

Commissioners' Journal
April 26, 2012

The Geauga County Board of Commissioners met in session on April 26, 2012 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 10:03 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

APPROVE MINUTES

Motion: by Commissioner Jemison, seconded by Commissioner Young to approve and execute the minutes for the meeting of April 24, 2012.

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

APPROVE FINANCIALS

Budget Administrator Heidi Delaney explained the financials for today as including voucher payments to the United Way for the Department of Job and Family Services.

Motion: by Commissioner Young, seconded by Commissioner Samide to approve and execute Resolution #12-083 itemizing the financials for the meeting of April 26, 2012.

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

**Commissioner Jemison Abstains due to his role with United Way.*

DOG WARDEN – CHANGES TO OHIO LAW

Director Matt Granito explained that the changes to the Ohio Law will go into effect on May 22, 2012. As President of the Dog Warden's Association, the association helped in trying to make some of these changes. Mr. Granito stated that the big thing is that since 2004 there has been no law against anything other than pit bulls. Mr. Granito explained that if a dog ran across the street that wasn't a pit bull and bit the neighbors child, you could civilly sue the owner of the dog but there was no criminal charge that could ever be brought up. In the State of Ohio for the last eight years, the State has not done anything to change that law. Basically in 2004 they made the law unconstitutional because it didn't afford the owner of the dog a right to contest whether the dog which bites someone was or was not unprovoked. Mr. Granito stated that now the law has changed and the State has totally revamped everything within the law. In the past the first dog bite of any dogs never brought a criminal charge against it; it would civilly be classified a dangerous or vicious dog but there was no way to criminally charge an owner. Under the new law if a dog bites unprovoked the owner of that dog can be charged with a fourth degree misdemeanor up to a fifth degree felony. If the dog kills someone, the owner will be charged with a fifth degree felony on it; if the dog severely injures, causing dismemberment the charge against the owner will be a first degree misdemeanor, if puncture wounds, it could be a fourth degree misdemeanor. A dog's owner could end up going to jail now for not being responsible for their dog.

Commissioner Samide asked if it makes a difference if the dog is on the owner's property. Mr. Granito explained that even if it's the owner's property the owner would still be responsible. Whether the bite is unprovoked is really the big key in this new law. If you have someone who is trespassing and comes onto your property and gets bit, that's a provoked bite; if you're antagonizing the dog and you are bitten by the dog, that's a provoked bite; if you walk on the dog's tail and it turns around and bites you, even if it's an accident, that is a provoked bite. Mr. Granito stated that they are not talking about bites that dogs will do from time to time. If you startle a dog, that's going to be a little bit of a gray area; did you startle the dog and provoke it in defending itself, or did you run by the dog and get bitten; to us that's an unprovoked bite.

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There should never be a time that a dog should get or be able to get its teeth on you for any other reason other than it's injured or in distress.

Commissioner Young asked if the husband and wife living together with a dog and it bites, do they both get arrested? Ms. Samide asked, yes, who gets arrested? Commissioner Jemison thought that it was whomever's name the dog license is in. Mr. Granito stated that it was the owner of the dog that is responsible; the law says owner, keeper or harbored, so if it is at a boarding kennel, or being housed at, it would ultimately be the person that is in charge of the dog at the time. If it's at your house, in your name, but your wife is watching the dog, you could obviously throw the wife under the bus, because she was watching it, and she would get the ticket. Mr. Young asked what happens if you buy a dog and give it to your kids and it's their dog. Mr. Granito replied that all owners must be over the age of eighteen. A lot of bites in the State of Ohio are of children that were welcomed into your house and you say my dog won't bite, you can play; if for some reason the dog goes after the child, we have to find out if the dog was provoked or not. If the child went after the dog and got bit, then that is provoked and you won't be ticketed, but if that child is just sitting and watching TV and the dog bites them for no reason, then that is unprovoked and you could possibly be ticketed for that bite. Mr. Granito explained that it's going to be difficult, but this law is trying to hold the owners accountable for their dogs actions. Mr. Granito stated that if you know your dog could have a violent tendency, you better keep that dog in the house in the back room or put away if there are kids around. If you have a fear of that dog biting, you tell the kids to leave or put the dog away until everyone leaves, but again it's provoked vs. unprovoked. Mr. Granito stated that investigations are going to take longer, more in depth because of this new law, and there are going to be court cases and defense attorneys. As soon as we find out what the courts are going to accept and what they won't, they will have to get with the Prosecutors office. Mr. Granito stated that he still needed to speak with Chardon Police Prosecutor Jim Gillette, but added that a lot of cases are just going to go to court; like car accidents, the police go out and collect evidence and if they feel there was a crime committed then they will cite the owner. If they feel it was an accident and no one was at fault, then they will rule that the dog wasn't at fault so no one will get ticketed.

Mr. Young explained that they have a dog that they sit for two to three weeks around Christmas time and wondered if when that dog visits them, they are responsible? Mr. Granito replied yes, that it's the keeper, harbored of the dog at the time an act is committed, so you would be responsible for that dog's actions at that time. Mr. Granito stated that it's a scary thing, it's unfortunate that when they decided to switch pit bulls and everything else that they put into this law, this is the one thing they wanted to do was no first bites without consequence. In the State of Ohio, if your dog bites the first time, now you're still liable.

Mr. Jemison inquired if this was something the dog wardens association came up with or was this based on instances where there are a lot of dog bite problems. Mr. Granito, this year's President of the dog wardens' association stated that they helped with the language in this law, but there were a lot of things they were against. One of them was having pit bulls being taken off the law as not being vicious anymore; that provision was removed, and that wasn't something they instituted. Mr. Granito presented the Board with a list that highlighted some of the changes in the law. Going down through that list, Mr. Granito stated that a convicted felon can no longer own a dog for three years after his/ her conviction of animal abuse, drug abuse, felony charges or weapon felony charges. Mr. Granito feels that is very drastic; this means you can't even own a poodle. Mr. Granito stated that there were things that were put in by the State that were not to the association's liking. The association agreed with some of them, agreeing that the first bite was something that needed to be addressed. Mr. Granito explained that they do get a lot of calls of dogs going across the street and biting a child and then going back across the street; owners want something done, they need something done and before it was sorry we can't help you, that there was nothing they could do, they couldn't even deem the dog dangerous, the dog could bite again and the State of Ohio didn't acknowledge it. Mr. Jemison inquired if this would increase the number of calls that his office would be going out on. Mr. Granito stated that it will increase the number of calls a lot, but noted that they are working on a policy to only take complaint based calls. Currently they receive calls from the hospitals and the health department for rabies quarantines, so the only calls they want to accept will be from someone who calls to complain about a dog bite, or law enforcement agency calling to get them involved. Mr. Granito explained that if he has a child and that child gets bit by his dog, his own child is not going to bring him up on charges for being bit under provoked, noting that they don't want to get involved in that. Mr. Jemison inquired, but if you are called would you take it? Mr. Granito stated that if it was a neighbor's child that got bit and the parent of that child calls and says my

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child was bit at that house and I want you to investigate to see if it was a provoked or unprovoked bite, then we would do an investigation, other than that I don't believe we should do any other, that it would be a waste of a lot of time. Neighbors often don't want to get involved, they work it out, they get rid of the dog, put it down, and at that point there is no investigation because there are no witness statements.

Mr. Granito stated that they just want to tell the public, call us if you got bit, or if you feel there is a dangerous dog in your neighborhood, call us and we will do an investigation. We don't want to see hospitals, because a lot of times a bite will go there and gets reported, but it doesn't get reported to us, and we don't want those to fall through the cracks. Mr. Jemison inquired as to how many incidences this might require you to have additional times out of the office. Mr. Granito explained that there is currently an investigation in Thompson, but in the spring and fall is when they get the most calls, and would guess at having an additional forty to fifty additional investigations. Ms. Samide inquired if this was stepping on people's rights, that this is their own property, their own homes, and what if a sales person comes to the door and the dog decides he doesn't like them and nips them. Mr. Granito stated that if you know your dog doesn't like people coming on the property then you should lock the dog up. Mr. Granito stated that they have to decide what is provoked and what is unprovoked, and that unless you have a fence, people have the right to come to your door, unless there is a sign. Mr. Granito stated that he could walk up the driveway and knock and your door. Mr. Granito added that there are going to be cases that the Prosecutor is going to have to make the call; let them see the facts and let them determine whether we need to file charges.

Mr. Granito explained that the second part, is that unprovoked dog bites can have civil classification and they can deem the dog 'dangerous', if they believe there is enough evidence; we don't have to criminally charge you, but we can tell you that they have enough evidence that your dog should now be classified as dangerous and you have ten days to appeal our classification. You would be provided a letter stating that you have ten days to appeal to the municipal court. If you appeal, this is a civil case so you would have to hire your own attorney and then go to court. If it's deemed not guilty your dog is deemed not dangerous; if you let the ten days lapse, you're admitting the dog is dangerous and at that point you have to classify your dog as dangerous.

County Administrator David Lair inquired if you have a large dog on invisible fence and that dog is allowed to roam around and as far as you know that dog won't hurt anyone, from what I am hearing you say to protect yourself legally that you need to put up a no trespassing sign, to have some legal defense saying now you have been advised not to come on this property. Mr. Lair stated that he doesn't expect the dog to hurt anybody, but you never know. Mr. Granito replied, absolutely, that's in part what the law is trying to say is, you have to protect the public. You own a dog, and it's your right to own a dog, but it's not your right to let the dog bite someone unprovoked. The State made it very harsh, and that you better consider when you adopt an animal what dog you're going to own. Mr. Lair added that it's not uncommon that people have spent a lot of money to allow their dog to run around their own yard and not bother anybody but it would be prudent to put up a no trespassing sign as legal defense to defend yourself against this new law. Mr. Granito stated that if you do think your dog has tendency to bite, train the dog, don't keep that dog on invisible fence when you're not home. This takes effect May 22nd, and a lot of people thought that this was the way the law was prior to this but it wasn't. Mr. Jemison inquired if they were going to put out a press release about the changes. Mr. Granito explained that was why it came before the Board today, was to talk about it and get it out in the media, and that he will come back with the formal policy.

Mr. Granito stated, continued down the list of proposed changes and explained that duplicate tags and change of ownership cost was increasing from \$0.25 to \$5.00. If someone would lose a tag, under current regulations they would pay \$0.25 and we mail it out, it cost more to mail than the replacement fee, so this increase to \$5.00 is to cover administration costs.

Mr. Granito stated that dangerous dogs will require a \$50.00 registration fee every year on top of the dog license fee; they must be vaccinated for rabies, be spay/neutered, be micro chipped and be required to wear a special tag. Mr. Granito explained that the State Auditor was working on the tag, being yellow with an attack dog on it; this would be statewide. The concept of the tag is that if you see a dog with the yellow tag, you will know to get away. Owners will also be required to post a sign on the property that says their dog has been convicted as a

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dangerous dog. Confinement will not be sufficient with just a invisible fence, it must be a chain link fence.

Mr. Granito explained that any person convicted of a felony cannot live with or own a dog for three years after his / her release. ORC 959 Animal Abuse, 2923 Drug Charges, or 2925 Weapon Charges. Mr. Jemison inquired how they were going to handle that with adoption at the shelter. Mr. Granito stated that the forms will be changed to ask if anyone living in the house or the person who is purchasing has been convicted of a felony. Mr. Granito stated that originally they were talking ten years, but that it had been changed to three. The feeling is that it was changed for bigger cities that do searches of houses; it can be another added charge.

Mr. Granito stated that pit bulls will no longer be deemed vicious or dangerous; simply based on their breed they have now become friendly and free dogs. Mr. Granito discussed with the Board the consideration of the adoption of pit bulls at the shelter. Currently they do not adopt them out but they work with Rescue Organizations and 501c3 groups that can take them, and older pit bulls are not taken in. Any pit bull that shows any aggression is put to sleep, as that is the policy. If adoption is considered they would have handouts of what pit bulls are and what they are like, and that no more than twenty percent of the population in the dog shelter could be pit bulls. Mr. Granito stated that some shelters have a limit of no more than forty percent of the population, as that is unfair for all other dogs coming in. Mr. Jemison asked if Mr. Granito felt we needed to change policy because of this new law. Mr. Granito stated that he felt we could leave it the way it was and see how it goes, continuing to release pit bulls to rescue and 501c3.

Mr. Granito expressed that a pit bull is like a lion, it could be the friendliest lion, but the day it decides to attack, whoever is next to that lion is dead, that is what a pit bull is, they are the strongest dogs we know, if it wants to turn, it will do damage. Mr. Granito briefly discussed that the only death around here was in 2000, from an American bulldog that killed a small child, which is classified as a pit bull. Another incident discussed was a pit bull in Leaders Trailer Park that knew the child, had played with the child and when that child went to leave the yard, the dog jumped and knocked him down and bit him, and that child was flown via life-flight and had to have around 60 staples in his head. No one knows what happened but it's a case of the dog turned and that was it.

Mr. Jemison expressed his feeling of leaving the policy as it is. Mr. Granito agreed and stated that he would be back in a few weeks with what we have, but expressed that he wanted everyone to be on the same page. Everyone in the public needs to understand that they will be responsible for their pet, that they need to get them trained or keep them confined as much as possible, every incident will be different, and it will have to be determined if it was provoked or unprovoked.

DEPARTMENT OF WATER RESOURCES – HIRE COREY ALLEN – SUMMER HELP (#0101)

Director Doug Bowen explained that Mr. Allen has been an intern with the department for the last year, unpaid but being educated. Mr. Bowen explained that this allows them to keep Mr. Allen for three or four more months and be able to pay him. Mr. Allen will have a full year of maintenance and operator work, and that in three weeks he will be going for his Operator license.

Motion: by Commissioner Jemison, seconded by Commissioner Young to approve hiring Corey Allen to the position of Summer Help (#0101) to be effective May 1, 2012 at the third year returning rate of \$8.75 per hour for the period ending September 30, 2012 (or at the start of the school-whichever comes first).

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

DEPARTMENT OF WATER RESOURCES – CONTRACT AGREEMENT – AQUA-LINE, INCORPORATED

Mr. Bowen explained that Mr. Morgan has been doing a comparison of water usage for the last few years and has noticed that in the last four or five months the bills from Cleveland Water versus what we are billing for are increasing. Mr. Bowen stated that this shows a major leak difference. Mr. Bowen stated that they have had Cleveland Water double check the meter readings. Mr. Morgan and the crews have gone and followed the route to try and find a leak or water, and have not found anything. March was a dry month and allowed us to do this, so this

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cost would be worth it to find out what is going on. Mr. Jemison inquired if we are billed monthly from Cleveland Water and if the discrepancy cost is big enough to have a return on investment with this. Mr. Bowen replied that it is a big difference and that this would definitely be worth it. Mr. Bowen stated that our meter readings go out every two months and Cleveland Water does theirs every three, so it is hard to do it perfect on a monthly basis, but there is a difference there.

Motion: by Commissioner Jemison, seconded by Commissioner Young to approve and execute the service Contract Agreement with Aqua-Line, Incorporated to perform leak detection services at various locations within the county for the Year 2012 in the amount of \$3,936.00.

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

COMMISSIONERS' OFFICE – WORKERS' COMPENSATION SERVICE AGENCY AGREEMENT – COMPMANAGEMENT, INCORPORATED

Motion: by Commissioner Jemison, seconded by Commissioner Young to approve and authorize the President of the Board to execute the Workers' Compensation Service Agency Agreement between the Geauga County Board of Commissioners and CompManagement, Incorporated (a Sedgwick CMS Company (CMI) for Workers' Compensation service for the period May 1, 2012 through April 30, 2013 in the amount of \$10,350.00.

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

COMMISSIONERS' OFFICE – UNEMPLOYMENT COMPENSATION SERVICE AGENCY AGREEMENT – COMPMANAGEMENT, INCORPORATED

Motion: by Commissioner Jemison, seconded by Commissioner Young to approve and authorize the President of the Board to execute the Unemployment Compensation Service Agency Agreement between the Geauga County Board of Commissioners and CompManagement, Incorporated (a Sedgwick CMS Company (CMI) for unemployment services for the period May 1, 2012 through April 30, 2013 in the amount of \$1,205.00.

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

LIQUOR LICENSE – MACWEC LLC D.B.A. MURPHY O'RILEY'S – CHESTER TOWNSHIP

Motion: by Commissioner Jemison, seconded by Commissioner Young to concur with Chester Township Trustees in not requesting a hearing on the liquor license requested by MACWEC LLC d.b.a. Murphy O' Rileys and walk in cooler and first floor and patio located at 8491 Mayfield Road (C TRFO 5407479).

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

COMMISSIONERS' OFFICE – AGREEMENT – CHARDON CHAMBER OF COMMERCE

Motion: by Commissioner Jemison, seconded by Commissioner Young to approve and execute the Agreement between the Geauga County Board of Commissioners and Chardon Chamber of Commerce for the use of the county parking lots located at 100 Short Court Street and 208 East Park Street during the Chardon Chamber of Commerce 3rd Annual Car Show on June 24, 2012 for the time period 9:00 a.m. through 2:30 p.m.

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

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COMMISSIONERS' OFFICE – RESOLUTION HONORING NOAH JOHN BOKSANSKY ON ACHIEVING EAGLE SCOUT

Motion: by Commissioner Jemison, seconded by Commissioner Young to approve and execute Resolution #12-084 Honoring Noah John Boksansky an achieving the rank of Eagle Scout.

Board of County Commissioners, Geauga County, Ohio

Resolution: 12-084

Date: April 26, 2012

A RESOLUTION HONORING NOAH JOHN BOKSANSKY FOR ACHIEVING EAGLE SCOUT THE HIGHEST AWARD OF ADVANCEMENT BESTOWED UPON A BOY SCOUT

WHEREAS, the Boy Scouts is a nationally acclaimed organization known for training young men to build character, citizenship, and leadership; and

WHEREAS, each scout must prove to his adult leaders the basics of outdoor survival including nature study, first aid, lifesaving and other activities that provide leadership qualities; and

WHEREAS, the Eagle Scout Rank is an accomplishment that only four percent of all those who start Boy Scouting ever attain; and

WHEREAS, Noah John Boksansky is a member of Boy Scout Troop 99, Newbury Township, Geauga County, and has excelled in his search for knowledge, leadership, planning and community support; and

WHEREAS, Noah John Boksansky provided leadership at meetings and on campouts and has done an excellent job in all aspects of scouting; and

WHEREAS, Noah John Boksansky's Eagle Scout project consisted of planning and installing a prayer garden at Notre Dame-Cathedral Latin, which included benches, a statue of the Holy Family, an arbor and garden beds with nearly twenty different species of plants; and

NOW, THEREFORE BE IT RESOLVED, that the Geauga County Board of Commissioners salutes Noah John Boksansky for service to his community and the Scouts of America;

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

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

ACKNOWLEDGEMENTS

- a) *A weekly report filed by the County Dog Warden of all dogs seized, impounded, redeemed or destroyed for the week ending August 17, 2011 as required by O.R.C. 955.12.*

OTHER

The Board reviewed upcoming events.

MEETINGS

Thu., 4/26 The Commissioners will attend a Portage Geauga Joint Board meeting, 2:30 p.m. Portage County Commissioners' Office

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- Tues., 5/1 The Commissioners will hold regular session.*
- Tues., 5/1 The Commissioners will hold Public Hearing #2 at 10:30 a.m. for the Small Cities Community Development Block Grant Sewer and Water Program*
- Tues., 5/1 The Commissioners will hold a work session with the Department on Aging, 1:00 p.m. at the Department on Aging*
- Thu., 5/3 The Commissioners will hold regular session.*
- 5/7 – 5/11 Public Service Recognition Week*
- Mon., 5/7 Board of Revision, 9:00 a.m.*
- Tues., 5/8 The Commissioners will hold regular session.*
- Tues., 5/8 The Commissioners will hold a Public Hearing at 10:30 a.m. for an amendment to the Community Development Block Grant (CDBG) FY2011 Formula Grant #B-F-11-1AZ-1*
- Tues., 5/8 The Planning Commission meeting at 7:00 p.m. in the Planning Commission meeting room, Bldg. #1C, 470 Center Street, Chardon*
- Wed., 5/9 Board of Revision, 2:00 p.m.*
- Thu., 5/10 Employee Health and Wellness EXPO, Building #8 (Public Service Recognition Week)*
- Thu., 5/10 The Commissioners will hold regular session.*
- Thu., 5/10 Community Improvement Corporation (CIC) Trustees meeting, 5:30 p.m. Chambers*
- Fri., 5/11 NOACA meeting, 10:00 a.m.*

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER JEMISON ADJOURNED THE MEETING AT 10:44 A.M.

Geauga County Board of Commissioners

Mary E. Samide

William S. Young

Tracy A. Jemison

Christine Blair, Commissioners' Clerk