The Geauga County Board of Commissioners met in session on October 3, 2023 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 Vice President of the Board, James W. Dvorak opened the meeting at 9:36 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: I praise you, Lord for Autumn The beauty and hope in the change of the season. The promise that the coming of Autumn heralds another ending A new beginning and the wonder of another winter Another spring another summer Yet to come Amen

COMMISSIONERS OFFICE - COUNTY ADMINISTRATOR'S REPORT

County Administrator Gerard Morgan reported on the items approved by the County Administrator on September 26, 2023 that included a Liquor License and to concur with the Chester Township Trustees in not requesting a hearing on the Liquor License being requested by Elements Fitness Studios Incorporated located at 8505 Mulberry Road, Unit A, Chesterland, Ohio (C NEW 2485050) and on September 29, 2023 for the Department on Aging approved the reclassification of Nancy Niehus from Part-time Recreation and Education Assistant (#1005-1) to Full-time Recreation and Education Assistant (#1005) to be effective September 25, 2023 at the current rate of \$16.35 per hour and the completion of her one-year probationary period; as authorized by Resolution #23-003 under the direction and supervision of the County Commissioners that was approved January 5, 2023 pursuant to O.R.C. 305.30.

FINANCIALS

County Administrator Gerard Morgan reported on financials from September 27, 2023 Resolution #23-164 that included Cash transfers from the Juvenile Court to reconcile and close out their 2023 Ohio Department of Youth Grants; as approved by the County Administrator pursuant to Resolution #23-003 approved January 5, 2023 to authorize the County Administrator to execute, in the case of a lack of quorum of Commissioners and / or if session is cancelled on a regular financial day or on a day when financials need to be approved, the required approvals for county financials on behalf of the Board during the Year 2023, as authorized by O.R.C. 305.30.

APPROVE FINANCIALS

Mr. Gorton explained the financials for today as including a Cash transfer by Metzenbaum from their Operating Fund to their Residential Services fund for the waiver match and other locally funded services, a payment for the Commissioners' Office to Ravenwood Mental Health Center for 4th Quarter Youth Center Operations in the amount of \$104,105.00, a payment for the County Engineer's Office to Karvo Paving Company for the asphalt resurfacing of Fairmount Road, Sections A-B in the amount of \$63,428.00, a payment for the Sheriff's Office to Motorola Solutions, Incorporated for mobile and portable radios and accessories in the amount of \$27,585.23 and Revenue Certification from Mental Health in the Adams fund to decrease their Other Revenue account and increase their State Revenue Grants account for additional revenue expected this year.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and execute Resolution #23-165 itemizing the financials for the meeting of October 3, 2023.

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

<u>COMMISSIONERS' OFFICE – APPROVE REVISION #2 – 2024 BUDGET HEARING</u> <u>SCHEDULE</u>

Mr. Gorton noted that the Dog Warden and the Board of Mental Health swapped time slots.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve revision #2 to the 2024 Budget Hearing Schedule that moved the Dog Warden from Tuesday, October 3, 2023 to September 28, 2023 and the Board of Mental Health from Thursday, September 28, 2023 to October 3, 2023.

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

<u>SHERIFF'S OFFICE – RESOLUTION OF AGREEMENT FOR SALE / PURCHASE OF</u> <u>GEAUGA COUNTY SHERIFF'S OFFICE K-9 – RETIRING, SPIRIT</u>

Sheriff Scott Hildenbrand introduced Sergeant Jake Smith and his K9 Spirit, who has been a handler for over eleven years and with Spirit getting up in age, he is ready to retire. Sergeant Smith explained that Spirit has been with him since 2012 and on the road with him on midnight shift. Sergeant Smith noted that unfortunately Spirit has been developing cataracts and being on midnights it has gotten difficult, and after twelve year anything can happen. Sergeant Smith stated that Spirit has had many apprehensions and countless narcotic finds and done the county good and has been very happy with him and has been the best thing he has done so far. Commissioner Lennon asked if he was officially retiring today, Sheriff Hildenbrand explained that the handler is with the K9 constantly and will be purchasing Spirit for \$1.00 and keep him at home with him to live out the rest of his life. Mr. Lennon mentioned years ago being the "bad guy" in the suit at a training event, the dogs are strong and versatile, and a valuable asset for the county. Sheriff Smith is going to get another K9. Mr. Dvorak agreed that the K9's are a valuable asset for the department and the county. Sheriff Hildenbrand explained that the Chardon VFW was doing a fundraiser to help raise money for the K9 program that helps cover the cost of the dogs, vet bills and care. Chief Deputy Tom Rowan explained that Sergeant Smith is in charge of the K9 program and coordinates everything for all the officers since he is an experienced handler, appreciate all his hard work and he does an amazing job.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and execute Resolution #23-167 of Agreement for Sale / Purchase of Geauga County Sheriff's Office K-9 – Retiring, Spirit for Purchase of \$1.00 by Sergeant Jake Smith.

Board of County Commissioners, Geauga County, Ohio

 Date:
 October 3, 2023

 Resolution:
 #23-167

RESOLUTION OF AGREEMENT FOR SALE / PURCHASE OF GEAUGA COUNTY SHERIFF'S OFFICE K-9 – RETIRING

WHEREAS, Pursuant to Section 9.62(C) of the Ohio Revised Code, the Geauga County Sheriff's Office ("Sheriff") hereby agrees to sell for the consideration of One Dollar (\$1.00), and SGT Jake Smith ("Purchaser") agrees to purchase the K-9, Spirit, ("Dog"). Purchaser has been the handler for Dog who has grown too old for duty. Collectively, the Sheriff and Purchaser shall be referred to as the "Parties"; and

WHEREAS, Purchaser hereby releases and forever discharges Sheriff, its agents, employees, heirs and assigns from any and all claims for injury, disability, loss or property destruction that may occur to anyone as a result of contact with or behavior by the Dog; and

WHEREAS, Purchaser accepts full responsibility and agrees to indemnify and hold harmless Sheriff and its agents, employees, heirs and assigns for any alleged injury or damage to any person or property that may occur or be caused by the Dog after the transfer of ownership, which is effective as of the date listed below, including the reasonable cost of defending such claims; and

WHEREAS, Purchaser is fully aware of the nature of the training Dog received and the nature of the work that the Dog performed during the period of ownership by the Sheriff. Purchaser understands the need to provide the Dog with suitable shelter and reasonable surroundings in keeping with its training and work experience; and

NOW THEREFORE, BE IT RESOLVED, that the Parties agree that the laws of the state of Ohio shall govern this Agreement. Any disputes arising hereunder shall be presented in a court of competent jurisdiction of Geauga County; and

THEREFORE, BE IT FURTHER RESOLVED, that the Board of County Commissioners of Geauga County, Ohio agree to the sale of K-9 Spirit to SGT Jake Smith for One Dollar (\$1.00) to be effective October 3, 2023

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

Roll Call Vote:Commissioner LennonAyeCommissioner DvorakAyeCommissioner SpidalieriAbsent

<u>COUNTY ENGINEER'S OFFICE – RESOLUTION TO ORDER ASPHALT RESURFACING OF</u> <u>CLARIDON TROY ROAD – BURTON AND CLARIDON TOWNSHIPS</u>

Deputy Engineer Shane Hajjar asked the Board to approve and execute resolution to order the asphalt resurfacing of Claridon Troy Road, Sections D-E, asking to execute the Title Sheet for specifications and set a bid opening.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and execute Resolution #23-166 to Order the Asphalt Resurfacing of Claridon Troy Road (CH-0003, Sections D-E) in Burton and Claridon Townships.

This resolution also requests the Board approve and execute the Title Sheet of the Specifications for the same.

Further, this resolution sets a Bid Opening on Wednesday, October 25, 2023 at 2:00 p.m. Notice of this Bid Opening will be advertised on October 5, 2023 and on the County website.

Board of County Commissioners, Geauga County, Ohio

 Date:
 October 3, 2023

 Resolution:
 #23-166

RESOLUTION TO ORDER THE ASPHALT RESURFACING OF SECTIONS D-E OF CLARIDON TROY ROAD, CH-0003 IN BURTON TOWNSHIP AND CLARIDON TOWNSHIP

WHEREAS, the Geauga County Board of Commissioners has determined by Resolution 22 - 131 that the public convenience and welfare requires the improvement of Claridon Troy Road (CH-0003), Sections D-E from Taylor Wells Road to Mayfield Road (U.S. 322) by constructing and reconstructing culverts, performing drainage improvements, subgrade stabilization, asphalt resurfacing and improving shoulders and related improvements as necessary in accordance with Section 5555.06 of the Ohio Revised Code; and

WHEREAS, lands will not be taken relative to the improvements; and

WHEREAS, the cost of such improvement will not be excessive in view of the public utility thereof and no special assessments shall be collected to fund this improvement; and

WHEREAS, the Geauga County Board of Commissioners, after reviewing the plans with the County Engineer in public session, is satisfied that the public convenience and welfare require that said improvement be made.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners in accordance with Section 5555.13 of the Ohio Revised Code hereby orders that such improvement proceed.

BE IT FURTHER RESOLVED that the Board of County Commissioners in accordance with Section 5555.022 of the Ohio Revised Code hereby approves the surveys, plans, profiles, cross sections, estimates, and specifications for such improvement, the costs of which shall be paid from local and/or state funding sources in accordance with Section 5555.43 of the Ohio Revised Code.

BE IT FURTHER RESOLVED that the Clerk of the Board of County Commissioners is hereby ordered to let this project for bids in accordance with Section 5555.61 of the Revised Code. The bids shall be let upon a unit price basis. Bids shall be received until 1:45 PM on October 25, 2023. Bids received will be publicly opened and read aloud at 2:00 PM the same day.

BE IT FURTHER RESOLVED, that the Clerk of Geauga County Board of Commissioners is hereby instructed to transmit a certified copy of this resolution to the Burton Township Board of Trustees, the Claridon Township Board of Trustees, and the Geauga County Engineer.

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

<u>COUNTY ENGINEER'S OFFICE – CHANGE ORDER #5, FINAL – DECREASE CONTRACT –</u> <u>MARUCCI AND GAFFNEY EXCAVATING – RECONSTRUCTION OF BUNDYSBURG ROAD</u> <u>BRIDGE- PARKMAN TOWNSHIP</u>

Mr Hajjar asked the Board to execute Change Order #5, final with a decrease to the contract with Marucci and Gaffney for the reconstruction of the Bundysburg Road bridge. There was a brief discussion about paving the county portion of Bundyburg Road, and that the Township portion is not in the best shape.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and execute Change Order #5 and Final, decreasing the Contract with Marucci and Gaffney Excavating for the Reconstruction of the Bundysburg Road Bridge (#BR-0038-03.080-2021) in Parkman Township in the amount of \$1,934.38.

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

<u>COUNTY ENGINEER'S OFFICE – CHANGE ORDER #1, FINAL – DECREASE CONTRACT –</u> <u>RONYAK PAVING, INCORPORATED – ASPHALT RESURFACING OF BRAKEMAN ROAD –</u> <u>HAMBDEN TOWNSHIP</u>

Mr. Hajjar asked the Board to execute Change Order #1 and final for a decrease in the contract with Ronyak Paving for the resurfacing of Brakeman Road.

Motion:by Commissioner Lennon, seconded by Commissioner Dvorak to approve and
execute Change Order #1 and Final, decreasing the Contract with Ronyak
Paving, Incorporated for the Asphalt Resurfacing of Brakeman Road (CH-0022,
Section A in Hambden Township in the amount of \$2,004.90.

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

Mr. Hajjar asked the Board to execute Change Order #1 and final for a decrease in the contract with Ronyak Paving for the resurfacing of Mumford Road.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and execute Change Order #1 and Final, decreasing the Contract with Ronyak Paving, Incorporated for the Asphalt Resurfacing of Mumford Road (CH-0024, Sections A-D) in Troy Township in the amount of \$2,127.00.

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

<u>SOIL AND WATER CONSERVATION DISTRICT – OHIO DEPARTMENT OF AGRICULTURE</u> <u>– OFFICE OF FARMLAND PRESERVATION LOCAL SPONSOR CERTIFICATION</u> <u>APPLICATION – LOCAL AGRICULTURAL EASEMENT PURCHASE PROGRAM FOR 2024</u> Executive Director Carmella Shale asked the Board to execute the application for the 2024 local agricultural easement purchase program. There was a brief discussion about getting the word out about the program, and while they did not have any applications last year, we have interest from two farms for this year.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and authorize the Vice President of the Board to execute the Ohio Department of Agriculture – Office of Farmland Preservation Local Sponsor Certification Application for Local Agricultural Easement Purchase Program for 2024, in accordance with the Memorandum of Understanding from October 13, 2016, between the Soil and Water Conservation District, the Planning Commission and the Board of Commissioners.

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

<u>DEPARTMENT ON AGING – AUTHORIZE COUNTY ADMINISTRATOR TO EXECUTE</u> <u>DOCUMENTS NECESSARY TO SUBMIT WESTERN RESERVE AREA AGENCY ON AGING</u> <u>GRANT PROPOSAL</u>

Internal Operations Manager Karen Stone asked the Board to approve and authorize the County Administrator the ability to execute the documents to submit the grant application to the Western Reserve Area Agency on Aging for their community-based services and that this grant period will now be through 2027.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and authorize the County Administrator to execute all documents necessary to submit the Western Reserve Area Agency on Aging (WRAAA) Grant Proposal for the provision of community based services to provided to Geauga Seniors Age 60 and over, under the Older Americans Act Title IIIB (supportive services), Title IIIC (nutrition services), Title IIID (evidence-based health promotions), and Title IIIE (family – caregiver support program) and State Senior Community Services (SCS) funds for program years 2024 – 2027.

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

<u>PROSECUTOR'S OFFICE – APPLICATION FOR APPOINTMENT OF LEGAL COUNSEL –</u> <u>REPRESENT INDIVIDUALS WHO HAVE REQUESTED COUNSEL RELATING TO</u> <u>DISCIPLINARY COUNSEL V. GRENDELL, BOARD OF PROFESSIONAL CONDUCT CASE –</u> <u>APPOINTING TODD RASKIN</u>

Mr. Morgan explained that the Prosecutor's Office is asking the Board to do a joint application for outside counsel to represent employees in the professional conduct case of Judge Grendell. Mr. Morgan stated that Judge Grendell's Attorney has asked the individuals to do depositions and they are asking for representation. Clerk Christine Blair stated that the applications states it is for Attorney Todd Raskin and at the rate of \$250.00 per hour. Commissioner Lennon wanted it to be clear that this is a different matter from what was recently not brought before the

Board for outside counsel, however it is the same law firm. Mr. Lennon stated that there needs to be separate billing from each incident. Mr. Lennon noted that currently there is no funding encumbered for the first appointment and that once an engagement letter is received and certified, funds can be certified. It was noted that there is no cap on the dollar amounts as the applications and orders are through the Court and that it was requested of the Prosecutor to revise the application before the Board today that it be the Vice President to execute today.

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and authorize the Vice President of the Board to execute the Application for Appointment of Legal Counsel to represent individuals who have requested counsel relating to Disciplinary Counsel v. Grendell, Board of Professional Conduct Case #22-045, appointing Attorney Todd Raskin to represent those individuals.

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

ELIZA JENNINGS ACQUISITION OF THE WIELS – DISCUSSION

Mr. Morgan explained that we had received an email from Squire, Patton and Boggs who is the County Bond Counsel about a request for conduit financing on the acquisition of the The Wiels by Eliza Jennings, Senior Care Network. This would require the county to be involved in a bond process. Attorney for Eliza Jennings, Gene Killeen responded to a question from Mr. Dvorak about when they requested to be on the agenda, to which he had been in contact with Squire, Patton and Boggs for the last several weeks. Mr. Morgan stated that they did not request to be on the agenda, that we asked them to come to session and present their request to the Board so that they could explain it and answer questions. Ms. Blair added that it started with an email from Ms. Romanchek and due to budget hearings we have been going back and forth and finally were able to have a call with her and asked for more information from Eliza Jennings about the request and then for them to be here today.

Mr. Killeen explained that he is with the firm Tucker Ellis in Cleveland and that they have done a number of financings for Eliza Jennings over the years. Rich Boyson is the President of Eliza Jennings, which is a 135-year-old provider of senior care services and are in the process of finalizing the acquisition of The Wiels and would like to utilize tax exempt financing to pay for the acquisition costs and renovations that requires help from the County. Mr. Killeen explained that Chapter 140 in Ohio allows political subdivisions to issue revenue bonds on a conduit basis that doesn't incur any obligations to the county and that it just contractual between the obligor to the lender, in this case a single bank that will buy the bond, Northwest Bank, who already holds existing debt of Eliza Jennings. Mr. Killeen stated that Eliza Jennings operates out of Cleveland, Westlake and Olmstead Township. There will not be a public offering of any kind, there are documents are finalized and a resolution passed, they are hoping to close later this month in conjunction with the acquisition from Montefiore. Mr. Lennon explained that he is somewhat familiar with conduit financing, but asked if it was more on new construction instead of on a purchase. Mr. Killeen stated that it more commonly scene on construction, but acquisition is allowable under Chapter 140. Mr. Dvorak asked if it was the school on 306, to which Mr. Boyson stated that it is The Wiels on Chillicothe Road, 122 unit senior living facility, 93 assisted living units and 29 skilled nursing units. Mr. Lennon expressed concern over their not being any risk to the county, to which he felt if there was default it could come back on the county rating. Mr. Lennon added that he would like to look into further, and while it is portrayed that we are a pass through I need to be certain that there is no impact on the county. Mr. Killeen added that there is no action before the Board today, just for discussion. Mr. Morgan explained that we looked at previous conduit financing, which included South Franklin Circle and The Wiels and they were for construction. Mr. Dvorak asked if they were adding on, to which Mr. Boyson stated that the building was built in 2002 so they are purchasing the existing facility, keeping the current jobs, adding that they extended offers to all 90 current employees, eventually they hope to hire additional employees. There was a brief discussion about previous bonds, including Heather Hill and the YMCA building.

These bonds are exempt to the holder, they are just providing a better rate since there is no tax, which is a federal tax. Mr. Killeen stated that they provided documents to Ms. Romanchek for review. Mr. Lennon asked if the Board did not move forward with these, what the rate would be, to which Mr. Boyson stated that the tax-exempt rate is around 5.5% but without it would make it

about an additional 1%. Mr. Lennon asked if there was a hearing required, to which there was a brief discussion about how it would be held, to which it would be up to how the county needed to handle it.

Local resident Diane Jones asked for clarification on their names, the types of bonds they are requesting and if there was any connection to the Jennings facility.

<u>ACKNOWLEDGEMENTS</u>

- a) Geauga County Board of Developmental Disabilities Board Minutes from July 19, 2023
- b) A weekly report filed by the County Dog Warden of all dogs seized, impounded, redeemed or destroyed for the week ending September 21, 2023 as required by O.R.C. 955.12.

<u>OTHER</u>

The Board reviewed upcoming events. Ms. Blair noted that the Joint Detention Center meeting is being rescheduled due to some family matters of Mr. Leeworthy. Ms. Blair asked about attendance to the Township Association Dinner and Winter Conference in December. The Fair Managers convention is in January starting the 4th, that would be the first meeting of the year unless we schedule a meeting on Monday, January 8th for the Organizational meeting.

<u>MEETINGS</u>

Tue.,	10/3	Budget Hearing –	Treasurer 8:45	a.m., 12611 Ra	venwood Drive, R	oom B303
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- Tue., 10/3 Investment Advisory Committee, 9:15 a.m., 12611 Ravenwood Drive, Room B303
- *Tue.*, 10/3 Budget Hearings, 12:00 p.m. 4:30 p.m., 12611 Ravenwood Drive, Room B303
- Thu., 10/5 Airport Authority Board meeting, 6:00 p.m., Building 3, Middlefield

Mon., 10/9 <u>County offices will be closed for general business due to Columbus Day.</u> <u>Twenty-four hour operations will continue to operate as usual.</u>

- Thu., 10/12 Planning Commission, 7:30 a.m. 12611 Ravenwood Drive, Room B333-334
- Thu., 10/12 The Commissioners will hold regular session at 9:30 a.m.

Mon., 10/16 Family First Council, 1:30 p.m. Mental Health & Recovery Offices

Tue., 10/17 The Commissioners will hold regular session at 9:30 a.m.

<u>NOACA</u>

Mr. Morgan asked the Board if they had read the letter from Medina County Commissioners about their objection to what NOACA is doing about climate change and how they want to respond to it. Local resident Tiffany Broadbent wanted to add to the discussion, as she had recently attended a meeting that was held by NOACA, and that the moderator was doing bad practices so they could get the data they want. Ms. Broadbent briefly explained the survey questions that were asked and the basic answer that you could give, and that the moderator was more confrontational about responses and how they were writing answers down. Ms. Broadbent expressed that there is nothing positive for Geauga County in NOACA. Jonathon Broadbent added conversation about strategic takeovers and in looking deeper into NOACA, it seems that it is endeavoring a takeover, and fundamentally disagree with the prospect that NOACA can supersede any element with his relationship with Geauga County.

<u>COMMISSIONERS' OFFICE – EXECUTIVE SESSION</u>

Motion: by Commissioner Dvorak, seconded by Commissioner Lennon to move into Executive Session for the purpose of considering the purchase of property for public purposes and the sale of property at competitive bidding, pursuant to O.R.C. 121.22 (G)(2).

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

The Board moved into Executive Session at 10:21 a.m. with Mr. Morgan and Assistant County Administrator Linda Burhenne. The Board returned at 10:44 a.m. and no action was taken.

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD

Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to adjourn the meeting at 10:44 a.m.

Geauga County Board of Commissioners

Ralph Spidalieri

James W. Dvorak

Timothy C. Lennon

Christine Blair, Commissioners' Clerk

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