

Commissioners' Journal
December 18, 2012

The Geauga County Board of Commissioners met in session on December 18, 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 10:05 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

APPROVE MINUTES

Motion: by Commissioner Spidalieri, seconded by Commissioner Jemison to approve and execute the minutes for the meeting of December 13, 2012.

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

APPROVE FINANCIALS

Budget and Finance Administrator Heidi Delaney explained the financials for today as including a Revenue Certification for the county sewer improvement fund for the annual transfer from the operating fund; an Appropriation transfer from the Contingency account for additional appropriations for personnel used for ICE inmate transports; Cash transfers out of the General Fund for portions of 2012 funding for the County Home, the Youth Center, the Wetland Mitigation Fund, and the OWDA debt payment; 3rd Quarter Bed Tax disbursements to the City of Chardon, Burton Village, Russell Township, and the Tourism Council; and a payment to Statewide Ford for the purchase of four (4) Ford utility interceptor vehicles for the Sheriff's Office in the amount of \$119,044.00.

Motion: by Commissioner Spidalieri, seconded by Commissioner Jemison to approve and execute Resolution #12-208 itemizing the financials for the meeting of December 18, 2012.

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

DEPARTMENT OF WATER RESOURCES – OHIO PUBLIC WORKS COMMISSION
APPENDIX E – DISBURSEMENT REQUEST FORM AND CERTIFICATION #4 – OPALOCKA
WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT

Director Doug Bowen explained that this was for disbursement request number 4, adding that the project was about seventy-five percent (75%) complete.

Motion: by Commissioner Spidalieri, seconded by Commissioner Jemison to approve and authorize the President of the Board to execute the Ohio Public Works Commission Appendix E – Disbursement Request Form and Certification #4 for the Opalocka Wastewater Treatment Plant Improvement Project in the amount of \$170,213.44.

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

COMMISSIONERS' OFFICE – UNPAID PERSONAL LEAVE OF ABSENCE – DIRECTOR
COUNTY HOME – KAREN DECOLA

County Administrator David Lair explained that Ms. DeCola had no vacation time available and was requesting unpaid leave of seven days that could be used allowing her time with visiting family.

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Motion: by Commissioner Spidalieri, seconded by Commissioner Jemison to approve an unpaid personal leave of absence, per Section 6. Leaves of the Geauga County Policy and Procedure Manual for County Home Director, Karen DeCola of seven unpaid days during the period of December 15, 2012 through February 1, 2013.

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

LIQUOR LICENSE – SILO INCORPORATED – AUBURN TOWNSHIP

Motion: by Commissioner Spidalieri, seconded by Commissioner Jemison to concur with Auburn Township Trustees in not requesting a hearing on the liquor license requested by Silo Incorporated located at 9800 East Washington Street, Chagrin Falls (C STCK 8148082-0006).

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

COUNTY ENGINEER'S OFFICE – AMEND MOTIONS – MAINTENANCE GUARANTY AND AGREEMENT FOR PAVING GUARANTY – COLDWATER RESERVE SUBDIVISION – HAMBDEN TOWNSHIP

Chief Deputy Engineer Joe Cattell explained that this subdivision was off of Kile Road, and the original motion was to place the guaranties in an interest-bearing CD's, but that as of yet, no bank has been found that will handle the CD's. Mr. Cattell stated that the developer has agreed to allow the Board to hold the submitted Cashier's checks with no interest being accrued. Commissioners Clerk Christine Blair explained that after speaking with several banks that the regulations for CD's at financial institutions was changing and that the Assistant Prosecutor's opinion was to hold the two checks that were submitted for the maintenance and paving guarantees on the Coldwater Reserve subdivision until other arrangements can be made and the County Engineer's regulations can be changed to reflect those new arrangements. Ms. Blair noted that the developer will be initialing the changes to the documents acknowledging his agreement to this arrangement. Commissioner Jemison stated that the county certainly wants the project to move forward, but we would like to see this resolved with funds ultimately deposited in a bank.

Motion: by Commissioner Spidalieri, seconded by Commissioner Jemison to amend the motion from December 13, 2012 to read: approve, execute, initial and accept the Maintenance Guaranty for Coldwater Reserve Subdivision in Hambden Township in the amount of \$40,000.00 to be held by the Board.

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

Motion: by Commissioner Spidalieri, seconded by Commissioner Jemison to amend the motion from December 13, 2012 to read: approve, execute, initial and accept the Agreement for Paving Guaranty for Coldwater Reserve Subdivision in Hambden Township in the amount of \$50,000.00 to be held by the Board.

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

COMMISSIONERS' OFFICE – PUBLIC HEARING – REVIEW PLANS AND SPECIFICATIONS FOR THE REPLACEMENT OF GUARDRAIL ALONG VARIOUS COUNTY AND TOWNSHIP ROADS

Motion: by Commissioner Spidalieri, seconded by Commissioner Jemison to waive the reading of the legal notice.

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

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Commissioner Samide opened the Public Hearing at 10:15 a.m. and asked Mr. Cattell to explain. Mr. Cattell stated that the hearing was to receive public input regarding any environmental impact, of which there is none for this particular project. Mr. Cattell explained that for this project there are 42 different sites, equating to 84 separate runs of guardrail, and that the overall project cost estimate is \$430,000.00, of which \$300,000.00 is grant money. Mr. Cattell stated that this project will bring most of the guardrail in the county up to standard, and added that the total estimated value of county-owned guardrail is \$3.1 million dollars, including county-maintained bridges on township roads, so this project represents less than 15% of the total county guardrail inventory. Mr. Cattell stated that the new types of guardrail are designed to dissipate energy during a collision, and provided some pictures of the aftermath of an impact into one of the new design guardrails at an estimated 60mph, with the driver able to walk away from the accident. Mr. Cattell stated that there had been an accident involving a guardrail on Adams Road, and a similar accident on Tare Creek Parkway in Middlefield, both within the last week. Mr. Cattell presented a report showing over time how many times guardrail had been repaired in the county, and stated that there have been over 13,000 fixed object crashes in the county during the last 6 years, but very few deaths, noting that the county average is one (1) accident per million vehicle miles travelled, versus 2.2 accidents as the current national average. In response to a question from Auditor Gliha regarding whether guardrail saves lives, Mr. Cattell stated yes, but that it really depended upon what the guardrail was protecting. Mr. Cattell noted that the \$300,000.00 grant is from federal sources, adding that was the reason this hearing was necessary. Local resident Skip Claypool stated that Mr. Cattell was a good guy, but often is driven by the federal government who drives "nonsense". Mr. Claypool stated that he had two questions; First that the Federal government has new criteria run by environmental/social justice and second for specific data regarding impact with guardrails and ends of guardrails. Mr. Claypool stated that he objected to jumping to conform to the standards, but rather by doing the work as necessary. Mr. Cattell explained that this design has been around for seventeen (17) years, and the standard has been phased in over time. We've gotten to the point where we know this design saves lives. The ones we are changing have outlived their useful life, they either have rotting posts or don't meet the standard height requirement. Mr. Cattell noted that the top rail height is going from 27 to 29 and may go as high next year as 31, adding that with more of the population driving larger SUV style vehicles that sit much higher than a car. Commissioner Spidalieri suggested that Mr. Claypool take a look at the pictures, adding that having been on the scene of many fatal crashes with the old design style, he can state that this new end design is there to save lives and in looking at the pictures, they prove how this design can do just that, save lives. Mr. Cattell stated that this new end costs about \$2 to \$3,000.00. Mr. Spidalieri commented that after seeing the pictures, that he was impressed, adding that he had driven past this accident on his way home and thought that the driver had just gone off the road into the ditch, but after seeing the pictures, realizes that the guardrail did what it was supposed to do and minimized the damage to the pickup. Mr. Cattell stated that he will not advocate for environmental justice, that it is a hoop that often has to be jumped through and that he supports input and comment from the public. Commissioner Jemison explained that this hearing today is because the construction of guardrails might have an impact on a wetland and this hearing is to determine whether anyone present has a problem with the possible impact of a wetland. Mr. Cattell stated that this project received a categorical exclusion, so it is exempt, but they followed through with the public hearing. Mr. Claypool made a remark about this hearing being a complication to the Engineer's project. Mr. Cattell stated that this public hearing was not required, but they chose to hold it as a way to avoid any possible delays. Mr. Cattell stated that the EPA permit process for the Auburn and Sherman Road Bridge replacement took two years and that it could have cost a life during the process and that he does take exception to that, noting that there should be a way to streamline the process. Mr. Cattell explained that they try to avoid strings on any project, but with expensive projects like bridges they are often hard to avoid, adding that streams have to be identified and studies done to make sure that no protected life forms might be endangered. Mr. Cattell added that they may have to purchase mitigation credits, noting that it cost about \$30,000.00 for mitigation credits on the Auburn and Sherman Road project. A local resident asked if the expense of complying with regulations had been compared with the benefit of taking the money. Mr. Spidalieri commented that the old design of guardrail with the slant end would have resulted in a vehicle being catapulted, whereas the new end design prevented that and the driver walked away. Mr. Spidalieri stated that he understands the point being made and was enlightened by Mr. Claypool, however the driver had enough speed to take out two pillars, and was therefore traveling in excess of 50 mph. Mr. Cattell stated that they were not going to wait on installing the type E guardrail because they have the ability to make upgrades now. Most of the guardrail being replaced is over thirty years old and because companies that specialize in this type of installation can do it faster and more efficiently,

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it will cost less to go through the bid process and have all that needs replaced done at once with a cost savings. Mr. Claypool questioned if this was more of a safety-based upgrade as opposed to a standards-based upgrade. Mr. Jemison stated that many of these projects done with local money have to follow the same environmental precaution. Mr. Cattell added that the road tax is one of the most logical taxes, as only those who use the road pay the tax. Ms. Samide referenced the legal notice, confirming that this was only for specific sections that needed the upgrade, not to have all the guardrail replaced. Brief discussion occurred with some local residents in the audience expressing concern over working with the Ohio EPA versus working with the Federal EPA and the Army Corps of Engineers, as well as whether taking the grant funds was an option. Being no further comments or questions the public hearing was closed at 10:44 a.m.

Motion: by Commissioner Spidalieri, seconded by Commissioner Jemison to approve and execute Resolution #12-209 to Order the Installation and / or Replacement of Guardrail along Various Sections of County and Township Roads in Geauga County and further execute the Title Sheet for the same.

Board of County Commissioners, Geauga County, Ohio

Date: December 18, 2012
Resolution: 12-209

**RESOLUTION TO ORDER THE INSTALLATION AND/OR REPLACEMENT OF GUARDRAIL
ALONG VARIOUS SECTIONS OF COUNTY AND TOWNSHIP ROADS IN GEAUGA COUNTY**

WHEREAS, the Geauga County Board of Commissioners has determined by Resolution 11-142 that the public convenience and welfare require safety improvements on various county and township roads by installing and/or replacing guardrail in accordance with Section 5555.06 of the Ohio Revised Code; and

WHEREAS, no lands are needed to be taken relative to the an improvement to install or replace guardrails; and

WHEREAS, guardrail improvements are required along portions of Rapids Road, Nelson Road, Claridon Troy Road, Auburn Road, Aquilla Road, Mentor Road, Wilson Mills Road, Bell Street, Bainbridge Road, Chardon Windsor Road, Burton Windsor Road, Fairmount Road, Kirtland Road, Clay Street, Mulberry Road, Kile Road, Washington Street, and Pettibone Road; and

WHEREAS, the Geauga County Board of Commissioners after holding a hearing for objections for the improvement to guardrails is satisfied that the public convenience and welfare require that said improvement be made; and

WHEREAS, plans and specifications for this project have been reviewed and approved by the Ohio Department of Transportation; and

WHEREAS, federal aid funding has been secured for this project and the cost of such improvement will not be excessive in view of the public utility thereof.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners in accordance with Section 5555.13 of the Ohio Revised Code hereby orders that such improvements proceed.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby adopts the surveys, plans, profiles, cross sections, estimates, and specifications for such improvement, the costs of which shall be paid from federal aid and local funding sources in accordance with Section 5555.43 of the Ohio Revised Code.

BE IT FURTHER RESOLVED, that the Clerk of Geauga County Board of Commissioners is hereby instructed to transmit a certified copy of this resolution to the Geauga County Engineer.

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

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COMMISSIONERS' OFFICE – LEGAL DOCUMENTS REGARDING THE ISSUANCE OF REVENUE BONDS FOR SOUTH FRANKLIN CIRCLE, SERIES 2012A AND SERIES 2012B AND DISCHARGE OF 2007 REVENUE BONDS

Jeffrey Weber, paralegal from Squire Sanders explained that he was here today to collect signature pages and documents for the South Franklin Circle debt restructuring. Mr. Spidalieri stated that he would be abstaining, as he had not been present or involved in the earlier steps in the process.

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute the following legal documents regarding the Issuance of Revenue Bonds for South Franklin Circle, Series 2012A and Series 2012B in the amount of \$41,550,000.00 and the cancellation and discharge of the 2007 Revenue Bonds and documents relating to the 2007 Revenue Bonds: Trust Indenture, Lease, Base Lease, Assignment of Basic Rent, Assignment of Rights Under Base Lease and Lease, Tax Certificate and Agreement and Revenue Bonds, Series 2012A and Series 2012B, Bond Purchase Agreement, General Certificate, Signature and No Litigation Certificate, IRS Form 8038, Closing Certificate of Issuer, Request for Authentication and Delivery of Bonds, Lease Termination Agreement, Base Lease Termination Agreement, Termination of Lease Assignments, and Termination of Trust Indenture.

<i>Roll Call Vote:</i>	<i>Acting Commissioner Spidalieri</i>	<i>Abstain</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 December 5, 2012 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 inmate meals for the month ending November, 2012.*
- c) 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 November 2012, pursuant to ORC 135.35(L).*

OTHER

The Board reviewed upcoming events.

MEETINGS

Tues., 12/18 Investment Advisory Board, following session in Chambers

Thu., 12/20 The Commissioners will hold regular session.

*Mon., 12/24 **The County Offices, under the hiring authority of the Board of Commissioners, will be closed for Christmas Eve. Twenty-four hour operations will continue to operate as normal.***

*Tues., 12/25 **The County Offices will be closed for general business due to the Christmas Holiday. Twenty-four hour operations will continue to operate as normal.***

*Tue., 12/25 **The Regularly scheduled Commissioners' meeting is cancelled.***

Thu., 12/27 The Commissioners will hold regular session.

Thu., 12/27 The Commissioners will hold a Public Hearing at 10:20 a.m. for the proposed rehiring of Retirant Bernadette Gliha

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Thu., 12/27 The Commissioners will hold a Public Hearing at 10:30 a.m. for the proposed rehiring of Retirant Elizabeth Slattery

Tues., 1/1 County offices will be closed for general business due to the New Year's holiday. Twenty-four hour operations will continue to operate as usual.

Tues., 1/1 The Regularly scheduled Commissioners' meeting is cancelled.

Thu., 1/3 The Commissioners will hold regular session

1/4 – 1/6 Some of the Commissioners will attend the Agricultural Fair Board Convention in Columbus, Ohio

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER SPIDALIERI ADJOURNED THE MEETING AT 11:13 A.M.

Geauga County Board of Commissioners

Mary E. Samide

Tracy A. Jemison

Ralph Spidalieri, Acting

Christine Blair, Commissioners' Clerk