

Commissioners' Journal
June 4, 2009

The Geauga County Board of Commissioners met in session on June 4, 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 10:05 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

Commissioner Samide was absent for this portion of the meeting,

APPROVE MINUTES

Motion: by Commissioner Jemison, seconded by Commissioner Young to approve and execute the minutes for the meeting of June 2, 2009.

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

APPROVE FINANCIALS

Fiscal Specialist Heidi Delaney explained the financials as including a supplemental appropriation for the Department on Aging Fund and one emergency Travel Request. Ms. Delaney stated the travel request was for JFS.

Motion: by Commissioner Jemison, seconded by Commissioner Young to approve and execute Resolution 09-105 itemizing the financials for the meeting of June 4, 2009.

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

COUNTY ENGINEER'S OFFICE – RONYAK PAVING INCORPORATED BID AWARD - RESURFACING OF AUBURN ROAD

Motion: by Commissioner Jemison, seconded by Commissioner Young to award the bid to Ronyak Paving Incorporated for the Asphalt Resurfacing of Auburn Road (CH 4, Section P) in Munson Township in the amount of \$187,090.40, as they represented the lowest and best bid.

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

COUNTY ENGINEER'S OFFICE – RESOLUTION TO IMPROVE MUNN ROAD – AUBURN TOWNSHIP

Planning Engineer Mike Stone reported that due to budget savings they were able to do this project which was a contingency project. Mr. Stone reported this a little older section and it is rated fair to poor with a higher traffic count than other sections.

Motion: by Commissioner Jemison, seconded by Commissioner Young to approve and execute Resolution 09-107 to Improve Munn Road (CH 32, Sections A-C) in Auburn Township.

Board of County Commissioners, Geauga County, Ohio

Date: June 4, 2009

Resolution: 09-107

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**RESOLUTION TO IMPROVE SECTIONS A-C OF
MUNN ROAD (CH 32) IN AUBURN TOWNSHIP**

WHEREAS, the Board of County Commissioners of Geauga County has determined the public convenience and welfare requires the improvement of Sections A-C of Munn Road (CH 32) from Crackle Road (TR 269) to Washington Street (CH 606) in Auburn Township in accordance with Section 5555.022 of the Ohio Revised Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Geauga County that the public convenience and welfare requires the improvement of Sections A-C of Munn Road in the Township of Auburn, County of Geauga by constructing and reconstructing culverts, performing drainage improvements, widening, asphalt resurfacing and improving the shoulders as necessary.

BE IT FURTHER RESOLVED that the Geauga County Engineer is hereby directed to complete necessary surveys, plans, profiles, cross sections, estimates of cost and specifications as are required for the improvement and to transmit copies of the same to this board at the time such plans are completed.

BE IT FURTHER RESOLVED that special assessments to real estate will not be assessed to cover the damages, costs and expenses of constructing this improvement and that the compensation, damages, costs and expenses of constructing said improvement shall be appointed as follows:

The engineering and right of way costs shall be paid from local roadway improvement funding sources. The construction costs shall be paid from local roadway improvement funds and any federal aid or state grants that may be secured for the project.

BE IT FURTHER RESOLVED that if preliminary designs show that the project cannot be built within the current right of way of Munn Road, pursuant to Section 5555.09 of the Ohio Revised Code, the Geauga County Engineer is granted permission to negotiate with owners to secure the lands, right-of-way, easements or work agreements required for the improvement.

BE IT FURTHER RESOLVED that the County Clerk is hereby directed, upon the filing of the plans, specifications, estimates, etc., for the improvement by the County Engineer, to schedule a time at a regular meeting of the Board of Commissioners for the Board to review the copies of the surveys, plans, profiles, cross sections, estimates and specifications for the improvement.

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

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

COUNTY ENGINEERS' OFFICE – CLEMSON EXCAVATING INCORPORATED UNIT PRICE CONTRACT - RECONSTRUCTION OF GEORGIA ROAD PORTION SECTION C

Mr. Stone stated the tree clearing will start first. It will be a hit and miss as far as road closure goes for this project as some of the trees that need to be cut are rather large and have to come down on the road. Mr. Stone added that there will be other sections for storm sewer work where the road will be definitely closed. Commissioner Jemison added that it is sad about the tree removal as he thinks it is a beautiful road, but he does understand the safety concerns.

Motion: by Commissioner Jemison, seconded by Commissioner Young to approve and execute a Unit Price Contract with Clemson Excavating Incorporated for the Reconstruction of a Portion of Section C of Georgia Road (CH 40) in Middlefield Township Project in the amount of \$747,983.52.

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

DEPARTMENT ON AGING – WEST GEAUGA SENIOR CENTER LEASE AGREEMENT -
ORCHARD HILLS CONFERENCE CENTER LLC

Director Sally Bell stated this is for electric utilities and they are picking up part on the conference center because that is where the kitchen is and they do meal production for home delivered meal program. Ms. Bell added that she wanted to publicly thank Fiscal Specialist Diane Arp and Commissioners' Clerk Claudine Kozenko for jumping in and helping to finally get this paperwork through. The paperwork could not get done from her office as her budget person was at a conference.

Motion: by Commissioner Jemison, seconded by Commissioner Young to approve and execute the Lease Agreement with Orchard Hills Conference Center (for the space for the West Geauga Senior Center to be located within the area forming the West Geauga School district for program space for senior citizens Project) in the amount of \$1,100.00 per month plus utilities not to exceed \$35,000.00 per year.

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

DEPARTMENT ON AGING – RESOLUTION DECLARING NECESSITY TO LEVY A TAX –
PROVIDING AND MAINTAINING SENIOR CITIZENS SERVICES AND FACILITIES

Mr. Dick Doer reported that this is a replacement levy and will raise \$3.1 million a year to continue the existing programs and to expand some programs to improve serving people in their homes. Ms. Bell informed the Board that when the half mill levy failed they had to cut the home based services. The Department on Aging did not staff that program, the program went out for bids. There is a true desire to help lower all government costs by helping senior citizens to stay in their homes, safe and independent. Ms. Bell stated that for the first time they have a full levy committee and a full active committee and every sub-committee has a chairperson. They have raised more than twice as much money as they ever had and Ms. Bell added that she believes it is a good sign. There are a lot of people helping with this levy. Mr. Doer added that 4% of the department money is federal or state, 8% from donations for services rendered and the balance is levy funding. Ms. Bell informed the Board of the upcoming "Sausage Fest" to be held on Heath Road, the not-for-profit Geauga County Senior Center Board of Trustees' only fundraiser, thanks to Joey Tomsick. The event will be held July 11, 2009. This Board's purpose is to support and advocate for seniors in the senior centers. They sponsor bus trips and some other special events. The big item they have accomplished is they built the pavilion in the parking lot (on Ravenwood Drive). They are working to connect the gardens so that the Alzheimer clients will be able to walk all the way around the Senior Center, independently and safe.

Motion: by Commissioner Jemison, seconded by Commissioner Young to approve and Resolution 09-106 declaring it necessary to levy a tax in excess of the ten mill limitation for Providing and Maintaining Senior Citizens Services and Facilities as Authorized by the O.R.C. 5705.19(Y).

Board of County Commissioners, Geauga County, Ohio

Date: June 4, 2009
Resolution: 09-106

A RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION FOR PROVIDING AND MAINTAINING SENIOR CITIZENS SERVICES AND FACILITIES AS AUTHROIZED BY THE O.R.C. 5705.19 (Y)

The Board of County Commissioners of the County of Geauga, State of Ohio, met in regular session on the 4th day of June, 2009, commencing at 10:00 o'clock a.m. at the Commissioners' Chambers, 470 Center Street, Bldg 4, Chardon, Ohio, with the following members present:

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Tracy A. Jemison
William S. Young

The Commissioners' Clerk advised the board of County Commissioners that the notice requirements of R.C. 121.22 and the implementing rules adopted by the Board thereto were complied with for the meeting. Commissioner Jemison moved for the adoption of the following resolution.

WHEREAS, the amount of taxes which may be raised within the ten mill limitation will be insufficient to provide an adequate amount for the necessary requirements of said Geauga County Department on Aging, Geauga County, Ohio.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Geauga, State of Ohio, two thirds of all members elected thereto concurring, that:

Section 1. It is necessary to levy a tax in excess of the ten mill limitation for the benefit of the Geauga County Department on Aging for the purpose of providing and maintaining senior citizens services and facilities as authorized by Section 307.694, 307.85, 505.70, 505.706 or division (EE) of section 717.01 of the Revised Code at a rate not exceeding one mill for each One Dollar (\$1) of valuation, which amounts to ten cents (\$.10) for each One Hundred Dollars (\$100) of valuation, for a period of five (5) years and which levy is a replacement of an existing one mill levy.

Section 2. Said levy shall be placed upon the tax list of the tax year 2010 if a majority of the electors voting thereon vote in favor thereof.

Section 3. The Board of Elections is hereby directed to submit the question of levying the tax pursuant to this resolution and R.C. 5705.19 to the electors of Geauga County at the general election to be held November 3, 2009.

Section 4. The Clerk of Board of Commissioners of Geauga County is directed to deliver a certified copy of this resolution to the Board of Elections not less than seventy five (75) days before the general election to be held on November 3, 2009 and notify said Board of Elections to cause notice of election on the question of levying said tax to be given as required by law.

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 deliberation 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, including R.C. 121.22.

Commissioner Young seconded the motion.

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

COMMISSIONERS' OFFICE – ADVERTISE – PUBLIC HEARING – 2010 TAX BUDGET

Motion: by Commissioner Jemison, seconded by Commissioner Young to grant permission to advertise for a Public Hearing to discuss the Geauga County 2010 Tax Budget on Thursday, June 25, 2009 at 11:00 a.m. Notice of this hearing will be published on June 11, 2009 and the county web site.

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

COMMISSIONERS' OFFICE – ACKNOWLEDGE PUBLIC HEARING – KENSTON LAKE DRIVE

Acknowledge the Public Hearing continuance of deliberations for the Petition on the Ditch Improvement proposed for Culvert # 299-0.20 located under Kenston Lake Drive at the Bainbridge Township Town Hall at 6:30 p.m.

OTHER

The Board reviewed calendars. Commissioner Young left session for a few minutes at this point waiting for the Fair Board. Commissioner Jemison and County Administrator Dave Lair briefly discussed internet connectivity and broadband to create a truly governmental network.

AGRICULTURAL SOCIETY UPDATE

Fair Board President Howard Bates was present to update the Board on the Geauga County Agricultural Society. Also in attendance were Paul Harris and Tony Rastall. Mr. Bates mentioned that they made it through the year without Dick Moss and he is still missed. Mr. Bates stated that the largest project this year is the grandstand wall renovation. The new wall is up and drainage was installed. The project should be done in about a week. They did some clean up which opened up space to allow for another renter which will generate some revenue. A roof was installed on the secretary's office and a computer has been replaced. The gas well is in and is close to being on schedule but they are about a week or so behind on the actual production start up date. They are working on obtaining some easements. The Agricultural Society has a updated web site that is user friendly. Some of the upcoming entertainment for the fair was mentioned. Mr. Bates mentioned the Geauga Learn program that started last year (Senator Tim Grendell came up with the idea). They will do the same thing this year with about 420 sixth grade students. They have added another educational part with the Amish community regarding raising deer. Commissioner Jemison added that the Board of Commissioners will be part of this program this year. The stations will be broken into five groups. Mr. Bates added the governor is supposed to attend the fair this year; there are three potential days for his attendance. They are told that for sure he is coming but unsure which day. Mr. Bates stated that capital is a little tight this year so they have cut back and are doing bare necessities, repairs and safety issues. The grounds committee will be putting together a wish list which is on hold due to the current economy. Applications have been submitted to Congressman Steve LaTourette and Representative Matt Dolan for stimulus funds for the Flower Hall and two Historic Buildings that are on the registry. Commissioner Jemison stated the Board sent a letter of support for those projects. The Fair Board Auxiliary dismantled an old wishing well and installed a timber frame well with a slate roof and the well is operational. This is a nice addition to that section of the grounds. Paul Harris and Tony Rastall hosted the Ohio Fair Managers Association Spring meeting, with twenty two fairs in attendance. The Ag Society is building a cooperative building (30 x 100) with Burton Middlefield Rotary on the backside of the fairgrounds (by the horse barn area) that will be accessible during the fair. Burton Middlefield Rotary will donate labor to build the building and will share the space with the fair board that will use it for new storage. This will start around the first week of July. The fairgrounds are pretty much booked for every weekend for the rest of the summer and a lot of evenings. The Boy Scouts will hold their Jamboree in July of 2010 with about 25,000 scouts and they expect another 10,000 adults. The fairgrounds is used like a park with many walkers using the grounds.

ACKNOWLEDGEMENTS

- a) The 2008 Annual Report filed by Portage County Common Pleas Court, Probate / Juvenile Division, pursuant to O.R.C. 2151.08.*
- b) Resolution TR2009-0528-A Resolution of Convenience and Necessity for the Replacement of Structure #299-2.0 on Kenston Lake Drive, received June 1, 2009.*
- c) Receipt of the Certificate of Estimated Property Tax Revenue as requested in Resolution 09-096 pertaining to the Replacement of an existing 1.00 Mill Department on Aging Program Levy.*

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MEETINGS

- Thu., 6/4 Public Hearing continuance of deliberations for the Petition on the Ditch Improvement proposed for Culvert # 299-0.20 located under Kenston Lake Drive in Bainbridge Township Town Hall at 6:30 p.m.*
- Tue., 6/9 The Commissioners will hold regular session.*
- Tue. 6/9 Public Hearing #2 to discuss Geauga County's application to the Ohio Department of Development, Office of Housing and Community Partnerships for funding under the Fiscal Year 2009 Small Cities Community Development Block Grant (CDBG) Formula Program grant #B-F-09-026-1 to be held in conjunction with public hearing #2 for CDBG Microenterprise Program to be held on June 9, 2009 at 11:00 a.m.*
- 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.*
- Tue., 6/30 The Commissioners will hold regular session.*

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER YOUNG ADJOURNED THE MEETING AT 10:59 A.M.

Geauga County Board of Commissioners

Tracy A. Jemison

ABSENT

Mary E. Samide

William S. Young

Claudine Kozenko, Commissioners' Clerk

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Kenston Lake Dam Ditch Petition Deliberation Meeting Continuation – 6:30 p.m. Bainbridge Township Townhall, June 4, 2009

Commissioner Young re-opened the deliberation meeting at 6:30 p.m. stating they are returning from the previous deliberation meeting. Commissioner Young introduced Commissioner Samide and Commissioner Jemison, legal counsel Laura LaChapelle, APA and Commissioners' Clerk Claudine Kozenko. Commissioner Young stated that the Board has a decision to make and ask Ms. Kozenko to read the ORDER:

**BEFORE THE GEAUGA COUNTY COMMISSIONERS
GEAUGA COUNTY, OHIO**

IN RE:)
)
PETITION FOR DITCH IMPROVEMENT)
AT KENSTON LAKE DRIVE, CULVERT)
#299-0.20 PURSUANT TO O.R.C. 6131.) **ORDER**
)

A Petition for a Ditch Improvement at Kenston Lake Drive, Culvert # 299-0.20, Bainbridge Township, Geauga County, Ohio, was filed with the Clerk of the Geauga County Board of Commissioners (hereinafter referred to as "Board") by Petitioner Donna Patz, through a Power of Attorney provided to her by the property owner Anna Schulz (hereinafter referred to as "Petitioner") on September 19, 2008. An amended Petition was filed by the Petitioner on November 24, 2008, January 26, 2009 and March 24, 2009. The filing of the Amended Petitions was allowed by the Board on March 24, 2009. A formal view of the proposed improvement was held by the Board on April 21, 2009 at 6:30 p.m. The first hearing before the Board was held on May 5, 2009 at 6:30 p.m. At the close of the public hearing the Board began the deliberative process. Unable to conclude their deliberations on that date, the Board continued the public hearing to June 4, 2009 at 6:30 p.m. at which time the Board was to continue with their deliberations.

Prior to the date of the continued public hearing to be held on June 4, 2009, the Bainbridge Township Board of Trustees (hereinafter referred to as "Township") passed Resolution No. TR 2009-0528-A entitled: "RESOLUTION OF CONVENIENCE AND NECESSITY FOR THE REPLACEMENT OF STRUCTURE # 299-0.20 ON KENSTON LAKE DRIVE, Bainbridge Township, Geauga County, Ohio", a copy of which is attached. A copy of the Resolution was forwarded to the County Engineer by the Township instructing the Engineer to undertake the repair and/or replacement of the Culvert # 299-0.20 as a Township project.

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In light of the declaration by the Township that the repair and/or replacement of Structure # 299-0.20 on Kenston Lake Drive (TR 299) will be performed under the direction and at the cost of the Township, the Board finds the Petition for Ditch Improvement filed by the Petitioner to be moot and hereby dismisses the Petition.

The Board further finds that the bond filed by the Petitioner shall be applied to the costs incurred by the County Engineer in making his preliminary report, and any costs remaining in excess of the bond shall be paid by the county.

IT IS SO ORDERED.

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute the ORDER pertaining to the Petition for Ditch Improvement at Kenston Lake Drive, Culvert #299-0.20 Pursuant to O.R.C. 6131.

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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> |

Commissioner Young stated that this is the end of the meeting and the Board received a copy of a Resolution as mentioned previously. The Board is pleased the action is going forward to fix this situation. Commissioner Samide responded that this is a good solution and the Trustees came together in a good way on this issue. Commissioner Jemison commented that once the standpipe or the spillway were out of it this really ended up being a culvert which are handled by townships. An unidentified resident stated that that means the lake will not be replaced. Commissioner Jemison replied that that is not what was said. This means the culvert will be fixed or replaced by the township. Commissioner Young commented that the situation will be handled by the township trustees and the grant that will help with the situation.

Being no further business to come before the Board, Commissioner Young closed the continuance of the deliberation meeting at 6:32 p.m.