

Commissioners' Journal
August 13, 2013

The Geauga County Board of Commissioners met in session on August 13, 2013 at 10:00 a.m. in the Commissioners' Chambers located at 470 Center Street in Chardon, Ohio.

It is declared and determined that all formal actions of the Board of County Commissioners concerning and relating to the adoption of all resolutions that were adopted in this meeting, and that all deliberations of the Board of County Commissioners that resulted in such formal action were open to the public and were in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

The President of the Board, Tracy A. Jemison opened the meeting at 10:00 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

APPROVE FINANCIALS

Budget and Finance Administrator Heidi Delaney explained the financials for today as including a Supplemental De-appropriation for the Intensive Supervision Probation fund for SFY 2014 funding changes; an Appropriation transfer from the Contingency Account for additional appropriations approved for the Heroin Abuse Intervention Initiative; a Cash transfer out of the General fund approved for the Heroin Abuse Intervention Initiative for the Department of Job and Family Services; Travel requests for Court Technology, Department of Emergency Services, Engineer's Office, Department of Job and Family Services and the Transit Department; and a payment to Fare Logistics Corporation for the purchase of an automated fare box system for the Transit Department in the amount of \$122,291.34.

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to approve and execute Resolution #13-152 itemizing the financials for the meeting of August 13, 2013.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Aye</i>

BOARD OF DEVELOPMENTAL DISABILITIES – DISCUSSION ABOUT RESIDENTIAL UNIT REMODELING / DOWNSIZING BESSIE BENNER METZENBAUM CENTER PROJECT

Business Operations Manager Steve Tucker stated that back on July 25, 2013 Commissioner Spidalieri requested a representative from the State and from Fogle /Stenzel to answer questions and explain the requirements around the project. Mr. Tucker stated that they had a family fun day / open house where a few people came and got to tour the facility. Mr. Tucker then introduced Debbie Jenkins from the Ohio Department of Developmental Disabilities who presented the following information to the Commissioners regarding ICF-IID Programs in Ohio and Geauga CBDD. (ICF stands for Intermediate Care Facility)

Ms. Jenkins started with history noting that there have been many changes in the last few years. History:

- DODD began transitional work for the ICF program in July 2011 to move administration of the ICF program from ODJFS to DODD*
- DODD set out on a process to work with stakeholders to review national trends and federal programs focused on the ICF program*
- DODD released a White Paper in August 2012 that defines our vision for the future of the ICF program*

The White Paper can be found at the DODD website under the ICF program. What is to be discussed today is what we are going to do.

Current Initiatives:

****ICF Conversion***

-Allows individuals residing in ICFs to “convert” the funding currently being used for ICF services to state-fund an I/O waiver for the individual to receive Home and Community Based Services

****Downsizing***

-Working with ICFs that are 16 beds or larger to downsizing into smaller homes

Ms. Jenkins stated that there are individuals that need more intensive nursing care than what state planned services provide and that there needed to be a place for these services and an

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opportunity for individuals in the intermediate care facilities to take funds with them to a more home like environment in community based services. We have been working with our private and county providers with large facilities to try to get them into smaller more community based, even if they are institutional settings to more of a home like environment.

Why move towards Community Based Services (Waivers)?

- ***Supreme Court Upholds ADA 'Integration Mandate' in Olmstead decision on June 22, 1999***

In rejecting the state of Georgia's appeal to enforce institutionalization of individuals with disabilities, the Supreme Court affirmed the right of individuals with disabilities to live in their community in its 6-3 ruling against the state of Georgia in the case Olmstead v. L.C. and E.W.

The 'integration mandate' of the Americans with Disabilities Act requires public agencies to provide services "in the most integrated setting appropriate to the needs of the qualified individuals with disabilities".

- *In 2009, the Civil Rights Division of the Department of Justice launched an aggressive effort to enforce the Supreme Court's decision in Olmstead v. L.C., a ruling that requires states to eliminate segregation of persons with disabilities and to ensure that person with disabilities receive services in the most integrated setting appropriate to their needs.*
- *"For the Department of Justice, turning the promise of the Olmstead decision into a reality for individuals with disabilities across the nation has become a major component of ADA enforcement"*

-Assistant Attorney General Thomas E. Perez

Olmstead Activity

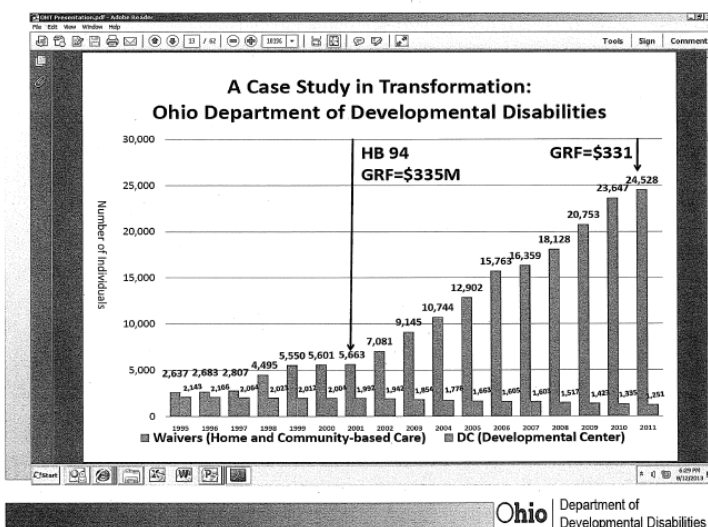
In 2012, the Department of Justice had actions filed in –

- *Texas*
- *Florida*
- *Virginia*
- *North Carolina*
- *Oregon*

Luckily Ohio is not on that list, but we need to be proactive and look at what is being done here in Ohio and move in the right direction to allow those individuals receiving services to be in the least restrictive environment as possible.

Ohio's Concerns

- *Multiple – including:*
 - *State Developmental Centers*
 - *Non-state operated ICFs*
- *DC Downsizing*
 - *See next slide with information from OHT Medicaid presentation to House Finance Committee in 2011*
- *ICF Conversion*
- *Governor's Health Transformation Priorities include Rebalancing Long Term Care*



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You can see the number of individuals being served through our waiver system has continued to grow tremendously while the number of those individuals in the developmental centers has diminished. They realized they needed to do that with the Non-state Operated ICFs and starting in 2011 they have started to do that. This allows the funding to move with an individual to a community based setting, which Geauga County has also taken advantage of some capital funding to assist with more community based housing across the state.

Non-State Operated ICFs

- States with more than 1,000 private ICD/IID Beds 16 Beds and above for FY11*
- 21 states have fewer than 50 persons living in 16 beds or greater*
- 15 states have no one living in a private facility larger than 16 individuals*
- Nationally, over the past 10 years, the number of people living in private facilities larger than 16 beds has decreased by 33%. In Ohio, we have actually increased by 6%.*

<u>State</u>	<u># of Beds</u>
Ohio	3,417
Illinois	3,384
California	2,092
New York	2,003
Pennsylvania	1,842
Florida	1,545
Iowa	1,254
National	23,603

Ms. Jenkins stated as you can see Ohio is number one. This is a big concern and has led the downsizing and conversion efforts to make facilities smaller and offer as many options for community based services. Geauga County's DD residential facility was originally sized for 40 and the goal is to hopefully be down to 25.

Gauga County

- Gauga County Board of DD was a leader in the voluntary conversion effort in Ohio!*
 - Began discussions with DODD staff in Spring of 2012*
 - Submitted intent to convert and was approved for conversion of 15 ICF beds to I/O Waiver*
 - Has converted 12 ICF beds over the past year*

Gauga County was the second provider to be approved for the conversion and since then have done almost 100 conversions in the last year, and in our recent budget HB 59 there is an additional goal of 500-600 beds being converted and another 500-600 beds being downsized. Our program for Non-state facilities has about 6,000 beds now and look to 20% being downsized or converted over the next five years, so it is very aggressive. Ms. Jenkins stated that what is available now may not be offered later as an opportunity to help and Gauga was able to take advantage of some of the incentives in place at the time.

Commissioner Spidalieri stated that he had spent some time with Mr. Rice touring the facilities expressing concern over the state mandated regulations, understanding the purpose of the environment for home based facilities with fewer people, but the burden then falls on the county. The state wants to put regulation out there but not put funding to back it up. The counties continue to grow in housing and then have to pay for the locations, help and maintaining those locations. Mr. Spidalieri stated that we have a huge portion of a generation to come with the heroin epidemic and abuse of drugs that will cause a large portion to be developmentally disabled. Mr. Spidalieri stated that we have a duty to take care of people who cannot handle themselves but it gets to a point with the implementation of regulations on counties to do these things, and there will be a lot of other expenses that go along with this. Mr. Spidalieri talked about facilities with amenities and the costs of private facilities for individuals. He asked where can we go as a county without additional assistance from the state, expressing the continuation of regulations by the state onto the counties and that it is a huge drain. Mr. Spidalieri thanked her for coming, that the Board appreciated her being here and giving the information.

Mr. Tucker stated that the state is trying to provide as many funds as they can and that everyone is trying to solve a problem in the most creative way that we can, adding that the downsizing is a national, actually a worldwide trend that is going to continue. Mr. Tucker noted that Gauga

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has been able to take advantage and be ahead of the game. Ms. Jenkins stated that Geauga County was able to get the best deal of anyone participating, noting that waiver homes are expensive and they have placed a cap on funding that is provided, because the state only has so much money and has to make it go as far as possible. We understand the concerns, Geauga is not unique, adding that they have asked private providers who don't have the ability to get additional funds to help with these efforts, funding is coming from Medicaid costs and can be reimbursed through the rates that are paid. The state is trying to keep out of the limelight of the Department of Justice which allows us to do this slowly over time and to avoid a mandate of having to do it quickly which can be more costly. The state is trying to comply with ADA and move Ohio slowly but enough to show we are serious about complying with the Olmstead decision.

Mr. Spidalieri asked what is the future plan of this and do we have something at down the road that the state is looking for funding for the counties? Ms. Jenkins stated that Geauga is close to completing the downsizing of the community based housing, only 3 more individuals remain to be housed and if in the future wants to downsize more there will be a capital budget that is off cycle of the operating budget that will have additional funds available, that is prioritized where downsizing initiatives are taking place. Mr. Spidalieri asked about funds being available for maintaining what we are putting in place. Ms. Jenkins stated that there are two pots of funds available, one for purchasing and one for renovations, while she couldn't guarantee what will be available in the future, it is something that has been done in the past.

Don Rice stated that we have received \$600,000.00 in capital assistance from the state to purchase 3 homes, we had a 4th home that had fallen through due to repairs needed, we are still looking for our 4th home and when that comes through it should be another \$200,000.00 depending on the sale price. Mr. Rice stated that the \$1.5 million we are putting into this project is included in our cost report and is through depreciation we get paid back for it, so it's up front funds, adding that what had been told to us by our accounting group that we will have about \$100,000.00 a year that would be available on the caps of the cost report. Over the length of time of this remodel will be it will come back to us within that cap of federal and state dollars. Mr. Tucker added that there is a way to get it back faster, over a twenty year period, to which Mr. Spidalieri inquired if he meant an accelerated depreciation assessment. Mr. Rice stated that we look at this as an overall a benefit from the county point of view, yes there is upfront funding but we will be getting it back. The re-design of the houses reduces staffing, by removing barriers makes it easier for supervision, along with a consolidated kitchen.

There was some discussion about the question about the cost of the square footage along with the regulations being mandated by the state and federal regulations. Mr. Spidalieri stated that he wanted to hear that the compliance is needed, that it is coming and that we are faced with the downsizing. We are going to continue to struggle because of continuous operations that will continue to be a drain on taxpayers that will continue to rise. Mr. Tucker stated that we are very aware of the trying to maintain costs and work within the per diem when we are paid a Medicaid rate. We try to keep the cost within that amount to reduce the amount of local dollars that are needed to fund the cost.

Jeff Stenzel stated that the actual amount recommended for an award including the alternates was \$1,365,600.00 and the renovated square foot not including the basement for the project is 15,945 square feet across the four buildings, which works out to be a cost of \$85.64 a square foot. Mr. Stenzel stated that there is work going on in the basements relative to systems, plumbing, fire protection and alarms that are not included in that area that would reduce that overall cost. Mr. Spidalieri inquired if that was including generator storage, garages or just living area, to which Mr. Stenzel stated that it is just the living area, the living areas are being expanded by enclosing the porches and they will be heating them. Mr. Stenzel stated that we will be touching the entire floor and surface of the building, fire alarms, sprinklers, with additional plumbing for handicapped stalls and grab bars. There was brief discussion about the difference of a complete tear down versus a renovation, to which Mr. Stenzel noted that a recent ICFR in North Royalton was \$158.00 a square foot, noting that it was \$3 to \$4 million dollar project including land for a new build. Those homes were each 8 beds and about 5,000 square feet. The renovations here are going from 10 beds down to 6. A big difference was that the North Royalton project was a non-prevailing wage job, as it is a private non-profit facility. Mr. Spidalieri inquired if the 6 beds were going to be challenge, to which Ms. Jenkins stated that she couldn't say what is going to be challenge down the road but the smaller you are the less the risk. There is no golden number. There are some licensing requirements on new buildings of

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having 8 beds or less. You cannot build one big building, as that is not allowed at this point. Ms. Jenkins stated that she could not say any size would be guaranteed fifty years from now.

Ken Fogle explained that this has always been a struggle with clients over the size that is most effective for the skill level living there. You try to make the most effective delivery of services for the people they have and the resources that they have. Mr. Rice stated that those individuals that can function in the public will be in the homes run through the Maple Leaf Residences; those individuals that need more of a nursing home type care will be reserved for housing of the ICF for. It really has become that because we don't have places in the area that will take DD clients. Ms. Jenkins added that as the head of the PASSAR program, which is the pre-screening and resident review of those individuals stated that preference would be an intermediate facility where someone is trained to work with an individual with a developmental disability over a nursing facility placement. Mr. Rice stated that we will have a need for this type of service in our county, and if in the future the state changes the numbers again and we may look at talking to Job and Family Services about using some of those beds, but those are long range questions that we will deal with that when we get there. This really makes the best option and sets up best for the long run.

Local resident Walter "Skip" Claypool expressed frustration over hearing that government is the answer and he sees government as the problem. Mandates drive up the cost equation and we always look to government to fund these things, adding that private funding is the best, and asked what we are doing to push back on ridiculous federal regulation and what are we doing to look for private funding? Ms. Jenkins stated that our agency is tasked with looking out for individuals with developmental disabilities; our responsibility is to make sure they have the best quality of life that they can. That is what we are trying to do, and we are asking providers to help with more integration of individuals into the community where they can get more community based support. Only a few counties, including Geauga provide intermediate care services, a majority of providers in other counties are private non-profit organizations that raise support funds in the community and help provide services that Medicaid cannot provide. In Ohio we serve a lot more individuals than a lot of other states and that is the decision that we have made to help individuals and support them the best we can.

Mr. Claypool expressed that she didn't answer the question, to which Mr. Jemison directed Mr. Claypool to discuss this with his legislators.

Mr. Jemison stated that a motion had been tabled and asked the Clerk to read that motion.

Local resident Diane Jones inquired about the fact that group homes were forbidden due to zoning and where these homes would be placed. Mr. Rice stated that these homes are not something that can be regulated by zoning because they are not group homes. These homes are residential homes with 4 beds each. The renovation we are talking about is a building that is 10 beds going to 6 beds and are not considered a group home, they are more of an institutional type facility that are already on our campus on Cedar Road in Chesterland.

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to award the bid for the Combined Base Bid to Gottschalk Building Company for the Residential Unit Remodeling/Downsizing Bessie Benner Metzenbaum Center Project in the amount of \$1,309,000.00 as they represented the lowest and best bid, and further award the bid for Alternate G-1, Alternate G-2, Alternate G-3, Alternate G-4, Alternate H-1, Alternate E-1, and Alternate E-2 to Gottschalk Building Company in the amount of \$56,600.00 for a total project cost of \$1,365,600.00. The Bid Bond submitted shall be held to serve as the Performance Bond for this project.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Aye</i>

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COMMISSIONERS' OFFICE – PUBLIC HEARING – REGARDING UPDATING THE PERMIT FEE SCHEDULE, CONTRACTOR REGISTRATION AND LICENSING FEES AND BUILDING CODE UPDATES FOR THE BUILDING DEPARTMENT

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to waive the reading of the legal notice.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Aye</i>

Mr. Jemison opened the Public Hearing at 10:44 a.m. and asked Director Mike Mihalisin to explain. Mr. Mihalisin stated that since 2006 we have been trying to maintain the same level of service on the same fee schedule. Construction has picked up and two people on the road cannot handle everything and are asking to make some adjustments. Mr. Jemison expressed that Geauga was one of the lowest in costs and if we do this if Geauga will still be one of the lowest. Mr. Mihalisin stated that with the adjustments Geauga would not be lowest; we won't be close to the top, more of in the middle. Mr. Mihalisin stated the Registration fees have not really changed, we just have included the addition of fields that we didn't have before. County Administrator David Lair added from a budget side is that the Building department should be self-sufficient and should generate enough revenue to cover the expenses to operate. Having the department is beneficial to the county, and the residents, because it ensures the buildings are properly inspected and safe, that someone who wants to fast track construction doesn't have to wait for the state to come in and do the inspection. If you don't raise the rates and we don't provide more resources than the time to inspect will fall off as they can only do so much in the day. The other alternative is to hire more people and not raise the rates and then the General Fund and taxpayers will then subsidize people who are getting permits. Commissioner Samide inquired about temporary occupancy that they used to not allow that, to which Mr. Mihalisin stated they have changed it, and it can now be granted, now it is more of a pain due to isolation of the area and maintain when the rest of the project is under construction. Mr. Jemison inquired if we were providing them and not charging to which Mr. Mihalisin stated yes.

Mr. Spidalieri expressed concern over the permit fees for commercial construction for businesses that want to come in. Is it possible to put a cap on the fees, when a company wants to come in and generate jobs, in not wanting to scare anyone away? We don't want to penalize a company from coming in to the County. Mr. Mihalisin stated that this was a proposal in just going down the list, a new house with the 50% increase figures to be about \$200.00 more for the total project. Mr. Mihalisin stated that he didn't look at that way. There was discussion about a spreadsheet they used to work on the proposed rates. Mr. Jemison asked Mr. Mihalisin what a 50,000 square foot building or a 100,000 square foot building will be with the new rates, and that these rates won't be a deal breaker. Ms. Samide inquired about how we compare with other counties. Mr. Lair added that he find out if you could waive a fee if a company coming in would be generating number of jobs. The Board asked for those numbers for the next public hearing. Mr. Spidalieri stated that we are definitely in a position to do an increase as we are lagging, but it was the commercial rates he had some concern over.

Local resident Walter Leagan asked what the percentage was on the increase. Mr. Lair stated that overall it was about 50%. Mr. Spidalieri added that it sounds high but if you look at the numbers it's really not. There was discussion about not having an increase since 2006 and then experiencing a recession in 2009. Mr. Mihalisin added that in fairness we looked at raising the rates and the Commissioners opted out until construction picked up again. Mr. Jemison added that they did a cost analysis of a 5,000 square home and under the current rates it would be \$406.00 and the new rates it would be \$618.00. Mr. Lair inquired about how many times they visit a site during construction, to which Mr. Mihalisin stated about 10 to 12 times under that permit cost. After no further questions or comments the Public Hearing was closed at 10:58 a.m.

LIQUOR LICENSE – CHESTERLAND GAS AND GO, INCORPORATED D.B.A. CHESTERLAND SUN MART – CHESTER TOWNSHIP

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to concur with Chester Township Trustees in not requesting a hearing on the liquor license requested by Chesterland Gas and Go, Incorporated d.b.a. Chesterland Sun Mart located at 8247 Mayfield Road, Chesterland (C TRFO 1421147).

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<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Aye</i>

LIQUOR LICENSE – SWEETEZ LLC – CHESTER TOWNSHIP

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to concur with Chester Township Trustees in not requesting a hearing on the liquor license requested by Sweetez LLC located at 8389 Mayfield Road Unit B3 and B4, Chesterland (C TRFO 8736348).

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Aye</i>

COMMISSIONERS' OFFICE – CANCEL SESSION SEPTEMBER 3, 2013

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to cancel session on Tuesday, September 3, 2013 due to the Labor Day Holiday.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Aye</i>

ACKNOWLEDGEMENTS

- a) *The Monthly Inventory Report, Consolidated Investment Portfolio and Obligations and Securities monthly reports filed by the Treasurer's Office for Geauga County for the Month of July 2013, pursuant to ORC 135.35(L).*

OTHER

The Board reviewed upcoming events.

MEETINGS

Tue., 8/13 Planning Commission meeting at 7:00 p.m. in the Planning Commission meeting room, Bldg. #1C, 470 Center Street, Chardon

Thu., 8/15 The Commissioners will hold regular session during which will hold the second of two Public Hearings at 10:30 a.m. pertaining to updating the permit fee schedule, contractor registration and licensing fees and Building Code Updates.

Thu., 8/15 Department on Aging Garden Party and Free Concert, 5:00 – 8:00 p.m. the Gardens at the Chardon Senior Center, 12555 Ravenwood Drive

Fri., 8/16 Board of Revision, 9:00 a.m. Auditor's Office

Mon., 8/19 Family First Council, 2:00 p.m. at Mental Health

Tue., 8/20 The Commissioners will hold regular session.

Thu., 8/22 The Commissioners will hold regular session.

Commissioners' Clerk Christine Blair added that the pre-fair potluck dinner is Thursday, August 15, 2013 at 6:30 p.m. at the School Building at the Fairgrounds. Ms. Blair stated that we had received a request for a Solid Waste Board of Directors meeting and that they would like to schedule that on Thursday, September 12, 2013 at 1:30 p.m.

Mr. Spidalieri inquired about the Planning Commission meeting being scheduled at night, to which it was noted that their Board members are community members that have regular jobs during the day. Mr. Spidalieri asked if we could combine that meeting with session, to which was noted that the Planning Commission is a separate board and often times cancels their meeting if it is not needed.

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BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER SPIDALIERI ADJOURNED THE MEETING AT 11:02 A.M.

Geauga County Board of Commissioners

Tracy A. Jemison

Mary E. Samide

Ralph Spidalieri

Christine Blair, Commissioners' Clerk

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