

**Commissioners' Journal**  
**October 26, 2021**

*The Geauga County Board of Commissioners met in session on October 26, 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 9:41 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.*

*Commissioner Dvorak read the following prayer:*

*Ever Faithful Father*

*As long as I live*

*I will never stop worshipping God*

*He has shown me undiluted love, and I pray for my heart to be able to contain the things*

*He has not yet attended to in my life.*

*Amen*

**FINANCIALS**

*County Administrator Gerard Morgan reported on financials from October 19, 2021, Resolution #21-132 that included a Supplemental appropriation for the Auditor's Office in their Real Estate Assessment Fund payroll accounts to allow for shifts in staffing and retirement payouts for the remainder of the year; as approved by the County Administrator pursuant to Resolution #21-003 approved January 5, 2021 to authorize the County Administrator to execute, in the case of a lack of quorum of Commissioners and / or if session is cancelled on a regular financial day or on a day when financials need to be approved, the required approvals for county financials on behalf of the Board during the Year 2021, as authorized by O.R.C. 305.30.*

**APPROVE FINANCIALS**

*Budget and Finance Manager Adrian Gorton explained the financials for today as including a Cash transfer from the General Fund to Community Development, Board of Elections and Metzenbaum for the 3<sup>rd</sup> quarter 2021 interest transfer; Travel request for Common Pleas Court; formal contracts for Maintenance to G.A.R. Paving for parking lot paving and repairs at various locations in the County; a payment for Commissioners' Office to Ohio State University for 4<sup>th</sup> quarter 2021 commitment in the amount of \$69,165.25; and a payment for the Commissioners' Office to the Airport Authority for pay request #3 for the T-Hangar construction project loan in the amount of \$79,054.82; and Revenue Certifications from Mental Health in their operating fund, the Sheriff in their Law Enforcement Block Grant and from Water Resources in their Bainbridge Water Project fund for additional revenue to be received in 2021.*

*Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute Resolution #21-133 itemizing the financials for the meeting of October 26, 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>

**PLANNING COMMISSION – ACCEPT AND ADOPT THE GEAUGA COUNTY GENERAL PLAN UPATE**

*Director Linda Crombie explained that they started this process a while ago for updating the General Plan. The Planning Commission had approved updating the 2003 plan, which was the last one that had been done. In 2018 the Planning Commission voted to update the plan. The purpose of the General Plan is to guide decision making, it is not law, and supplements plans in place for Townships, Cities and Villages. The Plan can provide information that can be used for Grant applications. It is important to keep it up to date. It's set up by an Executive Summary, eight chapters and an index. Ms. Crombie briefly explained the process they went through with public meetings and input to get through this point in the plan. Each chapter is divided into goals, assessment and planning commission initiatives.*

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*Mr. Dvorak congratulated everyone for their hard work on this process. Mr. Lennon agreed that it was a long process even with the interruption, they were able to move forward and get it complete. Mr. Lennon inquired about how often it will be updated and the current census information. Ms. Crombie noted that it will be assessed annually and updated every five year, and that some of the 2020 data is in there but it's just population and housing. The General Plan will be available on the Planning Commission website.*

*Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to accept and adopt the Geauga County General Plan Update, dated October 18, 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>

**PROSECUTOR'S VICTIM/WITNESS – VICTIM OF CRIME ACT (VOCA) AND STATE VICTIM ADVOCACY ACT (SVAA) GRANT AWARD AND ACCEPTANCE**

*Victim Witness Advocate Cindi Haycox-Wellman explained that she had been here in the spring requesting to submit her grant application and the match and today is requesting to accept the grant award.*

*Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and authorize the President of the Board to execute the Victim of Crime Act (VOCA) and State Victim Advocacy Act (SVAA) Grant Award and Acceptance Forms in the amount of \$46,490.00 from Grant #2022-VOCA-134717144 (\$29,938.00 from Federal VOCA funds and \$16,552.00 local match from the County General Fund) and \$4,461.00 from Grant #2022-SVAA-134717148 with no local match, for the period October 1, 2021 through September 30, 2022.*

<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>

**SHERIFF'S OFFICE – VICTIM OF CRIME ACT (VOCA) AND STATE VICTIM ADVOCACY ACT (SVAA) GRANT AWARD AND ACCEPTANCE**

*Sheriff Scott Hildenbrand explained that they were asking the Board to accept the award for the VOCA/SVAA grant.*

*Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and authorize the President of the Board to execute the Victim of Crime Act (VOCA) and State Victim Advocacy Act (SVAA) Grant Award and Acceptance Forms in the amount of \$35,067.00 from Grant #2022-VOCA-134717160 (\$31,652.00 from Federal VOCA funds and \$3,415.00 local match from the County General Fund) and \$3,264.80 from Grant #2022-SVAA-134717164 with no local match, for the period October 1, 2021 through September 30, 2022.*

<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 DEVELOPMENT (COMMUNITY & ECONOMIC) – EXECUTE OFFICE OF COMMUNITY DEVELOPMENT 2019 COMMUNITY DEVELOPMENT PROGRAM AMENDED SCOPE OF WORK AND BUDGET - AMENDMENT #2 FOR GRANT #B-F-19-1AZ-1**

*Director Martin Castelletti explained that the first amendment to the CDBG #B-F-19-1AZ-1 Grant to extend the date of completion, today he is asking to reduce the DDC Clinic amount by \$8,500.00 and increase the amount for Womensafe. This change is due to bids coming in less on the Clinic driveway project and the bids for Womensafe came in higher than anticipated for improvements to their storage facility.*

*Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and authorize the President of the Board to execute the Office of Community Development 2019 Community Development Program Amended Scope of Work and Budget for Amendment #2 for Grant #B-F-19-1AZ-1 to decrease the funds*

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*from Activity #3 DDC Clinic by \$8,500.00 and increase Activity #6 Womensafe by \$8,500.00.*

*Roll Call Vote:*

<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 WITH ITW FOOD EQUIPMENT GROUP, LLC – D.B.A. HOBART SERVICE**

*Director Glen Vernick asked the Board to approve the service contract with Hobart to do maintenance on the kitchen equipment at the Safety Center.*

*Motion:* *by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute the service Contract Agreement with ITW Food Equipment Group LLC d.b.a. Hobart Service to provide kitchen equipment repair services per the Maintenance Director for a period of three years in an amount not to exceed \$30,000.00.*

*Roll Call Vote:*

<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 – JOHNSON CONTROLS SECURITY SOLUTIONS, LLC**

*Mr. Vernick asked the Board to approve the contract for Tyco card reading system at the Courthouse.*

*Motion:* *by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute the service Contract Agreement with Johnson Controls Security Solutions, LLC to provide installation, maintenance and licensing of Tyco equipment per the Maintenance Director for a period of two years in an amount not to exceed \$45,000.00.*

*Roll Call Vote:*

<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 REQUEST FOR PARTIAL PAYMENT #11, OHIO WATER DEVELOPMENT AUTHORITY CONTRACTOR'S ESTIMATE #11 AND FUND PAYMENT REQUEST #11 – TRAX CONSTRUCTION COMPANY – CHARDON TOWNSHIP WASTEWATER TREATMENT PLANT AND SEWER PROJECT**

*Director Steven Oluic asked the Board to approve the partial payment request #11 for TRAX Construction for the Chardon Township Wastewater Treatment Plant and Sewer project.*

*Motion:* *by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and authorize the President of the Board to execute the Request for Partial Payment #11, Ohio Water Development Authority Contractor's Estimate #11 and the Ohio Water Development Authority Fund Payment Request #11 for TRAX Construction Company for the Chardon Township Wastewater Treatment Plant and Sewer project in the amount of \$382,864.42.*

*Roll Call Vote:*

<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 – ACCEPT AND EXECUTE OHIO WATER DEVELOPMENT AUTHORITY ACKNOWLEDGEMENT OF PAYMENT COMMENCEMENT – CHARDON TOWNSHIP WASTEWATER TREATMENT PLANT AND SEWER PROJECT**

*Dr. Oluic asked the Board to execute the Ohio Water Development Authority Acknowledgement for the payments on the Chardon Township project loan.*

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*Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and authorize the President of the Board to accept and execute the Ohio Water Development Authority Acknowledgement of Payment Commencement for the Semi-Annual Payment Amount for the Chardon Township Wastewater Treatment Plant and Sewer Project.*

<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 WASHINGTON STREET, AUBURN 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 Public Hearing at 10:00 a.m. and County Administrator Gerard Morgan swore in any one that had planned to speak or provide evidence during the hearing.*

*Deputy Engineer Andy Haupt read the Engineer's report as follows:*

*Office of the Geauga County Engineer: Report (ORC 5553.06)*  
*Proposed Vacation of the Public Right-of-way of a Portion of Washington Street (TR-0047),*  
*Auburn Township, Geauga County, Ohio*  
*Wednesday, October 20, 2021*

*Current Events: Township Trustee Action*

*On September 7, 2021, the Auburn Township Board of Trustees passed resolution number 2021-26 petitioning the Geauga County Board of Commissioners to vacate the public right of way upon a portion of Washington Street (TR-0047), pursuant to section 5553.045 of the Ohio Revised Code.*

*Location*

*The location of the public right of way of said Washington street to be vacated begins at the point where the centerline of said Washington Street intersects the southerly right-of-way of Valley Road (TR-0199), easterly approximately 1121.29 feet to the existing terminus of said Washington established by vacation actions recorded in Volume 9 Page 58 of the Geauga County Records of Plats, and Volume 16, Page 649 of the Geauga County Board of Commissioners Journals.*

*Auto Registration Funds*

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

*Underlying Fee*

*This action will release, cancel, rescind and vacate the public right-of-way of said Washington Street 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.*

*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# 1708904; City of Akron, Valley Rd, Auburn, Ohio 44024, whose property lies on the northerly margin of Washington Street.*

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*PPN# 1708919; The City of Akron, Valley Rd, Auburn, Ohio 44024, whose property lies on the northerly margin of Washington Street.*

*PPN# 1708950; City of Akron, Valley Rd, Auburn, Ohio 44024, whose property lies on the southerly margin of Washington Street.*

*PPN# 1708949; City of Akron, Valley Rd, Auburn, Ohio 44024, whose property lies on the northerly margin of Washington Street.*

**Intent**

- 1. To vacate all of the public right-of-way of said Washington Street being located east of its intersection with the easterly margin of said Valley Road, to approximately 1121.29 feet east to the existing terminus established by the July 30<sup>th</sup> 1962 and February 11<sup>th</sup> 1969 vacation actions.*
- 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.*

*Prepared by:*

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

*Joe Cattell, P.E., P.S.*

*Gauga County Engineer*

*A question by resident Diane Jones to clarify the Deputy Engineer Andy Haupt.*

*County Engineer Joe Cattell mentioned that the Viewing was held and it was obvious that the road continued under the waterway, and with a previous adjustment to roadways, this just cleans up the remaining action with those changes. This removes the public highway easement over the existing property which is owned by the City of Akron. Mr., Morgan added that at the viewing it was noted that the ODNR maintains the section of roadway for their use as part of the agreement in place with the City of Akron.*

*Being no further comments or questions, the Public Hearing was closed at 10:06 a.m.*

**COMMISSIONERS' OFFICE – PROPOSED VACATION OF PUBLIC RIGHT OF WAY UPON A PORTION OF WISNER ROAD, ALL OF SECTION C, CHARDON TOWNSHIP**

*Clerk Christine Blair explained that the Board needed to discuss the motion that had been tabled from last week regarding he proposed vacation of Wisner Road, Section C, noting that the Viewing had been held on October 7<sup>th</sup> and the Hearing on October 14<sup>th</sup>.*

*Mr. Dvorak inquired if Holden Arboretum had been able to have discussion with the surrounding property owners. Attorney for the Arboretum, Dale Markowitz stated that he had met with Mr. Swanki on it, and spoken to both him and Mr. Mauter about proposed plans with them, but added that several other residents in the area have written and come forward about access and the gate that had been discussed. Mr. Markowitz noted that there seems to be confusing over what is before the Board today and what has been previously done. Mr. Markowitz noted that they are not in a position to offer additional licenses. Assistant Prosecutor Laura LaChapelle inquired about the status of Mr. Swanki and Mr. Mauter, to which Mr. Markowitz noted that they had sent an MOU to both of them and the document is lengthy and should be reviewed by their legal counsel.*

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*Mr. Markowitz mentioned Ms. Koons who has concern about the gate on her property and that he had met Mr. Cattell and Mr. Haupt out there to discuss the gate from the previous vacations. Mr. Markowitz stated that they are in support of the vacation but not in favor of the easement, for two reasons, they don't feel it's lawful and don't see any benefit of a 1200-foot easement that ends in the middle of the bridge. Commissioner Lennon expressed that the bridge serves no purpose or function to the County or the Township and if we don't vacate we will have to repair the bridge. Mr. Cattell noted that they are required to inspect it annually and do maintenance as necessary, but it has about ten years life left. Mr. Markowitz noted that the liability then lands to them and a big part of why they are not in favor of allowing the public to come across the bridge.*

*Mr. Markowitz noted that letter from five families, which includes the abutting property owner, Mr. Cardinal, and the others are not abutting property owners. Resident on Mitchell Mills Gary Grimes explained that they had met with the Township Trustees and that Mr. Cardinal asked him to express that he is opposed to closing the road and that he doesn't want a gate on his property. Mr. Grimes added that since the Arboretum has purchased property has become less and less friendly with people and to the residents. Patrish Statfileano is a surrounding resident on Wisner Road and one of the families from the letter, expressing that it has been a privilege to walk the path daily and hope to be able to continue, noting that she has been a member of the Arboretum for years.*

*Tim McKenna, Chardon Township Trustees expressed that without the permissions they would rescind the request and follow the residents wishes and continue to maintain the road.*

*Mr. Cattell noted that Mr. McKenna stated that if the request for the Non-motorized Vehicle easement isn't included they would pull their petition to vacate. Mr. Cattell noted that the Commissioners had asked Holden Arboretum to work with property owners.*

*Mr. Lennon inquired about the MOU that had been sent. Mr. Swanki noted that he did receive the Memorandum of Understanding from Holden however he is not allowed to discuss it with the Board based on the wording included unless the Commissioners request a copy of the MOU. Mr. Lennon stated that it sounds like Holden wants to be a good neighbor, but the bridge is a liability to the County, both financially and general liability. Mr. Lennon made a motion to vacate that section. Commissioner Spidalieri seconded.*

*Mr. Cattell noted that they did some erosion protection that had been done in the bridge. Evette Syzarski, a resident on Mentor Road asked who approached who about the vacation of the road. Mr. Cattell noted that he had reached out to a Trustee and was then asked to be at a Trustee's meeting. The process is for the Trustees to petition the Commissioners to vacate. Mr. Lennon expressed that this is a special area for the neighbors, and that the taxpayers have paid for these roads.*

*A resident asked about the non-motorized vehicle easement and if it went from Mitchells Mills to the bridge abutment. Another local resident Jack, explained that he was the last house on the south side on Wisner Road and used to use the pass through all the time, and feels that the traffic would not increase from what it has been if this goes forward. Resident, Jack, wondered why they needed an MOU, as that can be revoked by the Arboretum at any time.*

*Mr. Mauter asked if this existed anywhere else along a scenic river. Mr. Dvorak asked him about the MOU and what it looked like to him, to which he replied it is an olive branch with thorns, noting that since they asked he could talk about it, but anything can be modified but there has been no contact since it was sent. Mr. Mauter explained that when the first vacation happened, that a turnaround was to be put into place, instead a gate went up with no trespassing signs. Mr. Mauter asked what the intent was, as it appears they were sold something that didn't happen.*

*Ms. Statfileano explained that she had called after seeing an article in the paper and wanted to express their opinion, but asked Holden Arboretum if they could work together on this. Another resident, Kate Burke on Mitchell Mills asked for a compromise.*

*Ms. Blair asked for clarification on what the Board wishes to vacate, as the details need to be included in the resolution, adding that a motion to proceed and to order. Mr. Lennon stated that originally, he made a motion to order the vacation as proposed. Mr. Dvorak brought up the*

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*easement of the non-motorized easement. The original petition included the request by the Township Trustees to include the non-motorized, non-vehicular easement. Mr. Cattell noted that the proposed vacation is the whole length of Section C, but include a non-motorized non-vehicular easement to the bridge, which is a walking trail to the bridge. The public will be able to walk to the bridge and no farther. This vacates the bridge and no longer causes the County to be responsible to maintain it, and the Township no longer required to maintain the roadway.*

*Ms. LaChapelle, Mr. Morgan, Ms. Blair and the Engineer's office worked on updating the resolutions to include the language required based on the Commissioners motion. The resolutions were updated and printed to put before the Board as follows:*

*Motion: by Commissioner Lennon, seconded by Commissioner Spidalieri to 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.*

*Board of County Commissioners, Geauga County, Ohio*

*Date: October 26, 2021*

*Resolution: #21-131*

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**RESOLUTION 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**

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*WHEREAS, the Geauga County Board of Commissioners ("Board") received a resolution from the Chardon Township Board of Trustees on or about August 30, 2021, petitioning the Board to proceed with the proposed vacation of the public right-of-way upon Wisner Road (TR-0084) all of Section C, in Chardon Township, Geauga County, Ohio, pursuant to Section 5553.045 of the Ohio Revised Code; and*

*WHEREAS, the Board passed Resolution #21-113, a Resolution of Convenience and Necessity for the Proposed Vacation of the Public Right of Way upon a Portion of Wisner Road, All of Section C in Chardon Township, Geauga County, Ohio, as further described in said Resolution; and*

*WHEREAS, the Board of Commissioners held a public viewing on October 7, 2021 to view the termini of the public right-of-way proposed to be vacated; and*

*WHEREAS, the County Engineer issued to the Board of Commissioners a written report pursuant to Ohio Revised Code Section 5553.06 stating that the Engineer believes the vacation of the public right-of-way upon a portion of Wisner Road, all of Section C, in Chardon Township is for the public convenience and welfare; and*

*WHEREAS, the Board of Commissioners held a public hearing on the proposed vacation of the public right of way of all of Section C of Wisner Road, in Chardon Township and heard any evidence bearing upon the necessity of the vacation for the public convenience or welfare and offered either for or against proceeding with the vacation by any interested person.*

*NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners, in accordance with Section 5553.045, of the Ohio Revised Code, hereby orders the 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, to proceed.*

*BE IT FURTHER RESOLVED that the Board of Commissioners has determined to proceed with the proposed vacation*

*BE IT FURTHER RESOLVED that the Board of Commissioners considers such improvement of sufficient public importance, and hereby instructs the County Engineer to make an accurate survey and plat of such improvement and furnish an accurate and detailed description describing therein the center line and right of way lines for the following route and termini:*

*Beginning at the intersection of Mitchells Mill Road (TR-0088), Section B and said Wisner Road, to a point located approximately 1430.64 feet south located at 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*

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

- 1) Eric J. Cardinal, 10037 Mitchells Mill Road, Chardon, Ohio 44024;*
- 2) The Holden Arboretum, 9500 Sperry Road Kirtland Ohio 44094; and*
- 3) Land Holdings LLC C/O Holden Arboretum, 9500 Sperry Road Willoughby Ohio 44094.*

*BE IT FURTHER RESOLVED that it is the opinion of the Board that the vacation of the public right-of-way upon a portion of Wisner Road (TR-0084), all of Section C, in Chardon Township, is in the interest of the public convenience and welfare, and that the portion of the right-of-way sought to be vacated is a public road.*

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

*BE IT FURTHER RESOLVED that pursuant to Section 5553.044 of the Ohio Revised Code, a public right of way thirty (30) feet wide within such roadway shall be preserved for public non-motorized vehicular recreational uses from the most southerly end of the road sought to be vacated a distance of about 260 feet northerly along the former roadway to the northerly abutment of the existing bridge over a tributary to the East Brach of Chagrin River now known as Stebbins Gulch and the Board hereby finds that such uses will not unreasonably interfere with current land uses along the road. Such public non-motorized vehicular recreational uses shall include, but are not limited to, hiking, bicycling, horseback riding and ski touring.*

*BE IT FURTHER RESOLVED that Wisner Road (TR-0084) is not used to calculate distribution of the auto registration distribution fund under R.C. 4501.04(E) and are not roads certified by the board of township trustees to the director of transportation as mileage in the township used by and maintained for the public in accordance with R.C. 5553.045(A).*

*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 Chardon 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>

*Motion: by Commissioner Lennon, seconded by Commissioner Spidalieri to approve and execute Resolution #21-134 to Order the 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.*

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**RESOLUTION TO ORDER THE 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**

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*WHEREAS, the Chardon Board of Township Trustees in Resolution #34, 2021 petitioned the Geauga County Board of Commissioners on August 18, 2021 for the vacation of the public right-of-way upon Wisner Road (TR-0084) all of Section C; and*

*WHEREAS, on September 20, 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 the above referenced portion of the public right of way of said Wisner Road, is for the public convenience and welfare; and*

*WHEREAS, the Geauga County Board of Commissioners held a public viewing on October 7, 2021 regarding the vacation of the above referenced portion of the public right-of-way of said Wisner Road; and*

*WHEREAS, the Geauga County Board of Commissioners held a public hearing on October 14, 2021 regarding the vacation of the above-referenced portion of the public right-of-way of said Wisner Road and gathered input from affected persons and Chardon Township officials and heard testimony for and against the vacation; and*

*WHEREAS, the public right-of-way of the above referenced portion of said Wisner Road, under consideration for vacation, is not used to calculate distributions of the auto registration funds*



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*under division (E) of Section 4501.04 of the Ohio Revised Code; and*

*WHEREAS, the Board of Commissioners ordered the vacation proceedings to proceed in Resolution # 21-131 and pursuant to Section 5553.044 of the Ohio Revised Code preserved a public right of way thirty feet (30') wide for non-motorized vehicular recreational uses and further directed the Engineer to prepare a plat depicting the highway easement vacated and the non-motorized vehicular recreational public right of way.*

*NOW, THEREFORE, BE IT RESOLVED that pursuant to Section 5553.08 of the Ohio Revised Code, the Board of Commissioners has determined to proceed with the proposed vacation.*

*BE IT FURTHER RESOLVED that a survey, plat and accurate and detailed description of the right of way to be vacated shall be prepared by the County Engineer reflecting the following route and termini:*

*Beginning at the intersection of Mitchells Mill Road (TR-0088), Section B and said Wisner Road, to a point located approximately 1430.64 feet south located at 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*

*BE IT FURTHER RESOLVED that the plat shall depict a preserved non-motorized vehicular recreational public right of way thirty feet (30') wide in accordance with Section 5553.044 of the Ohio Revised Code and the Board hereby finds that such uses will not unreasonably interfere with current land uses along the road, and said public right-of-way is hereby preserved as further described in the resolution to proceed.*

*BE IT FURTHER RESOLVED by the Geauga County Board of Commissioners that the vacation of the portion of said Wisner Road 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 right-of-way over the portion of said Wisner Road, shall pass, in fee, to the abutting landowners, as provided by law, subject to any existing rights-of-way, in, over, or under the road as provided in RC 5553.042(B)(1)-(4), RC 5553.043, RC 5553.045 and other applicable law.*

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

- 1) Eric J. Cardinal, 10037 Mitchells Mill Road, Chardon, Ohio 44024*
- 2) The Holden Arboretum, 9500 Sperry Road Kirtland Ohio 44094*
- 3) Land Holdings LLC; C/O Holden Arboretum, 9500 Sperry Road Willoughby Ohio 44094.*

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

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

*BE IT FURTHER RESOLVED that Wisner Road (TR-0084) is not used to calculate distribution of the auto registration distribution fund under R.C. 4501.04(E) and are not roads certified by the board of township trustees to the director of transportation as mileage in the township used by and maintained for the public in accordance with R.C. 5553.045(A).*

*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 Chardon Township Board of Trustees, the Geauga County Engineer, Geauga County Auditor and the Geauga County Recorder.*

<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 – ADVERTISE AND GIVE PUBLIC NOTICE FOR REQUEST FOR STATEMENT OF QUALIFICATIONS FOR MOVE MANAGEMENT STRATEGIC PLANNING PROFESSIONAL SERVICES – NEW COUNTY OFFICE BUILDING**

*Mr. Morgan explained that we are working on preparing the proposal for the move management for the new building, so we are asking the Board to authorize the County Administrator to advertise once the documents are complete.*

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*Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to authorize County Administrator, Gerard Morgan pursuant to O.R.C. 305.30 to approve the Request for Statement of Qualifications for Move Management Strategic Planning Professional Services related to the New County Office Building and to grant the permission to advertise, setting the date for Qualifications to be received and published to give Public 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>

**ACKNOWLEDGEMENTS**

- a) Appointment by Common Pleas Court of Joseph Keough to the Public Defender Commission for a four-year term, October 3, 2021 through October 3, 2025.*
- b) A weekly report filed by the County Dog Warden of all dogs seized, impounded, redeemed or destroyed for the week ending October 13, 2021 as required by O.R.C. 955.12.*
- c) The Monthly Inventory Report, Consolidated Investment Portfolio and Obligations and Securities monthly reports filed by the Treasurer's Office for Geauga County for the Month of September, 2021 pursuant to ORC 135.35(L).*

**OTHER**

*The Board reviewed upcoming events.*

**MEETINGS**

- Tue., 10/26 County Building Project, Site Tour, 1:00 p.m.*
- Tue., 10/26 Special Planning Commission, 7:00 p.m. 470 Center St. Building #8 meeting room*
- Tue., 11/2 The Commissioners will hold regular session at 9:30 a.m.*
- Tue., 11/9 Planning Commission, 7:30 a.m. 470 Center St. Building #8 meeting room*
- 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.***
- Mon., 11/15 Family First Council, 1:30 p.m. Job and Family Services*
- Tue., 11/16 The Commissioners will hold regular session at 9:30 a.m.*
- Tue., 11/6 Geauga Trumbull Solid Waste Management District, Board of Directors meeting, 1:30 p.m. Warren, District Office*

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

*Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to adjourn the meeting at 11:33 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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