

**Commissioners' Journal**  
**July 16, 2024**

*The Geauga County Board of Commissioners met in session on July 16, 2024 at 9:30 a.m. in the Commissioners' Offices located at 12611 Ravenwood Drive, in 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, Ralph Spidalieri opened the meeting at 9:31 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.*

*\*Commissioner Lennon was absent from today's meeting.*

*Commissioner Dvorak read the following prayer:*

*A prayer about Mental Health*

*I pray you will help my loved one realize their need for care and support to begin the process of healing their mental illness.*

*My prayer is they will let me assist them in getting the care they need.*

*I pray they will listen and act on my words spoken out of love and concern for their wellbeing.*

*In Jesus name.*

*Amen*

**COMMISSIONERS OFFICE - COUNTY ADMINISTRATOR'S REPORT**

*Assistant County Administrator Linda Burhenn reported on what County Administrator Gerard Morgan approved on July 10, 2024 that included for the Department on Aging to Approve hiring Bonnie Tayek to the position of Full-time Recreation and Education Assistant (#1005) to be effective July 29, 2024 at the rate of \$16.84 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 on July 11, 2024 for the Department of Water Resources Approved hiring Joseph Clark to the position of Equipment Operator (#2353) to be effective July 22, 2024 at the rate of \$25.32 per hour with a one-year probationary period. This offer of employment is contingent upon the successful completion of the required pre-employment conditions; as authorized by Resolution #24-011 under the direction and supervision of the County Commissioners that was approved January 8, 2024 pursuant to O.R.C. 305.30.*

**APPROVE FINANCIALS**

*Mr. Gorton explained the financials for today as including an Appropriations transfer from Job and Family Services in the Children's Services Fund from a non-departmental other expense account to a Contract Services account in the Youth Center sub-department for the new youth center project; a Cash transfer out of the General Fund to Community Development for their second quarter 2024 payroll funding reimbursement and third quarter operational commitment for 2024, a Travel request for the Engineer's Office, a payment for the Auditor's Office to ESRI, Incorporated for a four year licensing agreement for GIS mapping software and support in the amount of \$58,500.00 (\$55,000.00 in 2023), a payment for the Commissioner's Office to Ohio State University for the County's third quarter 2024 program support payment in the amount of \$63,035.29 and a payment for the Sheriff's Office to Motorola Solutions, Incorporated for the 800 MHz trunk radio hardware and software maintenance services in the amount of \$89,670.00 (with the payment made in May of \$53,566.00 the total this year is \$143,236.00, in 2023 the total was \$141,666.00).*

*Motion: by Commissioner Dvorak, seconded by Commissioner Spidalieri to approve and execute Resolution #24-138 itemizing the financials for the meeting of July 16, 2024.*

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

**AIRPORT AUTHORITY – APPROVE AN INCREASE TO THE INITIAL LOCAL MATCH – FAA PROJECT: CONSTRUCT PARALLEL TAXIWAY A PAVEMENT AND LED LIGHTING, PHASE 2/2 CONSTRUCTION**

*Airport Manager Ric Blamer asked the Board to approve an increase in the local match on the*

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*FAA Project: Construct Parallel Taxiway, noting that they only had a rough estimate at the time.*

*Motion: by Commissioner Dvorak, seconded by Commissioner Spidalieri to approve an increase to the initial local match amount on the FAA Project: Construct Parallel Taxiway A Pavement and LED Lighting, Phase 2/2 Construction from \$100,000.00 to \$176,365.00.*

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

*AIRPORT AUTHORITY – AUTHORIZE THE PRESIDENT OF THE BOARD TO EXECUTE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION CONSTRUCTION PROJECT FINAL ACCEPTANCE AND SPONSOR CERTIFICATIONS FOR THE APPLICATION FOR THE CONSTRUCTION OF PARALLEL TAXIWAY A PAVEMENT AND LED LIGHTING PHASE 2/2 CONSTRUCTION*

*Mr. Blamer asked the Board to approve the sponsor certifications regarding the FAA project: Construct Parallel Taxiway A and LED Lighting, noting that these used to be done every five years, but are now required for each project. Mr. Dvorak indicated that the contractors would have to show proof of a drug free workplace, to which Mr. Blamer affirmed and it would start when they came on site.*

*Motion: by Commissioner Dvorak, seconded by Commissioner Spidalieri to approve and authorize the President of the Board to execute the U.S. Department of Transportation, Federal Aviation Administration (FAA) Form 5100-129 - Construction Project Final Acceptance – Airport Improvement Program Sponsor Certification, 5100-130 – Drug-Free Workplace – Airport Improvement Program Sponsor Certification, 5100-131 – Equipment and Construction Contracts – Airport Improvement Sponsor Certification, 5100-132 – Project Plans and Specifications – Airport Improvement Program Sponsor Certification, 5100-134 – Selection of Consultants – Airport Improvement Program Sponsor Certification, and 5100-135 – Certification and Disclosure Regarding Potential Conflicts of Interest Airport Improvement Program Sponsor Certification in connection with the Application for the Construction of Parallel Taxiway A Pavement and LED Lighting between Taxiway A2 and Runway 29) – Phase 2/2 Construction.*

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

*AIRPORT AUTHORITY – AUTHORIZE AIRPORT AUTHORITY BOARD PRESIDENT TO EXECUTE AND SUBMIT A GRANT APPLICATION FOR FAA PROJECT – CONSTRUCT PARALLEL TAXIWAY A PAVEMENT AND LED LIGHTING PHASE 2/2 CONSTRUCTION*

*Mr. Blamer asked the Board to approve the Airport Authority Board President to execute and submit the application for the parallel taxiway A pavement and LED lighting. Ms. Burhenne asked about the enhanced economic development for the airport, to which Mr. Blamer stated that some operations will not fly in with a parallel taxiway and with the added parallel taxiway will allow more business traffic and add safety and viability to the airport, potentially.*

*Motion: by Commissioner Dvorak, seconded by Commissioner Spidalieri to approve and authorize the President of the Geauga County Airport Authority Board to execute and submit a grant application for FAA Project – Construct Parallel Taxiway A Pavement and LED Lighting (3,040'x25', between Taxiway A and Runway 29) – Phase 2/2 Construction in the amount of \$3,527,305.00 (FAA Portion \$3,174,575.00, ODOT portion \$176,365.00 and Local County Match \$176,365.00.*

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

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COUNTY ENGINEER'S OFFICE – CHANGE ORDER #1 FINAL – DECREASE CONTRACT – COLE BURTON CONTRACTORS, LLC – ASPHALT RESURFACE OF FAIRMOUNT ROAD

Deputy Engineer Jacob Scotese asked the Board to approve the Change Order #1 and Final for a decrease to the contract with Cole Burton Contractors on the Fairmount Road resurfacing project.

*Motion:* by Commissioner Dvorak, seconded by Commissioner Spidalieri to approve and execute Change Order #1 and Final, decreasing the Contract with Cole Burton Contractors, LLC for the Asphalt Resurfacing of Fairmount Road (CH-0016, Sections F-G) in Newbury Township in the amount of \$4,029.96.

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

COUNTY ENGINEER'S OFFICE – CHANGE ORDER #1 FINAL – INCREASE CONTRACT – RONYAK PAVING, INCORPORATED – ASPHALT RESURFACE MUNN ROAD

Mr. Scotese asked the Board to approve the Change Order #1 and Final for an increase to the contract with Ronyak Paving Incorporated for the Munn Road resurfacing project.

*Motion:* by Commissioner Dvorak, seconded by Commissioner Spidalieri to approve and execute Change Order #1 and Final, increasing the Contract with Ronyak Paving, Incorporated for the Asphalt Resurfacing of Munn Road (CH-0032, Sections E-F) in Auburn and Newbury Townships in the amount of \$3,726.49.

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

COUNTY ENGINEER'S OFFICE – CHANGE ORDER #1 FINAL – DECREASE CONTRACT – RONYAK PAVING, INCORPORATED – ASPHALT RESURFACE BELL STREET

Mr. Scotese asked the Board to approve the Change Order #1 and Final for a decrease to the contract with Ronyak Paving Incorporated for the Bell Street resurfacing project. Mr. Spidalieri asked about the decrease to which Mr. Scotese explained that pavement repairs are included in the contract and until the mill work is complete you don't know the full amount of repairs that are needed. A full depth was done in areas, just not to the quantity that was included in the contract.

*Motion:* by Commissioner Dvorak, seconded by Commissioner Spidalieri to approve and execute Change Order #1 and Final, decreasing the Contract with Ronyak Paving, Incorporated for the Asphalt Resurfacing of Bell Street (CH0010, Sections D and F) in Newbury Township in the amount of \$44,681.92.

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

COUNTY ENGINEER'S OFFICE – UNIT PRICE CONTRACT – RONYAK PAVING, INCORPORATED – ASPHALT RESURFACE AUBURN ROAD

Mr. Scotese asked the Board to execute the Unit Price Contract with Ronyak Paving Incorporated for the asphalt resurfacing of Auburn Road, this is the section from Fairmount Road to State Route 322.

*Motion:* by Commissioner Dvorak, seconded by Commissioner Spidalieri to approve and execute the Unit Price Contract with Ronyak Paving, Incorporated for the Asphalt Resurfacing of Auburn Road (CH-0004, Sections K-M) in Munson and Newbury Townships in the amount of \$678,574.00.

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

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COUNTY ENGINEER'S OFFICE – UNIT PRICE CONTRACT – RONYAK PAVING, INCORPORATED – ASPHALT RESURFACING CHARDON WINDSOR ROAD

*Mr. Scotese asked the Board to execute the contract with Ronyak Paving Incorporated for the asphalt resurfacing of Chardon Windsor Road.*

*Motion: by Commissioner Dvorak, seconded by Commissioner Spidalieri to approve and execute the Unit Price Contract with Ronyak Paving, Incorporated for the Asphalt Resurfacing of Chardon Windsor Road (CH-0013, Sections A-D) in Hambden and Claridon Townships in the amount of \$925,545.00.*

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

COUNTY ENGINEER'S OFFICE – UNIT PRICE CONTRACT – GRADE LINE, INCORPORATED – REPLACE SPERRY ROAD BRIDGE

*Mr. Scotese asked the Board to execute the Unit Price Contract with Grade Line Incorporated for the replacement of the Sperry Road Bridge in Chester Township. Mr. Spidalieri asked when that was expected to be completed, to which Mr. Scotese said most likely September / October timeframe, as there was a delay in the fabrication of the concrete boxes.*

*Motion: by Commissioner Spidalieri, seconded by Commissioner Dvorak to approve and execute the Unit Price Contract with Grade Line, Incorporated for the Replacement of the Sperry Road Bridge (Structure #0012-03.590) in Chester Township in the amount of \$304,713.50.*

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

COMMUNITY AND ECONOMIC DEVELOPMENT – AGREEMENT – OHIO REGIONAL DEVELOPMENT CORPORATION – COMPLETE A 2024 ANALYSIS OF IMPEDIMENTS REPORT FOR CDBG SMALL CITIES PROGRAM

*Program Coordinator Elaine Malkamaki asked the Board to approve an agreement with Ohio Regional Development Corporation, as we need to complete a full and comprehensive analysis of impediments report for fair housing. This is a requirement to be completed by the end of October that does a review of the fair housing choices and make recommendations for improvements that can be made. This report is done every five years is covered by CDBG funds.*

*Motion: by Commissioner Dvorak, seconded by Commissioner Spidalieri to approve and execute the Agreement with Ohio Regional Development Corporation to complete a full and comprehensive 2024 Analysis of Impediments Report to Fair Housing Choice (AI) for the CDBG small cities program for the period July 15, 2024 through October 31, 2024 in an amount not to exceed \$10,000.00.*

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

JOB AND FAMILY SERVICES – RESOLUTION – CERTIFICATE OF NEED – RENEWAL OF THE .5 MILL LEVY

*Director Craig Swenson explained that today we are asking the Board to approve the first step of the renewal process of our .5 Mill Levy. As you are aware Job and Family Service is supported by two levies, they do run back-to-back, a qualified .7 Mill levy and the .5 Mill levy in not qualified, and both run for five years. Mr. Spidalieri asked about if there will be a jump in the levy dollars due to the increase in property valuations. Mr. Swenson noted that this first step requests the Auditor's office to generate the revenue to be received by the levy. Auditor Chuck Walder added that House Bill 920 does not increase revenue from a levy, the effective millage will be reduced by the state to accommodate that. A valuation change does not affect the collection of a levy, unless it's new construction. Mr. Swenson stated that historically the .5 Mill levy has generated about \$1.5 Million and the .7 has been about \$2.1-2.2 Million. This is something that they continually look at and respect the taxpayers and as you know have withheld if they don't need it and be ahead of it knowing what we need and don't need. We are in*

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*process of moving forward on the new Youth Center. Mr. Swenson briefly explained that they have been working on the project and hope to have an anticipated cost soon, but that this is the first step in the process for placing the .5 Mill renewal on the ballot.*

*Motion: by Commissioner Dvorak, seconded by Commissioner Spidalieri to approve and execute Resolution #24-139 Certificate of Need, as Authorized by O.R.C. 5705.03, .07, .19, .191, .24, .25 and .26 for Renewal of the .5 Mill levy.*

*Board of County Commissioners, Geauga County, Ohio*

*Date: July 16, 2023*

*Resolution: #24-139*

**CERTIFICATE OF NEED**  
**AS AUTHORIZED BY O.R.C. 5705.03, .07, .19, .191, .24, .25 and .26**

*The Board of County Commissioners of the County of Geauga, State of Ohio, met in regular session on the 16<sup>th</sup> day of July, 2024, commencing at 9:30 a.m. at the Commissioners' Meeting Room, 12611 Ravenwood Drive, Room B303, Chardon, Ohio, 44024, with the following members present:*

*Ralph Spidalieri      James W. Dvorak      Timothy C. Lennon*

*The Clerk advised the Board of County Commissioners that the notice requirements of Ohio Revised Code §121.22 and the implementing rules adopted by the Board thereto were complied with for the meeting.*

*Commissioner Dvorak moved for the adoption of the following resolution:*

*WHEREAS, the Board of County Commissioners has determined that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the Geauga County Department of Job and Family Services, organized pursuant to Ohio Revised Code §329.01, and that it is necessary to levy a tax in excess of such limitation for the purpose of providing the Geauga County Department of Job and Family Services with sufficient funds for providing preventative services to abused, neglected, and abandoned children, for the care and placement of children in foster and adoptive homes by the Geauga County Department of Job and Family Services and for any operating or capital improvement expenditure necessary for the support of children services and the care and placement of children as provided and authorized in Ohio Revised Code §329.04; and*

*WHEREAS, the levy is at a rate of five-tenths (0.5) of one mill for each one dollar of taxable value, for a period of five (5) years and is a renewal of an existing levy first voted on in 2015; and*

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*WHEREAS, the ballot measure shall be submitted to the entire territory of Geauga County and the tax shall be levied on the entire territory and within Geauga County;*

*WHEREAS, the levy is to be placed on the ballot at the election held on November 5, 2025 and shall first be levied in tax year 2025 and begin collection in 2026.*

*NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of the County of Geauga, State of Ohio, that based on the foregoing and pursuant to Ohio Revised Code §5705.03(B), said Board hereby certifies this Resolution to the Geauga County Auditor and requests that the County Auditor certify back to the Board of County Commissioners the amounts described in Ohio Revised Code §5705.03(B)(2) that would be generated by the levy proposed herein.*

*BE IT FURTHER RESOLVED this Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with the law, including Ohio Revised Code §121.22.*

*Commissioner Spidalieri seconded the motion.*

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

**MAINTENANCE – SELECT CT CONSULTANTS, INCORPORATED – MOST QUALIFIED TO PROVIDE PROFESSIONAL DESIGN AND CONTRACT ADMINISTRATION SERVICES – RECONFIGURE EXISTING 325 FOOT SQUARE VISITATION CENTER SPACE AT SAFETY CENTER – BEGIN CONTRACT NEGOTIATIONS**

*Program Manager Charles Tkach asked the Board to select CT Consultants as the most qualified for professional design and contract administration services on the reconfiguration of existing visitation center space into a stand along video visitation room and open office space at the Safety Center, and further authorize the department to begin contract negotiations.*

*Motion: by Commissioner Dvorak, seconded by Commissioner Spidalieri to select CT Consultants, Incorporated as the most qualified firm to provide professional design and contract administration services to reconfigure the existing 325-foot square Visitation Center space at the Safety Center complex into a stand-alone approximately 100 square foot video visitation room, with the remainder of the altered space converted into open office area, and further authorize the Department to begin contract negotiations with CT Consultants, Incorporated, that is in compliance with R.C. 153.69(B)(1).*

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

**DEPARTMENT OF WATER RESOURCES – SECOND ADDENDUM TO CONTRACT AGREEMENT – ULLMAN OIL COMPANY – EXTEND TERM THROUGH JUNE 30, 2025 - BULK PURCHASE OF FUEL**

*Fiscal and Personnel Specialist Kathleen Miller asked the Board to approve the second addendum with Ullman Oil Company for the purchase of bulk fuel, explaining that they have one*

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again agreed to charge less than state bid pricing, this is the second renewal on the contract.

*Motion:* by Commissioner Dvorak, seconded by Commissioner Spidalieri to approve and execute the Second Addendum to Contract Agreement with Ullman Oil Company to extend the term of the Agreement from June 30, 2024 up to and including June 30, 2025 for the bulk purchase of Fuel at a price lower than the Daily State of Ohio Contract Rate for District 12, which includes 87 E10 and ULSD #2 Ultra-low to fuel tanks located at Merritt Road and Chagrin River Road, with all other terms and conditions of the original agreement in full force and effect.

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

COMMISSIONERS' OFFICE – ACKNOWLEDGE RESOLUTION AND PLAT – BAINBRIDGE TOWNSHIP BOARD OF TRUSTEES – PETITIONING TO VACATE THE PUBLIC RIGHT OF WAY UPON A PORTION OF TULIP LANE (TR-0307), PURSUANT TO O.R.C. 5553.045 – ACKNOWLEDGE WITHDRAWAL BY TOWNSHIP VIA FISCAL OFFICER - IRREGULARITIES

*Clerk Christine Blair explained that back on June 17<sup>th</sup>, the Bainbridge Township Trustees submitted a resolution to petition the Board to vacate the public right of way upon a portion of Tulip Lane. There were some discrepancies in the resolution and plat and the Fiscal Officer withdrew them on June 21<sup>st</sup>. Ms. Blair asked the Board to acknowledge receipt and withdrawal of the first petition and plat.*

*Motion:* by Commissioner Dvorak, seconded by Commissioner Spidalieri to acknowledge the submittal of Resolution #02262024-A, dated February 26, 2024 and Plat on June 17, 2024 from the Bainbridge Township Board of Trustees, Petitioning the Geauga County Board of County Commissioners to Vacate the Public Right of Way upon a portion of Tulip Lane (TR-0307), pursuant to Section 5553.045 of the Revised Code, and also acknowledge the Resolution and Plat were withdrawn by the Township via communication from the Fiscal Officer on June 21, 2024, due to possible irregularities in the documents.

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

COMMISSIONERS' OFFICE – ACKNOWLEDGE RESOLUTION AND PLAT RECEIVED PETITIONING TO VACATE THE PUBLIC RIGHT OF WAY UPON A PORTION OF TULIP LANE (TR- 0307), PURSUANT TO O.R.C. 5553.045

*Ms. Blair explained that the Bainbridge Township Trustees has submitted a new resolution and plat to petition the Board to vacate the public right of way upon a portion of Tulip Lane. Ms. Blair asked the Board to acknowledge receipt of the new petition and plat.*

*Motion:* by Commissioner Dvorak, seconded by Commissioner Spidalieri to acknowledge receipt of Resolution #06242024-B and Plat received on July 9, 2024, petitioning the Geauga County Board of County Commissioners to Vacate the Public Right of Way upon a Portion of Tulip Lane (TR-0307), pursuant to Section 5553.045 of the Revised Code.

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

COMMISSIONERS' OFFICE – RESOLUTION THAT CONVENIENCE AND WELFARE MAY REQUIRE THE PROPOSED VACATION OF THE PUBLIC RIGHT OF WAY UPON A PORTION OF TULIP LANE (TR-0307) IN BAINBRIDGE TOWNSHIP, FURTHER SETTING A PUBLIC VIEWING AND A PUBLIC HEARING

*Ms. Blair asked the Board to approve and execute the resolution of convenience and welfare for the proposed vacation of the public right of way upon a portion of Tulip Lane, that sets a date and time for a Public Viewing as well as a Public Hearing that meets the requirements of the ORC. Ms. Blair added that she has been working with the Prosecutor's Office and County Engineer's Office on the documentation and process of the petition. Under the ORC there is a*

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*“clock” on timing of holding the public hearing and notification of abutting property owners of the proposed vacation. There is a sixty-day window on a final decision on the process that began with then petition and plat were received.*

*Motion: by Commissioner Lennon, seconded by Commissioner Dvorak to approve and execute Resolution #24-140 that Convenience and Welfare may require the Proposed Vacation of the Public Right of Way upon a portion of Tulip Lane (TR-0307), in Bainbridge Township, Geauga County, Ohio, pursuant to Section 5553.045 of the Ohio Revised Code, and further setting a Public Viewing on Tuesday, August 13, 2024 at 2:00 p.m. and a Public Hearing on Tuesday, August 20, 2024 at 9:45 a.m. Notice of the Public Viewing and Public Hearing will be advertised on July 25, 2024 and August 1, 2024 and on the county website.*

*Board of County Commissioners, Geauga County, Ohio*

*Date: July 16, 2024*

*Resolution: # 24-140*

**RESOLUTION THAT CONVENIENCE AND WELFARE MAY REQUIRE THE PROPOSED VACATION OF THE PUBLIC RIGHT OF WAY UPON A PORTION OF TULIP LANE (TR-0307), IN BAINBRIDGE TOWNSHIP, GEAUGA COUNTY, OHIO PURSUANT TO SECTION 5553.045 OF THE OHIO REVISED CODE**

*WHEREAS, per Section 5553.045 of the Ohio Revised Code, the Bainbridge Board of Township Trustees, in Resolution 06242024-B petitioned the Geauga County Board of Commissioners on July 9, 2024 for the vacation of the public right-of-way upon a portion of Tulip Lane (TR-0307); and*

*WHEREAS, the Geauga County Board of Commissioners is of the opinion that the public convenience and welfare may require the vacation of the public right-of-way upon a portion of Tulip Lane (TR-0307) in Bainbridge Township, Geauga County, Ohio in accordance with Chapter 5553.045 of the Ohio Revised Code; and*

*NOW, THEREFORE, BE IT RESOLVED by the Geauga County Board of Commissioners that the public convenience and welfare may require the vacation of the public right-of-way upon a portion of Tulip Lane (TR-0307) in Bainbridge Township which public right-of-way is more particularly described as follows:*

*Tulip Lane (TR-0307), beginning at a point located in the west line of Original Lot No. 24, located 458.92 feet from the southwest corner of said Lot No. 24 at the intersection of the southwesterly extension of the southerly right-of-way line of said Tulip Lane, thence northeasterly along the southwesterly extension of said southerly right-of-way lane, 176.91 feet to a point, thence southerly, parallel with the west line of said Lot No. 24, 117.83 feet to a point, thence westerly, and on a line perpendicular to the west line said Lot No.24, 170.00 feet to the west line of said Lot No. 24, thence northerly on said Lot line, 68.92 feet to the Place of Beginning, containing 0.3643 acres of land as shown on the survey plat titled “Vacation Plat for a portion of Tulip Lane, February 2024”*

*BE IT FURTHER RESOLVED that the Geauga County Board of Commissioners shall hold a public viewing on the proposed vacation on August 13, 2024 at 2:00 p.m. at the site and meet initially on the side of Tulip Lane at the driveway entrance to 8197 Tulip Lane, Bainbridge Township.*

*BE IT FURTHER RESOLVED that the Geauga County Board of Commissioners shall, thereafter, hold a public hearing on the proposed vacation on August 20, 2024 at 9:45 a.m. at the Commissioners’ Offices at 12611 Ravenwood Drive, Suite 350, Chardon, Ohio 44024, at which time the Board will hear evidence, comments and questions, if any, from any interested persons concerning the proposed vacation of said public right-of-way.*

*BE IT FURTHER RESOLVED that the Clerk of the Geauga County Board Commissioners is hereby instructed to give notice of the time and place for the aforementioned viewing and hearing by publication once a week for two consecutive weeks in a newspaper of general circulation in Geauga County.*

*BE IT FURTHER RESOLVED that the Clerk of the Geauga County Board of Commissioners is hereby instructed to send written notice of said public viewing and hearing by first class mail to all abutting property owners in accordance with R.C. 5553.045 at least twenty-days in advance of said hearing.*

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

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

*COMMISSIONERS' OFFICE – DISCUSSION WITH PROSECUTOR'S OFFICE REGARDING THE PURCHASE AND SALE AGREEMENT*

*Prosecutor Jim Flaiz and Assistant Prosecutor Laura LaChapelle came to session at the request of the Board to discuss the purchase and sale agreement on the purchase of the old Dollar General building on Route 6 in Chardon. Mr. Flaiz agreed to have a frank and open conversation with the Board, but asked them to agree to waive attorney client privilege, due to the numerous conversations that have taken place, including finger pointing and blaming. Mr. Flaiz stated that there seems to be a breakdown, that they communicate with the staff, Mr. Morgan and Ms. Burhenne and that is not communicated with the Board and the Board takes shots at his office in public meetings, but he wants acknowledgement of the Board to waive the privilege for purposes of this discussion. Mr. Dvorak and Mr. Spidalieri had no problem to waive as the Board wants to get to the bottom of this. Mr. Flaiz stated that he has an email from March 28, 2024, that lays out the specific objections they had with the purchase and sale agreement and if Mr. Morgan didn't communicate that with them, he is struggling to see how that is their fault. Mr. Flaiz stated that there are many emails back and forth, including the outside counsel that was requested to review it, with concerns from the outside counsel and the title company. Ms. La Chapelle made changes to it, outside counsel made changes to it, and the redline version was sent to Mr. Morgan, who unfortunately sent the wrong agreement to the seller, who then returned a revised agreement, and it wasn't the corrected version to begin with and now we are stuck with provisions in the agreement that have unconscionable terms. Mr. Flaiz noted a non-refundable deposit, it is not acceptable, that it appears to be a short sale, as it is bundled with other mortgages, the seller has not made any disclosures on the property and won't make any until the agreement is signed. Mr. Flaiz stated that there has been constant pressure by Mr. Morgan and Ms. Burhenne to sign off on it, he is not a rubber stamp and unless things get changed within the agreement; they will not sign off on it. Mr. Flaiz expressed never having to deal with things like on a contract and express that he felt it was totally ridiculous. Mr. Flaiz expressed that it could put the county in a vulnerable position, noting that there is a ten-day period that we don't agree with, that it doesn't give you enough time to do a full inspection or even an environmental review. The property owner has a large mortgage that includes multiple properties in a bundle and has to obtain permission from the bank to remove this property.*

*Ms. Burhenne noted that she wanted it to be clear that the deposit is not nonrefundable, citing language within the agreement about the seller default, however, Mr. Flaiz did not agree, along with not agreeing to the Building Department inspecting the property and raised the question about any environmental issues with the property. Ms. Burhenne noted that they understand that the condition of the building being a box that they need to put money into it. Mr. Flaiz wants the Board to have adequate time to complete a phase two environmental review, they won't agree to it, the board should get at least 60-90 days, it has been dragging out since January and they still are pushing back on ten days. Mr. Flaiz expressed that they don't have a good feeling about the purchase, that there is a surprise waiting on it, and they are demanding a large upfront fee, only ten days to do the review of the property and no disclosures on the property.*

*Mr. Spidalieri started by saying that he doesn't bash his office, and at the same time doesn't want this to be bashing session on our office. Mr. Spidalieri mentioned an outside counsel coming in to review the agreement, which Ms. Burhenne added for clarification that it was not the Commissioner's office that requested it, that it was done by the Prosecutor's Office. Mr. Spidalieri continued to say that the outside firm had one area on the document that they were not comfortable with, and that they were brought in because this was their specialty with commercial real estate. You really don't know what is being communicated to us or not, and he is getting communication from this right here, a letter from the outside counsel, and they had an issue with the seller default. Ms. Burhenne added that this letter has not been seen by the Prosecutor's Office, it was between the Commissioner's Office and their outside counsel, to which Mr. Flaiz questioned why if Ms. LaChapelle procured outside counsel, why the*

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*Commissioners were getting communication from them and not through his office, Ms. Burhenne clarified that this letter was not from Benesch, but Myers Roman. Mr. Flaiz responded back with, so you hired another lawyer, to which Ms. Burhenne stated that the Board had a real estate Attorney review the agreement to get a second opinion, just to be sure they were in good shape. Ms. Burhenne stated to be clear, that there was communication between the offices for over a month after the March 28<sup>th</sup> email. Mr. Flaiz questioned Ms. Burhenne on denying that Mr. Morgan sending the wrong agreement, to which she stated that she couldn't be sure, and Mr. Morgan wasn't present to defend himself. Mr. Spidalieri asked what the next steps were, that he would like to get the seniors a center, if this isn't the place, then it isn't the place. Mr. Flaiz expressed that they need to make sure the contract language allows the Board to have ample time to determine if they want to do an environmental study, there are six objections in the agreement, stating again that the seller has not given any disclosures on the property. Mr. Dvorak stated in real estate the first thing you do is look at disclosures, then you do a title Search, giving an example of a previous property purchase. Ms. LaChapelle stated that they specifically requested a disclosure form and they took it out, to which Mr. Flaiz stated that it is a huge red flag, among other things. There is "as is" language in the contract, not knowing the disclosures, you don't know, it could be fine, but they have to review to make sure the county will be ok. Mr. Spidalieri brought forth the idea of giving them a timeframe, we need an answer by this drop-dead date and give them what we are asking for and if there is not response or agree, then the deal is dead and done, and we move on to find something else. Mr. Spidalieri asked about what is a good time for the review, then asked about the mortgage release, to which Mr. Flaiz stated sixty to ninety days to do a complete review, and in regard to the mortgage, there is odd language about the buyer accepting all seller obligations to the property, which is vague and with no disclosures, we have asked for it be removed, and have no idea what other obligations they have on the property. Mr. Flaiz expressed that it puzzles him that there is no one else interested in the property, it's been dragging out for seven months, but why they won't do disclosures or allow for the extra time.*

*Mr. Dvorak added that with the Chase Building, he demanded to have a commercial building inspection, that included 70 plus pages with things that needed to be addressed immediately, and while this is an empty shell of the Dollar General building, but where were certain things located on the property, and there aren't enough details for him, and asked the Prosecutor handle the finish on this. Mr. Flaiz stated that they could send a letter to the seller with provisions need to be changed, it is taken it or leave it and you have so much time to provide us with an answer. Mr. Spidalieri added that either they are in, or they are out, give them a time period to respond and we move on. Mr. Dvorak stated that we should give them fifteen or thirty days, to which Mr. Spidalieri added that when you are a county as a buyer to do this, why wouldn't they want to do this and get it off their plate and it seems to just continue to roll down the hill. Mr. Spidalieri said, let's do this with fifteen and if they respond we move forward, if not we move on. Ms. Burhenne asked if Mr. Flaiz would communicate with our office on all this. Mr. Flaiz noted that they would have a letter out by the end of the week, and we should hopefully have an answer by the end of the month.*

**MAINTENANCE - ELECTRIC RATES**

*Ms. Burhenne added that Mr. Lennon had requested some information on the electric rates with this building. Mr. Vernick explained that we have gone with CCAO for utilities, including gas and electric, when the new building came on to the contract it gives you an allowance of ten percent above or below the usage amounts, and we were watching that closely, as you can be penalized. A refresh has just been done and the cost has gone up. Ms. Burhenne added that one of the problems was we sold several buildings and built one under the old contract and have been watching the usage, and once we were able to the new building was added. Mr. Vernick noted that we did just sign the refresh last week and all the buildings are on contract. CCAO is moving to get the electric online like the gas program is, where we don't have a break to do the contract and refresh, it will be done by CCAO going forward. Mr. Vernick noted that there was no load on this building during construction and we needed to learn what the load was on the building to add it to the contract. Mr. Spidalieri inquired about a comparison to other suppliers, to which Mr. Vernick noted that they do like a bid and come back with options of one, two, four or more and then we get a recommendation from them.*

**ACKNOWLEDGEMENTS**

- a) *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 2024.*

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- b) *A monthly report filed by the Geauga County Sheriff's Office of an account of expenses for the Prisoner Transport for the month ending June 2024 as required by O.R.C. 325.07.*
- c) *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 June 2024 pursuant to ORC 135.35(L).*

**OTHER**

*The Board reviewed upcoming events.*

**MEETINGS**

*Wed., 7/17 Board of Revision, 9:00 a.m. – 4:00 p.m., Auditor's Appraisal Conference room*

*Tue., 7/23 The Commissioners will hold session at 9:30 a.m.*

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

*Wed., 7/31 Board of Revision, 9:00 a.m. – Auditor's Appraisal Conference room*

*Tue., 8/6 The Commissioners will hold session at 9:30 a.m.*

*Tue., 8/13 Planning Commission, 7:30 a.m., 12611 Ravenwood Drive, Room A334, Chardon*

*Tue., 8/13 The Commissioners will hold session at 9:30 a.m.*

*No questions from anyone in attendance.*

***BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD***

*Motion: by Commissioner Dvorak, seconded by Commissioner Spidalieri to adjourn the meeting at 10:31 a.m.*

*Geauga County Board of Commissioners*

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*Ralph Spidalieri*

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*James W. Dvorak*

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*Timothy C. Lennon*

\_\_\_\_\_  
*Christine Blair, Commissioners' Clerk*

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