

## COMMISSIONERS MEETING, MONDAY, JULY 30, 2007

Sharon A. Ray called the meeting to order at 9:31 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 July 23 Commissioners' meeting was dispensed with as each Commissioner had read them personally. Mrs. Geissman moved to approve the minutes and Mr. Hambley seconded the motion. Ms. Ray abstained from voting because she was not at that meeting. Mr. Hambley and Mrs. Geissman voted AYE and the minutes were approved.

Doug King, Administrative Assistant in the County Engineers' Office, presented and reviewed the following resolutions: (1) approving the use of the Subdivision Drainage Maintenance Fund for repair work in Forestview Estates Subdivision Phase 6 in Medina Township; (2) approving the use of the Subdivision Drainage Maintenance Fund for repair work in Forestview Estates Subdivision Phases 4, 5, and 6 in Medina Township; and, (3) closing State Road (C.H. 44) in Granger Township between Granger Road (C.H. 21) and Rocky Hollow Drive (T.H. 643) for culvert repair. 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.

Mr. King provided the proposed revisions for the Flood Damage Reduction Regulations and announced that the public hearing would be at 10:30 a.m. today.

Commissioners reviewed the weekly permits list for permits issued July 19-25, 2007.

Scott Miller, Finance Director, presented and reviewed the following Finance Department resolutions: (1) amending the 2007 Appropriations Resolution by transferring appropriations; (2) amending the annual appropriation; (3) revenue adjustments for various funds; (4) expenditure adjustments for various funds; (5) cash transfer to the Crippled Children's Health Fund; (6) authorizing the purchase of 6,500 gallons of regular unleaded gasoline for the Engineering Center; (7) approving an agreement with Countryview Auto Recycling for the disposal of salvage vehicles for the Sheriff's Department; (8) approving the submission of the FY 2008 Felony Delinquent Care/Reclaim Grant application; and, (9) authorizing the Medina County Juvenile Court to purchase two 2008 Chevy Impala sedans for the price of \$18,411.69 each. Mr. Miller requested payment of the weekly bills in the amount of \$909,652.82. Mrs. Geissman moved to approve the nine finance resolutions and payment of the weekly bills. Mr. Hambley seconded the motion for the second resolution to the ninth resolution and to pay the bills. He said he had a question on the first resolution. Ms. Ray said they would take a vote on resolutions two through nine and to pay the weekly bills. There was no discussion. Roll call showed all Commissioners voting AYE.

Mr. Hambley said the first finance resolution had a budget item increase for travel and he did not see the justification other than to cover expenses. He moved to approve everything else but \$200.00 from the Commissioners' account. Mr. Miller said the justification was that they have a travel request going through for one of the Commissioners and there was not enough money in that account to cover the travel expense. They had to increase the appropriations in order for that travel expense to be covered. Mrs. Geissman said she had no problem with that. Ms. Ray seconded the motion to approve everything on the first finance resolution except the first line item, the Commissioners' line item of \$200. Mrs. Geissman said they needed to cover the \$200 budget item, an expense for a business meeting. Ms. Ray said they could table it and wait for some justification or verification to be provided, or they could vote now. Mrs. Geissman said it was an expense for the County Commissioners' Days that is put on by the Ohio State University Extension Service. Ms. Ray said it would be increasing a line item expense. She asked if it was true that each Commissioner was allocated travel money at the beginning of the year. Mrs. Geissman said, when they passed the budget, she made it very clear that the money that was allocated to her would not cover her expenses based on previous years. This is a legal expense for a business meeting and she expects it to be covered. They cannot expect her to

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have the same amount of business expenses as the other two Commissioners because they do not go to any state meetings. Mr. Hambley said he attends some state meetings. He said Mrs. Geissman said she would provide justification later in the year as to the additional expenses. Mrs. Geissman said she does not believe she said she would supply any justification; anything she writes down as a business meeting should be paid by the Commissioners. Mr. Hambley said there are a number of expenses that he questioned that perhaps are not necessary, but would approve if they lived within a budgeted amount. He believes Mrs. Geissman said she would provide justification if she exceeded that budgeted amount. Mrs. Geissman said she did not understand what the problem is covering the cost that he had always agreed to cover in the past. She commented that she had been questioned about going to Leadership Medina, but Mr. Hambley had approved Ms. Ray and other officials attending.

Ms. Ray said she would like the opportunity to do more research on the matter. They do not begrudge Mrs. Geissman for going to a business meeting, but the County Commissioners Days is more of an informational, vacation-type event. Mrs. Geissman described the County Commissioners Days and said she learned about the Farmers Market for senior citizens there. By going to these meetings she has obtained a lot of information that has brought a lot of money to Medina County. Mr. Hambley said it is not whether this particular meeting or a Board of Directors' meeting is covered; the question comes down to the choices she makes that can live within the budget. They have had the discussion and it was made clear that anything beyond the budgeted amount would require some justification. That means she needed to be judicious as to what expenses she charges to the county and to the public. Rather than debate about this particular expense, it comes down to making sound judgement whether previous expenses were really justified. Mrs. Geissman said she does not judge where Mr. Hambley goes for his business and he does not need to judge her either. The Finance Department does an excellent job of making sure that anything the Commissioners submit is legal and can be covered by county funds. Mr. Hambley said the Ohio Revised Code says the Board of Commissioners determines what a necessary expense is, and that is what determines if it is legal. He is only limiting her expenses in terms of a budget and that was agreed upon; that is where he has the latitude, as a Commissioner, to be able to set a budget item. He will tell her what he has heard her tell other public officials when they face this kind of dilemma and they have unexpected expenses; they should live within the budget or justify why it has to go beyond the budget.

Mrs. Geissman said she told him when the budget was passed that it was not enough money and they would have to revisit it. She said she would expect the courtesy and respect of her two colleagues to not make an issue out of her business expenses. Ms. Ray said they are giving her an opportunity to revisit it. Mrs. Geissman asked what justification they needed other than the fact that this is an OSU Extension Service meeting. Mr. Hambley said she has gone beyond the budgeted \$1,700 per Commissioner knowing the various meetings she was going to want to attend throughout the year. At no point in time since that budget discussion has she indicated she was going to exceed the budget. He said he made it clear that anything beyond \$1,700 she was going to have to justify and not wait until she had gotten to the end of it and then make an issue that this meeting is more or less important than others. It comes down to living within a budget. Mrs. Geissman said she can live within a budget, but she also had expressed to him (when they reduced her budget from previous years) that she is very active in the community and state meetings. She asked why she should be restricted to what he spends for his business meetings when she is much more involved, and her involvement brings millions of dollars back to Medina County by the meetings she has gone to. She said she feels badly that he has to make an issue of her business meetings. She said she would write the County Prosecutor to see if Mr. Hambley has the right to restrict that because it is not being restricted for any other elected official. There was no further discussion. Roll call showed Mrs. Geissman voting NAY, and Mr. Hambley and Ms. Ray voting AYE. Motion carried.

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.

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Chris Jakab, County Administrator, presented a resolution authorizing a ballot issue to be placed on the November 6, 2007 ballot on behalf of the Medina County Library District. This corresponds to a request by District Library Director Mike Harris at last week's meeting. The resolution declares a levy in excess of the ten mill limitation; it is for a 1.25 mill replacement levy that would first be collected in calendar year 2008, if approved by a majority of the voters, and would be for a ten-year period beginning in CY 2008. Mrs. Geissman moved to approve the resolution and Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Mr. Jakab presented a resolution approving an agreement between the Medina County Alcohol, Drug Addiction and Mental Health (ADAMH) Board and the Medina County Home for resident placement at the County Home for a one-year period beginning July 1, 2007 through June 30, 2008. This corresponds to the new rate structure previously approved by the Commissioners at \$1,720 per month. Mrs. Geissman moved to approve the resolution, seconded by Mr. Hambley. There was no discussion. Roll call showed all Commissioners voting AYE.

Jim Troike, Sanitary Engineer, presented a resolution extending a restricted water main in Highview Drive in Sharon Township. Mrs. Geissman moved to approve the resolution. Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Dr. Greg LaForme, Achievement Center (MRDD) Superintendent, presented some handouts to the Commissioners and gave a quarterly update for January through June 2007. He reported that they had some good news and they have some challenges. The good news is that in June, they served 952 individuals, which is their all-time high. They attributed that, in part, to their continued public relations efforts, but that stretches their resources. Over 2,000 Medina County citizens joined them for an ice cream social at Medina Square and he couldn't believe how long people were willing to stand in line for a scoop of ice cream. They are on target for all of their 16 operating plan achievement areas. They have done some reorganizing, particularly in Adult Services. They have needed to be reassured that their services are based upon assessed needs, the consumers have increased choices for services, and that the consumers are making active choices for their services. That has been challenging so they have had to become more flexible and responsive. The Adult Intensive Needs Unit shows improvement in targeted behaviors. Mrs. Geissman commented that her daughter-in-law told her that the recently-hired person who works with autistic children is awesome. Dr. LaForme said the Intensive Needs Program for children is still evolving and there will be increased staff training this year. They have purchased new software to replace the problematic software they have been dealing with.

Dr. LaForme said the challenges mean that they probably will need to have a levy in 2008. They have children and adolescents that are significantly challenged that are impacting the system, including Job & Family Services and mental health. They will be meeting with these departments and Juvenile Court Judge John Lohn to discuss co-funding processes. They do not have good placement capacity within the county to serve these children, which means they have to look outside the county and outside the state, and the costs will be huge. They have not been able to positively collaborate for federal mental health dollars; however, they have had very positive conversations with them. They are going to pursue psychiatric assistance and attempt to merge that back into the mental health system. There will be joint co-education between mental health and mental retardation staffs. The challenge in the future is that they have a large number of individuals that are living with aged caregivers in Medina County. In the past, they often died before their parents did, but that is not happening now. Those individuals were living at home for free, but the future costs will run approximately \$45,000-\$50,000 each per year. These are increased liabilities that they are seeing over time and trying to position themselves so, residentially, they can minimize that impact. It is projected to cost 1/2 billion dollars statewide. The last challenge is that tangible personal property tax would amount to a loss of over \$1 million per year in revenue once the reductions are completed in 2018. They hope to do some successful lobbying in conjunction with some other groups so that can be restored statewide.

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Dr. LaForme said staff morale is good and they still have revenues slightly ahead of their expenses. He invited the Commissioners and public to attend the Second Annual Chili Challenge.

Ms. Ray presented a resolution reappointing Joyce Giles, Lori Solaro and Patricia Robertson to the ADAMH Board with their terms expiring on June 30, 2011. Mrs. Geissman moved to approve the resolution. Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Ms. Ray presented a resolution commending P. Scott Worstell on earning the Eagle Scout Award, Boy Scout's highest honor. Mrs. Geissman moved to approve the resolution of commendation and Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Ms. Ray presented a resolution commending the following outstanding young people on being selected for the 2007 4-H Outstanding Court:

Joanne Brietkrenz	Valerie Potts	Rachel Sniff
Andy Kall	Heidi Santelmann	Kelsey Stoll
Michelle Kirschner	Erin Smith	Jessie Witschey
Caci-Lane Ostmann	Adam Sniff	Michael Woolsteen
Lynn Plummer	Jacob Sniff	

Mrs. Geissman moved to approve the commendations and Mr. Hambley 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. Mrs. Geissman moved to approve the resolution. Mr. Hambley seconded the motion for all of the expenses except for the Ohio State University County Commissioners Days, Van Wert, Ohio, in the amount of \$250. There was no discussion. Roll call showed Mrs. Geissman voting NAY because that expense was pulled. Mr. Hambley and Ms. Ray voted AYE. Motion carried.

Ms. Ray reminded everyone that this is Medina County Fair week. There would be Discussion Session following this meeting and a public hearing at 10:30 a.m. to discuss the proposed Flood Damage Reduction Regulations.

The meeting recessed at 10:00 a.m. for the Commissioners to move to the Conference Room for the Discussion Session at 10:04 a.m.

### Discussion Session

Mrs. Geissman said she attended the Medina County Department of Planning Services' Virtual Bus Tour last week and found it very interesting. The Choral Room was the bus and the auditorium was the destination. They visited a couple of the County Courthouses, the Central Processing Facility, a commercial building off the square, and a private residence in Granger Township. The subject was "green building", using environmentally-safe products to build a home and being energy efficient. She enjoyed it, but said it was a bit too long. Mr. Hambley added that the Planning Department said they would offer another tour in the fall. Upon questioning, Mrs. Geissman said about 50 people attended it.

Mrs. Geissman said a few weeks ago, Mr. Hambley and Ms. Ray surprised her by giving a gift to an employee and she said that in her opinion they had violated the Sunshine Law. As far as she was concerned the issue was over because it was a matter of respect, she hoped it would never happen again, and Mr. Hambley had apologized. A couple of weeks later, Ms. Ray pushed the issue and brought something to the Discussion Session to try to justify that what they had done was not a violation of the Sunshine Law. The next day, Mrs. Geissman was at the Prosecutor's Office and was telling him about it. They did violate the Sunshine Law. She said

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what Ms. Ray gave her to read made no sense. She presented a letter from Prosecutor Dean Holman for the record. Ms. Ray said they would also like the opportunity to present the facts to the Prosecutor. She asked Mrs. Geissman if she indicated to him that she voted to pay for the gift. Mrs. Geissman said Ms. Ray and Mr. Hambley will find her letter attached with all the details. She thinks the “bottom line” is in the last part of the letter, not only Mr. Holman’s conclusion, but the statement that says, while a non-prearranged discussion does not violate the Sunshine Law, if a decision is made as a result of such discussion (either at that time or later without public discussion and vote) a violation of the Sunshine Law results. Ms. Ray said there would be more discussion on the matter since Mrs. Geissman wants to pursue it. Mrs. Geissman said Ms. Ray wanted to pursue it and she thought it was closed by what she had given to her. It says that, based on the facts presented, there was never any public deliberation or formal action taken at a meeting. The case presented by Commissioner Ray to justify the action taken by the Commissioners to that extent is inapplicable because the court in that case found that no action was taken. Here, action of some nature was taken in that the gift was bought. Ms. Ray said she would look into it and they can discuss it further at a later date.

Mr. Hambley discussed the draft resolution prepared by the Clerk in support of House Bill 69 – Transfer of Development Rights. The other Commissioners agreed to have it placed on the agenda next week.

Ms. Ray read the notices from the Ohio Division of Liquor Control regarding two liquor permit transfers. The first one was from BP Products North America Inc. DBA BP Food Mart 5134, 10134 Avon Lake Road, Harrisville Township, Burbank, Ohio 44214, to be transferred to Giant Ohio LLC DBA Giant 440 at the same address. The second one was from Erhardt Bell, 2173 Pearl Road, Brunswick Hills Township, Brunswick, Ohio 44212, to be transferred to Russ Jr. Enterprises Inc. at the same address. Both were C1 and C2 permit class that are “Beer only in original sealed container for carry out only” and “Wine and certain prepackaged mixed drinks in sealed containers for carry out”. There were no comments.

Ms. Ray said she received a request from Jay Mitzel to be reappointed to the MRDD Board and asked if anyone had any questions or concerns with his request. There were no objections. Mr. Hambley requested an updated application form. The Clerk asked if they wanted a new application included with each reappointment regardless of the time period. Mr. Hambley said yes because he knows of a circumstance with an individual for a municipality appointment who changed jobs and there was a conflict of interest involved. They also need to have information on other changes such as a felony.

The meeting recessed at 10:10 a.m. for the Commissioners to move to the Hearing Room for the public hearing at 10:30 a.m.

### RESOLUTIONS PASSED 7/30/07

<u>Number</u>	<u>Resolution Title</u>
07-761	RESOLUTION COMMENDING P.SCOTT WORSTELL ON EARNING THE EAGLE SCOUT AWARD
07-762	RESOLUTION COMMENDING JOANNE BRIETKRENZ ON BEING SELECTED FOR THE 2007 4-H OUTSTANDING COURT
07-762A	RESOLUTION COMMENDING ANDY KALL ON BEING SELECTED FOR THE 2007 4-H OUTSTANDING COURT
07-762B	RESOLUTION COMMENDING MICHELLE KERSCHNER ON BEING SELECTED FOR THE 2007 4-H OUTSTANDING COURT
07-762C	RESOLUTION COMMENDING CACI-LANE OSTMANN ON BEING SELECTED FOR

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THE 2007 4-H OUTSTANDING COURT

- 07-762D RESOLUTION COMMENDING LYNN PLUMMER ON BEING SELECTED FOR THE 2007 4-H OUTSTANDING COURT
- 07-762E RESOLUTION COMMENDING VALERIE POTTS ON BEING SELECTED FOR THE 2007 4-H OUTSTANDING COURT
- 07-762F RESOLUTION COMMENDING HEIDI SANTELMANN ON BEING SELECTED FOR THE 2007 4-H OUTSTANDING COURT
- 07-762G RESOLUTION COMMENDING ERIN SMITH ON BEING SELECTED FOR THE 2007 4-H OUTSTANDING COURT
- 07-762H RESOLUTION COMMENDING ADAM SNIFF ON BEING SELECTED FOR THE 2007 4-H OUTSTANDING COURT
- 07-762I RESOLUTION COMMENDING JACOB SNIFF ON BEING SELECTED FOR THE 2007 4-H OUTSTANDING COURT
- 07-762J RESOLUTION COMMENDING RACHEL SNIFF ON BEING SELECTED FOR THE 2007 4-H OUTSTANDING COURT
- 07-762K RESOLUTION COMMENDING KELSEY STOLL ON BEING SELECTED FOR THE 2007 4-H OUTSTANDING COURT
- 07-762L RESOLUTION COMMENDING JESSIE WITSCHY ON BEING SELECTED FOR THE 2007 4-H OUTSTANDING COURT
- 07-762M RESOLUTION COMMENDING MICHAEL WOOLSTEEN ON BEING SELECTED FOR THE 2007 4-H OUTSTANDING COURT
- 07-763 RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS
- 07-764 RESOLUTION APPROVING USE OF SUBDIVISION DRAINAGE MAINTENANCE FUND FOR REPAIR WORK IN FORESTVIEW ESTATES SUBDIVISION PHASE 6 IN MEDINA TOWNSHIP, MEDINA COUNTY, OHIO
- 07-765 RESOLUTION APPROVING USE OF SUBDIVISION DRAINAGE MAINTENANCE FUND FOR REPAIR WORK IN FORESTVIEW ESTATES SUBIDIVISION PHASE 4, 5, & 6 IN MEDINA TOWNSHIP, MEDINA COUNTY, OHIO
- 07-766 RESOLUTION DETERMINING THE NECESSITY TO CLOSE STATE ROAD (C.H. 44) BETWEEN GRANGER ROAD (C.H. 21) AND ROCKY HOLLOW DRIVE (T.H. 643)
- 07-767 RESOLUTION AMENDING THE 2007 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS
- 07-768 RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION

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- 07-769 REVENUE ADJUSTMENTS FOR VARIOUS FUNDS
- 07-770 EXPENDITURE ADJUSTMENTS FOR VARIOUS FUNDS
- 07-771 CASH TRANSFER TO THE CRIPPLED CHILDREN'S HEALTH FUND
- 07-772 AUTHORIZING THE PURCHASE OF 6,500 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE ENGINEERING CENTER
- 07-773 APPROVING AN AGREEMENT WITH COUNTRYVIEW AUTO RECYCLING FOR DISPOSAL OF SALVAGE VEHICLES FOR THE SHERIFF'S DEPARTMENT
- 07-774 APPROVING THE SUBMISSION OF THE FY2008 FELONY DELINQUENT CARE/RECLAIM GRANT APPLICATION
- 07-775 RESOLUTION AUTHORIZING THE MEDINA COUNTY JUVENILE COURT TO PURCHASE TWO 2008 CHEVY IMPALA SEDANS
- 07-776 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
- 07-777 RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION
- 07-778 APPROVAL OF AN AGREEMENT BETWEEN THE MEDINA COUNTY ADAMH BOARD AND THE MEDINA COUNTY HOME
- 07-779 RESOLUTION EXTENDING A RESTRICTED WATERMAIN IN HIGHVIEW DRIVE (Sanitary engineer project 900/00-4.3)
- 07-780 RESOLUTION REAPPOINTING MEMBERS TO THE MEDINA COUNTY ALCOHOL, DRUG ADDICTION & MENTAL HEALTH (ADAMH) BOARD
- 07-781 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 thirtieth day of July, 2007.

Respectfully submitted,

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

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

\_\_\_\_\_  
Pam Vereb, Clerk

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