

Commissioners' Journal
April 24, 2018

The Geauga County Board of Commissioners met in session on April 24, 2018 at 9:00 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, Ralph Spidalieri opened the meeting at 9:04 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

MEETING MINUTES

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to approve and execute the minutes for the meeting of April 10, 2018.

<i>Roll Call Vote:</i>	<i>Commissioner Claypool</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

COMMISSIONERS OFFICE- COUNTY ADMINISTRATOR'S REPORT

Mr. Lair reported on the items approved April 19, 2018 for the County Home that included approving the hire of Rebecca Evanish to the position of Part-time Cook (#1503-1) to be effective April 25, 2018 at the rate of \$11.81 per hour with a one year probationary period, along with hiring Rebecca Evanish to the position of Part-time Attendant (#1504-1) to be effective April 25, 2018 at the rate of \$11.81 per hour with a one year probationary period. This offer of employment is contingent upon the successful completion of the required pre-employment conditions; Accepted the resignation of Mindy Hudec, Full-time Attendant to be effective April 26, 2018; on April 23, 2018 for the County Home, amended the motions from April 19, 2018 for Rebecca Evansih to change the start date to be effective April 23, 2018 for both positions; Accepted the resignation of Sandra Patton, Part-time Attendant (#1504-1) to be effective April 30, 2018; Granted permission to advertise for the position of Full-time Attendant (#1504). This position will remain posted until filled; Granted permission to increase the current posting for Part-time Attendant (#1504-1) from one to two positions. These positions will remain posted until filled; for Transit it included to accept the resignation of Melissa Cantrell, Part-time Driver (#2210-1) to be effective April 27, 2018; for the Department of Development (Community and Economic), approved and executed the Office of Housing and Community Partnerships RLF Grant / Loan Review Report form for the proposed Revolving Loan Fund Loan to Great Lakes Growers for the purchase of machinery and equipment in the amount of \$215,000.00; and for the Commissioners' Office, approved and executed the Agreement with Chardon Rotary for the use of the parking lot at East Park Street for a fund raiser during the Maple Festival beginning after 5:00 p.m. on April 27, 2018, on April 28, 2018 and April 29, 2018; by the County Administrator, authorized by Resolution #18-003 under the direction and supervision of the County Commissioners that was approved January 4, 2018 pursuant to O.R.C. 305.30.

APPROVE FINANCIALS

Budget and Finance Manager Adrian Gorton explained the financials for today as including a Cash transfer to the Department of Development (Community and Economic) to increase funds for the transfer of a County Employee; an Encumbrance for the CORSA 2018/2019 Insurance Renewal; Then and Now for Job and Family Services for Family and Community Services for expenses incurred in December 2017; Travel requests for Maintenance, Recorder's Office and the Treasurer's Office; an Encumbrance for Water Resources for Fiore's Group LL for Lawn Maintenance for two years (2018-2019); a payment to McGlinchey Stafford for special prosecutor services for March 2018 in the amount of \$11,182.50; a payment to Preston Ford for Job and Family Services for the purchase of a 2018 Ford Fusion in the amount of \$17,417.00; a payment to the Juvenile Detention Center for the Juvenile Court for the second quarter share of operating costs in the amount of \$143,937.25; a payment to USPS for Maintenance for postage in the mail machine in the amount of \$50,000.00; and a payment to Jack Gibson Construction for the Department of Water Resources for the final payment on the Russell Park Wastewater Treatment Plant improvements project in the amount of \$28,123.01.

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There was a brief discussion on the cost of the postage and that Maintenance oversees and handles it because the Operators are under that department.

Commissioner Lennon asked for the total amounts spent so far on attorney fees, to which Mr. Gorton explained that Skoda Minotti is \$50,325.60 for the invoices from December and January with a large invoice still to come, and for McGlinchey Stafford the total is \$56,025.30 with an additional amount of about \$1,000.00 more. Mr. Lennon stated that it was important as a way to recover these costs.

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to approve and execute Resolution #18-060 itemizing the financials for the meeting of April 24, 2018.

<i>Roll Call Vote:</i>	<i>Commissioner Claypool</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

COUNTY ENGINEER'S OFFICE – AWARD BID – KARVO PAVING COMPANY – RESURFACE CLARIDON TROY ROAD – BURTON TOWNSHIP

Administrator Frank Antenucci and Deputy Engineer Nick Gorris explained that a bid opening was held for the Asphalt Resurfacing of Claridon Troy Road on April 11, 2018 that received 5 bids and the apparent low bidder submitted an incomplete bid and are asking the Board to award the bid to Karvo Paving Company, as they represented the lowest and best bid.

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to award the Bid to Karvo Paving Company for the Asphalt Resurfacing of Claridon Troy Road (CH 3, Sections A-C) in Burton Township in the amount of \$448,401.25 as they represented the lowest and best bid.

Attorney Ian Franks, representing Ronyak Paving, President Sean Peterson as you just heard was the apparent lowest bidder, and sent a letter to Mr. Gorris and to ODOT regarding the issues of rejection of the bid. Mr. Franks stated the rejection is for the absence of a form called a DBE utilization form, there is a specific form that is completed electronically and submitted, Ronyak Paving did not include the form. The information that is required on the form was included in the paperwork. Mr. Franks expressed that the County could have decided if they met or exceeded the goal of the requirement of the form, and shared in his letter yesterday, that Ohio law says that it is important that errors and irregularities that are not substantive to throw out that bidders bid. The purpose of the program and forms is to have the DBE and they feel that Ronyak had saved the department and county money and ask the Board to decline the Department's recommendation and award the bid to Ronyak, and also asked them to do the same on the award for Auburn Road as the facts will be the same. Mr. Antenucci stated that the Prosecutor's Office have recommended to award to Karvo Paving and to award to Chagrin Valley Paving. Commissioner Spidalieri stated that it is an unfortunate situation, but sometimes disqualifications due to take place. Commissioner Claypool stated that he would like to look into it further, but added that it is an interesting situation. Clerk stated that she had a motion and second and asked if the Board wanted to kill the vote or move forward. Mr. Claypool inquired about a timing issue, to which Mr. Antenucci stated that it had been placed on the agenda and they are asking the Board to award today. Mr. Lennon asked if the other bidders had submitted the DBE form but one was not received from Ronyak. Mr. Antenucci stated that the recommendation has come from ODOT and they have stated that ODOT had not received the form from Ronyak Paving. Mr. Lennon seconded the motion again and the following vote was taken.

<i>Roll Call Vote:</i>	<i>Commissioner Claypool</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

COUNTY ENGINEER'S OFFICE – AWARD BID – CHAGRIN VALLEY PAVING – RESURFACE AUBURN ROAD – AUBURN TOWNSHIP

Mr. Gorris stated that the apparent low bidder submitted an incomplete bid and asked the Board to award the bid to Chagrin Valley Paving for the resurfacing of Auburn Road as they represented the lowest and best bid.

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Motion: by Commissioner Claypool, seconded by Commissioner Lennon to award the Bid to Chagrin Valley Paving for the Asphalt Resurfacing of Auburn Road (CH 4, sections D-E) in Auburn Township in the amount of \$673,724.90 as they represented the lowest and best bid.

<i>Roll Call Vote:</i>	<i>Commissioner Claypool</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

COUNTY ENGINEER'S OFFICE – RELEASE 33% MAXIMUM LOAD LIMIT REDUCTION – ALL COUNTY HIGHWAYS AND TOWNSHIP ROADS

Mr. Gorris asked the Board to release the 33% load reduction limit on all county highways and township roads as they feel the frost is out of the roads.

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to release the thirty-three percent (33%) maximum load limit reduction on all County Highways and Township Roads to be effective April 30, 2018.

<i>Roll Call Vote:</i>	<i>Commissioner Claypool</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

MAINTENANCE – APPROVE HIRING JOHN LUDLOW – LEAD CUSTODIAN (#1916)

Director Glen Vernick explained that he had asked the Board to advertise for a Lead Custodian and after many interviews would like to hire Mr. Ludlow. Mr. Vernick stated that they would like to bring him in and have him involved in the hiring of the additional two Custodians. Mr. Vernick stated that they had done a small background check and once approved will do a more extensive one due to the involvement with the Courts, Prosecutor's office and Sheriff's Office.

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to approve hiring John Ludlow to the position of Lead Custodian (#1916) to be effective May 13, 2018 at the rate of \$15.45 per hour with a one year probationary period. This offer of employment is contingent upon the successful completion of the required pre-employment conditions.

<i>Roll Call Vote:</i>	<i>Commissioner Claypool</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

COMMISSIONERS' OFFICE – APPROVE CREATION, TITLE AND JOB DESCRIPTION – HUMAN RESOURCES ADMINISTRATOR (#1314) – ADVERTISE POSITION UNTIL FILLED

Director of Administrative Services Linda Burhenne asked the Board to approve the position to replace her when she retires, and asked the Board to then grant permission to advertise.

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to approve the creation, title and job description for the position of Human Resources Administrator (#1314) to be effective April 24, 2018.

<i>Roll Call Vote:</i>	<i>Commissioner Claypool</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to grant permission to advertise for the position of Human Resources Administrator (#1314). This position will remain posted until filled.

<i>Roll Call Vote:</i>	<i>Commissioner Claypool</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

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COMMISSIONERS' OFFICE – APPROVE RECOMMENDATION TO DISTRIBUTE
REMAINING 1% PAY RAISE APPROPRIATION

Ms. Burhenne stated that the Board had held a discussion with the Directors and at the last Directors meeting there was an additional discussion and at this point are asking the Board to release the remaining balance to be distributed based on performance per the current policy. Ms. Burhenne noted that a policy change will be coming to allow for a bonus component. Mr. Claypool added that he liked the idea of doing bonus versus a more permanent change with a wage increase. Mr. Lair added discussion about the evaluation form and some of the changes they would like to see happen. Ms. Burhenne added that it includes an employee self-evaluation and space to provide examples of why they rated themselves the way they did. Assistant County Administrator Gerard Morgan added that prior to this, evaluations didn't have the merit that they will have now, and set a deadline for evaluations to be completed for all employees for this option of the additional funds available. Mr. Lair added that because of the different departments performing different tasks, it is hard to use a cookie cutter type evaluation.

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to approve the recommendation to distribute the remaining 1% pay raise appropriation on a performance basis following current policy.

<i>Roll Call Vote:</i>	<i>Commissioner Claypool</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

COMMISSIONERS' OFFICE – EXECUTIVE SESSION

Motion: by Commissioner Lennon, seconded by Commissioner Spidalieri to move into Executive Session for the purpose of discussing the discipline of a public employee at the Department on Aging.

<i>Roll Call Vote:</i>	<i>Commissioner Claypool</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

The Board moved into Executive Session at 9:42 a.m. with Mr. Lair, Director of Administrative Services Linda Burhenne, Assistant County Administrator Gerard Morgan and Director Jessica Boalt. The Board returned at 9:55 a.m. and as a result the following action was taken:

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to accept the disciplinary recommendation of the hearing officer, Karen DeCola, to suspend for 8 hours (1 day), Thomas McGrew, Transportation Driver, for violation of Geauga County Personnel Policy and Procedure Manual Section 3, Page 3.2 and 3.3 and further approve and execute the Order of Removal, Reduction, Suspension, Involuntary Disability Separation form per O.R.C. 124.34 for the suspension.

<i>Roll Call Vote:</i>	<i>Commissioner Claypool</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

GEAUGA COUNTY PUBLIC LIBRARY – SIGNATURE AND NO LITIGATION CERTIFICATE
– LIBRARY IMPROVEMENT BONDS, SERIES 2018A

Director Ed Worso and Fiscal Officer Lisa Havlin explained that they were not aware that it was on the agenda today. Mr. Lennon asked for clarification of what they were doing today, to which Mr. Lair stated that it is a Signature and No Litigation with the Library as of today, to which Mr. Worso added that they had no litigation. Ms. Havlin stated that she had executed the documents that are in front of the Board yesterday so she has seen them.

Mr. Spidalieri asked the Library to understand the Boards position, that the Board is put into a bad position, of putting a rubber stamp approval on this, which they each had apprehension on the decision. Mr. Spidalieri explained that the Board is being faced with questions, as the numbers are out there but the plan is not clear, and asked them to help them with details on the plan, as ultimately the public is the one paying the bill. Mr. Spidalieri stated that the levy passed very closely, and there are a lot of people that approved it, those that didn't approve it and those that didn't go to the polls and are wishing they had voted. Ms. Havlin stated that it is a total of \$24 million, they had done a note last year of \$10 million and today this is the \$14 million that in

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May the other \$10 million will roll into a bond for the total of \$24 million. Mr. Lennon added that the Board feels like a sounding Board for the Library to go and do what they want to do, while he has his own opinion, the vote is the vote. There was discussion about the initial plan, and how last year the plan included a total plan cost of approximately \$500 a square foot, but a construction cost per square foot is much less. Ms. Havlin stated that her understanding of the signature no litigation is that there is no pending or threatening litigation that will stop the county from collecting the tax that will pay for the levy. Mr. Worso contacted their legal counsel, Rebecca Princehorn from Bricker and Ekler and put her on speaker. Ms. Princehorn stated that the Commissioners are to act as the agent for the Library, and inquired if the Library had shared their signed documents with the Board. Ms. Blair noted that Laura LaChapelle had reviewed the documents, asked for closing documents, contacted Ms. Romancheck from Squire Patton and Boggs to review the documents and asked for some changes be made to several of the documents.

Mr. Claypool expressed that he had been approached by several citizens about putting a petition together to or look at ways to undue the process. Ms. Princehorn stated that there is no authority in Ohio law to recall or repeal a bond issue, and it doesn't exist in any context. It was noted that as of the closing date there is no litigation, and noted a provision in 133.18 (G) that makes bond election proceedings incontestable. Mr. Lennon added that there is a second part, to which is was noted that it is the bond. Ms. Princehorn stated that the original \$10 million done in 2017 will be paid off with the Series 2018B bond. It was noted that the Library had received a good bond rating, but it was never discussed as to what it was. Mr. Spidalieri added that the Board is receiving a lot of calls and questions about the Library issue, and that the Board had asked questions, and the answers appear to have changed from the initial questions were asked. Mr. Spidalieri used the Safety Center as an example of being paid by annual notes that was done through the General Fund and not a bond levy, and the Library Bond was out to the voters and barely passed. Ms. Princehorn was also going to include the statutory roles of the Board in this process. Mr. Lennon stated that this is highly unorganized, and a lot of uncertainty, and is his perception, to which Mr. Spidalieri added that it's not just his, the public is feeling the same way. Mr. Spidalieri included that the Board has their hands tied in this, and that they still want to be responsible and accountable. Mr. Lair added that she had spoken to Ms. LaChapelle and that the signature no litigation certificate is the knowledge as of the date of close, and that it had indeed been reviewed by our bond counsel. Mr. Lennon asked the Library to be clear with them about the plan, and to be forthright, that this is a large amount of money.

Ms. Blair asked for clarification of the process, that the first step was done in April with the initial resolution that included the full \$24 million, that today is the second half of the bonding process that includes the \$14 million in preparation of the closing on Thursday, and in May will come back for the other \$10 million to roll that initial amount into the bond for the total amount of the \$24 million. Ms. Princehorn stated that the Board is noted as agent and there is no definition of what that means, but the Library is a county district Library and the bonds are the Library. The liability of any kind would fall on the Library and not on the County.

Local resident Diane Jones inquired that there is two series of bonds with no explanation. Ms. Jones asked for the length of interest based on risk, to which it was noted that risk is dependent upon length, amount, and is very complicated. Mr. Lennon made the suggestion that the Library get the information out about the interest rate and length of the bonds. This should be in a group effort, and that there is a forest not just one tree, and while the decisions are the Library, they need to be reminded that they are spending the tax payers dollars. Ms. Havlin stated that they structured the bonds with a set rate with different maturity rates over the life of the bonds. Ms. Jones asked the Board to push the closing date off until the process has been vetted by the Public, instead of announcing the bond closing with only two people present, and the information was done in detail at the meetings the library held. Ms. Jones expressed that as a tax payer it doesn't seem organized and that everything seems to be after the fact. Mr. Claypool stated that there is two motions today, the signature no litigation and the bond. Mr. Lennon asked them to not take things personal, but there has been a lot of disconnect and that this is a big undertaking and task and that these dollars are not taken lightly.

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to approve and execute the Signature and No Litigation Certificate of the County in connection with the \$14,000,000.00 Library Improvement Bonds, Series 2018A, dated April 26, 2018.

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<i>Roll Call Vote:</i>	<i>Commissioner Claypool</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

Motion: *by Commissioner Claypool, seconded by Commissioner Lennon to approve and execute the Geauga County Public Library Improvement Bonds, Series 2018A in the amount of \$14,000,000.00, dated April 26, 2018.*

<i>Roll Call Vote:</i>	<i>Commissioner Claypool</i>	<i>Aye</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Spidalieri</i>	<i>Aye</i>

Mr. Spidalieri expressed that the Board has helped them and asked Mr. Worso to help them by considering the use of the Bainbridge Library building as a potential Senior Center in place of demolishing the building and allowing the Board to give them a \$1.00 and take it off their hands. Mr. Lennon asked what the plan was for the Bainbridge Library, to which Mr. Worso stated that it would remain until the new library was built and then they planned to demo it, possible use for parking lot and gardens. Mr. Lennon expressed that it would great for a Senior Center next to the library.

ACKNOWLEDGEMENTS

- a) A weekly report filed by the County Dog Warden of all dogs seized, impounded, redeemed or destroyed for the week ending April 4, 2018 as required by O.R.C. 955.12.*
- b) Geauga County Engineer's 2017 Annual Report*
- c) A monthly report filed by the Geauga County Sheriff's Office of an account of expenses for the inmate meals for the month ending March 2018.*
- d) 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 March, 2018, pursuant to ORC 135.35(L).*

OTHER

The Board reviewed upcoming events.

MEETINGS

Wed., 4/25 50 Years of NOACA: Reflecting on the Past, 11:30 a.m. City Club of Cleveland

4/26 – 4/29 Maple Festival, Chardon Square

Tue., 5/1 The Commissioners will hold regular session at 9:00 a.m.

5/6 – 5/12 Public Service Recognition Week

Tue., 5/8 Planning Commission meeting at 7:30 a.m. in the Planning Commission meeting room, Bldg. #1C, 470 Center Street, Chardon

Tue., 5/8 The Commissioners will hold regular session at 9:30 a.m.

Fri., 5/11 NOACA, Finance and Audit 8:30 a.m., Governance 10:00 a.m., and Executive 11:30 a.m., Cleveland, Ohio

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BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD

Motion: *by Commissioner Lennon, seconded by Commissioner Claypool to adjourn the meeting at 10:46 a.m.*

Geauga County Board of Commissioners

Ralph Spidalieri

Timothy C. Lennon

Walter M. Claypool

Christine Blair, Commissioners' Clerk

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