

Commissioners' Journal
October 28, 2010

The Geauga County Board of Commissioners met in session on October 28, 2010 at 10:00 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, Mary E. Samide opened the meeting at 10:04 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

Commissioner Jemison was absent from this meeting.

APPROVE MINUTES

Motion: by Commissioner Young, seconded by Commissioner Samide to approve and execute the minutes for the meeting of October 26, 2010.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

APPROVE FINANCIALS

Budget Administrator Heidi Delaney explained the financials as including a supplemental appropriation for the 800 Communication Permanent Improvement fund; travel requests for the Commissioners' Office and the Auditor's Office; a payment to United Way for the Department of Job and Family Services and a payment to the Geauga County Township Association for the Auditor's Office.

Motion: by Commissioner Young, seconded by Commissioner Samide to approve and execute Resolution 10-202 itemizing the financials for the meeting of October 28, 2010.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

ENGINEER'S OFFICE – POSTED LOAD REDUCTION – STAFFORD ROAD BRIDGE

Planning Engineer Michael Stone explained with the bridge that collapsed in Minnesota, it is now a requirement that all structures 20 feet and over be evaluated for load reductions. This bridge was a lesser design bridge and the Engineer's Office decided that it made sense to reduce it on this bridge.

Motion: by Commissioner Young, seconded by Commissioner Samide to approve increasing the posted load reduction of 10 % to 25% for the Stafford Road Bridge (Structure #187.7.69) in Troy Township.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

ENGINEER'S OFFICE – RONYAK PAVING CHANGE ORDER – MUMFORD ROAD RESURFACING

Mr. Stone explained that this was one of their OPWC fund projects which is why it was done later in the year. The major reason for this decrease is that less asphalt was needed.

Motion: by Commissioner Young, seconded by Commissioner Samide to approve and execute Change Order #1 and final decreasing the contract amount with Ronyak Paving, Incorporated for the Asphalt Resurfacing of Mumford Road (CH 24, Sections A-D) in Troy Township, Contract # RS-24AD-10, in the amount of \$7,192.05.

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Roll Call Vote:	Commissioner Young	Aye
	Commissioner Jemison	Absent
	Commissioner Samide	Aye

**ENGINEER'S OFFICE – RONYAK PAVING CHANGE ORDER – AQUILLA ROAD
WIDENING AND RESURFACING**

Mr. Stone explained that this project was done later in the year as well because it was also an OPWC funded project. The plan included extra quantities for pavement repair which less was needed than anticipated.

Motion: by Commissioner Young, seconded by Commissioner Samide to approve and execute Change Order #1 and final decreasing the contract amount with Ronyak Paving, Incorporated for the Widening and Asphalt Resurfacing of Aquilla Road (CH 5s, Sections D & E) in Claridon Township, Contract # RW-5sDE-10, in the amount of \$11,218.85.

Roll Call Vote:	Commissioner Young	Aye
	Commissioner Jemison	Absent
	Commissioner Samide	Aye

**ENGINEER'S OFFICE – APPOINT CEO – FINANCIAL ASSISTANCE APPLICATION – FOX
ROAD REPLACEMENT PROJECT**

Mr. Stone stated that this project is estimated to be about a \$150,000 job with a \$100,000 grant.

Motion: by Commissioner Young, seconded by Commissioner Samide to approve and appoint the President of the Board as the Chief Executive Officer and to further execute the Application for Financial Assistance for the proposed Ohio Public Works Commission project entitled Fox Road Replacement Project in Auburn Township.

Roll Call Vote:	Commissioner Young	Aye
	Commissioner Jemison	Absent
	Commissioner Samide	Aye

**MAINTENANCE DEPARTMENT – DIVERSIFIED PIPING SERVICE CONTRACT CHANGE
ORDER**

Director Glen Vernick stated that this is a service contract and will be used for various violation repairs that need to be corrected. There is two months left on this service contract with a little money still left on the contract. Mr. Vernick briefly updated the Board on the work at 470 Center Street explaining that they are doing generator work and moving wires around. Mr. Vernick added that the Law Library is coming along and carpet is supposed to be laid soon as well as the shelving. The old jail site is being cleaned up a little bit more. Mr. Vernick added that something has to be done with the lighting from the transformer on that parcel as it handles the lighting that goes all the way to JFS. There will also be about ten more loads of dirt put on the site.

Motion: by Commissioner Young, seconded by Commissioner Samide to approve and authorize Change Order #1 increasing the service contract with Diversified Piping and Mechanical Incorporated to correct violations found during inspection, in the amount of \$1,000.00.

Roll Call Vote:	Commissioner Young	Aye
	Commissioner Jemison	Absent
	Commissioner Samide	Aye

**OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – HOUSING DEMOLITION
CLEARANCE AGREEMENT – LARRY REITER / SAUNDERS EXCAVATING**

Program Administrator Joni Stusek explained that this is the last free demo project. Commissioner Samide stated that the Board has a little problem with this request so they will wait for the return of Commissioner Jemison to have a concurrence of the Board to either go ahead or cancel it. The Board tabled the motions.

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Motion: by Commissioner Young, seconded by Commissioner Samide to table the following motion "to approve and execute the Agreement for Housing Demolition/Clearance between the Geauga County Board of Commissioners, Larry Reiter and Saunders Excavating for demolition to be performed at 10721 Mulberry Road, Munson under the Program Income Fund, in the amount of \$5,200.00.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

Motion: by Commissioner Young, seconded by Commissioner Samide to table the following motion "to approve and authorize the President of the Board to execute the Notice to Proceed for Saunders Excavating, Limited for the demolition of a structure at 10721 Mulberry Road, Munson Township.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

DEPARTMENT OF WATER RESOURCES – GARAGE LEASE AGREEMENT – CITY OF CHARDON

Director Doug Bowen stated that the City of Chardon is leasing the garage again for the winter. This is the third or fourth year and the City of Chardon pays their bill.

Motion: by Commissioner Young, seconded by Commissioner Samide to approve and execute a Lease Agreement between the Geauga County Board of Commissioners and the City of Chardon for use of the Geauga County Department of Water Resources garage located at 223 Center Street, Chardon for the period November 1, 2010 through April 30, 2011, in the rental amount of \$2,500.00 per month plus utilities.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

DEPARTMENT OF WATER RESOURCES – PULTE HOMES LLC ARTICLES OF AGREEMENT – CANYON WOODS LANDSCAPE MOUND

Mr. Bowen stated that this item has been ongoing for a couple of years. It originally started with Palmieri Homes (Canyon Woods Incorporated) in Canyon Lakes. After the subdivision was done and approved a couple of months later a department inspector found that this giant landscape mound was built right on top of the water and sewer lines. If there were ever to be a problem with the water and sewer lines the mound would have to be dug up to get to the lines which are twenty to thirty feet deep. This mound violates the department rules and regulations. Senator Tim Grendell got involved, as he knew the builders, and then an agreement was created. With this agreement \$9,000 was given to the department to keep on reserve in the event that either of the lines had to be dug up, this would cover the cost of digging up the mound and the mound would never get replaced. The property was sold to Pulte Homes who wanted this same agreement that was almost signed by Palmieri Homes several years ago.

Motion: by Commissioner Young, seconded by Commissioner Samide to approve and execute an Articles of Agreement between the Geauga County Board of Commissioners and Pulte Homes of Ohio LLC regarding the acceptance of \$9,000.00 to cover costs (of the Department of Water Resources to remove the landscaped mound placed atop the County sewer and waterline easement in Canyon Woods Subdivision by Canyon Woods Development Incorporated), in the event the sewer or water require maintenance.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

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OTHER

Commissioner Samide commented that one of the things they wanted to do as commissioners is to discuss with Munson Township to pick up the raising of these homes and then attach a lien on the house to pay back the money used for these demolitions when they sell the house. They feel when those property owners sell the property that the money should come back to the county and that the demolition done on these properties is not free of charge. Commissioner Samide explained this as being the reason for tabling the Office of Community and Economic Development (above) requests for action on the demolition on Mulberry Road. Commissioner Samide continued that one of the things that could be done would be for the township to front end the money and put a lien on the house to get the township money back and is not paid for by tax payers. Commissioner Samide stated that that would be a fairer way for the removal of these "demolition homes and structures" and the government would get some recovery of the money they expended on these demolitions. This is the reason for holding back on taking action on the Mulberry Road property. Commissioner Samide added that on some of these properties that have had the demolition it appears that the owners may have been able to spend the money themselves and that they would still have been able to recoup it in the sale of the property. This is why the Board is reconsidering the demolition requests above.

**DEPARTMENT OF WATER RESOURCES – EXECUTIVE SESSION AND PROMOTE
GEORGE HAGGERTY MCFARLAND SUPERVISOR**

Motion: by Commissioner Young, seconded by Commissioner Samide to move into executive session for the purpose of discussing the employment of a public employee.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

The Board reconvened at 10:36 am. The following action was taken as a result of this executive session:

Motion: by Commissioner Young, seconded by Commissioner Samide to approve the promotion of George Haggerty to the position of McFarland Supervisor (#2301) at the rate of \$22.85 per hour, Step 5 of pay grade 13, to be effective November 1, 2010.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

TRANSIT DEPARTMENT – EXECUTIVE SESSION

Motion: by Commissioner Young, seconded by Commissioner Samide to move into executive session for the purpose of discussing the employment of a public employee.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

The Board reconvened at 10:44 am. No action was taken as a result of this executive session.

BUILDING DEPARTMENT – RETIREMENT RESIGNATION – STEVEN ROTH

Motion: by Commissioner Young, seconded by Commissioner Samide to accept the retirement resignation of Steven Roth, Multi-Certified Inspector for the Geauga County Building Department, to be effective December 31, 2010.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

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COMMISSIONERS' OFFICE – ADVERTISE PUBLIC HEARING – REHIRING OF RETIRANT STEVEN ROTH

Commissioner Samide stated that this position will be part time and County Administrator Dave Lair added that there will be no benefits.

Motion: by Commissioner Young, seconded by Commissioner Samide to grant permission to advertise giving public notice and to hold a public hearing for the proposed rehiring of Steven Roth, as a retirant and employment to the position of Multi-Certified Inspector for the Geauga County Building Department, to be effective January 4, 2011. This public hearing will be held on December 9, 2010 at 10:30 a.m. The public notice for this issue and notice of this hearing will be published on November 4, 2010.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

SHERIFF'S OFFICE – TROY AND CHAGRIN TOWER SITES PROJECT

Assistant Prosecuting Attorney Laura LaChapelle, Sheriff Dan McClelland and Chief Deputy Scott Hildenbrand were present for these items.

Motion: by Commissioner Young, seconded by Commissioner Samide to award the bid to Sabre Communications Corporation for the Construction of the Troy and Chagrin Tower Sites Project in the amount of \$708,836.00, as they represented the lowest and best bid.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

Motion: by Commissioner Young, seconded by Commissioner Samide to approve and execute a Contract Agreement with Sabre Communications Corporation for the Construction of the Troy and Chagrin Tower Sites Project in the amount of \$708,836.00.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

Ms. LaChapelle stated that the signed contract agreement from Sabre Communications had already been received but CEI requested additional indemnification provisions which is the reason for this First Amendment to amending those indemnification provisions. Ms. LaChapelle added that the First Amendment has not been executed by Sabre Communications yet but they emailed a signed version, but this will be forwarded to them for signatures.

Motion: by Commissioner Young, seconded by Commissioner Samide to approve and execute the First Amendment to the Contract Agreement with Sabre Communications Corporation for the Construction of the Troy and Chagrin Radio Tower Sites.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

Sheriff Dan McClelland stated that this is for access to the tower location.

Motion: by Commissioner Young, seconded by Commissioner Samide to approve and execute a Driveway Easement and Agreement between the Geauga County Board of Commissioners and Cleveland Electric Illuminating Company for property owned by CEI located on Chagrin Road (Parcel # 02-600300) in Bainbridge Township for the Construction of the Troy and Chagrin Tower Sites Project.

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Roll Call Vote:	Commissioner Young	Aye
	Commissioner Jemison	Absent
	Commissioner Samide	Aye

Sheriff McClelland stated that the towers are expected to be up by January of 2011. The cost was significantly lower than anticipated and they leveraged county tax dollars considerably by doing the two towers together for less than doing them individually. These towers will fill in the significant problem areas of the radio system for the safety forces. Sheriff McClelland thanked the Board, Laura LaChapelle and Commissioners' Clerk Claudine Kozenko for all of their cooperation and flexibility in helping to get these items to session and getting everyone involved and working for a common goal, recognizing the priority and the value of getting it done.

OTHER

The Board reviewed calendars and upcoming events.

ACKNOWLEDGEMENTS

- a) *A weekly report filed by the County Dog Warden of all dogs seized, impounded, redeemed or destroyed for the week ending October 20, 2010 as required by O.R.C. 955.12.*

MEETINGS

Tue., 11/2 The Regularly scheduled Commissioners' meeting is cancelled.

Thu., 11/4 A Public Hearing in accordance with O.R.C. Sections 5547.03 and 5547.04 on the issue of rock and tree obstructions located in the Right-of-Way of Brakeman Road property of Daniel Tvergyak to be held at 10:30 a.m.

Tue., 11/9 The Commissioners will hold regular session.

Thu., 11/11 County offices will be closed for general business in honor of Veterans Day.

Tue., 11/16 The Commissioners will hold regular session.

Thu., 11/18 The Commissioners will hold regular session.

Tue., 11/23 The Commissioners will hold regular session.

Tue., 11/23 The Commissioners will attend the Portage Geauga Juvenile Detention Center Board meeting at 2:00 p.m. in Chambers.

Thu., 11/25 County offices will be closed for general business for the Thanksgiving Holiday. Twenty-four hour operations will continue to operate as usual.

Fri., 11/26 County offices under the hiring authority of the Board of Commissioners will be closed for general business.

Tue., 11/30 The Commissioners will hold regular session.

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER SAMIDE ADJOURNED THE MEETING AT 11:00 A.M.

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Geauga County Board of Commissioners

William S. Young

ABSENT
Tracy A. Jemison

Mary E. Samide

Claudine Kozenko, Commissioners' Clerk