

Commissioners' Journal
March 15, 2007

The Geauga County Board of Commissioners met in session on March 15, 2007 at 10:00 a.m. in the Commissioners' Chambers located at 470 Center Street in Chardon, Ohio.

It is declared and determined that all formal actions of the Board of County Commissioners concerning and relating to the adoption of all resolutions that were adopted in this meeting, and that all deliberations of the Board of County Commissioners that resulted in such formal action were open to the public and were in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

The President of the Board, Mary E. Samide opened the meeting at 10:03 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

Commissioner Young publicly thanked Commissioner Samide for the oil painting she created of Commissioner Young's ailing dog, Clarke.

APPROVE MINUTES

Motion: by Commissioner Young, seconded by Commissioner Albert to approve and execute the minutes for the meeting of March 13, 2007.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

COUNTY ENGINEER'S OFFICE – RESOLUTION 07-053 ORDER AND RECORD HOWARD ROAD CUL-DE-SAC VACATION – CHARDON TOWNSHIP

Motion: by Commissioner Young, seconded by Commissioner Albert to approve and execute Resolution 07-053 to Order and Record the Vacation of a Portion of the Abandoned Howard Drive Cul-De-Sac (TR 309) in Chardon Township and further sign the plat as a result of the plat approval enacted in the resolution.

Board of County Commissioners, Geauga County, Ohio

Date: March 15, 2007

Resolution: 07-053

RESOLUTION TO ORDER AND RECORD THE VACATION OF A PORTION OF THE ABANDONED HOWARD DRIVE CUL-DE-SAC, TR-309, CHARDON TOWNSHIP

WHEREAS, the Geauga County Board of Commissioners has found in Resolution No. 07-011A that the vacation of a portion of the abandoned Howard Drive cul-de-sac, TR-309, Chardon Township, Geauga County, Ohio would serve the public convenience and welfare; and

WHEREAS, this Board has ordered in Resolution No. 07-046 that the vacation of a portion of the abandoned Howard Drive cul-de-sac, TR-309, Chardon Township, Geauga County, Ohio proceed and further ordered the preparation of the plat depicting the final disposition of right of way.

NOW, THEREFORE, BE IT RESOLVED by the Geauga County Board of Commissioners, that a portion of the abandoned Howard Drive cul-de-sac, TR-309, Chardon Township, Geauga County, Ohio is hereby ordered vacated as shown on the plat filed in conjunction herewith.

BE IT FURTHER RESOLVED that the plat depicting the vacation of a portion of the abandoned Howard Drive cul-de-sac, TR-309, Chardon Township, Geauga County, Ohio, be filed with the Geauga County Recorder and in the proper road records of the County.

BE IT FURTHER RESOLVED that the vacated portion of the right-of-way of the abandoned Howard Drive cul-de-sac, TR-309, Chardon Township, Geauga County, Ohio, as depicted on the plat is hereby released, canceled, rescinded, and vacated.

BE IT FURTHER RESOLVED that the abutting property owner shall retain fee title to the vacated portion of said right of way subject to the preservation of any existing easement in, over, or under such roadway by any public or private utility in accordance with Ohio Law.

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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 Chardon Township Board of Trustees and the Geauga County Engineer.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

COUNTY ENGINEER'S OFFICE – RESOLUTION 07-054 GEORGIA ROAD SPEED LIMIT REVIEW REQUEST

County Engineer R.L. Phillips stated that a meeting was held in October 2006 with Georgia Road citizens regarding a speed limit reduction. Road speed studies have been done every two or three years for the past five or six years. They have all resulted in higher than the current 45 mph speed limit. After listening to residents requests the Engineer's Office decided to give another effort to adjust the speed limit because Georgia Road is used heavily through out the day including being used by pedestrians and school children. Five main items are used in the speed study; two of which are roadside development (driveways and if they are private or business) and roadway features (width of road and the berm). Both came out at 40 miles per hour but the average with the rest of the road came out at 47 mph. This request to review will use the fact that two of the five criteria items that warrant speed limits shows that a 40 mile per hour speed limit is warranted. ODOT ultimately sets the speed limit. Georgia Road is about a 3 ½ mile stretch with an Amish school in Burton, a Mennonite school in Middlefield and children walk to Newcomb to a school. Commissioner Albert questioned the possible legal issues regarding the established prima facie speed limit pertaining to court cases. Mr. Phillips reported information would be available to lawyers if requested. A road improvement project will be coming in 2008 on the Middlefield portion of the road.

Motion: by Commissioner Young, seconded by Commissioner Albert to approve and execute Resolution 07-054 to Request a Review to Determine and Declare a Reasonable and Safe Prima Facie Speed Limit of 40 MPH on Georgia Road (CR 40) from Tavern Road (TR 168) to Old State Road (SR 608) in Burton and Middlefield Township Pursuant to O.R.C. Section 4511.21.

Board of County Commissioners, Geauga County, Ohio

Date: March 15, 2007
Resolution: 07-054

RESOLUTION TO REQUEST A REVIEW TO DETERMINE AND DECLARE A REASONABLE AND SAFE PRIMA FACIE SPEED LIMIT OF 40 MPH ON GEORGIA ROAD (CR40) FROM TAVERN ROAD (TR 168) TO OLD STATE ROAD (SR 608) IN BURTON AND MIDDLEFIELD TOWNSHIP PURSUANT TO O.R.C. SECTION 4511.21

WHEREAS, a request has been made to this Board that the Statutory vehicular speed limit established by Sec. 4511.21, Revised Code of Ohio is higher than that considered reasonable and safe on Georgia Road (CR 40) from Tavern Road (SR 168) to Old State Road (SR 608) in Burton and Middlefield Townships, and

WHEREAS, this board has caused to be made an engineering and traffic investigation upon the section described above, and

WHEREAS, it is the belief of this Board that such investigation confirms the allegation that the statutory speed limit of 45 mph is unrealistic.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Geauga County, Ohio that:

Section 1. By the virtue of the provisions of Sec. 4511.21, Revised Code of Ohio the Director of Transportation is hereby requested to review the engineering and traffic investigation and to determine and declare a reasonable and safe prima facie speed limit of 40 mph on Georgia Road (CR 40) from Tavern Road (SR 168) to Old State Road (SR 608) in Burton and Middlefield Townships.

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Section 2. That when this Board is advised that the Director of Transportation has determined and declared a reasonable and safe speed limit on the section of road described in section 1 hereof, standard signs, properly posted and giving notice thereof will be erected.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

COUNTY ENGINEER'S OFFICE – DEER REMOVAL FROM COUNTY ROAD RIGHT-OF-WAY – GRAND RIVER TIMBERFRAMES INCORPORATED

Mr. Philips reported that 99% of the time it is deer that need to be removed from the road. The animal remains are disposed of in an approved land fill.

Motion: by Commissioner Young, seconded by Commissioner Albert to approve and execute an agreement between the Geauga County Board of Commissioners and Grand River Timberframes Incorporated for the removal of deer from the county road right-of-ways.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – AGREEMENT LOAN/GRANT AND CONTRACT – DDD CLINIC INCORPORATED

Program Administrator Joni Stusek reported the funds for this public service grant come from HUD- through the state to the Office of Community and Economic Development in a formula grant allocation. This request was part of the public meeting that is usually held in June where applicants make presentations on their funding requests but the money becomes available in the following year.

Motion: by Commissioner Young, seconded by Commissioner Albert to approve and execute an Agreement for Loan / Grant and Contract for Public Service between the Geauga County Board of Commissioners and DDD Clinic, Incorporated for the DNA testing of four hundred at-risk Geauga County residents and re-testing of one hundred of those residents to determine carrier attributes for genetic and metabolic diseases in the amount of \$20,000.00 under Grant #B-F-06-026-1.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

DEPARTMENT OF WATER RESOURCES – SERVICE CONTRACT – SIEMENS WATER TECHNOLOGIES CORPORATION

Motion: by Commissioner Young, seconded by Commissioner Albert to approve and execute a service contract agreement with Siemens Water Technologies Corporation to perform services that include trouble shooting Hydro-Clear filter electronics and making necessary adjustments to control panels at various county wastewater treatment plants for the 2007 Year in an amount not to exceed \$3,000.00.

<i>Roll Call Vote:</i>	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>

DEPARTMENT OF WATER RESOURCES – BID OPENING – BROADWOOD WASTE WATER TREATMENT PLANT TANK REPLACEMENT – BURTON TOWNSHIP

Sanitary Engineer Doug Bowen stated this plant is located across from Sunrise Farms and was built in late 1960 or early 1970. It needs major tank replacement per Ohio EPA.

Motion: by Commissioner Young, seconded by Commissioner Albert to grant permission to advertise for bids for the Broadwood Waste Water Treatment Plant Tank

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Replacement Project with a bid opening on April 4, 2007 at 2:30 p.m. Notice of this bid opening will be published on March 16, 2007 and the county web site.

Roll Call Vote:	Commissioner Young	Aye
	Commissioner Albert	Aye
	Commissioner Samide	Aye

DEPARTMENT OF WATER RESOURCES – AMEND LEAVE WITHOUT PAY REQUEST – GERARD MORGAN

Motion: by Commissioner Young, seconded by Commissioner Albert to amend the motion of December 14, 2006 to grant Gerard Morgan, Design Engineer, a forty hour Leave Without Pay leave of absence to be effective April 2, 2007 through April 6, 2007 to reflect the employees requested date change to March 29, 2007 through April 4, 2007.

Roll Call Vote:	Commissioner Young	Aye
	Commissioner Albert	Aye
	Commissioner Samide	Aye

COMMISSIONERS' OFFICE – FIRST ADDENDUM – CLEVELAND STATE UNIVERSITY PROFESSIONAL CONSULTING SERVICES AGREEMENT

A motion was made by Commissioner Young to approve and execute the First Addendum to a contract between the Geauga County Board of Commissioners and Cleveland State University for professional consulting services for a study of the county's administrative functions, extending the contract length to April 30, 2007 but died for a lack of a second. Commissioner Albert stated he would like to extend the contract to June 15th. County Administrator Dave Lair stated that if it needs to be extended further than the April 30 deadline it can be done at a later date. Mr. Lair reported that Special Projects Coordinator Linda Burhenne initiated this addendum thinking that would be all the time needed to allow CSU to complete their work and do the presentation. Commissioner Albert repeated that he still would like the agreement extended to June 15th as there would be no guarantee that another amendment would be signed and added that he will not change his mind about extending the date only to April 30th. This contract could not be amended at session as it was already signed by CSU. A new contract must be presented with a new date. It was discussed deferring action on this item until the Board could decide on an extension date. Commissioner Albert questioned why the rush to complete this study as the Board has waited six months already. Commissioner Albert would like to see the agreement extended to June as some things that are in the works may be hindered and may not come to fruition before this April 30th deadline. Commissioner Young did not see the need for the delay and believed it should be completed now and presented to the Board and to the public. Commissioner Albert believed there is no harm in waiting a month longer. This has nothing to do with the survey being changed. Commissioner Young added this presentation is a direct result of the survey of opinions on funding costs and a report and sees no reason for a delay in making a presentation and making this a matter of record. Commissioner Albert reiterated that he sees no harm in waiting one more month and added that it is a reasonable request. Commissioner Samide tried to get a compromise of a May 31 extension deadline. Commissioner Young disagreed. There was further disagreement regarding a reasonable date to present the survey to the public. Commissioner Young believed the Board has an obligation to bring this to the public. Commissioner Albert repeated that there are extenuating circumstances that Commissioner Young is not aware of and may not come to fruition if the date is not extended further. If the addendum is not signed the agreement must be complete and presented by March 31, 2007. Commissioner Samide added this will not be a decision making presentation, it is just a fact finding presentation. Commissioner Samide stated the motion died for a lack of a second.

COMMISSIONERS' OFFICE – GAPP WORKFORCE INVESTMENT BOARD EXECUTIVE COMMITTEE BOARD APPOINTMENT – KAREN DECOLA

Motion: by Commissioner Young, seconded by Commissioner Albert to appoint Karen DeCola to serve as a representative of Geauga County on the Geauga, Ashtabula, Portage Partnership (GAPP) Area 19 Workforce Investment Board Executive Committee for a term ending June 30, 2007.

Roll Call Vote:	Commissioner Young	Aye
	Commissioner Albert	Aye
	Commissioner Samide	Aye

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COMMISSIONERS' OFFICE – OIL AND GAS LEASE FIRST AMENDMENT – CUTTER EXPLORATION

The request to approve and execute the First Amendment to the Oil and Gas Lease with Cutter Exploration to require Cutter Exploration to have approval from Geauga County Commissioners prior to assignment of this lease, and stipulates that fluid technology drilling will be used whenever possible was read and discussed. Mr. Lair stated that with this amendment Cutter Exploration cannot assign the lease to anyone else without Geauga County Board of Commissioner's permission and Cutter would use the fluid technology whenever possible. If fluid technology could not be used the Board of Commissioners would be notified as soon as possible. Commissioner Samide added that comments had been received that Cutter subcontracts its leases. Several questions presented themselves such as seller assigned or bankruptcy of the company. Commissioner Young suggested getting legal opinion on some of these questions before approving this First Amendment.

OTHER

Commissioner Young reported on the Holmes County Puppy Mills that is reportedly coming to Geauga County. Geauga County Dog Warden Matt Granito reported his concerns of moving the puppy auction (where puppies are sold for resale) to Geauga County. Some of those concerns include treatment of the animals, transportation of these animals, food and water needs while in transit, animal health, what happens to the dogs that are not sold and possible new parasites that may not be currently seen in Geauga County. Ticks are not currently a big problem in Geauga County but with the amount of dogs being brought in and sold it is a potential problem that needs to be considered. There is the potential of selling 2,500 dogs per week. Currently there are 96 kennels in Geauga County with no regulations until they sell to retail stores then they will be regulated through USDA. Commissioner Young reported that Holmes County reported some positives of the auctions as well managed and that some people can make \$100,000 a year with breeding female dogs. Commissioner Young added that Holmes County reported many protests. The puppy mill auction business is treated as agriculture with no regulations. Mr. Granito added that there will be no sales tax coming to the county on the sale of the puppies but there will be "headaches". Mr. Granito suggested there may be possible protests to the auction and added that road and parking for these events will also be a problem. Mr. Granito expects an increase in strays and unwanted dogs in the county. Mr. Granito stated that Pennsylvania has outlawed puppy auctions and as Pennsylvania is close to Geauga County that may be a reason the puppy mills are coming to Geauga County. Commissioner Albert stated he believed the puppy mill business should be removed from agriculture and should be listed as a commercial operation which would allow for regulation. Commissioner Young suggested Mr. Granito meet with Holmes County officials and inspect the auction site and inquire what issues Holmes County may have had. Mr. Granito added that Geauga County has a population of about 94,000 with 96 kennels and Holmes County has a population of 37,000 with 500 registered kennels. Mr. Granito is currently waiting on a Prosecutor's opinion on regulating these auctions. Mr. Granito reported that PETA (People for Ethical Treatment of Animals) is a big opponent to puppy mills. Mr. Granito added that as the Dog Warden he is not responsible to inspect these puppy mills. Mr. Jerry Slater, a member of the audience who had read about the puppy mill coming to Geauga County, commented that he is against these puppy mills in Geauga County. Mr. Granito stated that HB 606, introduced last year, addresses the puppy mill issue and will be re-introduced this year. The problem is that Congress will run licensing and regulating out of Columbus. This means the State will give the county \$50.00 per registered kennel and the county will have to inspect them but the State will keep \$2,000.00 per registered puppy mill, leaving no monies to pay for inspections. Mr. Granito believes each county should regulate the puppy mills and licensing and get the money for inspections. Mr. Granito added there may be no legal rights to do anything about the puppy mill coming to Geauga County but he will try to address some of the concerns with the Prosecutor's Office and find out our options. Mr. Granito plans to return before the Board within a week and a half with an update.

ACKNOWLEDGEMENTS

- a. *The Auditor of State Regular Audit for the Geauga County Airport Authority for the years ended December 31, 2005 and 2004.*

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MEETINGS

- Tue 3/20 The Commissioners will hold regular session.*
- Thu 3/22 The Commissioners will hold regular session.*
- Tue 3/27 The Commissioners will hold regular session.*
- Tue 3/27 Portage/Geauga Juvenile Detention Center Joint Board meeting at 1:30 PM at 470 Center Street, Chardon*
- Thu 3/29 The Commissioners will hold regular session.*
- Thu 3/29 The Commissioners will hold the monthly Economic Development work session discussion at noon.*

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER SAMIDE ADJOURNED THE MEETING AT 11:20 A.M.

Geauga County Board of Commissioners

William S. Young

Craig S. Albert

Mary E. Samide

Claudine Kozenko, Commissioners' Clerk