

## COMMISSIONERS MEETING, MONDAY, AUGUST 6, 2007

Sharon A. Ray called the meeting to order at 9:34 a.m. with Patricia G. Geissman and Stephen D. Hambley present.

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

The oral reading of the minutes of the Commissioners' meetings on July 30 was dispensed with as each Commissioner had read them personally. Mrs. Geissman moved to approve the minutes; the motion was seconded Mr. Hambley. There was no discussion. Roll call showed all Commissioners voting AYE.

The oral reading of the minutes of the Commissioners' public hearing to discuss the Flood Damage Reduction Regulations on July 30 was dispensed with as each Commissioner had read them personally. Mrs. Geissman moved to approve the minutes; the motion was seconded Mr. Hambley. 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 Granger Road (C.H. 21) between Bagdad Road (T.H. 170) and Nettleton Road (T.H. 169) for culvert replacement; (2) closing Bellus Road (C.H. 140) between West Drive and East Drive (Hinckley Lake Park) for bridge repair; (3) authorizing the County Engineer to advertise for bids for the replacement of Bridge No. 36 on Camp Road (T.H. 36) in Homer Township; (4) accepting and awarding the bid for the replacement of Bridge No. 32 on Spencer Lake Road (C.H. 45) in Lafayette Township to Rock River Construction for the price of \$214,341; and, (5) accepting and awarding the 2007 striping bid for the Medina County Highway Department to Aero-Mark, Inc. in the amount of \$71,807.73. Mrs. Geissman moved to approve the five resolutions and Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Commissioners reviewed the weekly permits list for permits issued July 26-August 1, 2007.

Scott Miller, Finance Director, presented and reviewed the following resolutions: (1) amending the annual appropriation resolution; (2) amending the 2007 Appropriation Resolution by transferring appropriations; and, (3) transferring funds from various county department accounts to the Medina County Print Shop revenue line item. Mr. Miller requested payment of the weekly bills in the amount of \$592,714.85. Mrs. Geissman moved to approve the five finance resolutions and payment of the weekly bills; the motion was seconded by Mr. Hambley.

Ms. Ray commented that, at last Monday's Commissioners meeting, much discussion was held regarding Mrs. Geissman's travel line item budget and she suggested, at that time, that they table the request until further discussion and research could be done on this increase in an annual appropriation that was unanimously approved by this Board. She said when the annual budget was approved, Commissioner Geissman expressed concern that she may not be able to live within the budgeted amount and, at that time, Commissioner Hambley indicated that if an increase was requested, the Board would like to review and discuss the details at the time of the request. As no discussion transpired, a requested increase was removed from last week's agenda. Ms. Ray volunteered to transfer half of the cost of the County Commissioners Days seminar request from her travel account to Commissioner Geissman's travel account. She said, after reviewing the seminar information, she had no problem with Commissioner Geissman attending the business/work session activities, but she had reservations about the optional tourist/recreational activities. She asked Mrs. Geissman to work with the County Administrator to come up with a travel budget that she anticipates would meet her needs for the second half of the year, including a list of the seminars that she plans to attend. She said the issue had become too emotional and it was time for the Board to move on.

Mrs. Geissman commented that she certainly agrees with that. She said she asked the Finance Director to take the amount off because Ms. Ray giving her funds does not resolve the issue. She talked to Mr. Hambley this morning and she will give them a sheet with exactly what her needs will be for the rest of the year. She would appreciate their support on those expenses.

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There was no further discussion. Roll call showed all commissioners voting AYE.

Gary Berkowitz, Human Resources Director, presented and reviewed a resolution approving personnel changes for the employees under the jurisdiction of the Medina County Commissioners. Mrs. Geissman moved to approve the resolution; the motion was seconded by Mr. Hambley. There was no discussion. Roll call showed all commissioners voting AYE.

Mr. Berkowitz presented a resolution approving and authorizing a one-day suspension without pay for an employee in the Sanitary Engineer's Office for failure of good behavior and for violating the established rules governing personal conduct. Mrs. Geissman moved to approve the resolution and Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Chris Jakab, County Administrator, had nothing to present today.

Jim Troike, Sanitary Engineer, presented a resolution authorizing the Sanitary Engineer's Office to take bids for the Village of Chippewa Lake to replace a section of sewer on Circle Crest and Lake Street. He also presented a resolution authorizing the final adjusting change order for the Hinckley Township Waterline Project Phase II. Mrs. Geissman moved to approve both resolutions; seconded by Mr. Hambley. There was no discussion. Roll call showed all Commissioners voting AYE.

Ms. Ray presented a resolution reappointing Juliana Batey (Medina County Metropolitan Housing Authority's representative), Eli R. Beachy (representative from the general public), E. "Jack" Frank Heiszek (senior citizen representative), and Phebe Simpson (healthcare professional representative) to the Medina County Home Advisory Council with their terms expiring on August 19, 2010. Mrs. Geissman made a motion to approve the resolution and Mr. Hambley seconded. There was no discussion. Roll call showed all Commissioners voting AYE.

Ms. Ray presented a resolution supporting Ohio House Bill 69 – Transfer of Development Rights (TDR). As introduced in the 127<sup>th</sup> Ohio General Assembly, this bill would permit counties, townships and combinations of counties, townships and municipal corporations to establish voluntary TDR programs. This would allow private property owners to transfer development rights from environmentally-sensitive areas to areas that are more suitable for development. H.B. 69 was also endorsed by the Northeast Ohio Areawide Coordinating Agency (NOACA) and the County Commissioners Association of Ohio (CCAO). Mrs. Geissman moved to approve the resolution; seconded by Mr. Hambley. There was no discussion. Roll call showed all Commissioners voting AYE.

Ms. Ray presented a resolution proclaiming August 2007 as "Breastfeeding Awareness Month" and encouraged all family members, friends, co-workers, and community leaders to recognize the efforts of breastfeeding families by providing support, encouragement and help so mothers can succeed with breastfeeding. Mr. Hambley moved to approve the resolution and Mrs. Geissman seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

The meeting was opened for public comment and no one wished to speak at this time.

The Clerk read the resolution to allow the expenses of county officials and another resolution to allow the expenses of the County Engineers' Office. Mrs. Geissman moved to approve both resolutions and Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Ms. Ray announced that there was a public hearing at 10:30 a.m. to discuss Flood Damage Reduction Regulations. An Executive Session was requested for 10:00 a.m. to discuss pending litigation. Mrs. Geissman moved to allow the Executive Session. Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

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The meeting recessed at 9:46 a.m. for the commissioners to move to the Conference Room for the Discussion Session at 9:50 a.m.

### Discussion Session

Ms. Ray read the notice from the Ohio Division of Liquor Control regarding a permit transfer from 965 Marks Road Inc., 965 Marks Road, Unit C, Brunswick Hills Township, Valley City, Ohio, to T & J Spirits LLC, at the same address. It was for a D1, D2, D3, and D3A permit classes, which are, "Beer only for on premises consumption or in sealed containers for carry out", "Wine and certain prepackaged drinks for on premises consumption or in sealed containers for carry out", "Spirituous liquor for on premises consumption only until 1:00 a.m.", and, "Extend issued permit privileges until 2:30 a.m.". There were no comments.

Mrs. Geissman reported that she attended the County Commissioners Associations of Ohio (CCAO) meeting regarding sales tax. State legislators have told them that, most likely, nothing will be on the ballot this year. Mr. Hambley asked if this was regarding the constitutional amendment that was being proposed. Mrs. Geissman said they do not know for sure, at this point, what they are going to do. The Sales Tax Committee is recommending to the Board, at next week's meeting, that they keep the policy that they now have; the authority to levy local sales taxes should be reserved to counties, and efforts to give this authority to school districts and other political subdivisions are opposed by the CCAO. They came up with five options that they will be discussing with the CCAO Board next week and then they will send two or three of them to state legislators to consider. They made the decision to do nothing at this time. The group would like to see what happens in Medina County. She shared an email from a Medina resident that said a prominent member of the Brunswick School Board stated at the last meeting that the new school sales tax could cost state funds or it might have to be rescinded. Mr. Hambley asked who the school board member was and Mrs. Geissman said she did not know, but she would try to find out. Mrs. Geissman said the sales tax would be further discussed at the CCAO Board meeting next week.

Jim Troike, Sanitary Engineer, discussed his recent memo to the Commissioners regarding sanitary sewer construction between Hathaway Drive and Gaylan Drive in the City of Brunswick. He said Brunswick is doing a small sewer replacement project in those back yards. The storm and sanitary sewers run in separate easements behind the homes on the two streets. The city has invited them to participate in the project. Television inspection of the line indicated that the existing sewers leak and have gaps at the joints that are allowing roots to grow into the pipes. This leads to sewer blockages and sewer overflows along the sewer route. The line is closer to the houses on Hathaway, which has resulted in a number of swimming pools being located over the top of the sewer. This project would allow them to move the sewer to the back of the lots along the rear property line where it would be out of the way and easier to maintain. The estimated cost of replacing the sewer and the laterals within the easement is \$200,000, permitting them to join in with Brunswick City. Brunswick City is an area targeted for sewer replacement in order to cut down on infiltration inflow in the sanitary sewers so it goes along with their plan. Upon questioning, Mr. Troike said it would be more cost effective to replace that section of sewer line than to rehab it. The Commissioners approved of the project and Mr. Troike will present it at the next Commissioners meeting.

Mr. Hambley said, for the record, he wanted to include a response to the alleged Sunshine Law violation that has been discussed at recent Commissioners meetings. He said it would provide some essential facts to the matter. He presented an August 6, 2007 letter to Prosecutor Dean Holman. Mr. Hambley said it clearly indicates there was not a violation of the Sunshine Law.

Chris Jakab, County Administrator, said he was visited by Sue Thompson-Dukeman from The University of Akron and the Workforce Development Center. They would like to conduct some Medina County University Center initial course offerings while the building is still under construction. She had asked if the county had a room they could use and Mr. Jakab told her the Choral Room in the Administration Building would be appropriate and available. There was only one day that conflicted. It would be during regular business hours so no additional security

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would be required and no costs incurred. The Commissioners all agreed to let The University of Akron use the room. Mr. Jakab said he would let her know that the Commissioners may ask to use one of their meeting rooms at some point in time.

Mr. Jakab said he had a meeting with the Auditor, Treasurer, their staff, and Manatron to review the software conversion process. Things are moving along well with one minor conversion snag. Nancy Girton, Auditor's Office, said training started this morning. Full conversion is scheduled for September 2007. Mr. Jakab said this was a large investment by the Board of Commissioners, with the assistance of the Auditor and Treasurer, so he spent a lot of time working on it.

Mr. Jakab said the new public address system will be tested at 5:00 p.m. tonight at the Courthouse. He, Court Security, and the Maintenance staff will run through the test that is for weather emergency and security purposes. They will be instructed on where and how to vacate the building, and also how to lock down the building if there were security concern.

Mr. Jakab informed the Commissioners that Matt Kaplan from Senator Sherrod Brown's Office is in the Conference Room to meet with each of them.

Ms. Ray asked Mr. Jakab if he knew the extent of the water damage in the State Auditor's Office in the Administration Building and he said it was minimal.

At 10:02, Commissioners recessed the meeting, and at 10:04, they reconvened into the Executive Session that was voted on earlier to discuss pending litigation.

The meeting recessed at 10:08 a.m. and reconvened for the public hearing at 10:39 a.m.

The public hearing adjourned at 10:44 a.m. and the meeting reconvened at 10:45 a.m.

Mr. Willhoite presented a resolution repealing Resolution No. 03-1001 and adopting new Flood Damage Reduction Regulations and review systems applicable to said regulations. He added that there were a couple of paragraphs in the resolution saying that the Health Department and the Building Department had an active role. He consulted with Health Department representative, Don Stewart, and Chief Building Official Charles Huber. The wording is reflected in those paragraphs that this has been reviewed by them and reflects their involvement in the project.

Mr. Willhoite said the other item was in the variance section of the regulations where it states that the Board of Commissioners will appoint members of a Variance Board. A few years ago, that was done and there were three members of the County Planning Commission appointed to it. One of those members is no longer on the Planning Commission so they will need to appoint someone to fill that position. Also, the fee for the application will need researched and then approved by Commissioners.

Mr. Hambley moved to approve the resolution and Mrs. Geissman seconded the motion. Mr. Hambley said they should ask Mr. Thorne if the Appeals Board members would be all new three-year terms since they are appealing the other regulations and adopting new regulations. Kathleen Scheutzow, Floodplain Committee, said the new regulations take affect in 30 days so the current ones would stay in affect for 30 days and there would be a "window" to have a review. Mr. Hambley said there would probably not be many immediate appeals anyway. Mr. Willhoite said there has never been an application for a variance filed in Medina County. Mr. Hambley said Mr. Willhoite pointed out that the regulations include language regarding the Building Department (that they have authority over). But, the language also says the Medina County Health Department shall require new or replacement water supply systems to be designed for this. He asked if the Commissioners have the authority to prescribe that requirement under the Floodplain Damage Reduction Regulations. Mr. Willhoite said some of this is already in the Floodplain Regulations from the FEMA language. He sent the wording to the Health Department for review and to offer any changes. They updated the language from

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sewage systems to household sewage treatment systems and there were no issues with the wording other than that. Mr. Hambley said he was happy to pass the resolutions and it was the first time he had seen that the Commissioners could require anything of the Health Department. There was no further discussion. Roll call showed all Commissioners voting AYE.

Mr. Jakab said they needed a motion to approve the settlement agreement between Columbia Gas Transmission and Meadows Preserve Subdivision. Mrs. Geissman moved to approve the agreement and Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Mr. Willhoite announced that there would be a FEMA Flood Risk Information Open House next Tuesday, August 14, 4:30 to 7:30 p.m., at the Engineering Center. People can locate their homes on the flood insurance maps and obtain valuable information on flood insurance coverage offered through the National Flood Insurance Program and ways to protect their homes from future flooding.

The meeting adjourned at 10:48 a.m., on a motion by Mrs. Geissman that was seconded by Mr. Hambley. There was no discussion. Roll call showed all Commissioners voting AYE.

### RESOLUTIONS PASSED 8/6/07

<u>Number</u>	<u>Resolution Title</u>
07-780B	RESOLUTION PROCLAIMING AUGUST 2007 AS "BREASTFEEDING AWARENESS MONTH"
07-781	RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS
07-782	RESOLUTION DETERMINING THE NECESSITY TO CLOSE GRANGER ROAD (C.H. 21) BETWEEN BAGDAD ROAD (T.H. 170) AND NETTLETON ROAD (T.H. 169)
07-783	RESOLUTION DETERMINING THE NECESSITY TO CLOSE BELLUS ROAD (C.H. 140) BETWEEN WEST DRIVE AND EAST DRIVE (HINCKLEY LAKE PARK)
07-784	RESOLUTION AUTHORIZING THE MEDINA COUNTY ENGINEER TO ADVERTISE FOR BIDS FOR THE REPLACEMENT OF BRIDGE NO. 36 ON CAMP ROAD (T.H. 36) IN HOMER TOWNSHIP
07-785	RESOLUTION ACCEPTING AND AWARDED THE BID FOR THE REPLACEMENT OF BRIDGE NO. 32 ON SPENCER LAKE ROAD (C.H. 45) IN LAFAYETTE TOWNSHIP MEDINA COUNTY FOR THE MEDINA COUNTY ENGINEER
07-786	RESOLUTION ACCEPTING AND AWARDED THE 2007 STRIPING BID FOR THE MEDINA COUNTY HIGHWAY DEPARTMENT
07-787	RESOLUTION AMENDING THE ANNUAL-APPROPRIATION RESOLUTION
07-788	RESOLUTION AMENDING THE 2007 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS
07-789	RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS COUNTY DEPARTMENT ACCOUNTS TO THE MEDINA COUNTY PRINT SHOP REVENUE LINE ITEM

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- 07-790 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
  
- 07-791 RESOLUTION APPROVING AND AUTHORIZING THE SUSPENSION OF ONE (1) DAY WITHOUT PAY FOR MARK BARR, MEDINA COUNTY SANITARY ENGINEER'S OFFICE
  
- 07-792 RESOLUTION AUTHORIZING THE REPLACEMENT OF SANITARY SEWERS IN CIRCLE CREST AND LAKE STREET IN THE VILLAGE OF CHIPPEWA LAKE MCSE#SR700/01-50.5
  
- 07-793 RESOLUTION AUTHORIZING FINAL ADJUSTING CHANGE ORDER NO.1 FOR THE HINCKLEY TOWNSHIP WATERLINE PROJECT PHASE II MCSE#W-300/00-1.1.2
  
- 07-794 RESOLUTION REAPPOINTING MEMBERS TO THE MEDINA COUNTY HOME ADVISORY COUNCIL
  
- 07-795 RESOLUTION SUPPORTING OHIO BILL 69 - TRANSFER OF DEVELOPMENT RIGHTS
  
- 07-796 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS
  
- 07-797 RESOLUTION TO ALLOW EXPENSES OF THE COUNTY ENGINEER
  
- 07-798 RESOLUTION REPEALING RESOLUTION NO. 03-1001 AND ADOPTING NEW FLOOD DAMAGE REDUCTION REGULATIONS AND REVIEW SYSTEMS APPLICABLE TO SAID REGULATIONS

All deliberations concerning official business and formal actions by this Board of Commissioners were conducted in an open public meeting this sixth day of August, 2007.

Respectfully submitted,

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Pam Vereb, Clerk

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

OF \_\_\_\_\_  
Patricia G. Geissman

MEDINA COUNTY \_\_\_\_\_  
Stephen D. Hambley