

## COMMISSIONERS MEETING – MONDAY, OCTOBER 17, 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.

At the beginning of the meeting the oral reading of the October 10 minutes was dispensed with. Each Commissioner has read them personally. Mr. Hambley moved to approve the minutes; Seconded by Ms. Ray. Mrs. Geissman stated there is one typographical error. There was no further discussion. Roll Call showed all Commissioners voting AYE.

Doug King, Administrative Assistant in the County Engineer's Office, presented a resolution accepting and awarding the bid for the joint improvement of various county/townships roads by bituminous hot-mix resurfacing. Mr. Hambley moved to approve the resolution; 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 and reviewed resolutions amending the annual appropriations by transferring and increasing appropriations, various fund transfers, purchasing fuel for the Engineering Center from Ports Petroleum, declaring 10 county motor vehicles as excess property to be put on public auction on October 26<sup>th</sup>, and the weekly bills in the amount of \$895,494.19. Mr. Hambley moved to approve the 8 resolutions and payment of the weekly bills; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Gary Berkowitz, Human Resources Director, presented and reviewed the personnel resolution. Mr. Hambley moved to approve the personnel changes; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Gary presented a resolution approving a 30-day suspension of a Transit employee. Mr. Hambley moved to approve the suspension; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

John Stricker, County Administrator, had no resolutions today.

Ken Hotz, Sanitary Engineer, presented a resolution authorizing the investment of the retainer of Engineered Fluid Inc. for the Ledge Road pump station in an escrow account. The project is 50% complete. Mr. Hambley moved to approve the investment of the retainer; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution authorizing the investment of the retainer of Underground Utilities Inc. for the Hinckley Township waterline project 2005 in an escrow account. The project is 50% complete. Mr. Hambley moved to approve the investment of the retainer; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution authorizing the release of the escrow account of Underground Utilities Inc. for the Medina Reservoir sanitary sewer replacement 2004. The project as well as the clean up has been completed. Mr. Hambley moved to approve the release of the escrow account; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution accepting and awarding the bid for the Chatham Township waterline project 2005. Bids were received last week for this second phase in Chatham. The low bidder is Fabrizi in the amount of \$3,490,682.50. With the completion of the second phase 2/3 of Chatham will have water service. Mr. Hambley moved to accept and award the bid;

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Seconded by Ms. Ray. Mrs. Geissman noted that the water is needed badly in Chatham. There was no further discussion. Roll Call showed all Commissioners voting AYE.

Patrice Theken, Department of Planning Services Director, noted that there is a Downtown Revitalization Workshop on October 20. The Planning Day Open House will be held on November 10, with awards being presented at 3:00 p.m. Those receiving awards are: Michael Pope for continuing education, Robert Arnold for community service, ODOT District 3 as a public agency, Dorothy Crouch for community commitment and Kenneth Crandall for the lifetime planning award.

Mrs. Geissman presented a resolution approving policies for the maintenance and operation of county buildings. The policies were presented and reviewed by the Board at a prior meeting. Mr. Hambley moved to approve the policies; Seconded by Ms. Ray. Ms. Ray thanked the others for the expedient approval of the policies that will help in the safety in all buildings. There was no further discussion. Roll Call showed all Commissioners voting AYE.

Mrs. Geissman reviewed a resolution reappointing Lisa Chapman, James Conrad and Allen Bowman to the Medina County Convention & Visitor's Bureau Board of Trustees. Ms. Chapman's term will expire on December 31, 2006 and Mr. Conrad and Mr. Bowman's terms will expire on December 31, 2007. Mr. Hambley moved to approve the reappointments; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mrs. Geissman reviewed a resolution appointing Karen Wolff, Tim Vanderlaan, Bob Gillingham and Victoria Tiffit to the Workforce Development Policy Board with their terms expiring December 31, 2008. These people represent Medina County on the WIA Area 20 Board and it is felt in the best interest to have them appointed as members of the local Workforce Policy Board. Mr. Hambley moved to approve the appointments; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mrs. Geissman reviewed a resolution reappointing Ray Denson and Ann McClaning to the Western Reserve Area Agency on Aging 5-County Council. Ms. McClaning's term will expire on December 31, 2008 and Mr. Denson's term will expire on December 31, 2009. Mr. Hambley moved to approve the reappointments; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mrs. Geissman reviewed a resolution reappointing Jo Becks and Raymond Denson to the County Council on Aging with their terms expiring December 31, 2008. Mr. Hambley moved to approve the reappointments; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mrs. Geissman reviewed a resolution reappointing Dino Sciulli and Gail Carmen to the Public Defender Commission with their terms expiring December 31, 2009. Mr. Hambley moved to approve the reappointments; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Mrs. Geissman reviewed liquor permits for Brunswick Hills Country Club in Brunswick Hills Township and a transfer from Ridgewood Party Center to Sharon Event & Party Center. No comments have been received on either permit. These are notices to the Board.

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.

Jeff Witschey, Agent for the Petitioners of 177+ acres of land from Wadsworth Township to the City of Wadsworth, asked about the status of the Commissioners' final decision. This

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annexation was denied by Commissioners, appealed in Common Pleas, and remanded back to the Commissioners for reconsideration.

Mrs. Geissman stated that it has been discussed in Executive Session. The county's attorney was not available for a couple of weeks and nothing has been schedule to review the final details.

Mr. Witschey asked for notification when the annexation decision will be discussed in public session.

Commissioners agreed to have him contacted.

Mrs. Geissman noted that there is an annexation hearing scheduled at 10:15 a.m.

Bill Thorne, Assistant Prosecutor, requested an Executive Session to discuss new and old pending litigation. Mr. Hambley moved to recess into Executive Session for this purpose; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Commissioners reconvened the meeting at 10:15 a.m. for the annexation public hearing on 81.6673 acres of land from Wadsworth Township to the City of Wadsworth. An attendance sheet is attached as Exhibit A.

Mrs. Geissman swore in those wishing to comment during the hearing and opened the hearing for opening statements.

Blake Gerney, Attorney for the Agent for the Petitioners, Neil Wenger, stated there are 3 parcels involved in the annexation petition. The property is bordered by WalMart to the west and Reimer Road to the north. One parcel on the east side is owned by various owners that have consolidated as business partners. The petitioners request for removal from the township and to be made a part of the city. This started as a 30 acre petition and a hearing was held on that petition; however, that request was withdrawn because of the coordination of the owners of an addition 50 acres. This will have unified development. All of the procedures have been met, there are no properties being forced into annexation, the service ordinance from the city has been filed, the total acreage is not unreasonably large, the benefits outweigh any detriments both within the proposed annexation area and the surrounding area, and no road maintenance problems will be created.

Jeff Kaiser, Planning Director of the City of Wadsworth, stated that the city is not opposed to the annexation. He presented a small version of the map of the territory and their thoroughfare plan. The property is adjacent to the city's boundary on the west. Commissioners have also received Mr. Easton's affidavit regarding the availability of services. The thoroughfare plan and master plan shows the extension of roadways, Smokerise Drive and Park Centre Blvd., to Hartman Road. The plan for the development of the property is not known at this point; however, the city can enforce whatever development is planned that the extension of the 2 roads will occur. The extension of the 2 roads will improve traffic flow overall. The city does not seek annexations. They are brought in by property owners or developers and the city has to evaluate the requests and make a judgment on whether annexation makes sense. In this case the indication is that there is some benefit for the property owners and the community.

James Bennett, Assistant Prosecutor representing the Wadsworth Township Trustees, stated that there was a town meeting held in the township in which the proposed plan for development was presented for the residents to hear. He will have testimony from residents on how they feel the annexation will be a significant detriment and have no benefit to their properties. Concerns include increased traffic flow for Reimer and Hartman Roads that cannot handle increased traffic as they are currently engineered, and mines in the area in which some residents have experienced subsidence problems. There are mines under the proposed annexation territory. Residents in the area prefer a rural area and how the proposed development

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will significantly affect their properties and the rural atmosphere. The proposed development is for 50 acres of commercial and 30 acres of residential with a minimum of a quarter-acre density. This annexation along with a 139 acre annexation along Hartman Road will create islands and will create problems with services particularly for residents south of I-76. There are also concerns about city water being provided. There had been a conversation between Jim Troike, Sanitary Engineer, and Chris Easton, City Service Director, in which he indicated they could not provide 2000 gallons/day of water to the area under an existing agreement with the Commissioners. This annexation started as an expedited annexation, but the City refused to take the annexation as an expedited because they would not get all of the tax revenue. It is the desire of the city to have the property annexed, not for the benefit to the property or surrounding property, but as part of their uncontrolled urban sprawl.

Mrs. Geissman asked if there were any challenges to the validity of the petitioners signatures or any owners that wish to testify that their signatures were obtained by fraud, duress or misrepresentation. There was no owner present wishing to withdraw their signature and there were no challenges filed to any of the signatures.

Mrs. Geissman reviewed with the Clerk the validity of the petition and the disposition of procedural matters, which were all in order.

The hearing was opened for the presentation of the case and started with the Agent for the Petitioners.

Mr. Gerney questioned Shawn Leatherman, Wilcare Corp. at 200 Smokerise Drive. Mr. Leatherman testified that Wilcare Corp. is a division of American Healthcare Centers and that they are also involved in the operation of the Galaxy, Holiday Inn Express and Liberty Plaza's I and II. The original interest in the property was because it is located across from the dead-end street by the Galaxy. The intent is for light commercial in the southern 2/3 of the property because of the businesses in the area, with residential in the northern 1/3 portion. In the beginning the interest was in the southern 30 acres. The city's master plan shows connection of the roads, and when the Merryweather group showed interest in annexing as well, they withdrew their original petition to include the additional acreage. The benefits of annexation include water, high-speed internet, and road maintenance. Leaving the property in the township wouldn't benefit this property or the surrounding properties. There is no intent to bring in others with the annexation and it doesn't make sense to bring in any others.

Through questioning by Mr. Bennett, Mr. Leatherman stated that the Smokerise address is the business address and that he lives in Sharon Township. He doesn't feel that residents of Wadsworth Township or Wadsworth City are more familiar with the good of this area than he is. He lived in Wadsworth all of his life prior to moving to Sharon Township and has worked in this area. He doesn't know of any area he's more familiar with than this area. He does not have a planning degree, but he has been involved in all of their construction projects in the last 10 years. His job is to develop things that are good for the community and the company. He is aware that the annexation was filed as an expedited and that it was withdrawn. He is not sure why it was withdrawn. He was not told the city was not going to approve the expedited type annexation. He was told that based on the development and options were always available. He was not told they could or could not do an expedited. When they took on a larger unrelated 50 acres it did make things a little more complicated and ultimately was probably part of the reason for changing the type of annexation filed. He had mentioned the high speed internet as a service; and he understands different levels of service are available. They do utilize the high speed internet and is one of their largest users. He is not aware that there is an agreement to extend the cable and internet access into the township. He has no statistics on the difference in the quality of the roads in the township and city. He did not agree, personally, that the township roads are in better shape than the city roads. He has also not noticed that the township snow plows quicker than the city. He does not feel these are trivial benefits, but it is not his perception that the roads are better maintained in the township. Those are not the major benefits of annexing. Water, sewer and utilities are readily available to this property. If there is an alternate source for these, he would like to know about those. He is aware there is an agreement with the county that requires

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the city provide sanitary sewer to this area. The major benefit is the water and he has been told the city can provide the water. They are providing the same number of gallons of water daily as they did 10 years ago because of conservation efforts on the city's part. He does not have details on the comments that the city will be out of water by 2008 and finds it hard to believe because he doesn't believe he would be told they can supply this area if they could not.

Through further questioning by Mr. Gerney, Mr. Leatherman stated that he is not a lawyer or planner, and he is not very familiar with the annexation process. The ultimate development of this property is not the issue today. That decision is not going to be made by the annexation process. He believes that the ability to develop the property and maximize its use is based on whether the property is annexed.

Through questioning by Ms. Ray, Mr. Bennett stated that there was an Expedited Type 2 annexation for these parcels.

Ms. Ray stated that she was not aware the expedited petition included all of the parcels that are now included. She also asked for copies of the information that says township roads are plowed faster than city roads. She is familiar with this area and is interested in that information.

Mr. Bennett stated that the issue of roads was brought up at the town meeting where the road superintendent for the township as well as the residents talked about the roads. He does not have written notes on that. There will be testimony to that affect during the hearing.

Mr. Kaiser waived rights to question all witnesses.

Through questioning by Mr. Gerney, Tim Merryweather of Akron stated that his relationship to this annexation is 50 acres that was owned by an estate, which had been left deteriorating. Their partnership purchased the property in July 2005. There are 2 partners from Akron in his development group and that the other partners are people they have done business with residential development. There are a total of 5 partners in the group. He is the President of Merryweather Real Estate that is a small real estate firm that does property management and development. They are primarily residential developers and they have also done some small scale retail projects. There is a wide variety of residential developments that they have dealt with, including single family, apartments, and condominiums. This hearing will not determine the type of development that will go in or its density. That will be determined by the zoning within the city if annexed. They are starting to develop a plan, assuming the annexation is approved, and they will work with the city on the development. They would like annexation of the property because there are "big box" retailers in 2 areas adjacent to this territory and they feel it makes sense to have some type of transition and buffer between the big box retailers and the township community. They have to develop a plan for road configuration and for use of the property that makes sense. He doesn't have plan to show, but in theory they believe it makes sense to have Park Center extended and to have some type of transitional neighborhood to create some type of buffers. Residential housing will be a major part of their site. They have reviewed the city's zoning code and it makes a lot of sense to use that. The township zoning doesn't permit them to develop the land the way they feel makes sense for the city and township as well as themselves. They have been assured they will get the water and they will have to work with the city regarding how the property will be zoned.

Relative to the meeting last week, Mr. Merryweather listened to people concerns and addressed them. By people's nature, they have lived in that area and the property has been farmland. Those people don't like to see development and would like to see things remain the way they are. That is human nature. They are planning a nice community and with many developments he has been involved in the people objected and later were comfortable with the development when it was done. He tries to work with the people and to work on projects that will be a benefit to the community. He took photographs of a variety of projects that he has been involved with to the meeting and answered questions from the people. He feels that people left the meeting feeling that he cares about what he does and he does comply with requirements for the developments. Currently the property is neglected.

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Regarding underground mines on the property, Mr. Merryweather he stated that they received maps of the underground mines before purchasing the property. A small portion of a mine is under the property they purchased and they did soil testing prior to the purchase and sent them to their geological engineer who reviews the depth of the mine and the composition of the rock and soil throughout the depth. Based on their review of the mine on their property, the engineer feels any type of structure that we would deem necessary. There are extensive mines to the east. He is not concerned with the mines on their property. He has no plan to seek additional land for annexation. This annexation does not involve surrounding properties and the only change with the land will be that it will not be in the township. The water is the major issue as well as the zoning.

Through questioning by Mr. Bennett, Mr. Merryweather stated that the underground mine map and overlaid it with their property map. There was only a small area of their property affected by the mines, which are more substantial to the east.

Mr. Bennett presented a map showing the mine identified as MA7.

Mr. Merryweather stated that the map appears the same as theirs that was given to their geological engineer. Through questioning he stated he was not sure if the map came from the ODNR website. The map was provided to them by their environmental consultant.

Mr. Bennett stated that the map is from 1983 that shows another mine, MA8, which covers a significant portion of the property.

Mr. Merryweather stated that he doesn't recall seeing that mine.

Mr. Bennett stated that the ODNR was not aware they transposed mine MA8 until Friday.

Mr. Merryweather agreed that he was not aware of MA8 or of the affect it would have on the development. He stated that he would go through the same process to check this mine. These are not sub-surface mines and you will not drill a hole and hit a mine. There are mine shafts in different locations and are deep underground. If he were to build a world trade center he wouldn't want to build it on top of a mine. There is a level of soil between the topsoil and the mine, approximately 60-70 feet down. A load bearing analysis has to be performed to determine what type of load can be on the ground. If it is determined that the area of the mine has to be reinforced it is not that big of a deal. He has a lot of experience in dealing with adverse soil conditions that can be remediated. If there is no way to remediate the condition, then it becomes green space. At this point he does not know the depth or strength of the mine or what can be put on the MA8 mine. He feels the annexation will still be a benefit even if the large area to the south has to be left in green space, but he doubts he will have to leave it in green space. Determining what can go into that area will be done as part of the planning process. The discovery of this mine does not affect in any way his desire to annex the property. In review of a map showing proposed drives, he stated that at this time it is inappropriate to discuss the road configurations. He agreed he gave the map to Mr. Bennett that states it is a proposed road configuration.

Mr. Bennett stated that it is a proposed road configuration that shows Park Drive emptying onto Hartman Road.

Mr. Merryweather stated that it is not a proposed road configuration. This is a map that was shown at the town hall meeting. The configuration is not determined at this time and will have no idea until they go through the planning process. It makes sense to have Park Drive and Smokerise Drive connect, but how they go out to the east will be determined by the city. He has hired a planner that is working on a comprehensive plan that he will review and send to the city. He has not done a traffic study of Hartman Road, but he knows the city has. He is not aware of any safety concerns. If a road goes to the east it has to be designed with sight line issues in mind. He has had to lower roads in the past where there were sight line issues. A responsible

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city planning will make a determination of the appropriate sight lines from the north and south. That is an engineering function as opposed to an annexation functions. That will have to be addressed by the city. He has not done a traffic analysis and doesn't know what the affect will be on the area. He would defer to a traffic engineer.

Mr. Bennett stated that Mr. Merryweather said at the township meeting that he didn't consider using the township code for development.

Mr. Merryweather stated that he didn't consider it but he looked at the township zoning code and doesn't feel it will be sufficient to develop the property in a way that he feels makes sense. Relative questions on extending the roads, he stated that the city is looking at alleviating some of the traffic on SR 94 and deferred the question to the city. He disagreed that he is proposing condominiums or apartments, adding that at the meeting he presented pictures of a variety of housing developments that he has been involved with, from ½ acre and 2 acre sights to condominiums, similar to the northeast corner of Reimer and SR 94, as well as apartments. He really doesn't have any idea what the density will be for the residential growth. He disagreed that he would necessarily seek the highest density to maximize his profit. Lately the market has been slow and the condominium market has been affected. He has one property that he had approval for apartments and changed to condominiums, with less density, because it made more sense. He was involved in one condominium development in Medina with 3 units per acre and another in Cuyahoga Falls with 2 units per acre. That will be a function of the zoning and planning. At this time he cannot provide definite plans for what will be done with the property. The zoning for this area will come out during zoning hearings. Relative to the surrounding township territory, he feels that it would be appropriate to have a transition from the big box stores out into the residents of the township area.

Through questioning by Mr. Gerney, Mr. Merryweather stated that he doesn't believe consideration of zoning or provision of road configurations is a requirement for annexation. Regarding the mines, he stated that he had an engineering company help with review of those, and they are professional soil engineers. He is satisfied with the report they gave him, and their track record has been outstanding on numerous projects. The mine issue will be there whether the property is in the city or in the township. The road configuration and development plans will be determined later. The roads are a function of the development plan and it would be developed differently if it were in the township. Where the roads go and if they are similar to what was on a proposed plan is something that will be determined later.

Through questioning by Mr. Gerney, Tom Tucker, City Engineer, stated that city services are under direction of Chris Easton and his involvement is the review of planning, from preliminary plans through completion. This involves working with the Planning Department to review the zoning request, annexation request, plan layout, the thoroughfare plan, and the establishment of roads. They work with developers to determine where roads will go and the elevation and horizontal/vertical layout. They work with traffic engineers to be sure traffic studies are done appropriately and that the road design will meet those. They also work with the civil engineers to design and prepare plans for all utilities, water, sewer, storm sewers and detention systems. They work with the Soil & Water Conservation District for erosion control. They are in the process now of working with the District to develop new regulations that will ensure erosion control is consistent. They are involved with the platting process and work with the county to ensure they meet local and state codes. He doesn't personally get involved in the cable or internet connections. He has been with the city since June 1990 and has been City Engineer since April 15. He is not aware of any inability on the city's part to provide any services. Water is an issue, but the city is always looking at developing wells, including the Chippewa Creek well field and within the city. They are maintaining many wells within the city. The water usage of 2.2 million gallons/day is comparable to 10 years ago and there are a lot of factors that go into that. Conservation is a major factor and working with the large water users to recycle their water. Because the development of the area is not known at this time, the requirement for usage cannot be anticipated. From his familiarity, there are lengthy discussions in the city when property comes into the city on whether water can be provided.

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Through questioning by Mr. Bennett, Mr. Tucker stated that they have done many reports relative to water and he's not sure which was the one done by Burgess & Niple in 2004. He reviewed the report presented to him by Mr. Bennett noting that it was done for the Forest City development. He read the conclusion from the report that the safe yield for the average daily water demand would be exceeded by 2008; however, with an accelerated schedule the new well field and waterline could be constructed by 2006 increasing the safe yield to 4.6 million gallons per day. The city has been looking at an accelerated schedule, the well field has not been developed, no wells have been drilled, and it could be completed by 2008. He was not involved in any discussions with the County Sanitary Engineer regarding water to Sharon Township. He has heard about the agreement between the city and county for water service, but he has not read the agreement. He has heard that the area is outside of the agreement area. He works with planning, and he is aware that in 1996 the city adopted a comprehensive plan that shows potential growth areas. He's not aware of a map that showed the entire northeast portion of Wadsworth Township becoming a part of the city. The report in 1996 showed development in both the city and township. He is not sure that the map showed the area being developed as 4 units per acre, which is under the city's code. He doesn't believe that it included that because of the corporation limit. A lot of the line had to do with the sanitary sewer service district. He understands the agreement for sewer service is that the line runs through and if it runs by gravity it goes to the city. If it goes by gravity to the county system, the county services it and pumps it back to the city. It is a joint agreement and he agreed that this area could get service with or without annexation. He agreed that electrical service is available to the area and that there is an agreement for fire/rescue service between the city and township. He did hear that an agreement was recently entered to provide cable service to areas of the township. He has not been involved with either agreement and does not know the details. He agreed that without knowing the required usage of water in the area it is difficult to say that water can be provided in a particular amount.

Through questioning by Mr. Hambley how safe yield is determined, Mr. Tucker stated that relative to the report, it was done for absolute worst case scenario and projecting a growth rate that wasn't necessarily occurring. At that time we had a stabilized yield or growth rate in the water usage, but they didn't want to assume that would remain. The city was being conservative in the study to show that if a large commercial development, such as Forest City, occurred and we had an increase in the water usage. That wasn't actually happening, but if they did occur the city would have to accelerate the water upgrades for the 2008 plan. Currently the city does have capacity for these smaller sights that are coming into the city. They have the capacity for the development that is occurring such as Kohl's and Lowe's and they will have capacity for several years with the increased growth. With the flat-line, conservation efforts, and doing wells inside the city, they are not near the safe yield problem that the study anticipated.

Mr. Gerney stated that he has no further witnesses at this time.

Mr. Bennett stated that he does have witnesses to testify.

The hearing was recessed for half-hour at 12 noon.

Commissioners reconvened the hearing at 12:40 p.m. and announced that the Board needed to recess into Executive Session to discuss imminent litigation. Mr. Hambley moved to recess into Executive Session for this purpose; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

The hearing was reconvened at 1:10 p.m.

The next case presentation was by the City of Wadsworth.

Jeff Kaiser, City Planning Director, stated there has been a lot of talk about underground mines, road configurations, and traffic. He doesn't feel these are issues for the annexation of the property. Those are development issues that will be reviewed in more detail when the property is developed. Those issues will exist whether the property is in the township or city. The

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property and community as a whole are better maintained if they are annexed because the city's ordinance does require a traffic impact study. The traffic generation is a function of land use so if it's annexed, 1) the property will have to be zoned, and 2) the property owners will have to put through a plan that reflects the underlying zoning in which they will look into details of the impacts. You can develop over coal mines and you can do them in a way that the impact on the building or street locations are minimized. In looking at the land to be annexed overlaid with the map of the comprehensive plan, the road configurations are anticipated potential routes. If this is annexed part of the development procedure will be to have some type of roadway. Whether the configuration is the same or not will be determined in the review process. If the soils aren't sturdy enough the road alignments may change direction. There are 2 major thoroughfares, Hartman Road and High Street and they are looking for an east-west connection to facilitate traffic through the area. Depending on what happens, Hartman Road may be improved in the future to accommodate the heavier traffic. However, anything said at this hearing is hearsay because there is not enough information.

Through questioning by Mr. Hambley, Mr. Kaiser stated that regardless of jurisdiction they look at any intersection within a half mile area of the sight and there have been times when they have looked within 1 mile.

Through questioning by Mr. Bennett, Mr. Kaiser stated that the issues raised are development issues and their planning considers the affect on the city as well as the township. He believes that the plan for the big box store next to residential land of 2 acres was a good plan. That's why it's called planning; it's mapping the future, not looking at what exists there. They anticipated the land would be developed, but not necessarily annexed. He disagreed that the city didn't give consideration of the township residents in the planning. The study is multi-jurisdictional and if improvements are required to the intersection of Reimer and Hartman Roads as a result of development, the city will give the county notification and there may be a requirement to put in improvements. The requirements would be for the developer to put in any street improvements and it would then be maintained by the county and the township. He does not know if roads are better maintained by the county/township or the city as that is not under his jurisdiction. The city does not do traffic studies; the developers do. At this time the only one he is aware of being done was at I-76 and Akron Road in which some of the land was annexed to the city and some adjacent property, such as Medina Line Road, is still in the township. He agreed that Reimer Road and Rt. 261 are east-west connections, but as there is higher development you need more roads to disburse traffic rather than routing everyone onto major thoroughfares. They are not attempting to funnel all traffic onto Hartman Road. They want traffic to flow easier for all residents. To his knowledge no traffic study has been done to show whether more lanes or turning lanes will need to be added because those are determined when a traffic study is done as part of the development planning.

Through questioning by Mr. Gerney, Mr. Kaiser stated that he does not know what will go into the development. Relative to Smokerise Drive extending to Hartman Road, part of the area is still in the township and the city could not require the extension. If that land develops in the township the city would work with the County Planning Commission and township, adding that he would make a request.

Mr. Hambley noted that Hartman and Reimer Roads are county roads, not township roads.

Mr. Kaiser, through further questioning, stated that he is aware of the 130+ acre annexation on Hartman Road that has been approved. That annexation has been put on the ballot and the one road cannot be extended to Hartman Road if the issue fails on the ballot because the land goes back to the township. If the issue is approved on the ballot and the annexation goes through that road could be extended.

The next case presentation was by Mr. Bennett on behalf of Wadsworth Township.

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Through questioning by Mr. Bennett, Michael Schweickart stated that he is a Registered Engineer and owns a consulting firm that does professional traffic engineering. He has done traffic engineering for 30 years; he reviewed his education, and noted that he was Chief Design Engineer for TrafficPro for 14 years before starting his own business. He has done about 6 traffic impact studies in the City of Wadsworth. He was the principal author for the traffic impact study for the WalMart development. The process included estimating traffic based on national averages of similar type developments and collected current traffic data to determine what the impacts would be. They determined there were needs to mitigate the traffic and recommended improvements on all of the roads in that area for an acceptable level of service on the roads. Some of those improvements are still in the planning stages. If existing roads cannot handle the projected traffic ways are suggested to mitigate the roads. In this case the township asked him to do a trip generation study of the 80 acres from the description he heard at the town meeting of what potentially could be developed. At the time he did the study for the WalMart and Home Depot development his recommendations were based on this particular land being in the township. His analysis of this annexation, based on a partial residential and light commercial and taking a conservative approach, was that 230 trips could be generated during morning peak periods and about 660 trips during evening peak periods during the weekdays. There would be significantly more trips on weekends. He did not compute the volume of traffic that would occur under city zoning for the 139 acre annexation along Hartman Road that was approved and is under referendum. If the property is developed with ¼ acre residential density it would have an additional affect on the traffic volume. In the peak hours there is one trip per residential unit per day, which would be approximately 500-600 additional trips during the peak hours. Professional traffic engineers, ODOT and research analysts determined that there is a need to start looking into the impact and possible mitigation when there are 100 additional trips per peak hour. Based on studies already done in the area and on what residents in the area say, there are existing problems that will require mitigation as development goes on. At this point he is not sure what mitigation will be needed, but his opinion is that the current road system will not be capable of handling the increased traffic if this develops.

Through questioning by Mr. Gerney, Mr. Schweickart stated that he is referring to a map showing this annexation. He agreed that any development of the property will impact traffic. The annexation itself will not determine the traffic, noting that it is a development process. The information he presented was a trip generation analysis as opposed to a full traffic study. He stands by his statement in a letter that development of the property will generate 100 trips per hour and that impact may need mitigation and that a full traffic impact study is needed. That would be a development issue as well.

Through questioning by Mr. Hambley, Mr. Schweickart stated that he was asked to do this by the township. Without having additional information, traffic mitigation could include additional lanes, traffic signals, and other traffic control measures. It could also include additional roadways and connections to arterials. Through other questioning, he stated that a trip distribution analysis was not done. That analysis is used to assign the amount of traffic to the roads that would be in this planning. The 660 peak was total traffic in and out.

Through questioning by Mr. Bennett, Zach Greatens of the Medina County Department of Planning Services stated that he talked with the ODNr and the map they had was incorrect. The map was updated in February 1983 by the ODNr and it shows the MA8 mine. The original map used was from the ODNr website.

Trustee Virgil Mochel stated that some of the stuff has been covered, but he suggested that if Park Center and Smokerise are extended to Hartman Road, the road would go through the 139 acres that has been annexed and is now under referendum. The plan for the 139 acres was for 290 homes by itself. The number of homes on this property is vague, but there will be more plus commercial, and he doesn't believe that will decrease traffic on Park Center and Smokerise. If these properties remain in the township they allow 1 house per 2 acres or 1 ½ acres with sewer service. The city allows 4 houses per acre. The roads could still be extended with the properties remaining in the township. The developers will be paying for them and that's the way they would be paid for whether the land is in the city or township. If the land remains in the township

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and the roads are extended there would be less traffic than if it were in the city because there would be 1/6 or 1/8 of the homes built.

Through questioning by Mr. Bennett, Mr. Mochel stated that he has been a Trustee for 9 years and he has had the opportunity to plan for the growth of the township. That was done by the desire of the residents after a 1995 survey that showed the residents want to maintain a rural character and lower density housing. Approximately 75-80 percent of the residents responded. The Trustees have tried to do what the residents have said they desire. Another survey is being prepared. Not one resident has said to any trustee that they want higher density. The entire southern part of the township has sewer service and they do not have to annex to have that service. This annexation along with the Hartman Road annexation (Heritage) will create 2 islands created that will cause problems for the Trustees. They have a contract with the city for EMS and fire services and the Sheriff covers their area. Having pockets of the township will create confusion for services. He is aware of the high volume of traffic on Reimer and Hartman Roads already and the annexation will cause more problems. The township is not against development and this land could be developed in this area if it remains in the township. He has noticed a difference with road services between the city and township. As an example, Johnson Road has been resurfaced and the city streets are broken up. The city has improved some this year, but the township's road budget is about twice what the city has budgeted for their many miles of roads. Snow plowing is done on all roads in the township and there are problems with some of the side streets in the city.

Through questioning by Mr. Bennett, Shawn Bouscher showed on the map the 3 parcels he owns as well as the parcel he jointly owns with his parents, which is just under \$1 million worth of real estate in the township. The land is less than ½ mile of this proposed annexation. He stated that they purchased the property in 1996 for the rural environment. The primary reason they purchased the property was the water flow that goes through. He contacted the Soil & Water Conservation District and they identified the watershed and water flow coming off the proposed annexation property and the Vance farm. They have 122 acres of watershed that's feeding onto his property. When he purchased the property he did a water analysis and the water was clean. They are in the process of building ponds for aqua-culture, which will be Asian Tiger shrimp production that is a viable venture that is lucrative. The growing season from June to September is ideal and the water quality is critical. They had some "foaming" during the spring runoff, which was after WalMart went in, and it lasted about 2 days. He showed where a service basin is located near WalMart that feeds into the ditch line. They have not determined which direction the ditch drains. This is the first time this has occurred during spring run off. He is concerned that there is talk about putting in roads, which will change the flow of the water. He is concerned about the manual used by developers that involves erosion and water run off. The hydrology books don't address the quality of the water. If commercial is put in there will be parking lots, which mean dirt, oil, tar, and asphalt residue that will run off. The developer invested \$30 million into his 30 acres and he lives in Sharon Center. He has invested \$855,000 in his property and he lives there. The development will contaminate his home and property. He wants a high quality of water and wants to be able to produce agricultural products, which is the reason he bought the property. He does not want that infringed upon. If they put in retention basins to slow the speed of the water there will be no filtration going on. Development of the property will be a significant detriment to his property. He is also concerned MA7 mine that runs off onto his property through 8'X10"X4" hole. About 300 gallons of water comes out of that per minute. When he purchased the property there was concern about the columns that support the mines. He has significant subsidence on his property, noting that he had a tree in the woods that subsided 6 feet into the ground. That is why they didn't pursue purchasing the back 45-50 acres. He will have problems getting services to his property because his property is located within one of the island areas. There have been discussions about other water options and he would like to have another option to get water to his property. When he first moved to the area his son was able to ride his bike on the road, and he is not allowed to do that now. There are traffic tie-ups at the intersection of Reimer and Hartman Roads as well as Hartman and Rt. 261. The current roads cannot handle the existing traffic. He sees no benefit to his property with the annexation, and sees the annexation and development as a detriment.

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Through questioning by Mr. Gerney, Mr. Bouscher stated that his problem is with the development of the property. If it were to stay the same he would have no problem with that. If the development were to occur in the township he would possibly have a problem with it.

Mr. Hambley noted that Mr. Bouscher had stated that he worked with the Engineer's Office regarding water quality, and asked if he has talked with them about the NPDES regulations that cover Wadsworth City as well as the township and county.

Mr. Bouscher stated that they discussed doing some routing and trying to control some of the watershed and alternate water supplies.

Through questioning by Ms. Ray, Mr. Bouscher stated that they purchased their property in 1996 and moved into the house in October 1998. He spent many summers in the area at his grandparents home that they lived in from 1945 to 2002. His family has been in the county since 1828. He was surprised by the proposed development in that it was occurring this fast, especially with the Vance farm. When they first moved in he talked with Mrs. Vance and it wasn't going to develop any time soon. That annexation is going to affect him more than this proposed annexation, but he didn't know he had the option to appear for the hearing in that case to express his concerns. Relative to the aqua-culture, he is not trying to make a living, but it is to help pay his taxes on the property. He had talked with Chris Easton prior to purchasing the property and he was aware the city had the area as proposed for development. He also knew how the sewers were going to be run down through there. Eventually, within 30 years, he can see the township and city being merged.

Through questioning, Linda Strong believes their property is within ½ mile of the proposed annexation territory. Everything she has to say is her opinion and it is based on the affect this will have on her property. Initially they got involved when the Vance annexation came up and they appeared for that hearing. She, her husband and several others canvassed Wadsworth City to get signatures to have the issue put on the ballot. It is a different annexation issue, but all annexations are connected. If those 2 roads go through to Hartman Road, the land will not stay vacant and there will be more annexation requests because the purpose of installation of the road is to allow development. Originally they moved to Wadsworth City and they had no complaints, but they wanted more space and decided to build a home in the township. They liked the small town atmosphere and felt it was a safe community. By adding these commercial developments she doesn't believe Wadsworth will stay that way. They heard many instances at the town hall meeting of people having break-ins just with the addition of the WalMart. With the commercial development currently going on that will probably increase more. She hasn't personally experienced increases in crime. They have a good well and they are concerned that the development will change their well. At the town hall meeting someone reported they had to drill a new well and she questioned whether any developers would help with drilling new wells. Once the development is in those people are gone. They will add to the congestion, the crime rate, and they are going to make their lives more complicated. That is a detriment and they didn't buy land in the township to be swallowed up by the city. The city has created a congestion mess on Rt. 94 and now they want to put roads through to dump on the laps of the residents on Hartman. She doesn't feel it is right to allow people to buy land in the township and then all of a sudden its city land that can be developed any way they want once they get a hold of that land. There is no idea what is going into the development. She understands the city wants to raise tax money through the commercial developments, but questioned how the people know there isn't tax abatement taking place. She believes that with more homes going in it will be a detriment to the school system, which will be an increase in taxes. Looking at the overall picture she doesn't see continual annexations are going to advantageous. There is already such an increase in traffic that she avoids these roads. Over the years these might develop slowly, but the last couple of years these have been one after another and people don't have a time to adjust or the city to make sound plans for handling this. Mr. Kaiser had mentioned the extension of the roads and she's sure that is not for the benefit of the people in the township. Those residents on Reimer Road and Hartman Road are going to be greatly inconvenienced and property values will probably decrease. There is no sound or firm plan in place for these areas and that is not good. The attitude of the city residents she talked

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with when getting signatures for a referendum was that 9 out of 10 were against further annexations. Comments from those people included that they moved to Wadsworth because they liked the small town atmosphere and now it's starting to look like Medina and concerns about the services. She sees no benefit to her property and feels it is a detriment to her property with the increased traffic.

Jeff Tucker was called forward and sworn in. He had not been sworn in with the others at the beginning of the meeting.

Through questioning by Mr. Bennett, Mr. Tucker stated that he is building a home on Hartman Road and is within ½ mile of the annexation sight. He works for a construction and development company as a Construction Superintendent on residential jobs. This issue is a quality of life issue that includes the traffic congestion. He looked for 2 years to find property he wanted that is close to the goods and services of the city and yet is rural. He was not aware of the proposed Heritage development, which is not an issue today, but is part of the grand master plan with this annexation. His country home is now becoming city. Even though they are connected, not by road, to the Wilhite Subdivision, they are removed from the township with the one island that will be created. When he was building his home he had to go to the township for a variance for his driveway access because of the amount of traffic prior to the WalMart and Home Depot construction. In the last year and half that he has been preparing to build he has seen the traffic increase. It is a traffic nightmare at Hartman Road and Rt. 261, and he had to remove some trees at the end of his driveway to see. In order for Hartman Road to get across I-76 there is a bridge and he had to get a line of sight variance because people come over the bridge fast. This has gotten progressively worse. He wasn't aware of the grand plan and he's not sure if it would have affected his decision to purchase the property. The extension of the streets to Hartman to alleviate traffic off S.R. 94 will put the additional traffic on Hartman Road and those roads will have to be mitigated. In his experience, the mitigation will probably involve putting in additional lanes, widening the bridge, and putting in an exit, which will put an exit ramp in his side yard. He bought close to the expressway with no exit. He believes there is no benefit to his property and that this annexation will be a detriment. He noted that Mr. Gerney has stated this is not a hearing on a development issue and that it is an annexation issue; however, people wouldn't be here today if there weren't plans for development. Annexations and development are tied together.

Cheri Penwell was called forward and sworn in. She had not been sworn in with the others at the beginning of the meeting.

Through questioning by Mr. Bennett, Ms. Penwell stated that she lives on Hartman Road and is within ½ mile of the annexation area. Her daughter lives in Sharon Township, works on a horse farm in this area, and they use Hartman Road for farm equipment all the time and that has become increasingly dangerous. She had to build a new water well when WalMart was built because they lost pressure. Hartman Road is also a major bicycle route and is used every Sunday during the summer by 300-500 bicyclists to bypass Wadsworth and Akron. Recently they built a firing range in their back yard in an area where water used to run off. They have been there 5 years and the increase in traffic has been phenomenal. When they first moved there they saw a car every 4 hours and now traffic is constant. Before the WalMart went in she used to walk from her home to her daughter's farm and her daughter used to ride a bicycle on the road. They live in a blind spot and that has become dangerous because of the amount of traffic coming through. As the developments get closer their firing range will be a detriment to those moving in. They use 22's up to AR15's at the firing range. She feels the annexation will have no benefit, but will be a definite detriment to their property.

Through questioning by Mr. Bennett, Shari Thompson stated that they live on Reimer Road because of the country atmosphere. With the annexation they can expect road widening and lights to be installed. They have 12 cars go by every 12-15 minutes. She and her husband bike ride and this is a major bike riding road. They currently have to run across the road to get their mail and that will get worse with more development. Development is occurring too fast and she believes this annexation will be a detriment to their property.

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Through questioning by Mr. Bennett, Mary Royce stated that she lives in the City of Wadsworth and is concerned about the tremendously rapid growth and the city's inability to keep the infrastructure up with that growth. There has been an influx of homes on the market and the schools are full. There is no planning taking place and the city services have not been planned out. The city offices are losing people and equipment and not replacing them. She is a 30-year resident and every year the city services go down; roads are in disrepair, snow plowing is only done on main streets, and they are stealing everyone else's water to support their water needs.

Through questioning by Mr. Gerney, Ms. Royce stated that her property is not within the annexation territory or even shown on the plat.

Through questioning by Ms. Ray, Ms. Royce stated that the city has had sprinkling bans in the last 5-6 years, and they're doing more.

Ms. Ray stated that it has been going on since the early 1990's. It's the same schedule the city has had for years.

Through questioning by Ms. Ray, Ms. Royce stated that she understands the city's waste goes to the county's processing facility. Her complaint about the trash is that in order to live in Wadsworth you have to have a truck because they will not pick up items, such as replaced bathroom tiles. It's not to go in the trash and in order to get rid of it you have to truck it to the transfer station. She has always put these types of items in her trash before. In Barberton, Rittman and surrounding areas they will pick up anything. If it's something large you just have to contact them. Limbs from trees, etc. are not picked up by the city any longer also.

Mr. Bennett stated that he had no further witnesses.

Mrs. Geissman opened the hearing for testimony from anyone else present for or against the petition for annexation.

Donna Ryan of Hartman Road was sworn in. She lives directly across from this property and it is very emotional to hear her street referred to as a major thoroughfare or to see their home on the chart and see the country life slipping away. The road being cut through, Smokerise, would be right in her front yard. They bought their home 28 years ago and added onto their home 10 years ago so her mother could live there. They can't sit on the front deck because traffic is a continual thing and there is no peace. With the tree cut down by Kohl's the sound from I-76 comes across. Hartman Road has always been a cut through, especially for kids going to school. Now the traffic is unbelievable and she waits up to 10 minutes in the morning to get out of her driveway. She planted trees across the yard in anticipation of development, but she had hoped that development would stay with township zoning to keep the area as rural as possible. Through questioning, she noted where her property is located on Hartman and stated that she sees no benefit for her property with annexation. She believes the annexation will be a detriment.

Mr. Gerney noted that Ms. Ryan stated she lives across the road from the annexation and she does not. This annexation doesn't concern Hartman Road.

Sandra Hensel of Beachwood Drive was sworn in. She indicated on the map where her property is located and noted that she will be an island if this property is annexed and the other annexation goes through. She sees the detriment as something that happened in the past. There is a Mexican restaurant that drained water from the city into the township area. The city was asked to do something about it and they said it was not their problem. The township had to take care of the city's problem to fix this drainage. She sees that as happening if this area becomes an island. Through questioning, she stated that she is the Township Clerk and has held that position for 10 years. She believes being in an island and the annexation to be a detriment to her property. She sees no benefits with the annexation.

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The meeting was opened for closing statements.

Mr. Gerney stated that he has heard people come forward saying the township can provide certain services and that they have flexible zoning that would allow the same type of development as if it were in the city. On one hand people are saying its okay for the development, but on the other hand they are complaining that the land being developed will cause increased traffic and problems with the roads. The arguments say there is no development that would be beneficial to anyone in the area. The overwhelming majority of the complaints and concerns with this annexation are planning and development issues. The Board's role in this is not to determine the makeup of this property will be, but to analyze the criteria under ORC 709.033. There has been no testimony that the property is unreasonably large. Mr. Easton has filed an affidavit based on his position and knowledge that the city can service this area.

There was a brief discussion between Mr. Gerney and Mr. Bennett as to whether the affidavit by Mr. Easton had been sent to the Prosecutor's Office. Mr. Gerney believes it was sent to them, but he does know that the notice was sent to the township as required.

Mr. Gerney stated that all of the property owners were involved with requesting this annexation. They signed and want to be annexed. Ohio law says that annexations are favored and the fact that the owner wants the annexation is to be given great weight in favor of the annexation. The city submitted an ordinance that says they are prepared upon annexation to provide services for this land. The ambiguous test is the difficult one to analyze. This is the benefit of the territory to be annexed versus the detriments to the surrounding area. There have been speculations of what type of development may come with the annexation. The ultimate development of the property will be subject to lengthy meetings with the city on traffic issues, roads, utilities, zoning, etc. None of that has been reviewed at this time. Those issues are in the future and will be based on the decision made relative to annexation. He doesn't believe it is up to Commissioners to analyze the future development, but to balance the factors relative to annexation.

Mr. Bennett stated that regardless of the decision by Commissioners, all of the people testifying will feel comfortable that they were heard. Relative to whether these are planning issues or annexation issues, Commissioners are charged to determine whether the general good of the annexation will be served and whether the benefits of the annexation outweigh the detriments both to the annexing territory and the surrounding properties. It is important to know conceptually what could happen to the property. If they said this was going to be developed into a park, there would certainly be a benefit to the surrounding area regardless of annexation or not. It is important to surrounding property owners to have these issues discussed because of the affect they will have on the township. The most important thing about the annexation from the township's prospective is they won't have a say on the zoning, planning or development. Once this is annexed they lose their voice. This is the only forum for the township officials and residents to raise their concerns. Relative to the balancing, he agrees that the property owners' desires carries great weight. In this case developers bought this property just to make a profit. Making a profit is good, but their concern is not with the general good or the detriments to this property or with the surrounding area of the township. Their only concern is with making a profit versus the concerns of the residents that have lived in the area 5 to 30 years who have seen the city sprawl around them, deal with traffic and crime. When the residents of the area say there are no benefits and that there are detriments to their property, it isn't questioned. What needs to be balanced is whether the profit interest of developers is a general good for this annexation property versus the detriment of these residents that have lived in the area. Relative to the mine issues, there are problems with the mines that haven't been addressed because the developer said he didn't even know about the mines. He feels this is too fast and that there hasn't been enough of the preliminary issues have been taken care of. Development needs to slow down and the planning needs to be done before the developers come in. He moved that the information provided needs to be made a part of the records.

There was a discussion about the 139+ annexation issue that was on a referendum for the ballot that will be decided on November 8 and relative to getting copies of the transcript from

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today's hearing to review. Additional testimony can be taken at that time. After a brief discussion, Mr. Hambley moved to recess the hearing until November 14<sup>th</sup>; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

Commissioners convened their discussion session at 3:20 p.m.

Chris Jakab presented an agreement for the sale of land for the University Technology Park. Bruce Jones of Squires, Sanders & Dempsey is bond counsel for the Port Authority and worked with both parties to develop the agreement.

Mr. Hambley noted that the big item in the base price is the cost of the improvements to the land. We'd like to close the agreement so they can come to an agreement on the final costs by the end of the year. The construction of the buffers as part of the landscaping has been done and those costs are being finalized. At the second anniversary of the signing the Port Authority is to start paying the county installments based on \$10,000 an acre.

Chris noted that they used 69.8 acres that includes the buffer areas, and after the second anniversary the cost of the annual basis of the replacement acreage goes from \$10,000 up to whatever the Consumer Price Index (CPI) has increased. The replacement acreage money would then be available for the Commissioners to buy elsewhere.

Mr. Hambley stated that the Port Authority met and approved the contract. Their main concern was getting the University of Akron to sign off on becoming a part of the property owners association. They have control of the entrances and where the signage will be and the University will need to pay their share of costs and getting the Port Authority's permission for signs. This gives the Port Authority the ability to negotiate with the University to become a member of the property owners association.

There was further discussion with Bill Thorne, Assistant Prosecutor, about reviewing the contract. Mr. Hambley would like it approved next week prior to the groundbreaking, but noted that it doesn't have to be done then. The groundbreaking is combined for the Port Authority and the University of Akron to take this from the task force phase to the implementation phase. The University is kicking off a number of their program initiatives and starting their design work with plans to start construction next year.

Mr. Hambley noted that the County Home is receiving \$3000 annually until 2016 for the loss of the farmland rental in the area of the University Technology Park. If the Technology Park develops and property taxes are collected the Home will receive tax revenue from that, which would be higher than the \$3000.

Ms. Ray noted a letter from Skip Sipos relative to the use of CDBG money for administrative costs.

There was a brief discussion with Dianne Ranftl, Administrative Assistant, that any money taken from CDBG would be taken away from Transit. CDBG funds are used for program costs and have never been used for administration costs. Mr. Sipos was told he was eligible to apply for funds for administration through the Housing Trust Fund. It was noted that in his letter to the Board Mr. Sipos requested meeting with Commissioners to discuss funding opportunities.

Ms. Ray also noted that a letter was received from Representative Chuck Calvert regarding the Chippewa Lake request.

Mrs. Geissman stated that she called him when she received the letter, noting that Representative Calvert had asked her to send it when she did because it would be part of the state's capital budget. She was surprised to see that budget wasn't going to be reviewed until next year. She has not been able to talk with him at this time.

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Mrs. Geissman stated that she needs to know who is being chosen by each member of the Board for the Charity Ball for their charitable dollars.

Mr. Hambley stated that he was chosen the United Way Community Impact Grant program.

Ms. Ray stated she has not made a decision at this time, noting that she will chose 2 programs.

Mrs. Geissman noted that she has chosen Alternative Paths program and possibly one other.

There was a discussion with Bill Thorne about people not being aware that email is considered a public record. He suggested having Carol Shockley, Assistant Prosecutor, give a workshop on public records or to send a letter to all elected officials and department heads. Chris offered to send the policy to Bill. Ms. Ray stated that there is going to be an elected official and department head meeting in November and this would be an excellent agenda item.

Dianne reported that Kerry Illes has prepared plans for work to be done at the Court House. Quotes were received from Vasel Construction at \$23,785, Kendall at \$24,812, and Yoder at \$24,997. Kerry is concerned that although the quotes have been provided the cost of lumber is going up and if the work is going to be done it should be done soon.

If an award is made, Chris stated that contingency funds would be used.

Through discussion it was noted that these are comparable and call for finished wood. The work will need to be coordinated with the court. The courts are adequate size for the judges and any future issues would involve an additional court or space.

Mr. Hambley moved to proceed with the renovation and to award to Vasel Construction; Seconded by Ms. Ray. There was no further discussion. Roll Call showed all Commissioners voting AYE.

Bill reported that the Sheriff has been sued again relative to a person having a drug charge improperly relayed. This actually came out of Brunswick Mayor's Court and not from the county. The woman had been charged, which was dropped, and she was charged with disorderly. However, when the court reported that she was charged with the drug charge. He will get a copy to Chris for the records.

Chris stated that the needs assessment questionnaire went out last week from the architect to all of the courts and officials. He believes they have 2 weeks to get that back in.

Chris reported that the software demo for the Auditor and Treasurer was done last week and it went well. Manatron is going to work with the Auditor relative to appraisal software that will fall in line with the tax software used by the Treasurer, and he believes they are going to give that product to the Auditor. The cost for the software for the non-appraisal side is \$500,000. Without spending that money, Treasurer Burke doesn't get anything because they can't just do his portion of the software. Auditor Kovack is concerned because they have started the re-appraisal process and changing the software would cause some problems. The process will take a year to 1 ½ years. He believes the Auditor and Treasurer both see that there is a need for upgraded software. The annual cost for support would be paid by the Auditor only for the appraisal software, which he currently pays out of his real estate assessments. This also needs to go through the Prosecutor on whether this is an upgrade or if we have to bid it. Relative to taking bids, if a new vendor takes over and has to convert data to a new system there is a huge price added to the bid. He doesn't feel that the Treasurer have the funds in DRETAC to pay for this. He believes they are going to set a demonstration of the appraisal software and there is another vendor that the Auditor would like to see their product.

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Chris stated that he has been working with the health benefit consultant on an RFP for prescription services to compete with Medical Mutual and see if those costs can be kept down. They are including the CCAO in getting proposals. There is no commitment to change, but we would like to see if those services can be provided for less. For the first time since February 2004 we've gone over \$700,000 in reserves, which is reflective of the design changes that included increasing employee contributions and prescription co-pays. We've had some substantial claims and going out for proposals will help keep costs down.

Mrs. Geissman asked what the status is on the Treasurer's request for more space. She noted that a letter was received from Nancy Abbott as well as John Burke.

Ms. Ray feels all of the information needs to be reviewed. There is no answer that is going to be good and she feels the Board should make a decision relatively quickly.

Chris noted that Charles Schuetz, Mirifex, is putting his information in writing relative to some of the technical issues.

It was agreed to have all of the information compiled and to discuss this further on November 31<sup>st</sup>. Ms. Ray stated she would notify them about the status.

Mr. Hambley moved to adjourn the meeting at 4:06 p.m.; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

**RESOLUTIONS PASSED:**

- 05-0962                    RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS
  
- 05-0963                    RESOLUTION ACCEPTING AND AWARDED THE BID FOR THE JOINT IMPROVEMENT OF VARIOUS COUNTY/TOWNSHIP ROADS BY TIUMINOUS HOT-MIX RESURFACING
  
- 05-0964                    RESOLUTION AMENDING THE 2005 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS
  
- 05-0965                    RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION
  
- 05-0966                    RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM THE CHILD SUPPORT ENFORCEMENT AGENCY FUND FOR DOMESTIC RELATIONS COURT MAGISTRATE SERVICES AND PROSECUTOR SERVICES
  
- 05-0967                    AUTHORIZING A CASH TRANSFER FOR THE MEDINA COUNTY PORT AUTHORITY
  
- 05-0968                    CASH TRANSFER FOR VARIOUS FUNDS
  
- 05-0969                    RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM THE COUNTY GENERAL FUND (0010) TO THE CHILDREN SERVICES FUND (0050) FOR THE BOARD AND CARE FO COUNTY WARDS

**COMMISSIONERS MEETING – MONDAY, OCTOBER 17, 2005**

- 05-0970 RESOLUTION AUTHORIZING THE PURCHASE OF 3,700 GALLONS OF PREMIUM UNLEADED AND 4,500 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE ENGINEERING CENTER
  
- 05-0971 RESOLUTION DECLARING MEDINA COUNTY MOTOR VEHICLES AS EXCESS PROPERTY
  
- 05-0972 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
  
- 05-0973 RESOLUTION APPROVING AND AUTHORIZING A THIRTY (30) DAY SUSPENSION OF JOHN CLEMENT, TRANSIT DEPARTMENT
  
- 05-0974 RESOLUTION AUTHORIZING THE MEDINA COUNTY SANITARY ENGINEER TO RELEASE THE ESCROW OF UNDERGROUND UTILITIES INC. FOR THE MEDINA RESERVOIR SANITARY SEWER REPLACEMENT 2004 MCSE #SR-500/10-1.2
  
- 05-0975 RESOLUTION AUTHORIZING THE SANITARY ENGINEER TO INVEST THE RETAINER OF UNDERGROUND UTILITIES INC. FOR THE HINCKLEY TOWNSHIP WATERLINE PROJECT 2005 (CONTRACT A) IN AN ESCROW ACCOUNT MCSE #W-300/00-1.1
  
- 05-0976 RESOLUTION AUTHORIZING THE SANITARY ENGINEER TO INVEST THE RETAINER OF ENGINEERED FLUID INC. FOR THE LEDGE ROAD PUMP STATION (CONTRACT B) IN AN ESCROW ACCOUNT MCSE #W-300/00-1.1A
  
- 05-0977 RESOLUTION ACCEPTING AND AWARDDING BID FOR CHATHAM TOWNSHIP WATERLINE PROJECT 2005...MCSE #W-500/00-5.1.61
  
- 05-0978 RESOLUTION ESTABLISHING POLICIES FOR THE MAINTENANCE AND OPERATION OF MEDINA COUNTY BUILDINGS
  
- 05-0979 RESOLUTION REAPPOINTING REPRESENTATIVES TO THE MEDINA COUNTY CONVENTION AND VISITOR'S BUREAU BOARD OF TRUSTEES
  
- 05-0980 RESOLUTION APPOINTING MEMBERS TO THE WORKFORCE DEVELOPMENT POLICY BOARD
  
- 05-0981 RESOLUTION REAPPOINTING MEMBERS TO THE WESTERN RESERVE AREA AGENCY ON AGING 5-COUNTY COUNCIL
  
- 05-0982 RESOLUTION REAPPOINTING MEMBERS TO THE MEDINA COUNTY ADVISORY COUNCIL ON AGING
  
- 05-0983 RESOLUTION REAPPOINTING MEMBERS TO THE PUBLIC DEFENDER COMMISSION

**COMMISSIONERS MEETING – MONDAY, OCTOBER 17, 2005**

05-0984                    RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

05-0985                    RESOLUTION ACCEPTING AND AWARDED PROPOSAL FOR REMODELING COMMON  
PLEAS COURT ROOM #1 LOCATED IN THE NEW COURT HOUSE

MEDINA COUNTY COMMISSIONERS:

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Patricia G. Geissman

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

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

Respectfully submitted,

Pamela J. Terrill, Clerk

COMMISSIONERS MEETING – MONDAY, OCTOBER 17, 2005

ATTENDANCE SHEET

October 17, 2005 – Annexation Hearing  
 81.6673 Acres – Wadsworth Township to the City of Wadsworth

Name	Address
Blake Gurey	195 S. Main Street, 300, Akron, Ohio 44308
TIM MERYWEATHER	1653 MERRIMAN #115 Akron, OH 44313
Linda Strong	8206 Wilhite Dr. Wadsworth 44281
Kenneth Danmow	786 Akron Rd., Wadsworth
James Bennett	Prosecutors Office
Virgil D. Mochel	1807 Wall Rd, Wadsworth 44281
THOMAS F. BALDWIN	2250 BLAKE RD, WADS, 44281
Michael Schweickart	4547 Hudson Drive, Stow, 44224
Susan Hirsch	MEDINA CO. DEPT. OF PLANNING SERVICES
Jonathan S. Miller	Medina County D.P.S
Mary M Royce	429 Crestwood Grade, 44281
Adela S. Loney	283 CRESTWOOD AVE, WADSWORTH 44281
John Milo	820 Crestwood Ave., Wads. 44281
Pat Milo	820 Crestwood Ave. Wads. 44281
Jeff Tucker	8393 Hartman Rd. Wads. / 1499 Wayne St. Burton
Tom TUCKER	155 HIGHLAND AVE, WADS. OH, 44281
Jim Treve	791 W. Summit Rd. Medina
Mike Thompson	816 Reimer Rd, Wadsworth, OH
Shari Thompson	816 Reimer Rd, Wadsworth, OH
GAIL MAIMONE	7826 HARTMAN RD, WADSWORTH, 44281
Lisa Cain & Conner Cain	310 Reimer Rd, Wadsworth

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