

Commissioners' Journal
February 6, 2018

The Geauga County Board of Commissioners met in session on February 6, 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 9:05 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 special work session meeting of January 11, 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 February 1, 2018 for the Airport Authority that included acknowledging and approving Reimbursement Request #6 for FAA Grant #3-39-054-1916 to Construct Taxi Lanes, Crack Seal Runway, Design Airfield Lighting System and PAPI Runway 29 in the amount of \$12,740.00 FAA portion, \$1,416.04 ODOT portion and no local match, and Concurred with Claridon Township Trustees in requesting a hearing on the Liquor License requested by Dolgen Midwest LLC d.b.a. Dollar General Store #18803 located at 12375 Aquilla Road, Chardon (C NEW 2234815-2900), on February 2, 2018 for the County Home he approved hiring Rose Carver to the position of Part-time Attendant (#1504-1) to be effective February 8, 2018 at the rate of \$11.58 per hour with a one year probationary period. This offer of employment is contingent upon the successful completion of the required pre-employment conditions, and for Water Resources he accepted the resignation of Gale Knight, Full-time Maintenance Worker (#2330) to be effective February 9, 2018, and granted permission to advertise for the position of Full-time Maintenance Worker (#2330) at the Merritt Road Garage. This position will remain posted until filled; and February 5, 2018 for the County Home he amended the motion from February 2, 2018 to adjust the start date for Rose Carver from February 8, 2018 to February 5, 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 Revenue Certification from Sheriff's Office for their Law Enforcement fund; an Appropriation transfer for Transit from vehicles to buildings for HVAC repairs; a Supplemental appropriation for the General Fund carryover distribution; Cash transfers from the General Fund to the Transit Capital Fund to cover emergency HVAC repairs, to Court Technology to fund Courthouse video conferencing project, and to Computer Equipment Improvement Fund to provide funds to replace old servers and network switches in the County; an Encumbrance for the Department on Aging for Schraff and King Company LPA to provide legal counseling to senior citizens; Travel requests for the Building Department and Water Resources; an Encumbrance for the Maintenance Department for Burton Carpet Shop for carpet replacement at the Courthouse; a Then and Now certificate for the Sheriff's Office to UES Geauga for Inmate Medical bills; a payment to Innerwireless Incorporated for ADP for black box review and upgrades in the amount of \$10,075.00, a payment to Trumbull County Treasurer's Office for Geauga County's share of the 11th District Court of Appeals expenses in the amount of \$66,076.04, a payment to Ohio State University for the 1st Quarter funding for the OSU extension in the amount of \$65,673.31, and a payment to Jack Gibson Construction Company for the Department of Water Resources for pay request #13 for the Russell Park Wastewater Treatment Plant upgrade project in the amount of \$35,421.76.

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to approve and execute Resolution #18-013 itemizing the financials for the meeting of February 6, 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>

COMMUNITY AND ECONOMIC DEVELOPMENT OFFICE – OHIO DEVELOPMENT SERVICES AGENCY, CERTIFICATION OF DETERMINATION OF SUBSEQUENT EXEMPTION FOR A CATEGORICAL EXCLUSION FOR PROJECTS UNDER GRANT #B-F-17/18-1AZ-1 – AIRPORT AUTHORITY ADA RESTROOM UPGRADES, BERKSHIRE SCHOOL DISTRICT ADA RESTROOM / HANDICAPPED RAMP UPGRADES, DDC CLINIC AND GEAUGA COUNTY MAINTENANCE – ELEVATOR REPAIRS

Assistant Program Administrator Kelly Conrad stated that this paperwork needed to be submitted to the state for the upcoming projects and that there will be no environmental impacts. This is the first time it is being done as a two year grant, and we need to be careful on the timing of the bids. There was a brief discussion about the elevator project and that they are looking to get it bid in the spring.

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to approve and authorize the President of the Board to execute the Ohio Development Services Agency, Certification of Determination of Subsequent Exemption for a Categorical Exclusion Project in regards to the Geauga County Airport Authority ADA restrooms upgrade project, under Grant #B-F-17/18-1AZ-1.

<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 authorize the President of the Board to execute the Ohio Development Services Agency, Certification of Determination of Subsequent Exemption for a Categorical Exclusion Project in regards to the Berkshire Local School District ADA Restrooms Upgrade and ADA Handicapped Ramp project, under Grant #B-F-17/18-1AZ-1.

<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 authorize the President of the Board to execute the Ohio Development Services Agency, Certification of Determination of Subsequent Exemption for a Categorical Exclusion Project in regards to the DDC Clinic project, under Grant #B-F-17/18-1AZ-1.

<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 authorize the President of the Board to execute the Ohio Development Services Agency, Certification of Determination of Subsequent Exemption for a Categorical Exclusion Project in regards to the Geauga County Commissioners, Maintenance Department, Elevator Repairs project, under Grant #B-F-17/18-1AZ-1.

<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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LIQUOR LICENSE – CANAWINERY HOLDINGS, LLC D.B.A. CANA WINERY – MUNSON TOWNSHIP

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to concur with Munson Township Trustees in not requesting a Hearing on the Liquor License requested by CANAWINERY HOLDINGS, LLC d.b.a. Cana Winery located at 10036 Wilson Mills Road, Chardon (C NEW 1224452).

<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>

PROSECUTOR'S OFFICE – APPLICATION FOR APPOINTMENT OF OUTSIDE COUNSEL

Prosecutor Jim Flaiz stated that an issue that has been in the news, is that Counties have been pursuing litigation against the distributors of prescription drugs, primarily pain killers. Mr. Flaiz stated that these distributors have violated federal law in order to make profit and have created an addict base that has been enhanced by the drug pushers. These products are highly addictive and this behavior has established a link with the heroin (opiod) crisis. Often times the prescription medications get people hooked and then once they are no longer available people move onto to other avenues. Mr. Flaiz talked about map overlays from where the prescriptions are going to on top of a map of the heroin crisis. This is a public health crisis and the County has spent a lot of money that was provided to the Sheriff's Office, Prosecutor's Office and the Courts, adding that Job and Family Services have also seen a large impact on the number of child placements. Mr. Flaiz stated that unfortunately the only way to get the attention of large corporations is a lawsuit. In looking at the options to file, at first he wanted to do it locally as a standalone suit. The more he looked into it he feels that federal litigation will probably be the best option. There is a MDL, multi-district litigation which does a forced consolidation of the lawsuits, and the MDL Board puts them into a big case somewhere in the United States. These cases have been put into our division of our district Court under Judge Polster in Cleveland. Mr. Flaiz stated that now that Judge Polster is handling it, he recommends the federal approach, noting that Judge Polster is trying to get the Ohio Attorney General to bring his case under the umbrella.

Mr. Flaiz explained that it would be our own standalone lawsuit in federal court. Geauga County would be the plaintiff; the Commissioners will bring the action under the O.R.C. and then bring the claims to the federal court. The claims will get swept into the MDL but it would still be our own standalone case. Commissioner Claypool asked how recovery works if you are competing with the pool. Mr. Flaiz stated that to an extent you would have to go along with the settlement. Commissioner Lennon asked if we get to negotiate that settlement. Mr. Flaiz stated that it's called a damages matrix, the formula to compute damages of the individual plaintiffs, so the numbers are plugged in and negotiated. Due to the number of cases, this is the only way to come up with customized individual results. Mr. Flaiz stated that there are several firms involved in the federal litigation. He met with a firm in downtown Cleveland, and one of the attorneys in the firm is the liaison counsel in the litigation. Judge Polster picks lawyers that are engaged in the litigation to be liaison counsel for the cases. Mr. Flaiz added that this firm was previously liaison counsel for another MDL case that was also handled by Judge Polster.

Mr. Claypool inquired about the 30% up to 50% recovery fee, and wants to make sure the County will not be on the hook for paying large fees. Mr. Flaiz stated that if there is no recovery there is no fee or litigation expense. The firm takes on the risk, and because of what they have spent they must believe in the case. While this is an unusual fee schedule, it is an unusual case, it says you will not pay fees with public money, but public money is recovery money. Ultimately the County has the decision on whether they want to settle and the Commissioners agree to do it. Mr. Flaiz stated that he doesn't ever see there not being a net gain for the County, and it's important for Geauga County to send a message. It was noted that there is a 50% cap on the total expenses, and that the 30% fee is on the low side for these types of cases. We have to jointly make the application to the Court of Common Pleas for outside counsel, and then the Judge appoints and authorizes the firm to represent the County and Judge Burt is aware of it. It was discussed that based on how things are proceeding, there could be major movement by the end of the year.

Discussion took place about the area of Ohio, West Virginia and Kentucky having a large drug problem far above the rest of the country and the natural progression of moving from prescription to street drugs. Doctors have prescribed large volumes of pain killers that

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have created this addiction and customer base.

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to approve and execute the Application for Appointment of Outside Counsel, Memorandum in Support, and the Engagement to Represent regarding Geauga County's civil suit against those legally responsible for the wrongful distribution of prescription opiates and damages caused thereby.

<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>

Discussion continued about the process and it was noted that Geauga County's federal lawsuit will be filed within a couple weeks.

JOB AND FAMILY SERVICES – EXECUTIVE SESSION

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to move into Executive Session for the purpose of discussing the discipline of a public employee.

<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 9:57 a.m. with Mr. Lair and Director of Administrative Services Linda Burhenne, Executive Director Craig Swenson, Assistant Director Paul Rieman. The Board returned at 10:20 a.m. and as a result took the following action:

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to accept the disciplinary recommendation of the Director of Job and Family Services to suspend Margo Reda, Program Administrator, for eight hours (1 working day) without pay for violation of Section 3 of the Geauga County Job and Family Services Personnel Policy and Procedure Manual.

And further approve and execute the Order of Removal, Reduction, Suspension, Involuntary Disciplinary Separation form, per O.R.C. 124.34 for eight hours (1 working day).

<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 HOME – RECLASSIFY TO PART-TIME ATTENDANT (#1504-1) ASHLEY CLARK AND SARA KNIFE

Director Karen DeCola asked the Board to approve the reclassification of two employees, Ashley Clark from Full-time Senior Attendant to Part-time Attendant and Sara Knife from Full-time to Part-time Attendant. Ms. DeCola stated that Ms. Knife is going to work at the Clerk of Courts Office, but she will pay the overtime to keep her through the end of February.

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to reclassify Ashley Clark from Full-time Senior Attendant (#1506) to Part-time Attendant (#1504-1) to be effective February 11, 2018, with an adjusted hourly rate of \$12.43 per hour.

<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 reclassify Sara Knife from Full-time Attendant (#1504) to Part-time Attendant (#1504-1) to be effective February 12, 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>

COMMISSIONERS' OFFICE – EXECUTIVE SESSION

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to move into Executive Session for the purpose of considering the employment of public employees at the County Home.

<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 10:25 a.m. with Mr. Lair, Ms. Burhenne and Director Karen DeCola. The Board returned at 11:02 a.m. with no action.

COMMISSIONERS' OFFICE – EXECUTIVE SESSION

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to move into Executive Session for the purpose of discussing the compensation 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 11:03 a.m. with Mr. Lair, Ms. Burhenne and Director Jessica Boalt. The Board returned at 11:21 a.m. with no action at this time.

COMMISSIONERS' OFFICE – EXECUTIVE SESSION

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to move into Executive Session for the purpose of considering the employment of a public employee in the Commissioners' Office.

<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 11:21 a.m. with Mr. Lair and Ms. Burhenne. The Board returned at 12:25 a.m. and as result the following action was taken:

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to move to terminate the Memorandum of Understanding between the Geauga County Planning Commission and the Geauga County Board of Commissioners, pursuant to Section 7 of the Memorandum, by providing thirty days advance written notice to the Planning Commission of the intent to terminate, to be effective March 8, 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>

ADDITION

COMMISSIONERS' OFFICE – DEPARTMENT ON AGING

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to waive repayment of a salary overpayment in the total amount of \$3,200.00 of a public employee at the Department on Aging due to a clerical error, pursuant to O.R.C. 305.26.

<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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ACKNOWLEDGEMENTS

- a) A weekly report filed by the County Dog Warden of all dogs seized, impounded, redeemed or destroyed for the weeks ending January 24, 2018 as required by O.R.C. 955.12.

OTHER

The Board reviewed upcoming events.

MEETINGS

- Wed., 2/7 NOC COG, OMJ Center, Portage County, 1:30 p.m.
- Fri., 2/9 NOACA, Finance & Audit 8:30 a.m., Governance 10:00 a.m., and Executive 11:30 a.m. Cleveland
- Tue., 2/13 Planning Commission meeting at 7:30 a.m. in the Planning Commission meeting room, Bldg. #1C, 470 Center Street, Chardon
- Tue., 2/13 The Commissioners' will hold regular session at **9:30 a.m.**
- Fri., 2/16 NOACA, Transportation 9:00 a.m., Bicycle / Pedestrian 10:30 a.m., Safety 1:00 p.m. Cleveland
- Mon., 2/19 **County offices will be closed for general business due to the President's Day holiday. Twenty-four hour operations will continue to operate as usual.**
- Tue., 2/20 Geauga Trumbull Solid Waste Management District, Board of Directors, 9:30 a.m. Warren
- Thu., 2/22 The Commissioners' will hold regular session at 9:00 a.m.
- Fri., 2/23 Leadership Geauga Government Day, Luncheon at 11:30 a.m., Bass Lake Inn
- Mon., 2/26 Family First Council, 1:30 p.m. Mental Health Offices
- Tue., 2/27 The Commissioners' will hold regular session at 9:00 a.m.

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD

Motion: by Commissioner Claypool, seconded by Commissioner Lennon to adjourn the meeting at 12:26 p.m.

Geauga County Board of Commissioners

Ralph Spidalieri

Timothy C. Lennon

Walter M. Claypool

Christine Blair, Commissioners' Clerk

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