

Colleen M. Swedyk called the meeting to order at 9:32 a.m. with William F. Hutson and Patricia G. Geissman present. The meeting opened with the Pledge of Allegiance and a prayer.

The minutes of the July 7, 2020 commissioners' meeting were emailed in advance. Mr. Hutson moved to approve the minutes; Mrs. Geissman seconded the motion. There was no discussion. Roll call showed all commissioners voting AYE; the motion carried.

*Domestic Relations Court Administrator Daniel Maynard* stated that he hoped the commissioners would reconsider complying with the court order regarding the Domestic Relations 2020 budget noting that the court did not go over budget in the way that was presented to the commissioners last week. He explained that vacation payouts of separating employees is an expense that is not budgeted on an annual basis and there is no way to control when someone decides to leave employment. He noted that there are also encumbered funds that will be returned to the General Fund in an approximate amount of \$12,000. Mr. Maynard added that personnel changes made last year were done within the budget allocated for 2019 by the commissioners and even if they had gone over budget in 2019, the 2020 budget should still be approved; the commissioners have not attempted to establish that their request is unreasonable. Mr. Maynard stated that they are a very fiscally conservative court and good stewards of public dollars. He then reviewed federal government reimbursements under the IV-D contract which reduce the local dollars spent on Domestic Relations. He stated that the actual expenditure of local dollars for Domestic Relations is more than \$100,000 less than the General Division and approximately \$233,700 less than the Juvenile Division. Even with their modest increase for security, they remain a far smaller investment of local dollar than the other Common Pleas divisions and account for far more of the case load that comes through the courthouse. Mr. Maynard then compared salaries of magistrates.

Continuing, Mr. Maynard discussed the security plan noting that it was last updated in 2005. He stated that there has never been a time where armed bailiffs have not been part of the security for the Domestic Relations Court. The only difference in what is happening now is that the Court needed to take responsibilities that were previously shared and consolidate them into one fulltime position. He stated that the Sheriff eliminated the deputy that was previously stationed in Domestic Relations. In an effort to work together, he and Judge Kovack met with the Sheriff and Scott Miller to discuss the Court's security needs and when they would not add an additional deputy to Domestic Relations Court, they created a fulltime bailiff position to provide their own consistent security presence.

Mr. Maynard reviewed Mr. Anderson's training noting that the commissioners had authorized not only his training but also the purchase of the firearm, bulletproof vest and other safety equipment. He asked why they would approve these expenses if they believed the position should be eliminated. He further noted that the current IV-D contract lists Tim Anderson as a bailiff and asked why they are defunding a position they have already contracted them to have with the federal government. Mr. Maynard stated that it is ironic that the commissioners are providing county employees with diversity training while pushing for the firing of one of the few people of color employed by the county. Mrs. Swedyk stated that the commissioners are not pushing for the firing of anyone. Mr. Maynard stated that when they defund a position and refuse to allocate the funds, you are, in fact, pushing for the firing. He asked the commissioners to approve the Court's budget as ordered so they can get back to focusing on the needs of the citizens of Medina County as to save the taxpayers the unneeded expense of lawyers and litigation that is inevitable for ignoring another court order.

Mrs. Swedyk stated that she is thrilled that he is personally interested in saving the taxpayers legal fees on court cases; that is great news. She stated that he is correct in his example of an employee potentially moving from one department to another and their vacation and sick leave carryover. She asked if this was the specific case for 2019 or was it just an example. Mr. Maynard stated that it was an example.

Mr. Hutson asked if there was a reason why the court order he was referring to was not served on the commissioners. Mr. Maynard answered that he has no idea what happens with service, but it was attached to a letter sent by Judge Kovack to the commissioners and county administrator in mid-June. Mr. Hutson asked when the order was issued; Mrs. Swedyk stated she believes it was April. Mr. Maynard stated that he has no idea about service or when it was time-stamped and he doesn't have the order directly in front of him. Mr. Hutson stated that he agrees with Mr. Maynard that the court is in charge of its personnel, but the commissioners are in charge of the budget. From 2015 to 2020, the DR budget has increased 38 percent. He doesn't understand how he can say how Judge Kovack, who Mr. Maynard is representing, is a fiscal conservative is trying to save taxpayer dollars when the budget has gone up by 38 percent in that timeframe. Mr. Maynard stated that he has laid out how their budget compares to the other courts in this county stating that these moderate increases have increased and it's more of a testament of how fiscally conservative Judge Kovack has been as they are an underfunded operation. This should be obvious based on the number of cases they handle compared to the budgets of the other courts. Mr. Hutson stated that the other courts are different types of courts, so he doesn't think it's appropriate to compare a Domestic Relations Court to a General Division Common Pleas Court that handles criminal matters; Mr. Maynard agreed noting that Domestic Relations requires more hearings and interactions and is often more contested and goes on for nearly 18 years in some cases.

Mr. Hutson asked if there is a reason why Judge Kovack isn't here today. Mr. Maynard answered that there is no reason for Judge Kovack to come here in the first place. Why they are doing right now is try to outline in more detail what they have already expressed in Judge Kovack's letter and to clarify some misrepresentations that were made at the last meeting. Mr. Hutson noted that in other budget presentations, Judge Collier, Judge Kimbler and Judge Dunn done have come in front of the commissioners to discuss their budget requests. Mr. Maynard inquired

about Judge Dunn; Mr. Hutson confirmed that Judge Dunn has come before the commissioners during budgets hearings.

*County Administrator Scott Miller* stated that Mr. Maynard is correct – we do not don't accrue long term obligations. However, during the budget process, what we do ask all departments to provide a list of those employees who may be retiring during the year and those amounts are accrued as a liability. He explained encumbered funds noting that Domestic Relations had \$11,429 in outstanding POs at the end of the year. No one ever told us that they expected employees to retire. At the budget hearing at the beginning of the year, Mr. Maynard came in with the budget saying here it is, do you have any questions. Historically, departments come in to present budgets and provide reasons for increases. However, Mr. Maynard provides only a list of numbers of what their numbers should be with the expectation that the commissioners will approve without reasons for increases. Mr. Miller stated that Mr. Anderson has been an employee for 14 years, so it's not that his position is being defunded – he has been a part of the budget for 14 years. We aren't funding a new position, so why the increase? If it's to bring people up to market rate, then tell us and show us. He asked in the future that when the Domestic Relations Court presents their budget and wants an increase, that they explain the reasoning. The commissioners are reasonable and have been very accommodating to all of the departments. Mr. Miller stated that last year, the original budget for Domestic Relations Court was \$945,954 and their actual expenses were \$963,325.99. It wasn't until December when the budget was increased and we had to transfer the \$23,000 in appropriations into the salary line item to cover it. Mr. Miller stated that Mr. Hutson is accurate in the fact that their budget has increased in the past and it has been increased on their request.

Mrs. Swedyk stated that during budget time, other departments give presentations on needs and increases and the commissioners didn't get any presentation from his department. Mr. Maynard stated that he came over here and answered any question that he was presented. He reminded the commissioners that statutorily the obligation is on the commissioners to demonstrate why something is unreasonable, and he's not been told why any request they have made is unreasonable. Mr. Maynard stated that he is hearing the possibility of a compromise on this issue which can save them from litigation and issues that can establish their budget for what they need as presented in 2020 in exchange for him communicating more when they have personnel changes, he's perfectly happy to do that. Mr. Maynard stated that if the compromise is that the commissioners would like more detail as to what they are doing with their budget during the presentation, he's perfectly happy to do that too.

*Mr. Miller* presented and reviewed the following resolutions: (1) determining the necessity to close River Styx Road (CH-49) between Wadsworth Road (SR-57) and Blake Road (TR-118); (2) amending the 2020 appropriations resolution by transferring appropriations; (3) authorizing cash transfer for the County Home Levy Fund; (4) creation of the Felony Delinquent Care FY19 Fund and authorizing appropriations; (5) allowing claims and authorizing issuance upon the treasurer in settlement of such list of claims in the amount of \$4,565,336.51; (6) approving personnel changes for the employees under the jurisdiction of the Medina County Commissioners; (7) authorizing the creation of the CARES Small Business Grant Program; (8) accepting and awarding the bid for polymeric emulsion flocculent for the Medina County Kenneth W. Hotz Water Reclamation Facility; (9) authorizing the procurement of roofing materials and services for 60 Public Square;; and (10) adoption of the 2020 tax budget. He noted that the promotion in JFS is Debbie Kiley as the Director. She will do a great job for us. Mr. Hutson moved to approve the 10 resolutions; Mrs. Geissman seconded the motion.

Mrs. Geissman stated that the general public would like to know what the tax budget is. Mr. Hutson stated that it is \$45,829,000. Mrs. Swedyk congratulated Debbie Kiley on the promotion; she will do a great job. She asked Mr. Miller to provide a quick explanation on the high amount of bills this week. Mr. Miller stated that it was school sales tax distribution; the resolution was passed last week.

There was no further discussion. Roll call showed all commissioners voting AYE; the motion carried.

*Commissioner Swedyk* stated that the majority of the grant committee that worked on the CARES Act was in attendance; this has been led by Medina County Economic Development on how the County will distribute \$1.5M in grant monies to small businesses and non-profits within the community. Kathy Breitenbucher stated that this is an exciting program because obviously our small businesses are struggling. They are looking at profit and non-profit. She stated that the committee thinks that non-profits should be a secondary consideration because they really want to help those companies that haven't gotten assistance. The \$10,000 maximum they have set will really help them keep going. They have tried to make this program as easy as possible. It is for Medina County businesses with 50 or fewer employees with less than \$1.5M in revenue. The grant program will be open for four weeks. The committee will review the applications and will come to the commissioners with their recommendations on how to allocate the money. Mrs. Swedyk added that they are encouraging an affidavit stating that all the information they have provided is true. The \$10,000 to companies could be a lifeline for rent and payroll which is much more needed for smaller companies than for larger companies. She asked the commissioners for their thoughts on prioritizing companies over nonprofits for scoring purposes. Mr. Hutson stated that he would put them on par because many nonprofits are ran just like business; they have expenses and payroll. There was discussion regarding what the money could be used for. Bethany Dentler explained that the range is very broad. Mrs. Breitenbucher reviewed the marketing plan. Bethany Dentler stated that she appreciates the commissioners being willing to take a look at this. They think it will make a big difference in our county's economy, especially for the smaller businesses which are so critical to our economy. Mrs. Swedyk stated that they also appreciate Economic Develop at both the City level and the County level taking the lead on this; they have done a lot of work on this in a short period of time. Bethany Dentler named Kathy Breitenbucher, Kimberly Marshall, Grant Aungst, Jim Gray, John Burke, Scott Miller, Colleen Swedyk and herself as committee members.

Kimberly Marshall stated that she mentioned the question of partnering with the County to the Finance Committee and they were open to the idea although they are unsure if they will have any funds left over from their portion. Council does not come back into session until August, but they are open to consideration. She asked if the City of Medina ends up spending all of their money, will their businesses still be part of the pool of the \$1.5M; the commissioners said yes. Mrs. Dentler stated that the goal is to try to distribute the funding geographically throughout the County. Mr. Hutson noted that if all of the money is not distributed, it goes back to the State of Ohio which then gets reallocated across the state. He suggested having a second tier ready and waiting in case more money is allocated from the State at a later date. Mr. Hutson thanked Economic Development and the team. This is quite an endeavor in a short period of time. Their efforts are appreciated and will be appreciated by the small businesses in Medina County.

With no further business to come before the Commissioners, the meeting recessed for Discussion Session at 10:24 a.m.

### **Discussion Session**

At 10:24 a.m., the commissioners began the Discussion Session in the Commissioners' Hearing Room.

### Vacate Right of Way

Commissioner Hutson stated that he was contacted by Rich Pace from Granger Township. ODOT redid Route 18 and moved Boneta Road. There is a right of way owned by the County that we should consider vacating. It is no longer part of the roadway and outside of what is considered a right of way. If the commissioners are willing to vacate, it would go back to the adjoining property owner. The commissioners agreed to vacate the right of way.

### Sales Tax Revenue

Commissioner Hutson noted he saw an email from the CCAO with sales tax revenue; Medina County way up by 3 percent in May. Mr. Hutson stated it does not include auto sales so it may be higher. Commissioner Swedyk stated the NEXUS monies are holding strong so far, too.

### Fair Board

Commissioner Geissman stated that they commissioners received a letter from Elaine Mace regarding the Fair Board to the Governor. Mrs. Geissman stated that she spoke to Bob Toth this morning and will be speaking to Chuck Stiver. The biggest problem they still have is dealing with groups of 10. The letter was well written and it has real concerns. The Fair Board needs to determine completely, what has to be done to keep everyone safe. Mr. Hutson stated the fair is August 3, so they will have to make a decision. Mrs. Geissman stated items need to be in by July 20 for those who are participating. Mrs. Geissman stated we are already 3 out of 4 points towards becoming red. If we turn red before the fair begins, what does that mean? Mr. Hutson stated he has not spoken to anyone at the Fair Board. Mrs. Geissman stated no one has been in contact with her either as the liaison to the Fair Board.

### Masks

Commissioner Swedyk stated that we are currently orange under the Governor's rankings; we are close to being declared red. To encourage people to be better, to social distance and wear masks when possible, the City passed a resolution to encourage residents to wear masks. Mrs. Swedyk stated she believes the other cities will be preparing resolutions similar to what Medina City did last night. This is not an enforcement or citation thing, but to remind people we are close to the red. Mrs. Geissman stated she does not believe a resolution is needed, but stating that we encourage this. Mrs. Swedyk stated we are part of the county-wide unity to keep us out of red. Mr. Hutson stated Medina County is up to 599 confirmed cases and still at 32 deaths. The case count is going up. Mr. Hutson stated anything that can be done to wear masks is appreciated. Mr. Hutson stated he was at the emergency room in Lodi and they said they have not seen any cases there.

### Domestic Relations Budget

Commissioner Swedyk inquired if the Domestic Relations Budget should be discussed. Mr. Hutson noted he would like some time to think about it. Mrs. Geissman stated she appreciated hearing the potential for a compromise. Mrs. Swedyk stated she very much appreciated it. Mrs. Geissman stated then we do not have to spend any more money on an attorney if he or the judge is willing to come in and have conversation about this.

John Burke stated he is glad Bill brought it up the percentage increase in the courts cost. Keep in mind, there are a lot of other elected officials keeping their expenses in line. For example, the Recorder, Auditor and his office (Treasurer). The Treasurer's office is operating on the same dollars as in 2011. Not everything has to go up 38% in five years.

### Administration Building Doors

John Burke inquired if the doors could be kept open in this building for a while. Mrs. Swedyk stated we are really trying to keep us out of red so we were locking the building now that tax bills are done. Mr. Burke stated he has a lot of delinquencies the next two weeks. The commissioners agreed to keep the doors open for two more weeks.

*Commissioner Hutson* moved to go into Executive Session after Discussion Session to consider the employment of a public employee and pending litigation; Mrs. Geissman seconded the motion. There was no discussion. Roll call showed all commissioners voting AYE; the motion carried.

**Executive Session**

At 10:36 a.m., the Commissioners went into the Executive Session that had been voted on earlier. The Executive Session ended at 11:44 a.m.

**Adjournment**

Mr. Hutson moved to adjourn the meeting; Mrs. Geissman seconded the motion. Roll call showed all commissioners voting AYE; the motion carried. The meeting adjourned at 11:44 a.m.

**RESOLUTIONS PASSED JULY 14, 2020**

<u>Number</u>	<u>Resolution Title</u>
20-0603	Determining the necessity to close River Styx Road (C.H. 49) between Wadsworth Road (S.R. 57) and Blake Road (T.R. 118)
20-0604	Amending the 2020 appropriations resolution by transferring appropriations
20-0605	Authorizing cash transfer for the County Home Levy Fund
20-0606	Creation of the Felony Delinquent Care FY19 Fund and authorizing appropriations
20-0607	Allowing claims and authorizing issuance upon the treasurer in settlement of such list of claims
20-0608	Approving personnel changes for the employees under the jurisdiction of the Medina County Commissioners
20-0609	Authorizing the creation of the CARES Small Business Grant Program
20-0610	Accepting and awarding bid for Polymeric Emulsion Flocculant for the Medina County Kenneth W. Hotz Water Reclamation Facility
20-0611	Authorizing the procurement of roofing materials and services for 60 Public Sq.
20-0612	Adoption of the 2021 tax budget

All deliberations concerning official business and formal actions by this Board of Commissioners were conducted in an open public meeting this fourteenth day of July, 2020.

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