

COMMISSIONERS MEETING, MONDAY, JULY 2, 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' meetings on June 18 and June 25 were dispensed with as each Commissioner had read them personally. Mrs. Geissman moved to approve both minutes; the motion was seconded Mr. Hambley. There was no discussion. Roll call showed all Commissioners voting AYE.

Mike Salay, County Engineer, presented and reviewed the following resolutions: (1) accepting and awarding the bid for seal grade liquid asphalt for use by the Medina County Highway Department to Asphalt Materials, Inc. Oregon, Ohio, in the amount of \$1.7169 per gallon; (2) accepting and awarding the bid for the improvement of Ryan Road (C.H. 40) in Lafayette Township to Tri Mor Corporation, Twinsburg, Ohio, in the amount of \$583,514.00; (3) accepting and awarding the bid for the 2007 Medina County Specification Item 402 Resurfacing to Perrin Asphalt Company, Akron, Ohio, in the amount of \$519,012.50; (4) accepting and awarding the bid for the resurfacing of various Medina County roads with ODOT 1997 Item 405 or optional Item 402CS for the Medina County Highway Department to Lytle Construction, Inc., Wooster, Ohio, in the amount of \$214,330.20; and, (5) determining the necessity to close Marks Road (C.H. 22) between Wolff Road (T.H. 94) and Hamilton Road (C.H. 76) for bridge repair. 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 June 21-27, 2007.

Scott Miller, Finance Director, presented and reviewed the following resolutions: (1) amending the 2007 resolution by transferring appropriations; (2) amending the annual appropriation resolution; (3) expenditure adjustments for various funds; (4) authorizing the purchase of 7,000 gallons of regular unleaded gasoline for the Engineering Center from Petroleum Traders, Fort Wayne, In. at \$2.3519 per gallon; and, (5) adoption of the 2008 tax budget. Mr. Miller requested payment of the weekly bills in the amount of \$685,464.94. Mrs. Geissman moved to approve the five 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.

Gary Berkowitz, Human Resources Director, presented and reviewed a resolution approving personnel changes for the employees under the jurisdiction of the Medina County Commissioners. Mr. Berkowitz also presented a resolution authorizing the ten-day suspension without pay for Eric Squire from the Medina County Sanitary Engineer's Office. Mrs. Geissman moved to approve the two resolutions; the motion was seconded by Mr. Hambley. There was no discussion. Roll call showed all commissioners voting AYE.

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

Lynn Remington, County Home Superintendent, reported that they had 51 residents at the beginning and end of June; there were no admissions or releases. They have three people in the Adult Day Care. The Home was serviced by Acme Exterminators. They have had an electrical upgrade in the two lounge areas and the peacock pen was rebuilt by volunteers. There were repairs made to the elevator, truck front breaks, air conditioning in the Activity Room, and the thermostat in the walk-in freezer. Training in June was employee CPR and fire extinguisher training. The elevator was inspected and also the kitchen. Mrs. Remington proudly announced that the kitchen received honorable mention for safety compliance for two years in a row. The County Home received many donations from the following people and groups: Medina Moose, Valley City Ladies VFW Auxiliary, Lafayette United Methodist Church, Crosspointe Church, Tom Hornberger, PetSmart, Friends of Medina County Home, Steingass Company, and Home Depot. Fifty-seven individuals volunteered 288 hours of time to the County Home in June. They are preparing for the Swine-n-Dine event on Sunday, September 9, 1:00 to 5:00 p.m. They

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are seeking sponsors, volunteers, and any donations. They are working on the County Home Cemetery Project that is now cleared and the people buried there are identified and located. Mrs. Geissman asked if funds were raised to pay for the historical markers. Mrs. Remington said they have been working on that with the Veterans Service Office.

Dr. Ross Santamaria, Diversion and Forensic Services Director, presented a report for May 2007 with the monthly statistics. He said they have closed 83 Diversion cases year-to-date. Of the ten new cases, nine are male and one female. He commented that this is unusual because it is usually equal. Fees are up for the year. His Administrative Assistant will be on medical leave for a while.

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. Mrs. Geissman moved to approve the expenses and Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Ms. Ray announced that there would be a Discussion Session at 9:55 a.m. and Executive Sessions were requested for 10:15 a.m. (pending litigation) and 10:30 a.m. (personnel/interviews). Mrs. Geissman moved to allow both Executive Sessions. 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 9:45 a.m.

Discussion Session

Scott Miller, Finance Director, said he spoke to Assistant Prosecutor Bill Thorne about House Bill 694 (Ohio's "Pay to Play" law) compliance, and he said it applies and would have to be addressed. Mr. Miller discussed a June 28, 2007 memo he received from the County Commissioners Association of Ohio regarding an amendment that was adopted on June 26 with some "fixes" to the law. One of the changes is that the county will only have to obtain one certification per calendar year per vendor certifying that the vendor has not made political contributions in violation of the law. The other change is they have increased the threshold from \$500 to \$10,000 that a contract for goods or services must cost in order to be subject to the law. That reduces the burden on his department. He will send out a memo to departments to inform them of the verbiage to include in contracts and let them know that they will have to obtain certification from those vendors they do more than \$10,000 worth of business with. Ms. Ray asked if these were proposed or adopted changes. Mr. Miller said they were "fixes" that had been adopted. The memo said, "The Conference Committee for the budget adopted an amendment yesterday (June 26) that makes several steps in the right direction toward fixing House Bill 694 enacted last session, which some individuals have termed the "pay to play" law." He commented that the legislature has a long way to go and there are still many things that needed to be addressed.

Regarding the notices that Mrs. Geissman sent saying she would be unable to attend the Monday, July 9 meeting, Mr. Hambley asked if they could move the meeting day to Thursday, July 12. The Commissioners agreed to that day and the Clerk will send the notification of the change.

Mr. Hambley said they received Prosecutor Dean Holman's pre-employment drug testing analysis. The Commissioners will discuss his opinions at a future meeting. Mrs. Geissman commented that she was pleased that the Commissioners were not required to discontinue the policy completely.

Mr. Jakab said he and Commissioner Ray would be attending a seminar on Wednesday, August 8, on House Bill 9, regarding the public records law changes such as records requests,

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records retention period, and the requirement of publicly and prominently posting the policy. They will provide the information to the Records Commission and to all the county offices.

Mr. Hambley said a group of about 50 people (he, his wife Sue, Brunswick City Councilwoman, City Council, administration, Board of Zoning Appeals, Planning Commission, Chamber of Commerce members, and local business people) visited the Cabela's Retail, Inc. in West Virginia. The "World's Foremost Outfitter", Cabela's, is a national chain that is considering building a new store in Brunswick and there is another Cabela's proposed for somewhere in Pennsylvania. They sell gear for fishing, boating and camping at their stores, on the internet and in catalogs. They do not build stores any closer than three hours away from each other and it was a three-hour drive to Wheeling, West Virginia. Groups were given a tour that was very impressive and were also treated to a luncheon in the Conference Center. Mr. Hambley said the exhibitions and supplies were amazing. There are huge aquariums in the store with fish species he had never seen. They also feature taxidermy with many animals from all over the world. Every store has a 35-foot mountain built inside as a central feature. Cabela's is very intent and excited about locating in Brunswick; they like the access of that particular site, its visibility and proximity to the turnpike. They are very big into education and school children were having a field trip on the day they were there. They also offer scholarship programs and try to provide links to other outdoor activities, various associations, and sporting groups. The group discussed the various layouts, locations, community activities, and the impact on the local economy; everybody seemed pleased.

Ms. Ray stated that Congressman Regula has included \$250,000 in healthcare training dollars for the Medina County Workforce Development Center. It still has to pass the Senate, but it looks very good that they will be receiving grant money as soon as April or May 2008.

Ms. Ray said she wanted to discuss the violation of the Sunshine Laws that Mrs. Geissman alleged that she and Mr. Hambley had done. She said there has been some confusion so she made copies of legal information for Mrs. Geissman to review. The situation was driven by the fact that Human Resources Director Gary Berkowitz wanted to do something special for employees who had been with the county for 30 years and he offered to do it "out of his own pocket". Mr. Hambley said he brought back that it was for legitimate public uses. Ms. Ray added that Mr. Hambley said it should be something that would be the Commissioners' budget responsibility. He had mentioned it to her and Mr. Hambley but no action was taken, so it really is not a violation of the Sunshine Law. Mrs. Geissman said action was taken; they ordered the gifts. Ms. Ray said it was on the bill page today, and Mrs. Geissman voted for it and that was the action. Mrs. Geissman said action was taken before this action. Ms. Ray advised Mrs. Geissman to read the legal opinion provided because it would clear up some of her confusion about it.

Mrs. Geissman said that the other Commissioners must realize that they don't make decisions without discussing it publicly with the third person sitting at this table. Ms. Ray said it was not a prearranged discussion; it was the same way a person would just order paper or pencils. Mrs. Geissman said the time to do it would be at a meeting and have some discussion. Ms. Ray said the gift would not have arrived in time for Lynn's anniversary. Mrs. Geissman said it wouldn't matter; they could give it to her afterwards. They needed to do it legally and correctly.

Mr. Hambley asked if she means anything that is not discussed here publicly is improper. Mrs. Geissman said any expense where they are doing something that they have not allowed other departments to do, needs to be discussed here and needs to be discussed by all three Commissioners. Mead Wilkins, Job & Family Services Director, has been one that, by resolution, they have passed many expenditures and he uses donated funds for gifts and volunteer meals. She said she has been a "stickler" on that. Mr. Hambley agreed and said they do that by policy. He does not see how that is related to approving an expense for an employee. That type of expense is purchased out of this department without being discussed here if it is part of the budget on a budgeted item. Mrs. Geissman said they were making a decision on something they had never done before and something they wanted to continue to do for employees. They have had employees that have retired from the county and they are given a

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certificate or a commendation, and she thinks that is fine. When the Commissioners start buying gifts and spending \$60.00, she does not think they need to do that with tax dollars. Ms. Ray said Mrs. Geissman voted for it. Mrs. Geissman said she did not catch it this morning or she would not have voted for it.

Mr. Hambley asked Mrs. Geissman if she did not think it was appropriate to recognize employees. Mrs. Geissman said she thinks it is appropriate and they have done it in the past, but not to start buying gifts; that is not appropriate with tax dollars. Mr. Hambley said the gift was an expression of that and asked her if she thought there was no expense to the resolutions of commendation they give. Mrs. Geissman said it is certainly not \$60.00. Ms. Ray asked if she does not think that somebody who has been here 30 years should get that. Mrs. Geissman said it has nothing to do with how long a person has been here, how hard they worked, or whatever. It is spending tax dollars for things she does not believe are necessary. Ms. Ray said there are some things in the budget she does not think are necessary either, but this is not an exceptional expense for someone who has been with the county that many years. She said Mrs. Geissman's allegation in the meeting was that there was a secret special meeting and there was not. She advised her to read the legal document at her leisure that she has provided so she will understand.

At 10:04, Commissioners recessed the meeting, and at 10:15, they reconvened into the Executive Sessions that were voted on earlier to discuss pending litigation and personnel/interviews.

At 12:37 p.m., Mr. Hambley moved to adjourn the meeting and Ms. Ray seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

RESOLUTIONS PASSED 7/2/07

<u>Number</u>	<u>Resolution Title</u>
07-674	TO ALLOW CLAIMS & AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS
07-675	ACCEPTING & AWARDED THE BID FOR SEAL GRADE LIQUID ASPHALT FOR USE BY THE MEDINA COUNTY HIGHWAY DEPARTMENT
07-676	ACCEPTING & AWARDED THE BID FOR THE IMPROVEMENT OF RYAN ROAD (C.H.40) IN LAFAYETTE TOWNSHIP, MEDINA COUNTY, OHIO
07-677	ACCEPTING & AWARDED THE BID FOR THE 2007 MEDINA COUNTY SPECIFICATION ITEM 402 RESURFACING
07-678	ACCEPTING & AWARDED THE BID FOR THE RESURFACING OF VARIOUS MEDINA COUNTY ROADS WITH ODOT 1997 ITEM 405 OR OPTIONAL ITEM 402CS FOR THE MEDINA COUNTY HIGHWAY DEPARTMENT
07-679	DETERMINING THE NECESSITY TO CLOSE MARKS ROAD (C.H.22) BETWEEN WOLFF ROAD (T.H.94) AND HAMILTON ROAD (C.H.76)
07-680	AMENDING THE 2007 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS
07-681	AMENDING THE ANNUAL APPROPRIATION RESOLUTION
07-682	EXPENDITURE ADJUSTMENTS FOR VARIOUS FUNDS
07-683	AUTHORIZING THE PURCHASE OF 7,000 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE ENGINEERING CENTER
07-684	ADOPTION OF THE 2008 TAX BUDGET
07-685	APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
07-686	APPROVING AND AUTHORIZING THE SUSPENSION OF TEN DAYS WITHOUT PAY FOR ERIC SQUIRE, MEDINA COUNTY SANITARY ENGINEER'S OFFICE
07-687	ALLOW EXPENSES OF COUNTY OFFICIALS

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

Respectfully submitted,

Pam Vereb, Clerk

COMMISSIONERS _____
Sharon A. Ray

OF _____
Patricia G. Geissman

MEDINA COUNTY _____
Stephen D. Hambley