

## COMMISSIONERS MEETING – MONDAY, SEPTEMBER 16, 2002

Patricia G. Geissman called the meeting to order at 9:30 a.m. with Thomas R. Bahr and Stephen D. Hambley present.

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

At the beginning of the meeting the oral reading of the minutes of September 9 was dispensed with. Each Commissioner has read them personally. There was one typographic error corrected. Mr. Bahr moved to approve the minutes as corrected. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Doug King, Administrative Assistant in the County Engineer's Office presented 5 resolutions involving extending the closing of a section of Lester Road, closing a section of Chippewa Road and Lake Road for railroad repairs, accepting and awarding the bid for the replacement of Bridge No. 3 on Westfield Road to Fabrizi, and approving a maintenance agreement for Medina Line Road between Medina County and Summit County. Mr. Bahr moved to approve the 5 resolutions. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Commissioners reviewed the weekly permits list.

Chris Jakab, Finance Director, presented and reviewed 10 resolutions involving amending the annual appropriations by transferring and increasing appropriations, various fund transfers, purchasing fuel for the Highway Garage from Ports Petroleum, approving submission of a proposal for Alzheimer Respite grant program funding for the Office for Older Adults for FY 2002, approving the submission of an FY03 Ohio Highway Safety Safe Communities Medina County program grant application, approving the submission of a Juvenile Accountability Incentive Block Grant application to the Ohio Department of Youth Services, authorizing the implementation of a Jail "Pay-for-Stay" program at the Jail and approving an agreement for program collection services, and the weekly bills in the amount of \$959,214.43. The Alzheimer Respite proposal is a renewal for FY02 in the amount of \$19,329. The grant period begins July 2002 and there is no local match. The Highway Safety Safe Communities application is a renewal that begins October 1, 2002. The application amount is \$56,337 and there is no local match. The Juvenile Accountability application is for funds that remain from prior fiscal years. This will be used for video monitoring and recreational equipment. The "Pay-for-Stay" agreement is with Intellitech. There have been several discussions on this subject. The program will be implemented within 30-40 days from today. Mr. Bahr moved to approve the 10 resolutions. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

John Stricker, County Administrator, presented and reviewed the personnel resolution. He introduced Gary Searle, the new Workforce Development Manager. Mr. Bahr moved to approve the personnel changes. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting Aye.

John presented a resolution authorizing the termination of 2 employees in the Sanitary Engineers Department. Mr. Bahr moved to approve the terminations. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken Hotz, Sanitary Engineer, presented a resolution obtaining an easement on the south side of Medina for a new medical building. Mr. Bahr moved to obtain the easement. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution authorizing the release of the escrow account of Lake Erie Electric Inc. for the Spieth Road storage pump station. This project has been completed. Mr. Bahr moved to approve the release of the escrow account. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution authorizing the release of the escrow account of Caldwell Tanks for the Granger elected storage tank. All of the escrow will be released except \$2,000 for grading and seeding. Mr. Bahr moved to approve this release of the escrow account. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

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Ken presented a resolution to submit an application for funding under the Small Cities Community Development Block Grant water and sewer program for FY 02. These are competitive block grant funds. The funds will be used to assist with extending waterlines in Chatham Township. Mr. Bahr moved to approve submission of the application. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Ken presented a resolution authorizing the President of the Board of Commissioners to submit an application and execute a contract with the Ohio Public Works Commission for Issue 2 funding for sanitary sewer replacements and water supply loops 2003 projects. The application is for next year's funding that begins July 2003. The amount of the application is \$250,000. Mr. Bahr moved to approve the application and contract. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

Patrice Theken, Department of Planning Services Director, stated that on October 2 the Planning Commission will hold a public hearing at 7:00 p.m. for the subdivision regulations followed by a public hearing on the Transportation Task Force Final Plan and Map. Their regular meeting will follow the public hearings. On September 26 they will be holding a workshop for comprehensive planning, which is the first of 5 workshops to be held in the evenings and daytime. Approval was received from the Ohio Planning Conference to allow continuing education credits to planners for the workshops. Rob Henwood has been instrumental in getting their website set up at [www.planning.co.medina.oh.us](http://www.planning.co.medina.oh.us). Currently they have their agendas posted including staff reports and maps, the current subdivision regulations and the draft subdivision regulations. Patrice reported that she has been elected Secretary for the Ohio Planning Conference, which is a branch of the American Planning Association.

Mike Pataky, Child Support Enforcement Agency Director, stated that Bank One lost their contract for processing child support payments. The company coming in already handles these payments for several states and is aware of the process. They are hoping the transition phase will be smoother than the original when Bank One took over payments from the county. He is still awaiting word from the State regarding the Bank One account the agency currently has open. As everyone is aware, the labor negotiations were completed and things are pretty well back to normal.

Art Verdoorn, Building Official, presented and reviewed the August report. Home building permits were down from 102 last August to 92 this August. For the year home permits are down 2%. Commercial had a significant increase. Out of \$9 million in commercial value, approximately \$5 million is for multi-family homes. There were a lot of special inspections in August due to schools, school stadiums and Wadsworth Library trying to finish up before school started. It was noted that Brunswick Hills lead the townships in issuances. Montville Township had been getting 25-26% of all activity and they have dropped to 20%.

Mrs. Geissman stated that she had run into someone last week that frequents the Building Department and she received some positive feedback about Art and the department.

John Jones, Transit Services Director, presented and reviewed the August statistics. There were 1329 passengers on the "L", 60 on the Homerville Circulator, 8501 on demand-response, and 194 on the Southwest Circulator. For the year the total is 75,492. In 1998 the department had less than 71,000 in the entire year. Last year ODOT said the department's growth was 12%. So far this year the growth has been 20.4%. The "L" is down 4% for the month, but for the year ridership is up 22%. Demographically the percentages are holding with 55% disabled, 17% general public and about 16 ½ % elderly. The on-time performance was maintained at 96%. The cost per passenger was just shy of \$7.20 for an average cost for the year of \$7.88 on all services. There have been 5 accidents and 37 complaints this year. The trip denial rate was .98% last month with the average denial rate being 1.01%. The buses are filling up and they had to put an extra bus out last month to meet some of the will-call trips in the afternoons. Budgets are looking pretty good. There has been some problem with the maintenance budget with some premature failures in equipment such as transmissions. They will probably have to look at transferring some money this year for the maintenance budget this year. He received good news from ODOT in that grant dollars are up for next year. The federal allocation for 2002 was \$255,000 and for next year it will be \$325,000. The State allocation was projected to be down significantly but we received \$4900 more. They will also get back 10% of the capital match next year. Part of this is that 3 systems in the State went from rural to urban

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because of the census. Green County, Miami County and Claremont County lost their rural funding when their population went over 200,000. This will need to be looked at in Medina County in the future, possibly by the 2010 census.

Nancy Girton, Auditor's Office, stated that each taxing district is required to pay into the appraisal fund for appraisals and reappraisals of property in the county. Due to cost effective changes in the Auditor's Office, there is an excess of money that is being returned to the taxing district. The county's return is \$338,794.80. Originally the Auditor felt the total would be \$2 million, but in the final reading the taxes being returned is \$2.5 million.

Mr. Bahr noted that has to be disbursed between different agencies within the county. It does not all go to the general fund.

John Stricker stated that out of that amount just under \$90,000 goes to the general fund. The return will be going to the Health Department, Joint Vocational School and others.

Nancy stated that the return also includes the bond retirement, Achievement Center and MCDAC. She believes the amounts to each have been broken down and that Auditor Kovack will be delivering the checks today.

Mrs. Geissman asked about the process that they have to go through that the returns couldn't be made earlier.

Nancy stated that they have to wait for all of their numbers to come in on a variety of things. She's not sure of the specifics, but it involves information on how much was saved and allocated. In August the Auditor thought it would be \$2 million, but as the figures were finalized it increased to \$2 ½ million. The Auditor's Office has made changes over the couple of years, which made a difference in their expenses. Their website has saved a lot of money because of the number of man-hours it used to take to answer questions about properties, lost dogs, etc. The reappraisal, which is done every 6 years, was done in-house. It was a big strain on the office as they learned how to do this, but they saved a lot of money. After the expenses all came out, he was able to make a final determination on the money last week.

The Clerk read the resolution to allow expenses of county officials. Mr. Bahr moved to allow the expenses. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

The meeting was opened for public comment.

Mr. Bahr noted that the striping on Route 162 was brought up last week after receiving many complaints about it. He reported that ODOT has finished the paving and completed the painting and it looks very nice. He wanted to make sure people were aware it was corrected.

There were no other comments.

Commissioners recessed the meeting at 10:04 a.m. to move to the conference room.

At 10:09 a.m. Commissioners reconvened the meeting for the discussion session.

Mrs. Bahr presented a letter from the Western Reserve Area Agency on Aging (WRAAA) requesting a letter of support to enhance funding for home repair services for seniors. The letter is needed by tomorrow. Mrs. Geissman and Mr. Hambley reviewed the letter during the discussion session.

Dave Miller, County Engineer, reviewed a map showing a house that was built in the flood plain near Route 252 and Grafton Road. Originally they wanted to build in the floodway, but were told they couldn't and they were shown where the house could be built under certain stipulations. They were given a site plan, floor elevations, etc. The house is complete and is ready for occupancy, however, there are 2 violations under the federal flood program and 1 under the county's stormwater regulations. The federal violations involve the need for openings in the crawl space for water to come in and flow out and they need to re-grade the crawl space on one side to make it lower. Both of these items have to be corrected. Under the county's

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stormwater regulations, the house was built 3/10 of a foot too low. Federal requirements are that it has to be 1 foot above the 100-year flood and our requirement is that it has to be 2 feet above. Our regulations require this because there is a bridge nearby and the federal requirements don't take into consideration blockages at the bridge that could raise the 100-year flood elevation. In conversations with the ODNR, they recommend a "remedy of violation" rather than a variance. The best remedy in this case would be to leave the house where it is because it's only 3/10<sup>th</sup> of a foot and it's still well over the federal requirements. Otherwise the house will need to be jacked up and another row of block added.

Mr. Bahr asked if there is anything that can be made a part of the deed, noting that as the house changes hands future owners may want to come back to sue the county.

There was a discussion on how to do this. It could be typed on, but there's no guarantee it will be written in as the deed is re-written for future owners. This cannot be classified a deed restriction. There will be a file on this with whoever is administering stormwater management, however, that is not something a title searcher would be looking into. It was noted that a title searcher can miss even easements and then their gone. Possibly an affidavit could be filed in the miscellaneous files of the Recorders Office, although that is not typically what the file is used for.

Through discussion, Dave stated that the concept of the federal flood plain is to 1) make it possible for people to get insurance, and 2) protect against the loss of life trying to rescue someone from the house. Basically the flood plain criteria sets up that the house will be above the 100-year flood and there won't have to be a rescue. Traditionally there is a lot of loss of life of rescue workers trying to rescue people in a hazardous situation. He feels that because the house is 7/10 of a foot above the federal 100-year flood requirement the county will be safe. If a little water gets into the house it's not crucial.

Bill Thorne discussed filing an "affidavit of title" with the Recorder's Office, which states there is something that affects the title and it is a public record that is accessible to the title searchers. This will have to be done in a form that the Recorder's Office will accept.

Through questioning, Dave stated that he needs authorization from the Board to work with the Prosecutor's Office on an affidavit of title, and to inform the owner that the house can stay where it is and that they still have to comply with the 2 federal requirements for openings in the wall and re-grading.

Mr. Bahr moved to authorize the Engineer to work with the Prosecutor's Office on an affidavit of title and to inform the owner that the house can stay where it is and that they must comply with the federal requirements. Seconded by Mr. Hambley. There was no further discussion. Roll Call showed all Commissioners voting AYE.

Discussion on the letter from the WRAAA requesting a letter of support to enhance funding for home repair services for seniors continued. Commissioners agreed to support the WRAAA efforts, noting that the county does not have a CDBG Chips Program and that the county cannot speak for the unincorporated areas. The county has applied and been turned down a couple of times for Chips and this support should not take away the county's ability to apply in the future. It was noted that Wadsworth and Medina Cities have Chips programs. John Stricker was asked to take care of the letter of support to the WRAAA.

Ken Hotz reported that the new scale house at the CPF opened this morning and the temporary drive is no longer being used. The new drop off area will be open next week once the concrete has cured. There is still construction going on, which should be complete by November.

Bill stated that he was going to talk with Chris Jakab this morning about the Sheriff's contract with Intellitech. They had tried to get a hold of Chris on Friday, but were unable to connect with him. There are 3 concerns even after the redraft. There's only one legal problem, but 2 other concerns that Commissioners may or may not have a problem with. One of the problems is with the termination of the agreement, which is very narrow.

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Mrs. Geissman stated that she talked with Chris this morning about the termination because she knew from talks with the Sheriff that he was going along with this simply because he could get out in 30 days if he wanted to. That termination section was changed. She also noted that Chris thought the Prosecutor's Office had approved everything.

Bill stated that he hasn't seen the change. Another issue is the warranty provisions. They give a warranty with nothing to back it up. They simply agree to hold the county harmless. Generally a company has insurance and has the county as an additional insured. The way it is written now, if they do something wrong and there is an action taken and they don't have the money to spend, it could fall back on the county. Anyone can warranty anything they want, but they have to have something to back it up. There were a couple of big findings in southern Ohio regarding warranty statements. Another issue is that they have conflicting provisions; one says notice will be given by mail with the other saying it's going to be delivered. Those provisions should be harmonized.

Mr. Hambley moved to rescind the approval of the resolution approving the agreement with Intellitech pending a resolve to the issues discussed. Seconded by Mr. Bahr. There was no further discussion. Roll Call showed all Commissioners voting AYE.

There was no further business before the Board for discussion.

Mr. Bahr moved to recess the meeting at 10:28 a.m. Seconded by Mr. Hambley. There was no discussion. Roll Call showed all Commissioners voting AYE.

**RESOLUTIONS PASSED:**

02-0798 RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS

02-0799 RESOLUTION DETERMINING THE NECESSITY TO EXTEND THE CLOSING OF LESTER ROAD (C.H. 56) BETWEEN WEST LAW ROAD (T.H. 112) AND CENTER ROAD (S.R. 303)

02-0800 RESOLUTION DETERMINING THE NECESSITY TO CLOSE CHIPPEWA ROAD (C.H. 50) BETWEEN LAKE ROAD (C.H. 19) AND RYAN ROAD (T.H. 40)

02-0801 RESOLUTION DETERMINING THE NECESSITY TO CLOSE LAKE ROAD (C.H. 19) BETWEEN CHIPPEWA ROAD (C.H. 50) AND WEDGEWOOD ROAD (S.R. 162)

02-0802 RESOLUTION ACCEPTING AND AWARDING THE BID FOR THE REPLACEMENT OF BRIDGE NO. 3 ON WESTFIELD ROAD, COUNTY HIGHWAY 15, FOR THE MEDINA COUNTY ENGINEER

02-0803 RESOLUTION APPROVING A MAINTENANCE AGREEMENT FOR MEDINA LINE ROAD (C.H. 2) DRAWN BETWEEN MEDINA COUNTY, OHIO AND SUMMIT COUNTY, OHIO

02-0804 RESOLUTION AMENDING THE 2002 ANNUAL APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS

02-0805 RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION

02-0806 RESOLUTION AUTHORIZING COUNTY AUDITOR TO TRANSFER FUNDS FROM THE CHILD SUPPORT ENFORCEMENT FUND TO THE COUNTY GENERAL FUND FOR DOMESTIC RELATIONS COURT SERVICES

02-0807 CASH TRANSFER TO THE CRIPPLED CHILDREN'S HEALTH FUND

02-0808 RESOLUTION AUTHORIZING THE PURCHASE OF 6,500 GALLONS OF DIESEL AND 1,000 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE MEDINA COUNTY HIGHWAY GARAGE

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02-0809 APPROVING THE SUBMISSION OF A PROPOSAL FOR ALZHEIMER RESPITE GRANT PROGRAM FUNDING FOR THE OFFICE FOR OLDER ADULTS FOR FY 2002

02-0810 APPROVING THE SUBMISSION OF AN FY 03 OHIO HIGHWAY SAFETY SAFE COMMUNITIES MEDINA COUNTY PROGRAM GRANT APPLICATION

02-0811 APPROVING THE SUBMISSION OF A JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT APPLICATION TO THE OHIO DEPARTMENT OF YOUTH SERVICES

02-0812 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS

02-0813 RESOLUTION AUTHORIZING THE TERMINATION OF TWO EMPLOYEES OF THE MEDINA COUNTY SANITARY ENGINEER

02-0814 AUTHORIZING THE SANITARY ENGINEER TO OBTAIN EASEMENTS FOR VARIOUS SANITARY SEWER AND WATER IMPROVEMENT PROJECTS

02-0815 RESOLUTION AUTHORIZING THE COUNTY SANITARY ENGINEER TO RELEASE THE ESCROW ACCOUNT OF LAKE ERIE ELECTRIC, INC. FOR THE SPIETH ROAD STORAGE PUMP STATION MCSE #W-500/00-5.1.53A

02-0816 RESOLUTION AUTHORIZING THE COUNTY SANITARY ENGINEER TO RELEASE THE ESCROW ACCOUNT OF CALDWELL TANKS INC. FOR THE GRANGER ELEVATED STORAGE TANK MCSE #W-500/00-7.1.19

02-0817 RESOLUTION TO SUBMIT APPLICATION FOR FUNDING UNDER THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT WATER AND SEWER PROGRAM FOR FISCAL YEAR 2002

02-0818 RESOLUTION AUTHORIZING THE PRESIDENT OF THE BOARD...TO SUBMIT AN APPLICATION & EXECUTE A CONTRACT WITH THE OHIO PUBLIC WORKS COMMISSION FOR ISSUE 2 FUNDING FOR THE MEDINA COUNTY SANITARY SEWER REPLACEMENTS AND WATER SUPPLY LOOPS 2003 PROJECT

02-0819 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

MEDINA COUNTY COMMISSIONERS:

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Patricia G. Geissman

Respectfully submitted,

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Thomas R. Bahr

Pamela J. Terrill, Clerk

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Stephen D. Hambley