

Commissioners' Journal
October 19, 2021

The Geauga County Board of Commissioners met in session on October 19, 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 9:56 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

Commissioner Dvorak read the following prayer:

Heavenly Father,

We remember that "Faith comes by hearing, and hearing, by the word of God" (Romans 10:17) So, when discouragement comes and you find that you have been walking by sight instead of by faith, head back to the scriptures and let the promises of God build your faith, back up to strength.

Amen

COMMISSIONERS OFFICE - COUNTY ADMINISTRATOR'S REPORT

County Administrator Gerard Morgan reported on the items approved by the County Administrator on October 14, 2021 for the Airport Authority, approved the Request for Partial Payment #3 for Hummel Construction for the T-Hangar project in the amount of \$79,054.82; for Transit approved and executed the Ohio Motor Fuel Tax Refund Claim for Transit Buses for the period July 1, 2021 through September 30, 2021 in the amount of \$4,344.50 (\$540.50 Diesel and \$3,804.00 Gasoline); and approved hiring Douglas Hodakievic to the position of Part-time Transit Driver (#2210-1) to be effective October 18, 2021 at the rate of \$14.83 per hour with a one-year probationary period. This offer of employment is contingent upon the successful completion of the required pre-employment conditions; and on October 18, 2021 for the Department on Aging, approved hiring Michael Niles to the position of Full-time Transportation Driver (#1020) to be effective October 25, 2021 at the rate of \$14.83 per hour with a one-year probationary period. This offer of employment is contingent upon the successful completion of the required pre-employment conditions; 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 September 2, 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> |

APPROVE FINANCIALS

Budget and Finance Manager Adrian Gorton explained the financials for today as including a Cash transfer from the General Fund to Court Technology for a portion of their 2021 funding; a Cash transfer from the General Fund to the Board of Developmental Disabilities for gas well proceeds from July – September 2021; a Cash transfer from the General Fund to Family First for October December 2021 commitment; Travel requests for ADP and the Common Pleas Court; a payment for the Board of Developmental Disabilities to Empire Paving, LLC for paving and drainage work on the maintenance garage in the amount of \$77,028.23 and a payment for the Engineer's Office to Chagrin Valley Auto Parts for a pair of portable vehicle lifts for the mechanics shop in the amount of \$40,910.05.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute Resolution #21-131 itemizing the financials for the meeting of October 19, 2021.

Commissioners' Journal
October 19, 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 – RESOLUTION REQUESTING THE ESTABLISHMENT OF A PHASE TWO CAPITAL PROJECTS FUND

Mr. Gorton asked the Board to approve a resolution to establish a new Phase Two Capital projects fund.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute Resolution #21-128 Requesting the Establishment of a Phase Two Capital Projects Fund, Pursuant to and As Allowed by Section 5705.13(C) of the Ohio Revised Code; and Further requesting that the Auditor of Geauga County, Ohio, Seek Approval of such Fund Creation of the Auditor of the State of Ohio, including Exhibit A.

Board of County Commissioners, Geauga County, Ohio

Date: October 19, 2021

Resolution: #21-128

A RESOLUTION REQUESTING THE ESTABLISHMENT OF A PHASE TWO CAPITAL PROJECTS FUND PURSUANT TO AND AS ALLOWED BY SECTION 5705.13(C) OF THE OHIO REVISED CODE; AND FURTHER REQUESTING THAT THE AUDITOR OF GEAUGA COUNTY, OHIO, SEEK APPROVAL OF SUCH FUND CREATION OF THE AUDITOR OF THE STATE OF OHIO

WHEREAS, it is the desire of the Geauga County Commissioners that, pursuant to Section 5705.13(C) of the Ohio Revised Code, there be established within the appropriations of the County a Phase Two Capital Projects Fund for the purpose of accumulating resources for the acquisition, construction, or improvement of fixed assets of the County, including, but not limited to, such capital assets as are identified in an "Exhibit A" which has been appended hereto, and, by reference incorporated herein and made part hereof; and

WHEREAS, the establishment and existence of this new Fund will facilitate the accumulation of resources for such purposes and the tracking of all income and expenses associated with the construction of new buildings and/or renovations and improvements of existing buildings or properties that are owned by Geauga County, or which may be acquired by the County hereafter and

WHEREAS, the source of money which shall be accumulated in said Fund shall be grants, loans, or other issuance of debt incident to any such permissible acquisition, construction or improvement of fixed assets of the County, the recognition of income, thereupon, as well as transfers from other funds of the County, including its General Fund as is permitted by law; and

WHEREAS, the County Commissioners desire to designate the sum of Thirteen Million Five Hundred Thousand Dollars (\$13,500,000.00) as the amount of money to be accumulated for those purposes, in accordance with R.C. 5705.13(C); and

WHEREAS, money shall not be accumulated in said Fund for a period in excess of ten (10) years from the date of passage of this Resolution; and

WHEREAS, the Board of Commissioners of Geauga County, Ohio, shall retain the authority and discretion under Section 5705.13, at any time after the creation of the Fund, by Resolution of said body, to rescind said Fund; and

WHEREAS, upon the expiration of the said ten-year period, or the rescission of the Fund by action of the Board of Commissioners, the fiscal officer of the County shall transfer any and all moneys held and remaining in said Fund to the fund or funds from which said money originally was transferred to the Fund; and

Commissioners' Journal
October 19, 2021

WHEREAS, the accounts will include standard expense accounts including but not limited to those for contract, project and land purchase related expenses as well as any legal expenses, transfers or equipment required to complete such a project; and

NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners does hereby request that the Geauga County Auditor establish a Phase Two Capital Improvements Fund pursuant to and as is permitted by Section 5705.13 of the Ohio Revised Code and as described above, and that the County Auditor petition the Auditor of the State of Ohio for the approval of the creation of said Fund.

| | | |
|------------------------|--------------------------------|------------|
| <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 IMPROVE AQUILLA ROAD AND BUTTERNUT ROAD – NEWBURY AND BURTON TOWNSHIPS

Deputy Engineer Nick Gorris asked the Board to execute the Resolution to improve Aquilla Road and Butternut Road, allowing them to make plans for improvement next year. Mr. Gorris noted that the section of Butternut Road is from State Route 44 to Claridon Troy Road and Aquilla Road is State Route 87 to Butternut Road.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute Resolution #21-129 to Improve Aquilla Road (CH-0005, Sections A-B) and Butternut Road (CH-0021, Sections F-H) in Newbury and Burton Townships.

Board of County Commissioners, Geauga County, Ohio

Date: October 19, 2021
Resolution: #21-129

RESOLUTION TO IMPROVE AQUILLA ROAD (CH-0005), SECTIONS A-B AND BUTTERNUT ROAD (CH-0021), SECTIONS F-H IN NEWBURY & BURTON TOWNSHIPS

WHEREAS, the Board of County Commissioners of Geauga County (Board) has determined the public convenience and welfare requires the improvement to Aquilla Road (CH-0005), Sections A-B from Kinsman Road (SR 87) to Butternut Road (CH-0021) and Butternut Road (CH-0021) from Ravenna Road (SR 44) to Claridon Troy Road (CH-0003) in accordance with Section 5555.022 of the Ohio Revised Code.

NOW, THEREFORE, BE IT RESOLVED by the Board that the public convenience and welfare requires the improvements by constructing and reconstructing culverts, performing drainage improvements, subgrade stabilization, asphalt resurfacing and improving the shoulders and related improvements as necessary.

BE IT FURTHER RESOLVED that the Geauga County Engineer is hereby directed to complete necessary surveys, plans, profiles, cross sections, estimates of cost and specifications as required for the improvements and to transmit copies of the same to this Board at the time such plans are completed.

BE IT FURTHER RESOLVED that special assessments to real estate will not be assessed to cover the damages, costs and expenses of constructing this improvement and that the compensation, damages, costs and expenses of constructing said improvement shall be appointed as follows:

The engineering and right of way costs shall be paid from local roadway improvement funding sources. The construction costs shall be paid from local roadway improvement funds and any federal aid and/or state grants that may be secured for the project.

BE IT FURTHER RESOLVED that if preliminary designs show that the project cannot be built within the current right of way, pursuant to Section 5555.09 of the Ohio Revised Code, the Geauga County Engineer is granted permission to negotiate with owners to secure the lands, right-of-way, easements or work agreements required for the improvement.

Commissioners' Journal
October 19, 2021

BE IT FURTHER RESOLVED that the Board Clerk is hereby directed, upon the filing of the plans, specifications, estimates, etc., for the improvement by the County Engineer, to schedule a time at a regular meeting of the Board of Commissioners for the Board to review the copies of the surveys, plans, profiles, cross sections, estimates and specifications for the improvement.

BE IT FURTHER RESOLVED that the Board Clerk is hereby instructed to transmit a certified copy of this resolution to the Newbury Township Board of Trustees, the Burton 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> |

COUNTY ENGINEER'S OFFICE – RESOLUTION TO IMPROVE THOMPSON ROAD – THOMPSON TOWNSHIP

Mr. Gorris asked the Board to execute the Resolution to improve Thompson Road from the Leroy Thompson Line to State Route 528 for a resurfacing project.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute Resolution #21-130 to Improve Thompson Road (CH-0007, Sections A-E) in Thompson Township.

Board of County Commissioners, Geauga County, Ohio

Date: October 19, 2021
Resolution: #21-130

**RESOLUTION TO IMPROVE THOMPSON ROAD (CH-0007),
SECTIONS A-E IN THOMPSON TOWNSHIP**

WHEREAS, the Board of County Commissioners of Geauga County (Board) has determined the public convenience and welfare requires the improvements of Thompson Road (CH-0007), Sections A-E, from the Lake/Gauga County Line to Madison Road (SR-528) in accordance with Section 5555.022 of the Ohio Revised Code.

NOW, THEREFORE, BE IT RESOLVED by the Board that the public convenience and welfare requires the improvements by constructing and reconstructing culverts, performing drainage improvements, subgrade stabilization, asphalt resurfacing and improving the shoulders and related improvements as necessary.

BE IT FURTHER RESOLVED that the Geauga County Engineer is hereby directed to complete necessary surveys, plans, profiles, cross sections, estimates of cost and specifications as required for the improvements and to transmit copies of the same to this Board at the time such plans are completed.

BE IT FURTHER RESOLVED that no special assessments to real estate will be assessed to cover the damages, costs and expenses of constructing this improvement and that the compensation, damages, costs and expenses of constructing said improvement shall be appointed as follows:

The engineering and right of way costs shall be paid from local roadway improvement funding sources. The construction costs shall be paid from local roadway improvement funds and any federal and/or state grants that may be secured for the project.

BE IT FURTHER RESOLVED that if preliminary designs show that the project cannot be built within the current right of way, pursuant to Section 5555.09 of the Ohio Revised Code, the Geauga County Engineer is granted permission to negotiate with owners to secure the lands, right-of-way, easements or work agreements required for the improvement.

BE IT FURTHER RESOLVED that the Board Clerk is hereby directed, upon the filing of the plans, specifications, estimates, etc., for the improvement by the County Engineer, to schedule a time at a regular meeting of the Board of Commissioners for the Board to review the copies of the surveys, plans, profiles, cross sections, estimates and specifications for the improvement.

Commissioners' Journal
October 19, 2021

BE IT FURTHER RESOLVED that the Board Clerk is hereby instructed to transmit a certified copy of this resolution to the Thompson 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> |

COUNTY ENGINEER'S OFFICE – AUTHORIZE TIMOTHY C. LENNON TO EXECUTE OHIO PUBLIC WORKS COMMISSION, APPENDIX E – DISBURSEMENT REQUEST FORM AND CERTIFICATION #1 – TAYLOR WELLS ROAD BRIDGE REPLACEMENT – CLARIDON TOWNSHIP

Mr. Gorris asked the Board to authorize Mr. Lennon to execute the Ohio Public Works Commission Appendix E for disbursement of the state portion of funds for the Taylor Wells Road Bridge Replacement, noting that there will be one additional disbursement that will be small.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and authorize Timothy C. Lennon, member and Chief Executive Officer to execute the Ohio Public Works Commission (OPWC), Appendix E – Disbursement Request Form and Certification No. 1 in order to release funds from the state portion of our OPWC grant for Taylor Wells Road Bridge Replacement in Claridon Township in the amount of \$58,453.25.

| | | |
|------------------------|--------------------------------|------------|
| <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> |

MAINTENANCE – SERVICE CONTRACT AGREEMENT – G.A.R. EQUIPMENT LEASING, INCORPORATED

Director Glen Vernick asked the Board to approve a contract with G.A.R. Equipment Leasing to do sealcoating, line stripping on the parking lots and to fill some potholes in a couple locations.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute the service Contract Agreement with G.A.R. Equipment Leasing, Incorporated to provide Parking Lot Repairs and Maintenance for various County locations per the Maintenance Director for the period of one year in an amount not to exceed \$40,000.00.

| | | |
|------------------------|--------------------------------|------------|
| <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> |

MAINTENANCE – SERVICE CONTRACT AGREEMENT – G.A.R. EQUIPMENT LEASING, INCORPORATED

Mr. Vernick explained that this contract with G.A.R. Equipment Leasing to do the area in front of the Dog Warden, in hope to get it done before the snow flies.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute the service Contract Agreement with G.A.R. Equipment Leasing, Incorporated to provide Asphalt Parking Lot for the Geauga County Dog Warden for the period of one year in an amount not to exceed \$33,150.00.

| | | |
|------------------------|--------------------------------|------------|
| <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 – RESOLUTION TO PROCEED - TABLED

The following motion was on the agenda; however, it was tabled until next week's meeting.

The Commissioners' Office is requesting the Board approve and execute Resolution #21-131 to Proceed with the Proposed Vacation of the Public Right of Way upon a portion of Wisner Road (TR-0084), All of Section C, in Chardon Township, Geauga County, Ohio.

Commissioners' Journal
October 19, 2021

Mr. Morgan explained that this was the continuation of the process following the hearing last week over the Vacation of Wisner Road, Section C. Mr. Morgan stated that it is now up to the Board to continue with the process. Commissioner Lennon inquired if there had been any discussion with the neighbors since we last spoke. Resident John Mauter expressed that no one had reached out to him, he had hoped for a compromise. Assistant Prosecutor Laura LaChapelle asked another resident, Mr. Swanki if he had been reached out to. Ms. LaChapelle stated that the Board has to decide based on evidence that was heard at the hearing, and based on what was stated during the hearing the Board is inquiring if there had been any follow up since that discussion was held. Mr. Mauter expressed that the intent with the first vacation was to have a non-vehicular all the way through. Ms. LaChapelle went over the previous proceeding vacations and what had been done prior, but they are dealing with the current vacation. This will be discussed again next Tuesday on October 26th meeting.

Motion: by Commissioner Dvorak, seconded by Commissioner Spidalieri to table the resolution to proceed with the proposed vacation of the public right of way upon a portion of Wisner Road, All of Section C in Chardon Township until the next meeting.

| | | |
|------------------------|--------------------------------|------------|
| <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> |

ACKNOWLEDGEMENTS

- a) *A weekly report filed by the County Dog Warden of all dogs seized, impounded, redeemed or destroyed for the week ending October 6, 2021 as required by O.R.C. 955.12.*

OTHER

The Board reviewed upcoming events.

MEETINGS

- Tue., 10/19 Geauga Trumbull Solid Waste Management District, Board of Directors meeting, 1:00 p.m. Warren, District Office*
- Wed., 10/20 Special ADP meeting, 2:00 p.m. Auditor's Appraisal Conference Room*
- 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*
- Tue., 10/26 County Building Project, Site Tour, 1:00 p.m.*
- Tue., 11/2 The Commissioners will hold regular session at 9:30 a.m.*
- Tue., 11/9 Planning Commission*
- Tue., 11/9 The Commissioners will hold regular session at 9:30 a.m.*
- Wed., 11/10 Geauga County Township Association Dinner, 6:30 p.m. Kent State Geauga Campus*
- Thu., 11/11 County Offices will be closed in observance of Veteran's Day. Twenty-four operations will continue to operate.***

COMMISSIONER'S OFFICE - RECESS

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to move to recess the meeting until the Public Viewing for the Proposed Vacation of a portion of Washington Street in Auburn Township.

Commissioners' Journal
October 19, 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> |

The board moved to recess until the Public Viewing at 10:16 a.m.

The Board reconvened at 11:11 a.m.

**PUBLIC VIEWING – PROPOSED VACATION OF A PORTION OF WASHINGTON STREET
IN AUBURN TOWNSHIP**

**Commissioner Spidalieri was not present at the Viewing.*

The Board reconvened at 17759 Valley Road, which is adjacent to the site of the Proposed Vacation of a portion of Washington Street in Auburn Township. Those in attendance were Commissioner Dvorak and Commissioner Lennon, County Engineer Joe Cattell and Deputy Engineer Andy Haupt, County Administrator Gerard Morgan, Clerk Christine Blair, Assistant Prosecutor Laura LaChapelle, and Mark Bennett and Rebecca Wilkerson from the City of Akron.

Deputy Engineer Andy Haupt explained that the City of Akron is the only abutting land owner of the section that is being vacated. Everyone walked up the road to where Washington Street meets Valley Road on the curve. Mr. Haupt explained that this was a Township road that was originally dedicated in 1818 and in 1828 it became a state road from Parkman to Cleveland. Then in 1959 a survey was done for what we know now as State Route 422, and in 1962 Valley Road was relocated as part of the reservoir project and then that plat was not recorded until 1969, and is what we are looking at, where Valley Road and Washington Street meet currently. Commissioner Lennon asked if the road went all the way across, to which Mr. Haupt stated, yes to what is 422 and Shaw Road. Valley Road originally came down and would be in the water, noting that they have a sketch of what it was like, and then when the dam was built, the Commissioners took action that the roads that were inundated with water were vacated. Mr. Haupt showed a plat of the most recent history.

Those in attendance walked to the end of the termini at Valley Road looking towards the opposite end of the section to be vacated under LaDue Reservoir. Mr. Lennon inquired about the Public Highway as an easement overtop that is City of Akron property, the underlying fee stays the same. Everyone then started to walk down the roadway towards the end. A question was asked as to what the purpose of the roadway was, to which Mr. Bennett stated that the current purpose is to have access to the boat launch and as public recreation area.

Everyone then proceeded to walk the length of Washington Street down to the ramp that ended at Water. Mark Bennett from the City of Akron explained that there is a license agreement in place with the Ohio Department of Natural Resources for land and water usage. The ODNR put the boat ramp and porta potty on site. The ODNR then bids out to private to operate the marina.

Mr. Haupt noted that the area we were standing on is the original stabilization of the road and it was discussed that the road continued under the water for approximately another 300-350 yards. Mr. Lennon asked if there were any objections. Assistant Prosecutor Laura LaChapelle asked if the City of Akron owned the parking lot. There was a brief discussion about public recreation being anything but motorized, no gas motors. There are 6 billion gallons at spillway crest. Mr. Bennett noted that there are two dams on La Due.

Being no further questions or comments, the Public Viewing was closed at 11:26 a.m.

Commissioners' Journal
October 19, 2021

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to adjourn the meeting at 11:26 a.m.

Geauga County Board of Commissioners

James W. Dvorak

Timothy C. Lennon

Ralph Spidalieri

Christine Blair, Commissioners' Clerk

Commissioners' Journal
October 19, 2021

THIS PAGE INTENTIONALLY LEFT BLANK