

Commissioners' Journal
April 26, 2011

The Geauga County Board of Commissioners met in session on April 26, 2011 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, Tracy A. Jemison opened the meeting at 10:03 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

APPROVE MINUTES

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute the minutes for the meeting of April 21, 2011.

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

APPROVE FINANCIALS

Budget Administrator Heidi Delaney explained the financials as cash transfers from various county funds for the 2011 Workers Compensation premium for \$657,219.08, out of the General Fund for the FY 2011 4th quarter commitment for the Family First Council in the amount of \$10,217.00 and a portion of the 2011 funding for Court Technology, into the General Fund for 2nd quarter cost allocations for Community Development, and the Transit department; travel requests for the Commissioners' Office, Public Defender, Common Pleas Court, Water Resources and the Prosecutor's Office; payments to CORSA for County Building, Property and Liability insurance premiums totaling \$343,157.00.

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution #11-062 itemizing the financials for the meeting of April 26, 2011.

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

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – ADVERTISE FOR BIDS – CHAGRIN FALLS PARK COMMUNITY CENTER PARKING LOT IMPROVEMENTS

Program Coordinator Rhea Benton stated that both of these are formula projects and she is asking for permission to advertise for bids.

Motion: by Commissioner Samide, seconded by Commissioner Young to grant permission to advertise for bids for the Chagrin Falls Park Community Center Parking Lot Improvements (Grant #B-F-10-IAZ-1) to be held on Wednesday, May 18, 2011 at 2:15 p.m. Notice of this bid opening will be advertised on Thursday, April 28, 2011 and on the county website.

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

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – ADVERTISE FOR BIDS – MAPLE LEAF COMMUNITY RESIDENCES WINDOWS AND PATIO DOORS REPLACEMENT FOR FIVE (5) HOUSES

Motion: by Commissioner Samide, seconded by Commissioner Young to grant permission to advertise for bids for the Maple Leaf Community Residences Windows and Patio Doors Replacements for five (5) Houses (Grant #B-F-10-IAZ-1) to be held on Wednesday, May 18, 2011 at 2:30 p.m. Notice of this bid opening will be advertised on Thursday, April 28, 2011 and on the county website.

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

PLANNING COMMISSION – RESUBDIVISION PLAT – SUBLOT 8 – MARKETPLACE AT FOUR CORNERS –BAINBRIDGE TOWNSHIP

Planning Director Dave Dietrich stated this subdivision is in the Geauga Lake area, on the southwest side of State Route 43, across from Depot Road at Four Corners. Mr. Dietrich explained that this was to resubdivide an existing lot, Sublot 8 in Marketplace into 8A – Thomasville building, 8B – Dick's Sporting Goods which has frontage on Lake Street, 8C – Petsmart, Michaels area with a wetland retention basis combo and 8D – which is a rather odd Shaped lot that includes buildings that house Babies R Us, Big Lots and Marshals, running through the parking lot area and includes the wetland in the parking lot. Mr. Dietrich stated that these were lease sites held by the original developer and by doing this resubdivision would allow him to spin off the divided parcels.

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute the Resubdivision Plat for the remainder of Sublot 8 of the Marketplace at Four Corners in Bainbridge Township.

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

PLANNING COMMISSION – REPLAT SUBLOT 13 AND BLOCK "A" DEER LAKE ESTATES SUBDIVISION PHASE 1 RUSSELL TOWNSHIP

Mr. Dietrich stated this was a residential subdivision in Russell Township at the end of Fawn Court, an existing cul de sac off the south end of Music Street. The affected areas are Sublot 13 and Block "A", which is an open space block that is maintained by the Home Owners Association (HOA). Mr. Dietrich explained that this is a trade off a little less than an acre of property between the owner of Sublot 13 and the Home Owners Association to give a little more lake frontage to the Home Owners Association block. The Home Owners Association wants to install a boat dock area in the subplot that they will obtain from this. County Administrator David Lair asked if there was access to this property off the cul de sac, to which Mr. Dietrich replied about sixty feet. Mr. Dietrich stated that all properties have to have frontage. This is a trade off of an equal amount of property with an agreement between the parties for this arrangement to happen. Mr. Dietrich stated that zoning has approved the plat and the Planning Commission approved it at their last meeting, there are no new roads just a trade of property.

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute the Replat of Sublot 13 and Block "A" of Deer Lake Estates Subdivision Phase I in Russell Township.

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

COMMISSIONERS' OFFICE – PUBLIC HEARING – TO VACATE THE ABANDONED PORTION OF WISNER ROAD (TR 84) CHARDON TOWNSHIP

Commissioner Jemison asked for a motion to waive the reading of the legal notice.

Motion: by Commissioner Samide, seconded by Commissioner Young to waive the reading of the legal notice for the public hearing.

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

Commissioner Jemison opened the public hearing at 10:12 a.m. Mr. Jemison stated that for the record we wanted all documents and any correspondence that had been received to be placed into record. Commissioners' Clerk Christine Blair stated that a letter had been received from the Chardon Township Trustees on January 24, 2011 stating that Resolution #125, 2010 had been passed requesting the Board of Commissioners to initiate proceedings. Paperwork was received from the County Engineer's Office and Resolution #11-037 was passed for the

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Convenience and Necessity to vacate the abandoned portion of Wisner Road (TR84) in Chardon Township and set the dates and times for the Public Viewing and Public Hearing. The list of abutting property owners and the letter and legal notice that was mailed to them. Other documentation includes: a copy of the minutes that includes Resolution #125,2010 from the Chardon Township Trustees meeting from December 15, 2010, a letter from Chardon Township Trustees dated April 20, 2011 informing the Board of Commissioners that the Trustees voted unanimously to rescind the motion of Resolution #125, 2010 that they had adopted on December 15, 2010 and that they are no longer in support of the vacation of Wisner Road (TR84), a letter received from the Holden Arboretum addressed to the Board of Commissioners, Chardon Township Trustees, and the County Engineer regarding the abutting property owners' Objections, a letter received from Margaret Grimm stating her concerns and that she was opposed to the vacation of Wisner Road; Ms. Grimm is located on Hermitage Road, and a fax received from Zeigler, Metzger and Miller dated April 25, 2011 regarding the abutting property owners' objections. Ms. Blair stated that the Board had received a report from the Geauga County Engineer dated April 22, 2011.

County Engineer R. L. Phillips read the following report that was submitted to the Board.

Office of the Geauga County Engineer
Engineer's Report (ORC 5553.06)
A Portion of Section B of Wisner Road, Chardon Township
April 22, 2011

Wisner Road (TR 84) located between Kirtland Road (CH 17) and Mitchells Mill Road (TR 88) was established in 1828 as recorded in Book B, Page 357 & 358 of the Geauga County Original Road Records. A portion of this stretch of road was relocated and re-established fifty feet (50') wide in 1868 per record found in Book D, Pages 429-431 of the Road Records. The so-called "abandoned" section of Wisner Road was washed out during storms occurring on July 11, 1976.

Approximately seven hundred feet (700') of roadway is washed out and has not been used by the traveling public in excess of twenty-one (21) years. There have been numerous investigations as to how to proceed to rectify the situation whether relating to rebuilding the road or vacating the road. There are two (2) property owners affected by the washout. The Daly Trust property has a summer cabin located at the northern end of the proposed road vacation area and the Holden Arboretum owns lands at the southern end of the area.

This office, in the past, has met with each owner and township officials on numerous separate occasions to discuss the situation. Holden Arboretum officials at one point contacted this office and requested the road be vacated. After a few meetings, the sentiment changed when Holden officials understood that the maintenance of a truss bridge would become their responsibility. Representatives of the Daly Trust property have expressed concerns with regards to the road vacation.

Since the time of the road washout, this office had concerns regarding the maintenance of two (2) bridges that serve only two different (2) property owners. A truss bridge serves the lands at the south end of the area proposed to be vacated and a simple span steel beam bridge serves the property at the north end of the proposed vacation. The truss bridge is currently rated to be in poor condition (rated 4 out of 9) and the steel beam bridge is rated as fair (rated 5 out of 9). The existence of these two (2) structures on a township road creates a vested interest by the county more so than a typical township road vacation proceeding.

Based upon dialog between this office and Chardon Township officials and official board action taken by the Chardon Township Trustees, this office recommended that the Geauga County Commissioners initiate road vacation proceedings for portions of Section B of Wisner Road. During a public meeting at the end of December, 2010, The Chardon Township Trustees passed Resolution #125 requesting the Geauga County Commissioners begin vacation proceedings for the abandoned portion of Section B of Wisner. They qualified their resolution to include a statement, "based upon the agreement of all property owners affected by the vacation."

A Public Viewing was held for these proceedings on April 12, 2011. A plat had been prepared by this office in order for those attending the viewing to have a better understanding of

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the proposed vacation termini. A Holden Arboretum official stated that their organization had no position with regards to the vacation to date. Representatives of the Daly Trust property expressed concerns regarding the vacation. A Chardon Township Trustee stated that Chardon was concerned to adhere to the statements found in the original Township Resolution.

This office believes it is important for the Board of Commissioners to determine if Chardon Township intends to reconstruct the washed out section of roadway. This office believes such a project would be cost and environmentally prohibitive. The river has occupied the old road right-of-way in the wash out area in excess of thirty-four (34) years.

Based upon comments and input gathered at the public viewing, this office believes the northerly terminus point of the road to be vacated should be the intersection of the Wisner Road right-of-way and the northerly boundary of lands owned by the Daly Trust.

The Office of the Geauga County Engineer has reviewed the situation and performed a field review and the required survey work for the portion of Wisner Road proposed to be vacated. A portion of this road is impassible to the traveling public. Two (2) county bridges which each serve only a single land owner will be removed from public maintenance. A portion of the proposed road has not been used by the public for more than twenty-one (21) years. All public utilities retain easement rights within the right-of-way limits resulting for a road vacation per state law.

Based upon the above facts, the Office of the Geauga County Engineer believes the vacation from the southerly terminus point as depicted on the map presented at the Public Viewing to a northerly terminus point being the intersection of the Wisner Road right-of-way and the northern boundary of the Daly Trust parcel would be for the public convenience and necessity.

Mr. Jemison noted that the Public Hearing for the proposed vacations for Kiwanis Lake was to have started two minutes prior. Mr. Jemison explained to those in attendance that it may take some time but that the hearing would be held following the close of the one for Wisner. Mr. Jemison noted that they wanted to give anyone in attendance a chance to speak so that the Board could hear all parties' information to aid them in their decision.

Mr. Jemison swore in those in the audience that wished to speak during the hearing by asking them to swear that the testimony about the Wisner Road proposed vacation that they were about to give to be the truth and nothing but the truth. Mr. Jemison asked that as they came up to speak that they state their name and address.

Nancy Gorman who lives on Wisner Road stated that she leases property from Holden Arboretum for a horse facility that has twenty-five borders. Ms. Gorman presented the Board with 100+ signatures from people who are opposed to the vacation and want to continue to use the property and have access. Ms. Gorman explained that hikers, bikers, walkers, horseback riders, cross country skiers and hunters use that access for the marked trails that are maintained by the East Branch Trail Association (EBTA). Mr. Jemison questioned Ms. Gorman regarding permission to use the property. Ms. Gorman stated that as far as she knew they had permission; in the past there had been some question about the Fallen / Daly property but if that was the case they would like to clear that up today. Commissioner Samide stated to Ms. Gorman that if the Board does the vacation that the EBTA still wants an easement to allow access. Commissioner Young inquired about motor vehicles being used on these trails. Ms. Gorman stated that bicycles were allowed as they considered it part of the public road bed, but that Holden Arboretum has restrictions on what is allowed on their property and enforce it.

Judith McMillan who lives on Hermitage Road stated that she was there representing herself but also the Mountain Glen Farm, which is the Mather / McMillan property that runs from Girdled Road to Mentor, and then Mentor Road to Wisner. Ms. McMillan showed a map done by the stable master from the farm back in the 1960's showing the East Branch Trails. Ms. McMillan stated that historically there has been public access and people have used it for trail riding, and walking, noting that there are not too many places that you walk and have access to the river. Ms. McMillan stated that she felt that this property belonged in the public domain and questioned the Board on who could afford to replace a bridge that was built back in the 1900's. Ms. McMillan feels that this has historic precedent and that it would be tragedy to not have the public access and have the freedom to connect large properties of land, noting that there were

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40 miles of trails. Ms. McMillan feels that one of the benefits of Geauga County was the rural character that it has. Closing off this road is a feeling of encroachment and that you are losing something that is very special. Ms. McMillan submitted 15 signatures from people at the barn who too are opposed to the vacation. Mr. Jemison questioned Ms. McMillan about the permission to use the property. Ms. McMillan stated that they did have permission and that they also have rules that they ask their riders to follow and if they do not they are spoken with on an individual basis.

Sheila Fuerst who lives on Mitchells Mill Road stated her concern for the vacation, noting that she submitted a letter but did not hear it read. Ms. Fuerst explained that her property goes into the river and she has allowed friends and family to use her side of the river to enjoy picnics and family gatherings. If this is vacated then they will not have access to the property. Ms. Fuerst stated that they have built steps down the hill, but as they get older this is not a feasible way to have access. She expressed concern on the road right of way reverting to the adjoining property owners who might not allow her to have access on the backside of the road, land locking her property access. Ms. Fuerst noted that the trail system that was questioned for permission is currently Township property and that there had never been any issue on the need for permission. Ms. Fuerst stated if the road becomes the property of adjoining owners they can sell it, or decide that they don't want horses on the property and then the historic trails that have been used since the families built them in the 1930's will not have access. Ms. Fuerst noted the association that they pay into maintains the area and had recently built a bridge for safer riding. Ms. Gorman noted that the EBTA built a wooden bridge over a swampy area. Mr. Young expressed concern over a liability of this bridge if it collapsed. Ms. Gorman explained that that bridge was on the ground, made of materials from the area, that just allows riders and walkers to go over an area that is swamp. Ms. Gorman also noted that all EBTA members have to sign releases because they ride on different owners' property and that they carry insurance. Mr. Jemison asked Ms. Fuerst to show the Board on the map where her property was located. Mr. Phillips asked Ms. Fuerst if the property went to the center of the river. Ms. Fuerst stated that the river has shifted and the line used to be on the other side.

Bern Ticknor who lives on Mitchells Mill Road stated that between the Ticknors and Fuersts they have the property from the Holden Arboretum on Sperry to the Intersection at Mitchells Mill and Wisner Roads. Mr. Ticknor stated that Kirtland has turned over Sperry Road to the Holden Arboretum. Mr. Ticknor stated that now if he turns left out of his driveway he is on a private road and if this vacation takes place then when he turns right that too will also be a private road, making it difficult for them to leave their driveway to walk, ride bicycles or horses and such in the area to not be on private roadways.

Chris Soukup, who lives in Hudson, Ohio is an Attorney representing the Fallen/Daly Trust. Mr. Soukup stated that his clients were the most affected by this vacation. He noted that the property had been in the family for three generations for over 100 years and this proposed vacation limits access to a charming rustic cabin that has been used as a summer home. Mr. Soukup also noted that over the years that there has been over \$150,000.00 paid in real estate taxes. Mr. Soukup explained that it has been said that there is only one user, and that they were not sure of what the future holds for this property as the next generation is not interested in using the property as it has been used in the past. It has development potential so other people could be using this roadway to access the property in the future. Mr. Soukup stated that his understanding under Ohio Law that the vacation of a roadway is a taking which is compensable, and the statute talks about negotiations. Mr. Soukup stated that there have been no discussions at all, noting that there is no real objection of the client on the washed out portion that is in the river be vacated. Mr. Soukup stated that they want to talk about the finalization of the vacation of the roadways, the expenses, and compensation before a final decision is made. Mr. Jemison questioned Mr. Soukup on the possible modification of the vacation to go from the guardrail that blocks at the north end to the point south and if the client would be ok with that. Mr. Soukup stated that at this time there was no objection to the washed out portion.

Clement Hamilton, President and CEO for Holden Arboretum stated that it was already established that they have a good relationship with the EBTA and that access is approved. Mr. Hamilton explained that Stebbins Gulch makes up 900 of the 3,600 acres and is the most valuable natural area the Arboretum has. It's only 1 of 2 National Natural Landmarks in Geauga County and that expresses the importance of the area. Mr. Hamilton explained that this bridge is the best access they have to this area allowing access for research, to manage and control invasive species and for hunters to control the deer population. Last year they harvested

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approximately 80 deer off the property. Mr. Hamilton expressed concern over taking on the bridge and leaving a time bomb for his successors. Mr. Hamilton stated that the Holden Arboretum is often viewed as well healed with their funding endowment, but noted the 3,600 acres they maintain and taking on this bridge is distasteful. Mr. Jemison inquired about the motor vehicle traffic across the bridge. Mr. Hamilton stated it was their staff and volunteers as the driveway on the other side of the bridge is the only access point.

Mr. Jemison posed the question to Mr. Phillips that if the section of roadway containing the bridge was not vacated and was in need of repair, would you fix or repair it. Mr. Phillips stated that they were not in a position to have 90,000 people in Geauga County pay for the maintenance or repair of a bridge that is only used by Holden. If Holden then had control over the bridge they could control the traffic that used it. If the county controls the bridge and it goes from a four to a three rating, or it's deemed unsafe, then the county would close the bridge and if there was need to replace the bridge an assessment would be on the property owners that use it. Mr. Hamilton stated that the control over the access to the bridge is a non-issue to them. Mr. Hamilton stated that it is essential to maintain the area and significance for the county. Mr. Hamilton stated that we are not just one land owner, with 90,000+ visitors a year and the resources that it serves. Mr. Young asked Mr. Phillips what it would cost today to replace the bridge. Mr. Phillips stated that with the size of the bridge that it would be in the \$250,000.00 to \$300,000.00 range, but that is dependent on the banks being stable, out of harm from erosion, if it needs to be longer or bigger there could be other issues.

Commissioner Samide stated that people use it; the biggest industry in Geauga County is horses and people that have them move out here for that reason. Cost is always a concern for us, so it becomes a split decision. Ms. Samide stated that the first thing she noticed when she arrived out in the area was how tall the trees were. Ms. Samide stated that the Board has to decide if its worth keeping open to the people of Geauga County.

Mr. Hamilton stated that if they lose access they will not be able to maintain control of the invasive species of plants, and that prevents regeneration and storm water control would decrease significantly and would not maintain the mature diverse forest. Mr. Jemison asked Mr. Hamilton if Holden would be opposed to modifying the barrier north and go guardrail to guardrail and only vacating the portion that has been abandoned. Mr. Hamilton stated he didn't want to make a snap judgment. Ms. Samide asked Mr. Phillips what can be done to keep the bridge maintained and what it would cost. Mr. Phillips explained that the bridge could not be painted or sandblasted because of the lead paint; most often the floor system is what starts to go, but it can be repaired with steel beams. This bridge has a corrugated deck with asphalt fillings, most often the deck rusts out and asphalt fillings fall through. Floor beams and stringers can rust out and need to be replaced. Mr. Phillips stated that without really looking he would estimate around the \$50,000.00 range and this is all assuming the abutments don't have issues. Mr. Phillips stated that there have been some issues with abutments then with the structure itself. Ms. Samide asked if there money available to help with the expense. Mr. Phillips stated that this is not a public park, that it is not part of the county park system and from the Engineer's perspective it's a dead end road. Mr. Phillips stated that they have rules to follow for safety standards and load ratings and in the next two years will have to do a load rating, posting it first and then evaluating.

Mr. Ticknor explained that the amount of use and the grade of the bridge is based on the normal traffic of a bridge, bearing loads of things like gravel trucks. The traffic on this bridge is light, mostly horses, an occasional car and bicycles. Mr. Ticknor mentioned an issue with owning property that includes beach frontage and part of the river, that he is unable to stop the public use or post no trespassing as it can be used by the public, so if the vacation happens they want to know if there can be an easement for the public to continue to have access. Mr. Jemison stated that there is a provision that can placed in the resolution if the property owners agree. Mr. Jemison inquired on Holden Arboretum's and the Fallen / Daly's take on this. Mr. Soukup stated that they intended to be good neighbors but that he needed to talk with all the clients. Mr. Young inquired about when the road blockage or guardrail had been put into place on the north end. Mr. Phillips stated that to his knowledge that it had been put in when the road washed out in the 1970's. Carl Henderson was sworn in and stated that the road was blocked after the flood in the year 1976. Mr. Henderson who lives on Mitchells Mill Road stated that he is in that area almost everyday, at the north end and there is very little traffic. Mr. Henderson's main concern is for the valuable plants and timber and there is only the one way in on the north end and that property runs all the way to All Souls Cemetery. Mr. Henderson stated that a few years ago

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there was an emergency back in there and the fire department didn't know how to get back there. Mr. Henderson stated that there was trails that he had put in all throughout that area for use by 4-wheelers and jeeps, but that it has virgin timber and that Stebbins Gulch was a valuable piece.

Chuck Strazinsky, who lives on Mentor Road and is a Chardon Township Trustee stated that obviously the bridge is an issue or this would never have happened. From a county perspective it makes sense and that he agrees with Mr. Phillips, but it still has a lot of use. Speaking on behalf of the trustees, he noted that they had rescinded their earlier resolution in favor of the vacation and the Board received the letter from them to that effect. Chardon Township stated that if the property owners objected they would not go any farther. Mr. Strazinsky felt that the property owners would have been informed before we got this far, noting that it is a torn situation. Mr. Strazinsky agreed that he didn't want to see any more money put into it for such a small amount of traffic, meaning no offense to Holden or any horseback riders. Mr. Jemison asked if the trustees would oppose if the vacation was modified to go from guardrail to guardrail. Mr. Strazinsky stated that if the landowners weren't opposed the trustees wouldn't be opposed but wanted to know what the point was if they were going to put an easement in place. Mr. Strazinsky stated that it is a Chardon Township road used by the public by every means except cars, which from his understanding was what a road was for. Mr. Phillips stated to Mr. Strazinsky because it changes the liability.

Paul Swank who lives on Wisner Road was there also representing his father who lives on Mitchells Mills Road who was unable to be there. Mr. Swank's father owns about 50 acres at the corner of the bridge and wanted the Board to know that he enjoys the horses having access to those bridges. Mr. Swank noted that his kids ride their bicycles to their grandparents' house by way of that bridge.

John McMillan who lives two properties south of the proposed vacation on the south side of Wisner Road stated that this stretch of Wisner Road is a county treasure, its gorgeous, beautiful and a beautiful area to walk, including a state designated scenic river. Mr. McMillan explained that for fifteen years his late wife and he waited for property in that area to become available to build or move into so that they could enjoy that area by walking or running everyday. Mr. McMillan stated that had he known that they were plans to chop the roadway in half, they may have not bought here. Mr. McMillan stated that what was the sense of vacating to give up the future right of way by going from barricade to barricade when it has no benefit to anyone.

Ms. Fuerst stated that this conversation could go on forever because it is an emotional conversation and an emotional situation and she is deeply concerned about an easement with the Fallen property blocking from bridge to bridge and that if the Fallens ever sell the property the new owner may not like horses or the Holden Arboretum and that easement would go away. Mr. Jemison stated that there is a section for trails and right of ways regardless of who owned the property.

John Mauter questioned the Board on where the abandoned portion of the roadway was, stating that the bridges are not incorporated into the abandoned portion and based on the legal notices and what was on the current agenda that it reads the abandoned portion of Wisner Road. Mr. Jemison stated that the area is from Mitchells Mill to down in front of the bridge on Wisner; "abandoned" is referring to the area that people are not using. Mr. Mauter expressed that nothing was ever said or noted about the bridge. Mr. Jemison stated that there was no intent to hoodwink anyone and that during the Public Viewing it was noted where the abandoned portion would occur. Mr. Mauter stated that in the future it needed to be more specific.

Laura LaChapelle, County Prosecuting Attorney stated that the area to be vacated is identified as TR 84 and that per Mr. Phillips that the termini includes both bridges. Mr. Mauter stated that it was not specific in the notice and that TR84 is all of Wisner Road.

Michelle Shallego who lives on Taylor Wells Road stated that she was not a property owner but does drive into the area and uses the trails. Ms. Shallego stated that to be a member of the EBTA that you must be a member of the Holden Arboretum and that was not stated earlier.

Mr. Phillips stated that the washed out portion of the road and the path that goes around it is not part of the road right of way and that the path that goes around there today is part of the Fallen property and unless you have permission you are trespassing.

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Being no further comments or questions from the public Commissioner Jemison closed the public hearing at 11: 18 a.m.

Mr. Jemison stated that the Board would be deliberating and addressing all the facts and testimony that was given to make a decision. Mr. Young thanked all those in attendance for their statements.

Mr. Jemison thanked those in attendance for the Kiwanis Public Hearing for waiting.

COMMISSIONERS' OFFICE – PUBLIC HEARING – TO VACATE THE UN-BUILT PORTIONS OF ROADWAYS IN KIWANIS LAKE SUBDIVISION #2 NEWBURY TOWNSHIP
Commissioner Jemison asked for a motion to waive the reading of the legal notice.

Motion: by Commissioner Samide, seconded by Commissioner Young to waive the reading of the legal notice for the public hearing.

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

Commissioner Jemison opened the public hearing at 11:22 a.m.

Mr. Jemison stated that for the record we wanted to place all documents and any correspondence that had been received to be placed into record. Commissioners' Clerk Christine Blair stated that a letter had been received from the Newbury Township Trustees dated February 2, 2011 that they had passed Resolution #2011020201 requesting the Commissioners to initiate viewing and hearing proceedings to vacate the un-built portions of roadways as shown per the letter dated December 9, 2010 from Michael Stone of the Engineer's Office. Resolution #11-030 of convenience and necessity for the vacation of the un-built roadways in Kiwanis Lake and set the Public Viewing for April 19, 2011 at 1:30 p.m. and the Public Hearing for April 26, 2011 at 10:20 a.m., with the notifications sent to the abutting property owners, the Resolution passed by the Newbury Township Trustees, and the report from the County Engineer's Office.

Engineer Joe Cattell read the following report that was submitted to the Board.

Office of the Geauga County Engineer
Engineer's Report (ORC 5553.06)
Portions of Roads in the Kiwanis Lake Subdivisions, Newbury Township – April 22, 2011

The roads in the Kiwanis Lake Subdivision were created as private roads by plats recorded in the Volume 1, Page 45 for subdivision #1 in 1919 and Volume 1, Pages 48 & 49 for subdivision #2 in 1920 in the Geauga County Record of Plats. The roads became dedicated as township maintained roads after a mandamus court action ordered on October 6, 1960. All road widths, etc. were established per the recorded plats.

When originally constructed, not all portions of the roadways were built. Many areas of roadway remain unbuilt. Over the years, at various times, small sections of the unbuilt right-of-ways have been vacated. In 2009, the Newbury Board of Township Trustees requested this office investigate the vacation of all the remaining unbuilt portions of roadway.

During the year 2010, a private surveyor was hired to prepare plats to serve as a base map for the proposed vacation. County employees worked with the Township zoning inspector and road superintendent to determine the best termini for all the proposed vacations. The private surveyor worked with County employees to prepare a plat map depicting the areas proposed to be vacated per the wishes of the Newbury Township Board of Trustees and public officials.

On April 19, 2011, a Public Viewing was held in the Kiwanis Lake Community Center. Numerous residents attended to gain a better understanding of the process and the resulting ramifications of the road vacation proceedings. Questions were answered relating to the following topics: "Will the residents need to purchase the vacated land?", "Will my taxes increase?" and "Will I lose access to my property?"

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There were no negative comments from the affected residents or neighboring community members in attendance at the Public Viewing.

It is unclear if the sections of roadway proposed to be vacated are listed by Ohio Department of Transportation as being used to calculate distributions of the auto registration funds to Newbury Township and therefore, these sections of unbuilt roadway are not eligible to be vacated under Section 5553.045 of the Ohio Revised Code. Also, these sections of roadways are unbuilt and have not been used by the public for a period greater than twenty-one (21) years.

This office did not review the possible zoning ramifications related to frontage and access for parcels located along the road proposed to be vacated because none of the current parcels within the Kiwanis Lake Subdivisions appear to meet the requirements of current Newbury Township zoning resolution. The vacation will not create any ingress or egress problems.

The Office of the Geauga County Engineer has reviewed the situation and performed a field review and worked with a private surveyor to perform the required survey work for the unbuilt roads within the Kiwanis Lake Subdivisions.. These sections of road are impassible as through roads to the travelling public. Ingress and Egress rights to private property will be maintained by all residents at each vacated location. The Newbury Zoning inspector has worked with this office and understands that the existing and proposed parcels do not meet current zoning regulations. These sections of road have not been used by the public for more than twenty-one (21) years. All public utilities retain easement rights within the right-of-way limits resulting from a road vacation per state law.

Based upon the above facts, the Office of the Geauga County Engineer believes the vacations requested would be for the public convenience and necessity.

Mr. Jemison swore in those in the audience that wished to speak during the hearing by asking them to swear that the testimony about the Kiwanis Lake proposed vacation that they were about to give to be the truth and nothing but the truth.

Current Vice President of the Kiwanis Lake Home Owners Association Craig Matthews stated that he had some concerns with how people can access their property and that the area may eventually have city sewers. Mr. Matthews asked if because of the Health department not allowing people to purchase property without installing a new septic system and those systems that are being put in are failing, could this property be used for access to put in city sewers. Mr. Matthews stated a concern that the people on either side that would be obtaining the property would be picking up the taxes, those additional taxes are minimal, but if you have multiple parcels then that could be another \$30.00 a year. Mr. Jemison instructed Mr. Matthews to check with the Auditors office on the increase of the tax amount, and that these roadways would still retain right of ways for utilities. Mr. Matthews stated that the access to this property could be and should be what it was when it was sold, and that was a build-able lot and it should still be a build-able lot. Ms. Samide stated that it all boils down to whether you can put a septic system in.

Donald Glasscock who is a lifelong resident of the lake area stated his concern for the section of Sunset and Britewood Drive that some people have four lots in a row being enough land to be build-able, and have paid taxes on them forever, but now after all these years the roads are not going to built and the property will be landlocked. Mr. Jemison stated that the property owner would have to build a driveway instead of the Township building a road. Mr. Glasscock stated that the wording was not clear, that there are at least ten roads that could be closed, some should be closed, but feels that these should all be done separately.

Discussion was had between Mr. Matthews, Mr. Glasscock and Mr. Jemison regarding the roadways not being maintained, the county and township receiving money to maintain them and that if a property is landlocked that the roadway should be put in. Mr. Jemison stated that if the Township put the roadway in that they could assess the property owners for whatever it cost. Mr. Matthews stated that the county wants to get rid of these roadways because they don't want to maintain it.

Ms. Pasquot who lives in Kiwanis asked if she could have the vacated other half of the roadway if the other property owner didn't want it. Mr. Phillips stated that these roads are dedicated, and currently the residents don't own any of it because it is a right of way, the right of way

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would be split and given to the abutting owners and it would be done on the plat, as an attachment. Mr. Glasscock inquired as to if the property could be sold, Mr. Phillips said just to 20 feet, and that would be an issue for zoning. Mr. Glasscock stated his concern for the area and the amount of property that he owns and in the future someone who can only afford to build that may have a lower income, or his grandchildren deciding to build, and once you take something away, that you can't get it back.

Newbury Township Zoning Inspector Karen Endres stated that this really does not have to do with zoning, and this wasn't a zoning decision to vacate these portions. Ms. Endres stated that there will be no build-able parcels landlocked because none of the parcels would be on a dedicated road. Ms. Endres agreed that you can't get a septic system in there because EPA is not allowing off lot discharge septic systems. Mr. Matthews questioned how people are getting variances to build if the parcels are not build-able. Ms. Endres stated that the variances are for people who have parcels on dedicated roads and are accessory buildings, that there has not been a new home put in that she could remember.

Mr. Jemison stated that he just wanted to clarify that the un-built roadways are where roads were never built. Ms. Endres stated that there are minimum requirements for a subdivision road, including concrete stabilization. Mr. Matthews stated that the zoning requirements came well after this subdivision was built, and Kiwanis Lake is grandfathered, but zoning is trying to make the homeowners follow current zoning rules. Ms. Endres stated that she couldn't speak for the Zoning Board of Appeals but that they permit additions within reason.

Ruth Kerr who lives on Idlewood Drive stated that she has lived there for fifty-eight (58) years and owns several lots. Ms. Kerr explained that she felt this was outdated and that this was done years before they had moved there, stating that it was ridiculous to think that if nothing had been done in the last fifty years that they were ever going to build the roads and that they should give the property to the abutting owners.

Eugene Cotrell lives on Ashwood Drive and has for the last fifty-three years, and stated that for the last fifty years he has mowed and maintained this portion of the roadway and he wants to have the property. Mr. Glasscock stated that these lots are currently not being built on but looking at the future, some people may have had plans and now the roads are going to be vacated, he feels that they need to be done on a separate basis, that each case is different. Mr. Cotrell stated that the Township Trustees need to look at these properties and who has maintained them, explaining that half of the road hasn't been mowed in three years and a shack on the property that hasn't been painted in years.

Being no further comments or questions from the public Commissioner Jemison closed the public hearing at 11:49 a.m.

Mr. Jemison thanked everyone for coming, for their comments and that they would all be considered.

COMMISSIONERS' OFFICE – ADVERTISE SUMMER EMPLOYEES (#0101)

Motion: by Commissioner Samide, seconded by Commissioner Young to grant permission to advertise to hire summer employees (#0101) for the approximate period of May 1, 2011 (or the end of the school year) through September 30, 2011 (or at the start of the school-whichever comes first) for a maximum of 21 weeks (840 hours) to be worked. This posting will remain posted until all positions are filled, with compensation to be set at \$8.25 first year, \$8.50 returning second year and \$8.50 returning third and subsequent years for the following departments: (1) Community and Economic Development, (2) Department on Aging, (1) County Home, and (2) for Water Resources.

This motion was tabled until further information could be obtained from the departments requesting summer help.

COMMISSIONERS' OFFICE – UPDATED ACCOUNTING FORMS AUTHORIZATION FORMS

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and authorize the President of the Board to execute the updated Accounting Forms Authorization Forms authorizing David Lair, Heidi Delaney, and Katie Schaab to

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sign their name and or the Elected Official's name or Department Head's name on the Department Head line on all accounting forms for the A, Bed, N11, N12, Q01, Q02, Q04, Q08, Q13, Q42, Q43, Q47, SV, TAG, TAT, TAX, U05, and YC accounts.

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

COMMISSIONERS' OFFICE – UPDATED PAYROLL AUTHORIZATION FORMS

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and authorize the President of the Board to execute the updated Payroll Authorization Forms for Department on Aging, Building Department, Board of County Commissioners, Community and Economic Development, County Home, Department of Emergency Services, Dog Warden, Maintenance Department, Archives and Records Center and Transit Department.

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

COMMISSIONERS' OFFICE – RESOLUTIONS HONORING OUTSTANDING GEAUGA COUNTY COMPANIES FOR 2011 BY THE COMMUNITY IMPROVEMENT CORPORATION (CIC) SHADE TREE POWERSPORTS, GEAUGA MECHANICAL, WATER STAR INCORPORATED, STOCK EQUIPMENT COMPANY AND JOHNSONITE, A TARKETT COMPANY

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute the following resolutions Honoring the Outstanding Geauga County Companies for 2011 by the Community Improvement Corporation (CIC): #11-063 Shade Tree Powersports, #11-064 Geauga Mechanical, #11-065 Water Star, Incorporated, #11-066 Stock Equipment Company and #11-067 Johnsonite, a Tarkett Company.

Board of County Commissioners, Geauga County, Ohio

Resolution: 11-063
Date: April 26, 2011

**RESOLUTION HONORING SHADE TREE POWERSPORTS FOR BEING
NAMED AN OUTSTANDING GEAUGA COUNTY COMPANY
FOR 2011 BY THE COMMUNITY IMPROVEMENT CORPORATION (CIC)**

WHEREAS, the Geauga County Board of Commissioners takes this opportunity to declare Shade Tree Powersports as one of five Geauga County Outstanding Companies in 2011 and presents this tribute to its accomplishments, in recognition and admiration for its contributions to the community; and

WHEREAS, by acclamation of Geauga County Community Improvement Corporation, Shade Tree Powersports has been chosen to be honored at the 41st Annual Salute to Business and Industry Dinner; and

WHEREAS, the exceptional performance of Shade Tree Powersports has earned this distinction for itself and its employees; and

WHEREAS, Shade Tree Powersports has set a precedent for other companies to follow by its leadership and excellent standards; and

WHEREAS, Shade Tree Powersports takes pride in being a family business with great customer service, using their website, catalog and retail store to sell their products; and

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NOW, THEREFORE BE IT RESOLVED, that the Geauga County Board of Commissioners hereby recognizes Shade Tree Powersports as a 2011 Outstanding Company in Geauga County; and

BE IT FURTHER RESOLVED, that this Resolution become a part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

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

Board of County Commissioners, Geauga County, Ohio

Resolution: 11-064
Date: April 26, 2011

***RESOLUTION HONORING GEAUGA MECHANICAL FOR BEING
NAMED AN OUTSTANDING GEAUGA COUNTY COMPANY
FOR 2011 BY THE COMMUNITY IMPROVEMENT CORPORATION (CIC)***

WHEREAS, the Geauga County Board of Commissioners takes this opportunity to declare Geauga Mechanical as one of five Geauga County Outstanding Companies in 2011 and presents this tribute to its accomplishments, in recognition and admiration for its contributions to the community; and

WHEREAS, by acclamation of Geauga County Community Improvement Corporation, Geauga Mechanical has been chosen to be honored at the 41st Annual Salute to Business and Industry Dinner; and

WHEREAS, the exceptional performance of Geauga Mechanical has earned this distinction for itself and its employees; and

WHEREAS, Geauga Mechanical has set a precedent for other companies to follow by its leadership and excellent standards; and

WHEREAS, Geauga Mechanical takes pride in being a third generation family business and the numerous awards the company has won including winning a Green Building of America award for the Renovation of Cogswell Hall; and

NOW, THEREFORE BE IT RESOLVED, that the Geauga County Board of Commissioners hereby recognizes Geauga Mechanical as a 2011 Outstanding Company in Geauga County; and

BE IT FURTHER RESOLVED, that this Resolution become a part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

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

Board of County Commissioners, Geauga County, Ohio

Resolution: 11-065
Date: April 26, 2011

***RESOLUTION HONORING WATER STAR, INCORPORATED FOR BEING
NAMED AN OUTSTANDING GEAUGA COUNTY COMPANY
FOR 2011 BY THE COMMUNITY IMPROVEMENT CORPORATION (CIC)***

WHEREAS, the Geauga County Board of Commissioners takes this opportunity to declare Water Star, Incorporated as one of five Geauga County Outstanding Companies in 2011 and presents this tribute to its accomplishments, in recognition and admiration for its contributions to the community; and

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WHEREAS, by acclamation of Geauga County Community Improvement Corporation, Water Star, Incorporated has been chosen to be honored at the 41st Annual Salute to Business and Industry Dinner; and

WHEREAS, the exceptional performance of Water Star, Incorporated has earned this distinction for itself and its employees; and

WHEREAS, Water Star, Incorporated has set a precedent for other companies to follow by its leadership and excellent standards; and

WHEREAS, Water Star, Incorporated takes pride in their cutting edge research, holding numerous patents and having an ever expanding customer base; and

NOW, THEREFORE BE IT RESOLVED, that the Geauga County Board of Commissioners hereby recognizes Water Star, Incorporated as a 2011 Outstanding Company in Geauga County; and

BE IT FURTHER RESOLVED, that this Resolution become a part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

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

Board of County Commissioners, Geauga County, Ohio

Resolution: 11-066

Date: April 26, 2011

***RESOLUTION HONORING STOCK EQUIPMENT COMPANY FOR BEING
NAMED AN OUTSTANDING GEAUGA COUNTY COMPANY
FOR 2011 BY THE COMMUNITY IMPROVEMENT CORPORATION (CIC)***

WHEREAS, the Geauga County Board of Commissioners takes this opportunity to declare Stock Equipment Company as one of five Geauga County Outstanding Companies in 2011 and presents this tribute to its accomplishments, in recognition and admiration for its contributions to the community; and

WHEREAS, by acclamation of Geauga County Community Improvement Corporation, Stock Equipment Company has been chosen to be honored at the 41st Annual Salute to Business and Industry Dinner; and

WHEREAS, the exceptional performance of Stock Equipment Company has earned this distinction for itself and its employees; and

WHEREAS, Stock Equipment Company has set a precedent for other companies to follow by its leadership and excellent standards; and

WHEREAS, Stock Equipment Company takes pride in the high quality solutions they provide for environmental controls, the power industry and in bulk material handling; and

NOW, THEREFORE BE IT RESOLVED, that the Geauga County Board of Commissioners hereby recognizes Stock Equipment Company as a 2011 Outstanding Company in Geauga County; and

BE IT FURTHER RESOLVED, that this Resolution become a part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

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

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Board of County Commissioners, Geauga County, Ohio

Resolution: 11-067
Date: April 26, 2011

**RESOLUTION HONORING JOHNSONITE, A TARKETT COMPANY FOR BEING
NAMED AN OUTSTANDING GEAUGA COUNTY COMPANY
FOR 2011 BY THE COMMUNITY IMPROVEMENT CORPORATION (CIC)**

WHEREAS, the Geauga County Board of Commissioners takes this opportunity to declare Johnsonite, a Tarkett Company as one of five Geauga County Outstanding Companies in 2011 and presents this tribute to its accomplishments, in recognition and admiration for its contributions to the community; and

WHEREAS, by acclamation of Geauga County Community Improvement Corporation, Johnsonite, a Tarkett Company has been chosen to be honored at the 41st Annual Salute to Business and Industry Dinner; and

WHEREAS, the exceptional performance of Johnsonite, a Tarkett Company has earned this distinction for itself and its employees; and

WHEREAS, Johnsonsite, a Tarkett Company has set a precedent for other companies to follow by its leadership and excellent standards; and

WHEREAS, Johnsonite, a Tarkett Company takes pride in being one of the largest commercial resilient flooring brands, developing the world's most integrated performance system and for their continued growth and expansion in the county; and

NOW, THEREFORE BE IT RESOLVED, that the Geauga County Board of Commissioners hereby recognizes Johnsonite, a Tarkett Company as a 2011 Outstanding Company in Geauga County; and

BE IT FURTHER RESOLVED, that this Resolution become a part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

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

COMMISSIONER'S OFFICE – RESOLUTION HONORING LEGACY AWARD WINNER FOR 2011, GREAT LAKES CHEESE COMPANY

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution #11-068 Honoring Legacy Award Winner for 2011 by the Community Improvement Corporation, Great Lakes Cheese.

Board of County Commissioners, Geauga County, Ohio

Resolution: 11-068
Date: April 26, 2011

**A RESOLUTION HONORING GREAT LAKES CHEESE COMPANY ON BEING THE
LEGACY AWARD WINNER FOR 2011 BY THE COMMUNITY IMPROVEMENT
CORPORATION (CIC)**

WHEREAS, the Geauga County Board of Commissioners takes this opportunity to honor Great Lakes Cheese Company as the 2011 Legacy Award Winner; and

WHEREAS, by acclamation of Geauga County Community Improvement Corporation, Great Lakes Cheese Company has been chosen to be honored at the 41st Annual Salute to Business and Industry Dinner; and

WHEREAS, Great Lakes Cheese Company is being honored for being a past recipient as an Outstanding Geauga County Company, the exceptional performance and leadership through

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continued growth in sales, increase in the number of employees and overall expansion of the company; and

WHEREAS, Great Lakes Cheese Company has been instrumental in the Industrial Development of Troy Township and Geauga County; and

NOW, THEREFORE, BE IT RESOLVED, that the Geauga County Board of Commissioners do hereby recognize Great Lakes Cheese Company as the 2011 Legacy Award Winner; and

BE IT FURTHER RESOLVED, that this Resolution become part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

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

COMMISSIONERS' OFFICE – RESOLUTION ON THE OCCASION OF DEDICATING THE LODGE AT BASS LAKE PRESERVE

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution #11-069 on the Occasion of Dedicating the Lodge at Geauga Park District Bass Lake Preserve.

Board of County Commissioners, Geauga County, Ohio

Resolution: 11-069

Date: April 26, 2011

**RESOLUTION ON THE OCCASION OF DEDICATING THE LODGE AT
GEAUGA PARK DISTRICT BASS LAKE PRESERVE**

WHEREAS, the Bass Lake Preserve is a six hundred six (606) acre preserve in Munson Township that includes a one hundred sixty (160) acre Bass Lake and Spring Brook Sanctuary, a State Nature Preserve that is protecting a population of Native Brook Trout; and

WHEREAS, Bass Lake is a natural lake at the headwaters of the Chagrin River that is surrounded by extensive wetlands, with a shoreline rich in trees, shrubs and marsh vegetation which has resulted in an ecological diversity for wildlife year round; and

WHEREAS, in 1999 Geauga Park District purchased the thirty-two (32) acre Spring Brook stream corridor to protect the Native Brook Trout and in 2003 the Trust for Public Land purchased the five hundred seventy-four acre property from the Burlington Group and transferred ownership to the Geauga Park District who allows the public access to the lake for boating and fishing by permit; and

WHEREAS, it is Geauga Park District's intent to protect this natural area and the Native Brook Trout in perpetuity; and

WHEREAS, Bass Lake Preserve celebrates the dedication of a new indoor / outdoor shelter and lodge that is open for reservations offering indoor heating , electricity and an outdoor fireplace; and

NOW, THEREFORE, BE IT RESOLVED that the Geauga County Board of Commissioners congratulate the Geauga Park District on the dedication of the lodge at Bass Lake Preserve on April 30, 2011; and

BE IT FURTHER RESOLVED, that this Resolution become part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

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

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TRANSIT – EXECUTIVE SESSION

Kristina Reider, County Administrator David Lair and Prosecutor Laura LaChapelle were present in executive session.

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

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

The Board returned from executive session at 12:04 p.m. The following action was taken as a result from executive session.

Motion: by Commissioner Samide, seconded by Commissioner Young to approve placing Michael Nuniviller, Full-time Driver on paid administrative leave beginning April 26, 2011 at 9:00 a.m. pending disciplinary action.

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

OTHER - DELIBERATION

The Board moved into deliberation requesting County Engineer Mr. Phillips, Chardon Township Trustee Mr. Strazinsky and Prosecuting Attorney Laura LaChapelle be present for discussion to vacate the abandoned portion of Wisner Road (TR84) in Chardon Township and the un-built portions of roadways in Kiwanis Lake Subdivision #2 in Newbury Township.

The Board returned at 12:22 p.m. with no action being taken.

MEETINGS

Thu., 4/28 The Commissioners will hold regular session.

Thu., 4/28 Some of the Commissioners' will attend the CIC 41st Annual Salute to Commerce and Industry event at 7:00 p.m., St. Denis Party Center

Sat., 4/30 Some of the Commissioners' will attend the Bass Lake Preserve Lodge Dedication, 10:00 a.m. Munson Township

5/2 – 5/6 Public Service Recognition Week

Tues., 5/3 The Commissioners will hold regular session.

*Thu., 5/5 **The Regularly scheduled Commissioners' meeting is cancelled.***

Thu., 5/5 Some of the Commissioners will attend the United Way Services Annual Meeting Luncheon, 12:00 p.m. at Notre Dame Education Center Auditorium

Tues., 5/10 The Commissioners will hold regular session.

Thu., 5/12 The Commissioners will hold regular session.

Fri., 5/13 NOACA meeting at 10:00 a.m.

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER SAMIDE ADJOURNED THE MEETING AT 12:22 P.M.

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Geauga County Board of Commissioners

Tracy A. Jemison

William S. Young

Mary E. Samide

Christine Blair, Commissioners' Clerk

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