

Commissioners' Journal
March 26, 2015

The Geauga County Board of Commissioners met in session on March 26, 2015 at 6:30 p.m. in the Commissioners' Building #8 meeting room 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, Walter M. Claypool opened the meeting at 6:30 p.m. by leading the Board and audience in reciting the Pledge of Allegiance.

Commissioner Claypool opened with a small prayer for those suffering the recent events in the East Village in New York due to a fire and explosion.

APPROVE MINUTES

Motion: by Commissioner Rear, seconded by Commissioner Spidalieri to approve and execute the minutes for the meeting of March 17, 2015.

<i>Roll Call Vote:</i>	<i>Commissioner Rear</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Claypool</i>	<i>Aye</i>

COMMISSIONERS' OFFICE – GEAUGA COUNTY FAIR CONTRACT

Motion: by Commissioner Rear, seconded by Commissioner Spidalieri to approve and authorize the President of the Board to execute the Geauga County Fair Contract for the period September 3, 2015 through September 7, 2015.

<i>Roll Call Vote:</i>	<i>Commissioner Rear</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Claypool</i>	<i>Aye</i>

COMMISSIONERS' OFFICE – RESOLUTION IN SUPPORT TO RESTORE INDIGENT REIMBURSEMENT RATE

Motion: by Commissioner Rear, seconded by Commissioner Spidalieri to approve and execute Resolution #15-034 in Support to Restore Indigent Reimbursement Rate.

Board of County Commissioners, Geauga County, Ohio

Resolution: 15-034
Date: March 26, 2015

A RESOLUTION IN SUPPORT TO RESTORE INDIGENT REIMBURSEMENT RATE

WHEREAS, states have a constitutional mandate to provide legal representation to indigent persons; and

WHEREAS, Ohio has chosen to transfer their responsibility to its counties, initially reimbursing the counties for 50% of the costs they incurred in meeting this constitutional obligation of the state; and

WHEREAS, the state has chosen not to maintain this 50% commitment, which has resulted in the counties carrying more than their 50% share of the burden for more than the last two decades; and

WHEREAS, increasing the appropriation in HB 64, the proposed stated biennial budget for fiscal years 2016 and 2017, by an additional \$12 million in GRF funding in each year of the biennium would provide for a return to a 50% reimbursement rate; and

WHEREAS, Ohio's counties ask that the original partnership be restored and counties receive reimbursement for 50% of their costs incurred in meeting the State's constitutional mandate to provide legal representation to indigent defendants.

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NOW, THEREFORE, BE IT RESOLVED, that the Geauga County Board of Commissioners asks our legislators representing Geauga County to Restore county reimbursement for indigent defense to 50% in HB 64, the FY 2016/2017 state biennial budget bill, and vote to increase the current appropriation, GRF line item 019501-County Reimbursement, by \$12 million in each year of the biennium to establish the annual appropriation at \$21,620,268.

<i>Roll Call Vote:</i>	<i>Commissioner Rear</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Claypool</i>	<i>Aye</i>

CURRENT AND PROPOSED SEPTIC SYSTEM REGULATIONS

Health Commissioner Bob Weisdack presented information regarding the new septic rules and regulations for 2015. Mr. Weisdack explained that the new code is 133 pages that include dramatic changes. It was noted that in November and December of 2014 a record number of permits were pulled and those permits are valid for two years. Mr. Weisdack stated that he has a degree in environmental and infectious epidemiology and has a background in toxicology, respiratory physiology and pulmonary pathos physiology. Mr. Weisdack explained that he wants to help the residents, noting that in the audience was Board of Health Member Christina Livers, who had been a Russell Township Trustee for twenty-four years.

Mr. Weisdack stated that in 2012 the Ohio Department of Health conducted a survey that claims that 31% of the sewage disposal systems are failing; expressing that it was not clear why they are claiming this failure rate. Mr. Weisdack stated that there are two types of systems, those that work and those that don't work, but in reality the two types are an onlot and offlot system. The offlot system means you have a mini package treatment plant that discharges water into the environment. In 2007 Ohio EPA took over that program and has put restrictions in place and this falls under the clean water act and they are the only ones who can issue those permits. Ten other Health Commissioners in the State of Ohio in rural areas held discussion regarding the failure rates, and all expressed confusion over what was being reported. Mr. Weisdack stated that he held 51 pages of research on the types of systems in Geauga County that have been evaluated from 2002 to the present and that 97% of the onlot trench systems passed the first time, citing that this showed a 3% rate of failure. Mr. Weisdack stated that the State has convinced legislators that the systems don't work and that homeowners need to understand the intricate working of the systems. Mr. Weisdack talked about newspaper articles that he had received today regarding Columbiana County and Mahoning County and the failure rates being stated from the outcome of the survey conducted, with the exception of the not only failure but also malfunctioning rates, which has never been cited in the survey. Mr. Weisdack added that he was confused at where the numbers are coming from, noting that the new systems are much different from those used in the past. Mr. Weisdack added that if you have a very old system, that you could be having a problem, but often those systems could be fixed with a repair and not require the replacement of the entire system.

Mr. Weisdack expressed that the Board of Health is doing what they can to work with the residents, adding that the Ohio Department of Health states that the current rules are from 1977, and that Ohio has the oldest rules in the United States, adding that he was again confused since several states don't have sewage rules. Mr. Weisdack stated that if you have a properly designed system and he could make it work for one year, he could get that system to work for 200 years, adding that you have to know what you are looking to try and do.

Mr. Weisdack talked about the promised benefits of the proposed rules, citing that the range of system options – controls costs; better designs protect home values; protect public health – prevent disease; and that local decisions and permitting provides local health districts design flexibility for common soil conditions to keep system costs as low as possible, adding that the reported state average cost of replacing a sewage system is \$8,200.00 and this has not varied much annually since 2007 and that homeowners will be able to pick from different designs and technologies to find a system that fits their budget, lot conditions and water usage. Mr. Weisdack disputed this information, stating that the estimated cost of a new system is on average \$21,000.00 and that homeowners do not have a choice of systems. Mr. Weisdack then explained that he had been in court twice that day, once with a 70-75 year old couple with no money to replace the system but according to the rules, they will have to leave their home, and asked those in the audience how they would feel if in that position and asked what are you going to do...stating that the Board of Health was going to do what they could, and that the new rules

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have put the Board 'out on a limb' because the Health District and Board of Health are now the enforcer of the new rules. Mr. Weisdack praised Judge Grendell for working as a State Senator to pass legislation which put an appeals board process into place as a way to challenge the rules. Mr. Weisdack stated that due to data, the board of health feels sorry for you the homeowner, but unfortunately the Board of Health is stuck with the changes, and those changes are dramatic and can cost you a lot of money. Mr. Weisdack briefly talked about the types of units, the limitations placed on the units for repairs and that the Health District is disputing the failure rate of 31% that the state is citing. Mr. Weisdack stated that in 2002 he started doing a blind test of collecting data without any knowledge of it by his staff, that the main objective is always practice public health because we want clean water and environment. Mr. Weisdack spoke about an OMM permit – operation and maintenance permit that includes a requirement of evaluation of the system at the homeowner's expense. Anyone that purchased a permit prior to the end of 2014 has two years to have the system installation completed within two years, the Board of Health has chosen to extend that by an additional six months adding that he, Mr. Weisdack is willing to assist with complimentary inspections if needed as a way to assist you, the residents with understanding what might be done with a possible repair.

Commissioner Claypool added that the law is not permanent, that it can be changed and the Senator John Eklund has proposed changes in the law through SB118 and that the residents need to reach out to their legislators to try and give Counties a way out, adding that Senator Capri Cafaro had also signed on with Mr. Eklund with the bill. Mr. Claypool stated that Representatives Sarah LaTourette and John Patterson were also working on a mirror bill as a way to try to give breathing room to the new rules. Mr. Weisdack stated that the proposed bill stands on its own merit, but feels that it could be improved upon even more, adding that the Ohio Department of Health does not like the Health Commissioners like him talking about the material, but that he has a job to do and that is to practice public health. Mr. Claypool stated that as individuals we cannot impact these rules and encouraged all those in attendance to contact their legislators. Mr. Claypool stated that NOACA's Water Quality Advisory Board is working on a strategic plan to promote the new law. Those in attendance were also encouraged to share this information with those family members who also live outside this county but within the state because this bill has to go through the Senate to get backing and these rules affect the state, not just Geauga County.

Barry Meadows is an Installer that lives in Trumbull County, is a service provider and holds his plant operator license through the Ohio EPA and he commended Geauga County on their transparency and leadership. Mr. Meadows talked about Geauga County's health ranking, and congratulated them on always being up near the top. Mr. Meadows started with stating that the \$8,200.00 cost is a lie, that you cannot even purchase the parts and permit for that cost, let alone complete the installation and still make any fair profit. The average cost on systems is north of \$20,000.00 and the flow rates are based upon the number of bedrooms in the home. Mr. Meadows stated that it is important to try and get the power returned to the local Health Districts. Mr. Meadows expressed that if that power is returned it will continue to bring business and people into the county. Mr. Meadows asked that if systems were as inexpensive as the \$8,200.00 state estimate then why has his bond requirement increased from \$20,000.00 to \$40,000.00?

Several local residents asked questions about how failure was being defined, what additional suggested improvements that Mr. Weisdack could make to the bill, and where the push was coming from that was making the Ohio Department of Health to be so irrational. Mr. Weisdack briefly explained that the definition of failure is just one of the issues, giving an example of inspecting ten systems, with which two had real problems, that would mean that the failure rate would be below the 90% passing rate and then we could be forced to follow the State rules, adding that this is not a joke and is very serious. Mr. Weisdack responded to the question regarding improvements by agreeing to assist with those and that he would then make them available so they could be shared with the legislators. Mr. Weisdack explained that for a long time people that have septic systems have been considered by some to have had a 'free ride' by not having to pay for monthly sewage bills. Mr. Weisdack used an audience member as an example as someone who paid to have a system installed and that installer had him agree to a contract for maintenance, and that contract states that the contractor is the only one who can touch that system, and you contact him with a problem and he's having a bad day, tells you to have the system pumped and three days later your contractor sends you notice that your cost went from \$200.00 a year for three inspections to \$400.00 a year – asking if you have not been victimized.

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Mr. Claypool stated that you have to understand what we are up against, that we are just a little fish in a big ocean in Columbus, and that there are special interest groups lobbying for the law. Additional statements and questions were made that the urban influence being pushed is not a benefit to Geauga County, and under these new regulations what judgments the Health Department has and what additional costs can be looked at and that service providers are incurring. Mr. Weisdack explained that the Health Department has to follow what has been adopted. Mr. Meadows expressed that local pumpers are required to complete pages of paperwork that must be submitted, citing a port-a-john as an example. Mr. Meadows talked about one specific part of a system, curtain drains and the requirements that would come with its use and the costs associated with it. Mr. Weisdack talked briefly about the requirements of paperwork that must now be filled out and submitted by pumpers. Commissioner Rear inquired if anyone had contacted the Attorney General's office, to see if the laws are viable, adding that maybe we are talking to the wrong people. A local resident inquired about the number of licensed installers, to which it was noted that there are about forty. A local realtor inquired about the point of sale inspection, to which Mr. Weisdack stated that the Board of Health adopted it, the Commissioners approved it and it will not disappear, that the point of sale inspections will stay because they protect the water quality in this county.

Another local realtor stated that he wanted to share his observations, expressing that the cost of installation is going to be whatever the installer is going to charge and that there needs to be additional educational information given to people to make them aware of the requirements of maintaining their systems and that a system needs to be in place to inspect old systems in the county, since the only ones tested are those from the sale of the house. Discussion took place regarding information being provided to homeowners and that it is required that a system be pumped on a regular basis, adding that when a system is pumped, the pumper must submit paperwork stating what tank had been pumped and that if that required paperwork is not submitted, then that pumper could lose their registration. Mr. Claypool stated that it was important to have dialog and appreciate everyone's input, adding that we all live in a very healthy county, and you are not seeing major problems in your neighborhood. Mr. Claypool added that he would be available after the meeting for further discussion.

OTHER

The Board reviewed upcoming events.

MEETINGS

Mon., 3/30 Board of Revision, 9:00 a.m. Auditor's Office

Tue., 3/31 The Commissioners' will hold regular session at 9:00 a.m.

Tue., 3/31 State Auditor's Pre-Engagement Meeting regarding the 2014 Audit

Wed., 4/1 Child Abuse Prevention month Kick-Off, 11:30 a.m. at JFS

Tue., 4/7 The Commissioners' will hold regular session at 9:00 a.m.

Wed., 4/8 Geauga County Township Association Dinner meeting, 6:30 p.m. Ledgemont School Cafeteria

Fri., 4/10 NOACA, External Affairs 8:30 a.m., Policy 10:00 a.m., and Planning & Programming 11:30 a.m.

Tue., 4/14 The Commissioners' will hold regular session at 9:00 a.m. that includes a presentation by Destination Geauga (Gauga Tourism)

Tue., 4/14 Planning Commission meeting at 7:00 p.m. in the Planning Commission meeting room, Bldg. #1C, 470 Center Street, Chardon

Wed., 4/15 County Budget Summit, 8:30 a.m. Building #8 meeting room.

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BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD

Motion: *by Commissioner Claypool, seconded by Commissioner Rear to adjourn the meeting at 8:22 p.m.*

Geauga County Board of Commissioners

Walter M. Claypool

Ralph Spidalieri

Blake A. Rear

Christine Blair, Commissioners' Clerk

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