

## COMMISSIONERS MEETING, TUESDAY, OCTOBER 10, 2006

Stephen D. Hambley called the meeting to order at 9:35 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 October 2 was dispensed with as each Commissioner has read them personally. Ms. Ray moved to approve the October 2 minutes; the motion was seconded Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting AYE.

Doug King, Administrative Assistant in the County Engineer's Office, presented and reviewed the following resolutions: (1) closing Westfield Road (C.H. 15) between Mud Lake Road (T.H. 116) and the Medina County line for culvert replacement; (2) requesting the Ohio Department of Transportation to determine a reasonable and safe speed limit on River Styx Road (C.H. 49) between Greenwich Road (C.H. 97) and Wadsworth Road (S.R 57); (3) requesting the Ohio Department of Transportation to determine a reasonable and safe speed limit on Medina Line Road (C.H. 2) between Greenwich Road (C.H. 97) and Sharon-Copley Road (S.R. 162); (4) creating a multi-way (4-way) stop at the intersection of Fixler Road (C.H. 75) and State Road (T.H. 44); and, (5) authorizing the President of the Board of Medina County Commissioners to submit applications and executive contracts to the Ohio Public Works Commission for Issue 2 funding. 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 September 28 through October 4, 2006.

Scott Miller, Finance Director, presented and reviewed the following resolutions: (1) amending the 2006 Appropriations Resolution by transferring appropriations; (2) amending the Annual Appropriations Resolution; (3) authorizing cash transfers of various funds; (4) transferring funds from various county department accounts to the Medina County Print Shop Revenue Line Item for services rendered for the month of September; (5) transferring funds from various county department accounts to the Gasoline Rotary Fund for September's gasoline usage; (6) revenue adjustments for the General Bond Retirement Fund and the General Fund; (7) authorizing the purchase of 7,000 gallons of regular unleaded gasoline for the Engineering Center from Ports Petroleum at the low bid price of \$1.5550 per gallon; (8) renewal of motor vehicle repair and maintenance agreements for county vehicles; and, (9) authorizing an Elderly and Disabled Transit Fare Assistance Program contract with the Ohio Department of Transportation. Mr. Miller requested payment of the weekly bills in the amount of \$812,173.75. Ms. Ray moved to approve the nine 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 a resolution approving personnel changes for the employees under the jurisdiction of the Medina County Commissioners. Ms. Ray moved to approve the resolution; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting AYE.

Chris Jakab, County Administrator, presented a resolution approving membership to the Medina County Revolving Loan Fund Committee. They have had a recent inquiry from a company that is interested in applying for and receiving revolving loan funds, so it is time to fill the expired terms for membership on the board. The five appointments are as follows:

Jim Douth – Board of County Commissioners' Representative  
Christopher Jakab – County Administration Representative  
Dino Sciulli – Private Business Sector Representative  
Scott Miller – Local Accountant Representative

## COMMISSIONERS MEETING, TUESDAY, OCTOBER 10, 2006

Mead Wilkins – Low and Moderate Income Segment Representative  
The term is for two years beginning October 1, 2006, and ending September 30, 2008.

Mr. Jakab presented a resolution accepting and awarding bids for boiler replacement at the Professional Building and the Old Achievement Center. The low bid (of two bids) was received from C. D. Whitfield Company in the amount of \$30,628. The estimate for the job was \$37,500 and a letter was received from the architect recommending the contract be awarded to C. D. Whitfield Company of Cleveland, Ohio. Ms. Ray moved to approve both resolutions; seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting AYE.

Jim Troike, Assistant Sanitary Engineer, presented a resolution releasing the retainer for the Chatham Township Waterline Project 2005. Fabrizi Trucking and Paving has completed the project and final inspection has been approved by the Sanitary Engineer. Ms. Ray moved to approve the resolution and Mrs. Geissman seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Mike Pataky, Child Support Enforcement Agency Director, reported that they implemented the imaging project and it is even better than he anticipated. There was a smooth transition; all of the back file cases are currently being scanned and they are receiving CD's on a regular basis. That portion should be done by the end of the year and then the entire caseload system will be digital. There was the expected difficulty in getting people used to a new form of looking at things, but it has already paid off dividends where a case management specialist can be talking with a client on the phone and immediately bring up their information. Any recent letters that have been sent out, any mail that comes in, any court orders that have been received, and all other information can be scanned immediately and accessed almost instantaneously. He said he would be looking into the possibility of interfacing with the courts. They will be inviting the Commissioners to the agency to see how the system works.

Clerk Pam Vereb read the resolution to allow expenses of County officials and another resolution to allow expenses for the County Engineers Office. Ms. Ray moved to allow both expense resolutions; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting AYE.

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

The meeting recessed at 9:45 a.m. for the Commissioners to move to the Conference Room for the Discussion Session at 9:48 a.m.

### Discussion Session

Mrs. Geissman said the Railroad Safety Task Force received approval from the PUCO for the next three railroad crossing improvements for 2007. Tomorrow, the task force is going to look at the first six on the list of 25 that they consider the most dangerous, unprotected crossings in Medina County. They will be seeking grant money in 2007 to pay for gates and lights at three more crossings. They wanted to view the crossings while there were still leaves on the trees.

Ms. Ray said she would be meeting with Penny Blake and Dr. Frantari of AlterPet. They will be discussing the status of the new SPCA facility. AlterPet is considering a partnership with the SPCA to provide the equipment for their low-cost spay and neuter program at the mini-vet center.

Ms. Ray said she and Mr. Jakab will be meeting on Thursday with Andre Goe from the Medina City Fire Department. They will be meeting with the Medina City Historic Preservation Board to talk about following the procedures for the destruction of the gas station

## COMMISSIONERS MEETING, TUESDAY, OCTOBER 10, 2006

and old Prosecutor's building. She does not think there is any historical significance to either one of the buildings.

Lastly, Ms. Ray said Mr. Jakab arranged for County Risk Sharing Authority (CORSA), (a property and liability self insurance pool that was established by the County Commissioners Association of Ohio to present sexual harassment training for all department heads.

Mr. Hambley said they had a Solid Waste Policy Committee last week. They will be having addition meetings the next several months because they are updating of the District's Solid Waste Plan. The plan needs to be updated every five years and the last update was in 2002, therefore, it needs to be updated in 2007. He will be going out to communities to make them aware of Medina County's recycling programs, benefits and the overall comprehensive content that is pursued; it is not just a transfer-station and simple diversion for trash. He and Solid Waste Coordinator Bill Strazinsky will be at the Brunswick Committee-of-the-Whole meeting on Monday, October 16, at 7:00 p.m. The Plan requires ratification from Brunswick (the largest city in the county) and 60% of the jurisdictions. Assistant Prosecutor Bill Thorne said he would check to see if there were any changes in the law. Mr. Hambley said they would be "taking the show on the road" to educate the communities' public officials because there have been huge changes in the townships and cities in the last number of years.

Chris Jakab, County Administrator, said he sent Mr. Thorne a memo on September 28 requesting that he review the travel policy again for discussion next Monday; Mr. Thorne agreed.

Mr. Jakab presented the agenda for the informational meeting for department heads and elected officials on Thursday, October 19, 2006, for their review and input.

At Mr. Jakab's request, Gary Berkowitz, Human Resources Director, developed and was asked to present a proposed policy addressing leaves of absence and their affect on group health insurance eligibility for the absent employee. He explained that the umbrella covering medical leaves of absence under this policy is driven by the Family Medical Leave Act (FMLA). Eligibility requires a period of employment of one year and a minimum of 1,250 worked hours. One significant requirement of the FMLA is the employer must continue providing medical benefits on the same basis as working employees.

This new policy would stipulate that FMLA would run concurrently with workers' compensation leaves of absence, which has not previously been done. Consequently, an individual hurt on the job and off work would continue to be eligible for their healthcare benefits as mandated by the FMLA so long as they pay their portion of their bi-weekly premium. When the injured worked remains off work and has exhausted their FMLA eligibility and either has no remaining accrued sick and vacation time to their credit, or elects to forego this accrued time in favor of receiving temporary total disability (TTD) payments from the Bureau of Workers' Compensation (BWC), a Consolidated Omnibus Budget Reconciliation Act (COBRA) qualifying event would be triggered. Under COBRA, the employee must be given the opportunity to elect continuation of the County's health plan by paying both their share and the County's cost of the premium, plus an administration fee of about 2%. In summary, an individual exhausting their FMLA while under workers compensation leave of absence and who continues off work on an unpaid status, even while receiving TTD, would trigger the issuance of a COBRA notification. The injured worker would be given the option to pay the full cost of the County's health plan if they wish it continued.

Additionally, an injured worker admitted into the Transitional Work Program, which the Commissioners approved earlier this year permitting rehabilitation while working under modified duties and schedule, would be eligible to maintain the County's health plan at the same contribution rate paid prior to their injury. The transitional work period is generally capped at twelve (12) weeks. If it is determined at 12 weeks, or earlier, their rehab is ineffective in

## COMMISSIONERS MEETING, TUESDAY, OCTOBER 10, 2006

returning to the injured work to their regular job, the transitional work regimen would cease. Once again if the injured worker has exhausted their FMLA eligibility and/or has no remaining sick or vacation time, or chooses not to utilize this available accrued time, a COBRA qualifying event would be triggered and the requisite notification sent to the employee giving them the option to continue the County's health plan provided they pay the full cost of the premium.

Mr. Berkowitz said that the Wage Continuation Program would also be handled similarly to the Transitional Work Program. This program is for the injured worker off work due to a work related injury. The Commissioners must approve the continuation of wages paid to the employee while off work with the purpose offsetting future premium costs assessed by the Bureau of Workers Compensation as a result of not having the cost of these wages charged against the County's experience. Injured workers under wage continuation would remain eligible for the County's healthcare plan at the same contribution rate paid prior to their injury. Once the individual is taken out of wage continuation and remains off work with no available accrued sick or vacation time, a COBRA qualifying event would be triggered and they would have to make the decision whether they want to pay the full cost of their benefits, or not.

Mr. Berkowitz said a lot of research has gone into this proposal and its purpose is purely from a cost standpoint to the County. While these individuals are off work and not receiving pay in some active status with the County, the burden for paying the County's health plan premium costs would shift entirely to the employee. Although FMLA requires the continuation of benefits, Workers Compensation in the State of Ohio does not. There is no case law or Attorney Generals' opinions that addresses putting a mandate upon the employer that they must continue benefits if an employee is injured and off work. There was a recent court case where it was ruled an employer may not terminate an employee off work due while under Workers Compensation; however, the court did not address the issue of maintaining benefits.

Mr. Berkowitz noted this policy would be applicable to other appointing authorities who participate in the Transitional Work and Wage Continuation Programs.

Chris Jakab, County Administrator, added that a couple of things drive the need for this policy; (1) the need to formalize and put in writing what types of leaves are available, and how and when they "kick in"; and, (2) the need to clarify the continuation of healthcare coverage when someone doesn't necessarily meet the defined active pay status for the county's group summary plan description. As it is now, when a person goes off of active pay status the Auditor's Office would remove them from coverage in the Health Insurance Program. That is fine unless it is one of these several leaves, which will allow continuation of that coverage under certain parameters, which are more greatly defined in some other documents. It will make communication better and will allow continuation of coverage for those folks that require that their benefits be maintained until they can get back to work and be productive. Mr. Berkowitz added that an employee who is off work due to a work related injury under Workers Compensation is still entitled to receive medical benefits for their injury, those are not forfeited. Mr. Jakab said that Mr. Berkowitz would be making a presentation regarding this policy and the Transitional Work Policy at the Information Meeting on October 19. Upon request, Mr. Thorne said he would review the policies.

Mr. Hambley stated that the judge ruled in favor of Medina County and the City of Brunswick in the Brunswick Hills lawsuit on the water issue saying Brunswick Hills had no standing.

At 10:05 a.m., the meeting was adjourned on a motion by Ms. Ray and a second by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting AYE.

Emergency Meeting

**COMMISSIONERS MEETING, TUESDAY, OCTOBER 10, 2006**

Stephen D. Hambley convened an emergency meeting at 10:55 with Sharon A. Ray and Patricia G. Geissman present. He said the press has been notified of this emergency meeting for the purpose of considering the bid that was awarded earlier to C. D. Whitfield for the 2006 Boiler Replacement at the Medina County Professional Building and the Old Achievement Center. The public notice that was published was not properly posted.

Bill Thorne, Assistant Prosecutor, explained that this is the first time they have used the internet to advertise for a bid, which is different than the usual newspaper ads. (Usually there are two newspaper ads run in the newspaper two weeks before the bids are opened; now, one newspaper ad and one internet ad is acceptable, which saves the county money). But, the new statute requires including in the published legal notice, the website address and instructions on how to get to it. The address was posted, but not specifically how to get to it. Since the boiler is down and snow is forecast, it qualifies for an emergency situation and it is under \$50,000. The resolution has been corrected; it was a technical error and they could declare an emergency.

Ms. Ray made a motion to rescind the previously accepted resolution accepting and awarding the contract for the boiler replacement to C. D. Whitfield. Mrs. Geissman seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Mr. Hambley said Administrative Assistant Dianne Ranftl received a letter from J. Michael Meyer, Architect, who evaluated both bidders and indicated his recommendation to award the bid to C. D. Whitfield.

Ms. Ray moved to approve the resolution as an emergency given the conditions of impending inclement weather. Mrs. Geissman seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

At 11:00 a.m., the meeting was adjourned on a motion by Ms. Ray; seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting AYE.

**RESOLUTIONS PASSED 10/10/06**

<u>Number</u>	<u>Resolution Title</u>
06-0930	RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS
06-0931	RESOLUTION DETERMINING THE NECESSITY TO CLOSE WESTFIELD ROAD (C.H.15) BETWEEN MUD LAKE ROAD (T.H. 116) AND THE MEDINA/WAYNE COUNTY LINE
06-0932	RESOLUTION REQUESTING THE OHIO DEPARTMENT OF TRANSPORTATION TO DETERMINE AND DECLARE A REASONABLE AND SAFE PRIMA FACIE SPEED LIMIT ON COUNTY HIGHWAY NO.49, RIVER STYX ROAD, BETWEEN COUNTY HIGHWAY NO. 97, GREENWICH ROAD AND STATE ROUTE 57, WADSWORTH ROAD
06-0933	RESOLUTION REQUESTING THE OHIO DEPARTMENT OF TRANSPORTATION TO DETERMINE AND DECLARE A REASONABLE AND SAFE PRIMA FACIE SPEED LIMIT ON COUNTY HIGHWAY NO.2, MEDINA LINE ROAD BETWEEN COUNTY HIGHWAY NO.97 GREENWICH ROAD AND STATE ROUTE NO.162 SHARON COPLEY ROAD
06-0934	RESOLUTION CREATING A MULTI-WAY (4-WAY) STOP AT THE INTERSECTION OF FIXLER (C.H.75) AND STATE ROAD (T.H. 44)

**COMMISSIONERS MEETING, TUESDAY, OCTOBER 10, 2006**

- 06-0935 RESOLUTION AUTHORIZING THE PRESIDENT OF THE BOARD OF COUNTY COMMISSIONERS TO SUBMIT APPLICATIONS AND EXECUTE CONTRACTS TO THE OHIO PUBLIC WORKS COMMISSION FOR ISSUE 2 FUNDING
- 06-0936 RESOLUTION AMENDING THE 2006 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS
- 06-0937 RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION
- 06-0938 CASH TRANSFER FOR VARIOUS FUNDS
- 06-0939 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS COUNTY DEPARTMENT ACCOUNTS TO THE MEDINA COUNTY PRINT SHOP REVENUE LINE ITEM
- 06-0940 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS COUNTY DEPARTMENT ACCOUNTS TO THE GASOLINE ROTARY FUND
- 06-0941 REVENUE ADJUSTMENT FOR THE GENERAL BOND RETIREMENT FUND AND THE GENERAL FUND
- 06-0942 AUTHORIZING THE PURCHASE OF 7,000 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE ENGINEERING CENTER
- 06-0943 RENEWAL OF MOTOR VEHICLE REPAIR AND MAINTENANCE AGREEMENTS FOR COUNTY VEHICLES
- 06-0944 RESOLUTION AUTHORIZING AN ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM CONTRACT BETWEEN THE MEDINA COUNTY BOARD OF COMMISSIONERS AND THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION
- 06-0945 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURIDICTION OF THE MEDINA COUNTY COMMISSIONERS
- 06-0946 RESOLUTION APPOINTING MEMBERS TO THE MEDINA COUNTY REVOLVING LOAN FUND COMMITTEE
- 06-0947 RESOLUTION AUTHORIZING THE COUNTY SANITARY ENGINEER TO RELEASE THE ESCROW ACCOUNT OF FABRIZI TRUCKING AND PAVING COMPANY INC. FOR THE CHATHAM TOWNSHIP WATERLINE PROJECT 2005 MCSE#W-500/00-5.1.61
- 06-0948 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS
- 06-0949 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS
- 06-0950 AUTHORIZING THE PROCUREMENT OF REPLACEMENT BOILERS FOR MEDINA COUNTY BUILDINGS AND DECLARING AN EMERGENCY

**COMMISSIONERS MEETING, TUESDAY, OCTOBER 10, 2006**

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

Respectfully submitted,

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Pam Vereb, Clerk

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

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

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