

COMMISSIONERS MEETING, MONDAY, OCTOBER 16, 2006

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

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

The oral reading of the minutes of October 10 was dispensed with as each Commissioner has read them personally. Ms. Ray moved to approve the October 10 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 Weymouth Road (C.H. 32) between Church Road (T.H. 267) and Weymouth Road (S.R. 3) for shoulder repair work; (2) entering an agreement with Louis Trenka for software application development and quality control services; (3) authorizing the purchase of one used truck for use at the Highway Department; and, (4) accepting and awarding the bid for Medina County mapping and verification for a Location Based Response System (LBRS) Data Set 2006 to Spatial Data Partners in the amount of \$199,910.00. Ms. Ray moved to approve the four 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 October 5 through October 11, 2006.

Scott Miller, Finance Director, presented and reviewed the following resolutions: (1) amending the 2006 Appropriations Resolution by transferring appropriations; (2) revenue adjustments from monies collected from the sale of surplus county property that was sold on the online auction; (3) accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor; and, (4) authorizing an agreement with Alltel for cellular telephone services to county departments and offices for the period of November 1, 2006 through October 31, 2008 with identical terms to the prior agreement with the cost of approximately \$25.49 per line. Mr. Miller requested payment of the weekly bills in the amount of \$868,117.69. Ms. Ray moved to approve the four 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 authorizing the purchase of four more properties in the Village of Gloria Glens that correspond to the Flood Mitigation Program administered locally by the Medina County Emergency Management Agency. These properties (located in the floodplain) are located at 501, 502, 507, and 512 Playland Parkway. The total purchase price for all four properties is \$410,000.00, to be reimbursed from the State of Ohio. Ms. Ray moved to approve the resolution; seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting AYE.

Mr. Jakab presented a resolution amending the bid award for the Job & Family Services Document Management System. He explained that when they sent the specifications for the procurement of the software, there was also hardware included with the specs. They did not initially award the bid because they felt it was too high and could be procured cheaper through state purchasing. The vendors resubmitted quotes on the hardware and Northwoods Consulting Partners compares favorably with state purchasing. The recommendation is to award the bid to Northwoods Consulting Partners based on the revised amount of \$69,416.75, which is

COMMISSIONERS MEETING, MONDAY, OCTOBER 16, 2006

\$16,059.25 less than their original price. Ms. Ray moved to approve the resolution and Mrs. Geissman seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Jim Troike, Assistant Sanitary Engineer, presented a resolution to obtain easements for the Elk Creek Development.

Mr. Troike also presented a resolution accepting and awarding the bid for the Hinckley Waterline Project, Phase II 2006, to Underground Utilities in the amount of \$1,408,120.30. Ms. Ray moved to approve both resolutions; seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting AYE.

Patrice Theken, Director of the Department of Planning Services, announced some upcoming events. They are having a workshop on Thursday, October 19, 2006, at 6:30 p.m., and the topic will be Zoning Amendments for Smart Roads. They will be having their 5th Annual Community and Regional Planning Day on Thursday, November 9, 2:00 p.m. to 4:00 p.m. The following communities and individuals will be given awards at the celebration of Community and Regional Planning Day:

- Frank Ehrman – Citizen Community Services
- Housing Network – Public Agency Coordination & Cooperation
- Marlene & Ron Oiler, Westfield Township – Continuing Education
- OSU Extension – Public Agency
- Medina City – Comprehensive Planning
- Montville Township – Community Planning
- Shale Creek Subdivision, York Township - Subdivision

They have shown good thought processes for planning and zoning to improve their communities. This Open House is in relation to World Town Planning Day that is celebrated by planners throughout the world.

Ms. Theken said she was elected to the Board of Ohio Planning Conference. She has been the director of the Akron section of this state-planning organization that includes Summit, Medina, Portage, and Stark Counties. She is also on the Task Force for the Planning Advisory Committee for Northeast Ohio Areawide Coordination Agency (NOACA). NOACA has promoted this Task Force in order to accommodate their public education advocacy and outreach strategy that they formed in 2005. The planning academy that they are working on will help them comply with those strategies. There is discussion about various educational activities (workshops, seminars, courses, online education, handouts, etc.) that could be presented to the public and to government officials. The subjects would deal with planning, financing, aesthetics, and safety for transportation and would include things like energy-conscious planning, public transportation, rail, commercial vehicles, pedestrians, bicyclists, highways, and roads.

Ms. Theken presented the Department of Planning Services 2006 Income Statement. It compares the first three quarters of 2006 to 2005. Their numbers for subdivision review for new subdivisions and final plats have decreased in the last six months and that coincides with the news about building being in a slump. They have an income of \$44,648.45 this year compared to the total year income of \$69,585.93.

Charles Huber, Chief Building Official, presented the Building Department's September 2006 monthly report. The estimated construction costs of permitted work for residential and commercial work showed \$21,728,634 for September 2006 and \$29,434,451 for September 2005, which is a 26.18% decrease. Year-to-date figures showed \$195,856,950 for 2006 and \$231,327,592 for 2005, which is a decrease of 15% in estimated construction costs for permitted work. The average cost for new homes was \$227,944 for 60 new houses in September. The detailed sources of revenues for the Building Department for September 2006

COMMISSIONERS MEETING, MONDAY, OCTOBER 16, 2006

were \$95,415.41 compared to \$125,706.55 in 2005, which is a 24.10% decrease; year-to-date was \$880,446.03 in 2006 and \$958,623.46 in 2005, which is a decrease of 8.16%. The chart with the detailed breakdown of a variety of residential permits issued by township showed Brunswick Hills having the largest number of residential permits in September and Montville Township having the second largest number; year-to-date, they switch places with Montville having the most and Brunswick Hills second. Wadsworth City had the most commercial permits issued in September at 123 and the most year-to-date at 152. Brunswick Hills had the most commercial permits issued to townships in September and Medina Township had the second-most permits in September. Year-to-date showed Brunswick Hills had the most and Montville Township had the second most.

Debra Radecky, Office for Older Adults Director, listed some of the upcoming entertaining and educational activities that will take place at the Human Services Building: Fall Festival, bingo games, movie (Eight Below), health discussion (shingles), Turning 65 seminar, craft projects, Medicare/Medicaid talk, Halloween Party, and a new yoga class. They will be closed on November 10 for Veterans' Day and also closed November 24 (the day after Thanksgiving). The Christmas celebration will be December 11 through 15 and the holiday meal will be December 15. They have 274 people signed up for the Fall Festival on Friday, October 20, and she thanked Chris Jakab for his assistance. In September, they had 3 health units, 76 service units, 28 Alzheimer units, 1,222 congregate meals, and 4,564 home-delivered meals. Mrs. Geissman commented that she really appreciated the effort that Ms. Radecky has been putting in to expand the programs and she is hearing very positive feedback from the senior citizens.

Jeff Van Loon, Soil & Water Conservation District, District Manager, elaborated on the quarantine caused by the ash borer that was recently reported in newspapers last week. Emerald ash borer (EAB) is an exotic Asian beetle that was discovered in southeastern Michigan in the summer of 2002 (probably on packing material) and came to Ohio in 2003. The adult beetles nibble on ash foliage, but cause little damage. The larvae feed on the inner bark of ash trees, disrupting the tree's ability to transport water and nutrients, killing more than 20 million ash trees in Michigan, Ohio and Indiana. He warned against buying ash slab wood for firewood from Amish sawmills in the Homerville area since that might help distribute the bug around the county. Logs going to sawmills outside the county will still be permitted (with a permit from the Ohio Department of Agriculture) because they do not make slab wood. They chop everything into usable mulch, including the beetle. Ironically, right after the press announced that the quarantine in Medina County, the state assigned a new forester in Medina County.

Mr. Van Loon thanked Chris Jakab for his help in facilitating the conservation easement for the Technology Park. The County Engineers Office will survey the property and the SWCD will mark it this fall.

Mr. Van Loon said that there would be a meeting in Columbus on October 17 regarding the forest tax law and Current Agriculture Use Value (CAUV) being merged. They are probably going to start launching the effort this winter and those in it already will be "grandfathered". Mr. Hambley asked if they are considering changing the criteria, or if it was a matter of enforcement and Mr. Van Loon said it was both; the forest tax laws will have higher performance bars.

Clerk Pam Vereb read the resolution to allow expenses of County officials. 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.

Mr. Hambley introduced and welcomed Brian Nowak, the new Medina County Drug Abuse Commission (MCDAC) Executive Director.

COMMISSIONERS MEETING, MONDAY, OCTOBER 16, 2006

Mr. Hambley said they needed a motion for an Executive Session following the Discussion Session for the purpose of discussing pending litigation. Ms. Ray moved to schedule an Executive Session to discuss pending litigation, which 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 10:02 a.m. for the Commissioners to move to the Conference Room for the Discussion Session at 10:09 a.m.

Discussion Session

Mrs. Geissman announced that the Medina County Railroad Safety Task Force received a \$30,000 check from the North American Railway Foundation (NARF) this week. That is the grant award (\$10,000 each) toward gates and lights at three dangerous crossings in 2007. The Angels on Track Foundation has changed their funding formula and will be paying the grant money awarded for this year's crossings in 2007, 2008 and 2009 rather than giving all the money in one lump sum. Mrs. Geissman worked out a no-cost loan with the Ohio Rail Development Commission (ORDC) to cover the costs until the grant money arrives. The ORDC read about it in the task force minutes and wanted to help the county. Mr. Hambley asked how much money the loan to the Commissioners from the ORDC would be. Mrs. Geissman said the local highway match is approximately \$50,000 for each of the three crossings and that would be reimbursed by grants from The Angels on Track Foundation (approximately \$40,000) and the North American Railway Foundation (\$10,000). Fortunately, next year the ORDC will pay the difference balance of what the Public Utilities Commission of Ohio (PUCO) does not pay. Future funding from The Angels on Track Foundation is unclear at this time.

Mrs. Geissman said she and Chris Jakab, County Administrator, will be meeting with Public Defender Linda O'Toole next week to discuss their servicing Juvenile Court's juvenile offenders. The Public Defenders Office has been very successful servicing the Medina and Wadsworth Municipal Courts.

Ms. Ray said she met with Penny Blake from the SPCA and Dr. Fran Terry from AlterPet on Friday. She needs to make an appointment with Bill Thorne, Assistant Prosecutor, to draw up the lease agreements. They are ready to move forward and plan to break ground in the spring for the new facility. They will work together to raise the funds for the spay and neuter clinic within the facility.

Ms. Ray said she and Mr. Jakab went to the Medina City Historic Preservation Board to discuss the destruction of the gas station and old Prosecutor's building. Mr. Jakab added that they had submitted an application for the demolition and they also submitted some preliminary site plan information. The Historic Preservation Board requested more detail regarding how they plan to screen the asphalt from the motorists. They feel it is the entryway to the City of Medina and would like the area to be as attractive as possible after the demolition. They suggested that the county build a parking deck, but he told them that was very expensive and not in the budget. He told them the county would put in nice shrubbery and grass, and perhaps some brick and wrought iron. Ms. Ray said there was consensus that neither building had any historical significance and there was no opposition to tearing them down. Mr. Jakab said they are having the architect prepare more detailed plans for the proposed parking area and screening so there may be an additional fee. They will return to the Historic Preservation Board in 30 days to give them time to make an assessment. The law allows 60 days for them to make a decision. The Historic Preservation Board is responsible for finding a private party to purchase the property if they do not give the county a release. Mrs. Geissman pointed out that the county does not want to sell the property.

COMMISSIONERS MEETING, MONDAY, OCTOBER 16, 2006

Mr. Jakab said the Medina City Planning Director is scheduling a meeting with the Library, Medina City Board of Education and him to discuss cooperative issues. The library is planning to demolish three buildings across the street from the courthouse parking lot. He will present the Commissioners with the architect's drawings for their review.

Scott Miller, Finance Director, said they sent out the budget requests that are due by November 22. They also sent out a memo to departments that purchase vehicles to let them know of the change in the Ohio Revised Code. The ORC now requires departments to prepare a resolution for the Commissioners' approval in order to purchase vehicles.

The vehicle auction will be held October 25 and there will be 24 vehicles for sale; 16 county vehicles and 8 vehicles from other political subdivisions. There is also a possibility for one more vehicle from MedWay.

Mr. Hambley said Mr. Thorne suggested the Commissioners prepare a Conclusion of Fact to be included with the annexation file (91.0765 acres from Wadsworth Township to the City of Wadsworth) to be sent to Judge Kimbler's Court. The annexation was approved on September 11, 2006 and a notice of appeal on behalf of the township was received on September 21, 2006. Clerk Pam Vereb included the Conclusion of Fact from the other Wadsworth Township annexation (177.1326 acres) that was rejected and appealed, as a sample. Mr. Hambley noted that the 9th District Court supported the Commissioners' decision. The Commissioners decided to consult with Steve Friedman (outside counsel for the annexation) regarding the matter.

Mrs. Geissman asked if they needed to discuss the travel expenses approval procedures in Executive Session. Mr. Thorne said it could be discussed in regular session. They took a brief recess at 10:30 a.m. and reconvened at 10:36 a.m.

There was a difference of opinion about when elected officials need to have Commissioners' approval for payment by the county for travel expenses. Mr. Thorne said Mr. Jakab's legal determinations were different from his and did not apply to the statute in its present form. Mr. Jakab said it clearly states that the Board has oversight and approval responsibility; Mr. Thorne said Commissioners have authority in terms of conventions, political meetings and some limited training sessions. Mr. Jakab said Medina County and every other county has been doing prior approval for over 25 years. Mr. Thorne said that is the way it is done under the old statute, but the Attorney General reviewed it in 1997 (right after it was amended) and said the Commissioners do not have the authority to review training under certain provisions. By law, before county money can be used to pay travel expenses of any elected county official for associated meetings, conventions, or certain training sessions, the Board must pass certain approval. Mr. Jakab said the training sessions are specific only to the County Auditor's Weights and Measures employees. It is not the intent of the statute that it is only training associated with Weights and Measures of the County Auditor's Office. It appears to him that, based upon all the material that he has read and the way it has been practiced for the last 25 years, that they are consistent in what they are doing and it is appropriate and applicable. Mr. Thorne said the way it was written in the past was very broad, but it was amended to make a change to limit the authority. They added language that the Commissioners have authority to control certain training. Commissioners can say yes or no to political conventions, for example. They have limited the Commissioners' authority to approve training sessions that the elected officials have money for and has already been appropriated. It's up to the elected official to know what training sessions are appropriate for his department, except Auditor's Weights and Measures. Medina County didn't change their procedure in 1994 and continued until somebody brought it up and we were asked to look into it. They did, and agreed that there was no approval needed for training sessions. Mr. Jakab said the Attorney General's opinion says that the Board has the requirement to authorize in advance payment for county offices' officers and employees to attend associated meetings and conventions, but Mr. Thorne told the

COMMISSIONERS MEETING, MONDAY, OCTOBER 16, 2006

Treasurer's Office that he did not need prior approval to attend this association meeting. Mr. Thorne said that meeting was for training. Mr. Jakab said it was for the County Treasurer's meeting, which was consistent with what the law says regarding attending association meetings. Mr. Thorne said he would agree if there was no training, but he assumed there were training sessions at the convention. If it is an association meeting, they need prior approval. The Prosecutor's have a convention, but it is mostly training. There is nomenclature that hasn't been changed that is going to cause problems. Mr. Jakab said, historically, they have interpreted all as needing prior approval so that they don't have to differentiate between what is an association meeting and what is training. There has never been a problem until the Treasurer, in May, decided not to seek pre-approval for an association meeting that requires pre-approval. Ms. Ray asked if the Finance Department has the right to ask for verification and Mr. Thorne said the Auditor's Office has the right to ask if it is an appropriate expense, which was determined by the state in 2003. Mrs. Geissman asked if the Finance Department reviews the travel applications before the Commissioners get the resolutions. Mr. Hambley said Mr. Burke did not submit it because he said it did not require pre-approval and it hit the bill page without pre-approval.

Ms. Ray said that all this individual would have to do would be to produce some kind of documentation to verify that this, indeed, was a training program and be able to get his money. Mr. Thorne agreed and said it should have been done before the meeting. Ms. Ray said that this would resolve this situation and then they can put it back on the bill page.

Mrs. Geissman suggested that they let everyone know that they must provide documentation that it is a training session when submitting travel expenses without pre-approval and that should take care of the problem. She asked if the Commissioners would need to pass a resolution requiring everyone to get pre-approval. Mr. Thorne said the law won't allow that. Mr. Jakab said the county has an adopted travel policy and it references that statute.

Scott Miller, Finance Director, offered to send a memo. Mr. Thorne said most people run the bill through the system whether they need to or not. Mr. Jakab said it is not an issue in terms of paperwork and if there is a "gray area", it is just easier to just put it through rather than hold up reimbursement since May. Mrs. Geissman asked if the Auditor's Office has held the payment up since May and Mr. Hambley said Finance did not put it on the resolution as an approved bill and sent it back to Mr. Burke. Mrs. Geissman said that, according to what Mr. Thorne said, if he can prove it was a training session, they should pay the bill. Mr. Thorne said they were initially told that it was a training session for his people. Mr. Jakab said it was clearly an association meeting that Mr. Burke and Debbie Atkinson attended. Mrs. Geissman asked Mrs. Atkins if there was training at the meeting. Ms. Ray said that the flyer said it was a social. Mrs. Atkinson said, as she remembered it, it was a meeting. Mr. Jakab said it was an association meeting that's approved. She asked for clarification if training sessions do not need approval. Mr. Hambley said they needed budgetary approval and asked if they have the dollars in for training purposes. There are alternative ways of controlling that and asked if they had a separate line item. Mr. Jakab said they had travel and training separated. Mr. Thorne said if it was an association meeting, they needed pre-approval. Ms. Ray said Mr. Miller will send out a memo to clarify that issue. Mrs. Geissman suggested that this bill be paid because of the misunderstanding. Mr. Jakab said the Treasurer can still submit the application and make it retroactive, and that is what they told him. Mrs. Atkinson asked if that does not have to be approved on travel expense resolutions that the Clerk reads. Mr. Thorne said an association meeting, convention, or annual meeting, for example, do not necessarily serve public purposes and Commissioners do not have to authorize them, as opposed to continuing education at a training session. The gray area will be when it is both, or called something and is really something else. Mr. Miller said he would send a letter out to departments to clarify it.

The meeting recessed at 10:56 to go into the Executive Session for the purpose of discussing pending litigation that was voted on earlier.

COMMISSIONERS MEETING, MONDAY, OCTOBER 16, 2006

At 11:10 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 10/16/06

<u>Number</u>	<u>Resolution Title</u>
06-0951	RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS
06-0952	AUTHORIZING THE PURCHASE OF VARIOUS PROPERTIES LOCATED IN GLORIA GLENS PARK VILLAGE
06-0953	RESOLUTION DETERMINING THE NECESSITY TO CLOSE S. WEYMOUTH ROAD (C.H. 32) BETWEEN CHURCH ROAD (T.H. 267) AND WEYMOUTH ROAD (S.R. 3)
06-0954	RESOLUTION ENTERING INTO AN AGREEMENT WITH LOUIS TRENKA FOR SOFTWARE APPLICATION DEVELOPMENT AND QUALITY CONTROL SERVICES FOR THE MEDINA COUNTY ENGINEER
06-0955	RESOLUTION AUTHORIZING THE MEDINA COUNTY ENGINEER TO PURCHASE ONE (1) USED TRUCK FOR USE AT THE MEDINA COUNTY HIGHWAY DEPARTMENT
06-0956	RESOLUTION ACCEPTING AND AWARDED THE BID FOR THE MEDINA COUNTY MAPPING AND VERIFICATION FOR A LOCATION BASED RESPONSE SYSTEM (LBRS) DATA SET 2006
06-0957	RESOLUTION AMENDING THE 2006 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS
06-0958	REVENUE ADJUSTMENTS FOR THE SALE OF SURPLUS COUNTY PROPERTY
06-0959	RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR
06-0960	CELLULAR TELEPHONE SERVICES AGREEMENT RENEWAL
06-0961	RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
06-0962	RESOLUTION AMENDING THE BID AWARD FOR JOB AND FAMILY SERVICES DOCUMENT MANAGEMENT SYSTEM
06-0963	AUTHORIZING THE SANITARY ENGINEER TO OBTAIN EASEMENTS FOR VARIOUS SANITARY SEWER IMPROVEMENT PROJECTS
06-0964	RESOLUTION ACCEPTING AND AWARDED BID FOR HINCKLEY WATERLINE PHASE II 2006 MCSE #w-300/00-1.1.2

COMMISSIONERS MEETING, MONDAY, OCTOBER 16, 2006

06-0965

RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

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

Respectfully submitted,

Pam Vereb, Clerk

COMMISSIONERS _____
Stephen D. Hambley

OF _____
Sharon A. Ray

MEDINA COUNTY _____
Patricia G. Geissman