

Commissioners' Journal
July 19, 2022

The Geauga County Board of Commissioners met in session on July 19, 2022 at 9:30 a.m. in the Commissioners' Chambers located at 12611 Ravenwood Drive, Room B303 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, James W. Dvorak opened the meeting at 9:38 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

**Commissioner Spidalieri was absent from today's meeting.*

Commissioner Dvorak read the following prayer:

A Morning Prayer

All powerful and eternal God, splendor of true light and never-ending day:

At this return of the morning hour, chase away the night of sin and fill our minds with the glory of your coming.

Through Christ, our Lord, Amen

COMMISSIONERS OFFICE - COUNTY ADMINISTRATOR'S REPORT

County Administrator Gerard Morgan reported on the items approved by the County Administrator on July 12, 2022 for Maintenance that included Accepting the Resignation of Nicholas Tilk, Full-time Summer Help (#0101) to be effective July 1, 2022, and Approved and executed the service Contract Agreement with Impulliti Landscaping, LLC d.b.a. Artistic Solutions to perform irrigation maintenance and repairs for the Red Simmons Memorial Site as per the Director for a period of two years, beginning July 12, 2022 in an amount not to exceed \$2,000.00, for Transit approved and executed the Ohio Motor Fuel Tax Refund Claim for Transit Buses for the period April 1, 2022 through June 30, 2022 in the amount of \$4,388.82 (\$408.94 Diesel and \$3,979.88 Gasoline) and for Water Resources approved hiring Mary Ellen Warren to the position of Full-time Administrative Assistant (#2345) at the rate of \$15.57 per hour to be effective July 18, 2022 with a one-year probationary period. This offer of employment is contingent upon the successful completion of the required pre-employment conditions and Approved an unpaid medical leave of absence for Rob Edmonds, in accordance with the Union Contract, for the period July 13, 2022 through July 21, 2022 and on July 15, 2022 for Maintenance approved and executed the service Contract Agreement with Silco Fire and Security to provide maintenance, system inspections and monthly monitoring for a period of five years, beginning July 15, 2022 in an amount not to exceed \$20,000.00 and for Department of Water Resources approved hiring Connor Schultz to the position of Part-time Maintenance Worker (#2330-1) at the rate of \$19.47 per hour to be effective July 25, 2022 with a one-year probationary period. This offer of employment is contingent upon the successful completion of the required pre-employment conditions and Approved and executed the Ohio Water Development Authority Fund Payment Request #21 for Technical Services (Loan #8983) by GPD Group, Incorporated for the Chardon Township Wastewater Treatment Plant and Sewers Project (Henning Road) in the amount of \$599.68; as authorized by Resolution #22-032 under the direction and supervision of the County Commissioners that was approved March 15, 2022 pursuant to O.R.C. 305.30.

APPROVE FINANCIALS

Budget and Finance Manager Adrian Gorton explained the financials for today as including Cash transfer out of the General Fund to Family First for July – September 2022 commitment, a Cash transfer out of the General Fund to Community Development and Metzenbaum for the 2nd quarter 2022 interest transfer, a Cash transfer out of the General Fund to the Victim/Witness Assistance Fund to provide resources needed due to cuts in State funding, an Encumbrance increase from the Commissioners to CORSA for additional premiums due to cover the new office building, a Travel request for the Engineer's Office, a Purchase order for Water Resources to Junction Auto Sales for the purchase of a model year 2019 Dodge RAM 1500 Quad Cab 4x4, a payment for the Commissioners' Office to Donley's Independence, Incorporated for pay request #20 for the new county office in the amount of \$1,280,501.88, a payment for the County Engineer's Office to Chagrin Valley Paving, Incorporated for the Asphalt Resurfacing of Chagrin Road in the amount of \$310,084.75 and a Revenue Certification for the Commissioners Office in the General Fund for the Opioid Settlement money received so far this year.

Commissioners' Journal
July 19, 2022

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and execute Resolution #22-126 itemizing the financials for the meeting of July 19, 2022.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Absent*</i>
	<i>Commissioner Lennon</i>	<i>Aye</i>
	<i>Commissioner Dvorak</i>	<i>Aye</i>

AIRPORT AUTHORITY – ACKNOWLEDGE AND ACCEPT RESIGNATION – JIM MAKEE FROM AIRPORT AUTHORITY BOARD

Mr. Morgan explained that Mr. Makee resigned in December and are asking to acknowledge and accept that resignation.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to acknowledge and accept the resignation of board member Jim Makee, to be effective December 15, 2021.

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

AIRPORT AUTHORITY – APPOINT ROBERT SCHLOSS – AIRPORT AUTHORITY BOARD

Mr. Morgan asked the Board to appoint Mr. Schloss to the Airport Authority Board to fill Mr. Makee's term.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to appoint Robert Schloss to Airport Authority Board to fill the unexpired term of Jim Makee through December 31, 2024.

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

BOARD OF MENTAL HEALTH AND RECOVERY SERVICES – RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF TEN MILL LIMITATION AND REQUEST CERTIFICATION OF COUNTY AUDITOR OF DOLLAR AMOUNT GENERATED

The following item was on the agenda.

The Board of Mental Health and Recovery Services is requesting the Board approve and execute Resolution #22-116 Declaring it Necessary to Levy a Tax in excess of the Ten Mill Limitation and Requesting Certification of the County Auditor of the Dollar Amount Generated at the Request of the Geauga County Board of Mental Health and Recovery Services, as Authorized by O.R.C. 5705.03, .19, .1914, .221, .26 and .26.

Amie D'ariento explained that the last time they were before the Board there was some questions and provided some information that hopefully answered those questions, in hopes of moving forward to get the certification from the Auditor. Commissioner Lennon added that the question was about the budget that they currently have that included a \$4 million carryover, and that the Budget Commission asked them to reduce their collection for their budget. Mr. Lennon stated that they are requesting this levy early which is a strategic planning, however as a taxpayer it says, we don't know what we need the money for, just trust us we will figure it out later. Mr. Lennon agreed with Mr. Dvorak in pausing and asking do we need that levy to continue, and that you have been using grants that were received instead of using the levy funding, causing the excessive carryover. Ms. D'ariento explained that they don't have an excessive carryover, they have six months of reserve funding, which is standard for a Mental Health Board, the Auditor would like to see a three-month reserve instead, because he feels that we shouldn't carry that much. The six month is also due to Capital projects, that include joint projects with Ohio MOS, one with Sherrod Brown and a joint project with Job and Family Services. One project is to re-do the Youth Center and one is to build a facility to house mentally ill residents. Ms. D'ariento stated that the levy funding goes to services, the capital funds will be used for the projects, as a percentage of the project has to be committed. It was discovered that they needed to establish a reserve fund for the capital funding that was being rolled over in the carryover. Ms. D'ariento stated that they are doing a reduction of \$800,000.00 which is the

Commissioners' Journal
July 19, 2022

amount that they received and used in grant funding. Jim Mauser added that the Auditor's office recommended moving forward with the levy. Ms. D'ariento stated that they can't bank on grant funds, and they are working on trying to correct mistakes from the past and getting the appropriate funds set up and in place. Mr. Dvorak stated that he was standing firm, that they are a year early, and they have too much money and reduced their current levy, and leans towards see you next year. Ms. D'ariento stated that the other levy is due next year and by going early it gives them an opportunity to put it on and if it fails gives them the chance to try again. The budget will be missing their levy funding until the levy passes and is approved.

*Motion: by Commissioner Lennon,
Motion died due to a lack of second – no motion approved.*

Mr. Lennon added that he is in favor and understands what they are trying to do.

*PLANNING COMMISSION – RE-PLAT OF MARKETPLACE AT FOUR CORNERS
SUBDIVISION, SUBLOT 3 TO CREATE SUBLOTS 3A AND 3B – BAINBRIDGE TOWNSHIP*
Director Linda Crombie explained that this is a replat of subplot 3, splitting the lot to create another subplot at the marketplace at Four Corners in Bainbridge.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and execute the Re-Plat of Marketplace at Four Corners Subdivision, Sublot 3 to create Sublots 3A and 3B in Bainbridge Township.

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

*SOIL AND WATER CONSERVATION DISTRICT – ACKNOWLEDGE 1ST AND 2ND NOTICE
OF VIOLATIONS – 14580 CAVES ROAD – RUSSELL TOWNSHIP – FORWARD TO
PROSECUTOR FOR ACTIONS NECESSARY TO SECURE COMPLIANCE*

Lisa Kalus asked the Board to acknowledge the 1st and 2nd notice of violations against Mr. Hummer for the property on Caves Road. Mr. Hummer never submitted a plan with their office and activity was being observed and it was questioned. Mr. Hummer submitted a very rough plan that was a map, and the area he outlined was 5.1 acres and never contacted the Army Corp of Engineers or the EPA regarding the wetland area.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to acknowledge the 1st and 2nd Notice of Violations issued against Paul Hummer regarding construction occurring at 14580 Caves Road located in Russell Township (Parcel #26-066400 and #26-214324) for failure to comply with Geauga County Water Management and Sediment Control Regulations as outlined in the Notice of Violations (first violations dated April 29, 2022 and May 11, 2022, second violation June 10, 2022) respectively and Site Inspection Reports dated June 3, 2022 and June 28, 2022 (Sections 3.01 General Applicability Criteria for Storm Water Management and Sediment Control and 7.16 Compliance and other requirements) and forward the "Finding of Violations" to the Geauga County Prosecutor for further actions as necessary to secure required compliance.

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

*SOIL AND WATER CONSERVATION DISTRICT – ACKNOWLEDGE 1ST AND 2ND NOTICE
OF VIOLATION AND STOP WORK ORDER – 8470 MARDEN ROAD – RUSSELL TOWNSHIP
– REQUEST PROSECUTOR ENFORCE COMPLIANCE BY SEEKING INJUNCTION OR
FURTHER RELIEF FOR REQUIRED COMPLIANCE*

Ms. Kalus explained that a Stop Work Order was issued in conjunction with the Prosecutor's Office to Mr. Tomlinson for property on Marden Road. Mr. Tomlinson is disturbing property adjacent to Silver Creek and is in potential wetland. An appointment is scheduled with the Army Corp of Engineers on August 16th, but wanted to make sure no additional digging in the stream occurs. Ms. Kalus stated that they met with the property owner who claimed to be doing improvements to the property due to the wet area.

Commissioners' Journal
July 19, 2022

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to acknowledge the 1st Notice of Violation dated June 27, 2022 and Stop Work Order dated July 7, 2022 issued against Ryan Tomlinson owner of property located at 8470 Marden Road (Parcel #26-146400) in Russell Township for failure to comply with Geauga County Water Management and Sediment Control Regulations as outlined in the First Notice of Violation dated June 27, 2022 respectively and Site Inspection Reports dated March 23, 2022, May 2, 2022, June 10, 2022, June 30, 2022 (Section 7.15 Silt Fence and Diversions, Section 7.03 Soil Stabilization, Section 7.13 Construction Entrances, Section 7.18 Compliance with Geauga SWCD approved plans, Section 7.10 Working in or Crossing Watercourses, Section 7.16 Compliance with Other Requirements) and request the Geauga County Prosecutor enforce compliance by seeking an injunction or other further relief to secure the required compliance.

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

GEAUGA TRUMBULL SOLID WASTE MANAGEMENT DISTRICT – AMENDMENT TO GROUND LEASE – MAINTENANCE OBLIGATIONS TO PERMANENT RETENTION AND WATER QUALITY BASIN FOR STORM WATER – EXECUTE DECLARATION OF RESTRICTIVE COVENANTS

Mr. Morgan explained that this item is an amendment to the lease for the new facility outlining the requirements for the storm water basin.

Motion: by Commissioner Dvorak, seconded by Commissioner Lennon to approve and authorize the Vice President of the Board to execute the Amendment to Ground Lease between the Geauga Trumbull Solid Waste Management District and the Geauga County Board of Commissioners in regards to maintenance obligations to a permanent retention and water quality basin for storm water quantity and quality management, and further execute the Declaration of Restrictive Covenants for Maintenance and Inspection of Storm Water Structure.

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

MAINTENANCE – WAIVE 200 HOUR VACATION ACCRUAL – RIK WAREHAM, OPERATIONS MANAGER

Director Glen Vernick asked the Board to waive the 200-hour vacation accrual for Mr. Wareham as he just reached his fifteen years with the County and received additional vacation hours. Due to the staff shortages in the departments we are asking to extend him additional time to reduce his hours.

Motion: by Commissioner Dvorak, seconded by Commissioner Lennon to waive the 200-hour vacation accrual for Rik Wareham, Operations Manager for payroll period #14, beginning June 26, 2022 through the end of payroll #20 (October 1, 2022).

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

COMMISSIONERS' OFFICE – EXECUTIVE SESSION

Motion: by Commissioner Dvorak, seconded by Commissioner Lennon to move into Executive Session for the purpose of a discussing the employment of a public employee at Water Resources.

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

The Board moved into Executive Session at 10:04 a.m. with Mr. Morgan and Director Steven Oluic. The Board returned at 11:24 a.m. and no action was taken.

Commissioners' Journal
July 19, 2022

COMMISSIONERS' OFFICE -AUTHORIZE COUNTY ADMINISTRATOR TO EXECUTE LETTER OF REPRESENTATION – OUTSIDE COUNSEL

Mr. Morgan explained that he had been looking at outside counsel for the office in instances that the Prosecutor has a conflict. Mr. Morgan asked the Board to authorize him to execute a letter of representation with Meyers Roman following the certification.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and authorize Gerard Morgan, County Administrator, pursuant to O.R.C. 305.30 to execute the Letter of Representation: Outside Counsel with Meyers Roman in an amount not to exceed \$50,000.00.

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

PUBLIC COMMENT

Resident Skip Claypool from Chester Township provided the Board with a flash drive that contained the audio file from a Mental Health Board meeting that was recently referenced in the paper. Mr. Claypool expressed that he was a member of the Mental Health Board, adding that they have a really good Board, it is very diverse in it's thinking and leading to positive outcomes, they are leaning towards accountability which means they are asking a lot of questions. Mr. Claypool stated that he asked questions of the Deputy and Loss Prevention personnel about the Dare Program, and a few others, and what you will hear is a very respectful set of questions, that they have an obligation to hear the evidence and that means ask questions to discover or uncover more details. Mr. Claypool stated that they have an obligation to the taxpayers to show that these programs are working, and the evidence is showing that drug use is increasing, mental illness is increasing, depression in amongst kids is increasing, there are movements to bring more sexual contents into the schools and to our kids and that is a concern to us. Having a robust conversation between adults at a table is healthy for our county and our citizenry. Mr. Claypool expressed that if there are questions, please reach out to your appointees and ask us. Mr. Claypool stated that this Board is concerned and does a lot of homework on what is happening and the results of the programs.

Mr. Dvorak stated that what he listened to was that they really disrespected the officer and that is really upset him and why he asked for them to apologize to him, adding that we have one of the best Sheriff's Office in the State of Ohio. Mr. Claypool encouraged anyone to listen to the recording and was asking questions, not attacking him, adding that the officer stated that there was evidence that DARE worked, and he asked to see it. Mr. Dvorak expressed that he has to do more homework, but has been told that it's not just officers, that he tends to bully anyone giving a presentation. Mr. Claypool added that there are personal feelings that need to be let go. Mr. Dvorak stated that he didn't mind tough questions, but you embarrassed an officer and didn't do anything to apologize for it.

Jimmy Lee Holden from Newbury Township explained that he was responding to an article in the newspaper. Mr. Holden stated that it was referenced in the paper he was a retired police officer, he is but is still an active duty officer. Mr. Holden stated that the article said they reached out to Mental Health Board members but he never received a phone call from any Commissioner about why they voted NO to the DARE program. Mr. Holden explained that in 2000 the Department of Education announced they would no longer allow schools to spend money on DARE programs, that they are ineffective, Mr. Holden continued to site different organizations regarding DARE programs being an ineffective program. Mr. Holden stated that Mr. Hildenbrand was not going to get an apology, if anyone should get one it is him, for he voted in good conscience. He gets it, we are trying to safe guard tax payer's money, but he too is a tax payer, he asks the tough questions, and will continue to vote No, until they find a program that is effective. Mr. Holden stated that as an officer they respond to many mental health issues over the years, since that is the first person they call, and are often to get medicated before he would get off shift. Mr. Holden stated that those that doubt his ability on the Board should take another look at it.

Diane Jones from Auburn Township expressed that Mr. Holden was passionate about the issue but not about providing his contact information and he should reconsider that last remark.

Commissioners' Journal
July 19, 2022

ACKNOWLEDGEMENTS

- a) *A weekly report filed by the County Dog Warden of all dogs seized, impounded, redeemed or destroyed for the weeks ending June 29, 2022 and July 6, 2022 as required by O.R.C. 955.12.*

- b) *A monthly report filed by the Geauga County Sheriff's Office of an account of expenses for the Inmate meals for the month ending June, 2022.*

OTHER

The Board reviewed upcoming events.

MEETINGS

- Tue., 7/19 The Commissioners' will hold regular session at 9:30 a.m.*

- Tue., 7/19 Emergency Operations Center Training, DES at 11:00 a.m.*

- Wed., 7/20 Special ADP Meeting, 9:00 a.m., Auditor's Office*

- Thu., 7/21 The Commissioners' will hold a special session at 10:00 a.m.*

- Tue., 7/26 The Commissioners' will hold regular session at 9:30 a.m.*

- Tue., 7/26 Post Audit Conference, Ohio Auditor of State, 10:30 a.m.*

- Tue., 8/2 The Commissioners' will hold regular session at 9:30 a.m.*

- Wed., 8/3 Perry Nuclear Power Plant Table Exercise, 8:00 a.m., Mentor, Ohio*

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD

Motion: by Commissioner Lennon seconded by Commissioner Dvorak to adjourn the meeting at 11:38 a.m.

Geauga County Board of Commissioners

James W. Dvorak

Timothy C. Lennon

Ralph Spidalieri

Christine Blair, Commissioners' Clerk

Commissioners' Journal
July 19, 2022

THIS PAGE INTENTIONALLY LEFT BLANK