

## COMMISSIONERS MEETING, MONDAY, JULY 16, 2007

Sharon A. Ray called the meeting to order at 9:32 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' meeting on July 12 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 Vandemark Road (C.H. 31) between Spencer Lake Road (C.H. 45) and Smith Road (C.H. 4) for culvert replacement; (2) closing Stony Hill Road (C.H. 48) between Center Road (S.R. 303) and Babcock Road (T.H. 142) for culvert replacement; and, (3) closing Mattingly Road (C.H. 62) between Stony Hill Road (C.H. 48) and Crystalbrooke Drive (T.H. 733) for culvert replacement. Mrs. Geissman moved to approve the three 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 5-11, 2007.

Scott Miller, Finance Director, presented and reviewed the following resolutions: (1) amending the 2007 Appropriations Resolution by transferring appropriations; (2) expenditure adjustments for various funds; (3) transferring funds from various county department accounts to the Gasoline Rotary Fund; (4) transferring funds from the General Fund and the Child Support Enforcement Agency Fund for Title IV-D Juvenile Court magistrate and prosecutor's services; (5) authorizing the purchase of 5,500 gallons of diesel and 1,500 gallons of regular unleaded gasoline for the Medina County Highway Garage from Petroleum Traders for the lowest average combined bid price of \$2.3413 per gallon; (6) authorizing the purchase of 7,400 gallons of regular unleaded gasoline for the Engineering Center from Petroleum Traders for the price of \$2.4650 per gallon; (7) declaring Medina County property as excess property to be discarded or made available to the public by internet auction; (8) transferring funds from the Children Services Fund (0055) to the Public Assistance Fund (0120) for administration expenditures; and, (9) transferring funds from the General Fund (0010) to the Public Assistance Fund (0120) for the county's mandated share. Mr. Miller requested payment of the weekly bills in the amount of \$1,191,575.04. Mrs. Geissman moved to approve the nine finance resolutions and payment of the weekly bills; the motion was seconded by Mr. Hambley. There was no discussion. Roll call showed all commissioners voting AYE.

Holly Muren, Human Resources Assistant, 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.

Chris Jakab, County Administrator, and Jim Troike, Sanitary Engineer, had no resolutions to present this week.

Charles Huber, Chief Building Official, gave the Building Department's report for building permit activity in June 2007. Estimated construction costs for residential construction dropped 24%; however, this was somewhat offset by a rise in non-residential construction that was up 35%, making an overall net decrease of 6%. There were 66 new housing starts in June 2007, down slightly from 74 in June 2006. The detailed breakout of a variety of different building permits for June 2007 compared to June 2006 showed an increase in revenues collected for residential permits with a decrease of about 14% for the number of permits. Some of this may be attributed to it being the first full month for the increase in permit fees that went into effect on May 10. For commercial, there was an increase in revenues driven also by an increase in permits (78 in June 2007 compared to 71 in June 2006). Total revenues were up about 5%, although there was a decrease in the number of permits of about 11%. Year-to-date through

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June, there was a decrease in revenue in both residential and non-residential permits, with a total decrease of about 13%, and a decrease in the number of permits by about 18%. Permitting activity, broken out by townships and villages, shows Brunswick Hills Township having the most residential permits for the month of June 2007 (60), and Montville Township having the most permits year-to-date through June (353). Non-residential activity shows Brunswick Hills had the most permits for the month of June (6), and Brunswick Hills and Wadsworth City had the most permits year-to-date through June (30 each). The detailed description of the non-residential permits shows the largest item being an \$11 million facility for FirstEnergy, a data information center in the City of Wadsworth.

Mead Wilkins, Job & Family Services Director, presented and reviewed the following resolutions: (1) renewing an agreement with Robin Barto for family group conferencing and supportive services that arranges for family members to raise the children when their parents are no longer able to, instead of the state taking over; (2) accepting and awarding a contract with Roberta Phillips for professional services to provide quality control and eligibility training services for food stamp accuracy; and (3) amending the Social Services Fiscal Plan to put it in one format and make it more readable. Mrs. Geissman moved to approve the three resolutions and Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

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

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

The meeting recessed at 9:42 a.m. for the commissioners to move to the Conference Room for the Discussion Session at 9:49 a.m.

### Discussion Session

Jim Troike, Sanitary Engineer, reviewed the draft of the *Medina County Sanitary Engineers Rules and Regulations* that were last updated in 1979. Since then, there have been many changes in the federal and state environmental laws so current office practices/requirements need to be incorporated into the document. They will hold two public hearings, have a 30-day comment period, incorporate any changes, and then return to the Commissioners with a final resolution for approval. Mr. Troike highlighted the major revisions as follows:

- Reorganization to locate similar information together. They put water with water and sewer with sewer.
- Changes to sewer and water design and testing requirements. There have been many changes with the Environmental Protection Agency (EPA); for example, they do not permit glued pipe now because the joints tend to crack and let in additional groundwater. They have educated contractors to use gasketed pipes because that is the law.
- Private grinder pump station approval requirements. Grinder pumps are used in individual homes when gravity can't be used.
- Sewer and water service petition format. They added the standard format with a disclaimer that if the Commissioners wanted to change it for any reason for any particular job, they could do that.
- Fats, oils and grease prohibition and interceptor design requirements. This is a new program with the Ohio EPA and there are regulations that must be incorporated.
- Sewer mercury limitations and best management requirements. These are also EPA requirements.
- Standard construction specifications for sewer and water lines. These are the standard specifications they have always used that are now incorporated into the rules and regulations.

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- Water system backflow prevention program requirements. This is also an EPA required program that has been around for a while that is now incorporated.

Ms. Ray said it looked fine to her and the feedback from the developers and contractors will be very valuable. Mr. Hambley asked if the pre-treatment program is included (the reporting, ability to disconnect them, and injunctive relief). Mr. Troike said there are only ten industries that are categorical and the rest are fairly clean.

Chris Jakab, County Administrator, asked about the petition format issue. Mr. Troike said the standard petition process is that the homeowner completes the petition form requesting water service, gives their parcel number, and submits a \$100 deposit. The petition process is supposed to be that a homeowner wants the water, they are going to participate, and the Sanitary Engineer's Office can count on them to help pay the debt of the construction costs. A recent problem has been that some of the people that have petitioned to bring water service to their areas, once the water was there, they did not use the service. They just wanted the water close by and available to them and that does not help the county pay the bill. The department may come back to the Commissioners and want to have something more substantial in the petition to say that the homeowner agrees to connect to the system within a year or two. It would guarantee that they are going to use the service and not just pay \$100 to have it nearby or for fire hydrants in the neighborhood.

Mr. Jakab asked if he would be doing a six-month review of petitions. Mr. Troike said the six-month review has always been there. They tell people that they will give them six months to submit their petitions because it is usually the residents that are conducting the petition drives. If, after six months, there are not enough petitions to warrant the waterline construction, they let the residents know and they can get their money back if that's what they want. Mrs. Geissman asked that, since they have already had some situations where people petitioned but didn't hook up, why they didn't just put it in the rules and regulations now. Ms. Ray added that they could say that once the homeowner petitions and if the project does go forward, they expect them to tie in within two or three years.

Mr. Jakab asked what they would do if they didn't comply; could they force the assessment. Mr. Hambley said that would be the only leverage they have. Mr. Troike said it is wording to make the people know that the county is requiring them to tie in and it is not just \$100 to get water near their homes. It is not something that is supposed to be legally binding. Mr. Hambley said they met with the Hinckley Township trustees to assist them in encouraging their residents to tie in. Ms. Ray added that some people are probably just waiting for their wells to go bad and then they will tie in. Mr. Hambley said they keep getting petitions to extend the lines. Mrs. Geissman said if a person is part of a petition and they have paid their \$100, the intent to tie in within a few years should be there and they should put that into the requirements or they would be assessed. That way, they know up front that if they are not going to tie in within a given period of time, they will still pay. Mr. Hambley suggested a two-year period and Mr. Troike said that is the time period they set. Mr. Hambley requested that he write some proposed verbiage for the Commissioners to review and Mr. Troike agreed.

Ms. Ray asked Mr. Troike to explain the backflow prevention requirements. Mr. Troike said that this is new and is required by the Environmental Protection Agency (EPA) for the water system. Especially with industry, they do not want water from the lines to have the potential to come back out. There has to be something that separates the systems, called a backflow preventer, so that water can't get sucked back into the system. There are rules and regulations requiring what size they need and the type of backflow preventer (depending on the type of business or home). The department has had the requirements in place, but they have never been part of the document so adding it would formalize it. Ms. Ray said people call the office when their water has been shut off and asked if the people are notified in advance. Mr. Troike said that is most common for people with sprinkler systems and they notify them with multiple letters in advance.

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Mr. Hambley said after they do the stakeholder review, there is nothing in the code that specifies the frequency of the public hearings. Mr. Troike asked if they should advertise and then hold the public hearings after 30 days and Mr. Jakab said yes.

Mr. Jakab asked if there were any proposed language changes that might cause any concern. Mr. Troike said no, because most these had already been changed in the different forms as they have gone along; they were just not incorporated into the Rules and Regulations. He added that there may be some complaints, but that is different from being surprised by what is in the document. They will mail the draft to some of the stakeholders and advertise twice in the newspaper for the public hearings. Mr. Hambley asked if the final document would be available online and Mr. Troike said yes.

Mr. Troike discussed four sections of sewers that they have been designing and would like to begin working on. They have combined the first three projects (Pearl Road, Reagan Parkway, and West Liberty Street) in order to obtain a better price from the contractors.

The first one was Pearl Road (S.R. 42) Sewer Construction - a new section that would stretch from just south of Foskett Road north to Sleepy Hollow Road. This would make sewer available to the commercial area of approximately 25 existing, commercially-zoned parcels along Pearl Road and it would also enable them to abandon the existing Sleepy Hollow Road pump station. It is an old station that has not been updated for many years; it would cost about \$300,000 to replace it. They would rather get the sewer in there and not replace it. In addition, the county would save an estimated \$20,000 in annual operation (mostly electricity) and maintenance costs for the pump station. Mr. Hambley added that the township is aware of it and in the Balanced Growth Initiative looked at areas to target for promoting growth and they determined that area as one that makes some sense for growth. Mr. Troike said it has been in their long-term sewer plan and five-year capital improvement plan. The construction is estimated to cost \$640,000. With the drop in construction, they have lost revenue from tap-in fees, but these sewer sections are really needed and can't be put off. Their accountant said there is about \$100,000 per year in debt retirement costs, but they would be saving about \$20,000 of that by not operating the pump station.

Mr. Troike discussed the second part of the project, Reagan Park Sewer Replacement - two short sections of sewer in Reagan Park that was an old force main converted to a gravity sewer when the Medina City Wastewater Plant was abandoned. Medina City's collection sewers were connected to the Medina County sewer system along the Rocky River. There are three 24-inch pipes and an 8-inch pipe coming into a vault that goes into an old 16-inch force main. There are no manholes so they can't look at it. It is past time to replace that section of sewer. The City of Medina has assisted in obtaining easements and everything needed to get that section of sewer built. The two sections of pipe are 1,400-feet long and will be replaced with 36-inch pipe at the cost of \$330,000.

The third project was the West Liberty Street Sewer Replacement - it is by State Road where they have had a number of problems with sewer backups and service. They televised the sewers and discovered they are in very bad shape with crushed and deformed pipes. Although they were difficult to obtain, they obtained easements from all the affected property owners. The project is very necessary and the new sewers are expected to cost \$275,000 and would be funded by a loan from the Ohio Water Development Authority (OWDA).

The fourth project discussed was the Circle Crest Sewer Replacement, Chippewa Lake - this would be separate funding, possibly through the OWDA. The Village of Chippewa Lake is rebuilding Circle Crest Drive and they have asked the county to participate. When the county gets a chance to replace sewers in Chippewa, they do because they are very old. The entire sewage plant is subject to a lot of infiltration inflow because there is a high groundwater table. The wastewater plant becomes overloaded during storm events in the winter and fall, but during the summer it is fine. They would like to focus on getting the water out of the sewers so they don't have to put a lot of money into the wastewater treatment plant at this time.

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Mr. Jakab asked if the loan would be paid off through the normal financing structure of user fees and Mr. Troike said that is correct. Mr. Jakab asked if there would be debt dropping off to correspond to this loan. Mr. Troike said no significant debt would drop off until 2011 so they need to be conservative.

Mr. Jakab asked if the Sanitary Engineer's Department checked to see if Issue 2 Funds were available for these projects. Mr. Troike said they did and there are some other funding monies that they have applied for. He said, with their permission, he would have a resolution prepared for next week to proceed. The Commissioners approved saying the projects were pressing, there were cost savings, there is income to cover the debt, and an overall public benefit.

Scott Miller, Finance Director, said the Audit Committee met last week and will be meeting again next week. They will have a written report for the Commissioners. Mrs. Geissman will make calls seeking a replacement for one of the members who resigned.

Mr. Miller said Auditor Mike Kovack is going to write a memo to the departments giving information on compliance with House Bill 694, Ohio's "pay to play" law that became effective April 4, 2007.

Mr. Hambley provided information on House Bill 69 – Transfer of Development Rights (TDR). He said last week, at the Northeast Ohio Areawide Coordinating Agency (NOACA) meeting, it was discussed and endorsed. TDR has been considered in Medina County for a long time, since the Farmland Preservation Plan in 1999 and, likewise, at the state level for many years. This would allow communities to study and develop a plan to target areas for preservation ("sending areas") and transfer those development rights to areas more suitable for development ("receiving areas"). This is not mandatory; every community could voluntarily create their own plan. They could work in cooperation with one another and he gave an example. A portion of a township could desire to become a conservation area, so they would sell the development rights to a village and they would have the development instead. The village would pay the property owners in the township for preserving their land and they would be permitted a higher density in the project area than the normal zoning code would allow. Hinckley did something similar where the same developer owned bottom-land by Rocky River and an area on top of the hill. Rather than developing by the river in the flood plain area that the township wanted to preserve, they allowed him to build additional units. Because he received the funds and the ability to build his houses on the top of the hill, he preserved the land in the valley area. It becomes more problematic when the same individual does not own both pieces of land. Then they set up a TDR bank where they work with multiple property owners. They would retain title to the land and receive the cash, but preserve the land for conservation purposes such as farming or leave it undeveloped.

Ms. Ray asked if there was a timeline for preservation and Mr. Hambley said he believes they would leave that up to the jurisdictions to decide the appropriate length of time. Villages and cities can do this now within their own confines. This just extends it to the unincorporated areas. Mrs. Geissman asked if a person wanted to bypass zoning restrictions, all they would have to do is find someone from outside the village or city. Mr. Hambley said yes, but they would have to go through an approval process. Mrs. Geissman asked if it would require annexation and Mr. Hambley said it would not require annexation. He said it allows a considerable amount of latitude to the local government, which is what he favors. Other states have TDR, such as Pennsylvania and Maryland. The building industry favors this because there would be parameters for them to be able to meet the market needs and work with local zoning. Mrs. Geissman asked if it would require the Commissioners' approval and then each entity would have the option. Mr. Hambley said he was not sure, but it was probably more applicable to counties that have their own county zoning. Medina County Commissioners would probably not have much of a role except authorizing agreements to say they would not extend sewers into a conservation area that would be involved. It would mainly be their supporting the state giving that latitude to local governments if they want it. NOACA gave its unanimous support of HB 69 that is going through the committee process now. The Commissioners will review the literature and discuss it further next week.

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Mr. Hambley said the Commissioners and Sanitary Engineer were invited to attend a presentation by Recycle Energy tomorrow morning. Recycle Energy takes municipal solid waste and biomass and converts it into electricity, ethanol, and other byproducts for energy. They are considering investing \$85 million and would employ 80 employees in the City of Medina. Ms. Ray, Mr. Troike, and Mr. Jakab are planning to attend and will report back.

Ms. Ray presented a draft letter for the other Commissioners to review. It is for the Emergency Management Agency to place in the Gazette.

Ms. Ray discussed a letter the Commissioners received from State Representatives Courtney Combs, Fairfield, Ohio and Larry Wolpert, Hilliard, Ohio regarding the high cost of illegal immigrants to the counties. She said she would like to send memos to the Prosecutor's Office, Job & Family Services, and any departments that have been effected, if the other Commissioners agreed. Last year the county had a costly problem with some illegal immigrants so she will try to get an idea of the cost so they are prepared with the information when the State Representatives have the meeting. The other Commissioners agreed.

At 10:20 a.m., Mrs. Geissman moved to adjourn the meeting and Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

### RESOLUTIONS PASSED 7/16/07

<u>Number</u>	<u>Resolution Title</u>
07-706A	RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS
07-707	RESOLUTION DETERMINING THE NECESSITY TO CLOSE VANDEMARK ROAD (C.H. 31) BETWEEN SPENCER LAKE ROAD (C.H. 45) AND SMITH ROAD (C.H. 45)
07-708	RESOLUTION DETERMINING THE NECESSITY TO CLOSE STONY HILL ROAD (C.H. 48) BETWEEN CENTER ROAD (S.R.30) AND BABCOCK ROAD (T.H. 142)
07-709	RESOLUTION DETERMINING THE NECESSITY TO CLOSE MATTINGLY ROAD (C.H. 62) BETWEEN STONY HILL ROAD (C.H. 48) AND CRYSTALBROOKE DRIVE (T.H. 733)
07-710	RESOLUTION AMENDING THE 2007 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS
07-711	EXPENDITURE ADJUSTMENTS FOR VARIOUS FUNDS
07-712	RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS COUNTY DEPARTMENT ACCOUNTS TO THE GASOLINE ROTARY FUND
07-713	AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM THE GENERAL FUND AND THE CHILD SUPPORT ENFORCEMENT AGENCY FUND FOR TITLE IV-D JUVENILE COURT MAGISTRATE AND PROSECUTOR'S SERVICES
07-714	RESOLUTION AUTHORIZING THE PURCHASE OF 5,500 GALLONS OF DIESEL AND 1,500 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE MEDINA COUNTY HIGHWAY GARAGE
07-715	RESOLUTION AUTHORIZING THE PURCHASE OF 7,400 GALLONS OF REGULAR

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UNLEADED GASOLINE FOR THE ENGINEERING CENTER

07-716 RESOLUTION DECLARING MEDINA COUNTY PROPERTY AS EXCESS PROPERTY

07-717 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM THE CHILDREN SERVICES FUND (0055) TO THE PUBLIC ASSISTANCE FUND (0120) FOR ADMINISTRATION EXPENDITURES

07-718 RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM THE COUNTY GENERAL FUND (0010) TO THE PUBLIC ASSISTANCE FUND (0120) FOR COUNTY MANDATED SHARE

07-719 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS

07-720 RESOLUTION AUTHORIZING AN AGREEMENT FOR FAMILY GROUP CONFERENCING AND SUPPORTIVE SERVICES FOR CHILDREN BETWEEN ROBIN BARTO AND MEDINA COUNTY JOB AND FAMILY SERVICES

07-721 ACCEPTING AND AWARDED PROPOSALS FOR PROFESSIONAL SERVICES RELATING TO QUALITY CONTROL AND ELIGIBILITY TRAINING SERVICES BETWEEN ROBERTA PHILLIPS AND MEDINA COUNTY JOB AND FAMILY SERVICES

07-722 RESOLUTION AMENDING THE CHILDREN SERVICES POLICIES AND FISCAL PLAN FOR MEDINA COUNTY JOB AND FAMILY SERVICES

07-723 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 July, 2007.

Respectfully submitted,

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Pam Vereb, Clerk

COMMISSIONERS

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Sharon A. Ray

OF

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Patricia G. Geissman

MEDINA COUNTY

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Stephen D. Hambley