

COMMISSIONERS MEETING, MONDAY, NOVEMBER 24, 2008

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

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

The oral reading of the minutes of the Commissioners' meeting on November 18 was dispensed with as each Commissioner had read them personally. Ms. Ray moved to approve the Commissioners' meeting minutes; the motion was seconded by Mr. Hambley. There was no discussion. Roll call vote showed Ms. Ray and Mrs. Geissman voting AYE and Mr. Hambley abstaining.

Doug King, Administrative Assistant in the County Engineer's Office, presented a resolution authorizing Change Order No. 01 and extending the completion date to the contract with Ohio Bridge Corporation for the replacement of Bridge No. 04 on Westfield Road (C.H. 15) in Westfield Township. After fabrication of the structural steel for the new bridge began, it was determined by the Medina County Engineer's agent that some of the structural steel designated for re-use in the original contract documents was not suitable; additional structural steel needed to be purchased and fabricated. Mr. Hambley moved to approve the resolution; the motion was seconded by Ms. Ray. There was no discussion. Roll call vote showed all Commissioners voting AYE.

Commissioners reviewed the weekly permits list for permits issued November 13-19, 2008.

Scott Miller, Finance Director, presented and reviewed the following resolutions: (1) amending the Annual Appropriation Resolution; (2) amending the 2008 Appropriations Resolution by transferring appropriations; (3) revenue adjustments for various funds; (4) expenditure adjustments for various funds; (5) authorizing the transfer of funds between various Sanitary Engineer funds and County funds; (6) creating a Court Imaging Fund from the \$10 filing fees charged for filing each civil action in the Court of Common Pleas and to pay for the cost of imaging documents in the Clerk of Courts Office; (7) creating a Safe Communities Program FY09 Fund and authorizing appropriations; (8) approving the Title III Grant Program funding for the Office for Older Adults in the amount of \$300,158 with a local match of \$230,476 for 2009; and, (9) approving an agreement with Maximus, Inc. to provide professional consulting services to recover indirect costs from federally-supported programs and other appropriate County departments during calendar year 2010, at the total cost of \$13,000. Mr. Miller requested payment of the weekly bills in the amount of \$933,014.23. Mr. Hambley moved to approve the nine Finance resolutions and payment of the weekly bills; the motion was seconded by Ms. Ray. There was no discussion. Roll call vote 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. Hambley moved to approve the resolution; the motion was seconded by Ms. Ray. There was no discussion. Roll call vote showed all Commissioners voting AYE.

Mead Wilkins, Job & Family Services (JFS) Director, presented and reviewed the following resolutions: (1) authorizing an agreement for professional services relating to

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protective services for adults between Elmcroft of Medina and JFS and, (2) authorizing an agreement for occupational health services between Medina General Hospital and JFS. He explained that this service would be provided for TANF- and/or food stamp-eligible clients who indicate they medically cannot perform a job duty at Windfall Industries (work school) and they are evaluated to determine if they could perform some type of work. Mr. Hambley moved to approve both JFS resolutions and Ms. Ray seconded the motion. There was no discussion. Roll call vote showed all Commissioners voting aye.

Mr. Wilkins presented the Ohio Department of Job & Family Services (JFS) profile for Medina County that included Medina County JFS, Child Support Enforcement Agency, and One Stop Employment & Training Network statistics. He pointed out three statistics in the report as being particularly significant. In Medina County for 2007:

- (1) Over 11,000 residents received Medicaid (many elderly) costing over \$92 million dollars. Of that, about \$40 million went to 650 residents in nursing homes;
- (2) there were about 9,300 recipients of food stamps (many elderly);
- (3) Medina County ranked 84th of the 88 counties for being one of the lowest rates of dependency on income support.

Mrs. Geissman said that at the County Commissioners Association of Ohio (CCAO) Board meeting on Friday, someone said that assistance costs more than a billion dollars in Ohio and 90% of it was Medicaid. Mr. Wilkins said it is a huge amount and a lot of it goes to nursing homes; it is not helping the State budget.

Brian Nowak, Medina County Drug Abuse Commission (MCDAC) Executive Director, reported that Medina County did not receive any Tobacco Grant funding from the Ohio Department of Health. Only 11 agencies received a share of the \$2 million dollars from the Tobacco Prevention and Cessation Fund. Ohio ranks 45th among all states in tobacco control. About 70% of the people that smoke try to quit every year and many people are interested in obtaining information. What works best is a combination of nicotine replacement therapy and counseling. However, as they approach Thanksgiving Day, what is not effective is going “cold turkey”. Since Medina County did not receive any funding for smoking cessation counseling or nicotine replacement therapy, he compiled a list of web sites that offer information to assist smokers to quit. People can visit www.mcdac.com and click the link for tobacco. The first five web site links were evaluated as the best smoking cessation sites by the Journal of Medical Internet Research. They were evaluated for content, accuracy and interactivity. He also listed the web sites of the American Lung Association, American Cancer Society, Nicotine Anonymous, and the telephone number for the Ohio Quit Line. House Bill 572 is under consideration in the Ohio House Finance and Appropriations Committee. It would raise the tobacco tax on smokeless tobacco and cigars at the same level as cigarettes. Currently, they are taxed only about half as much as cigarettes and, therefore, are more attractive to youth. They are cheap, available in kid-friendly flavors, and come in brightly-colored packages. By raising the tax on these products, total youth users could be reduced by 25%. The plan is that the tax generated from this revenue would be used to fund prevention and cessation programs throughout the state at the same level prior to the dissolution of the Tobacco Foundation. People are encouraged to contact their State Representatives regarding H.B. 572.

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Mr. Nowak said that smokeless tobacco (dip, snuff, and chewing tobacco) is also used by adults and youth, especially in the southwest area of Medina County. The average age of first-time users is ten years old. This is a more difficult addiction to stop because of the amount of nicotine absorbed by the body, which is about twice the amount received from smoking a cigarette. The potential deadly consequences of using smokeless tobacco are oral cancer and gastrointestinal cancer. Since smokeless tobacco is sold in a can, MCDAC offers a link to a website called "Kill the Can" that is especially geared to users of smokeless tobacco who need to quit.

Bill Hanigan, Workforce Development Director, reviewed October and November activities. He said that the Workforce Investment Board Goodwill contract is ahead of the October goals, largely due to the increased foot traffic. The final numbers for the Medina County Job & Career Expo held on October 28 were 24 employers and 263 job seekers. The responses from the businesses were very positive about the quality of the candidates. Workforce has been working with the Ohio Department of Development regarding House Bill 362, Incumbent Worker Training Program. The grant was approved for 50% of the cost of \$10,000 for managerial training for Partners in Plastics. Other efforts have been made on behalf of Michael Day Enterprises, Discount Drug Mart, Panther Expediting, and MTD. They participated in the Chamber Business to Business Expo on November 8 as additional outreach to the business community. They are also a member of the Medina County University Center's Steering Committee and will assist them in future efforts. The Tri-County JOG had its annual Youth Leadership Conference on November 14 in Fairlawn and local schools were represented. This is a good outreach to students to provide leadership skills. The antiquated SCOTI system for job matching was recently replaced by www.OhioMeansJobs.com. This site offers employers access to over 4.5 million resumes and it offers thousands of job postings across the State of Ohio to job seekers. It is a tool that will be highly used.

Jeff Van Loon, Medina County Soil & Water Conservation District (SWCD), District Manager, said that they held three well-attended landowner events in November: a buffer program for Rocky River Watershed landowners and two equine training sessions for horse owners. They will be visiting three townships in November to address questions and concerns about the Balanced Growth Initiative. The SWCD will target Brunswick Hills Township residents this winter to answer questions about natural resources, such as wildlife management and erosion and drainage issues. If that works well, they will consider visiting other townships.

Mike Jenks, Alcohol, Drug Addiction & Mental Health (ADAMH) Board Director, said that there are possible funding cuts from the Ohio Department of Mental Health, Department of Alcohol & Drug Addiction Services that could have a huge impact on the system. He said he would be reporting on three things: (1) what cuts they have already experienced; (2) what cuts they expect in 2010-2011; and, (3) what will happen with Medicaid.

The ADAMH Board received two budget cuts of about \$100,000 each since June 2008. They anticipate a third cut in December 2008 or January 2009 of \$100,000. That would result in a total budget cut of about \$300,000 in a six-month period. The ADAMH Board determined that they could absorb those three cuts due to being conservative with contracts a year ago when they saw it coming and reducing office staff by 15%. They also had a carry-forward with one-time revenue. Their centralized ITRMIS system (the only one in the State of Ohio) has saved them about \$200,000 per year for the last ten years. They facilitated a merger with Solutions

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Behavioral Healthcare and Northland Counseling Services and they are exploring an alliance between CFIT and Alternative Paths. The agency is getting “closer to the bone”.

Mr. Jenks said that 2010 looks grim. The Ohio Office of Budget Management had discussed a 5% cut in 2010 and a 10% cut in 2011. Now they are leaning toward 10% cuts in both 2010 and 2011. Those cuts would not be based on the beginning of the fiscal year, but based on the cuts that had already taken place. That would produce another \$500,000-\$550,000 in cuts over those two years. They are also seeing expense increases in the State hospital that has been kept artificially low for the past couple of years through the use of rotary funds; therefore, the cuts are actually \$650,000. This is a system that when the economy starts to go down, resources start to go down, but the demand starts to go up. They will use the remainder of this fiscal year to work with their agencies and engage in some deep comprehensive planning.

The third, more complex issue is Medicaid. Mental Health is a small portion of the “big rectangle” for the entire State. There have been discussions about the possibility of Medicaid returning to being administered at the State level. For Medina County, that would mean that instead of having the local Board pay the match of about \$0.40 on the dollar, the State would collect all the local dollars. The problem would arise in the allocation of those dollars. If they would simply “take back” the \$700,000 that they would use for Medicaid, that would not be a problem. The problem is that throughout the State of Ohio, not all the counties are operating the same way. Many counties are using levy dollars and many counties are in much worse shape than Medina County. The State would need to collect \$200 million from all 88 counties for Medicaid. Early estimates show that Medina County would have to pay between \$2- and \$2.4-million, which would decimate the system. Robbing Peter to pay Paul” is not a strategy that they would endorse, but they are vulnerable because Medina County is in a more attractive position financially than some of the other counties. If Medina County would be forced to bail out other counties, that would send them to a tipping point. They will know more about this situation in January 2009. He asked for the Commissioners to support and explore other revenue options if those scenarios become a reality. Mrs. Geissman said the Commissioners needed to talk to their State Representatives and Mr. Jenks said he would appreciate that.

Mrs. Geissman presented a resolution commending Paul Michael Matia for earning the Eagle Scout Award, Boy Scouts’ highest honor. Mr. Hambley moved to approve the resolution and Ms. Ray seconded the motion. There was no discussion. Roll call vote showed all Commissioners voting aye.

The Clerk read the resolution to allow the expenses of County officials and another resolution to allow the expenses of the County Engineer. Ms. Ray moved to approve both expense resolutions and Mrs. Geissman seconded the motion. There was no discussion. Roll call vote showed all Commissioners voting AYE.

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

The meeting recessed at 10:00 a.m.

Discussion Session

The meeting reconvened at 10:02 a.m. for the Discussion Session in the Conference Room.

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The Commissioners discussed the fourth draft of the “Agreement for Joint Construction and Management of the Parking Facility between the County of Medina and the City of Medina”. This was a result of a meeting with Mike Sharb, Squire Sanders, and correspondence from the City of Medina on November 6, 2008, that Mike Sharb responded to in bullet points on November 9. Also, the Commissioners and County Administrator Chris Jakab attended the Medina City Council meeting two weeks ago, and from that discussion, Mr. Sharb put together what he perceived to be the final draft of the agreement. This document takes into consideration the City’s and County’s comments from the other three drafts as discussed in subsequent meetings with the Mayor, City Council President, and City Law Director. Mr. Jakab said that in his opinion this document protects the County and it represents a good agreement for the project to move forward.

Mrs. Geissman said that she attended the City Council meeting to let them know that there were at least three areas that she did not support and were not discussed as a Board. The first one was in Section 5.1 “Financing”, where the City wanted the sentence, “It is specifically understood by the Parties that the City may borrow money by way of bonds or other financing instruments issued through the County if the County is agreeable to a proposal presented by the City”. She said that does not need to be in the agreement. The County should not be lending money to the City. They are in good shape financially and can borrow their own money. This encourages lending money to them. This is the City’s project and she wants to make sure that was clear. Mr. Hambley said that it is a joint project and he asked her who would be parking in the deck. Mrs. Geissman said that the County would be parking there, but they would be parking there if there was no parking deck. Mr. Hambley said that it would be the County’s employees and visitors and parking from the community as well. The provision that is in the agreement would have to be agreeable to the County. Mr. Jakab said that it does not obligate the County. It was a change in the language that the County requested to make sure that it was clearly stated that the County would determine if that is the way they wish to go. Ms. Ray said, in this tough economy, everyone is trying to find ways to do things more economically. It would be very expensive for the City to obtain a bond issue for such a small amount. The County has the right of first refusal; therefore, she has no problem with that addition. Mr. Hambley asked if Mrs. Geissman would still not want it without looking at the details that the City would propose. Mrs. Geissman said she does not think the County should be providing any financing to the City. Mr. Hambley said that would be close-minded for a partnership and he would like to see what they had in mind. Then they could evaluate the impact on County finances. Mrs. Geissman said that it is an 18% partnership on the County’s part. Mr. Hambley said that she keeps negating the fact of who would be parking in the deck and who would be the primary user and benefactor of the facility. Yes, they are only paying 20% of the cost of construction, but the County would basically use it 100% during business hours. Mrs. Geissman said that County people already had adequate parking. Mr. Hambley said they would not have adequate parking if the County added on to the courthouse and Mrs. Geissman said she disagreed. Mr. Hambley said the studies show that they are running out of parking spaces. They would not have to build a parking deck if she is convinced that all of the consultants are wrong and after all the expansion that they would have plenty of parking left. They are not going to have sufficient parking if they stay on the square without a parking deck. Ms. Ray said they all previously agreed to that. This document protects the County and that is not a huge point of contention.

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Mrs. Geissman said the other addition that she does not agree with is Section 7.5 "County Share of Costs of Maintenance". She said that it is common sense that the County's share should not be 50% since they only have an 18% interest in the project. Mr. Hambley said common sense says they should look at who is using the facility - 100% of the County's employees and the public. It is a partnership and he is willing to go along with it. Ms. Ray said the City will be paying all of the utility costs. The County would also have maintenance costs even if it was surface lots. They were trying to come up with a fair agreement between the two entities. This is an important project for the City of Medina and the County. The County should not take this opportunity to "gouge" the City. They are all in for some tough economic times and they need to pay their fair share. Mrs. Geissman said it is common sense that if they are paying 20% of the cost, they should pay 20% of the maintenance. They will still have maintenance on the rest of the surface parking. Ms. Ray said that it is incredible that the City is willing to contribute financially for 80% of the cost of deck and it shows a strong dedication to the community.

Mrs. Geissman said that she also disagreed with Section 8.1 "Parking Facility". She said she was in Columbus last Friday and talked to representatives from the County Risk Sharing Authority (CORSA), the County's property and liability self-insurance pool. They feel that this is not the best thing for the County to do because it opens them up for a huge exposure. They do not recommend that the City and County be equally responsible for providing property and casualty insurance. If there is a lawsuit against the County, with two insurance companies involved, it would be a nightmare and who would be defending the County. Mr. Hambley asked if the County would be obligated to provide insurance if they were leasing a parking area for County purposes, under normal circumstances. Mr. Jakab said they would not be obligated; it would be part of the lease agreement. Ms. Ray asked what the anticipated costs for insurance would be. Mr. Jakab said it would be based on the State's value of the deck itself as a proportion of all County property. This would be a \$5 million addition less how it is shown in terms of joint ownership and various coverages for the City and County. He said he thinks they would have to insure at least 18%. Mr. Sharb said that the way the document was worded does not obligate the County to insure 50% of it. In Section 8.4 "Damage or Destruction of Parking Facility" it talks about payment of damages in case of property damage and it is based on the contribution as defined by the City's and County's share, which is the split of the \$5.05 million less the \$900,000. Perhaps the CORSA representatives did not see the section that further defines it. Mr. Hambley suggested that they omit some of the wording. Mrs. Geissman suggested that they City insure all of the deck and the County pick up a percentage of the cost and two insurance companies would not be involved. Mr. Hambley asked if CORSA provided an analysis in writing based upon review of the contract. Mrs. Geissman said she read Section 8.1 to a member of their staff and she would not recommend the way that section was written. Mr. Hambley asked Mr. Jakab to get CORSA's analysis of the insurance section and provide some insight as to their opinion. Mr. Jakab said he would follow up with them and make sure that they received the document in its entirety. Mrs. Geissman said the representative said the cleanest thing to do would be to have the City insure the deck and have the County pay a portion of that if they wanted. Mr. Jakab said that may have been a simplistic response and he would like to discuss it with CORSA further. This is an unusual situation that they probably have not encountered. The County's attorney said that this is stated in the benefit of the County as well as the City. He will be presenting a resolution next Monday when they get that section clarified.

Mr. Jakab said that Transit Director Scott Uhas resigned as Friday, November 21, and they have received a few resumes. He asked if the Commissioner would be working with the

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Transportation Consortium in seeking the director’s replacement. Mr. Hambley said he would recommend preparing a matrix to score the individuals. They could hold an Executive Session next week to review them. Then they could invite the Consortium members to attend the interviews. The Consortium can make a recommendation to the Commissioners on their choice and the other Commissioners agreed to that method.

Mr. Jakab said that the Courthouse Project architect would like to meet with the Commissioners on Tuesday, December 2, 9:00 a.m.-11:00 a.m., to present some design information. The Commissioners approved the meeting date and time.

Mr. Jakab said that he invited Patrice Theken, Director of the Department of Planning Services, to give a presentation on the Main Street Medina Board that she serves on. They would like the County to continue to contribute to its operation. She will provide an update on the accomplishments of the past year.

At 10:20 a.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 11/24/08

<u>Number</u>	<u>Resolution Title</u>
08-1058	RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS
08-1059	RESOLUTION COMMENDING PAUL MICHAEL MATIA ON EARNING THE EAGLE SCOUT AWARD
08-1060	RESOLUTION AUTHORIZING CHANGE ORDER NO.01 & EXTENDING THE COMPLETION DATE TO THE CONTRACT FOR THE REPLACEMENT OF BRIDGE NO.04 ON WESTFIELD RD (CH15) IN WESTFIELD TOWNSHIP BY & BETWEEN OH BRIDGE CORP. & THE MEDINA COUNTY BOARD OF COMMISSIONERS
08-1061	RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION 08-1062 RESOLUTION AMENDING THE 2008 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS
08-1063	REVENUE ADJUSTMENTS FOR VARIOUS FUNDS
08-1064	EXPENDITURE ADJUSTMENTS FOR VARIOUS FUNDS
08-1065	AUTHORIZING THE TRANSFER OF FUNDS BETWEEN VARIOUS SANITARY ENGINEER FUND AND COUNTY FUNDS
08-1066	CREATION OF A COURT IMAGING FUND
08-1067	CREATION OF A SAFE COMMUNITIES PROGRAM FUND AND AUTHORIZING APPROPRIATIONS
08-1068	RESOLUTION ACCEPTING APPROVAL OF THE TITLE III GRANT PROGRAM FUNDING FOR THE OFFICE FOR OLDER ADULTS FOR FY2009
08-1069	RESOLUTION APPROVING AN AGREEMENT WITH MAXIMUS INC TO PROVIDE PROFESSIONAL CONSULTING SERVICES FOR MEDINA COUNTY

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- 08-1070 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
- 08-1071 RESOLUTION AUTHORIZING AN AGREEMENT FOR PROFESSIONAL SERVICES RELATING TO PROTECTIVE SERVICES FOR ADULTS BETWEEN ELMCROFT OF MEDINA AND MEDINA COUNTY JOB AND FAMILY SERVICES
- 08-1072 RESOLUTION AUTHORIZING AN AGREEMENT FOR OCCUPATIONAL HEALTH SERVICES BETWEEN MEDINA GENERAL HOSPITAL AND MEDINA COUNTY JOB AND FAMILY SERVICES
- 08-1073 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS
- 8.1074 RESOLUTION TO ALLOW EXPENSES OF COUNTY ENGINEER

All deliberations concerning official business and formal actions by this Board of Commissioners were conducted in an open public meeting this twenty-fourth day of November, 2008.

Respectfully submitted,

Pam Vereb, Clerk

COMMISSIONERS

Patricia G. Geissman

OF

Stephen D. Hambley

MEDINA COUNTY

Sharon A. Ray