

Commissioners' Journal
August 30, 2022

The Geauga County Board of Commissioners met in session on August 30, 2022 at 9:30 a.m. in the Commissioners' Offices 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 9:40 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

Commissioner Dvorak read the following prayer:

Farmer's Prayer

Lord, Bless the land you've given me,

And may I always know

As I tend each crop and creature,

You're the One who helps them grow.

Grant me strength and wisdom –

Please protect me from all harm,

And thank You for Your gracious gift –

The Blessing of a Farm.

COMMISSIONERS OFFICE - COUNTY ADMINISTRATOR'S REPORT

County Administrator Gerard Morgan reported on the items approved by the County Administrator on August 29, 2022 for the Department of Water Resources approved and executed the Ohio Water Development Authority Fund Payment Request #22 and final 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 \$47.59, and for a Liquor License concurred with the Chester Township Trustees in not requesting a hearing on the Liquor License being requested by El Paraiso Incorporated located at 8389 Mayfield Road, Suite A8-A13, Atrium and Patio, Chesterland, Ohio (C TRFO 2465605); 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 Appropriations transfers to the Sheriff for miscellaneous refunds, reimbursements and web checks that were deposited into the General Fund; Cash transfer out of the American Rescue Plan Fund to Water Resources to pay for the sewer connection permit fees for residents in the Berkshire Heights development; Travel requests for the County Engineer's Office and Juvenile / Probate Court, a payment for the Engineer's Office to Southeastern Equipment for a Kobelco SK140SRLC-7 and attachments in the amount of \$61,130.32, a payment for the Engineer's office to Ronyak Paving for the asphalt resurfacing of Aquilla and Butternut Roads in the amount of \$98,307.75, and a payment for Water Resources to the Cleveland Division of Water for master meter bulk water purchases in the amount of \$62,754.06.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute Resolution #22-157 itemizing the financials for the meeting of August 30, 2022.

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

COUNTY ENGINEER'S OFFICE – ACKNOWLEDGE RECOMMENDATION AND POST LOAD LIMITS – RIVERVIEW DRIVE STRUCTURE – BAINBRIDGE TOWNSHIP

Deputy Engineer Shane Hajjar asked the Board to acknowledge recommendation to post load limits on a bridge on Riverview Drive in Bainbridge Township. Mr. Hajjar explained that the bridge is steel super structure that degrading and while it is a slated for replacement in the next couple years, we are asking to post reduced load limits.

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Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to acknowledge recommendation and post load limits on Riverview Drive Structure GEA-T0380-0031(2830590) in Bainbridge Township for a weight limit of a single unit as follows: 2 AXLE – 15 T, 3 AXLE – 21 T, 4 AXLE – 22 T, 5 AXLE – 24 T, 6+ AXLE – 25 T and Tractor Trailer – 39 T), pursuant to O.R.C. 5577.071.

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

Commissioner Spidalieri inquired about an item on the financials, a payment for a lunch for the Budget Commission meetings, to which Mr. Gorton stated that it is allowed, it comes from the General Fund and they did provide a list of who was in attendance, that included the members of the Budget Commission and Auditor Walder's wife along with what it was for. All total it appears it was a little less than \$100.

COUNTY ENGINEER'S OFFICE – AWARD BID – GRADE LINE, INCORPORATED – DRAINAGE IMPROVEMENTS OF WASHINGTON STREET – AUBURN AND BAINBRIDGE TOWNSHIPS.

Mr. Hajjar asked the Board to award the Bid to Grade Line for the Drainage Improvements to Washington Street as they represented the lowest and best bid.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to award the Bid to Grade Line, Incorporated for the Drainage Improvements of Washington Street (CH-0606, Sections C-E) in Auburn and Bainbridge Townships in the amount of \$458,187.50 as they represented the lowest and best bid. The Bid Bond submitted shall be held to serve as the Performance Bond for this project.

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

COUNTY ENGINEER'S OFFICE – CHANGE ORDER #3 – INCREASE CONTRACT – MARUCCI AND GAFFNEY EXCAVATING – BUNDYSBURG ROAD BRIDGE REPLACEMENT – PARKMAN TOWNSHIP

Mr. Hajjar asked the Board to approve the change order #3 for an increase to the contract with Marucci and Gaffney on the Bundyburg Road Bridge.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute Change Order #3, increasing the Contract with Marucci and Gaffney Excavating for the Bundysburg Road Bridge Replacement (Structure #BR-0038-03.080-2021) in Parkman Township in the amount of \$5,635.88.

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

PLANNING – REPLAT OF SUBLOTS 46 AND 47 – STONE RIDGE COLONY SUBDIVISION – BAINBRIDGE TOWNSHIP

Director Linda Crombie explained that this is a replat in the Stone Ridge Colony subdivision, that the owner owns both parcels and is just consolidating them for 3.14 acres.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute the Replat of Sublots 46 and 47 of Stone Ridge Colony Subdivision in Bainbridge Township.

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

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Sheriff Scott Hildenbrand explained that one of the two K9 dogs that just retired is being put down this morning. Minor was not in session that day and he has just gotten worse and they team is taking him in, it's just a sad day. Commissioner Lennon noted that there is a fund for the K9's for donations and extended the Board's condolences.

SHERIFF'S OFFICE – RESOLUTION DECLARING COUNTY PROPERTY SURPLUS – DIRECT SALE TO MEIGS COUNTY – 2011 CHEVY EXPRESS VAN

Sheriff Hildenbrand had a meeting with Meigs County and they are looking for transport van, we have pulled this from our use and have replaced this vehicle and would like to sell it to them, adding that they are in agreement for purchasing it.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute Resolution #22-158 Declaring County Property as Surplus and Directing its Sale to Meigs County, Ohio, as authorized by O.R.C. 307.12 for a 2011 Chevy Express Van.

Board of County Commissioners, Geauga County, Ohio

Date: August 30, 2022

Resolution: #22-158

**RESOLUTION DECLARING COUNTY PROPERTY AS SURPLUS
AND DIRECTING ITS SALE TO MEIGS COUNTY, OHIO,
AS AUTHORIZED BY O.R.C. 307.12**

WHEREAS, The County of Geauga has equipment that has served the intended use for the County and is hereby declared “not needed” by the County; and

WHEREAS, Meigs County, (Sheriff's Office), Ohio has a current need for a police vehicle to conduct county business that has been declared by Geauga County as “not needed” can be put to productive use by Meigs County; and

WHEREAS, The Office of the Board of Geauga County Commissioners has identified a specific vehicle suitable for sale to Meigs County, Ohio, namely a 2011 Chevy Express Van that includes a lock box, computer mount, up fitter console and prisoner partitions, VIN# 1GAWGPF3B1162357 with 69,587 miles with the sale price being \$8,500.00; and

NOW, THEREFORE, BE IT RESOLVED, that the Geauga County Board of Commissioners, hereby sell the above-specified equipment to Meigs County, (Sheriff's Office), Ohio for use in the handling of county business; and

BE IT FURTHER RESOLVED, that this Resolution becomes part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

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

MAINTENANCE – REJECT ALL BIDS SUBMITTED – SHERIFF'S OFFICE SECURITY CAMERAS – FAILED TO COMPLY WITH BID SPECIFICATIONS

Director Glen Vernick asked the Board to reject all the bids submitted for the Sheriff's Office Security Cameras as they did not meet the specifications. Mr. Vernick noted that the bids were varied in price.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to reject all bids submitted for the Geauga County Sheriff's Office Security Cameras, as all bids received failed to comply with bid specifications.

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

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MAINTENANCE – SERVICE CONTRACT AGREEMENT – GEAUGA MECHANICAL – HVAC SERVICES

Mr. Vernick asked the Board to execute a service contract for HVAC units at the second floor of the Annex and the third floor of the Opera House and both areas taken care of, and with delays in receiving equipment, we need to get started. Mr. Vernick added that they also need to start looking at the main unit at the Annex.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute the service Contract Agreement with Geauga Mechanical to perform Repair and Replacement HVAC services as needed at various Geauga County buildings as described in the description of work (Exhibits A – Courthouse Annex Split System Condenser Repairs and B – Opera House Split System Replacement – Third Floor) and provide any other services as requested by the Director for a one year period beginning August 30, 2022 in an amount not to exceed \$40,000.00.

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

TRANSIT – OHIO DEPARTMENT OF TRANSPORTATION (ODOT) SUBAWARD GRANT AGREEMENT AMENDMENT

David Lair, Jr. asked the Board to execute the amendment to the ODOT subaward grant for bus and bus facilities for an increase to the grant for replacement vehicles. Mr. Lennon inquired about where they were on getting quotes on buses, to which Mr. Morgan stated that they were way over the price of a bus. This increase is due to rising cost of the buses.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and authorize the President of the Board to execute the Ohio Department of Transportation (ODOT) Subward Grant Agreement Amendment under CY2021 Bus and Bus Facilities Program between the Geauga County Board of Commissioners and the Ohio Department of Transportation Office of Transit, Project Number CARE-0101-064-201, CARE-0101-064-202, CARE-0101-064-211 and CARE-0101-054-212, for a modification (increase) to the federal grant awarded for replacement vehicles for a total of \$430,814.00, and further authorize the Director to submit the document electronically.

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

WATER RESOURCES – SERVICE CONTRACT AGREEMENT – BUCKEYE SCALE, LLC

Fiscal and Personnel Specialist Kathleen Miller asked the Board to execute the service contract with Buckeye Scale to calibrate the scales at McFarland. Mr. Dvorak asked if they do them once a year, and if the County weights and measures also check and sticker it. Mr. Morgan replied that yes they do, and that this is the only scale for septage.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute the service Contract Agreement with Buckeye Scale, LLC to perform Scale Calibration for a one-year period effective August 30, 2022 in an amount not to exceed \$5,000.00.

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

WATER RESOURCES – ADVERTISE GIVING PUBLIC NOTICE – PUBLIC HEARING FOR PROPOSED REHIRING OF DAVID OSBORN, RETIRANT AND EMPLOY TO THE POSITION OF OPERATIONS MANAGER (#2311)

Ms. Miller asked the Board to give notice for a Public Hearing for the proposed rehiring of David Osborn as a retirant. Mr. Lennon explained that he is not a big fan of retire / rehire and while it used to be a common practice and there are specific reasons for doing it, he wants to make it clear as to why this is being considered. Mr. Lennon added that Mr. Osborn has been an

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employee of the County for 36 years and his expertise in this position is difficult to find replacement. Mr. Morgan stated that the position requires licensure and there is no one in the department that has them and the advertisement is posted for this position and there was another application that was received, however that applicant did not have the license. Mr. Lennon requested that he didn't want this to be a long term rehire, that we are going to continue to find a replacement within the department. Mr. Lennon expressed that he would like to see some kind of time frame on it. Mr. Morgan added that this is another situation like in Building department. Mr. Dvorak inquired if there was a cost savings for this, to which Ms. Miller added that it would include a reduction in his hourly rate.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to grant permission to advertise giving public notice and to hold a public hearing for the proposed rehiring of David Osborn as a retirant and employment to the position of Operations Manager (#2311) to be effective November 1, 2022. This public hearing will be held on Thursday, October 13, 2022 at 10:00 a.m. The public notice for this issue and the public hearing will be published on September 2, 2022 and on the county website.

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

COMMISSIONERS' OFFICE – RESOLUTION HONORING GEAUGA COUNTY
AGRICULTURAL SOCIETY AND FAIR BOARD – 200TH ANNIVERSARY OF GREAT GEAUGA
COUNTY FAIR

Clerk Christine Blair read the following resolution:

Board of County Commissioners, Geauga County, Ohio

Resolution: 22-159
Date: August 30, 2022

**RESOLUTION HONORING THE GEAUGA COUNTY AGRICULTURAL SOCIETY AND
FAIR BOARD ON THE 200TH ANNIVERSARY OF THE GREAT GEAUGA COUNTY FAIR**

WHEREAS, Geauga County is very much rich in history, the Fair is no exception, in February 1823 the first Agricultural and Manufacturing Society was formed, and the very first "Fair" was held on October 23, 1823 as a Fair and Cattle Show, lasting one day on Chardon square; and

WHEREAS, early on the Fairs were held every other year in Burton and Chardon with at least one being held in Painesville before Lake County was formed, since the mid 1800's the fair has been held in Burton when the County fairgrounds were established; and

WHEREAS, the Geauga County Fair is known as Ohio's oldest continuous fair, despite facing national conflicts many times, including the Civil War, Spanish War, two World Wars, the Great Depression, Korea, Vietnam, the Gulf War along with various hardships including droughts, the fair pushed on and persevered even through the current Pandemic; and

WHEREAS, in 1938 the first "Junior" Fair was initiated and held during the Fair for area youth to exhibit and proudly show their livestock and other textiles; and

WHEREAS, currently the Geauga County Fair is governed by a Board of Fair Directors that represent the sixteen Townships within the County with five additional Directors elected-at-large who oversee policy and appoint the Auxiliary members to assist with exhibit buildings, entries and judging during the fair; and

WHEREAS, the Geauga County Board of Commissioners honor the continued dedication and hard work of the Agricultural Society and Fair Board for continuing the tradition and celebrating the 200th Anniversary of the Great Geauga County Fair.

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NOW, THEREFORE BE IT RESOLVED, that this Resolution become part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and execute Resolution #22-159 Honoring the Geauga County Agricultural Society and Fair Board on the 200th Anniversary of the Great Geauga County Fair.

*Roll Call Vote: Commissioner Spidalieri Aye
 Commissioner Lennon Aye
 Commissioner Dvorak Aye*

COMMISSIONERS' OFFICE – AUTHORIZE COUNTY ADMINISTRATOR TO EXECUTE LETTER – MEYERS, ROMAN, FRIEDBERG AND LEWIS – LEGAL REPRESENTATION – BOARD OF ELECTIONS V BOARD OF COMMISSIONERS

Mr. Morgan explained that they did receive a separate engagement letter for representation for the Board of Elections case and we are awaiting certification of that letter and once that is done we will be able to utilize her as our outside counsel. Prosecutor Flaiz recused himself and won't sign a joint application so we are limited on the amount of funds that can be expended for representation. Mr. Morgan explained that we may have to request the Court to authorize the outside counsel.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to approve and authorize Gerard Morgan, County Administrator, pursuant to O.R.C. 305.30 to execute the Letter with Meyers, Roman, Friedberg and Lewis Re: Legal Representation: Geauga County Board of Elections v. Geauga County Board of Commissioners, Geauga County Court of Common Pleas, case no. 22M000299.

*Roll Call Vote: Commissioner Spidalieri Aye
 Commissioner Lennon Aye
 Commissioner Dvorak Aye*

COMMISSIONERS' OFFICE – CONCUR WITH NEWBURY TOWNSHIP TRUSTEES – NOT REQUESTING A HEARING – DEESE OIL CORP – NEWBURY TOWNSHIP

Ms. Blair asked the Board if they would consider concurring with Newbury Township on not requesting a hearing, the deadline is approaching, and asks the Board to accept the email response while we await the fax from the Trustees.

Motion: by Commissioner Spidalieri, seconded by Commissioner Lennon to concur with the Newbury Township Trustees in not requesting a hearing on the Liquor License being requested by DEESE Oil Corp, located at 12411 Kinsman Road, (Newbury Township) Burton, Ohio, 44021 (C NEW 2013794).

*Roll Call Vote: Commissioner Spidalieri Aye
 Commissioner Lennon Aye
 Commissioner Dvorak Aye*

PUBLIC COMMENT

Mike Zalko explained that he has been receiving emails from Mr. Walder and stated that Mr. Walder asked to be put on today's agenda and wanted to know if the request had been received and it was ignored or not processed and why? Mr. Morgan stated that there was a request received for him to be on the agenda however there was nothing about what it was that he wanted to talk about or back up documentation for what it was that he wanted to discuss. Mr. Morgan stated that an email was received however a request for action form was not completed and no background or information was included.

Diane Jones asked about the outside counsel, the name of the attorney and firm, to which Mr. Morgan stated that it was Meyers Roman and her name is Amily Imbrogno. Ms. Jones asked if they were out of North Canton, to which Mr. Morgan said they were on Chagrin Boulevard. Ms. Jones asked if they had received is a retainer and if so how much, to which Mr. Morgan stated that the letter was received and they needed to move money to get it certified and once that occurs it will be for \$50,000.00.

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Mr. Beharay expressed that Linda Kerry had sent in requests to Mr. Morgan and had not gotten a response and he wanted to know if the requests had been received and what else he needed from her, to which Mr. Morgan said he had received them just not gotten time to respond back to her.

OTHER

The Board reviewed upcoming events.

MEETINGS

Wed., 8/31 Great Geauga County Fair 200th Anniversary Celebration Ribbon Cutting / Opening 12:00 p.m.

Wed 8/31 – Mon 9/5 – Great Geauga County Fair, Burton, Ohio

Mon., 9/5 County Offices will be closed in honor of the Labor Day holiday, Twenty-four hour operations will continue to operate as normal

Wed., 9/7 Board of Revision, 9:00 a.m. Auditor's Office

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

Fri., 9/9 Board of Revision, 9:00 a.m. Auditor's Office

Fri., 9/9 NOACA Board of Directors, 9:00 a.m. Cleveland

Mon., 9/12 Board of Revision, 9:00 a.m. Auditor's Office

Tue., 9/13 Planning Commission, 7:30 a.m., 12611 Ravenwood Drive, Room A334, 3rd Floor, Chardon

Tue., 9/13 The Commissioners will hold regular session at 9:30 a.m.

Wed., 9/14 Board of Revision, 9:00 a.m. Auditor's Office

Fri., 9/16 Board of Revision, 9:00 a.m. Auditor's Office

Fri., 9/16 NOACA committees, Air Quality, Water Quality and Equity, Cleveland

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD

Motion: *by Commissioner Lennon, seconded by Commissioner Spidalieri to adjourn the meeting at 10:17 a.m.*

Geauga County Board of Commissioners

James W. Dvorak

Timothy C. Lennon

Ralph Spidalieri

Christine Blair, Commissioners' Clerk

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