

Commissioners' Journal
June 24, 2008

The Geauga County Board of Commissioners met in session on June 24, 2008 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, Craig S. Albert opened the meeting at 10:04 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 June 19, 2008.

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

APPROVE FINANCIALS

Budget Officer Diane Arp reported the financials as including unemployment cash transfers for Metzenbaum , the Youth Center, and the Engineer's Office and the May phone charges for the Windstream invoice and four travel requests for various departments.

Motion: by Commissioner Samide, seconded by Commissioner Young approve and execute Resolution 08-094 itemizing the financials for the meeting of June 24, 2008.

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

COUNTY ENGINEER'S OFFICE – CHANGE ORDERS – RONYAK PAVING – RESURFACING OF RUSSELL ROAD AND BASS LAKE ROAD

Commissioner Young reported that several people have reported that the Russell Road project looks really well and they were pleased. County Engineer R.L. Phillips stated that the change orders were due to the cost increase on asphalt pricing.

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute Change Order #1 and final increasing the contract with Ronyak Paving Incorporated for The Resurfacing of Russell Road (CH 20) in Russell Township, for a total amount of \$5,369.25.

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

Mr. Phillips reported the crown was put back on Bass Lake Road as water was collecting on the road.

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute Change Order #1 and final increasing the contract with Ronyak Paving Incorporated for The Resurfacing of Bass Lake Road (CH 23, Sections B&C) in Newbury Township, for a total amount of \$13,662.92.

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

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COUNTY ENGINEER'S OFFICE – HUBBARD ROAD COOPERATIVE AGREEMENT WITH BURTON TOWNSHIP

There was a discussion regarding roads with bad conditions and dirt and gravel roads.

Motion: by Commissioner Samide, seconded by Commissioner Young approve and execute Resolution 08-095 Proposing to Cooperate with Burton Township for the 2008 Hubbard Road Improvement Project.

Board of County Commissioners, Geauga County, Ohio

Date: June 24, 2008

Resolution: 08-095

**RESOLUTION OF THE GEAUGA COUNTY BOARD OF COMMISSIONERS PROPOSING TO COOPERATE WITH THE BURTON TOWNSHIP BOARD OF TRUSTEES
2008 Improvement to Hubbard Road**

Commissioner Samide moved the adoption of the following resolution, which was duly seconded by Commissioner Young:

WHEREAS, the public interest demands the improvement hereinafter described; and

WHEREAS, Sections 5535.08 and 5535.15 of the Ohio Revised Code allows counties to assist in funding the maintenance and repair of township roads; and

WHEREAS, the federal funds for an earmark project to improve Hubbard Road have recently been redirected by the federal government to be used on county roads eligible for federal aid within Geauga County; and

WHEREAS, the public interest is best served by the cooperation of the Geauga County Board of Commissioners and the Burton Township Board of Trustees to improve Section A of Hubbard Road (TR 138) in Burton Township.

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Geauga County, Ohio, that:

SECTION I – The public interest demands the improvement of Hubbard Road, situated in the Township of Burton, County of Geauga and State of Ohio.

SECTION II – The Geauga County Engineer is authorized to reimburse Burton Township for costs not to exceed \$182,268.50 related to work performed and accepted during a project to improve Section A of Hubbard Road under Contract #P-138A-08 in 2008.

SECTION III – The funds for the reimbursement shall come from funds available to the County Engineer to improve roads and bridges.

BE IT FURTHER RESOLVED, that the Commissioners' Clerk of the Geauga County Commissioners is hereby instructed to transmit three original copies of this resolution to the Burton Township Board of Trustees for acceptance.

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

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – SATISFACTION OF MORTGAGE – HABITAT FOR HUMANITY – 14835 HILLCREST AVENUE, MIDDLEFIELD

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute a Satisfaction of Mortgage for Habitat for Humanity for property located at 14835 Hillcrest Avenue, Middlefield in the amount of \$20,000.00, under Grant #B-F-06-026-1.

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Roll Call Vote: *Commissioner Samide* *Aye*
 Commissioner Young *Aye*
 Commissioner Albert *Aye*

DEPARTMENT OF WATER RESOURCES – EXECUTIVE SESSION

Motion: *by Commissioner Samide, seconded by Commissioner Young to move into executive session for the purpose of discussing the purchase of property for public purposes.*

Roll Call Vote: *Commissioner Samide* *Aye*
 Commissioner Young *Aye*
 Commissioner Albert *Aye*

The Board reconvened at 11:04 a.m. No action was taken as a result of this executive session.

COMMISSIONERS' OFFICE – GAS MILEAGE REIMBURSEMENT

It was the Board's consensus that the Auditor's Office will inform the Board of Commissioners of the IRS adjustments to the mileage reimbursement.

Motion: *by Commissioner Samide, seconded by Commissioner Young to establish the gas mileage reimbursement at the current IRS rate, to be effective the date of the IRS adjustments, for the departments under the direction of the Geauga County Board of Commissioners.*

Roll Call Vote: *Commissioner Samide* *Aye*
 Commissioner Young *Aye*
 Commissioner Albert *Aye*

COMMISSIONERS' OFFICE - RECESS

Motion: *by Commissioner Samide, seconded by Commissioner Young move into recess until 2:30 p.m. when the Board will conduct a work session with the Geauga County Agricultural Society at the fairgrounds.*

Roll Call Vote: *Commissioner Samide* *Aye*
 Commissioner Young *Aye*
 Commissioner Albert *Aye*

COMMISSIONERS' OFFICE – WORK SESSION – GEAGUA COUNTY AGRICULTURAL SOCIETY

The Board returned from recess at 2:43 p.m. Present for this work session included Mary Canfield, Paul Harris, Tony Rastall, Howard Bates, Dennis Lory, Gary Wirtz of Pease-Kerr-Canfield Insurance Agency and Laura LaChapelle APA.

Commissioner Young commented that in the past the two Boards have had a good cooperative working relationship and he would like to continue this great team effort. Commissioner Young stated the Board will be giving the Agricultural Society \$35,000.00 this year. Commissioner Young added that some liability issues came up as well as issues regarding oil and gas well drilling and he wanted to make sure that everyone was on "the same page". Commissioner Young added that he brought up the issues regarding liquor use on the fairgrounds at a recent function held on the fairgrounds as well as the issues regarding the gas well drilling. Laura LaChapelle stated that upon the request of Commissioner Young and County Administrator Dave Lair she drafted a preliminary new lease agreement. The purpose of the meeting is to have both parties discuss this draft that contains suggested changes to the existing lease. A draft was then passed out to three Fair Board officials. Commissioner Young began the discussion of the alcohol event and the expense of the liquor license and the risk involved in holding events with liquor on the fairgrounds. Mr. Wirtz stated that insurance with liquor coverage was expensive, especially if sold just for specific events. It was suggested that a \$3 million policy per occurrence and an annual aggregate should be covered in the Fair Board's policy. This would allow for coverage if the Fair Board held an event where they served liquor – not sold it. If the

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Fair Board subleased an event on the fairgrounds the sub-leasee would have to have insurance coverage that included coverage for liquor use with the Board of Commissioners and the Agricultural Society listed as "additional insured" in the policy. The Fair Board is responsible for getting the proper liquor use or liquor license coverage for their events. Mr. Wirtz added that the Board of Commissioners should be listed on the Agricultural Society's insurance as "additional insured" as well. Mr. Harris pointed out that the Fair Board does not want to eliminate all alcohol use as the fairgrounds is used for weddings and liquor is usually served. In this case, the wedding party would have to supply their own insurance and liquor license with both boards listed as additional insured. The Agricultural Society has not promoted liquor sales on the grounds. But liquor is usually served at special events such as a wedding or the recent fund raising event held on the fairgrounds. It is not in the policy to have liquor but events are handled on a case per case basis. Ms. LaChapelle asked if the Agricultural Society wanted "liquor events" coverage worked into the lease. Mr. Harris questioned why they were being presented with a new lease. Mr. Bates and Mr. Harris expressed their disappointment in not being informed of this draft of a new lease. One of their concerns was that they did not have time to review the lease or to get prepared to respond to any of the issues mentioned. Mr. Harris stated that he is not in favor of doing a new lease as he felt the current lease was still sufficient and added that he objected to just being handed the draft today. He also added that he believed it was up to the Fair Board to initiate a new lease with the Board of Commissioners. Mr. Harris also objected to the suggestion of new five year renewals. Commissioner Young responded that the draft was to address the liquor issues as well as the gas well drilling and also included language for five year renewal terms. Commissioner Young stated that there were discussions in the past regarding the lease but there is no paperwork showing that another lease was done. Mr. Harris reported that there was not a new lease. Mr. Harris believed the obligation of the Fair Board was to send a letter requesting renewal of the lease, which they did, and that ended their obligation. They have not received a lease or an amendment. Mr. Bates commented they were surprised receiving this draft lease agreement. Commissioner Samide commented that she just received the document today as well. Commissioner Young said they are trying to understand the length of the lease, and clarify liabilities issues as well as oil and gas lease issues. Mr. Bates responded that he is not in favor of a five year lease, it makes it difficult to maintain continuity. Commissioner Albert stated that the term doesn't matter as long as the Fair Board is in compliance with the lease. Ms. LaChapelle commented that she was trying to modernize and update the lease agreement to deal with current issues. Commissioner Albert added that the Board can't get out of the lease only the Fair Board could, unless the Fair Board did not comply with the lease. Mr. Harris added that he takes offense that this draft lease was just dropped on them. Ms. LaChapelle responded that the document was just presented for discussion not "it's the highway or my way". It was drafted in good faith to open the door for discussion and work out some of these new issues. The five year term is not set in stone, it was just beginning language for this draft. The Fair Board stated they did not want a new lease, the Board should do an amendment to address the new issues. Commissioner Young said the original lease was for 25 years, then another 25 years and then 15 years. The first 25 years is done, there is 23 years left on the second one and 15 left on the third one. Commissioner Young brought up the issue of drilling for gas on the fairgrounds stating that legally the Board can drill gas wells, as the owners of the property, although he would not do that without the Fair Board's permission. The Board wants to do it right and legally to protect everyone. Commissioner Young stated he would like to do the drilling together as a team and select the proper site for the well. The gas well should produce a sizeable revenue. Commissioner Young stated, if the other Board members agree, he would take the lead on the well drilling and meet with Dave Lair and the Fair Board's gas drilling committee. Mr. Harris added that they are gearing up for the fair season so they may be able to meet in July. Mr. Harris reported that the Flower Hall is in need of a new roof as it is leaking and rotting out the timbers on the inside. It is worth saving as it is in the National Registry of Historic Places. There was a brief discussion regarding Mr. Rob Roy, the Burton fire department and the creation of a possible regional water system. Commissioner Albert suggested a meeting be set up with Burton to discuss the matter further.

ACKNOWLEDGEMENTS

- a. *The Regular Audit Report for Geauga County Tourism Council filed by the Auditor of the State of Ohio.*

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MEETINGS

- Tue., 6/24 Public Hearing for the Portage-Geauga Juvenile Detention Center Tax Budget to be held in the Commissioners Chambers at 1:30 p.m.*
- Thu., 6/26 The Commissioners will hold regular session.*
- Thu., 6/26 The Board will conduct a Public Hearing to discuss the Geauga County's 2009 Tax Budget on Thursday, June 26, 2008 at 10:30 a.m.*
- Thu., 6/26 The monthly economic development work session will be held at noon, the speaker will be Carol Maver of Reward Wall Structures (concrete homes).*
- Tue., 7/1 The Commissioners will hold regular session.*
- Tue., 7/3 The Regularly scheduled Commissioners' meeting is cancelled.*
- Fri., 7/4 The County Offices will be closed in honor of July 4th Independence Day Holiday.*

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER ALBERT ADJOURNED THE MEETING AT 4:03 P.M.

Geauga County Board of Commissioners

Mary E. Samide

William S. Young

Craig S. Albert

Claudine Kozenko, Commissioners' Clerk