

COMMISSIONERS MEETING, TUESDAY, SEPTEMBER 2, 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' meetings on August 18 and August 25, 2008, were dispensed with as each Commissioner had read them personally. Mr. Hambley moved to approve both of the Commissioners' meeting minutes; the motion was seconded Ms. Ray. There was no discussion. Roll call showed all Commissioners voting AYE.

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) transferring funds from the General Fund and the Child Support Enforcement Agency Fund to the Title IV-D Prosecutor Fund for Prosecutor services; and, (4) authorizing the purchase of 7,400 gallons of regular unleaded gasoline from Ports Petroleum for the Engineering Center at the lowest bid price of \$2.9428 per gallon. Mr. Miller requested payment of the weekly bills in the amount of \$532,372.11. Mr. Hambley moved to approve the four 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.

Holly Muren, Administrative Assistant in the Human Resources Department, 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 commitment of funds for the construction of a City of Medina parking facility for County Courthouse use. This formalizes the content of a letter sent to the City of Medina last week that the County determined it reasonable and necessary to financially contribute to the City's parking construction project in a total amount not to exceed \$900,000. The County also committed to reimbursing 50% of the City of Medina's costs corresponding to the consultant agreement if the on-site Courthouse expansion project does not progress as a direct result of County action or inaction. Mr. Hambley moved to approve the resolution, seconded by Ms. Ray.

Ms. Ray thanked the Medina County District Library Board and the City of Medina officials for working together with the Board of Commissioners to provide a long-term solution to the parking problems facing downtown Medina. The new parking deck would allow the County courts to remain on the Square, saving the taxpayers money now and in the future. The County's contribution to the construction of the deck is equitable to what they would have had to spend on parking costs if they had moved two of the judges off-site. It will save the County annually from having to add a second courthouse security team and the monitoring equipment that goes along with that. It would also allow for overflow parking from the Medina County Administration Building. Although this is not a pressing problem at this time, it is one they needed to recognize for future planning. This alliance with all three Boards to solve a problem facing their combined constituencies is an example of regionalism at its best and the taxpayers are the ultimate winners. She thanked everyone involved for their patience and forethought as they worked through this problem.

Mrs. Geissman said she would be voting no because three weeks ago the County Administrator presented the figures that showed the maximum of the contribution by the County should be \$800,000. The cost of the land that had been included at the last minute was something that was not relevant. Just as she wanted to have credit for the land value that the parking deck will sit on, she was also told that it was not relevant and she accepted that. On Friday, August 22, when a letter was given to her to be signed, she wondered where it came from because there was no further discussion about the matter. She said the County Administrator said he did not know. This was not discussed with the total Board or the County Administrator. Previously, the City of Medina was told the County could not "throw" the cost of the land in because they were not going off-site. That is why she cannot support this. She said she supports the project and she will

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continue to support the project to the best of her ability. But the County was “in the driver’s seat” and they had figures to give to the City and they came up with different figures.

Mr. Hambley said he took exception to the comments that Mrs. Geissman made to the public that the figures “came out of the blue”. The numbers that were given to the Commissioners a couple of weeks ago were an approximation that came from discussions. There were some additional costs and there was discussion about whether the cost of the land (attributable to parking if they moved off-site) should be counted or not. This was part of the negotiation and it was not a fixed offer; City officials were present when they discussed this issue. If they moved off-site they would be incurring much more in overall parking costs. In looking at the larger picture, there is a benefit to the community and County to keep the courts in the downtown of Medina City.

Mr. Hambley said that this is a good deal for the County. He has had commissioners from other counties ask him how they got the City to come up with so much money for a parking deck that is going to be used primarily by county employees. Looking at the analysis, the County is putting in \$900,000 in cash for the cost of construction of the deck (their maintenance number still has to be worked out) and the Library is contributing \$400,000. This is a \$5.1 million project; therefore, that leaves \$3.8 million that the City is coming up with, which is basically 75% of the cost of the deck that will primarily be used for parking for County employees and people visiting the County Courthouse. As Ms. Ray said, the combination of addressing the County’s, the Library’s, and the general public’s parking issues is benefited by working together to make that happen. To say it is a bad deal because the County is paying \$900,000 for the deck when 75% of the cost of construction if being borne by the City just does not make sense to him. There is a benefit to the courts staying downtown and the downtown benefits from having the courts’ activities. He said he comes from a city (Brunswick) that has spent a lot of money trying to build a new town center because there was no downtown; it is a work in progress. The idea is that this is all good for Medina County - the community value that is in a vibrant downtown Medina, the continuing investment, and the City being willing to work with the County to address the parking issues as they have asked them to do. They could “nit-pick” back and forth, but at this point, they have to move forward. Inflation of construction is at double digits now. They have been studying the Courthouse project for two years and they cannot delay addressing the courts’, Adult Probation, and Clerk of Courts’ space issue any longer. The process was outlined and the information he received fully disclosed the costs. He understood that this was a matter of negotiation between Commissioner Ray, the County Administrator, and the City, and he thinks they did a very good job. The bottom line is that 75% of the cost of construction is being borne by the City of Medina and that’s a good deal.

Mrs. Geissman said she did not say it was a bad deal. What came across her desk was a maximum figure of \$800,000. That is the amount that should have been sent to the City and it was up to them then to reject or accept that amount, not a higher number.

There was no further discussion. Roll call showed Mr. Hambley and Ms. Ray voted AYE, Mrs. Geissman voted NAY, and the resolution passed.

Mr. Jakab said they are trying to finalize the joint construction agreement so he sent the second draft to the Commissioners’ attention for comments. The \$900,000 figure in the resolution was one of the figures needed to fill in the blanks. He added that he provided a copy of the architect’s agreement to the Prosecutor’s Office for review for possible action next Monday.

Jim Troike, Sanitary Engineer, presented and reviewed the following resolutions: (1) authorizing the replacement of the water mains in Concord Drive and Arlington Drive MCSE #W-700/02-1.1 that is a joint effort with the village when they were replacing their roads; (2) approving the amount of unpaid utility bills for the Medina County Sanitary Engineer and providing their certification in accordance with Section 6117.02 of the Ohio Revised Code; and, (3) approving a legal services agreement with Eastman & Smith, Ltd. for consulting services within the Medina County Solid Waste District. Mr. Hambley moved to approve the three resolutions and Ms. Ray seconded the motion.

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Mr. Hambley said he noticed that the delinquent unpaid utility bills did not appreciably increase. The dollar amounts and the number of accounts were similar to last year. With all of the foreclosures and the economic conditions, he thought that there would be a huge increase. Mr. Troike said he thought it was interesting that some people like to pay their sewer bill with their taxes to get a break in the cost, but they have to pay a penalty. He said he wonders how that really balances. Mrs. Geissman said some communities are experiencing a very difficult time with utility billing. There was no further discussion. Roll call showed all Commissioners voting AYE.

Lynn Remington, County Home Superintendent, reported that they have 53 residents currently living at the Home and 4 people are active in the Adult Daycare Program. In August, they did a lot of preparation for the 'Swine-n-Dine' pig roast on Sunday, August 24, 2008. It rained, but they had over 450 guests attend the event. She thanked all of the people that helped, the sponsors, and those that donated items. The Kids Care group sponsored the Euclid Beach rocket ride and it was a big hit. They also sponsored an outing for 31 residents and 3 employees on a tour bus to a Cleveland Indians baseball game and dinner. In August, 75 individuals generously volunteered 341 hours.

Dr. Ross Santamaria, Diversion and Forensic Services Director, presented performance and case statistics through June 2008. They closed 96 diversion cases and 18 forensic cases for a total of 144 cases. Fees received for services were over \$30,000 through August and that has exceeded projections. Historically, fees are up in the summer because they work with many college students who pay their fees up front. When they go back to college, they are placed on telephone status to make sure they are staying out of trouble. Ms. Ray asked about the high number (14) of child endangering charges. Dr. Santamaria said the County's judges and law enforcement have been very vigilant about protecting children. For example, if a child is left in a car unattended, that is considered child endangering. Years ago, a parent used to leave the children in the car with the windows down when they ran into the store to get them something to drink. It is unacceptable now to leave a child in a car unattended due to many instances when children were left in cars and they have been in danger due to circumstances such as extreme heat or individuals who might take advantage of a child.

Edward Zackery, Veterans Service Officer, commented that he feels like the luckiest guy in the world for being chosen for this position. Over the last 21 years, he has had the opportunity to serve in the U.S. Army until last year. Being selected to hold this position in Medina County makes him very proud to be able to serve the veterans of the County. He has two objectives at the Veterans Service Office:

- 1.) ensure that the veterans of the County are aware of the benefits that they are due and that they receive those benefits, whether they are federal, state, or county benefits, and
- 2.) create a network throughout the County so that the citizens understand the accomplishments of the veterans and the successes they will have in the future.

Mrs. Geissman presented a resolution appointing Donald J. Weiland as the townships' and villages' representative to the Medina County Convention and Visitors Bureau Board of Trustees with his term expiring on October 31, 2010. Mr. Hambley moved to approve the resolution; seconded by Ms. Ray. There was no discussion. Roll call showed all Commissioners voting AYE.

Mrs. Geissman presented a resolution reappointing Janine Dalton and Randall Schmidt to the County Home Advisory Council with their terms expiring on August 19, 2011. Ms. Dalton will represent non-profit agencies and Mr. Schmidt will represent the Veterans Service Commission. Mr. Hambley made a motion to approve the resolution that was seconded by Ms. Ray. There was no discussion. Roll call 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. Mr. Hambley moved to approve both of

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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. No one wished to speak.

The meeting recessed at 9:56 a.m. for the Commissioners to move into the Commissioners' Conference for the Discussion Session.

Discussion Session

The meeting reconvened at 10:00 a.m. for the Discussion Session.

Jim Troike, Sanitary Engineer, discussed a memo he sent the Commissioners asking for special permission to extend a waterline because it does not meet the policy requirement of 50% participation. Three of eight property owners on Kings Creek Drive signed petitions for water service. They are trying to get one more property owner to participate in order to meet the 50% requirement to ensure that the extension is cost effective. He said they were going to bore under the road and place a hydrant at the end of the street at this time; therefore, it makes sense to put the waterline in now while the contractor is there and he gave them a very good price to do the work. If they do it at another time, there would be a remobilization cost and other costs associated with it. Mr. Troike asked for permission to put the waterline in now. Ms. Ray agreed with him if he thought it was the appropriate course of action. Mrs. Geissman said they might be setting precedence for the next family that wants water and there are not 50% of the homes signed up. She said she realizes there is another reason in this case; that it would be cost effective. Mr. Troike said that they had asked for special permission in the past when they did not have 50% participation (Hinckley, for example) because it was cost effective and permission was granted. Mr. Hambley said if they don't put in the waterline and in a short period they add one or more participant, under the current policy they would be required to put it in. That would cost the County more money and there would be no additional revenue. It makes sense that since they are so close, they should extend the line now. Mr. Troike added that the cost of pipe is also going up. Mrs. Geissman said they are working there now and that would make it less costly. She supported extending the water line without 50% participation since there was justification.

Mr. Hambley said he, the Green Committee, and Brunswick City Council met with Mr. Troike and Bill Strazinsky, Solid Waste Coordinator, at the Central Processing Facility last week. Mr. Strazinsky and Mr. Troike did a very good job of conducting the group tour, but the facility had looked better for tours in the past. They have scheduled a meeting that afternoon to discuss their displeasure and a couple of other issues with Steve Vinny, Norton Environmental. Mrs. Geissman asked if it was the same management group. Mr. Troike said the on-site managers had changed and they are not as diligent. Mr. Hambley said they had some good discussion about issues such as Abitibi and others that are siphoning recyclables from the CPF and causing the County additional costs.

Mr. Hambley discussed a letter the Commissioners received about a brick mailbox damaged by a County vehicle. County Engineer Mike Salay will be responding to the homeowner that it would increase the County's liability if they paid for the reconstruction of a brick mailbox. If someone would hit it and get killed, the County could get sued. Mr. Hambley said he would provide the homeowner with the additional information and advise her that it is problematic to the County because there was destruction to private property by the Highway Engineers Department and she is due just compensation; however, it cannot be used to create an obstacle on the public right-of-way that creates a hazard to the driving public.

Mrs. Geissman asked if the County had a policy regarding brick mailboxes. Mr. Hambley said they did not have a strict policy because the circumstances are somewhat contingent upon the funding source. If it is a federal aid project and the Ohio Department of Transportation is involved, that absolutely prohibits brick mailboxes from being built in the right-of-ways. On roads with low speeds such as in subdivisions, they could tolerate brick mailboxes. This particular incident took place on a road with the prevailing speed of about 45 miles per hour so that would be much more of a hazard. Each year, 700 people are killed by hitting brick

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mailboxes in the United States. There is a liability on the County's part to provide money that would be used to build such an obstacle. Mrs. Geissman asked if the County could initiate such a policy to ban brick mailboxes on higher speed roads. Mr. Hambley said there are postal regulations that also deal with that issue and they are not enforced. This has been an ongoing discussion and has been a problem for many years with the various agencies that are somewhat hesitant to enforce policy. There are some counties that have passed regulation with their road use policies. The Medina County Engineer has not come forward with the suggestion that they have these kinds of regulations; he hoped that common sense would prevail. Mrs. Geissman said perhaps they should. It will be difficult to tell that property owner that the County cannot pay for the damage that the County has done because it is brick, and yet there is no regulation against them building a brick mailbox. Mr. Hambley said they have been hoping for common sense in the past and on roads that are very low speeds. The Highway Engineer does not prefer brick mailboxes, but he will tolerate them. On the higher speed roads, the property owner takes on the liability.

Mr. Hambley said he would communicate to the individual about the County's position. In order for the County to pay the cost of the damaged mailbox, they would need an agreement that the money would not be used to create another obstruction on the highway right-of-way. This is the only equitable and reasonable way to resolve this because if the County pays to replace the brick mailbox and someone would get killed or hurt, the County would be liable. Mrs. Geissman asked if the County was liable that the property owner built the brick mailbox there in the first place. Mr. Hambley said that would need to be discussed with the Prosecutor. Mrs. Geissman said that would be a good question to ask him. Mr. Hambley said if they told everyone that had a brick mailbox that they had to tear them down, they would have a minor revolt. He said he would fashion a letter to try to explain some of this to the property owner and assist with future discussion with the County Engineer and the Prosecutor to come to an equitable solution.

Mrs. Geissman reported that she and Mr. Hambley attended the Grand Reopening last Saturday of the Prime Outlet Mall that is now called Lodi Stations. This is the outlet mall that many people were against 12 years ago. It has been completely renovated and there is a small train that was built in England and it goes throughout the mall and parking lots. The owner has made a significant investment in the renovation and they hope that this unique shopping experience will be successful. That will help Medina County's tax base and provide more jobs, which they desperately need. She was pleased to be invited to help with the festivities.

Mrs. Geissman said that on Sunday she attended the First Baptist Church 175th Anniversary Celebration. Sheriff Hassinger also attended and it was a very nice gathering.

Scott Miller, Finance Director, pointed out that the monthly budget memo showed that the Sheriff's Office is doing an extremely good job of keeping their costs down. He received a letter from the Sheriff advising him that they had to re-open a pod that had been closed since the beginning of the year; therefore, their costs will go up again. Ms. Ray said she had several discussions with the Sheriff over the weekend. He will close the pod as soon as he can because he realizes its being closed has significantly improved his budgetary process and he would like to purchase some new vehicles next year.

Mr. Miller said everything has been submitted to the State of Ohio for the Workers' Compensation self-insurance and they are getting quotes on insurance. They anticipate approval by October 1, 2008; therefore, they could begin at that time or at the end of the year. He will provide the Commissioners with information next week on two independent studies to assist with their decision.

Mr. Jakab said he had a meeting scheduled with the City of Medina's parking consultant on Wednesday, September 3, to review the bid specifications and some preliminary design matters. Mr. Hambley said he would email pictures of the Hudson parking deck and the Easton South Garage in Columbus.

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Mrs. Geissman said the meeting of the Foreclosure Task Force was rescheduled from September 3 to September 10, at 3:00 p.m., in Balcony Room B. It had to be pushed back a week because a subcommittee needed to meet beforehand as that information is needed for the regular meeting.

At 10:15 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 9/2//08

<u>Number</u>	<u>Resolution Title</u>
08-0841	RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS
08-0842	RESOLUTION AMENDING THE 2008 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS
08-0843	RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION
08-0844	RESOLUTION AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM THE GENERAL FUND & THE CHILD SUPPORT ENFORCEMENT AGENCY FUND TO THE TITLE IV-D PROSECUTOR FUND FOR PROSECUTOR SERVICES
08-0845	AUTHORIZING THE PURCHASE OF 7,400 GALLONS OF REGULAR UNLEADED GASOLINE FOR THE ENGINEERING CENTER
08-0846	RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS
08-0847	AUTHORIZING A COMMITMENT OF FUNDS FOR THE CONSTRUCTION OF A CITY OF MEDINA PARKING FACILITY FOR COUNTY COURTHOUSE USE
08-0848	RESOLUTION AUTHORIZING TGE REPLACEMENT OF WATER MAINS IN CONCORD DRIVE AND ARLINGTON DRIVE MCSE#W-700/02-1.1
08-0849	RESOLUTION APPROVING THE AMOUNT OF UNPAID UTILITY BILLS FOR THE MEDINA COUNTY SANITARY ENGINEER & PROVIDING FOR THEIR CERTIFICATION IN ACCORDANCE WITH SECTION 6117.02 OF THE ORC
08-0850	RESOLUTION APPROVING A LEGAL SERVICES AGREEMENT WITH EASTMAN & SMITH, LTD. FOR CONSULTING SERVICES WITHIN THE MEDINA COUNTY SOLID WASTE DISTRICT
08-0851	RESOLUTION APPOINTING A REPRESENTATIVE TO THE MEDINA COUNTY CONVENTION AND VISTORS BUREAU BOARD OF TRUSTEES
08-0852	RESOLUTION APPOINTING A MEMBER TO THE MEDINA COUNTY HOME ADVISORY COUNCIL
08-0853	RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS
08-0854	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 second day of September, 2008.

Respectfully submitted,

Pam Vereb, Clerk

COMMISSIONERS _____
Patricia G. Geissman

OF _____
Stephen D. Hambley

MEDINA COUNTY _____
Sharon A. Ray