

Commissioners' Journal
May 12, 2009

The Geauga County Board of Commissioners met in session on May 12, 2009 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, William S. Young opened the meeting at 10:07 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

APPROVE MINUTES

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute the minutes for the meeting of May 5, 2009.

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

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute the minutes for the meeting of May 7, 2009.

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

** Commissioner Young was absent from this session.*

APPROVE FINANCIALS

Fiscal Specialist Diane Arp explained the financials as two of the appropriation transfers are to reimburse for pay-ins made for Web checks and for Post 2 for the Sheriff's Office; cash transfers include the monthly interest and monthly appropriations to the County Home and there are three travel requests.

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute Resolution 09-082 itemizing the financials for the meeting of May 12, 2009.

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

AUDITORS' OFFICE – STATEMENT OF COUNTY FINANCES

Motion: by Commissioner Jemison, seconded by Commissioner Samide to accept, execute and file the monthly Statement of County Finances filed by the County Treasurer for the month of April, 2009 pursuant to O.R.C. 319.15.

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

Motion: by Commissioner Jemison, seconded by Commissioner Samide to accept, execute and file the monthly Statement of County Finances filed by the County Auditor for the month of April, 2009 pursuant to O.R.C. 319.15.

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

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ENGINEER'S OFFICE – PHIL MILLER CONSTRUCTION UNIT PRICE CONTRACT –
CHARDON WINDSOR ROAD BRIDGE

Planning Engineer Mike Stone stated that this price is lower than anticipated, the estimate was \$220,000.00. Mr. Stone added that this is OPWC funds.

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute a Unit Price Contract with Phil Miller Construction Incorporated for The Replacement of Chardon Windsor Road Bridge (Structure #13-5.43) Project in Huntsburg Township, in the amount of \$189,333.00

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

ENGINEERS' OFFICE – RELEASE BID BONDS

Motion: by Commissioner Jemison, seconded by Commissioner Samide to release the bid bond for the following projects as all specifications have been met:

The Shelly Company for Jug Street (Section F & G) Reconstruction
Kokosing Construction Company Incorporated for Asphalt Resurfacing of Mentor Road (CH 5n)
Lake Truck Sales (2) Current Model Single Axle Diesel Powered Trucks and Chassis
Kokosing Construction Incorporated for The Asphalt Resurfacing of Taylor Wells Road
Ronyak Paving Incorporated for The Leveling and Asphalt Resurfacing of Bass Lake Road (CH 23, Sections B&C)
Ronyak Paving Incorporated for The Asphalt Resurfacing of Russell Road (CH 20)
Ronyak Paving Incorporated for The Asphalt Resurfacing of Rapids Road (CH 1)
Kokosing Construction Incorporated for the Cement Stabilization and Asphalt Repaving Portion of Section D and Asphalt Resurfacing of the Entirety of Section E of Leggett Road
Ronyak Bros. Paving Incorporated for The Asphalt Resurfacing of Brakeman Road (CH 22)
Ronyak Bros. Paving Incorporated for The Improvement of Franklin Street (CH 35)
Oglesby Construction Incorporated for The Application of Polyester Pavement Markings to Various Road in Geauga County for the 2008 Year
C.I.R. Incorporated for the Cedar Road Bridge Replacement
Grade Line Incorporated for The Replacement of the Sidley Road Bridge (Structure #58-0.79)
Ronyak Paving Incorporated for Asphalt Resurfacing of Aquilla Road (CH 5s, Sections A&B)
Lindsay Concrete Products for The Design, Fabrication and Delivery of a Reinforced Concrete Box Culvert for The Georgia Road Bridge (Structure #40-2.51)
Kenmore Construction Company for the Asphalt Resurfacing of Chagrin Road (CH 9, Sections A&B)

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

SOIL AND WATER CONSERVATION DISTRICT – NOTICE OF VIOLATIONS – LYNNE SZANYI – RUSSELL TOWNSHIP

Motion: by Commissioner Jemison, seconded by Commissioner Samide to acknowledge the first and second Notice of Violations issued against Ms. Lynne Szanyi, owner of property located at 7680 Westcot Lane (Sublot 3, Parcel 26-214257) in Russell Township for failure to comply with Geauga County Water Management and Sediment Control Regulations as outlined in the attached "Notice of Violation" (section 7.03, 7.11, 7.13, 7.15) "Inspection Reports", and to forward the "Notice of Violation" and "Inspection Reports" to the Geauga County Prosecutor to

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enforce compliance with the Geauga County Water Management and Sediment Control Regulations by seeking an injunction or other further relief to secure the required compliance.

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

PLANNING COMMISSION – PLANNING COMMISSION APPOINTMENT - DAVID SHORT
Director Dave Dietrich explained the Mr. Short is a professional surveyor and engineer and he believed his background is a good addition to the commission as they like to have a diversity of backgrounds. Mr. Short is also on the Chester Zoning Commission for the township. Commissioner Jemison inquired if there would be a conflict of interest problem. Mr. Dietrich said he discussed that with Mr. Short and stated that Mr. Short could abstain from voting if he was directly involved in an issue. Mr. Short works at ODOT now and does not do any work in Geauga County.

Motion: *by Commissioner Jemison, seconded by Commissioner Samide to appoint David Short to the Planning Commission for the unexpired term of Frank Gliha ending December 31, 2010.*

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

COMMUNITY AND ECONOMIC DEVELOPMENT – SUBORDINATION AGREEMENT – MIDDLEFIELD BANKING COMPANY - LINE OF CREDIT – SIMON DEYOUNG

The Board reviewed a brief video from Arden DeYoung who started an initiative a year ago to build a hydraulic hose braiding machine that is produced in Geauga County with a few contributors from Lake County. The electronics for this machine came out of a Middlefield company. This machine produces an all metal hose that is a corrugated metal tube that is reinforced with stainless steel wires. Mr. DeYoung mentioned that they expect to have more jobs out of creating this machine as well as improving economic development. Commissioner Young asked if there is a timeline on this Line of Credit. Mr. DeYoung responded that they are working with the local Middlefield Bank and this will expire in December. Commissioner Jemison added that then the Board will become first in line on the Subordination Agreement. Commissioner Samide added that Middlefield Bank is backing this company and that Simon DeYoung pays their bills. Commissioner Jemison added that they pay promptly and that he has reviewed Simon DeYoung's financials. Director Anita Stocker added that revolving loan has a second position mortgage on their building with a remaining balance of \$82,000.00. Commissioner Jemison added that their assets are a little over \$300,000.00 with a little debt of \$48,000.00.

Motion: *by Commissioner Jemison, seconded by Commissioner Samide to approve and execute a Subordination Agreement of the UCC (Uniform Commercial Code) between The Geauga County Board of Commissioners and Middlefield Banking Company in favor of Middlefield Banking Company to provide a Line of Credit to Simon DeYoung Corporation in the amount of \$190,000.00.*

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

COMMUNITY AND ECONOMIC DEVELOPMENT – PROGRAMMATIC AGREEMENT

Ms. Stocker reported that this agreement will be used for CDBG and Neighborhood Stabilization Program (NSP). This gives Ms. Stocker the ability to create one report rather than doing individual property Ohio Preservation Office concerns.

Motion: *by Commissioner Jemison, seconded by Commissioner Samide to approve and authorize the President of the Board to execute the Programmatic Agreement for coordination between Geauga County and the Ohio Preservation Office for the Administration of Programs using U.S. Department of Housing and Urban Development (HUD) allocated funds with delegate review responsibilities authorized under 24 CFR Part 58. (Which may be pertaining to CDBG, HOME,*

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EDI, Emergency Shelter Grants, Supportive Housing, Housing Opportunities for Persons with AIDS (HOPWA) and Neighborhood Stabilization Program (NSP) grants). Once executed by all parties this agreement will be in full effect until December 31, 2011.

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

COMMISSIONERS' OFFICE – CLAIM FOR UNCLAIMED FUNDS – BUILDING DEPARTMENT AND COMMISSIONERS' OFFICE

Motion: by Commissioner Jemison, seconded by Commissioner Samide to authorize the County Treasurer to submit a claim for unclaimed funds for the Geauga County Building Department, in the amount of \$533.16 (Claim Number 1061190).

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

Motion: by Commissioner Jemison, seconded by Commissioner Samide to authorize the County Treasurer to submit a claim for unclaimed funds for the Geauga County Board of Commissioners, in the amount of \$1,750.00 (Claim Number 1066146).

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

COMMISSIONERS' OFFICE – CONVEYANCE OF PROPERTY – G & M TANGLEWOOD ASSOCIATES

Commissioner Jemison explained that on the GIS map it appears that the county owns the property that the Kmart building is on that is in Tanglewood Mall. There were industrial revenue bonds issued that a previous board was the guarantor of at one time, back in the early 1980's. The Board was holding the deed as collateral. The bonds were satisfied and have been paid but the process was not cleaned up.

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute Resolution 09-083 Authorizing the Conveyance of Property at 17625 Chillicothe Road, Bainbridge Township, Ohio and Authorizing the Execution of a Limited Warranty Deed and Related Matters with Respect to the County's Industrial Development First Mortgage Revenue Bonds, Refunding Series A 1993 Kmart Corporation-Tenant and Guarantor (G&M Tanglewood Associates Project).

Board of County Commissioners, Geauga County, Ohio

Date: May 12, 2009

Resolution: 09-083

The Board of County Commissioners of the County of Geauga met on May 12, 2009, commencing at 10:00 o'clock, a.m., in regular session in the Commissioners' Chambers at 470 Center Street, Building No. 4, Chardon, Ohio, with the following members present:

Commissioner Jemison Commissioner Samide

Commissioner Young

The Clerk advised the Board that the notice requirements of Section 121.22 of the Revised Code and the implementing rules adopted by the Board pursuant thereto were complied with for the meeting.

Commissioner Jemison presented the following preambles and resolution and moved their adoption, which motion was duly seconded by Commissioner Samide:

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RESOLUTION NO. 09-083

A RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY AT 17625 CHILLICOTHE ROAD, BAINBRIDGE TOWNSHIP, OHIO AND AUTHORIZING THE EXECUTION OF A LIMITED WARRANTY DEED AND RELATED MATTERS WITH RESPECT TO THE COUNTY'S INDUSTRIAL DEVELOPMENT FIRST MORTGAGE REVENUE BONDS, REFUNDING SERIES A 1993 KMART CORPORATION-TENANT AND GUARANTOR (G&M TANGLEWOOD ASSOCIATES PROJECT)

WHEREAS, pursuant to the provisions of Chapter 165 of the Ohio Revised Code (the "Act"), this Board entered into a First Mortgage Indenture, dated as of April 1, 1983, as supplemented by the First Supplemental Indenture, dated as of September 1, 1993 (collectively, the "Indenture") with The Huntington National Bank (the "Trustee") and, pursuant to that Indenture, issued its Industrial Development First Mortgage Revenue Bonds, Refunding Series A 1993 Kmart Corporation-Tenant and Guarantor (G&M Tanglewood Associates Project) (the "Bonds"); and

WHEREAS, in order to promote and to effectuate public purposes, the County acquired from Tanglewood Partners Limited Partnership, an Ohio limited partnership (by assignment from G&M Tanglewood Associates), by Limited Warranty Deed dated April 25, 1983, as filed for record at Volume 696, Page 1322 of the Official Records of the County of Geauga, Ohio, certain real property, as improved (the "Premises"); and

WHEREAS, by the terms of the Indenture and the Bonds, all amounts owing for principle and interest on the Bonds have been paid in full and all Bonds have cancelled; and

WHEREAS, the Indenture has been satisfied and released according to its terms and such evidence has been recorded in the Official Records of Geauga County, Ohio on March 14, 2008 as Instrument No. 200900776630 at Book 1839, Page 3049 and as Instrument No. 200900776631 at Book 1839, Page 3050; and

WHEREAS, under the terms of the Installment Sale Agreement and Assignment dated as of April 1, 1983, as amended (the "Agreement"), upon satisfaction and release of the Indenture, the County must release the Agreement, is obligated to convey the Premises to Tanglewood Partners Limited Partnership by Limited Warranty Deed and is obligated to execute and deliver a Bill of Sale of the Project (as defined in the Indenture) to Tanglewood Partners Limited Partnership;

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

Section 1. This Board authorizes the execution of the Satisfaction and Release of Installment Sale Agreement and Assignment, a form of which is attached to this resolution as Exhibit 1.

Section 2. This Board authorizes the execution of a Limited Warranty Deed for the conveyance of the Premises to Tanglewood Partners Limited Partnership, in accordance with the Agreement, a form of Limited Warranty Deed which is attached to this resolution as Exhibit 2.

Section 3. This Board authorizes the execution of a Bill of Sale for the conveyance of all right, title and interest, legal and equitable, in and to all project facilities (Building), all capital additions then constructed or acquired and all other tangible property, fixed or movable, then owned by the County and useful in conjunction with the Premises and the Project Facilities, as may have been retained by the County in that certain aforementioned Limited Warranty Deed, in accordance with the Agreement, a form of the Bill of Sale which is attached to this resolution as Exhibit 3.

Section 4. This Board authorizes any member of this Board to take all other actions as may be required to effect the termination of the Agreement, the conveyance of the Premises and the execution and delivery of the Bill of Sale, all in accordance with the terms of the Agreement, the Indenture and the Bonds.

Section 5. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 6. This Resolution shall be in full force and effect from and immediately after its adoption.

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

COMMISSIONERS' OFFICE – SATISFACTION AND RELEASE OF INSTALLMENT SALE – G & M TANGLEWOOD ASSOCIATES – BAINBRIDGE TOWNSHIP

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute the Satisfaction and Release of Installment Sale Agreement and Assignment between County of Geauga, G&M Tanglewood Associates and Huntington National Bank pertaining to the property located at 17625 Chillicothe Road, Bainbridge Township (Kmart Corporation-Tenant).

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

OTHER

Commissioners' Clerk Claudine Kozenko inquired as to when the Board would be available for a presentation from Kimm Leininger regarding the Tax Preparation program from United Way. It was decided that May 21, 2009 was a good day.

Commissioner Young reported on the phone call that each of the Board members have received stating that Bainbridge Township has agreed to pay for the funding of the Kenston Lake Dam issue. The board still needs to receive some notification from the township. Commissioner Jemison reported that last night Bainbridge Township Trustees voted to do the project and will follow up with a resolution at their next meeting. The project would be reduced in price if it is done by the township as the county would have to add the cost of the Engineer's services as well as the financial bonding services to the project. With the township taking over the responsibility the Engineer's Office has to provide the services and no financial bonding service will be required. The money the township has to put in is less than they anticipated. Commissioner Samide stated that this is a "win – win" situation. Commissioner Jemison added that once it was decided it is nothing more than a dam it became nothing more than a culvert. The standpipe will be removed and it becomes a culvert that is underneath a township road that is the responsibility of the township. The trustees realized that this is truly a road project that they should do. Commissioner Young showed the township that by making this a township road project the township would be paying less than originally anticipated. Commissioner Jemison added that it took all this time to sort out all of the issues with this petition hearing. The issue of the bond for the petition that was filed and the mailing of the post cards for the next Kenston Lake petition deliberation are issues that Ms. Kozenko will work out with the Prosecutor's Office. The Board unanimously agreed that this was the right thing to do and that this showed the unanimity of the trustees.

ACKNOWLEDGEMENTS

- a) Resolution 09-01 Amendment to the 2009 Portage-Geauga Juvenile Detention Center Annual Appropriation Resolution as submitted from Portage-Geauga Juvenile Detention Center.*
- b) The Monthly Inventory Report, Consolidated Investment Portfolio and Obligations and Securities monthly reports filed by the Treasurer's Office for Geauga County for the Month of April 2009, pursuant to ORC 135.35(L).*
- c) The monthly financial report from the County Building Department for the month of March 2008 through December 2008 as well as the revised cover letters for January and February 2008.*
- d) A monthly report filed by the Geauga County Sheriff's Office of an account of expenses for the inmate meals for the month ending April 2009.*
- e) A monthly report filed by the Geauga County Sheriff's Office of an account of expenses for the prisoner transport for the month ending April 2009 as required by O.R.C. 325.07.*

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MEETINGS

- Thu., 5/14 **The Regularly scheduled Commissioners' meeting is cancelled.***
- Sat., 5/16 Dedication of the Sunnybrook Reserve.*
- Tue., 5/19 The Commissioners will hold regular session.*
- Thu., 5/21 The Commissioners will hold regular session.*
- Mon., 5/25 The County Offices will be **closed** in honor of the Memorial Day Holiday.*
- Tue., 5/26 **The Regularly scheduled Commissioners' meeting is cancelled.***
- Thu., 5/28 The Commissioners will hold regular session.*
- Tue., 6/2 The Commissioners will hold regular session.*
- Thu., 6/4 The Commissioners will hold regular session.*
- Tue., 6/9 The Commissioners will hold regular session.*
- Tue., 6/9 Planning Commission meeting at 7:30 p.m..*
- Thu., 6/11 The Commissioners will hold regular session.*
- Fri., 6/12 NOACA 10th Annual Summit*
- Tue., 6/16 The Commissioners will hold regular session.*
- Thu., 6/18 The Commissioners will hold regular session.*
- Tue., 6/23 The Commissioners will hold regular session.*
- Thu., 6/25 The Commissioners will hold regular session.*

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER YOUNG ADJOURNED THE MEETING AT 11:05 A.M.

Geauga County Board of Commissioners

Tracy A. Jemison

Mary E. Samide

William S. Young

Claudine Kozenko, Commissioners' Clerk