

**MEDINA COUNTY DISTRICT LIBRARY  
MINUTES OF THE BOARD OF TRUSTEES MEETING**

**August 21, 2017**

The Medina County District Library Board of Trustees met in regular session on Monday, August 21, 2017 at Medina Library. With a quorum present, President Howard Elko called the meeting to order at 6:00 p.m.

**Roll Call** was taken with the following members noted as present: Howard Elko, Mary Schultz, Kyle White, Brad Rice, Mary Ogden and Linda Meyer.

Library staff members in attendance: Carole Kowell, Director; Theresa Laffey, Assistant Director; Laura Kettering, Buckeye Branch Manager and Lisa Buzalka, Deputy Fiscal Officer acting as recording secretary.

**Approval of the Agenda** –A motion to approve an amended agenda was made by Ms. White with items V and VI being reversed. The motion was seconded by Ms. Schultz and the agenda was approved unanimously.

**Recognition of Guests and Comments from the Public** –Mr. Elko welcomed all in attendance.

**Unfinished Business:**

**A. Medina Building Issues:** Mr. Rice made a motion to enter executive session for the purpose of discussing pending litigation with Tarik Kershah and Chris McCloskey representing the law firm of Bricker and Eckler via teleconference. Carole Kowell and Lisa Buzalka were invited to participate. After a second from Ms. White, a roll call vote was taken with the following results. Ms. Meyer-aye, Ms. Ogden-aye, Mr. Rice-aye, Ms. Schultz-aye, Ms. White-aye and Mr. Elko-aye.

Executive session began at 6:03 p.m.

Mary Schultz left the meeting at 6:20 p.m.

Regular session resumed at 6:52 p.m.

After conferencing with the attorneys, Mr. Rice commented that he felt it would be best to not delay beginning the process of pursuing litigation for deficiencies in the construction and design of the Medina building. Ms. Ogden agreed and added that it would be to the library's advantage to move ahead forthright. Mr. Elko remarked that, while he believes litigation is the proper course, extreme diligence should be paid in monitoring the legal expenses.

**Resolution 17-31:** Ms. Ogden introduced the following resolution and moved its passage:

RESOLUTION NO. 17-31  
**AUTHORIZING LEGAL ACTION TO ADDRESS EXTERIOR TILE AND BUILDING  
ENVELOPE DEFICIENCIES  
AT MEDINA LIBRARY**

The Director recommends that the Medina County District Library Board of Trustees (the “Board”) authorize its legal counsel, Bricker & Eckler LLP, to initiate a lawsuit seeking damages and other appropriate relief for the defective design and construction of the exterior tile and building envelope at the Medina Library, 210 S Broadway St, Medina, OH 44256 (the “Library”).

Rationale:

- A. Significant deficiencies have been observed with the exterior tile and building envelope of the Library.
- B. In anticipation of litigation, Mays Consulting & Evaluation Services, Inc. (“Mays”) was retained by the Board to perform a detailed investigation of the Library to determine the cause and extent of the issues, and to recommend repairs that will address the problems and restore the Library to a safe and usable condition.
- C. Based upon information provided by Mays, the Board believes that certain parties involved in the original construction of the Library may be legally responsible for the ongoing exterior tile and building envelope related damages incurred by the Library.

NOW, THEREFORE, BE IT RESOLVED by the Medina County District Library Board of Trustees as follows:

- 1. The Board of Trustees authorizes its legal counsel, Bricker & Eckler LLP, to initiate a lawsuit to seek appropriate relief from any party responsible for damages related to the defective design and construction of the exterior tile and building envelope at the Medina Library, 210 S Broadway St, Medina, OH 44256.

Mr. Rice seconded the motion and, after discussion, a roll call vote was taken and the resolution passed unanimously.

AYES: 5      NAYS: 0

**Buckeye Branch Manager Presentation**- Branch Manager Laura Kettering gave a wonderful report of the many meaningful teen volunteer opportunities offered at her library. Instead of offering to teens the useful, but boring tasks of cleaning books and preparing program supplies, teens could choose to perform community service type projects, such as planting and weeding at Feeding Medina County's garden, crafting birdseed feeders for seniors to enjoy, and making doggie toys for the animal shelter. The trustees were very receptive to all of the new and exciting ways to keep teens enthused about contributing to their community and enjoyed the presentation.

**Disposition of Minutes** – A motion to approve the July 17, 2017 minutes was made by Ms. White and seconded by Mr. Rice. The motion was approved unanimously.

**Financial Report**– Deputy Fiscal Officer Lisa Buzalka provided to the Board the financial statements for the month of July. She reported that receipts totaled about \$3,048,864 and expenses were about \$770,010. The unexpended balance of \$11,692,744 minus outstanding encumbrances of \$1,703,485 left an ending balance of \$9,989,258 in all funds.

In July, investments earned about \$11,510 with a principal of about \$11,776,029 in bank accounts and investments at an average interest rate of 1.032%. Ms. Buzalka pointed out that a couple of CD's had matured and that a semi-annual interest payment had been received which accounted for the unusual increase in revenue received.

Year to date, the PLF is up 1.36% from the same period in 2016. The month of August 2017 showed an increase over August 2016 of 3.12%.

A motion was made by Ms. White and seconded by Mr. Rice to approve the Financial Report. The motion carried unanimous.

**Director's Report:** Director Carole Kowell shared with the trustees a summary of notable information, statistics and events which had taken place within the library system during the month of July. Items of note included the very successful Bee Festival at Medina and Lodi's Solar Eclipse program that had taken place earlier that day. She reported that facilities were in the process of being toured and examined by administration to determine their future needs. A meeting with design firm CBLH had taken place on August 9<sup>th</sup> and plans for the genealogy center on the 2<sup>nd</sup> floor are moving ahead smoothly.

Mary Ogden asked about the success of the mobile hotspots and Ms. Kowell replied that they were very successful. Mr. Rice asked about declining circulation of materials and Ms. Kowell answered that Collection Resources Manager Chris Weaver-Pieh was investigating and may reallocate some funds in the 2018 budget to increase collections of materials that are more in demand.

**Communications:**

- The Community Action Wayne/Medina Health Literacy Team thanked MCDL for participating in their 2017 Health Literacy Event
- Operation Gratitude thanked the Seville Library for the patriotic “thank you” cards the teens made in May
- Ohio Library Council thanked Assistant Director Theresa Laffey for her nominations of Ann Plazek for the Library Innovation Award and Rebecca Ransberger for the Diana Vescelius Memorial Award
- Member Ron McClendon commended Highland’s manager and her staff for their great customer service; Dr. McLendon singled out Stephanie Stanek as a special standout for her “positive attitudes and demeanor of the circulation counter staff”.

**Personnel Report:** The July report on Human Resources activity was provided to the trustees by Lisa Buzalka. She commented that the number of pages who had terminated was due to the beginning of a new school year and many of them had left for college.

A motion was made by Ms. Ogden and seconded by Ms. White to approve the report as distributed. The motion was carried unanimously.

**Board Committee Reports:**

**Finance Committee:** No meeting

**Personnel Committee:** No meeting

**Buildings Committee:** No meeting

**Policy and By-Laws Committee:** No meeting

**New Business:**

**A. Appropriation Increase for the 101 General Fund:** A resolution to increase the appropriation for 101 General Fund by \$20,000 to cover professional expenses had been submitted to the trustees for consideration. Due to the decision to pursue litigation in the issue of the Medina building, that amount was increased to \$60,000.

**Resolution 17-32:** Upon a motion made by Mr. Rice and seconded by Ms. Ogden, the Medina County District Library Board of Trustees hereby approves the following increase in appropriations in the 101 General Fund:

101-5-3760 Legal Services	\$ 60,000.00
<b>Total</b>	<b>\$ 60,000.00</b>

The motion carried unanimously.

**B. PLF Funding Agreement:** Ms. Kowell reported that she had met with Wadsworth Public Library Director Daniel Slife to discuss the Medina County PLF funding agreement. Both had agreed to remain at the terms of 80% for MCDL and 20% for Wadsworth. A form was provided to Mr. Elko for signature and, after it is signed by Wadsworth Board President Todd Gerber, will be presented to the County Auditor.

**Resolution 17-33:** Upon a motion made by Mr. Rice and seconded by Ms. Meyer, the Medina County District Board of Trustees accepts the agreement of the Public Library Fund allocations in Medina County, Ohio as follows: 80% to Medina County District Library and 20% to Ella M. Everhard Public Library (Wadsworth Public Library) for the period of time beginning January 1, 2018 through December 31, 2027. The motion carried unanimously.

**C. Revision to BRD-5 – Days Library Will Be Closed:** Assistant Director Theresa Laffey asked that the Medina and Brunswick branches remain closed an additional Sunday in September than what was previously approved. The schedule had been updated in December 2016 to resume open Sundays following Labor Day in those branches to avoid the confusion of using dates within the policy. It will need to be revisited.

**Resolution 17-34:** Upon a motion made by Ms. White and seconded by Ms. Ogden, the Medina County District Library Board of Trustees hereby approves the BRD- 5 policy update to state Days Library Will Be closed – 2017, Sundays Memorial day weekend through September 10, 2017 summer hours. Only Medina and Brunswick Libraries are open on specified Sundays. The motion carried unanimously.

**D. Nov. 10, 2017 Early Closing for Staff Training:** Ms. Kowell explained that she would like to close all MCDL branches at 1 p.m. on Friday, November 10 so that all staff members could attend essential safety training. She felt that the program was important and could possibly save lives if called into service.

**Resolution 17-35:** Upon a motion made by Ms. Ogden and seconded by Mr. Rice, the Board of Trustees of Medina County District Library will close all libraries on November 10, 2017, from 1:00 – 6:00 pm for an all staff active intruder/shooter ALICE Training. The motion carried unanimously.

**E. Revision to HR-JD-2/ Family History and Learning Center Manager:** Ms. Kowell explained that a new position had been created to manage the services to be provided by the genealogy center funded by Virginia Wheeler Martin's estate. A complete job description was provided for review. Mr. Elko commented that the services provided will be very popular and in demand. \*

**Resolution 17-36:** Upon a motion made by Mr. Rice and seconded by Ms. Ogden, Effective August 21, 2017, the Medina County District Library Board of Trustees hereby approves the HR-JD-2 policy update and new Job Description; Family History and Learning Center Manager. The motion carried unanimously.

**F. Revisions to HR-B-21 Goodwill Fund:** Ms. Buzalka gave a brief explanation of the Goodwill Fund and reported that funds were low. It was necessary that revenue increase and expenses be curtailed in order for the voluntary staff funded program to continue. Approval was requested to revise the policy outlining the guidelines and criteria assigned to the program.

**Resolution 17-37:** Upon a motion made by Mr. Rice and seconded by Ms. White, the Medina County District Library Board of Trustees hereby approves the HR-B-21 policy update to include revisions to the Goodwill Fund Policy deduction schedule and purchasing guidelines, effective the pay period beginning September 3, 2017. The motion carried unanimously.

**G. Donations:** Upon a motion made by Ms. Dunlap and seconded by Ms. Ogden, the following donations were accepted with gratitude.

1. Kiwanis Club of Medina: \$84
2. Katherine Kies: \$50 in memory of Marilyn Clark
3. Mary Green: \$100 in memory of Marilyn Clark

### **Trustee's Comments**

Kyle White enjoyed the presentation by Laura Kettering.

Linda Meyer commented that this was a great meeting with a lot accomplished.

Mary Ogden agreed with Ms. Meyer and said she liked hearing from the branch manager.

Howard Elko, noting his four remaining months in his board term, wished the Board good luck as they go through the long litigation process. He cautioned the Board to keep an eye on legal and construction expenses in the months ahead.

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**Adjournment:** Upon a motion made by Ms. White and seconded Ms. Meyer, the meeting was adjourned at 7:45 p.m. The motion was carried unanimously.

\*Supporting documents are kept on file and are viewable at the Medina County District Library administrative office

**NEXT BOARD MEETING**

**Monday, September 18, 2017 at 6:00 p.m. at Medina Library**

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**Howard Elko- President**

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**Kyle White- Secretary**