLANNING SERVICES ESTABLISHED BY THE BOARD
- 06-1080 RESOLUTION AUTHORIZING A REQUEST TO THE OHIO BOARD OF BUILDING STANDARDS TO AMEND CERTIFICATION OF THE COUNTY OF MEDINA FOR ENFORCEMENT OF THE OHIO BUILDING CODE REMOVING THE EXCEPTION FOR USE GROUP I-2 INCLUDING HOSPITALS AND NURSING HOMES
- 06-1081 RESOLUTION AUTHORIZING A REQUEST TO THE OHIO BOARD OF BUILDING STANDARDS TO CERTIFY THE COUNTY OF MEDINA FOR ENFORCEMENT OF THE RESIDENTIAL CODE OF OHIO TO EXERCISE AUTHORITY AND ACCEPT AND APPROVE PLANS AND SPECIFICATIONS AND MAKE INSPECTIONS AND  
ADOPTION
- 06-1082 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

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

Respectfully submitted,

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Pam Vereb, Clerk

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

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

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