

COMMISSIONERS MEETING, TUESDAY, SEPTEMBER 4, 2007

Sharon A. Ray called the meeting to order at 9:33 a.m. with Patricia G. Geissman and Stephen D. Hambley present.

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

The oral reading of the minutes of the Commissioners' meeting on August 27 and the public hearing on August 27 were dispensed with as each Commissioner had read them personally. Mrs. Geissman moved to approve both minutes; the motion was seconded Mr. Hambley. There was no discussion. Roll call showed all Commissioners voting AYE.

Doug King, Administrative Assistant in the County Engineers' Office, presented and reviewed the following resolutions: (1) approving the final plat for Tamarind Meadows Phase I Subdivision located in Lots 79 and 82 of Hinckley Township; and, (2) authorizing the County Engineer to advertise for bids for the replacement of Culvert No. 38 on Westfield Road (C.H. 15) in Lafayette Township. Mrs. Geissman moved to approve both 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 August 23-29, 2007.

Scott Miller, Finance Director, presented and reviewed the following resolutions: (1) amending the annual appropriations resolution; (2) amending the 2007 Appropriations Resolution by transferring funds; (3) revenue adjustments for various funds; (4) revenue adjustments for the sale of surplus County property for auction items sold in June, July, and August 2007; (5) expenditure adjustments for the Auto & Gas Fund; (6) transferring funds from the General Fund to the Child Support Enforcement Agency Fund for Title IV-D Juvenile Court Magistrate and Prosecutor's services; (7) transferring funds from the Child Support Enforcement Fund for indirect cost allocation; (8) accepting the lease agreement with Solutions Behavioral Healthcare for the period of October 1, 2007 through September 30, 2008, with an annual rent of \$10,200; (9) approving a memorandum of understanding with Faith in Action, Medina County Caregivers for approval for expansion of transportation services; and, (10) approving an agreement for Family First Council administrative fees in the amount of \$3,375, for the term of July 1, 2007 through June 30, 2008. Mr. Miller requested payment of the weekly bills in the amount of \$664,875.06. Mrs. Geissman moved to approve the ten 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, presented a resolution expressing the conditional intention of the County of Medina to issue healthcare facility revenue bonds of the County to assist Southwest General Health Center in financing the cost of acquiring, constructing, furnishing, and equipping health care facilities located in the City of Brunswick. This is not necessarily an actual commitment of the issuance, but shows that they are willing to consider the next step of the process, which is the actual issuance, sale and delivery of the bonds. Mrs. Geissman moved to approve the resolution; seconded by Mr. Hambley. There was no discussion. Roll call showed all Commissioners voting AYE.

Mr. Jakab presented a resolution approving a Conservation Easement Agreement with the Medina County Park District for property located on 68.8753 acres on Ballash Road in Lafayette Township on Chippewa Lake. An area of Lafayette Township, Gloria Glens, and Westfield Township has been part of the Flood Mitigation Program sponsored by FEMA and the Medina County Emergency Management Agency. There have been properties acquired and part of a local match requirement for that property acquisition program; the Park District has offered to put certain restrictions on the property that it owns regarding conservation easement on

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approximately 68 acres in Lafayette Township. The conservation easement will be placed in the Board of County Commissioners' name to ensure that the property will remain as parkland, open space, recreational purposes, on 25.1201 acres in Lafayette Township that are owned by the Park District. There will be no cost or liability to the Board of County Commissioners associated with the agreement. Mrs. Geissman moved to approve the resolution and Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Jim Troike, Sanitary Engineer, presented a resolution authorizing the revised rules and regulations of the Sanitary Engineers' Department. They will become effective October 1, 2007. There were no comments during the public hearing, but a township trustee made some minor comments after that period so they took care of that. This will finalize those rules and regulations. Mrs. Geissman moved to approve the resolution. Mr. Hambley seconded the motion. Mr. Hambley said that the trustee was Kathleen Schuetzow from Brunswick Hills Township, who is a PE with some experience, and they valued her meticulous review of the regulations. Mr. Troike said he appreciated her taking the time to do that, also. There was no further discussion. Roll call showed all Commissioners voting AYE.

Mr. Troike presented a resolution that certifies the unpaid sewer bills for taxes. Mrs. Geissman moved to approve the resolution; seconded by Mr. Hambley. There was no discussion. Roll call showed all Commissioners voting AYE.

Lynn Remington, County Home Superintendent, reported that they presently have 50 residents. They started the new electronic medication system with the Mediwise Pharmacy and the transition has been good. Volunteers have painted the pavilion and picnic tables. They have started a new memory garden endless waterfall. Repairs have been made to the washer, and shower room, and whirlpool and lights upgraded in the hallway. They have been taking bids on capital improvements. A tornado drill was held and everyone did a good job. Some of the residents' activities in August were the walking club, bingo, bowling, Litchfield band concert, Sharon Center ladies' luncheon, Heiszek picnic, Medina Rotary picnic, and Mystic Belle boat trip. They received many donations last month and there were 45 individuals that worked 240 hours. They are getting ready for the Swine-n-Dine pig roast on Sunday, September 9 (rain or shine). Over 70 contributors have donated services, volunteered and donated door prizes and auction items. Ms. Remington said many local businesses have contributed and there has been an unbelievable response. The cost is \$10 for adults and \$5 for children. Cheryl Neumeyer made a quilt and donated it to be raffled. The National Guard will be at the event and will be collecting items for the men and women serving in the military overseas.

Dr. Ross Santamaria, Diversion and Forensic Services Director, said his Administrative Assistant has been on medical leave. Although they have a temporary office worker, they are falling behind with the clerical work. He expressed his gratitude for all the help the Finance Department, Human Resources, and the County Administrator have been providing. Other than office work, things are going well.

Del Saffle, Dog Warden, reported that all is well at the Animal Shelter. They hired a new full-time employee to replace someone that left and she is working out very well. Dog license sales are up by about 200 tags over the same period last year. They are continuing to do door-to-door license checks when they have a chance. Kennel license sales are also doing well and they continue to check those. The Park District built a new Medina County Animal Shelter sign that looks very nice. They received a third check from the estate of Violet Blair in the amount \$13,500 and they were told there would be one more. So far, she bequeathed \$36,900 to the Animal Shelter. With this money, he would like to purchase some items for the shelter, such as a new computer, gates and upgrades for the kennels, a roof over the outside kennels, and hiring an excavator to solve the parking lot flooding problem by digging a swale. Mr. Saffle said there will be nine puppies and two dogs that are going up for adoption at 10:00 a.m. today.

Ms. Ray asked Mr. Saffle to explain the procedure for adoption when there are multiple people wanting the animals. Mr. Saffle said they use raffle tickets where they tear off the tag and

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give one to the customer and put the other one in a bowl and draw them. The people need to be there at 10:00 a.m. when the doors open to participate.

Ms. Ray read the resolution reappointing Jay R. Mitzel to the Medina County Mental Retardation and Developmental Disabilities (MRDD) Board with his term expiring on December 31, 2011. 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 and no one wished to speak at this time.

The Clerk read the resolution to allow the expenses of county officials and another resolution to allow the expenses of the County Engineers' Office. Mrs. Geissman moved to approve both expense resolutions and Mr. Hambley seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

Ms. Ray read, for the record, that there was a Regular Annexation filed on August 29, 2007, for 6.0900 acres from Brunswick Hills Township to the City of Brunswick. This was originally filed as a Municipal Annexation, but on advice of Assistant Prosecutor Bill Thorne, it was refiled as a Regular Annexation. A Municipal Annexation would have created a multiple tax district. The hearing is scheduled for Monday, October 29, 2007, at 10:15 a.m., in the Commissioners' Hearing Room.

Ms. Ray announced that there would be a Discussion Session at 10:00 a.m., followed by a public hearing at 10:30 a.m., to discuss the Stony Hill road lowering project.

The meeting recessed at 9:55 a.m. for the commissioners to move to the Conference Room for the Discussion Session at 9:59 a.m.

Discussion Session

Ted Lesiak, Solicitor for the Village of Lodi, said the Lodi Board of Public Affairs (Board President Dan Goodrow, Dick Anderson, and Rob Geissman) wished to speak with the Medina County Commissioners again, regarding the water and sewer agreement with the Village of Lodi and the Sanitary Engineer's Office for the area south of I-71 to the Wayne County line. They have been discussing the matter with Mr. Troike and they are at a point where they agree on many things, but there are a couple of things they don't agree on and they have some questions and concerns.

Mr. Lesiak said Mr. Troike wrote them a letter on August 30 with the issues that still remained. Mr. Lesiak clarified that it would be a 12-inch line on Garman Road and Mr. Troike concurred. Mr. Lesiak said the Village would like to keep the 12-inch line that goes from under I-71 to Garman Road and from that point the county would take the line, and Mr. Troike said that was fine.

Mr. Lesiak said it was their understanding that the 12-inch line would be traded for potential tap fees in the Kennard Road area. Mr. Troike said there is an area there that is the county's service area that the Village of Lodi is now serving. There are existing taps and they would build that line. There is a question about how they regain the tap revenue and there would be an exchange for it. Mr. Lesiak asked if it would be an even exchange and Mr. Troike said it would be. He wants to work out the details of the contract and will need the addresses of the customers.

Mr. Lesiak said Mr. Troike requested some general planning for potential growth in the area south of the Village of Lodi to I-71 (Area C in the agreement). He wanted to know the village's ability to serve that area with the current water plant and if they predicted any potential growth with the water plant. Lodi's engineer has advised them that their current water plant is at half-capacity and they believe any potential customers in that area would be easily served with the infrastructure now in place within the village. Their engineer can provide those figures. Mr.

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Troike said, even if they do not have the capacity, he needs to know there is a plan in place to take care of the service area.

Mr. Hambley said Area C is a huge area so the questions are: (1) why expand to that size because much of its wetlands have very little potential for development? They would have to modify the 208 Water Quality Plan that has to be submitted to the Northeast Ohio Areawide Coordinating Agency (NOACA) and they would ask for justification. (2) The other question is what is the impact on the aquifer with the large-scale users? There has been public discussion with the Harrisville Township Trustees about a potential water park being built there. The extension of sewer lines from there goes up to the Lodi Wastewater Treatment Plant and then into the Black River that eventually goes into Lake Erie. That would be taking it from an aquifer that is largely fed south of the Continental Divide and shipping hundreds of thousands of gallons of water per day out of that aquifer into Lake Erie, a reverse diversion. Mr. Lesiak said Lodi's wells are north of that. Mr. Hambley said the aquifer goes underneath them and their average daily use is 450,000 gallons per day, peaking at 600,000 gallons per day. The scale of the water park that was disclosed would take 200,000 to 300,000 more gallons per day, with the addition of all the other development that would follow. That is a lot of water that would be taken from the aquifer that would never have the chance to help recharge it. The county has made a commitment to residents in Westfield Township that if anything goes wrong with the aquifer and it goes dry, that the county would have to fix it. Lodi, as part of the consortium, made those same commitments to manage the aquifer, to make sure there was not over use, and that there would be long-term studies to make sure there was not a huge demand that would not give it the ability to recharge. He said he had this discussion with Dan Goodrow and it is in writing in publications. They will need to address this issue in Area C.

Rob Geissman said they have no influence on whether the water park goes in or not. They have the ability to serve it water and sewer. He said if Lodi does not serve it, the county or someone else would have to serve it, and he assumes it would come from the same aquifer. Mr. Hambley said the area he is discussing is largely in Area C and that is why they need to work out the general plan. The county had given them a proposal several months ago about providing Lake Erie water that would go back to Lake Erie and have no effect on the aquifer. That would remove Lodi from the aquifer and tie them into the county because they are over the Continental Divide. It would make sense to use Lake Erie water that would go back down through the Lake Erie Watershed. It would avoid the issue of demand on the aquifer.

Mr. Geissman said if there was ever an issue with the aquifer, they would definitely be willing to purchase Lake Erie water. He does not see that there would be a problem with it in the near future. Mr. Hambley said they should be able to reach an agreement so if there is an impact, there is an agreement in place for future generations. Right now, they know there is enough water, but his concern is the decades to come. The State Route 83 area is a "hot spot" for development right now and with an economic upturn, they will probably see a lot of activity. It is his concern to "set the stage" to make good use of the resources they have, and should that condition occur, that they have an understanding between communities that what best serves the public is something that doesn't have a detriment to those along the aquifer; that is good public management.

Mr. Geissman said that is why they are adamant about continuing to use their water plant for as long as they can because as long as it is in operation, they are maintaining it. One of the concepts was that they would buy county water and not have to do the capital expenditures that were planned, but the capital expenditures they are doing won't need to be done again for about 25 years. Continuing to keep a viable water plant at the tip of the aquifer (20-30 years later if there is no longer enough river basin water available), they could move the source 1,500 down the road. That could be another source for the county to produce river basin water from the aquifer and they could switch over the entire town to Lake Erie water. Lodi expressed that they were willing to transport water to Burbank and would make an agreement with the county involved, as was done with the Outlet Mall. He feels everyone would be satisfied with an agreement saying that if there is ever any issue with the aquifer, Lake Erie water is available to them and they would be able to purchase it from the county. They understand there is only a

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certain amount of water sitting in that aquifer. Mr. Hambley said those are the general plan issues they need to address. There would be a contingency plan as to the effect on the aquifer and they would have the ability to switch over. That would free up water for those communities that would still be dependent on it, such as northern Wayne County and Wadsworth. It is an underground river that is buried and everyone is “drinking from the same ditch”. There is only so much capacity so capacity is a concern. They need to work together to ensure in the future there is no overuse, including in the other communities. They met with Wayne County to discuss working together and developing a plan for the use of the aquifer and also pollution prevention. That would identify key areas having the highest potential for pollution due to its connection with the aquifer. Good responsible land planning is important to make sure they are not endangering the aquifer because of the connection between the surface and the subsurface and there may be access to some funds for that purpose. He is working with Westfield Township Trustee Carolyn Sims, Westfield property holders, Park District, and Land Conservancy to acquire conservation easements to prevent the areas connected closely to the aquifer from getting developed or stopping development that would increase the risk for pollution such as gasoline storage areas or industrial applications. The only reason Lodi is not working with the consortium is because Don Eaken took them out of it two or three years ago.

Dick Anderson asked if the county intended to extend the waterline up Garman Road to supply Burbank; Mr. Hambley said yes. Mr. Anderson said that would be taking a lot of water out of the aquifer that they are trying to protect in order to serve the residents of another county. Mr. Hambley said the Burbank area is part of the aquifer system also. Mr. Anderson did not think it was Medina County’s responsibility to serve Wayne County. Mr. Hambley said their responsibility is to provide public service. This would ultimately benefit the overall system development to provide water to that area due to financing; the state sees it as an advantage because that area needed a potable public water system. Mr. Anderson said Lodi could provide that system in about a month. Mr. Hambley said that would decrease the county’s system. Mr. Anderson said it doesn’t appear like the county considers Lodi to be part of it. Mr. Hambley said they are; the purpose is the larger public good. There are individual property owners, various communities, and counties that have an interest. They are all drawing upon the same aquifer so they are just trying to develop an economical system to do that. The county’s plan intended all along to provide water to that area. Mr. Anderson said the county had no intention of going up Garman Road when they began the discussions. Mr. Troike said they didn’t have any intention at the time because they didn’t have anything established, but that changed. Mr. Anderson asked how much it will cost the county to run the lines up Garman Road and Mr. Troike said it would be substantial. Mr. Anderson said it will serve out-of-county people and give Burbank a “sweetheart deal”. Mr. Troike said they went through the numbers and found it to be financially beneficial to the county’s water system to construct the waterline to serve the commercial area south of I-71 and Burbank. The county can recoup their money by building the line. The Ohio Water Development Authority (OWDA) asked the county to serve Burbank and offered a 1% loan to help solve the water problem in that area. Mr. Hambley pointed out that if they are providing the sewer in Area B, it stays south of the Continental Divide. If Lodi serves the area, they are adding all the gallons of water from the aquifer. Long term, if they ever switched to Lake Erie water, the more south they are from the Divide, the more of a problem it is for ODNR.

Mrs. Geissman asked for the figures to show whether it would be feasible or not, because there are only 100 customers on the waterline on Garman Road. They would have to have 100% of those customers hooked on to make it feasible. Mr. Troike said 100 customers wouldn’t pay for it; it is the commercial area just south of I-71 that makes it “doable”. Mrs. Geissman said she doesn’t think it is feasible to take the lines to Burbank and she fears that the county’s rates would go up and the people on the county’s system would be paying the cost for putting in the waterlines down to Burbank. Mr. Troike said rates will be going to go up because building has gone down. He said he had to be convinced that it made financial sense to go to Burbank before the county made any kind of offer. They ran the numbers and it made financial sense. He said he would make a spreadsheet available for her to review. Mrs. Geissman said she and former County Administrator John Stricker met with John Baker of Baker Sand & Gravel, and they made sure Medina County had control of the aquifer, not Burbank or Wayne County. The wells have been drilled and now the county is going to build a new plant and tower. Mr. Hambley said

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she already made the commitment for the planning loan and everything to develop this system in that part of the county. Mrs. Geissman said she has a lot of concerns. Mr. Troike said it's not about Burbank or Lodi; this system was developed so they would have something to serve the people in the Ohio River Basin of the county. This has become an issue since then. The issue was to have some influence on how people use that aquifer so that they can also use it for the people of our county; not to take away anyone that was using that aquifer, and to have a potable water system in the southern part of the county that they didn't have before.

Mrs. Geissman asked if the county has a signed contract with Burbank as Lodi also has a signed contract with the county. Mr. Troike said the county does not have a contract for the area south of I-71 with Lodi, and they don't have a contract with Burbank either. They have a letter of intent from Burbank saying they want to be served by the system and they agreed to 100% participation. Mr. Hambley added that they are public utilities. Lodi is now serving outside the Lodi municipal limits that was outside of their service area. Their residents could question why they are providing water and sewer to Harrisville Township or why they are interested in Burbank. But, it is about system building. The county's water rates are going to be lower to Burbank than Lodi's rates and probably the sewer also. It's a matter of who can provide the best rate and manage the resources they have.

Mr. Anderson said the Duke and Duchess Gas Station has lines underneath Garman Road and wanted to be served sewer and water 1-1/2 years ago, but they could not. Lodi could hook them up in two days. All the area businesses want to have service and Wilbur Stelzer wants to develop the property behind Love's Travel Stops. He has paid for part of that but can't get water and sewer. The county isn't sure when they will be bringing water to the area. Mr. Troike said they could offer them temporary service. Mr. Anderson said the county is standing in the way of development. Mr. Hambley said Lodi ignored the county's last offer that would have allowed for temporary service. Mr. Troike said they have made a number of different offers and Mr. Anderson said the offers change. Mr. Troike said they change for Lodi's benefit. The county keeps giving away more to try to get to terms. Mr. Anderson said the county originally said for Lodi to put in the lines and when the county's lines came up there they would take them over, and they agreed. Now they are not talking about coming up there with lines; they want to buy water from Lodi. Mr. Troike said in order to get those people service faster, they could do a temporary agreement. Lodi would have all of the sewer and the customer would pay 125% of the rates for sewer and 150% for commercial and the county would pay Lodi the same for water. It would just be the county's system and it would be rates based on the existing Harrisville agreement.

Mr. Anderson asked what was wrong with the agreement the county proposed before. Mr. Troike said the county never made that agreement; that was a proposal from Lodi. Mr. Anderson said that it came to them from Assistant Prosecutor Bill Thorne. Mr. Troike said it was Lodi's proposal. Mrs. Geissman asked if he was referring to the one they refer to as the "draft" that was not a proposal. There was so much said that she is confused. Mr. Lesiak said the original draft was that Lodi would serve water in Area B. Mr. Troike said it was a draft agreement sent to Don Aiken that was put together before OWDA and anything else came about. Unfortunately, he did not label it as a draft and Mr. Aiken had it signed and didn't return it to the county for six months. After Lodi made all the deals with Love's, they wanted the county to honor an agreement after things had totally changed. Mr. Anderson asked if Mr. Aiken had delivered the agreement if Lodi would have an agreement with the county. Mr. Hambley said it would have had to go before the Board of County Commissioners and it never went to the Board. He feels the "draft" issue was resolved when they approved the agreement to allow Love's. Lodi made a commitment they were not legally authorized to do based on a misunderstanding of a draft letter that was sent to them. The county said that was fine and they are now willing to offer temporary service now that the lines have been extended. However, the County Commissioners have not taken any action to give that area over to Lodi.

Mr. Geissman said they passed another ordinance and signed another agreement in May. They thought it was the one that came back from Bill Thorne in September to them to allow Lodi to temporarily serve those customers and, at the time, they could serve water and they would

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come back and reclaim the line. Mr. Troike said it was an agreement that Lodi passed, but the Commissioners never saw it until Lodi passed it and sent it to the county. Mrs. Geissman asked if it originated from the county and Mr. Troike said it did not. Mr. Geissman said they certainly thought it did and Mrs. Geissman asked where it came from. Mr. Geissman said it came from the Prosecutor's Office, and Mr. Troike said it did not.

Mr. Lesiak said there has been a lot of miscommunication and that is why the Lodi Board of Affairs came to the Commissioners' meeting. Everyone agrees they want to preserve the aquifer. The Village of Lodi uses the aquifer and if there is no water, there would be no water plant in Lodi, which is not good for the people of Lodi. However, when they say they are willing to buy Lake Erie water if the aquifer was in a position that it was damaged from overuse, he asked how they would quantify that. When the village was involved with the consortium, they had platitudes about protecting the aquifer, but he questioned how they could determine when it is damaged. At that point, the Village of Lodi has to protect the residents of the village. They are supplying water outside the village to protect the Lodi residents so they can pay a reasonable price for water. That would still be the case if they came to the point that the aquifer was not able to produce the water it is producing at the present time. Lodi residents pay a reasonable rate for water now, due in a great part by the water that is being purchased outside of the village at a higher price.

Ms. Ray said the first step would be to come up with a plan to find out what the proposed usages would be for the residential and commercial areas. Then they can use that information, along with some of the water needs they know, such the slow regeneration time of wells. Mr. Hambley said they are identifying initiatives that require the support of Lodi. If they seek federal and state funds to preserve and conserve areas that are outside Medina County or outside Lodi or Westfield, they will want their support. They will gain more by collaboration and a written agreement.

Dan Goodrow asked what the county had for recharge rate numbers. Ms. Ray said they would have to consult a professional at this point. Mr. Goodrow said they know they want to recharge the groundwater and it takes time. What they don't know is how much time or who is the largest user of the aquifer now. Mr. Troike said Baker Sand is probably the largest user of water. Mr. Goodrow said they sometimes use one million gallons per day to wash their gravel. At the most, the water park would use 300,000 gallons per day. They are "putting the cart way ahead of the horse". What they need to do is come to agreement with what they have in front of them and do know – the proposals they have in front of them. Then they can deal with the other issues as they come along. They are all over the place.

Mrs. Geissman asked if he was saying they should resolve Area B. Mr. Goodrow said they should resolve Areas B and C. Mr. Hambley said they discussed temporary service to Area B. Mr. Goodrow asked if they have an agreement for temporary service and Mr. Hambley said, yes, as far as he was concerned, for that portion of Garman Road. The issue is shared tap-in fees. Mr. Troike said the county is going to have to put in a line and if they are going to extend the line, the county would be responsible for the costs associated with that. Lodi wants to share tap-in fees and the county said they cannot share tap-in fees, but they could compensate Lodi for the water used based on the agreement, which is 125% for residential and 150% for commercial. Mr. Goodrow said the arrangement was that they could share tap-in fees. Mr. Troike said they never had that arrangement. Mr. Geissman said that was the big selling point before. Mr. Troike said, no, that was something Lodi always wanted. They cannot share tap-in fees for something that has capital improvement costs. Mr. Geissman said former Sanitary Engineer Ken Hotz told them they could have tap-in fees and they were foolish to not take the agreement. Mr. Troike said if that was true, that was before Lodi's Love's agreement. Before that point, he and Mr. Hotz agreed that the only thing that was a growing concern was Lodi's pursuing water. They used to think that Burbank should go to Lodi for water until the OWDA came to the county about the Westfield system and asked them to take care of Burbank. Then both the county and Lodi made "pitches" to Burbank and Burbank chose the county's water. They looked at the numbers and saw that it would work financially, so the county made their plan.

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Mrs. Geissman asked Mr. Troike if he told the Village of Lodi that everything north of I-71 was the village's to serve. Mr. Troike said he did not say that; he believes he said if they wanted to serve north of I-71, they would review that together with the Commissioners, and that would be fine with them. Areas on Harris Road that Lodi recently asked to service with water were denied because the water system would need to go in a loop and the county was going to put in that waterline. Lodi was offered the ability to serve sewer there. The county is currently north of Lodi and they cannot give it up, but there are areas north of I-71 that they can compromise on. Mrs. Geissman said Mr. Troike made the statement and was asked to repeat it into a tape recorder. Mr. Troike asked which meeting it was and Mr. Geissman said it was the first meeting they had. Mr. Troike said he is not sure what he said, but he is sure there are areas north of I-71 that Lodi can serve. Mr. Hambley asked them for more information about why the area is so large because much of the area would not need sewers and NOACA will ask the same questions.

Ms. Ray commented that part of the problem is that there are "too many cooks in the soup"; there are too many people that have just one piece of the puzzle. She suggested that the Lodi Board of Public Affairs choose a person to work with Mr. Troike to avoid miscommunication. Mr. Troike said they have been trying to do that. He and Mr. Goodrow had a meeting to "iron those things out" and they agreed on the direction they were going. The latest revision has been troubled with lack of information, such as the size of the line on Garman that they thought was eight inches. Mr. Hambley suggested that they also work with the new Lodi superintendent.

Mr. Goodrow asked if they reached an agreement where the county buys water temporarily from Lodi until its lines are on Garman Road and buys water to serve Garman Road, if the county would also serve Burbank with Lodi's water. Mr. Troike said they could if Lodi is in agreement to do that.

Mr. Lesiak said the reason for the large size of Area C is because the areas of growth border it. Mr. Hambley questioned the Franchester Road area as being a growth area and Mr. Anderson said it was considered to be an area ripe for housing at one time. Mr. Geissman asked for a sample of the county's plan for Area B to use for their plan for Area C. Mr. Troike said it shows acreage based on zoning, potential development, and assigning numbers for volume. Mr. Geissman pointed out that before the water park approached them, they would never have expected a 300,000 gallon user in that area. Had they done the plan three months ago, they would have looked foolish because they would have one customer with the usage of the entire amount that they envisioned for the entire area. If they looked at the history of their planning 20 years ago, they would be at 1-1/2 million gallons of water today. They are actually at less usage than 20 years ago. Mr. Goodrow gave an example of how plans could change. He said they were approached by a man wanting to put in an indoor ski slope similar to one in Dubai, Saudi Arabia. Engineering can overcome what is seemingly unable to be developed.

Mr. Troike said it is a beneficial area for all and they should be able to come to final terms. Mr. Lesiak said they resolved the one issue with an even trade for the 12 inch line. The remaining issues are: (1) Lodi will provide the information for the Kennard Road line; (2) Lodi will provide the county with the study; (3) Lodi has a contract with Love's to provide them water at in-village cost and there are 16 month left on the contract; and, (4) the county would like to charge all the tap fees pursuant to the county resolution and would like the village to charge the sewer tap fees pursuant to Lodi's ordinance that is more than the in-village tap fee. Mr. Troike said what is new is that Area B would go along with the same Harrisville agreement and they would have the same charges as in Area A. Mr. Lesiak said in Area B they would be providing water services and that is why they feel they should receive some of the tap fees. Lodi proposed that the county would charge the water tap fee and reimburse the village for what the village would normally charge for water for a tap fee. If the county charges more for a tap fee, then the village would. They discussed possible compromises on this issue that perhaps the county would allow Lodi to charge the county's sewer tap fee amount in Area B. Mr. Troike said sewer tap fees are all that the village based on their proposal. He believes it says 125% of the tap-in fee for out-of-village and it was muddled for commercial (possibly due to the Prime Outlet Mall and

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how that was worked out with them). They paid for the sewer and water lines to be brought down. He believes it was just in-village tap rate for commercial so they need to take a look at that. Mr. Lesiak said the water tap fee is important because they will be providing O & M in that area while they are providing temporary service to that area. Mr. Troike said the county would be providing the O & M, take care of permits, take care of the extension, and work out the deals. If a commercial entity petitioned for a waterline, the county would run the waterline down. Part of their requirement is that people extend services to the county's border so they will deal with that and any tap in fees that would be left over. They credit the developer the tap in fees based on what he has paid for a waterline extension. The county is putting in the funds to make those improvements to install the waterlines so the county needs the tap in fees and can't share.

Mr. Anderson said the county could permit them to charge the county's rate for sewer. Mr. Troike said he would discuss that with the Commissioners and the township. He asked for clarification on Kennard Road where they currently have a line and are serving ten to twelve people. The county intends to install another line down there to the loop and with this agreement, the tap fee would be taken care of. He asked if those customers would be Lodi's or the county's customers. Mr. Troike said the county would take them back and switch them over. Mr. Anderson said that would be going back on their agreement. Mr. Troike said it is the county's service area and they didn't know Lodi was installing lines there. Mr. Anderson said they built a water tower and dug up the roads in their service area and no one ever mentioned it. Mr. Troike said they didn't know about it and Lodi did not tell them. The county did not have any lines in that area at the time. Mr. Hambley said Lodi had the ability to access the easements and the question comes down to providing service to those along there. Lodi located their tower there for geographic purposes because of the elevation and they were able to acquire the property. None of those property owners had to tap in. It was to their mutual benefit to work an agreement with those property owners. At this point, the county would have to maintain the option of being the provider of the water service. Mr. Troike said the county's rate would be cheaper for those homeowners so it would be to their benefit. Mr. Anderson felt those people should have the choice. Mr. Troike said he does not have that luxury financially; they need the customers to help pay for that line. They would not be charged for their reconnection, their pressure would be higher, and if they needed a pressure regulator, the county would install it for free.

At 10:55, Commissioners recessed the meeting for the public hearing to review proposed improvements to Stony Hill Road. At 11:00, they reconvened into the Discussion Session.

Ms. Ray presented a resolution finding that public convenience and welfare requires the improvement of Stony Hill Road (T.H. 48) in Hinckley Township. Mrs. Geissman moved to approve the resolution and Mr. Hambley seconded the motion. Mr. Hambley asked if there were any issues with the driveway aprons and Mr. Spano said there would be some driveway aprons that would be impacted. They have been notified and access will be maintained to their driveways. There was no further discussion. Roll call showed all Commissioners voting AYE.

At 11:04 a.m. the Commissioners moved to the Conference Room to resume discussion.

Gary Berkowitz, Human Resource Director, gave a presentation on the revised Medina County Employment Manual (the title was changed from Personnel Manual) with the assistance of Chris Jakab and Scott Miller. The manual of nearly 100 policies is divided into 8 sections as follows:

1.000	Introduction
2.000	Employment
3.000	Pay Practices
4.000	Time Off
5.000	Benefits
6.000	Health & Safety
7.000	Work Rules
8.000	Separation

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The Prosecutor's Office has reviewed the manual and all of the policies are aligned with the Ohio Revised Code. Chris Jakab, County Administrator, has also reviewed the policies and they held a meeting with department heads on July 25 to review the policies and get input. The target date to implement the manual was set for October 1, 2007. They anticipate distributing one manual to each department head with additional copies for the larger departments and CD's for each employee. It will also be available on the Human Resources web site. Some of the changes that Mr. Berkowitz, Mr. Jakab, and Mr. Miller reviewed were as follows:

Section 2 – Employment

They will now only be accepting applications for open positions due to affirmative action recordkeeping. The demotion section lists ways for employees to be demoted voluntarily and involuntarily. Reference checks will be required for all new hires. There is a new emphasis on promoting from within; taking qualified people that are currently employed and moving them to higher, more responsible positions at higher rates of pay, rather than going outside for someone equally qualified. The policy clarifies someone being hired with more than one year of service with the state's political subdivisions or universities would be eligible to earn and take vacation immediately rather than after one year. When a person transfers to another appointing authority's department, vacation is to be paid off before they leave. However, if the individual transfers from one Commissioners' department to another, that person is not to be paid off and vacation transfers with them.

Section 3 – Pay Practices

In order to get two 15-minute breaks, a person must be scheduled to work six or more hours; working four to six hours entitles them to one break and for less than four hours of work there would be no break. A compensation plan was set up to handle how the county will address new-hires, re-employment, reinstatement, pay adjustments within classification, promotions, demotions, transfers, probationary increases, annual rate adjustments, and wage-scale increases. These are all based on the county's financial ability to pay. Conditions of how employees are to be paid while traveling for work is defined and what the Commissioners will pay for attending meetings and conferences.

Section 4 – Time Off

Part-time employees will now receive bereavement leave and any employee that takes bereavement leave will have to provide written verification from the obituary or a funeral program. The county will no longer pay health coverage during certain leaves of absences. That responsibility will be shifted back to the employee through COBRA if they want to continue their benefits.

Section 5 – Benefits

To receive holiday pay, an employee must work their last fully scheduled workday before the holiday and first fully scheduled workday after the holiday unless a doctor's excuse is provided. Vacation needs to be used in 1/2-hour increments.

Section 6 – Health & Safety

The county prohibits employment discrimination for employees afflicted with a communicable disease and will provide measures to reduce risk of exposure. Policy lists the emergency closing procedure and the payroll actions to be followed. It also provides direction to management how to deal with sending people home in an emergency closing situation and lists those who are considered "essential" and are required to report despite the closing. A safe and healthful work environment is the responsibility of the county, and department heads and employees are accountable for following safe operating procedures. Smoking is prohibited. The county vehicle operation policy was reviewed by the County Risk Sharing Authority (CORSA) that controls this financial responsibility. The county's vehicles must be properly licensed, insured, and drivers must have a clean driving record. This policy and the medical policy have universal implications across all hiring authorities because of the applicability to all appointing authorities.

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Section 7 – Work Rules

The attendance plan sets some different thresholds for determining abuse and sets discipline to be imposed. Absent of specific uniform and grooming requirements, the dress code policy establishes standards for departments about attire and grooming. Public records request standards apply to all hiring authorities and are aligned with the Ohio Revised Code. A flow chart clearly sets out the direction to take when a public records request is made. The Prosecutor's Office is in the process of clarifying how the state defines a public office and whether each elected official is required and expected to adopt their own public records policy or if they would be under the umbrella of the county's policy. The solicitation policy strictly limits the solicitation on county property without prior approval or invitation from the appropriate administrative official (for Girl Scout cookies, political parties, membership drives, union organizing, athletic leagues candy bars, for example). Disciplinary policy provides action for late arrivals and early departures from work. The in-state travel policy was clarified in the areas of mileage reimbursements, meal reimbursements, and lodging. Travel forms have been modified to follow the new policy and lists acceptable out-of-state policy. In accordance with the concealed weapons laws, employees cannot have weapons on county property and addresses the appropriate signage to comply with the law.

Section 8 – Separation

Exit interviews should be conducted by each department to document why the employee is leaving and the circumstances; this can provide a sense of how to improve the operation. If a pattern would start to form in a department, the exit interview process could alert the Commissioners to follow up with that department head for corrective action. The policy has clarifying language for payment of sick hours at retirement. Mr. Hambley recommended that they reference the sick leave cash out schedule in that section.

The Commissioners said they were very pleased with the revised employment manual that has been in the works for many years. Mr. Berkowitz pointed out that the document affords management with an improved resource to ensure uniform application across all departments. It will be good to have all the departments "on the same page" for consistency and liability sake. It will also provide employees with clearly defined expectations, opportunities and guidelines. There are careers that can be pursued through county employment. Somebody coming in at an entry level job can find opportunities so that they can be retained and not go elsewhere. Mr. Jakab said the Commissioners will need to address, before the end of the year, employees' longevity pay and the on-call policy (in Maintenance and Transit Departments).

Mr. Hambley said he had sent the other Commissioners email about the City of Avon requesting construction of a new interchange on I-90 at Nagel Road in Lorain County using private sector and local funds with no federal funding being requested. This interchange has been very controversial within the Northeast Ohio Areawide Coordinating Agency (NOACA). He said there was a split vote at the NOACA Transportation Advisory Committee (TAC) meeting. Cleveland area members were threatening a weighted vote so the other members would like to diffuse that. Mr. Hambley said he would like to do a resolution of support of the interchange with their approval. The Cleveland/Cuyahoga County members were concerned that the interchange would encourage out-migration and development outside the urban core. From a traffic standpoint, the interchange is needed. NOACA hired an economic and planning consultant and the findings were as follows:

- (1) there would be a net economic benefit to the entire region;
- (2) there would be no material adverse impact on nearby areas; and,
- (3) it is totally consistent with their planning principles and transportation goals.

The Commissioners agreed that Mr. Hambley should draw up a resolution of support for the interchange for I-90 at Nagel Road. The vote will be in October after NOACA receives the full report.

Ms. Ray presented a letter requesting Commissioners to lobby Congressman Regula for additional funding for childhood allergy research. She thought it odd that it was initiated by the

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Wayne County Republican Party and sent to a government fax machine. She asked them to review it and let her know their thoughts on the matter.

At 12:14 p.m., Mr. Hambley moved to adjourn the meeting and Mrs. Geissman seconded the motion. There was no discussion. Roll call showed all Commissioners voting AYE.

RESOLUTIONS PASSED 9/4/07

<u>Number</u>	<u>Resolution Title</u>
07-0858	RESOLUTION TO ALLOW CLAIMS AND AUTHORIZE ISSUANCE UPON THE TREASURER IN SETTLEMENT OF SUCH LIST OF CLAIMS
07-0859	RESOLUTION APPROVING THE FINAL PLAT FOR TAMARIND MEADOWS PHASE I SUBDIVISION LOCATED IN LOTS 79 & 82 OF HINCKLEY TOWNSHIP
07-0860	RESOLUTION AUTHORIZING THE MEDINA COUNTY ENGINEER TO ADVERTISE FOR BIDS FOR THE REPLACEMENT OF CULVERT NO. 38 ON WESTFIELD ROAD (C.H.15) IN LAFAYETTE TOWNSHIP
07-0861	RESOLUTION AMENDING THE ANNUAL APPROPRIATION RESOLUTION
07-0862	RESOLUTION AMENDING THE 2007 APPROPRIATIONS RESOLUTION BY TRANSFERRING APPROPRIATIONS
07-0863	REVENUE ADJUSTMENTS FOR VARIOUS FUNDS
07-0864	REVENUE ADJUSTMENTS FOR THE SALE OF SURPLUS COUNTY PROPERTY
07-0865	EXPENDITURE ADJUSTMENT FOR THE AUTO AND GAS FUND
07-0866	AUTHORIZING THE COUNTY AUDITOR TO TRANSFER FUNDS FROM THE GENERAL FUND AND THE CHILD SUPPORT ENFORCEMENT AGENCY FUND FOR TITLE IV-D JUVENILE COURT MAGISTRATE AND PROSECUTOR'S SERVICES
07-0867	RESOLUTION AUTHORIZING COUNTY AUDITOR TO TRANSFER FUNDS FROM THE CHILD SUPPORT ENFORCEMENT AGENCY FUND FOR INDIRECT COST ALLOCATION
07-0868	RESOLUTION ACCEPTING THE LEASE AGREEMENT WITH THE SOLUTIONS BEHAVIORAL HEALTHCARE
07-0869	RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN MEDINA COUNTY AND FAITH IN ACTION, MEDINA COUNTY CAREGIVERS
07-0870	APPROVAL OF A FUNDING AGREEMENT FOR FAMILY FIRST COUNCIL ADMINISTRATIVE FEES
07-0871	RESOLUTION APPROVING PERSONNEL CHANGES FOR THE EMPLOYEES UNDER THE JURISDICTION OF THE MEDINA COUNTY COMMISSIONERS

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- 07-0872 A RESOLUTION EXPRESSING THE CONDITIONAL INTENTION OF THE COUNTY OF MEDINA OHIO TO ISSUE HEALTHCARE FACILILITIES REVENUE BONDS OF THE COUNTY TO ASSIST SOUTHWEST GENERAL HEALTH CENTER IN FINANCING THE COST OF ACQUIRING CONSTRUCTING FURNISHING AND EQUIPPING

- 07-0873 APPROVAL OF A CONSERVATION EASEMENT AGREEMENT WITH THE MEDINA COUNTY PARK DISTRICT

- 07-0874 RESOLUTION AUTHORIZING THE RULES AND REGULATIONS OF THE MEDINA COUNTY SANITARY ENGINEERING DEPARTMENT

- 07-0875 RESOLUTION APPROVING THE AMOUNT OF UNPAID UTILITY BILLS FOR THE MEDINA COUNTY SANITARY ENGINEER AND PROVIDING FOR THEIR CERTIFICATION IN ACCORDANCE WITH SECTION 6117.02 OF THE OHIO REVISED CODE

- 07-0876 RESOLUTION REAPPOINTING A MEMBER TO THE MEDINA COUNTY MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES (MRDD) BOARD

- 07-0877 RESOLUTION TO ALLOW EXPENSES OF COUNTY OFFICIALS

- 07-0878 RESOLUTION TO ALLOW EXPENSES OF THE COUNTY ENGINEER

- 07-0879 RESOLUTION FINDING THAT PUBLIC CONVENIENCE AND WELFARE REQUIRES THE IMPROVEMENT6 OF STONY HILL ROAD (T.H. 48) IN HINCKLEY TOWNSHIP, MEDINA COUNTY, OHIO

All deliberations concerning official business and formal actions by this Board of Commissioners were conducted in an open public meeting this fourth day of September, 2007.

Respectfully submitted,

COMMISSIONERS _____
Sharon A. Ray

OF _____
Patricia G. Geissman

Pam Vereb, Clerk

MEDINA COUNTY _____
Stephen D. Hambley