

COMMISSIONERS MEETING, MONDAY, SEPTEMBER 18, 2006

Stephen D. Hambley called the meeting to order at 9:30 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 September 11 was dispensed with as each Commissioner has read them personally. Ms. Ray moved to approve the September 11 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) determining the necessity to close Spencer Lake Road (C.H. 45) between Root Road (C.H. 58) and Richman Road (T.H. 69) for replacement of a railroad crossing, beginning Monday, September 18 through Friday, September 22; (2) authorizing a change order and extending the completion date to the contract with Marks Construction Inc. for the replacement of Bridge No. 25 on Wolff Road (T.H. 94) in York Township; and (3) approving use of Subdivision Drainage Maintenance Fund for repair work in Montville Lakes Subdivision Phase I in Montville Township. Ms. Ray moved to approve the three 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 7 through September 13, 2006.

Mr. Hambley commented that Scott Miller would be promoted to the County's Finance Director later in this meeting. Scott Miller, Assistant Finance Director, presented and reviewed the following resolutions: (1) amending the Annual Appropriation resolution; (2) amending the 2006 Appropriations resolution by transferring appropriations; (3) cash transfers for Family First Council funds; (4) cash transfer for Felony Delinquent Care Grant Fund; (5) creating the Victim Assistance FY07 Fund and authorizing appropriations; (6) revenue adjustments for various funds; (7) authorizing the purchase of 8,500 gallons of regular unleaded gasoline for the Engineering Center; and, (8) resolution appointing Bryan Laubaugh, Jonathan Ciccotelli and William Walker to the Audit Review Committee. Mr. Miller requested payment of the weekly bills in the amount of \$1,017,988.57. Ms. Ray moved to approve the eight 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.

Mr. Hambley announced that Chris Jakab will be promoted to County Administrator later in the meeting. Chris Jakab, Finance Director/Acting County Administrator, presented a resolution authorizing the Medina County Building Maintenance Department to advertise for bids for 2006 boiler replacement at the Medina County Professional Building and the Old Achievement Center. 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.

Gary Berkowitz, Human Resources Director, presented a resolution approving personnel changes for the employees under the jurisdiction of the Medina County Commissioners. It included the promotions of Christopher Jakab to County Administrator and Scott Miller to Finance Director. Mr. Berkowitz congratulated Mr. Jakab and Mr. Miller on their promotions. 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.

Jim Troike, Assistant Sanitary Engineer, presented a resolution authorizing a cooperative agreement for the \$1.2 million Brunswick Sanitary Sewer Replacement 2006 Project between the County of Medina and the Ohio Water Development Authority. Ms. Ray moved to approve

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the resolution; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting AYE.

Susan Hirsch, Department of Planning Services Deputy Director, presented a resolution proclaiming November 2006 as Medina County Planning Month and November 9, 2006 as Community and Regional Planning Day in Medina County. They will be having their fifth annual Planning Day Open House on that date. Ms. Ray moved to approve the proclamation; seconded by Mrs. Geissman. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ms. Hirsch said they had a bus tour of mixed-use developments on September 8 that was well attended. They toured Brunswick Town Center, Hudson, University Heights, Cedar Center, Shaker Square, Ohio City, and Tremont.

Ms. Hirsch discussed upcoming events: the last Farmers Market of the season is on Saturday, September 23, located in parking lot behind the Prosecutor's Office; an audio conference about "Green communities" on October 4; a Zoning Inspectors' meeting on September 29; and, a Zoning Workshop on October 19.

Clerk Pam Vereb read the following resolutions: (1) to allow expenses of County officials; and (2) to allow expenses of the County Engineer. Ms. Ray moved to allow the expenses; 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.

Mr. Hambley said that there was a request for an Executive Session for the purpose of discussing pending litigation. Ms. Ray moved to allow the Executive Session; the motion was seconded by Mrs. Geissman. There was no discussion. Roll call showed all Commissioners voting AYE.

The meeting recessed at 9:47 a.m. for the Commissioners to move to the Conference Room for the Executive Session.

The meeting was reconvened at 9:48 a.m. for the Executive Sessions for the purpose of discussing pending litigation that was voted on earlier. Commissioners recessed the Executive Session at 9:50 a.m. for the Discussion Session at 9:53 a.m.

Discussion Session

Public Defender Commission Chairman Kevin Dunn reported that the Public Defender Office's estimated net annual savings to Medina County was \$142,504 versus the prior system (all court-appointed counsel). This is very close to the projected \$138,000 savings estimated when they first set up the particular office. Public Defender Linda O'Toole reported they screened 1,546 individuals in 2005 to see if they met the financial requirements to qualify for service. They accepted 911 individuals' cases for Medina Municipal Court and 463 for Wadsworth Municipal Court (173 were rejected, mostly for financial reasons). These cases are all done by a staff of three attorneys plus two full-time and one part-time support staff. Mr. Dunn added that the number of cases screened and the number of cases actually handled is compliant with the State Public Defender's guidelines. This also falls within their initial projections for the office. There is a \$25 charge to apply for services.

Mr. Hambley asked them about the possibility of representing juvenile offenders that have indigent parents or guardians. Mr. Dunn said they are looking into it. He said a bill was passed that allows for the Public Defenders Office to recover costs from the State for Juvenile Court cases. This would only be representation for issues where detention is a potential

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possibility; not traffic cases. They are studying the numbers to see how many cases are now being court-appointed and how much staff and office space they would need. Mrs. Geissman asked about the situation of court-appointed attorneys having to represent an entire indigent family. Mr. Dunn said the State has taken the juveniles out of the family reimbursement situations and there could be a requirement that the parents have to repay the costs of counsel because they have the duty to support their children. They are not yet sure if that extends to the issue of having the child represented. Historically, the courts have assigned counsel based upon the financial affidavit of a child and the family. Reimbursement for representation for a case such as neglect will be passed on to the individuals to hire their own counsel.

Ms. Ray asked if the 28% reimbursement rate still stood or if it was lowered. Mr. Jakab said it has been at 28% for the last six months. Mr. Dunn said the reimbursement rates are equated to the financial well-being of the State of Ohio and this is an area that is typically slashed. They expect that the rate will be decreased again. Mr. Hambley commented that the reimbursement rate was over 40% ten years ago. Mr. Dunn said the per-hour rates for indigent court-appointed counsel have been set at \$40 for out-of-court and \$50 for in-court for quite some time. Many counties have made a movement to increase the \$50 per hour to \$60, but Medina County's rate remains the same.

There was a short discussion about the juvenile cases information that Mr. Jakab provided. Ms. O'Toole said there would be approximately 400 delinquent felony and misdemeanor cases to work on per year, which is similar to the Wadsworth Municipal Court's docket. Mr. Jakab asked what that would translate to in terms of staffing. Ms. O'Toole said she would need to review it with the Public Defender Commission; she thinks they would need at least two lawyers. There are issues with courtrooms in Juvenile Court. Mr. Dunn explained that there are three courtrooms that are typically operating at the same time. The defense is in a somewhat different position than the Prosecutor because they would have to be present at all proceedings. Therefore, they would need staff to be able to cover three courts at the same time. The other issue is that Juvenile Court cases may take up more time than Municipal Court cases. Many municipal court crimes are crimes such as driving under suspension; something that is very clear, easy to pick up and more quickly processed. Juvenile cases would take more preparation, more subpoenas and interviewing more witnesses.

Mr. Jakab asked if it would be a situation where they would have an attorney primarily assigned Juvenile Court, but would also be available for other courts. Mr. Dunn said all of the staff would be experienced in all of the areas. They would come up with the findings for Juvenile Court by the first of the year, after they have conferred with Judge Lohn. There may be less of a savings for Juvenile Court than municipal court based upon their preliminary discussions. Many of the one-time expenses have already been made and that will be taken into consideration.

Ms. Ray asked Mr. Jakab if there would be extra space at the Professional Building and he said there is space adjacent to the current office, which houses the Family First Council. They could possibly move them up to vacant space on the third floor and expand into the adjacent area.

Mr. Hambley pointed out that there had been controversy from detractors that a Public Defenders Office would not work, but it ended up paying off on the bottom line. The Commissioners thanked Ms. O'Toole, the Public Defenders Office staff, and the Public Defender Commission for making it work.

Mrs. Geissman stated that she spoke with State Representative Chuck Calvert and he advised her that the capital budget has been finalized. Unfortunately, there is no money being put into any of the State departments for help with financing jails.

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Mrs. Geissman asked the other Commissioners to have their charities chosen for the 2007 Commissioners' Charity Ball proceeds within the next couple of weeks.

Mr. Hambley discussed the Voices & Choices initiative that involved 20,000 citizens and leaders (through a series of town meetings and public forums) to offer solutions for the region's economic challenges. He said last Saturday, 1,000 people gathered at The University of Akron (22 were present from Medina County) to prioritize the goals and solutions brought forth in the two-year process. The top goals in each challenge area were:

- Training workers for current and future jobs
- Improving racial inclusion and income equity
- Attracting and growing businesses
- Reducing government fragmentation and inefficiency
- Ensuring equitable school funding and accountability
- Reducing sprawl and increasing regional connectivity

Some of the solutions to address these goals were advocating to the State to shift how it funds public schools; to increase funding for higher education; and, to develop a health care system that provides coverage for all. The State needs to invest in: internship and mentoring programs to provide students with work experience; establishing a region-wide association of local and regional planning agencies; creating a region-wide land use and development plan to address pattern of growth; and, programs to enable high school students to take college-level courses at no cost to the student. They need to create organizations (incubators) that support the growth of small businesses through the advice of experts. Mr. Hambley said it was an interesting process that is going to continue; Eric Fingerhut and Jim Trakas have been hired to identify areas that seem practicable.

Jim Troike, Assistant Sanitary Engineer, said he received a phone call from the Rustic Hills Homeowners' Association last fall about sanitary sewers for that 225-parcel subdivision. There were letters sent and informational meetings with the residents were held. The Commissioners said they would allow it if 50% of the residents would agree to tie-in, but there were only signatures from 30%. Since then, the Homeowners' Association has revisited the issue because they have looked at the expense involved with the proposed new septic regulations. They have asked the Sanitary Engineers to go through the process again, but this time slightly different. The standard petition is \$100 and the majority rules. They want to do an actual ballot with "yes" and "no" votes so that they get a response from everyone.

Mr. Hambley asked if Mr. Troike had questioned the Health Department as to when they would impose the regulations. Mr. Troike said they only plan to do something when there is a nuisance complaint for an individual property; it would be very incremental. Mr. Hambley said what it comes down to is that those that have to replace their septic tanks will want County sewer. Mr. Troike said it is an assessed project that will cost \$10,000 for each parcel and, as the homeowner sees that is going to cost more than \$10,000 for their septic, they will be much more willing to vote affirmatively. The Homeowners' Association is making the residents aware of that. Mr. Hambley said the Homebuilders and Township Associations are fighting the regulations and the battle is not resolved. Mr. Troike said he is unsure how soon they should go back to the residents with the new petition. The Commissioners' consensus was that they wait for the public education portion of the costs and get back with them at the end of the year. Mr. Hambley pointed out that they would have to get a homeowner's loan to upgrade their septic. If the County does an assessment project and the homeowner finances it, it goes on their property taxes annually and they would pay a lower interest rate. Mr. Troike said he would work with the Rustic Hills Homeowners' Association and let them know.

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Chris Jakab, County Administrator, presented a copy of correspondence from the architect for the Data Center Relocation Project regarding the estimated savings based on the decreasing the number of file servers. The corresponding decrease in construction costs would only be between \$1,500 and \$5,000, which is not significant. He passed this information on to Treasurer John Burke.

Bill Thorne, Assistant Prosecutor, asked the Commissioners if they had any questions about the second draft of the sanitary sewer agreement with Lodi that he sent them. Mr. Hambley said the agreement added that the expansion applies solely to the Loves project site by parcel number. Mr. Thorne said it clarifies that the Commissioners have the discretion to take back the area and reimburse Lodi for any out-of-pocket expenditures. Mrs. Geissman said Lodi is anxious to get the matter resolved. There was a misunderstanding that what they had before was the contract and not a draft for review; therefore, they did some things they should not have done. Mr. Troike said his office should have marked it as a draft. Lodi's original objection was that the County could take back the lines. Lodi wanted repayment for the lines even though they did not pay for them, but the County would not permit that. This contract is the same thing, but adding that the County will reimburse Lodi for any out-of-pocket expenses. They will again find it objectionable. Mr. Hambley pointed out that they gave Lodi the line to the Outlet Mall without the value plus the County took all of the risk. They have actually benefited tremendously. There was consensus by the Commissioners to have Mr. Thorne resubmit the second draft contract to Lodi for review.

Scott Miller, Finance Director, said they have nearly all the members for the Audit Review Committee. They are waiting for John Burke to appoint an individual and should have that appointment by the end of the week. They will schedule an Audit Review Committee meeting the first or second week of October. He requested a list of areas they want the State Auditors to look at next year. He will make the presentation to the Committee and they can evaluate it and can present the list to the State Auditors in November.

At 10:25 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.

RESOLUTIONS PASSED 9/18/06

<u>Number</u>	<u>Resolution Title</u>
06-0860	RESOLUTION PROCLAIMING NOVEMBER 2006 AS MEDINA COUNTY PLANNING MONTH AND NOVEMBER 9, 2006 AS COMMUNITY AND REGIONAL PLANNING DAY IN MEDINA COUNTY
06-0861	RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS
06-0862	RESOLUTION DETERMINING THE NECESSITY TO CLOSE SPENCER LAKE ROAD (C.H. 45) BETWEEN ROOT ROAD (C.H. 58) AND RICHMAN ROAD (T.H. 69)
06-0863	RESOLUTION AUTHORIZING CHANGE ORDER NO. 001 AND EXTENDING THE COMPLETION DATE OF THE CONTACT FOR THE REPLACEMENT OF BRIDGE NO. 25 ON WOLFF ROAD (T.H. 94) IN YORK TOWNSHIP BETWEEN MARKS CONSTRUCTION INC. AND THE MEDINA COUNTY BOARD OF COMMISSIONERS
06-0864 FUND	RESOLUTION APPROVING USE OF SUBDIVISION DRAINAGE MAINTENANCE FOR REPAIR WORK IN MONTVILLE LAKES, SUBDIVISION PHASE I IN MONTVILLE TOWNSHIP, MEDINA COUNTY, OHIO

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- 06-0865 RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION

- 06-0866 RESOLUTION AMENDING THE 2006 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS

- 06-0867 CASH TRANSFER FOR FAMILY FIRST COUNCIL FUNDS

- 06-0868 CASH TRANSFERS FOR FELONY DELINQUENT CARE GRANT FUND

- 06-0869 CREATION OF THE VICTIM ASSISTANCE FY07 FUND AND AUTHORIZING APPROPRIATIONS

- 06-0870 REVENUE ADJUSTMENTS FOR VARIOUS FUNDS

- 06-0871 AUTHORIZING THE PURCHASE OF 8,500 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE ENGINEERING CENTER

- 06-0872 RESOLUTION APPOINTING THE AUDIT COMMITTEE MEMBERS

- 06-0873 RESOLUTION AUTHORIZING MEDINA BUILDING MAINTENANCE TO ADVERTISE FOR BIDS FOR 2006 BOILER REPLACEMENT AT THE MEDINA COUNTY PROFESSIONAL BUILDING AND THE MEDINA COUNTY OLD ACHIEVEMENT CENTER

- 06-0874 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS

- 06-0875 RESOLUTION AUTHORIZING COOPERATIVE AGREEMENT FOR THE BRUNSWICK SANITARY SEWER REPLACEMENT 2006 PROJECT BETWEEN THE COUNTY OF MEDINA AND THE OHIO WATER DEVELOPMENT AUTHORITY

- 06-0876 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

- 06-0877 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 eighteenth day of September, 2006.

Respectfully submitted, COMMISSIONERS _____
Stephen D. Hambley

OF _____

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Pam Vereb, Clerk

Sharon A. Ray

MEDINA COUNTY

Patricia G. Geissman