

COMMISSIONERS MEETING, MONDAY, SEPTEMBER 15, 2008

Patricia G. Geissman called the meeting to order at 9:30 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 September 8, 2008, was dispensed with as each Commissioner had read them personally. Mr. Hambley moved to approve the Commissioners' meeting minutes; the motion was seconded Ms. Ray. There was no discussion. Roll call showed all Commissioners voting AYE.

Doug King, Administrative Assistant in the County Engineer's Office, presented a resolution to replace Fenn Road (C.H. 70) Bridge No. 21 by constructing a new bridge and the necessary approach pavement. This is the first step to a federally-aided job that will be done in 2013. Mr. Hambley moved to approve the resolution and Ms. Ray seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Commissioners reviewed the weekly permits lists for permits issued August 21-27, 2008, August 28-September 3, 2008, and September 4-10, 2008.

Scott Miller, Finance Director, presented and reviewed the following resolutions: (1) amending the 2008 Appropriations Resolution by transferring appropriations; (2) amending the annual appropriation resolution; (3) authorizing the County Auditor to transfer funds from various County department accounts to the Gasoline Rotary Fund; (4) cash transfer to the Crippled Children's Health Fund; (5) cash transfers for community planning; (6) expenditure adjustments for various funds; (7) revenue adjustments for various funds; and, (8) authorizing the purchase of 7,300 gallons of regular unleaded gasoline from Ports Petroleum for the lowest bid price of \$3.13 per gallon for the Engineering Center. Mr. Miller requested payment of the weekly bills in the amount of \$1,747,730.74. Mr. Hambley moved to approve the eight Finance resolutions and payment of the weekly bills; the motion was seconded by Ms. Ray. There was no discussion. Roll call showed all commissioners voting AYE.

Gary Berkowitz, Human Resources Director, presented 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 showed all commissioners voting AYE.

Chris Jakab, County Administrator, presented a resolution authorizing a change order for North Coast Paving Company for 2008 parking lot repairs at the Administration Building, Animal Shelter, Human Service Center, Jail, Professional Building, Engineering Center, and Job & Family Services. The change order was due to the increased scope of the project. The most expensive change was to the Professional Building parking lot due to a very poor sub-surface that required more extensive work. The contract price increased by \$16,424 and the total was amended to \$102,424. Mr. Hambley moved to approve the resolution; the motion was seconded by Ms. Ray. There was no discussion. Roll call showed all commissioners voting AYE.

Jim Troike, Sanitary Engineer, presented and reviewed the following resolutions: (1) authorizing Westfield Center to award the contract for the replacement of water lines in Concord Drive (Phase I) and Arlington Drive (Phase II) of MCSE Project #WR-700/02-1.1 to Fabrizi Trucking & Paving, Inc., in the amount of \$54,607.40 for Phase I of this project; (2) authorizing Final Adjusting Change Order No. 1 for the Medina City Sanitary Sewer Replacement Project 2007 (on Pearl Road) MCSE #S-500/00-209.1b.; and, (3) authorizing the Final Adjusting Change Order No. 2 for the Westfield Water Main Extension 2008, Stillion Brother Excavating, Inc., MCSE #700/00-32.2, to add an additional cul-de-sac area to the system. Mr. Hambley moved to approve the three resolutions and Ms. Ray seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Patrice Theken, Department of Planning Services Director, presented a resolution proclaiming October 2008 as "Medina County Planning Month" and October 31, 2008 as

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“Community Regional Planning Day in Medina County”. This highlights the contributions that sound planning and plan implementation make to the quality of our settlements and environments. This year’s theme for Planning Month is “Green Communities”, which is something the Medina County Department of Planning Services has been advocating all along. The culmination of the month-long celebration will be an open house on Friday, October 31, 2:00 p.m.-4:00 p.m., at Buffalo Creek Retreat Park, and all Medina County residents are invited. The open house’s theme will be “Made in Medina County”. They will acknowledge businesses in Medina County that produce products that are “green” and businesses that are successful and good partners with Medina County. Mr. Hambley moved to approve the resolution and Ms. Ray seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Ms. Theken announced other upcoming events. They will be holding a workshop on sustainability on Wednesday, September 24, at 6:30 p.m., in Room 309 of the Medina County University Center. They will discuss growing a community in a way that meets the needs of the present without compromising the ability of future generations to meet their own needs. Speakers include Susan Fisher, Project Manager, Evans, Mechward, Hambleton, & Tilton, Inc., Next Generation Green, and Erin Miller, Director, Center for Energy and Environment. There will also be a Planning and Health Workshop, at 6:30 p.m., Wednesday, October 15, at the Medina County Health Department. Christine Green, Healthy Places Coordinator for the Columbus Health Department, will be a speaker.

Ms. Theken said that the bus tour and classroom discussion about housing needs for the aging and special needs population that was held last Friday, September 12, was very successful. The speakers were Office for Older Adults Director Debra Radecky and Creative Housing Director Dianne DePasquale Hagerty, and they were wonderful. They had classroom discussion in the morning and in the afternoon they were able to tour six houses; two of them were senior citizen housing, one life skills center in a house, and three houses for the developmentally disabled. Mrs. Geissman commented that it was an excellent program with excellent speakers and she should be commended for it. She said she thought she knew what was going on, but to actually see for herself was very eye-opening and informative.

The Commissioners signed and presented the Planning Day proclamation to Ms. Theken and the Clerk took a picture for the Commissioners’ newsletter.

Charles Huber, Chief Building Official, presented and reviewed the *Medina County Building Department August 2008 Monthly Report*. He said that they do see “a silver lining in the dark clouds” looking at the commercial construction costs and comparing August 2008 to August 2007. There is a 59.06% increase in the value of the commercial construction in Medina County; however, the dollars are not enough to offset the downturn of 33.43% in one-, two-, and three-family residential side of the picture, for a total loss of 5.26%. That is reflected similarly in the year-to-date estimated construction costs numbers; a 46.58% loss for residential and 5.43% increase for commercial, for a total loss of 31.27%. There were 40 housing starts for one-, two-, and three family residential units continuing the four-year downward trend comparing August 2008 to Augusts of the previous four years. Permits and building permit revenues collected in August 2008 compared to July 2007 were -25.15% and -18.85% for commercial, and -22.59% overall. There were 77 less permits and about \$27,000 less revenue in August 2008 than August 2007. Year-to-date permit revenue was -24.52% comparing 2008 to 2007 for one-, two-, and three-family residential, -3.98% for commercial, and -16.77% overall. There were 772 less permits issued and about \$122,000 less revenue year-to-date comparing 2008 to 2007. The breakout of one-, two-, and three-family residential permits by political jurisdiction showed the most activity in York Township; Montville Township had the most permits year-to-date. The most non-residential permits were obtained by Sharon Township in August 2008 and Wadsworth City had the most permits issued year-to-date. Two commercial permits issued in August 2008 with the largest estimated construction value were an \$8,300,000 Medina Township Wal-Mart addition and a \$300,000 alteration for Connections Church in a multi-tenant building in Sharon Township.

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Debra Radecky, Office for Older Adults Director, presented upcoming some programs at the Medina Senior Center for the balance of September and early October as follows:

- September 17 - Free craft project, Community Day
- September 19 - Bernadette Ramsey to discuss reverse mortgages
- September 24 - Community Legal Aid, movie "Oceans 11"
- September 26 - Waite & Sons to discuss funeral planning
- October 1 - Bingo
- October 2 - Game day
- October 3 - Digital TV changes and information
- October 6 - Book Club
- October 8 - Bingo
- October 9 - OSU Extension to discuss nutrition
- October 10 - Diabetes 101

Ms. Radecky said they held a program last Wednesday on Medicare fraud training and they had 30 speakers from all over the State of Ohio.

Last month they had 65 supportive units, 32 Alzheimer visits, 976 congregate meals, 4,193 home delivered meals, 2 health units, and 1,895 transit trips.

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

The meeting was opened for public comment.

Steven Meeks, Governor Ted Strickland's Regional Director, introduced himself and said Medina County is in his region. He offered to answer any questions or concerns of the Commissioners and the constituency.

There was no further discussion.

Mrs. Geissman said a Discussion Session would be held immediately following this portion of the meeting.

The meeting recessed at 10:00 a.m.

Discussion Session

The meeting reconvened at 10:05 a.m. for the Discussion Session in the Hearing Room.

Andy Conrad, Assistant County Engineer, and Dan Willhoite, Civil Engineer in the County Engineer's Office, presented an update on the 82-page Environmental Protection Agency (EPA) Audit that took place in May 2008. He said that the EPA requested a response to the audit letter by September 19, but they will not have all the information from all of the agencies (such as the Health Department and the Medina County Soil and Water District) that they will need respond in full. He asked for direction from the Commissioners whether the County Engineer's Office should draft a letter asking for an extension to the deadline until October 3 or respond with the information that they have. They would inform the EPA that they are working on the balance and would submit it as soon as they could. Mrs. Geissman said that if the EPA is willing to give them an extension, it would probably be better to put it all in one letter. Mr. Hambley added that an extension would give the EPA time to respond to the Medina County Highway Engineer's request for more information regarding other counties that have post-construction inspection and maintenance regulations, which is also necessary.

Mr. Conrad explained that one of the stumbling blocks for the Medina County Engineer's Office is that they are being required to update some of their regulations, but they did not have the methodology on how to do that. The EPA sent them an email that named two counties that

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have these regulations in place that meet their requirements. They are corresponding with these counties.

Ms. Ray asked if only two counties out of the state's 88 counties had the requirements. Mr. Willhoite said he the Stormwater Program includes 15 counties in Northeast Ohio, but they do not know how many of these are Phase 2 communities. The EPA admitted that no county is quite where they should be with the regulations' updates. One of the two counties that they were given as examples was not close to completion with the inspection and maintenance component on private property. Mr. Hambley said that there was a legal question about whether they had the authority to go on private property, in perpetuity, long after permits were issued. No county has done this unless they created a stormwater utility, which is a very costly and complex legal process. Their best strategy is to see what the other counties are doing. Mr. Conrad said one of the counties the EPA had given as an example had a 1-1/2 page regulation that did not address the implementation of the post-construction regulations. It was not solid and would probably not hold up in court if it was contested. They are seeking guidance from the Office of Compliance Assistance, but information is received slowly. They will also be talking with Mahoning County where they put more of the burden on the townships through zoning. His goal is to comply with the regulations without putting a lot of burden on the townships or the county. Mr. Hambley added that most of the county is not affected and the regulation would only apply to urbanized areas and that only includes a couple of townships in Medina County. The state wants the regulations to apply to the entire county, which makes it more problematic for counties that are mostly rural.

The Commissioners instructed the County Engineers to request an extension in order to get more information. This would allow them more time to define their options and get the responses from the agencies.

Mr. Hambley said he emailed Pam Vereb with the information for the Commissioners' newsletter regarding the Natural Resources Assistance Council's new deadline for acceptance for Green Ohio Funds grant applications. Applications for the next round of funding will be accepted until Wednesday, November 12, 2008, at noon, in the office of Lorain County Commission Betty Blair. He asked for the information to be passed on the local communities. The funds are available for local political subdivisions and non-profit agencies for the purchase of open space, acquisition of easements, construction of facilities (as defined in the Ohio Revised Code), and the preservation or restoration of green space, wetlands, natural habitat, and riparian corridors. Further information and the application may be obtained from the Ohio Public Works Commission website: www.pwc.state.oh.us under the Clean Ohio Conservation Fund and the District 9 bulletin board options. The Commissioners Office also has copies of the methodology and information.

Ms. Ray said she met individually with three of the four judges to discuss the Courthouse Project and everyone seemed to be pleased and Mr. Jakab is working on the parking deck agreement. Mr. Jakab said he would be providing responses from the City regarding security and the advisory committee.

Mrs. Geissman said that there would be a Commissioners Charity Ball Committee meeting that day. They will be celebrating the 10th Anniversary of the event on Saturday, January 17, 2009. She asked if the other two Commissioners had made up their minds about which charities they had chosen for the 2009 ball proceeds. Mr. Hambley chose to split his share between the Medina County Community Fund and the Medina County Chapter of the American Red Cross. Ms. Ray said she needed another week to decide.

Scott Miller, Finance Director, said a couple of months ago, he sent in the application for Workers' Compensation self-insurance, and everything is coming together well. He presented and reviewed a report with estimated savings to the County as follows:

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State Fund costs (2009)	\$977,443
State administration fees	140,820
Excess insurance costs	69,400
Third party administrator fees	<u>26,365</u>
Total state insurance costs	\$236,585
Claim payments	<u>116,116</u>
State insurance costs plus claims	\$352,701
Total cash savings	624,742
Expected claims (2009)	301,598
Expected savings over five years	\$2,863,672

He explained the second page that showed estimated revenues over expenses depending upon when they start to be self-insured. It showed that the County would still be in good financial standing. The last three pages listed a self-insurance feasibility study that was performed by CompManagement, the current managed care service (MCO).

Mr. Miller explained where they were in the process. He said that the Bureau of Workers' Compensation will be performing an audit on September 25 to review records. Once completed, it should only be a couple of days before they are approved. Excess insurance quotes are being obtained that day. An excess insurance carrier will need to be selected and a third party administrator (TPA). He asked for permission to present a resolution in a couple of weeks that would authorize the County to go self insured and also selecting the TPA and that permission was granted.

Mr. Miller said that being self-insured would require additional responsibilities placed on the Human Resources (HR) Department. All of the claims will be going through HR; therefore they will be involved in a lot of coordination with other departments. They will be following up on claims being filed, trying to get employees back to work, and trying to find temporary work assignments. Mr. Hambley said he did not see any additional administrative costs listed for the County. He asked if that would require additional time by an employee or if that cost would be absorbed. Gary Berkowitz, Human Resources Director, explained how they would break down the hours and minimal administrative costs with existing personnel.

Mr. Hambley asked how state administrative fees were determined and the history of that rate. Mr. Miller said it was determined by the Bureau of Workers' Compensation based on a percentage of payroll and past claims. Mr. Hambley said they would still be incurring state administrative fees when they become self-insured. He asked if they had any way to control those costs since they would be lessening the BWC's responsibility. Mr. Miller said when the BWC is looking at claims from the guaranteed fund; they are keeping a certain amount of money in the state's fund for all claims across the board. They do not have control over those administrative costs, but the better the county's claims history - the better excess insurance rate they will get. Mr. Hambley said as more and more public entities shift over to self-insurance, rather than overseeing this massive program as they have, the BWC will continue shifting the administrative costs over to those taking the majority of the liability. Mr. Miller said self-insurance is relatively new for public entities; for private companies it has been going on for a long time. Medina County would only be the fourth county in the state to be self-insured. Mr. Berkowitz said some of the set aside money is also the BWC's insurance policy against companies that are going out of business and have outstanding claims. They are setting aside a pool of money to address those claims. In these economic times that issue is not necessarily going to diminish, but rather increase. Mr. Hambley said he just wanted to make sure that the administrative fees were not to the detriment of those that are self-insured and everyone was treated by the same criteria. Mr. Berkowitz said the administrative fees also address having hearings on allowances of claims and responsibility. That overhead will still exist with the BWC even though the County is self-insured. Ms. Ray asked if the rate was based on Medina County or the state's history. Mr. Berkowitz said it is based on the entire state. Mrs. Geissman asked

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when they feel the County would be ready to participate. Mr. Miller said they hoped to “get their ducks in a row” between November 1, 2008 and January 1, 2009. Every month they wait, it costs the County \$30,000-\$45,000. Mr. Berkowitz pointed out that much of this is predicated off safety programs and it correlates back to the strong influx of safety training by the County to make sure their employees are not injured. Mr. Jakab said they would report again in a week or two on the progress after further review.

Mr. Jakab said the construction management proposals are due Friday, September 19. He would like to schedule the evaluation process and interviews. He presented a form for the Commissioners’ consideration. He will provide them with copies of the proposals by Monday, September 22.

Mr. Jakab said he is still working with the Prosecutor’s Office on the architect contract. The Prosecutor’s Association of Ohio has their own architect contract form that he received last Wednesday. He told the Prosecutor’s Office that the contract he had from the architect was an architect in conjunction with a construction manager. They provided that contract so he sent that to the architect for their comments on Friday, September 12.

Mr. Jakab reported that the County Home and the Animal Shelter are without power due to Hurricane Ike. Generators were supplied to the County Home to assist them and keep their food cold. The Animal Shelter was able to make due and they were still able to make sales. Lynn Remington, County Home Administrator, was at the offices of Ohio Edison checking to see when the County Home’s power would be restored.

The meeting was adjourned at 10:40 a.m. on a motion by Mr. Hambley that was seconded by Ms. Ray. There was no discussion. Roll call showed all Commissioners voting AYE.

RESOLUTIONS PASSED 9/15/08

<u>Number</u>	<u>Resolution Title</u>
08-0868	RESOLUTION PROCLAIMING OCTOBER 2008 AS MEDINA COUNTY PLANNING MONTH AND OCTOBER 31, 2008 AS COMMUNITY & REGIONAL PLANNING DAY IN MEDINA COUNTY
08-0869	RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMNT OF SUCH LIST OF CLAIMS
08-0870	RESOLUTION TO REPLACE FENN ROAD (C.H.70) BRIDGE NO.21 BY CONSTRUCTING A NEW BRIDGE AND NECESSARY APPROACH PAVEMENT
08-0871	RESOLUTION AMENDING THE 2008 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS
08-0872	RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION
08-0873	CASH TRANSFER TO THE CRIPPLED CHILDREN'S HEALTH FUND
08-0874	CASH TRANSFERS FOR COMMUNITY PLANNING
08-0875	RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM VARIOUS COUNTY DEPARTMENT ACCOUNTS TO THE GASOLINE ROTARY FUND

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- 08-0876 EXPENDITURE ADJUSTMENTS FOR VARIOUS FUNDS

- 08-0877 REVENUE ADJUSTMENTS FOR VARIOUS FUNDS

- 08-0878 AUTHORIZING THE PURCHASE OF 7,300 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE ENGINEERING CENTER

- 08-0879 RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS

- 08-0880 RESOLUTION AUTHORIZING A CHANGE ORDER FOR NORTH COAST PAVING CO. FOR 2008 PARKING LOT REPAIRS AT VARIOUS COUNTY BUILDING LOCATIONS

- 08-0881 RESOLUTION AUTHORIZING WESTFIELD CENTER TO AWARD THE CONTRACT FOR THE REPLACEMENT OF WATER LINES IN CONCORD DR. (PHASE I) AND ARLINGTON DRIVE (PHASE II) MCSE PROJECT #WR-700/02-1.1

- 08-0882 RESOLUTION AUTHORIZING THE FINAL ADJUSTING CHANGE ORDER NO.1 FOR THE MEDINA CITY SANITARY SEWER REPLACEMENT PROJECT 2007 MCSE#S-500/00-209.1b

- 08-0883 RESOLUTION AUTHORIZING FINAL ADJUSTING CHANGE ORDER NO.2 FOR THE WESTFIELD WATER MAIN EXTENSION 2008 STILLION BROTHERS EXCAVATING INC MCSE#W-700/00-32.2

- 08-0884 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

- 08-0885 RESOLUTION TO ALLOW EXPENSES OF THE COUNTY ENGINEER

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

Respectfully submitted,

COMMISSIONERS _____
Patricia G. Geissman

OF _____
Stephen D. Hambley

Pam Vereb, Clerk

MEDINA COUNTY _____
Sharon A. Ray