

**Commissioners' Journal**  
**February 26, 2013**

*The Geauga County Board of Commissioners met in session on February 26, 2013 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, Tracy A. Jemison opened the meeting at 10:00 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.*

**APPROVE MINUTES**

*Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to approve and execute the minutes for the meeting of February 21, 2013.*

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

**APPROVE FINANCIALS**

*Budget and Finance Administrator Heidi Delaney explained the financials for today as including a Supplemental Appropriation to increase the travel appropriations for the Job and Family Services Child Support Division; an Interfund Transfer from the Job and Family Services Child Support Division to the Public Assistance Fund for January 2013 support services; a Purchase order for Airvac Incorporated for repair valves and pump repair kits for the Bellwood Vacuum station pump for the Department of Water Resources in the amount of \$9,589.80, a purchase order for Global Equipment Company for pallet and truck tire racks for the Department of Water Resources in the amount of \$5,863.80; a payment to the Geauga County Agricultural Society for the distribution of the 2012 gas well revenue proceeds in the amount of \$4,633.66.*

*Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to approve and execute Resolution #13-049 itemizing the financials for the meeting of February 26, 2013.*

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

**TREASURER AND AUDITOR - MONTHLY STATEMENT OF COUNTY FINANCES – JANUARY 2013**

*Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to accept, execute and file the monthly Statement of County Finances filed by the County Treasurer for the month of January, 2013 pursuant to O.R.C. 319.15.*

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

*Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to accept, execute and file the monthly Statement of County Finances filed by the County Auditor for the month of January, 2013 pursuant to O.R.C. 319.15.*

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

**DEPARTMENT OF EMERGENCY SERVICES – LETTER OF AGREEMENT – PERRY NUCLEAR POWER PLANT – DEPARTMENT OF EMERGENCY SERVICES AS LEAD AGENCY FOR INCIDENTS**

*Deputy Director Brian Laney explained the letter as being a confirmation of the lead role of the Department of Emergency Services in representing Geauga County in any incidents involving the Perry Nuclear Power Plant.*

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*Motion:* by Commissioner Spidalieri, seconded by Commissioner Samide to approve and execute a Letter of Agreement to the Perry Nuclear Power Plant, Emergency Response Section that names the Department of Emergency Services as the lead agency for incidents involving the Perry Nuclear Power Plant, for the period ending December 31, 2015.

*Roll Call Vote:*

Commissioner Spidalieri	Aye
Commissioner Samide	Aye
Commissioner Jemison	Aye

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – ADVERTISE PUBLIC HEARING #1 – FY2013 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS

Director Anita Stocker explained that she was asking the Board to allow her to advertise to hold two (2) Public Hearings, the first hearing is for the grant programs to be considered by the board for this year, and the second hearing is for the amendment to last year's formula grant to decrease the amount of the Maple Leaf project and add the City of Chardon Clearance project.

*Motion:* by Commissioner Spidalieri, seconded by Commissioner Samide to grant permission to advertise for Public Hearing #1 for the FY2013 Community Development Block Grant (CDBG) programs to be held March 12, 2013 at 10:15 a.m. Notice of this Public Hearing will be advertised on February 28, 2013 and on the county website.

*Roll Call Vote:*

Commissioner Spidalieri	Aye
Commissioner Samide	Aye
Commissioner Jemison	Aye

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – ADVERTISE PUBLIC HEARING #2 – FY2012 COMMUNITY DEVELOPMENT BLOCK GRANT AMENDMENT

*Motion:* by Commissioner Spidalieri, seconded by Commissioner Samide to grant permission to advertise for Public Hearing #2 for the FY2012 Community Development Block Grant (CDBG) Formula Grant #B-F-12-1AZ-1 regarding the amendment request to decrease Activity #1 for Maple Leaf Community Residences and add Activity #5 for City of Chardon Clearance project, to be held on March 12, 2013 at 10:20 a.m. Notice of this Public Hearing will be advertised on February 28, 2013 and on the county website.

*Roll Call Vote:*

Commissioner Spidalieri	Aye
Commissioner Samide	Aye
Commissioner Jemison	Aye

In response to a question from local resident Walter "Skip" Claypool about where you could find the information on these grants and the award process prior to the public hearings, Ms. Stocker stated that specific information is not on the county website, but the state of Ohio has information available online that provides background on this program; Ms. Stocker invited Mr. Claypool to come to her office to obtain additional information. Commissioner Samide stated to Glen Miller, reporter for the Maple Leaf that the second action is part of the log cabin project which became delayed last year.

DEPARTMENT OF WATER RESOURCES – SERVICE CONTRACT AGREEMENTS

Assistant Sanitary Engineer Gerry Morgan explained the four (4) service contracts they were asking for approval on as being for services that may be needed on short notice. Mr. Morgan stated that they usually encumber about \$300,000.00 overall and typically spend around \$180 to \$200,000.00, about fifty-seven percent (57%) for actual work that is needed.

*Motion:* by Commissioner Spidalieri, seconded by Commissioner Samide to approve and execute a service Contract Agreement with Groundworx Construction, LLC to perform general contracting services which will include: excavating, landscaping and building maintenance for the Year 2013 in an amount not to exceed \$20,000.00.

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*Roll Call Vote:*            *Commissioner Spidalieri*     *Aye*  
                                  *Commissioner Samide*        *Aye*  
                                  *Commissioner Jemison*      *Aye*

*Motion:*            *by Commissioner Spidalieri, seconded by Commissioner Samide to approve and execute a service Contract Agreement with Workman Industrial Services, Incorporated to perform emergency rehabilitation and improvements as needed at the various county waste water treatment plants for the Year 2013 in an amount not to exceed \$20,000.00.*

*Roll Call Vote:*            *Commissioner Spidalieri*     *Aye*  
                                  *Commissioner Samide*        *Aye*  
                                  *Commissioner Jemison*      *Aye*

*Motion:*            *by Commissioner Spidalieri, seconded by Commissioner Samide to approve and execute a service Contract Agreement with Gillmore Security Systems, Incorporated to perform all maintenance service and installation of all fire and burglar alarms systems for the Geauga County water section for the Year 2013 in an amount not to exceed \$5,000.00.*

*Roll Call Vote:*            *Commissioner Spidalieri*     *Aye*  
                                  *Commissioner Samide*        *Aye*  
                                  *Commissioner Jemison*      *Aye*

*Motion:*            *by Commissioner Spidalieri, seconded by Commissioner Samide to approve and execute a service Contract Agreement with Gillmore Security Systems, Incorporated to perform all maintenance service and installation of all fire and burglar alarms systems for the Geauga County wastewater section for the Year 2013 in an amount not to exceed \$10,000.00.*

*Roll Call Vote:*            *Commissioner Spidalieri*     *Aye*  
                                  *Commissioner Samide*        *Aye*  
                                  *Commissioner Jemison*      *Aye*

**DEPARTMENT OF WATER RESOURCES – CHANGE ORDER #4 – INCREASE CONTRACT – ENVIROCOM CONSTRUCTION – EXTEND SUBSTANTIAL COMPLETION DATE**

*Mr. Morgan explained the need for the change order, that due to errors in the engineering plans for the project that the discharge line from the filters was not going to go where it was needed to go, so an adjustment was needed for the wet well pump station routing waste streams from the backwash into the plant. Mr. Morgan added that this change was the second of two change orders resulting from engineering oversight, and that these amounts would be gone back on the Engineering firm for recovery. In response to a question from Commissioner Jemison, Mr. Morgan responded that of the previous change order which amounted to about \$77,000.00 overall, \$68,000.00 of that cost was considered due to the engineering oversight, with the approximately \$9,000.00 on that change order over and above that amount representing costs for equipment that would be required in any case when the design was corrected. The net amount that will be sought from the engineering firm due to their mistake is therefore approximately \$95,000.00, \$68,000.00 from the previous change order and approximately \$27,000.00 from the change order requested for approval today.*

*Motion:*            *by Commissioner Spidalieri, seconded by Commissioner Samide to approve and execute Change Order #4 increasing the contract with EnviroCom Construction for the Opalocka Waste Water Treatment Plant Improvements Project for the addition of a lift station and additional fencing in the amount of \$26, 977.00 and further extend the date of substantial completion by fifty-two (52) days to March 1, 2013.*

*Commissioner Spidalieri expressed that he needed to vote no, stating that it was irresponsible to go forward in approving payment of these added costs without going after the engineering company first. In response to questions from Mr. Jemison and Ms. Samide, Mr. Morgan explained that they were requesting the Board to approve going forward with this change order, that this payment would go to the contractor, not the engineer, that it was needed in order to keep the system improvement moving. In response to a question from Mr. Claypool as to*

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*whether there is money being wasted by proceeding in this manner, Mr. Morgan responded no. In response to a question by Mr. Lair as to whether final costs might increase if construction were delayed while the engineer was pursued for payment, Mr. Morgan replied that the issue is if we suspend work now, the contractor will pull off the project and will charge more for re-mobilization to come back to the site. In response to a question from Mr. Spidalieri as to who hired the engineering firm Mr. Morgan replied that we did, and when you hire an engineer you assume the engineer is following through, adding that if we had time to check every little issue covered by the engineer's design we could do the engineering ourselves. In response to a question from Mr. Jemison as to whether we are paying more because some additional equipment had to be added, Mr. Morgan confirmed we were, stating that the total cost of the change orders was about \$9,000.00 higher than the total that would be sought from the engineering firm, as that amount represented additional equipment that a review and correction of the design revealed as being necessary, whereas the \$95,000.00 being sought represented construction work that is needed to correct previous work that had been completed based on the incorrect design and needed to be re-done.*

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>No</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Aye</i>

**COUNTY ENGINEER'S OFFICE – RESOLUTION PROPOSING TO COOPERATE WITH MIDDLEFIELD TOWNSHIP TRUSTEES – IMPROVEMENT OF SHEDD ROAD (WEST, TR 126) – BURTON, TROY, PARKMAN AND MIDDLEFIELD TOWNSHIPS**

*County Engineer Joe Cattell explained this resolution as being a cooperative agreement between four townships, to do the improvement of Shedd Road. Mr. Cattell recognized that it can be difficult to get even two townships to work together let alone four, noting that the county got involved to facilitate this process. The need to upgrade Shedd Road came up a couple of years ago through the overall process of looking at roads to see if some roads that were township-maintained should be handled instead by the county. Looking at Shedd Road it was recognized that this road could be a county road, as it goes between two state routes, but the townships involved wanted to keep it a local road, but asked the county for assistance in the upgrade. As a result, the county is working to bring the road up to standard from its current width of 19' up to 22'. The county provided standards to the townships for them to upgrade ditches, berms, and culverts, and each of the townships did the required prep work to their sections and it is ready to be paved. The other issue was that the old road "wandered" from the actual right-of-way, and was surveyed to the centerline with the deviations being corrected with some of the ditchwork and will be completed when it is repaved. In response to a question from Ms. Samide as to whether the new surface would be cement stabilized Mr. Cattell responded that it would be, and added that this project allows the county to help out the townships. Mr. Cattell stated that the total project estimate is about \$890,000.00, with \$350,000.00 coming from OPWC funding, \$100,000.00 in total from the townships, and the county is helping out by contributing the rest, which is about \$440,000.00, noting that if the final work comes in under that figure, the county will pay less as the funding from OPWC and the townships is fully committed. Mr. Cattell added that he is currently working with Concord and Chardon townships to collaborate work on an upgrade to Colburn Road, with good cooperation from the Lake County Engineer. Mr. Jemison stated that in his experience, the problem with collaboration projects is often when one entity has the money in hand at a given time to do their portion, while the other entity doesn't have the money available at the same time.*

*Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to approve and execute Resolution #13-050 Proposing to cooperate with the Middlefield Township Board of Trustees Improvement to Shedd Road (West, TR 126) in Burton, Troy, Parkman and Middlefield Townships.*

*Board of County Commissioners, Geauga County, Ohio*

*Date: February 26, 2013*

*Resolution: 13-050*

**RESOLUTION OF THE GEAUGA COUNTY BOARD OF COMMISSIONERS PROPOSING TO COOPERATE WITH THE MIDDLEFIELD TOWNSHIP BOARD OF TRUSTEES  
Improvement to Shedd Road (West), TR 126**

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Commissioner Spidalieri moved the adoption of the following resolution, which was duly seconded by Commissioner Samide:

*WHEREAS, the public interest demands the improvement hereinafter described; and*

*WHEREAS, Sections 5535.08 and 5535.15 of the Ohio Revised Code allows counties to assist in funding the maintenance and repair of township roads; and*

*WHEREAS, the Burton, Troy, Parkman and Middlefield Boards of Township Trustees are working together on a project to improve Shedd Road from Tavern Road (SR 168) to Madison Road (SR 528) in their respective townships; and*

*WHEREAS, the Middlefield Township Board of Trustees is serving the lead agency for a project funded partially with an Ohio Public Works Commission grant to improve the western portion of Shedd Road, TR 126; and*

*WHEREAS, the Geauga County Engineer believes the public interest is best served by the cooperation of the Geauga County Board of Commissioners and the Middlefield Township Board of Trustees to fund the funding shortfall on the project to improve the western portion of Shedd Road, TR 126.*

*WHEREAS, the Geauga County Board of Commissioners agrees with the Geauga County Engineer that a project to improve the western portion of Shedd Road is important to the citizens of Geauga County and the public convenience and welfare is served by this project.*

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

*SECTION I – The public interest demands the improvement of the western portion of Shedd Road, TR 126 in the Townships of Burton, Troy, Parkman and Middlefield, County of Geauga and State of Ohio.*

*SECTION II – The Geauga County Engineer is authorized to reimburse Middlefield Township for costs not to exceed \$440,000.00 related to work performed and accepted during a project to improve the western portion of Shedd Road under Contract #RW-126W-13.*

*SECTION III – The funds for the reimbursement shall come from funds available to the County Engineer to improve roads and bridges.*

*BE IT FURTHER RESOLVED, that the Clerk of the Geauga County Commissioners is hereby instructed to transmit three original copies of this resolution to the Middlefield Township Board of Trustees for acceptance.*

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

**COMMISSIONERS' OFFICE – DOMINION EAST OHIO PRODUCTION METER TAP REQUEST - CUTTER EXPLORATION, INCORPORATED**

*County Administrator David Lair explained that Cutter Exploration Incorporated was requesting the installation of a new meter tap to allow for gas production from the well located near the southern boundary of the Water Resources Valley View parcel to go directly to the Dominion East Ohio transmission line, thereby increasing the production potential of that well.*

*Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to approve and authorize the President of the Board to execute the Dominion East Ohio Production Meter Tap Request Form with Cutter Exploration, Incorporated for the installation of a new meter tap at an oil and gas well located on county-owned parcel no. 11-714404 in Chester Township.*

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



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*Local resident Walter Leagan asked to be corrected if he was wrong it noting that it looked as if it had been a raise. County Administrator David Lair stated that it was not, that the rate was the same but the hours were cut from 40 to 28 per week. Mr. Lair indicated that Ms. Bell worked much more than forty hours a week as the position is salary exempt, adding that with 28 hours per week would she only work those hours or would it be more. Ms. Samide commented that one could argue over hiring someone new at 28 hours a week and virtually see the same savings, but that the big difference is the experience that Ms. Bell would bring to the job, that there would be no training period, noting that avoiding the training period would be a savings. Ms. Samide expressed that if someone earned a retirement that it was theirs that they had earned it, but the question here is if we are going to continue with this policy. Mr. Jemison noted that it was previously stated that there was no savings from doing this, adding that the truth was there is. Ms. Samide added that it's a savings anytime you go from Full-time to Part-time. Mr. Claypool challenged that by stating that there is no savings, quoting an old saying "figures don't lie, but liars figure", adding that you can change and tweak numbers to tell the story you want to tell. Mr. Claypool continued by stating that this looked to be modifying the hours for an individual to accommodate the situation that was being created and that from a taxpayer, his point of view is that there is no savings. Mr. Claypool noted that Ms. Bell was being paid X amount of dollars, whether it is from State PERS, State hospitalization or out of the county coffers, that it was still X amount of dollars from a taxpayer. Mr. Claypool continued to express his opinion about the position being modified to fit Ms. Bell and it hurting the credibility and integrity of the Commissioners position along with his feeling of this position being changed from Full-time to Part-time with the large budget of the department. Mr. Claypool noted that Ms. Samide had spoken of experience in Ms. Bell, adding that it loses new ideas, fresh new blood in improving and changing the department in a forward direction. Ms. Samide commented that over time she felt that a person over a course of a few years of training could be able to express new, great ideas, but experience coming in means that you can hit the ground running with no training period. Mr. Jemison stated that he wanted to show that there is a savings here, with concern over Mr. Claypool's claim about taxpayer money in the pension, adding that the pension money belongs to the employee. Mr. Claypool stated that it was his tax dollars. Mr. Jemison noted that yes they were part of the stipend, part of the salary that they are paid to do a job, but those funds are invested by PERS and become the employees' money and are no longer the taxpayers' dollars. Mr. Jemison added that he didn't tell Mr. Claypool how to spend his money that he received as a Commissioner, questioning if he should have the right to do so, that once the dollars become the employees you can no longer say they belong to the taxpayers.*

*Discussion moved onto PERS and retirement systems that invest and either gain or lose, with Mr. Spidalieri noting the loss of \$1.3 billion by PERS last year. Mr. Spidalieri expressed concern over Ms. Bell being brought into the mix and being drug into the middle of the policy changes and discussions. Mr. Spidalieri commented that he felt Mr. Jemison was trying to discredit what he had presented last week, at which point Mr. Jemison and Mr. Spidalieri went into further discussion about the annuity being received back when the employee retires and it being the full amount, and not being paid into the PERS system once rehired. Mr. Claypool added that when an individual is hired back that the budget can become contorted and then would have to be re-adjusted in the system, that a position should be determined on what it requires and what it should be paid in order to find the desired best people to do the job, noting that he could find fault in Ms. Bell making bad decisions and being too close to the individuals in the department. Mr. Jemison stated that both Mr. Spidalieri and Mr. Claypool feel that there is no savings, but that there is. Discussion continued about the department and some of the uncertainties it is facing with Ms. Bell having retired and Ms. Petrella out on medical leave, that the department is being downsized with part-time positions and that the department should be looked at and if it should be continued to be a service that is needed. Local resident, Aging Advisory Board member and Former Commissioner Edna Davis stated that as a public employee who retired and has gone back to work and then was elected to another position who receives her retirement is it considered irresponsible of someone who has worked thirty years at a job and paid into social security to retire and go back to work. Mr. Spidalieri added that the majority of the people being retired and rehired are in the higher salary range and that it hurts those younger employees that would have a chance to grow in their field or department, adding that if the public votes and elects someone who retired then that is the vote of the people and not for us to decide, but as Administrators of the county who are put in place by the people we serve, we need to work for what their will is. Brief discussion took place about the department having a performance review and if Ms. Bell had been reviewed, to which it was noted that the Auditor has no authority to do performance audits that it is done by the Auditor of State and that Ms. Bell had received yearly performance evaluations. The Board discussed the amount of calls and*

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*emails that they had been receiving about this and the residents' concerns being that they were outraged, asking what the Commissioners can do to stop this. It was noted again that no decision had been made or that anyone had been hired as of yet.*

COMMISSIONERS' OFFICE – EXECUTIVE SESSION

*Mr. Jemison noted that Edna Davis, David Lair, Colleen Lockhart and Richard Frenchie would be joining them in executive session.*

*Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to move into Executive Session for the purpose of considering the employment of a public employee.*

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

*The Board returned from executive session at 12:17 p.m. The following action was taken as a result of executive session.*

*Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to approve hiring Sally Bell to the position of Part-time Director at a rate of \$31.78 per hour to be effective February 27, 2013.*

*Ms. Samide noted that in August they would be reposting the Director position for Full-time to hire a Full-time Director that will come on and work with Ms. Bell to learn the position and be her eventual replacement.*

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>No</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</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 February 13, 2013 as required by O.R.C. 955.12.*

OTHER

*The Board reviewed upcoming events.*

MEETINGS

*Thu., 2/28 The Commissioners will hold regular session.*

*Thu., 2/28 NOACA Transportation Plan 2035 at 2:00 p.m. in Cleveland*

*Tues., 3/5 The Commissioners will hold regular session.*

*Thu., 3/7 The Commissioners will hold regular session.*

*Thu., 3/7 Leadership Geauga, Youth Government Day*

*Fri., 3/8 NOACA meeting, 10:00 a.m. in Cleveland*

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***BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER SPIDALIERI ADJOURNED THE MEETING AT 12:21 A.M.***

*Geauga County Board of Commissioners*

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*Tracy A. Jemison*

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*Mary E. Samide*

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*Ralph Spidalieri*

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*Christine Blair, Commissioners' Clerk*