

COMMISSIONERS MEETING, MONDAY, NOVEMBER 26, 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.

Doug King, Administrative Assistant in the County Engineer's Office, presented and reviewed the following resolutions: (1) approving the use of the Subdivision Drainage Maintenance Fund for maintenance of drainage systems in 2007 in various subdivisions and various townships; (2) approving the Final Plat for Keswick I Subdivision Phase II located in Tract 4, Lot 1 of York Township; and (3) approving annual assessment on improvements constructed under the authority of Section 6131.63 Ohio Revised Code on 11.9584 acres of land in Lot 1, Tract 4 of York Township known as Keswick I Subdivision Phase 2 and establishing a public watercourse. 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 November 5-21, 2007.

Scott Miller, Finance Director, presented and reviewed the following resolutions: (1) amending the 2007 appropriations resolution by transferring appropriations; (2) amending the annual appropriation resolution; (3) amending the annual appropriation resolution; (4) revenue adjustments for various funds; (5) authorizing the transfer of funds between various Sanitary Engineer funds and county funds; (6) transferring county General Funds to the Diversion Program; (7) cash transfer for the Adult Probation Rotary Fund; (8) transferring funds for the County Engineer for 2007 Subdivision Drainage Maintenance and Inspections; (9) authorizing the purchase of 6,900 gallons of regular unleaded gasoline for the Engineering Center. Mr. Miller requested payment of the weekly bills in the amount of \$766,034.08. 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.

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.

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

Jim Troike, Sanitary Engineer, presented and reviewed the following resolutions: (1) authorizing the Sanitary Engineer to obtain easements for the Westfield Water Line 2007 improvement project; (2) authorizing the Sanitary Engineer to obtain easements for Western Reserve North and the Estates of Sharon Falls water line improvement projects; and, (3) authorizing the final adjusting Change Order No. 1 for the replacement of sanitary sewers in West Park Boulevard Phase 1. Mrs. Geissman moved to approve the three resolutions. Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Brian Nowak, Medina County Drug Abuse Commission (MCDAC) Executive Director, presented a resolution amending the cooperative funding agreement between MCDAC and the Medina County Alcohol, Drug Addiction, and Mental Health (ADAMH) Board. The agreement provides that the ADAMH Board will secure and ensure the provision of additional outpatient services to Medina County citizens who are abusing alcohol and/or other drugs. MCDAC will secure and ensure the provision of drug and alcohol prevention services. The maximum amount available for payment was \$20,000 that was increased by \$40,000 to \$60,000, for the period of July 1, 2007 through June 30, 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.

COMMISSIONERS MEETING, MONDAY, NOVEMBER 26, 2007

Mr. Nowak noted that Drug Abuse Commission will be reviewing the MCDAC grant application and guidelines at the Monday, December 3, meeting. The Ohio Tobacco Prevention Foundation has invited Medina County to apply for a three-year grant to counter tobacco industry influences in the community. They are working on the application that is due on December 12, 2007. They will also focus on implementing evidence-based youth prevention programming, advocating for 100% tobacco-free school campuses, and adult cessation programs.

Bill Hanigan, Workforce Development Director, reported that the Employment Expo held on October 30, 2007 had 42 business registrants and 350 job seekers. A formal survey is now under way to determine how many applicants obtained jobs through this effort. He also said that the Bureau of Labor Market Information for October listed Medina County's unemployment rate at 4.6%, down from 5.2% in September, but still higher than the 4.2% of October 2006. Medina County is in seventh position (tied with six other counties) as having the lowest unemployment rate for the state. The State of Ohio's unemployment rate is currently 5.4%.

Scott Uhas, Transit Director, reported that ridership for the month of October was down slightly, but the ridership for the year is up, and the ridership for the Medina City Loop is up as well. As has been the trend all year, they are doing this with less miles and less fuel used. They are continuing to implement corrective action items for the quality assurance review that was performed in September by the Ohio Department of Transportation. Kidney dialysis was closed on the Thanksgiving holiday so they supplied service for kidney dialysis patients on Sunday, November 18, for those that could not get transportation. They will be doing the same thing for the Christmas holiday and will be providing service on Sunday, December 23. He attended the Northeast Ohio Areawide Coordinating Agency (NOACA) meeting on November 16. He will be attending a special work session at NOACA this week regarding the Job Access and Reverse Commute (JARC)/ New Freedom grant funds that could possibly be available in February 2008. He will be attending a drug and alcohol reasonable suspicion refresher training class this Thursday in Cleveland. He has made arrangements for Medina County Transit to attend training classes in Cleveland when there are openings, rather than driving to Columbus. He also plans to make the same arrangements with Akron Transit.

Jeff Van Loon, Medina County Soil & Water Conservation District (SWCD), District Manager, reported they will be conducting a training session for zoning inspectors. To date, four Medina County communities (Medina City and Chatham, York, and Lafayette Townships) have formally approved the Balance Growth Initiative resolution. He is hopeful that all twelve communities in the watershed will commit to the program offered by the Ohio Lake Erie Commission that has the potential for grants to protect and restore the Lake Erie Watershed. Charles Clark, former SWCD supervisor and former Medina County Commissioner, was nominated for the Conservation Hall of Fame for Supervisors in Columbus. They should know in a month or two if that application was successful. The SWCD elected officials' luncheon will be held on January 11, 2008. The first Lake Erie Conservation Reserve and Enhancement Program contract was signed by land owner Leonard Lance of Chatham Township, who signed for a 30-year tree planting project. He will be applying for state funding provided by the SWCD.

Ms. Ray presented a resolution commending Tom Wolfe for his 36 years of service with the Medina County Board of Elections and they offered him their best wishes on his retirement. Mrs. Geissman made a motion to approve the resolution. Mr. Hambley seconded the motion. Mrs. Geissman commented that Mr. Wolfe has been a very strong force in the Board of Elections and certainly deserves to be recognized. There was no further discussion. Roll call showed all Commissioners voting AYE.

Ms. Ray presented a resolution appointing Elayne Siegfried and Robert Henwood to the Medina County Flood Plain Board of Appeals. Mrs. Geissman moved to approve the resolution and Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

The meeting was opened for public comment, including any comments on the Spencer Township to the Village of Spencer annexation petition. No one wished to speak at this time.

COMMISSIONERS MEETING, MONDAY, NOVEMBER 26, 2007

Commissioners reviewed the resolution to allow the Expedited Type 2 Annexation of 56.5097 acres of land located on Spencer Road (S.R. 301) from Spencer Township to the Village of Spencer. The village and the township agreed that the property would be zoned LI-1 Light Industrial District. The district will be developed into an industrial park and Lorain-Medina Rural Development Co., Inc is its developer. A Cooperative Economic Development Agreement (CEDA) was entered into on October 16, 2007, that will permit the village to offer real and/or personal property tax abatement to the businesses constructed in this district. The required annexation procedures had been followed.

Ms. Ray asked Assistant Prosecutor Bill Thorne about Roxanna Rohrich's question in her Tax Map review. Ms. Rohrich found the plat and petition to be sufficient, but she asked if the parcel that is owned fee simple in the road right-of-way of Spencer Road needed to be listed as being annexed on the petition in the List of Parcels. Mr. Thorne said Tax Maps wrote that the parameter description was correct; the agent just missed including the road right-of-way parcel. Ms. Ray asked if the Commissioners had the "green light" to move forward on this annexation. Mr. Thorne agreed and said that the statute does not provide that it is fatal to miss a parcel. Mrs. Geissman moved to approve the resolution and Mr. Hambley seconded the motion. Mr. Hambley commented that it was nice to see a township and a municipality work together to benefit both communities. He is very excited for the prospects of economic development within that portion of the county, which has not seen much development, and the opportunity for responsible growth and development. That comes as a consequence of working together. Both communities and their elected leaders, as well as the private sector, need to be commended for their foresight and their ability to set aside individual agendas and do what is best for the community long term.

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 9:52 a.m. for the commissioners to move to the Conference Room for the Discussion Session at 9:55 a.m. Ms. Ray announced that there would be a public hearing to discuss amendments to the Medina County Building Regulations at 10:30 a.m.

Discussion Session

Ms. Ray asked Assistant Prosecutor Bill Thorne if the Commissioners were getting a formal opinion from him about the question of a conflict of interest on the part of the Village of Lodi's Mayor-elect Dan Goodrow and Law Director Ted Lesiak, or if they needed to ask the Ethics Commission. They had some concerns about negotiations with them (on an agreement with the county allowing the village to extend its waterlines in the I-71/S.R. 83 area) when Mr. Goodrow and Mr. Lesiak are representing both the water park developer and the Village of Lodi. Mr. Hambley added that there were discussions with the officials of the Board of Public Affairs (the board that controls the village's water system) as well as the solicitor. Mr. Thorne recommended that their first contact should be the Village of Lodi. Mr. Goodrow and Mr. Lesiak apparently were not in their official capacity because a council person said that Lodi Village Council did not have the slightest idea about the water park and that was the first time they heard about it at a meeting he attended. Mr. Hambley said Sanitary Engineer Jim Troike can provide the documentation that the conversations have all been in the context that they were representing the municipality, not representing private interest. Mr. Troike said they have always dealt with service areas, five different ones over the course of a year. The water park was not brought up until halfway through that and, even then, they weren't told about it; they heard about it and read about it. Recent negotiations have not been about the water park, but about who is going to service what area, what they would charge for the service, etc.

Mr. Hambley said part of that project could be serviced with the current agreement, but the parcel off Willow Road would require the water service area to be extended and that requires a Northeast Ohio 208 Water Quality Management Plan extension process. Mr. Troike said Area C, which is the area of the proposed water park, is a very large area. The village initially asked

COMMISSIONERS MEETING, MONDAY, NOVEMBER 26, 2007

to serve that area and it made sense for them to serve it because their lines are close by; the county would need to go under I-71. The issue was not who was going to serve the area, but the size of the area and if the township was interested in service. Mr. Hambley said they originally wanted water extended to Franchester Road in an area where 65% of it is in the flood plain. County policies for flood plains are to prevent development. Mr. Thorne commented that the expansion discussions took place before they heard about the water park. They need to find out who the village wants the county to negotiate with now. He said he would write a letter to the Lodi council members to see who they want the county to deal with. Until then, Mr. Hambley said any communication to the village needed to go to all council members, the mayor, the solicitor, and all Board of Public Affairs members. There are some businesses that the county is trying to provide at least some temporary service south of I-71 at S.R. 83. BP has a water boil alert so they would like to expedite that service.

Ms. Ray asked if they should turn the issue over to the Ethics Commission. Mr. Hambley said there is a recording of the public session. Mrs. Geissman suggested they send all of the newspaper articles to the Ohio Ethics Commission and let them investigate. Mr. Lesiak is denying any conflict, but there is an ethics violation if there is money involved, and money was involved. Ms. Ray said this Board would feel more comfortable when they get something in writing from Lodi. Mr. Thorne said they still needed to deal with the Ethics Commission because elected officials cannot use their position to promote business for themselves or their business associates. Ms. Ray said officials do not file their ethics reports for 2007 until February or March of 2008 so payments would not show up until after that time and would not be known for an investigation. There was consensus to send information to the Ohio Ethics Commission and for Mr. Jakab to compose a letter to the Lodi Council.

Andy Conrad, Assistant County Engineer, advised the Commissioners that some right-of-way "cleanup" is needed in the Chippewa Lake area. Surveyors consolidated some existing lots and discovered small pieces of right-of-way that were platted in the 1800's that were never vacated. For example, there is one behind the old Chrysler dealership that is 30-feet wide by 100-feet long and it is completely land-locked. There is another one that is an unimproved street that goes through a house. Commissioners agreed that the engineers proceed with the vacations.

Scott Miller, Finance Director, presented the budget schedules for the Commissioners' review.

Mr. Hambley said he and the other delegates from the NOACA Board will be meeting on Wednesday with the Ohio Department of Transportation representatives David Moore and John Hart to get their view on the NOACA issues. Also, he and Office for Older Adults Director Debra Radecky will be meeting with Medina City Mayor Jane Leaver on Wednesday to discuss the city's contribution to the Medina City Senior Center.

At 10:15 a.m., the Commissioners recessed until the hearing at 10:30 a.m. to discuss amendments to the Medina County Building Regulations.

At 10:43 a.m., Mr. Hambley motioned to adjourn the meeting and Mrs. Geissman seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

RESOLUTIONS PASSED 11/26/07

<u>Number</u>	<u>Resolution Title</u>
07-1132	RESOLUTION COMMENDING TOM WOLFE FOR HIS YEARS OF SERVICE TO THE MEDINA COUNTY BOARD OF ELECTIONS
07-1133	RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS

COMMISSIONERS MEETING, MONDAY, NOVEMBER 26, 2007

- 07-1134 RESOLUTION APPROVING THE USE OF SUBDIVISION DRAINAGE MAINTENANCE FUNDS FOR MAINTENANCE OF DRAINAGE SYSTEMS IN 2007 IN VARIOUS SUBDIVISIONS AND VARIOUS TOWNSHIPS
- 07-1135 RESOLUTION APPROVING THE FINAL PLAT FOR KESWICK I SUBDIVISION PHASE II LOCATED IN TRACT 4, LOT 1 OF YORK TOWNSHIP
- 07-1136 RESOLUTION APPROVING ANNUAL ASSESSMENT ON IMPROVEMENTS CONSTRUCTED UNDER THE AUTHORITY OF SECTION 6131.63 OHIO REVISED CODE ON 11.9584 ACRES OF LAND IN LOT 1, TRACT 4 OF YORK TOWNSHIP KNOWN AS KESWICK I SUBDIVISION PHASE 2 AND ESTABLISHING THEREBY SAID IMPROVEMENTS AS A PUBLIC WATERCOURSE
- 07-1137 RESOLUTION AMENDING THE 2007 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS
- 07-1138 RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION
- 07-1139 RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION
- 07-1140 REVENUE ADJUSTMENT FOR VARIOUS FUNDS
- 07-1141 AUTHORIZING THE TRANSFER OF FUNDS BETWEEN VARIOUS SANITARY ENGINEER FUNDS AND COUNTY FUNDS
- 07-1142 TRANSFER OF COUNTY GENERAL FUNDS TO THE COUNTY DIVERSION PROGRAM
- 07-1143 CASH TRANSFER FOR THE ADULT PROBATION ROTARY FUND
- 07-1144 TRANSFER OF FUNDS FOR THE MEDINA COUNTY ENGINEER FOR 2007 SUBDIVISION DRAINAGE MAINTENANCE AND INSPECTIONS
- 07-1145 AUTHORIZING THE PURCHASE OF 6,900 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE ENGINEERING CENTER
- 07-1146 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
- 07-1147 AUTHORIZING THE SANITARY ENGINEER TO OBTAIN EASEMENTS FOR VARIOUS WATERLINE IMPROVEMENT PROJECTS
- 07-1148 AUTHORIZING THE SANITARY ENGINEER TO OBTAIN EAEMENTS FOR VARIOUS SANITARY SEWER IMPROVEMENT PROJECTS
- 07-1149 RESOLUTION AUTHORIZING THE FINAL ADJUSTING CHANGE ORDER NO.1 FOR THE REPLACEMENT OF SANITARY SEWERS IN WEST PARK BOULEVARD (PHASE 1) MCSE PROJECT#SR-500/200-163.1

COMMISSIONERS MEETING, MONDAY, NOVEMBER 26, 2007

- 07-1150 AMENDMENT OF A COOPERATIVE FUNDING AGREEMENT BETWEEN MCDAC AND THE MEDINA COUNTY ADAMH BOARD

- 07-1151 RESOLUTION APPOINTING MEMBERS TO THE FLOOD PLAIN BOARD OF APPEALS

- 07-1152 RESOLUTION APPROVING THE PETITION FOR ANNEXATION OF 56.5097 ACRES OF LAND KNOWN AS BEING PART OF SPENCER TOWNSHIP TO THE VILLAGE OF SPENCER MEDINA COUNTY OHIO

- 07-1153 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 twenty-sixth day of November, 2007.

Respectfully submitted,

COMMISSIONERS _____
Sharon A. Ray

OF _____
Patricia G. Geissman

Pam Vereb, Clerk

MEDINA COUNTY _____
Stephen D. Hambley