

Commissioners' Journal
September 23, 2010

The Geauga County Board of Commissioners met in session on September 23, 2010 at 10:00 a.m. in the Commissioners' Chambers located at 470 Center Street in Chardon, Ohio.

It is declared and determined that all formal actions of the Board of County Commissioners concerning and relating to the adoption of all resolutions that were adopted in this meeting, and that all deliberations of the Board of County Commissioners that resulted in such formal action were open to the public and were in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

The President of the Board, Mary E. Samide opened the meeting at 10:02 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

APPROVE MINUTES

Motion: by Commissioner Young, seconded by Commissioner Jemison to approve and execute the minutes for the meeting of September 21, 2010.

<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>

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – RESCIND MOTION FROM SEPTEMBER 16, 2010

Motion: by Commissioner Young, seconded by Commissioner Jemison to rescind the motion of September 16, 2010: “to approve and execute the following legal binding documents between the Geauga County Board of Commissioners and Black Lab Corporation and Yellow Lab LLC for a CDBG Revolving Loan Fund loan in regards to the loan for \$250,000.00 for fifteen years (180 months) at a three and one half percent (3.5%) interest at 11730 Ravenna Road, Chardon: Loan Servicing Letter, Participation Agreement, Promissory Note, Mortgage, Corporate Guaranty of Yellow Lab LLC.

<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>

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – LEGAL BINDING DOCUMENTS – BLACK LAB CORPORATION, YELLOW LAB LLC, AND DEMING IV LLC

Motion: by Commissioner Young, seconded by Commissioner Jemison to approve and execute the following legal binding documents between the Geauga County Board of Commissioners and Black Lab Corporation and Yellow Lab LLC and Deming IV, LLC for a CDBG Revolving Loan Fund loan in regards to the loan for \$250,000.00 for fifteen years (180 months) at a three and one half percent (3.5%) interest at 11766 Ravenna Road, Chardon: Loan Servicing Letter, Participation Agreement, Promissory Note, Mortgage, Corporate Guaranty of Yellow Lab LLC.

<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>

APPROVE FINANCIALS

Budget Administrator Heidi Delaney explained the financials as including travel requests for the Engineer's office; voucher payments for Yellow Lab, LLC for the disbursement of Revolving Loan Funds in the amount of \$250,000.00, Ballast Construction for the Aquilla Village Park and Recreational Facilities Improvements Project in the amount of \$21,442.56, and a payment 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 10-181 itemizing the financials for the meeting of September 23, 2010.

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

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* *Commissioner Jemison explained he abstained from voting as he is Chairman of United Way.*

ENGINEER'S OFFICE – CHANGE ORDER #1 – RONYAK PAVING INCORPORATED

Engineer Mike Stone stated that there was incidental work done with quantities working out with nothing extra on either of the two jobs.

Motion: by Commissioner Young, seconded by Commissioner Jemison to approve and execute Change Order #1 and final decreasing the contract amount with Ronyak Paving, Incorporated for the Asphalt resurfacing of Butternut Road (CH 21, Sections G & H) in Burton Township in the amount of \$1,646.80.

<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>

ENGINEER'S OFFICE – CHANGE ORDER #1 – PHIL MILLER CONSTRUCTION INCORPORATED

Motion: by Commissioner Young, seconded by Commissioner Jemison to approve and execute Change Order #1 and final decreasing the contract amount with Phil Miller Construction, Incorporated for the Replacement of the Stafford Road Bridge (Structure #157-2.90) in the amount of \$1,471.00.

<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>

DEPARTMENT OF WATER RESOURCES – ACCEPT RESIGNATION JOSHUA PILARCZYK

Director Doug Bowen stated that Mr. Pilarczyk has been out with a back injury for a long time, they've had several meetings to discuss the best options, including what he can do, what he can't do, the process of voluntary or involuntary separation and the attorneys have concluded that best option and benefit for not only Mr. Pilarczyk but also the County is for Mr. Pilarczyk to resign. This gives him his ten (10) years of service at the end of November.

Motion: by Commissioner Young, seconded by Commissioner Jemison to accept the resignation of Joshua Pilarczyk, Maintenance Worker in the Department of Water Resources to be effective November 30, 2010.

<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>

DEPARTMENT OF WATER RESOURCES – ADVERTISE FULL-TIME MAINTENANCE WORKER WATER / WASTEWATER SYSTEMS #2330

Mr. Bowen stated that this was for the replacement of Mr. Pilarczyk, that currently they had been using summer help and now they can go ahead and advertise and fill the position.

Motion: by Commissioner Young, seconded by Commissioner Jemison to grant permission to advertise for the position of Full-time Maintenance Worker Water/Wastewater Systems (#2330) at the Merritt Road Garage Facility. The position will remain posted until the position is filled.

<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>

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – CHANGE ORDER #1 – RONYAK PAVNG INCORPORATED

Program Coordinator, Rhea Benton stated that this was for the fairgrounds sidewalk project, the way the project worked out that they didn't need all the limestone giving the decrease. Commissioner Jemison asked a question about the decrease funds going towards a fairgrounds project for next year. Ms. Benton explained that it couldn't be used for next year but it could be used for additional projects this year. The Lyric Theater Guild ADA bathroom renovation had an alternative in their request for the vestibule to become ADA accessible and at the time they

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didn't have the money, but this decrease will allow us to go back and do that. Commissioner Young asked if the money could be used to pave additional roads at the Fairgrounds. Ms. Benton stated that there had to be an environmental review done to the area that would be paved and at this late time of year, it couldn't be done, and that it would have had to been included in the application to the state, and because that wasn't done that it couldn't not be done at this time, but it can go to other projects.

Motion: by Commissioner Young, seconded by Commissioner Jemison to approve and authorize the President of the Board to execute Change Order #1 decreasing the contract with Ronyak Paving, Incorporated for the Geauga County Fairgrounds Sidewalk and Parking Facility Improvements Project (Grant #B-F-09-1AZ-1) in the amount of \$7,544.50.

<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>

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – ARCHITECT'S CERTIFICATION OF COMPLIANCE WITH MINIMUM STANDARDS

Ms. Benton stated that this was a form that the State requires stating that the design the Architect came up with was ADA compliant.

Motion: by Commissioner Young, seconded by Commissioner Jemison to approve and authorize the President of the Board to execute Architect's Certification of Compliance with Minimum Standards for Accessibility by the Physically Handicapped form for Stephen Ciciretto, AIA for the Geauga County Building 2 Public Restrooms ADA Renovation Project, under #B-F-09-1AZ-1.

<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>

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – NOTICE OF COMMENCEMENT – HUMMEL CONSTRUCTION COMPANY

Ms. Benton stated that this was the Notice of Commencement for Hummel for the ADA public restrooms project, they had a pre-construction meeting and everyone is getting excited about getting started.

Motion: by Commissioner Young, seconded by Commissioner Jemison to approve and authorize the President of the Board to execute the Notice of Commencement for Hummel Construction Company for the Geauga County Building 2 Public Restrooms ADA Renovation Project, under Grant #B-F-09-1AZ-1.

<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>

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

Sheriff Dan McClelland stated that this was for the Victim Advocate, non-law enforcement civilian position, currently held by Tracy Jordan. Ms. Jordan goes to crime scenes, and accidents and works with the victims, the victim's families and witnesses helping them cope with the loss of a loved one, or helping resolve the questions or bureaucratic process that goes along with the incident. The awards for this come from the Federal and State governments, and a local match from the General Fund that is already budgeted along with some money from the Law Enforcement Trust Fund. This fund is money they receive from property seizures. Sheriff McClelland stated that it takes a special kind of person to work with the victims through the paperwork and process allowing the law enforcement personnel to do what they need to do for evidence and securing the crime scene. The feedback that they have gotten back has been amazing.

Motion: by Commissioner Young, seconded by Commissioner Jemison to approve and authorize the President of the Board to execute the Victim of Crime Act (VOCA)

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and State Victim Advocacy Act (SVAA) 2010-2011 Grant Award and Acceptance Form, in the amount of \$48,826.00. As part of this grant \$34,174 is being requested from federal VOCA funds (#2011VAGENE554), with a local match from the Geauga County General Fund of \$10,355.00, \$3,261.00 from SVAA fund (#2011SAGENE554) with no local match and \$1036.00 from the Sheriff's Office Law Enforcement Trust Fund. This grant is for the period October 1, 2010 through September 30, 2011.

<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>

SHERIFF'S OFFICE – OHIO OFFICE OF CRIMINAL JUSTICE SERVICES EQUIPMENT INVENTORY SUBGRANT REPORT - GCSO TECHNOLOGY IMPROVEMENT

Mr. McClelland stated that the equipment inventory is for radios. This is for the reimbursement of funds. The State was in and did the Audit and everything looked good.

Motion: by Commissioner Young, seconded by Commissioner Jemison to approve and authorize the President of the Board to execute the Ohio Office of Criminal Justice Services Equipment Inventory Subgrant Report for the GCSO Technology Improvement Grant 2009-RA-E01-2223.

<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>

SHERIFF'S OFFICE – OHIO OFFICE OF CRIMINAL JUSTICE SERVICES EQUIPMENT INVENTORY SUBGRANT REPORT – TECHNOLOGY IMPROVEMENT

Mr. McClelland stated that this was the final step in the technology grant for the servers to receive the reimbursement.

Motion: by Commissioner Young, seconded by Commissioner Jemison to approve and authorize the President of the Board to execute the Ohio Office of Criminal Justice Services Equipment Inventory Subgrant Report for the Technology Improvement Grant 2009-JG-LLE-5108.

<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>

JOB AND FAMILY SERVICES – IV-D SERVICE CONTRACT – LEGAL SERVICES - GEAUGA COUNTY PROSECUTOR

Assistant Director, Paul Reiman stated that these are IV-D annual contracts with both the Common Pleas Court and the Prosecutor's Office to utilize funds to pay them for services for child support enforcement. The Prosecutor's office has an assistant prosecuting attorney that helps with civil actions in both Common Pleas and Juvenile Court for child support. The Common Pleas Court is able to be reimbursed for magistrate services and child support specific items on a case, anything dealing with the enforcement or the establishment of a court order. There is a slight difference in cost from last years contract – Prosecutors' went up \$1.00 per hour and Common Pleas went up about \$9.00 per hour. Mr. Reiman stated that this was a child support funds and revenue stream back into the General Fund.

Motion: by Commissioner Young, seconded by Commissioner Jemison to approve and execute a IV-D Service Contract between the Geauga County Child Support Enforcement Agency and the Geauga County Prosecutor for legal services for the period of July 1, 2010 through June 30, 2011 in the amount of \$51.49 per hour.

<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>

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**JOB AND FAMILY SERVICES – IV-D SERVICE CONTRACT – MAGISTRATE SERVICES -
GEAUGA COUNTY COMMON PLEAS COURT**

Motion: by Commissioner Young, seconded by Commissioner Jemison to approve and execute a IV-D Service Contract between the Geauga County Child Support Enforcement Agency and the Geauga County Common Pleas Court for Magistrate Services for the period of July 1, 2010 through June 30, 2011 in the amount of \$110.97 per hour.

<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>

**PROSECUTOR'S OFFICE – REMOVAL OF ROCK OBSTRUCTIONS – SPERRY ROAD
RIGHT-OF-WAY**

Todd Tornstrom's Attorney Mr. Zulantz commented that Mr. Tornstrom was going to be back in contact with the Engineer and that they were going to come to some sort of resolution on how the Engineer wanted the rocks and what they wanted done. Mr. Tornstrom asked for thirty (30) days and Mr. Phillips, County Engineer said a week or two. Mr. Zulantz asked that the resolution be addressed that he remove the rocks to per Mr. Phillips satisfaction and that he be given two weeks, at least a week. Commissioner Jemison stated that Mr. Tornstrom would not respond to mailings, that they had given him an opportunity to negotiate. The Commissioners found out that the negotiations did not go well and now we feel we have another delay. Mr. Zulantz commented that he had also heard that they did not go well. Commissioner Young asked Mr. Zulantz if he had something in writing what his client was willing to do. Mr. Zulantz stated that he had nothing in writing. Commissioner Samide explained to Assistant Prosecutor Ms. Matheny and Engineer, Mr. Phillips that there was a motion on the table to have the rocks removed in five days as per your instructions. Mr. Zulantz stated that Mr. Tornstrom had called the Engineer and that there was some other negotiations. I thought you wanted this done. Mr. Phillips explained that Monday Mr. Tornstrom's secretary called and wanted to set up another meeting before today's session. It was scheduled for the previous day and she called and said Mr. Tornstrom was not going to make it but that she was on her way but would be late. Mr. Tornstrom's secretary seemed to know what was going on but not that she understood all of it. She stated that Mr. Phillips would need to call in the afternoon to see if there was some action that was going to be taken but it would take 3 weeks and Mr. Phillips stated that no it was five days. Mr. Tornstrom's secretary did call back in the afternoon that Mr. Tornstrom would agree but it would take two-three weeks. Mr. Phillips called back and said no it's five days and to be reassured of the size of the rocks we were talking about, their perception of size and my perception of size are two different things. Based on that and the past history of delay, delay, delay we gave Mr. Tornstrom several deadlines last year and he missed every one of them. Mr. Phillips stated that finally, we got something around Thanksgiving time or so, way after what we had asked for, we'd been on this since August or September. Mr. Phillips suggested that they proceed with the rock removal. Ms. Samide stated that the rocks are right to the edge of the edge, beyond the soft shoulder. Mr. Jemison stated that this Board and the Engineer both have really tried to work with Mr. Tornstrom, then he comes up with another last minute meeting and he doesn't even show. We are getting close to bad weather coming soon and we need to get this cleared up. Hopefully he has five days to make a resolution to clean this up. Ms. Samide said that in safety we have to do something, that we need to get this done. She stated that they appreciate Mr. Zulantz for coming and representing Mr. Tornstrom and all that he has done. Mr. Zulantz thanked the Board for their consideration and on behalf of his client all that they have done. Ms. Samide stated that if you are driving along that road in the winter and a snowplow picks up that rock and it goes through your windshield, these are the things they are so concerned about. Mr. Young stated that not only the rocks, but the rain or snow could also move more into the street since it's on the South side down hill, it makes it more dangerous to drive there, and there is a lot of traffic using the road. Mr. Young just doesn't understand why it was done in the first place and why it has taken over a year to get this done. Ms. Samide stated that Mr. Tornstrom was certainly trying to make his property look good but he went a little too far with it. Mr. Zulantz stated that he understands from Mr. Phillips that we don't have to remove all of the rocks, but to his satisfaction but just get it done in five days.

Motion: by Commissioner Young, seconded by Commissioner Jemison to grant the Geauga County Engineer's request, pursuant to Sections 5547.03 and 5547.04 of the Ohio Revised Code (O.R.C.) directing Todd Tornstrom to remove the rock obstructions located at 13140 Sperry Road from the Sperry Road right-of-way

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within five (5) days (or by September 29, 2010) and, if such rock obstructions are not removed from Sperry Road right-of-way within five (5) days (or by September 29, 2010), the Geauga County Engineer shall remove the rock obstructions from the Sperry Road right-of way located at 13140 Sperry Road and charge all costs incurred in such removal to Todd Tornstrom's property taxes.

<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>

ACKNOWLEDGEMENTS

- a) A weekly report filed by the County Dog Warden of all dogs seized, impounded, redeemed or destroyed for the week ending September 15, 2010 as required by O.R.C. 955.12.*
- b) A monthly report filed by the Geauga County Sheriff's Office of an account of expenses for the prisoner transport for the month ending August 2010 as required by O.R.C. 325.07.*

MEETINGS

- Thu., 9/23 The Commissioners will hold regular session.*
- Thu., 9/23 The Commissioners will attend the Community Improvement Corporation (CIC) Luncheon and Tour the Geneva Sports Complex.*
- Tue., 9/28 **The Regularly scheduled Commissioners' meeting is cancelled.***
- Tue., 9/28 **The Commissioners will participate in the Perry Nuclear Power Plant Evaluated Exercises.***
- Thu., 9/30 The Commissioners will hold regular session.*
- Tue., 10/5 The Commissioners will hold regular session.*
- Tue., 10/5 A public hearing for the CY 2011 ODOT Operating Grant Proposal and the CY 2011 ODOT Capital Grant Proposal to be held on October 5, 2010 at 10:30 a.m.*
- Wed., 10/6 Elected Officials Day at the Department on Aging*
- Thu., 10/7 The Commissioners will hold regular session.*
- Thu., 10/7 A public hearing for the proposed issuance of revenue bonds to Montefiore Housing Corporation to be held on October 7, 2010 at 10:15 a.m.*
- Thu., 10/7 A public hearing for the proposed rehire of Michael Mihalisin – a retirant and employment to position of Chief Building Official to be held on October 7, 2010 at 10:30 a.m.*
- Tue., 10/12 **The Regularly scheduled Commissioners' meeting is cancelled.***
- Thu., 10/14 The Commissioners will hold regular session.*
- Tue., 10/19 The Commissioners will hold regular session.*
- Thu., 10/21 The Commissioners will hold regular session.*
- Thu., 10/21 The Commissioners will attend Geauga Soil and Water Conservation District's 66th Annual Dinner and Election*
- Fri., 10/22 Ribbon Cutting Ceremony for the Incredible Edible Art Show at the Department on Aging beginning at 10:00 a.m.*

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***BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER
SAMIDE ADJOURNED THE MEETING AT 10:41 A.M.***

Geauga County Board of Commissioners

William S. Young

Tracy A. Jemison

Mary E. Samide

Christine Blair, Acting Commissioners' Clerk