

Patricia G. Geissman called the meeting to order at 9:30 a.m. with Colleen M. Swedyk and William F. Hutson present. The meeting opened with the Pledge of Allegiance and a prayer.

Keith Rasey inquired about adding something to the agenda; he was referencing the letter submitted by Pat Walker that he be allowed to speak on behalf of Save Your Courthouse. Commissioner Geissman stated that he may speak during public comment. Mr. Rasey stated that it was his understand that today there will be no vote on the general contractor for the courthouse project. Mrs. Geissman stated there will be no vote on that as there are some negotiations that need to be done, and those need to be done before the commissioners' vote on it.

The minutes of the December 20, 2019 commissioners' meetings were emailed in advance. Mrs. Swedyk moved to approve the minutes; Mr. Hutson seconded the motion. There was no discussion. Roll call showed all commissioners voting AYE. The motion carried.

*Highway Engineer Administrative Assistant Doug King* presented and reviewed the following resolutions: (1) authorizing the Medina County Engineer to advertise for bids for the 2020 Medina County Highway Department hot bituminous plant mixes; and (2) authorizing the Medina County Engineer to advertise for bids for various sizes and quantities of aggregate for the 2020 construction season for use by the Medina County Highway Department. Mrs. Swedyk moved to approve the two resolutions; Mr. Hutson seconded the motion. There was no discussion. Roll call showed all commissioners voting AYE; the motion carried.

The commissioners reviewed the permits issued December 19-25, 2019.

*Finance Director Mike Pataky* presented and reviewed the following resolutions: (1) amending the 2019 appropriations resolution by transferring appropriations; (2) amending the 2019 appropriations resolution by transferring appropriations; (3) revenue adjustments for various funds; (4) expenditure adjustments for various accounts; (5) cash transfers for various funds; (6) creation of the Special Project Fund and authorizing appropriations; (7) approving the transfer of inventory from Medina County Board of Developmental Disabilities Transportation Garage to Medina County Maintenance Garage; (8) declaring Medina County property as excess property with attempt to refurbish; (9) declaring Medina County property as excess property; (10) authorizing expenditures related to Planning Commission/Department of Planning Services sponsored workshops and Zoning Inspector meetings; and (11) adoption of the 2020 Temporary Appropriation Measure. Mrs. Swedyk moved to approve the eleven resolutions; Mr. Hutson seconded the motion. There was no discussion. Roll call showed all commissioners voting AYE; the motion carried.

*Human Resources Assistant Nicole Lee* presented and reviewed the following resolutions: (1) approving personnel changes for the employees under the jurisdiction of the Medina County commissioners; and (2) amending the Table of Organization for the Department of Job & Family Services. Mrs. Swedyk moved to approve the two resolutions; Mr. Hutson seconded the motion. There was no discussion. Roll call showed all commissioners voting AYE; the motion carried.

*County Administrator Scott Miller* stated that collaboration is a wonderful thing especially when it comes to governments. The winners of the collaboration is usually the taxpayer. We are applying for a 9-1-1 local sub-grant; Christine Fozio put this together. It involves the Public Safety Answering Point which is Brunswick, Medina, Wadsworth and the County. This grant will allow for the redundancy for phone calls and will make, if the grant is awarded, will create a redundant point in the City of Wadsworth. Christine Fozio stated the she is hoping for a successful reward which will be a huge benefit to the County. Mr. Miller added that the grant is \$250,000 with a \$60,000 match.

Mr. Miller presented and reviewed the following resolutions: (1) approving the submission of an Ohio 9-1-1 local sub-grant application; (2) extending an agreement for a mental health program at the Medina County Juvenile Detention Center; and (3) rejecting bids for a computerized case management system for the Medina County Clerk of Courts. Mr. Miller explained that the third resolution also involves collaboration. This collaboration is between Judge Collier, Judge Kimbler and Judge Dunn where they have selected the Odyssey System from Tyler to act as the software program for their courts and the Clerk of Courts. It is being purchased through SourceWell which is a purchasing pool. The third resolution is rejecting the bids obtained by the Clerk of Courts as it is no longer needed. Mrs. Swedyk moved to approve the three resolutions; Mr. Hutson seconded the motion. Mr. Hutson stated that the 9-1-1 Planning Committee has met several times over the course of the year. This grant opportunity came up about 60 days ago; Christina has done a great job of putting everything together and ready to submit. There was no further discussion. Roll call showed all commissioners voting AYE; the motion carried.

*Assistant Sanitary Engineer Jeremy Sinko* presented and reviewed the following resolutions: (1) authorizing the Sanitary Engineer to advertise for bids for the County-Wide Single-Stream Community Drop-Off Program for the Medina County Solid Waste Management District; and (2) authorizing a one year extension of the contract for yard waste management services for the Medina County Solid Waste Management District. Mrs.

Swedyk moved to approve the two resolutions; Mr. Hutson seconded the motion. There was no discussion. Roll call showed all commissioners voting AYE; the motion carried.

*Transit Director Shannon Rine* presented and reviewed the following resolutions: (1) approval of CY20 Transit Service agreements with various county agencies and organizations; and (2) approving the extension of a transportation contract with Ace Taxi Services, Inc. Mrs. Swedyk moved to approve the two resolutions; Mr. Hutson seconded the motion. There was no discussion. Roll call showed all commissioners voting AYE; the motion carried.

*Commissioner Geissman* presented and reviewed a resolution appointing a member to the Medina County Port Authority. Mrs. Swedyk moved to approve the resolution; Mr. Hutson seconded the motion. There was no discussion. Roll call showed all commissioners voting AYE; the motion carried.

*Commissioner Geissman* noted that the Ohio Division of Liquor Control provided a notice of a request for a C1, C2 liquor permit transfer from Mack's Food Center Inc. dba Mack's Food Center & Lockers to Love's Travel Stops & Country Stores Inc. dba Love's Travel Stop 332.

### **Public Comment**

*Mark Fredrick, 6146 W. Smith Road, Medina* stated that "nonsense" sums it up in one word. Let us vote. The only vote we're really going to get is when we elect our commissioners again. This is pretty much a done deal. Why they got this idea in their head that they've got to put it on the square, he stated he doesn't know. He stated that when he was here in November, he stated the election was a little funny, but he got the information he wanted from the Board of Elections that he requested. Mr. Fredrick stated that he requested that this courthouse be efficient and he's past arguing whether we need a new courthouse because the answer is that we do. The questions are how much and where. Building a new courthouse needs to be economical. He stated that the sad part is that they are going to do what they want. Finally, they are beginning to listen to a little input and stated he concedes that the commissioners are trying. He added that the best idea he has heard in this room in more than 30 years was brought up by Mrs. Geissman, although David Wadsworth is claiming credit for the idea, was to put a hotel and upscale restaurant in the current courthouse. There are already a parking problem around the Square. Put the courthouse over by the jail. All the money saved transporting prisoners back and forth from the jail to the court. The people in Medina want that new courthouse on the Square so the lawyers and everybody eats at the restaurants and so forth. He stated he can't argue – its money – but its taxpayer money that he's talking about, not the restaurants' money. We don't need a Taj Mahal. He's fearful and predicts that this new courthouse is going to wind up like that last two libraries he saw. The paint in the new Medina Library wasn't even dry and it was falling apart. It's going to happen with the new courthouse. That's the way we let things get built because its taxpayers' money and nobody is paying attention, but he's paying attention. Mr. Fredrick stated that somehow they got in in their head to keep it on the Square. He asked if we have finally gotten the City of Medina on board with this. The County and the City are pulling in different directions and that's a problem that will never get solved. If you let the City near anything, they're going to screw it up. He stated he would like to know who is pushing this – whose uncle, cousin, relative is getting kickbacks out of this. He stated he's not sure if Judge Kovack ever signed on and he hopes that problem is fixed. He stated that his bottom line is make it efficient and make it economical.

*Nicholas Baker, 245 Meadow Oaks Trail, Medina* thanked the commissioners for affording the citizens the opportunity to speak. He is on the Granger Zoning Commission and understands how difficult it can be to sit and listen to criticism and suggestion. They are currently working on a Planned Development District involving Menards and the community has been critical of all parties involved in the process. He thanked the commissioners for letting them speak. He stated that as part of the community's commentary of the Menards PDD, the Zoning Commission was constantly reminded of its responsibility to both the zoning code and the township. They were there to hold us accountable. Today's citizens are here to hold the commissioners accountable for this courthouse project. He stated that it's clear that something needs to be done regarding the current state of the courthouse, but in your haste, your losing sight of your responsibility to the people of the county. Constituents entrust you to make decisions on their behalf. However, to say this allows you to spend their tax dollars so liberally without their say seems to be a stretch. Building new facilities is great, but how can you justify not going to the people for a vote when spending an amount almost as large as the entire county budget on one building. Forty millions seems fairly steep even in this day and age. How will the bonds and resulting interest be paid for? Surely you'll need taxation to raise the necessary funds, so why is this not going on the ballot when the current county finances won't be able to cover it alone? Why are such expensive decisions being made that will result in taxpayers footing the bill without their say in anything? He stated that he hears we have committees, and that's great, but it's absurd to him that such decisions regarding a large public works project are being decided without a vote and out of the public eye. He stated he knows they have had meetings to view the plans and to hear the architects speak, but he doesn't know if he'd call that satisfactory. Here we are at a meeting, on a holiday sandwiched between two other major holidays and was originally reported to be where the construction manager would be selected. For that matter, this entire process began in secret and it's been incredibly difficult to get straight answers. You're looking to tear down a large part of the Square, a large part of our community, and you owe your constituents better than conducting this process in such a manner. He stated that the county auditor in Portage County, Janet Esposito, to which he had a discussion with her a few years ago regarding county government and her history in Portage County. She was at one point a county commissioner. She ultimately left this position because she was tired of watching

the other commissioners freely spend tax dollars, and she wanted another means of reigning in their spending. He stated that as he is reminded of her story as we discuss this courthouse project as he watches the commissioners, who ran as supposed conservative republicans, spending money like it's going out of style. He asked them to learn from the Portage County auditor to be responsible with the county's finances and give their constituents the right to give input into a project taking \$40M of their tax dollars. Let the people of Medina County be heard. He wished everyone a safe and healthy new year.

*Rev. Keith Rasey, 908 Laurel Glens Dr., Medina*, stated that he had previously addressed the commissioners about this issue. All of us have a mixture of reasons why we go into public service and part of them is a very large communitarian altruism where we hope to leave the community better than when we decided to do this because it is a pain to serve the public. He stated that that has not fallen onto prepared ground. The advice he had tried to share that we needed to think about empowering the public and increasing the body politics ability to decide for themselves. Self-determination applies just as much to the local community as it did back in the WWI League of Nations time. Helping the body politic, which is a living thing, exercise its vote, agency and autonomy develops its muscles and insights. That did not seem to be well received. He stated that whenever county projects are proposed, things change over time. Predicting the future is very difficult. If you took all the economists in the world and laid them end-to-end, they wouldn't reach a conclusion. This applies to the county commissioners as well. Bill Thomes has a list of projects that former county commissioners proposed whose financing sources did not turn out as thought. We were told on July 22 by Commissioner Hutson that not only did he not want us to vote on this, but that the sources for funding for it were the Nexus pipeline, the fees that the state reimbursed us for public defenders, and rising property taxes. You're going to have to go to the taxpayer at some point to fund this. To cover yourself, you need to open yourself to public comment and public participation. In this particular instance, openness and transparency is your friend. If you have further ambitions, or if you want to continue in your position, it would be better for you to be as open and transparent as you can be without violating any of the privacy laws which are necessary. Mr. Rasey noted a list provided by Mr. Thombs of things in that past that didn't pan out. He stated that if appealing to the better angels of your nature was not something that you found a powerful argument, remember the past – things go awry. He stated that if you want to serve the public, not only develop the public's agency and ability to determine their own future, also provide yourself cover for when things don't go as you hope. It's not like this is a transactional responsibility that you have. It's a fiduciary responsibility. You have a responsibility to act in the taxpayers' best interest as you understand it, and if you do it as a taxpayer understands it, you will have not only the support you need for change that it needed, you will also have the comfort of knowing you've actually helped developed peoples' agency, autonomy and self-determination. Let us vote.

*Michael Kovack, 1015 Countryside Dr., Medina*, stated that the county is attempting to hire a construction manager for a project that isn't finalized. That poses a number of problems, not the least of which is the cost. The courthouse architects were publicized as costing around \$500,000 and now that contract is \$2.66M which is on top of the projected \$40M for the courthouse. He stated that all of this has been decided behind closed doors and without public approval. People should be at least be able to vote for the county to go into debt with these bonds – let the people vote. He stated that as far as transparency, the commissioners have been meeting behind closed doors and deciding how to spend our tax dollars. They fain interest in public opinion by holding meetings at times most working citizens can't attend. It's time that we make our voices heard. It's time that we hold our commissioners accountable.

Mrs. Geissman stated that she normally makes no comment after someone speaks other than thanking them for their comments, but she wanted to make it clear that the commissioners have not been working behind closed doors. She stated that turned her the wrong way because she's very much into being transparent and doing everything publicly – that is important to her. She stated that she was offended that he stated that twice.

*Nancy Banchek, 985 Geyer Dr., Medina*, stated that the fact that they are denying the lack of transparency boggles her mind because they have opened it up a little, but only because it was brought to the public eye and they started demonstrating, or they wouldn't be here today allowed to speak. She stated that speakers were receiving scornful looks. She stated that she read they are looking at a Michigan construction company and asked if there is nobody in Ohio that can build this building. She stated she doesn't know what the procedure is for getting bids. She has no idea where the money is coming from and where the money that used to go to human services is going since they now have a levy. She stated she can't get answers about how the budget works with the commissioners. She stated that the transparency that is there is only there because the public demanded it.

*Kathy Jones, 2606 Hidden Springs Ln., Wadsworth*, stated they do have a right to vote even though Mr. Hutson had stated that they can't vote. You are using the argument that the commissioners have a duty under the state law to provide a courthouse, but we do have a courthouse and we do have a right to vote. You're providing your duty because we already have a courthouse so it's not like we don't have one. We have a right to vote and we will vote, and you can't keep denying us democracy.

*Mary Emhoff, 5065 Fox Haven Drive, Brunswick Hills*, stated that they are here and yes there have been meetings. The last big meeting was kind of a sham. She stated she was requested to give input into it which she did. Over 75 people showed up for that evening meeting and none of them were permitted to talk. When Kathy stood to talk, the police were shuffled over to her side. Transparency isn't the word. She stated that as

a Medina County resident for more than 40 years, her life has touched the schools, roads, parks, police and firemen. She supports health services and services for the needy. She voted for all these things. She has never in 40 years stepped foot into the courthouse and she bets she represents a lot of people in the county. She stated they don't put high priority on a small amount of people who want a building for \$40M. She stated that the last she heard, the building will be insufficient before it is even paid off. She asked the commissioners to listen to the people and take their suggestions noting that if the commissioners get their support, their life will be a lot easier.

*Bill Thomes, 372 Craggy Creek Ln., Chippewa Lake*, stated that the process is as important as the outcome – probably more important. He stated he was told that a certain other member went to the mayor without even bringing it up, so it's not a lot of transparency even amongst themselves. He stated that he doesn't get any answers to certain questions. He asked if this Board has expended county funds to any contractors or architects already; Mr. Hutson answered yes. Mr. Thomes asked if the City has reimbursed any of that. Mr. Pataky answered that the City has been invoiced. Mr. Thomes asked if there is a resolution of support passed by this Board and the City for this project. Mr. Hutson answered that both bodies have passed resolutions authorizing the contract with the architect. Mr. Thomes asked if there has been a resolution now and in the future between the two boards passed. He stated that the resolution should be accepted by both boards. He asked if there has been a management resolution passed by the two boards as to who is going to make decisions – how, when and where they need to be made – now and in the future. Mrs. Geissman stated that all of those things have to be determined. Mr. Thomes stated that really we aren't even aware of how this managed property is going to start and here we are expending monies. He stated he leaves this room every day with that thought in his mind – we're not ready. There is a lot of work to be done to be expending county monies and you don't even know whether you have 100 percent cooperation by resolution on file recorded between and accepted by either and don't even know how you're going to manage this building once it's done. How can you even start?

*Amy Panchumarti, 89 Lawrence St., Medina*, provided an example of her husband going on a business trip and they had discussed carpeting in the family room. When he comes back, he finds people putting on a new Florida room. What would he say to her when they hadn't even decided on carpet? She stated that when they had the petition going around that they needed to vote for these changes, she went to Union Square. She saw that the people of Union Square felt totally and completely unimportant to this community. When they heard what was going on, they asked her where that money is coming from and stated they can't afford it. They came here because Cleveland was not the place they wanted to raise their children. She stated that she didn't know what to say to them other than she would help them register to vote. One lady told her she works three jobs and has \$17 a month extra at the end of the month and was asking if more money was going to come out of her pocket. Ms. Panchumarti stated that transparency isn't just for us. It's for those folks on Union Square that are working to try to give a better tomorrow for those kids and it's time we start incorporating the entire community into these decisions and find a way of incorporating all the different areas of Medina. These folks are good people and are acting like a community supporting one another. We need to begin admiring these folks and begin saying \$40M is eventually going to trickle down to people who can't afford it. She asked the commissioners to keep these people in their hearts as they make these big decisions that are vastly outweighing what they can handle. She stated she will work hard so they can come vote and become informed in the voting. She stated that her husband coming in and finding half of a Florida room is what's going on here. She stated to do something with the building to make it functional, not buy a Florida room.

*Jerry Dolcini, 308 Bellus Rd., Hinckley*, stated that he is a retired educator and has relatives in Napa Valley. He spent two months there gardening and helping the family. He feels like he is in the 21<sup>st</sup> century when he is there. When he comes back here, he wishes his name was Paul Revere and could run around the streets of Medina and try to bring us into the 21<sup>st</sup> century. He referred people to a website for a view of the 21<sup>st</sup> century in Napa Valley. They have solar consultants for various projects. The schools, civic buildings and hospitals all have solar architectural features which saves taxpayer money. He provided an example of a school getting about 70 percent of its energy from solar canopies. Mr. Dolcini noted that he drives an electric vehicle when he is there and can charge it as he watches his granddaughter's activities. He stated he wishes we would incorporate this into our schools and buildings in Medina County including the courthouse wherever it may be.

*Daniel Maynard, 6760 Wadsworth Rd., Medina*, stated that he is the court administrator for Domestic Relations Court. Earlier today, the county administrator presented a resolution to reject bids for computer software program and announced that Judges Dunn, Collier and Kimbler had selected a software program to serve as case management and case docketing. He stated he cannot let that go because Judges Dunn, Collier and Kimbler have no right to select the case management system. This is true for a number of reasons, not the least of which is Judge Kovack, a judge of the Common Pleas Court Domestic Relations Division and his boss, is not on board with the software they selected. He stated that the software they selected from Tyler is three times as expensive as any other software available. There is no operational Tyler program that has been implemented in a county court in this state, while there are contracts to implement them, we don't have them right now. He stated when he says three times more expensive, it's an approximation and he's talking about the ongoing costs, not the upfront costs of implementation. It's nearly \$300,000 per year to operate this software which works out to some astronomical price of \$50 or \$70 per case. He stated that the point is that the judges don't have the right to select the software; David Wadsworth, the clerk of courts who was elected by the people of this county to perform the responsibilities of that office is responsible for selecting the case management

software. The judges are allowed to say they need case management software and to provide direction, but they don't get to say is that he will select this exact case management software. This is interfering with what David Wadsworth was elected by the people of Medina to do and that is his job. He has not selected Tyler. David Wadsworth has selected Pioneer which uses their Benchmark system which is implemented in various courts including most recently the Medina Municipal Court. Mr. Maynard stated there is the serious issue as to the elected responsibilities of these offices and other elected officials interfering unnecessarily and wrongfully with these officials trying to do what it is that the people elected them to do. He stated that for reference, it would be like the judges saying "we don't like one of the clerks that you are using, get rid of them." He stated he doesn't think anyone would argue that the judges, although the clerk of courts take direction from them, don't have the authority to micromanage the clerk's elected responsibility which includes preserving the record, docketing and filing of all the court documents. Mr. Maynard stated that there is no statutory authority. Beyond that, the plan utilizes money that is collected from court fees that are specifically designated for the office of the clerk of the Court of Common Pleas. That is money that is collected in every case that is filed that is specifically directed to be used for David Wadsworth's office. The plan is to use those funds to offset the cost to Judge Dunn of providing computer software for the Juvenile/Probate Court. We got into this problem with the ADAMH Board money that he has read so much about; this is the same thing. Those funds are statutorily restricted to one purpose; we can't raid that money to use it for whatever we want. Additionally, there has been some litigation that went to mediation. There are court orders. Judge Kovack has put out court orders that restricted the commissioners from further negotiating, which he is assuming is why they have not been included on communications in contracts that have continued to go on despite that court order, and ordering the commissioners award the funds that David Wadsworth requires to go forward in implementing the case management software that he selected. That order is being ignored. Mr. Maynard continued that there is a conflicting court order from Judges Dunn, Collier and Kimbler that say they want Tyler and nobody can stop them and that's what's going to happen. The problem is when you have two conflicting court orders, you have to go to a higher authority which in this case is the Supreme Court. In order to do that, all the parties involved have been notified by the county prosecutor that the prosecutor's office cannot represent them. They can't represent them in court or in reviewing the contract. This is a multi-million dollar contract with hundreds of thousands of dollars of obligations every year. Everyone needs lawyers. Mr. Maynard stated that two weeks ago, after Executive Session, the commissioners came back on the record in regular session to consider an additional resolution that was presented by the prosecutor's office notifying them of the conflict that their office had and Judge Kovack's desire to have their lawyer continue to represent them so they can sort out these conflicting judicial orders. Despite an obligation to provide them with counsel when the county prosecutor cannot represent them, the commissioners voted that resolution down for no reason that he can see other than some type of political gamesmanship. He stated that he would like to ask the commissioners to reconsider that resolution and get a lawyer for them (Domestic Relations Court) and to seriously consider getting lawyers for the other judges and themselves because it's going to be necessary before anyone spends any money on this case management software. Delaying it isn't going to make it any easier, efficient or better for anyone.

Mr. Miller asked Mr. Maynard where he gets his numbers from; Mr. Maynard answered from Mr. Miller. Mr. Miller stated that if he got the numbers from him, the purchase is actually \$95,000 savings by buying one software package instead of two. (*Inaudible*) Mr. Maynard stated that Mr. Miller is comparing apples to oranges. You're saying that we save money by Judge Dunn going forward with Tyler, the most expensive option, and the clerk going forward with a different program that is far less expensive. Mr. Miller stated that he has to go with two systems if he goes with that. Mr. Maynard stated he doesn't know what he has to do; they have no control over what Juvenile/Probate Court does, whether they order it, how the commissioners handle their responsibility to determine what a reasonable expense is has nothing to do with them.

There were comments from the audience regarding rumor of a conflict of interest. Mr. Hutson asked if it was a rumor or a fact. Mr. Thomes asked if there is a relative somewhere involved in this purchase as was told to him; he stated it was a rumor. Mrs. Geissman asked Mr. Thomes to tell the person that told him to tell the commissioners so they know what's being said because she has not heard this. Kathy Jones stated to ask Judge Dunn. Mrs. Geissman stated if there is such a thing going on, she expects Judge Dunn to let them know and Judge Dunn (in attendance) shook his head no. Mrs. Geissman stated she wouldn't know who to go to because she has not heard that rumor. Mr. Hutson stated there is no relative involved.

*George Skip Baran, 536 N. Broadway St, Medina*, stated he and his wife have been involved in saving the Sophia Huntington house. They are now finding someone who wants to live there and renovate. They have been following the courthouse project and been to most meetings they can. The only reason he could attend today is due to Christmas break. Mr. Baran suggested that meetings involving the Courthouse be held at a time people can attend. For example, after 5 pm. He has been listening to people discussing the needs of the court and he keeps hearing about it, but he wishes he would have toured the courthouse sooner. He received a couple hour tour the other day and saw the structural components of the courthouse that started in 1841. Mr. Baran noted that the house he lives in is on North Broadway and used to sit on the south side of the new courthouse. It was saved and moved. Mr. Baran stated he agreed with keeping the courthouse on the Square. He stated he just started digging into the plans for the new courthouse noting that he doesn't understand why so much damage needs to be done to the current courthouse. He and his wife have gutted numerous historic homes. Mr. Baran stated leave the courthouse the way it is, build on to the back of the new courthouse without compromising the integrity of the Square, have a covered walkway to the parking deck and install another

story to the parking deck. Mr. Baran mentioned keeping everyone where they are as long as possible and then move people into the new courthouse and have the City move into the oldest courthouse. Mr. Baran stated those are his suggestions based on a quick tour yesterday. He would like to get the plans for the courthouse if he can.

Mrs. Geissman thanked those for addressing the Board of Commissioners noting that she does not agree with everything she heard today and thinks some people have been misinformed. Certainly, the Board is listening to the residents and to take actions after we have heard what needs to be said to make decisions that the Board must make. Mr. Hutson thanked everyone for their comments. He has taken notes and will consider the comments, but as we move forward, the Board does need to make a decision that not everyone will agree with. Mr. Hutson stated that several weeks ago this room was filled with people advocating to keep the courthouse on the Square, demolish any part of the Courthouse as needed, and build what the Commissioners think is appropriate. Today, we heard something a little different. Mr. Hutson noted he is not opposed to having public input, there have been public meetings and he has listened to what has been said at public meetings. We have had meetings and tried to collect comments from a wide variety of individuals from elected officials across the County to the public, and meeting to get input will continue. Ms. Jones stated that public meetings aren't when you shut the public down. The public deserves the right to vote. Mr. Hutson explained that the meeting that Ms. Jones is referring to was the meeting where elected officials were invited from around the County. The purpose of the meeting was to get feedback from those elected officials. It was a meeting that was open to the public so the public could attend and observe; it was not intended to be a meeting where we received comments from the public. Mr. Hutson stated that there were a number of meetings at City hall and many of you spoke at those meetings. We will continue to have public meetings. Mr. Hutson stated if the County needs to find the funding to support the debt service, then certainly there has to be a levy and certainly, you would have the opportunity to vote on that. Ms. Jones stated that they want to vote now. Mr. Hutson stated that he understands, but the Commissioners have a statutory obligation to provide appropriate facilities for all county operations whether it be the Courthouse, Administration Building or any other building. The current Courthouse is not adequate for today's functions; it is simply not sufficient. Mr. Hutson stated that before the commissioners can sign a contract to do anything, there has to be the funds available to do it. In answer to a question, Mr. Hutson stated the payoff would be done over a 30 year period. There is another meeting coming up on January 28. Mr. Hutson stated that there will be a separate public comment section. The meeting is at 12:00 pm. There will be additional evening meetings. Mr. Rasey stated that whatever the public decides, he would be happy with. As far as Mr. Baran, if you want to see why we need a new courthouse, go over to the Municipal Court and see how they are working. Mr. Baran stated he has not been over there. Ms. Jones stated to let the people decide. Mrs. Geissman stated that we are listening and she believes someone said Mr. Wadsworth said it was his idea for a hotel and restaurant. Mrs. Geissman stated no, she brought it up. Mrs. Geissman noted she told her other commissioners that we needed to think outside the box. As time went by and the people that came in here, saying that we need to keep it on the Square. Mrs. Geissman stated she was listening because her first choice was to take it off the Square, and after looking at the benefits of doing that, she believed it was the right thing to do. A hotel and restaurant would bring in a lot more tax money than the courthouse does. She listened to the public and knew her two colleagues wanted to keep it on the Square, so she decided to keep it on the Square. We are listening and we hope to make the right decisions. Mrs. Geissman explained that the \$40M is not the County's figure; it is a combination of the City and County. The City would be responsible for their part of the funding. Mrs. Geissman stated that a lot of negotiation needs to be done with the City if they decide to join us because at this point she is not sure they will accept coming into the old Courthouse or not. Once we get that decision made, there is a lot of negotiation that has to be done in order to go forward. The commissioners have a responsibility by ORC and as long as we can pay our portion without having to go to the taxpayers, we don't need to do that. You elected three Commissioners to make those decisions for you. As long as we are listening, and she believes we are listening, let us do the job that we were elected to do. Ms. Jones stated we elected you to listen to us and to do what we asked and we want to vote. It is the whole county that is being affected. Ms. Jones stated she hears from people all the time, why can't we vote.

*Carol Guerne*, 3206 Charles Lake Drive, Medina, stated that at the last public meeting, four options were put out there. At the end of the meeting, she asked how decisions would be made because it seems some decisions have been made. Ms. Guerne asked for a status on the four options. Mr. Hutson stated that we have not begun to address them. The county administrator is working on the Construction Manager At-Risk and we haven't finalized those. Ms. Guerne stated that based on the discussion here, it seems some decisions have been made. Mrs. Geissman stated that she thinks the only decision that has been made is that we will keep the court on the Square. Bill, as chairman of the Facilities Committee, was going to the City to offer them the older Courthouse and they will basically work on their own. Mrs. Geissman stated she has not heard anything back yet. Ms. Guerne inquired about the other three options and when the decisions were made. Mrs. Swedyk stated that these decisions were made in a public discussion session. Ms. Guerne stated that there needs to be a better advertisement of meetings. Mrs. Geissman stated that there hasn't been anything to her knowledge that was not done publicly, other than Bill asking the City to join the meeting which was not discussed as a Board. Ms. Guerne stated that part of the transparency problem is that as a fairly organized group, none of us knew about the public meeting. Mrs. Swedyk explained that it was at a regular commissioners meeting. Mr. Hutson stated that the group was there. Ms. Guerne stated we need to start attending every commissioners' meeting. If you want transparency with the voters and want us to be informed, you need to have some sort of communications plan with the county. We showed up today because we thought it was going to be about the courthouse. Mrs. Geissman stated that the minutes are available. Ms. Guerne stated this is a hot topic and there needs to be a

communications plan on how you are going to discuss, review and come to your decisions so the public can feel engaged and can hear. Ms. Guerney stated she did not know about the discussions and decisions being made. Ms. Guerney noted they have been trying to take more responsibility, trying to find out information, trying to come to you when we think things are happening, but we don't know. Mrs. Geissman stated that there have never been decisions made in executive session as they are not allowed to in executive session. Mrs. Swedyk stated that it was discussion session. Mrs. Geissman explained the process of discussion session and that is open to the public noting that she even allows people in the room to speak. Ms. Guerney stated that this group of people who are very interested in the courthouse didn't know that you were discussing this project in discussion session at the last meeting to narrow down the four options. When decisions are being made about the courthouse, you need to have a communications plan to let everyone know. Ms. Guerney inquired if the commissioners engaged the township trustees anymore. The problem is things are being done under the umbrella of normal operations that the county normally operates under, but this project is big and needs something beyond the normal operations; it needs communications with the community. Ms. Guerney noted she would like to hear from the people who are on your side. Ms. Guerney stated that they want to just be involved and we want to hear and know. Mrs. Geissman thanked her for her comments.

An unidentified audience member stated that if the funding were not available, then the vote would be taken with a levy. If that levy does not pass, money has already been allocated to the architect and looking to hire people. What happens if that levy does not pass and there is not money for the project? Mrs. Geissman stated right now, we do feel we have the funds available to do that; there is no need to put a levy on the ballot for a tax issue. Mr. Hutson noted that in any case where there is a public building to be constructed, look at Lafayette or Westfield Fire Station, they engaged architects to come up with plans so that they had an estimate and something to show the public. It is very common that a public body would engage an architect to do design work ahead of any sort of levy. There has to be an idea on what the building will cost before you can go to the taxpayers for a levy. The audience member stated that it seems the architect was given a significant amount of money. Her concern is if you did not have that money and you have invest a certain amount of County funds to begin with and you cannot pass a levy, then what happens. So you are assuring me that you have the funding for this and you will not need to ask the residents for a levy. Mrs. Geissman and Mrs. Swedyk stated that is correct. Mr. Rasey stated that when the school is trying to pass a levy, they try to develop public support. He inquired why they are not following that model. Mrs. Geissman stated you are assuming we are passing a tax increase and we are not. Mr. Rasey noted that predicting the future is very problematic and most political creatures are very careful of never saying never. He stated he was trying to encourage the commissioners to develop as much broad support as they can before they do anything. Mrs. Geissman thanked him for his comments.

*Sandy Varndell, 1014 Smokerise Drive, Medina*, stated that she is supportive of all the people who are here to have more input and say in the process. Ms. Varndell stated she is a proud employee of Medina County and works at the Office for Older Adults. She loves what they do and loves that Mrs. Geissman comes every year to honor our older adults. Ms. Varndell stated she cannot take time off to come to the meeting on a regular basis to comment or just be a part of the county process nor can her husband. They are unable to attend a 9:30 a.m. meeting on a regular basis. Many taxpayers can only attend an evening meeting in order to have any kind of say. She would love to be able to have a meeting they could attend. We pay taxes so we should be able to have a say, but to have a say at 9:30 on Tuesday mornings when you're working, it is impossible to come and participate. She would love to see more evening opportunities. Mrs. Geissman stated she hears what she is saying. She stated she is not against having an evening meeting. There have been evening meetings in the past, unfortunately, they are not well attended. She noted that she thinks if there was an evening meeting for a specific reason, we would have more people here. Ms. Guerney stated that this summer, there was an evening meeting and it was packed. Mrs. Geissman stated that usually no one shows up.

An unidentified audience member inquired what the input from the township trustees has been. Mr. Hutson stated that they have very little interest in it. He has talked with trustees from all over the county. Invitations were extended to all the trustees to come to the meeting in the evening. There were 12 or 15 that said they would be there, but only 10 that actually showed up. Township, cities and village reps were also invited. Mr. Hutson stated the trustees he has spoken to stated they have heard about it, but it is in the commissioners hands. The audience member stated that the township trustees and fiscal officers have no interest in this. Mrs. Geissman stated they are telling us to do our job.

### **Discussion Session**

At 11:04 a.m., the Commissioners began the Discussion Session in the Commissioners' conference room.

### **Board of Elections**

Commissioner Hutson stated that the Board of Elections met yesterday and certified all the candidates and issues for the March 17 primary. There were a number of Central Committee member's petitions that were invalidated. All the State and County petitions were approved.

### **City's Involvement**

Commissioner Hutson stated he had some conversations with the mayor. They needed to get their council together after the holidays.



### Construction Manager at Risk

Scott Miller stated that there is a lot of misconception about a Construction Manager at Risk (“CMAR”) and what they do in this process. He distributed a packet defining what the CMAR does. They are used for larger, more complex projects. There are two parts: (1) the preconstruction services; and (2) the construction services that they provide. They do cost estimating and provide a guaranteed maximum price so will be as accurate as possible with that cost estimate. They are the advisors for the project. The architect is not a construction firm; they don’t actually construct buildings. The CMAR works very closely with the architect in the schematic design and in the development of the construction documents. The contract is broken into two parts: (1) the preconstruction services; and (2) for the actual construction. The CMAR is responsible for the construction of the building. They determine a maximum cost, do all the bids, provide onsite management, construction administration and assume the financial risk unless the scope changes. In answer to Commissioner Geissman’s question, Mr. Miller explained that the architect is giving dollar figures from a very high level. The dollar figures will continue to change depending on the square footage and the direction the commissioners decide to go. He explained that we are at the very beginning of this process and bringing the CMAR on at the beginning is what you’re supposed to do. They will be heavily involved with developing the construction documents.

Bringing the CMAR on at this point in time is of vital importance; it is a very long process. The Request for Proposals required the County to submit a proposed contract to the CMAR. All proposals received had requested contract modifications. Gilbane requested 11 modifications; some were requests for information rather than modifications. Mr. Miller stated that he needs to schedule a meeting with the prosecutors to discuss the requests. Mrs. Geissman inquired if we can go ahead without the confirmation that the City is willing to use the old courthouse. Mr. Miller answered yes, we can move forward with the CMAR. The cost is an estimate and will vary based on if they are involved. We can’t make any decisions until we have them on board so we can sit down and start with completing the schematic design. Mrs. Geissman inquired if the resolutions already passed will cover any of the costs that the CMAR might compile in looking at the counties’ portion and the cities’ portion. Mr. Miller stated that when a contract is adopted, that will adopt the pre-construction services estimate. Mrs. Geissman stated that if the City does not want to be on the Square and use the old courthouse, we can bring some of our departments and put them in there and still preserve and keep that on the Square. Because of all the people that have come here and spoken to us, and we’ve been listening, they want the iconic old courthouse to be saved and renovated.

Mr. Miller noted that whether the City is involved will not be determined by the CMAR. The City is paying their share of the architectural piece; they are not paying the CMAR. Mrs. Swedyk stated we need this whether we do the project with them or not. Mr. Miller stated that we have to do this. They are not a part of this contract, but they will be paying their fair share once a contract is in place. Kathy Jones stated that if the City doesn’t participate, it will cost more. Mr. Miller answered that it would cost less for the construction because it would not be as large of a building. The City will be a part if they so choose and if they can come to an agreement, and they will pay for their portion of whatever the construction costs are at that point in time.

Michael Kovack stated that money is already being spent and we don’t know if the City is going to be in it. Mr. Miller stated that the City is paying 25 percent of the schematic design costs. Mr. Kovack stated that the City might not even be part of this project and we should make that decision first. Mrs. Geissman stated that they have made a decision to pay 25 percent regardless. Mr. Miller explained that until we actually have a design and determine whether or not it works, you can’t make the decision of whether the City is going to be part of it or not. Daniel Maynard asked Mr. Miller if in the contract, no matter what the County decides to do, we need a CMAR; Mr. Miller answered yes. Mr. Maynard stated that in the contract, it includes the CMAR to price out for the County multiple design options. Will they help us determine the price for renovation vs. new construction, the four options the architects laid out? Mr. Miller stated that they will tell us which option is the best option. Pat Walker stated that the City is in the middle of litigation of whether or not their vote for that ordinance was valid; it may not be found valid and then you have a problem that the City isn’t paying the 25 percent. Ralph Jocke stated that is only the architect’s contract; it isn’t the construction manager’s contract. He stated that we don’t know what we are hiring someone to construct or who is going to be in it, but the bigger issue is not having an independent person working with the architect to decide exactly what you want, the CMAR, because they know they are going to get the business to finish the job, overlooks certain things that they know they can charge as extras. It is a common practice and is a flawed process. Mr. Miller stated that the CMAR is our advocate in this process and they do not self-perform. They will be doing bids and report the pricing that we can see.

Christina Fozio stated that she finds irony in the idea that the County has a statutory obligation to provide a safe Courthouse for everyone occupying it. If the County didn’t include or have conversations with the City, that would be chastised. It is ironic that with the Commissioners trying to work with the City to figure out the most cost effective way to operate both locations efficiently, there is still controversy with that. It seems like no matter which way you turn, there will be someone who will not like it. Mr. Jocke noted that is why people should vote. Ms. Fozio stated her point is that the commissioners have a responsibility to make sure they have a safe Courthouse and that is the most important thing. She does not think people are considering the safety of the people occupying the current building. That should be the priority and having relationships that are mutually beneficial will always being a challenge. You try to do the best you can with the money you have in the most efficient way. Mr. Jocke stated that is a great point, but he asked her to think about the number of



Sheriff's deputies that have been unnecessarily cut. Ms. Fozio stated she means the safety of the residents – the citizens that go in there and do business in there. If everyone took a big picture back and the emotions out of it and looked at truly what needed to happen for the benefit of everybody, that is what should be the driving force – the safety of the people that occupy the building. Mr. Jocke stated that he agreed with that, but he thinks that the Sheriff's deputies could reduce any risks. You could hire four deputies; it would take you 100 years to accrue \$40M. The money is much better spent on people for security. Mrs. Geissman stated that the commissioners have a big job to do. Safety is an issue. Mrs. Geissman stated her main concern is the County, and if the City wishes to be on the Square with us, they will have to accept whatever the commissioners offer them. They have to look at their job as commissioners and the best thing to do.

### **Adjournment**

Mr. Hutson moved to adjourn the meeting; Mrs. Swedyk seconded the motion. Roll call showed all commissioners voting AYE; the motion carried. The meeting adjourned at 11:32 a.m.

**RESOLUTIONS PASSED DECEMBER 31, 2019**

<u>Number</u>	<u>Resolution Title</u>
19-1102	Authorizing the Medina County Engineer to advertise for bids for the 2020 Medina County Highway Department Hot Bituminous Plant Mixes
19-1103	Authorizing the Medina County Engineer to advertise for bids for various sizes and quantities of aggregate for the 2020 construction season for use by the Medina County Highway Department
19-1104	Amending the annual appropriation resolution
19-1105	Amending the 2019 appropriation resolution by transferring appropriations
19-1106	Revenue adjustments for various funds
19-1107	Expenditure adjustments for various accounts
19-1108	Cash transfers for various funds
19-1109	Creation of the Special Project Fund and authorizing appropriations
19-1110	Approving the transfer of inventory from Medina County Board of Developmental Disabilities Transportation Garage to Medina County Maintenance Garage
19-1111	Declaring Medina County property as excess property with attempt to refurbish
19-1112	Declaring Medina County property as excess property
19-1113	Authorizing expenditures related to Planning Commission/Department of Planning Services sponsored workshops and Zoning Inspector meetings
19-1114	Adoption of the 2020 Temporary Appropriation Measure
19-1115	Approving personnel changes for the employees under the jurisdiction of the Medina County Commissioners
19-1116	Amending the Table of Organization for the Department of Job & Family Services
19-1117	Approving the submission of an Ohio 9-1-1 Local Sub-Grant application
19-1118	Extending an agreement for a mental health program at the Medina County Juvenile Detention Center
19-1119	Rejecting the bids for a computerized case management system for the Medina County Clerk of Courts
19-1120	Authorizing the Sanitary Engineer to advertise for bids for the County-Wide Single-Stream Community Drop-Off Recycling Program for the Medina County Solid Waste Management District
19-1121	Authorizing a one (1) year extension of the contract for yard waste management services for the Medina County Solid Waste Management District
19-1122	Approval of CY20 Transit Service Agreements with various county agencies and organizations
19-1123	Approving the extension of a transportation contract with Ace Taxi Services, Inc.
19-1124	Appointing a member to the Medina County Port Authority

All deliberations concerning official business and formal actions by this Board of Commissioners were conducted in an open public meeting this thirty-first day of December, 2019.

Respectfully submitted,	COMMISSIONERS	_____
		Patricia G. Geissman
	OF	_____
_____		William F. Hutson
Rhonda J. Beck	MEDINA COUNTY	_____
Clerk to the Commissioners		Colleen M. Swedyk