

**Commissioners' Journal**  
**October 14, 2021**

*The Geauga County Board of Commissioners met in session on October 14, 2021 at 9:30 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, James W. Dvorak opened the meeting at 9:40 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.*

*Commissioner Dvorak read the following prayer:*

*Serving others  
Father,  
Allow me to serve others with a joyful heart  
Never keeping score  
Always giving  
Never expecting to receive  
Allow me to give of myself  
To give of my talents and of my goods  
To give of my time and of my energy  
To give of my heart and of my soul  
Help me understand the needs of others  
Allow me to serve others as you serve  
With gentleness, compassion and tenderness  
Amen*

**COMMISSIONERS' OFFICE - COUNTY ADMINISTRATOR'S REPORT**

*County Administrator Gerard Morgan reported on the items approved by the County Administrator on October 7, 2021 for the Dog Warden accepted the resignation of Kora Setlock, Part-time Shelter Attendant (#1607-1) to be effective October 12, 2021; Granted permission to advertise for the position of Part-time Shelter Attendant (#1607-1). This position will remain posted until filled; for the Department of Job and Family Services acknowledged the following new hire appointments, as the Director of Job and Family Services complied with the Board of Commissioners' recruitment and hiring procedures for: Jasmine Burns, Social Services Worker II (replacement) effective July 6, 2021; Colleen Simpson, Child Support Enforcement Case Manager (replacement) effective July 26, 2021; Autumn Franz, Social Services Worker II (replacement) effective August 4, 2021; Melysa Thomas, Clerical Specialist III (replacement), effective September 23, 2021 and Megan Morton, Child Support Enforcement Case Manager (replacement) effective September 27, 2021; as authorized by Resolution #21-003 under the direction and supervision of the County Commissioners that was approved January 5, 2021 pursuant to O.R.C. 305.30.*

**MEETING MINUTES**

*Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute the minutes for the meeting of August 31, 2021.*

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

**COMMISSIONERS OFFICE – MERITECH CUSTOMER ORDER FORMS – COPIERS FOR COMMISSIONERS OFFICE AND DEPARTMENT OF DEVELOPMENT (BUILDING)**

*Budget and Finance Manager Adrian Gorton asked the Board to approve the purchase of 3 copiers, two for the Commissioners' Office and then one for the Building department. Mr. Gorton explained that there are currently no service contracts on either of the machines and we cannot obtain one, nor able to get parts. Commissioner Lennon inquired of the Clerk about the copiers, to which Ms. Blair noted that she will be here fifteen years and the main copier was here when she started, that they are beyond their life. Mr. Gorton added that included in the price is moving them to the new building when necessary.*

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*Motion:* by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and authorize the President of the Board to execute the Meritech Customer Order Forms for the Purchase of a Kyocera 6053ci in the amount of \$8,864.00 and two (2) Kyocera 3253ci in the amount of \$9,304.00 for the Commissioner's Office and the Department of Development (Building) with a supply and service agreement for five years, that includes a guaranteed price for the first two years, with a not to exceed 10% increase for years three through five for a total not to exceed amount of \$49,000.00.

<i>Roll Call Vote:</i>	Commissioner Spidalieri	Aye
	Commissioner Lennon	Aye
	Commissioner Dvorak	Aye

**APPROVE FINANCIALS**

*Budget and Finance Manager Adrian Gorton explained the financials for today as including Appropriations transfer to the Sheriff for miscellaneous reimbursements and web checks that were deposited into the General Fund; a Supplemental appropriation to increase appropriations for the elected officials payroll accounts to reflect the change in compensation due to the increase in Geauga County population during the 2020 census; Supplemental increase to cover additional expenses within the Coroner's office for autopsies, the Commissioners' for copier expenses, in various Maintenance accounts to year end and the Veteran's office for a new wheel chair accessible van; a Cash transfer from the General Fund to Public Assistance for our October – December 2021 mandated share; Encumbrance increase for the Commissioners to Donley's Independence for change order #5 and #6 for revisions to the Building for the Bureau of Motor Vehicles and the Board of Elections; a Travel request for the Engineer's Office; a Then and Now for the Municipal Court to R.N. Farinacci Law Offices for appointed counsel fees not previously encumbered; a payment for the Auditor's office to Integrity Appraisal Services for new construction property valuation assistance in the amount of \$43,785.00; a payment for the Commissioners' office to Ravenwood for the fourth quarter 2021 commitment to the Youth Center Operations in the amount of \$104,105.00 and a payment for Water Resources to Pelton Environmental Products for 14 UV Module Replacements at McFarland Wastewater Treatment Plant in the amount of \$59,314.29.*

*Motion:* by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute Resolution #21-123 itemizing the financials for the meeting of October 14, 2021.

<i>Roll Call Vote:</i>	Commissioner Spidalieri	Aye
	Commissioner Lennon	Aye
	Commissioner Dvorak	Aye

**AIRPORT AUTHORITY – REIMBURSEMENT REQUEST #1 – FINAL – OHIO DEPARTMENT OF TRANSPORTATION, OFFICE OF AVIATION – AIRPORT MAINTENANCE GRANT (ODOT#21-3) OBSTRUCTION REMOVAL - TERRAIN**

*Mr. Morgan asked the Board to approve the reimbursement request for the ODOT grant for the obstruction removal in the terrain.*

*Motion:* by Commissioner Spidalieri, seconded by Commissioner Lennon to acknowledge and approve Reimbursement Request #1 and Final for the Ohio Department of Transportation, Office of Aviation, Ohio Airport Maintenance Grant (ODOT #21-03) Obstruction Removal – Terrain in the Approach to Runway 29 in the amount of \$49,800.00 (\$47,310.00 ODOT portion, \$1,245.00 Local County match and \$1,245.00 Airport Authority).

<i>Roll Call Vote:</i>	Commissioner Spidalieri	Aye
	Commissioner Lennon	Aye
	Commissioner Dvorak	Aye

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COUNTY ENGINEER'S OFFICE – SNOW AND ICE CONTROL AGREEMENTS –  
BAINBRIDGE TOWNSHIP, CHESTER TOWNSHIP AND RUSSELL TOWNSHIP – 2021-2022  
WINTER SEASON

Highway Superintendent/Maintenance Rick Weikart asked the Board to execute the snow and ice control agreements with Bainbridge, Chester and Russell Townships for this upcoming winter season. Mr. Weikart noted that they increase it slightly each year to account for fuel and salt prices, but the mileage remains the same.

*Motion:* by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute the Snow and Ice Control Agreement among the Geauga County Board of Commissioners, Geauga County Engineer and Bainbridge Township Board of Trustees to provide snow and ice control on 14 miles of county roads (Chagrin Road, Bainbridge Road and Washington Street) for the winter season of 2021-2022 in the amount of \$51,914.13.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

*Motion:* by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute the Snow and Ice Control Agreement among the Geauga County Board of Commissioners, Geauga County Engineer and Chester Township Board of Trustees to provide snow and ice control on 15.09 miles of county roads (Wilson Mills Road, Sperry Road, Mulberry Road and Caves Road) for the winter season of 2021-2022 in the amount of \$55,956.01.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

*Motion:* by Commissioner Lennon, seconded by Commissioner Spidalieri to approve and execute the Snow and Ice Control Agreement among the Geauga County Board of Commissioners, Geauga County Engineer and Russell Township Board of Trustees to provide snow and ice control on 8.628 miles of county roads (Fairmount Road, Russell Road and Caves Road) for the winter season 2021-2022 in the amount of \$31,993.93.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

COUNTY ENGINEER'S OFFICE – RESOLUTION TO ORDER THE ASPHALT  
RESURFACING OF BASS LAKE ROAD – EXECUTE TITLE SHEET – SET BID OPENING

Deputy Engineer Nick Gorris asked the Board to approve the resolution to order to go out for a re-bid on the Bass Lake Road resurfacing project. This resolution requests the Board sign the cover sheet on the specifications and sets the bid opening for November 10<sup>th</sup> with advertisement on October 21<sup>st</sup> and 28<sup>th</sup>.

*Motion:* by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute Resolution #21-124 To Order the Asphalt Resurfacing of Bass Lake Road (CH-0023, Sections A-C) in Newbury Township.

*This resolution requests the Board approve and execute the Title Sheet of Specifications for the Same.*

*Further, this resolution sets a Bid Opening on Wednesday, November 10, 2021 at 2:00 p.m. Notice of this Bid Opening will be advertised on October 21, 2021, October 28, 2021 and on the county website.*

*Board of County Commissioners, Geauga County, Ohio*

*Date:* October 14, 2021  
*Resolution:* #21-124

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*RESOLUTION TO ORDER THE ASPHALT RESURFACING OF  
SECTIONS A-C OF BASS LAKE ROAD, CH-0023  
IN NEWBURY TOWNSHIP*

*WHEREAS, the Geauga County Board of Commissioners has determined by Resolution 21-065 that the public convenience and welfare requires the improvement of Bass Lake Road (CH-0023) from Kinsman Road (SR 87) to Butternut Road (CH-0021) by constructing and reconstructing culverts, performing drainage improvements, subgrade stabilization, asphalt resurfacing and improving shoulders and related improvements as necessary in accordance with Section 5555.06 of the Ohio Revised Code; and*

*WHEREAS, lands will not be taken relative to the improvements; and*

*WHEREAS, the cost of such improvement will not be excessive in view of the public utility thereof and no special assessments shall be collected to fund this improvement; and*

*WHEREAS, the Geauga County Board of Commissioners, after reviewing the plans with the County Engineer in public session, is satisfied that the public convenience and welfare require that said improvement be made.*

*NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners in accordance with Section 5555.13 of the Ohio Revised Code hereby orders that such improvement proceed.*

*BE IT FURTHER RESOLVED that the Board of County Commissioners in accordance with Section 5555.022 of the Ohio Revised Code hereby approves the surveys, plans, profiles, cross sections, estimates, and specifications for such improvement, the costs of which shall be paid from local and/or state funding sources in accordance with Section 5555.43 of the Ohio Revised Code.*

*BE IT FURTHER RESOLVED that the Clerk of the Board of County Commissioners is hereby ordered to let this project for bids in accordance with Section 5555.61 of the Revised Code. The bids shall be let upon a unit price basis. Bids shall be received until 1:45 PM and opened and read aloud at 2:00 PM on Wednesday, November 10, 2021.*

*BE IT FURTHER RESOLVED, that the Clerk of Geauga County Board of Commissioners is hereby instructed to transmit a certified copy of this resolution to the Newbury Township Board of Trustees, and the Geauga County Engineer.*

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

**JOB AND FAMILY SERVICES – RESOLUTION ASSIGNING AUTHORITY TO EXECUTIVE DIRECTOR – ACT AS DESIGNEE FOR INTER-COUNTY ADJUSTMENTS OF ALLOCATED FUNDS**

*Executive Director Craig Swenson explained that the Board already approved back in 2015 the authority for him to have the assigning authority. The State has now required a date for re-authorization. Mr. Swenson stated that the original resolution was indefinite and the resolution being presented today has an end date of June of 2026 at which time a request for re-authorization would need to be made. Mr. Swenson explained that what this allows them to do is move funds to another county for specific funds, a sort of trading funds with another county that are allocated to specific needs, for example TANF dollars, and we don't usually spend all of those, and we often need Medicaid dollars so we transfer between the counties to assist the residents in Geauga County. Mr. Lennon inquired about reporting of these transfers, to which Mr. Swenson stated that he could send a report to Mr. Morgan that can be passed on.*

*Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute Resolution #21-125 Assigning Authority to Craig Swenson, Executive Director of Geauga County Job and Family Services, to Act as the Geauga County Board of Commissioners' Designee for Approving Inter-County Adjustments of Allocated Funds.*

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*Board of County Commissioners, Geauga County, Ohio*

*Date: October 14, 2021*

*Resolution: #21-125*

**RESOLUTION ASSIGNING AUTHORITY TO CRAIG SWENSON, EXECUTIVE DIRECTOR OF  
GEAUGA COUNTY JOB AND FAMILY SERVICES, TO ACT AS THE GEAUGA COUNTY  
BOARD OF COUNTY COMMISSIONERS' DESIGNEE FOR APPROVING INTER-COUNTY  
ADJUSTMENTS OF ALLOCATED FUNDS**

*WHEREAS, Ohio Administrative Code Section 5101:9-6-82 provides for the inter-county adjustment of any state or federal county family services agency allocation; and*

*WHEREAS, Counties have requested such adjustments to best meet the needs of their constituents, due to the limited allowable uses of each fund and the nuances of the random moment sampling process on a county's funding stream; and*

*WHEREAS, Any unspent allocations within a county at the end of a fiscal year revert back to the state for use by the State Department of Job and Family Services; and*

*WHEREAS, A county family services agency must make such inter-county adjustment request to the Ohio Department of Job and Family Services, and include with such request a resolution authorizing such from that county's board of county commissioners; and*

*WHEREAS, in accordance with Ohio Administrative Code Section 5101:9-6-82(F)(3)(a), a board of county commissioners may pass a resolution assigning authority to the director of the county family service agency to serve as their designee and therefore grant that party authority to sign the inter-county adjustment agreement on behalf of the county for a specific period of time;*

*THEREFORE, BE IT RESOLVED, that the Geauga County Board of County Commissioners hereby assigns authority to Craig Swenson, Executive Director of Geauga County Job and Family Services, to serve as the Geauga Board of Commissioners' designee, and thereby grants Mr. Swenson the authority to sign inter-county adjustment agreements on behalf of Geauga County from October 14, 2021 through June 30, 2026.*

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

**COMMISSIONERS' OFFICE – PUBLIC HEARING – PROPOSED VACATION OF PUBLIC  
RIGHT OF WAY UPON A PORTION OF WISNER ROAD (TR-0084) ALL OF SECTION C,  
CHARDON TOWNSHIP**

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

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

*Commissioner Dvorak opened the Hearing at 10:00 a.m. County Administrator Gerard Morgan swore in anyone who planned to speak and provide testimony during the hearing. Mr. Morgan asked that they state their name and address.*

*County Engineer Joe Cattell explained that they will open with the reading of the Engineer's report. Deputy Engineer Andy Haupt read the following report into record:*

*Office of the Geauga County Engineer: Report (ORC 5553.06)  
Proposed Vacation of the Public Right-of-way of Wisner Road (TR-0084),  
All of Section C, Chardon Township, Geauga County, Ohio  
Thursday, September 9, 2021*

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**Current Events: Township Trustee Action**

*On August 18<sup>th</sup>, 2021, the Chardon Township Board of Trustees passed resolution number 34, 2021 petitioning the Geauga County Board of Commissioners to vacate the public right of way upon Wisner Road (TR-0084), all of section C, pursuant to section 5553.045 of the Ohio Revised Code.*

**Location**

*The location of the of public right of way of said Wisner Road to be vacated begins at the intersection of Mitchells Mill Road (TR-0088) Section B, and said Wisner Road, extending to a 1 inch iron pin found located approximately 1430.64 feet south along the existing centerline of said Wisner Road, said iron pin also being the existing terminus of said Wisner Road as established by previous vacation action recorded in Volume 41, Page 87-89 of the Geauga County Recorder's Office.*

**Auto Registration Funds**

*The portion of said Wisner Road at issue is not used to calculate distributions of the auto registration distribution fund.*

**Underlying Fee**

*This action will release, cancel, rescind and vacate all of the public right-of-way of said Wisner Road, allowing the underlying landowners to retain the fee of all lands currently owned pursuant to Ohio law and subject to Chapter 5553 of the Ohio Revised Code.*

**Abutting Property Owners**

*All abutting property owners were notified and notice of the hearing was published in accordance of Ohio law.*

*The abutting property owners are identified as follows:*

*PPN# 06-120810; Eric J. Cardinal, 10037 Mitchells Mill Road, Chardon, Ohio 44024, whose property lies on the east side of Wisner Road.*

*PPN# 06-702800; The Holden Arboretum, 9500 Sperry Road Kirtland Ohio 44094, whose property lies on both the east and west side of the existing Wisner Road.*

*PPN# 06-038000; Land Holdings LLC; C/O Holden Arboretum, 9500 Sperry Road Willoughby Ohio 44094, whose property lies on both the east and west side of the existing Wisner Road.*

**Intent**

- 1. To vacate all of the public right-of-way of Wisner Road (TR-0084), section C, beginning at the intersection of said Mitchells Mill Road and said Wisner Road, extending to a 1 inch iron pin found located approximately 1430.64 feet south along the existing centerline of said Wisner Road, said iron pin also being the existing terminus of said Wisner Road as established by previous vacation action recorded in Volume 41, Page 87-89 of the Geauga County Recorder's Office, subject to the preservation of a public use right-of-way for nonmotorized vehicular recreational use, pursuant to section 5553.044 of the Ohio Revised Code.*
- 2. To not extinguish the rights of ingress and egress reserved under the law, if any, of the abutting property owners named herein.*
- 3. To not remove public utilities' rights of ingress and egress, or easement rights within the vacated right-of-way limits resulting from a road vacation, per state law.*

**Conclusion**

*Based on the above facts, and having no impacts to the travelling public, the Office of the Geauga County Engineer believes the vacation requested would be for the public convenience and necessity.*

*This action is recommended.*

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*Prepared by:*

*Andrew W. Haupt, P.E., P.S.*  
*Special Projects Manager*

*Joe Cattell, P.E., P.S.*  
*Geauga County Engineer*

*Mr. Cattell explained that they had several discussions at the Chardon Township Trustees meetings, the general consensus is that the Engineer's office is such that it is not in the public convenience and welfare to maintain this section of Wisner Road or the bridge on it. The Trustees requested that the Board retain a non-motorized vehicle trail thirty feet wide so that the public can enjoy the scenic area along the river. There are no rights to be on private property or any vehicle. Mr. Cattell noted that because there are Residents, Trustees and Holden Arboretum staff here he doesn't want to speak for them, but added that the residents still want to walk the area and Holden wants to restrict that as they are afraid of the public trespassing on private property. There is an expense to the public for really no benefit to continue to maintain this roadway.*

*Mr. Dvorak noted that this is a public hearing only today and that the Board will not be taking any action today.*

*Dale Markowitz, Attorney with Thrasher, Dinsmore and Dolan and is legal counsel that represents the Holden Arboretum, noting that staff members in attendance, Jill Koski, Holden CEO, their Maintenance Director and the Arboretum Police Chief. Mr. Markowitz agreed with the Engineer's office that the roadway should be vacated and wanted to address the non-motorized vehicle easement, in that he doesn't feel they have the legal authority to do it, noting that in 5553.044 of the O.R.C which gives the ability to do the allowance, indicates that it must begin and end on a public highway. Mr. Markowitz noted that while it would start on the public road at Mitchells Mills Road, the other end would end already on a previously vacated highway. You need to determine that it does not interfere with land use. Mr. Markowitz explained that while at the Viewing those in attendance were able to see the Fallen property that they were able to obtain through a grant, that the Commissioners wrote a letter of support. Mr. Markowitz noted that there were deed restrictions put on the property limiting to research, education and conservation purposes. Mr. Lennon inquired that the property has very unique things and have a concern over people going onto the property. Mr. Markowitz stated that they don't feel there is any benefit to allow the easement access, with a concern over trespassing. Mr. Markowitz explained that they would like to have a gate placed at the edge of Mr. Cardinal's property, that will be visible from Mitchell Mills Road to deter anyone from coming down onto the property.*

*Jill Koski, President and CEO for Holden Arboretum explained about the Arboretum and their plans for the property. Ms. Koski noted that the Arboretum was founded as a private non-profit as an Arboretum, to be an outdoor museum of trees, purpose is to collect, manage and care for them as a collection. They are different than a public park. They are a place intended to design and preserve a living collection. Ms. Koski continued to explain that they have 3,500 acres of private property with about 1,600 conservation easements contiguous to their properties. Ms. Koski explained that they support the road vacation, noting that the Fallon property they were able to acquire from them after working with them for several years, is about fifty-two acres and is a forest buffer that sits in the center of the total Arboretum property. This is part of the 222 acres of the Stebbins Gulch forest, that is a natural landmark. All current structures on the property will be removed including utilities. Ms. Koski expressed concern over the easement hindering their ability to manage their deed restrictions. Ms. Koski explained that they would work with Mr. Cardinal about accessibility for him, and where they would put the gate, along with good signage.*

*Commissioner Lennon inquired about Holden being private to which Ms. Koski stated that it is a private not for profit, 501(C)(3). Ms. Koski gave an example to a land holding called Little Mountain, that has no walking trails because of the research. Ms. Koski stated that she didn't know the split between the counties, but the 3,500 acres is between both Lake and Geauga Counties.*

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*Holden Police Chief, Sean O'Neil briefly discussed some of the incidents they have had on the property, including graffiti on the trees, ATV and bicycles, noting an incident where a rider was trampled by her horse when a dog got loose, adding that the road is an invitation to trespass. Facilities Manager Al Picciano expressed that he has to go in and fix any damage from trespassers. Mr. Picciano expressed that the cattle fence put in place last, has deterred issues on the other end, they would like to do something similar with this side and to keep traffic off the bridge.*

*Chardon Township Trustee Tim McKenna explained that they had a meeting last week and discussed the vacation for about an hour, and he asked twice of the Board to change their position on the request presented to the Board, ultimately the Trustees did change their mind on the request. Mr. McKenna agreed with no vehicles adding that he doesn't want horses back there as it makes it a nightmare for first responders. The neighboring residents should have the right to continue to walk that area. Mr. McKenna expressed that it is good for the Township and the County to vacate it.*

*Local resident John Mauter expressed that he and his neighbor Paul Swanki have lost all access, showing a picture that had been taken that morning, of a fence taken on the south side, with a sign that says private property no trespassing, yet there is supposed to be a thirty-foot wide easement for public walkability to the bridge. Mr. Mauter stated that the fence signage is intimidating and mis-represents its use. Mr. Mauter stated that he has been a member of the Arboretum for years, had been good neighbors, but feels his property value has declined, he moved to Wisner because it's a scenic area with no access to even see it. Mr. Mauter added that they have also put concrete barriers along the creek/river. Mr. Mauter stated that this is important because this is starting the precedence of change. He inquired at the meeting if there was a compromise, the CFO didn't have an answer. Mr. Mauter mentioned his uncle from years ago, the intent was to have a connecting trail, not to be a private playground for the Arboretum, he is just disenchanted by what has happened. As far as people and safety issues, people are always going back there, that's trespassing, they get hurt, its on them. Mr. Mauter stated that the previous Commissioners voted to allow the walking trail.*

*Mr. Markowitz wanted to clarify that the intent and why the Ohio Revised Code requires to start and end on a public road when you vacate, so they don't grant an easement that ends on private property. The photo of the fence is outside of the area where the Commissioners had previously preserved an easement. The barriers were put into place for erosion purposes due to a new home that was built on the top of the hill that was causing storm water runoff.*

*Mr. Markowitz questioned the compromise, and the question became how do you control and monitor who is going in and out of the property. Mr. Markowitz expressed that he didn't understand trails for horses, learned that horses have a prescript easement from hundreds of years ago, the case law gives them the right to go through there. Mr. Markowitz stated that even he as a member cannot go into restricted areas, and want to ensure that we are not making new incentives for people to trespass.*

*Mr. Lennon inquired what happens to the road if the vacation goes through. Mr. Markowitz explained that they would keep the bridge as it's helpful to them for access, but the idea is to use it for limited access, but eventually it will revert back. Holden Arboretum owns the property on both sides of the bridge and along the river.*

*Local resident Paul Swanki who is also speaking on behalf of his father in regards to the area. Mr. Swanki explained that he has lived there for thirty-six years, starting at his parents' home before building his own and since then they have walked through to each other's home and it's sad that his kids cannot do that anymore. Mr. Swanki inquired about the horses, and the agreements with the EBTA and Riverwood that are allowed to ride through there, since you, Holden, own Riverwood and rent the property, adding that they have horses and vehicles, are they going to be able to continue through that area. Ms. Koski stated that Holden does own Riverwood and rents the property to them. The EBTA is not connected to the Arboretum, outside there are trails that go through their property. The Fallen's used to allow the EBTA to ride through their property and when the Fallen's put the property up for sale, they stopped that access and an agreement was made with EBTA to allow them to continue that access as a private property owner. Mr. Swanki can form their own agreement with the EBTA about access. Ms. Koski stated that an MOU was done that includes waivers with all riders that will be on that property. Mr. Swanki also asked if Riverwood has access through to the other end, north to the*



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*south. Ms. Koski stated that the trails that are open will be accessible on their property. Mr. Picciano stated that there is an accommodation for Riverwood at the fence for the horse access. Mr. Markowitz stated that they manage it, but cannot stop it, but have reduced the access. Mr. Lennon inquired about extending that access to the residents that are here today. Mr. Markowitz stated that we cannot commit to doing anything but would work with someone that put in a request. Mr. Swanki added that there are handful of people in the area that should still be granted access. Ms. Koski stated that the meeting last week was the first time they had heard about the requests from the other residents and that Mr. Cardinal was the primary property owner that they felt they needed to have an agreement with. It was briefly discussed that there is challenge with it, and the question becomes where do you draw the line.*

*Local resident, Evette Susarski asked for a clarification on the vacation, noting that on the other side of Wisner that was vacated, there is one entrance and exit correct, that did include an allowance for foot traffic, no vehicles and is that the intent with this side.*

*Mr. Cattell explained that the non-motorized trail was put in the vacation to the bridge abutment, those discussions that took place was to maintain the scenic area, but according to Mr. Markowitz, he is stating that shouldn't have been allowed. Mr. Cattell stated that a precedent was set and whether it can be done this time, adding that the Trustees asked for it when they initiated the process. The Commissioners will speak with their Attorney and whether they can or cannot do it, and that is why they need to hear testimony from everyone involved.*

*Mr. Mauter added that the intent was to do x, and Holden used the term that their needs are to not have this be public, however, the public paid for this, and when the bridge was failing, we didn't push the County to fix the bridge and now that same public that paid for the roadway and bridge, doesn't get the right to view it. Mr. Mauter stated he was serious about a compromise, adding that the house on the top of the hill has been there for years and was built before he moved in, and over time the signage deters new people from access, but those that have been there over time, doesn't get to enjoy the scenic area. Mr. Mauter brought up a pond in front of his house, that had been there for years, and came home one day to find it drained, by a pipe and no one knows what happened to that pond, and the Army Corps of Engineers changed law that sites that to be illegal, and it should be fixed, and again, no one knows how or what happened, he is frustrated and upset, and expressed concern over losing everything.*

*Mr. Dvorak added that he hoped all parties could have discussion.*

*Being no further comments or questions, the Public Hearing was closed at 11:00 a.m.*

**DEPARTMENT OF WATER RESOURCES – CLOSE CURRENT POSTING - FULL-TIME LABORATORY SUPERVISOR (#2306)**

*Director Steven Oluic asked the Board to withdraw the posting for Laboratory Supervisor since we don't need it anymore.*

*Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to close the current posting for the position of Full-time Laboratory Supervisor (#2306).*

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

**DEPARTMENT OF WATER RESOURCES – EXECUTE WATER SUPPLY REVOLVING LOAN ACCOUNT LOAN AGREEMENT, AND EXHIBIT 1 – ENVIRONMENTAL PROTECTION AGENCY – OHIO WATER DEVELOPMENT AUTHORITY – BAINBRIDGE AND CHAGRIN ROADS WATERLINE EXTENSION**

*Dr. Oluic asked the Board to execute the Water Supply Revolving Loan agreement for the Bainbridge and Chagrin Roads waterline extension.*

*Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and authorize the President of the Board to execute the Water Supply Revolving Loan Account Loan Agreement and Exhibit 1, with the Environmental Protection Agency of the State of Ohio and the Ohio Water Development Authority for the Bainbridge and Chagrin Roads Waterline Extension in the amount of \$1,383,668.00.*

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Roll Call Vote:           Commissioner Spidalieri     Aye  
                                  Commissioner Lennon        Aye  
                                  Commissioner Dvorak        Aye

DEPARTMENT OF WATER RESOURCES – INCREASE EIGHT DRINKING WATER TESTING FEES AND ELEVEN WASTEWATER TESTING FEES – DUE TO RISING COSTS OF MATERIALS AND SUPPLIES FOR TESTING

*Dr. Oluic asked the Board to approve increases to water and wastewater testing fees due to rising costs of materials and supplies. The tests are done at the lab located on Aquilla Road.*

*Motion:           by Commissioner Spidalieri, seconded by Commissioner Lennon to approve an increase to eight (8) of the nineteen (19) Drinking Water Testing Fees and eleven (11) of the twenty-one (21) Wastewater Testing Fees by \$5.00 or \$10.00 depending on the test due to rising costs of materials for analytical testing, supplies and contract testing, to be effective November 1, 2021.*

Roll Call Vote:           Commissioner Spidalieri     Aye  
                                  Commissioner Lennon        Aye  
                                  Commissioner Dvorak        Aye

COMMISSIONERS' OFFICE – RESOLUTION TO ORDER THE VACATION OF THE PUBLIC RIGHTS-OF-WAY UPON ALL OF HAMB DEN HILLS DRIVE AND WILDWOOD DRIVE (NO ROAD NUMBERS) HAMB DEN TOWNSHIP – EXECUTE PLAT

*Deputy Engineer Andy Haupt explained that the plat was from the fifties and the subdivision was never built and as it stands could not be built, the owner would like to consolidate the lots and a larger lot and build.*

*Motion:           by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute Resolution #21-126 to Order the Vacation of the Public Rights-of-Way upon all of Hambden Hills Drive (No Road Number) and Wildwood Drive (No Road Number), in Hambden Township, Geauga County, Ohio, pursuant to Section 5553.045 of the Revised Code.*

*Board of County Commissioners, Geauga County, Ohio*

*Date:                October 14, 2021*  
*Resolution:        #21 - 126*

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**RESOLUTION TO ORDER THE VACATION OF THE PUBLIC RIGHTS-OF-WAY UPON ALL OF HAMB DEN HILLS DRIVE (NO ROAD NUMBER) AND WILDWOOD DRIVE, (NO ROAD NUMBER), IN HAMB DEN TOWNSHIP, GEAUGA COUNTY, OHIO, PURSUANT TO SECTION 5553.045 OF THE REVISED CODE**

*WHEREAS, the Hambden Board of Township Trustees in Resolution # 23-2021 petitioned the Geauga County Board of Commissioners on August 24, 2021 for the vacation of the public rights-of-ways of all of Hambden Hills Drive (no road number) and all of Wildwood Drive (no road number), which rights-of-way are more particularly described as follows:*

*Hambden Hills Drive beginning at a point where the centerline of said Hambden Hills Drive intersects the northerly right-of-way of State Route 166, (66 feet wide, now known as Rock Creek Road), said point being located approximately 33.50' northerly of the intersection of the centerlines of Hambden Hills Drive and S.R. 166, said centerline / centerline intersection being approximately 1026.84 feet southwesterly, along the centerline of S.R. 166 from the Hambden / Thompson Township Line. Hambden Hills Drive to be vacated extends from the aforesaid beginning point located at the north margin of State Route 166, northerly approximately 1596.41 feet to the existing terminus of said Hambden Hills Drive located on a southerly line of land owned by Donald G. and Michelle D. Carrigan by deed recorded in Volume 1960, Page 2280 of the Geauga County Records of Deeds.*

*Wildwood Drive beginning at a point located at the intersection of the centerlines of Hambden Hills Drive and Wildwood Drive, said point being located approximately 997.55 feet northerly from the aforesaid beginning point of said Hambden Hills Drive, and proceeds northeasterly along the centerline of Wildwood Drive, approximately 1111.09 feet to a point*

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*located at its existing terminus, said point also being a northerly line of Hambden Hills Estates Subdivision No. 2, and the Geauga County / Lake County Line; and*

*WHEREAS, on September 10, 2021, the County Engineer issued to the Geauga County Board of Commissioners a written report similar in content to reports required under Ohio Revised Code [Section 5553.06](#) stating that the Engineer believes the vacation of all of the public rights of way of said Hambden Hills Drive and Wildwood Drive are for the public convenience and welfare; and*

*WHEREAS, the Geauga County Board of Commissioners held a public hearing on September 28, 2021 regarding the vacation of the public rights-of-way of said Hambden Hills Drive and Wildwood Drive and gathered input from affected persons and heard testimony bearing upon the necessity of the improvement for the public convenience or welfare and offered either for or against proceeding with the improvement by any interested persons; and*

*WHEREAS, the public rights-of-way of Hambden Hills Drive and Wildwood Drive, under consideration for vacation, are not used to calculate distributions of the auto registration funds under division (E) of [Section 4501.04](#) of the Ohio Revised Code; and*

*NOW, THEREFORE, BE IT RESOLVED by the Geauga County Board of Commissioners that the vacation of said public rights-of-way of Hambden Hills Drive and Wildwood Drive is in the public convenience and welfare and both are hereby ordered vacated in accordance with [Section 5553.045](#) of the Ohio Revised Code.*

*BE IT FURTHER RESOLVED that the vacated public rights-of-way of said Hambden Hills Drive and Wildwood Drive, will release, cancel, rescind and vacate the public right-of-way of said Hambden Hills Drive and Wildwood Drive as described above, allowing the underlying landowners to retain the fee of all lands currently owned pursuant to Ohio law and subject to Chapter 5553 of the Ohio Revised Code, and other applicable law.*

*BE IT FURTHER RESOLVED that the owners of properties abutting the roads shall be identified as:*

- 1. Donald G. & Michelle D. Carrigan, Sumner Road, Hambden, Ohio;*
- 2. John E. & Sharon L. Brink & Ronald & Tina Bender, 15098 Rock Creek Road, Chardon Ohio 44024*
- 3. Charles M. & Lois M. Cox TOD, 15112 Rock Creek Road, Chardon Ohio 44024*
- 4. BASP LLC, 8855 Clay Street, Montville Ohio 44064*

*BE IT FURTHER RESOLVED that the order of this Board shall not extinguish the rights of any public utility, railroad or electric cooperative under the law, or the rights of ingress and egress, if any, reserved to the abutting property owners under the law.*

*BE IT FURTHER RESOLVED that the Engineer has prepared a survey, plat and accurate and detailed description describing the center line and right-of way lines of the public right-of-way to be vacated as described herein as well as the remaining roadways and shall record same in the Recorder's Office and in the proper road records of the County.*

*BE IT FURTHER RESOLVED that the Clerk of the Geauga County Board of Commissioners is hereby instructed to transmit a certified copy of this Resolution to the Hambden Township Board of Trustees, the Geauga County Recorder, the Geauga County Auditor and the Geauga County Engineer.*

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

*Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute the Vacation Plat for Hambden Hills Drive and Wildwood Drive, (Both 60 Feet Wide and No Assigned Road Number) Located in Lot 1, Parker Tract Hambden Township, Geauga County, Ohio.*

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

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*There was a brief discussion about the Wisner Road vacation, and that the Trustees requested the vacation and started the process by petitioning the Board.*

*Mr. Cattell explained that it depends on the situation, like Hambden township this was the homeowner, Wisner was a discussion with the Trustees because the road does not service the public but does include the bridge. There was discussion about navigable rivers.*

*Mr. Cattell noted that Munson received a letter from the hospital about vacating Hospital Drive and that ODOT is working on the survey for the traffic light at Ravenwood Drive.*

**ACKNOWLEDGEMENTS**

- a) The Monthly Financial Report from the County Building Department for the month of September, 2021.*
- b) A monthly report filed by the Geauga County Sheriff's Office of an account of expenses for the Inmate meals for the month ending September, 2021.*
- c) A monthly report filed by the Geauga County Sheriff's Office of an account of expenses for the Prisoner Transport for the month ending September, 2021 as required by O.R.C. 325.07.*

**OTHER**

*The Board reviewed upcoming events.*

**MEETINGS**

*Thu., 10/14 Planning Commission, 7:30 a.m. Building #8 meeting room, 470 Center St., Chardon*

*Thu., 10/14 The Commissioners will hold a Public Hearing at 10:00 a.m. for the Proposed Vacation of the Public Right-of-Way upon a portion of Wisner Road (TR-0084), All of Section C, in Chardon Township*

*Fri., 10/15 Emergency Operations Center Training, Department of Emergency Services, 8:30 a.m. – 1:30 p.m.*

*Mon., 10/18 Family First Council, 1:30 p.m. at Mental Health Offices*

*Tue., 10/19 The Commissioners will hold regular session at 9:30 a.m. with a Public Viewing at 11:00 a.m. regarding the proposed vacation of the public right-of-way upon a portion of Washington Street (TR-0047) at the adjacent location of 17759 Valley Road, in Auburn Township*

*Tue., 10/19 Geauga Trumbull Solid Waste Management District, Board of Directors meeting, 1:00 p.m. Warren, District Office*

*Mon., 10/25 Board of Revision, 9:00 a.m. Auditor's Office*

*Tue., 10/26 The Commissioners will hold regular session at 9:30 a.m. that includes a Public Hearing at 10:00 a.m. regarding the proposed vacation of the public right-of-way upon a portion of Washington Street (TR-0047), in Auburn Township*

**PUBLIC COMMENT**

*Local resident inquired if we have found the first illegal migrant in Geauga County, noting that it is bound to happen, and what will be done about it. Mr. Dvorak stated that Law Enforcement will be watching the situation.*

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***BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD***

*Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to adjourn the meeting at 11:14 a.m.*

*Geauga County Board of Commissioners*

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*James W. Dvorak*

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*Timothy C. Lennon*

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*Ralph Spidalieri*

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*Christine Blair, Commissioners' Clerk*

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