

**Tuesday, February 3, 2009**

The Board of County Commissioners met in regular session on **Tuesday, February 2, 2009 at 9:27 AM** with the following members present:

Charles W. Keiper II

Maureen T. Frederick

Absent: Christopher Smeiles

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It was moved by Maureen T. Frederick, seconded by Charles W. Keiper II to approve the meeting minutes of the January 29, 2009 meeting. Commissioner Smeiles absent, motion carries

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Also attending throughout the day: Mike Sever, Record-Courier

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**GENERAL SERVICES**

Present: Jim Manion

9:31 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Maureen T. Frederick**, seconded by **Charles W. Keiper II** that the Board of Commissioners move into executive session to consider a Commissioners' discipline issue. **Also present: General Services Director Jim Manion and Clerk Deborah Mazanec.** Roll call vote: Christopher Smeiles, Absent; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

Commissioner Smeiles attending at 9:34 AM

9:53 AM Upon conclusion of the above referenced discussion, it was moved by **Maureen T. Frederick**, seconded by **Christopher Smeiles** that the Board of Commissioners moves out of executive session. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

After exiting Executive Session, the Board of Commissioners took no action.

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**PROSECUTOR**

Present: Denise Smith

**Review of Prosecutor's Pending List**

The Board of Commissioners discussed the proposed draft resolution to adopt the model system of preferences and amend the current Portage County procurement statutes and regulations. Attorney Smith advised the Board that they may not remove the shalls in the resolution but may attach an exhibit naming the class of contract or contracts that they want the resolution to apply to and exclude other classes of contracts/Board agreed to discuss how to proceed.

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**Prosecutor’s Correspondence**

1. Resolution to approve the release agreement between the Portage County Board of Commissioners on behalf of the Portage County Water Resources Department and Kimberly and John Mihok for a dispute at 9908 Meldon Drive in Streetsboro. Attorney Chris Meduri reviewed the agreement signed by the Mihoks and acknowledged that it is the agreement that he wrote and sent to them in the summer of 2008. The Board of Commissioners need not sign the release agreement and it does not require a Prosecutor’s Approval as to Form/09-0094.
2. January 29, 2009 correspondence from Denise Smith, requesting Board signature on the Declaration of Restrictions for the Streetsboro Medical Office Building/09-0096. Commissioner Smeiles noted that it seems redundant to place deed restrictions on this property when the EPA standards are already in effect/09-0096
3. January 28, 2009 correspondence from Denise Smith to Ben Sutton, Sutton Insurance, regarding Lori McGregor & Mathew Bowden vs. County Engineer/Information only.

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11:15 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Maureen T. Frederick**, seconded by **Christopher Smeiles** that the Board of Commissioners move into executive session to consider a termination issue and imminent litigation. **Also present: Attorney Denise Smith.** Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

11:30 AM Upon conclusion of the above referenced discussion, it was moved by **Maureen T. Frederick** , seconded by **Christopher Smeiles** that the Board of Commissioners moves out of executive session. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

After exiting Executive Session, the Board of Commissioners took no action.

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**DEPARTMENT OF BUDGET & FINANCIAL MANAGEMENT**

Present: Audrey Tillis, Chanel Mason

Other

1. Journal entry approval(s):
  - a. Processing Local Match – Drug Abuse Resistance Education (D.A.R.E.) Grant Program/Journal Entry
  - b. Ron Rost called Department of Budget & Finance to request a transfer from the Sheriff’s full time line into the Retirement line/09-0095
  - c. The Director advised that the Clerk of Courts wants to spend \$2,600 for the purchase of a JETER system in Kent. The computerization fund cannot be used for this purchase. The Commissioners want to be certain that the floor can take the weight and can be used at the new facility when the courthouse moves to a new site.
2. Discussion Memo:
  - a. The Director presented today’s Work Session Agenda

Updates

3. The Director presented the Compensation Report by Payroll Location

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**RESOLUTION No. 09-0091 - RE: BILLS APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.**

It was moved by Maureen T. Frederick, seconded by Christopher Smeiles that the following resolution be adopted:

**RESOLVED,** that the bills were approved and certified to the County Auditor for payment, contingent upon the review of the Portage County Internal Auditor or other designee on February 3, 2009 in the total payment amount of **\$445,835.58 for Funds 0001-8391** as set forth in the Accounts Payable Warrant Report on file in the office of the Portage County Auditor; and be it further

**RESOLVED,** that the Board of Commissioners 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 that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call vote as follows:

Charles W. Keiper II, Yea; Maureen T. Frederick, Yea; Christopher Smeiles, Yea;

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**RESOLUTION No. 09-0092 - RE: APPROVAL OF JOURNAL VOUCHERS/ENTRIES.**

It was moved by Maureen T. Frederick, seconded by Christopher Smeiles that the following Resolution be adopted:

**WHEREAS,** the Ohio Revised Code requires that warrants be approved by the Board of Commissioners prior to their issuance, and

**WHEREAS,** there are other similar financial transactions defined as journal vouchers/entries that are dissimilar in that they are used to pay for charges for services from one county department and/or fund to another department and/or fund and thus are processed in lieu of issuing a warrant, and

**WHEREAS,** the Journal Vouchers/Entries are recommended by the County Auditor's Office for review and approval by the Board of Commissioners; now therefore be it

**RESOLVED,** that the Board of Commissioners approves the following Journal Vouchers/Entries as presented by the County Auditor's Office:

02/02/09	58	\$ 548.29
02/02/09	56	958.51
02/02/09	51	37,494.76
02/02/09	53	953.88
02/02/09	54	958.51
<b>Total</b>		<b>\$ 40,913.95</b>



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**RESOLUTION No. 09-0094 - RE: ACKNOWLEDGE RELEASE AGREEMENT BETWEEN THE  
PORTAGE COUNTY BOARD OF COMMISSIONERS  
(PORTAGE COUNTY WATER RESOURCES  
DEPARTMENT) AND KIMBERLY A. AND JOHN M. MIHOK.**

It was moved by Maureen T. Frederick, seconded by Christopher Smeiles that the following resolution be adopted:

- WHEREAS,** a dispute has arisen between the Portage County Board of Commissioners' Water Resources Department and Kimberly A. & John M. Mihok at 9908 Meldon Drive in Streetsboro; and
- WHEREAS,** the dispute is a result of storm sewer work performed by the City of Streetsboro that adversely and permanently affected the sanitary sewer lateral causing backups to the residence located at 9908 Meldon Drive in Streetsboro; and
- WHEREAS,** the Board of Commissioners desires to settle this dispute; now therefore be it
- RESOLVED,** that the Portage County Water Resources Department will redirect the private lateral sewer line running from the residence located at 9908 Meldon Drive in Streetsboro to a downstream location along the County's sewer main having a greater slope; and be it further
- RESOLVED,** that the County shall restore to grade any disturbed areas of the private property located at 9908 Meldon Drive in Streetsboro in the event that such occurs; and be it further
- RESOLVED,** that the Board of Commissioners 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 that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice vote as follows:

Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea;

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RESOLUTION No. 09-0095

RE: AMENDMENT TO THE GENERAL FUND 2009 ANNUAL APPROPRIATION RESOLUTION NO. 08-1181 ADOPTED DECEMBER 11, 2008.

It was moved by Maureen T. Frederick, second by Christopher Smeiles that the following resolution be adopted:

RESOLVED, that it has become necessary to amend the General Fund 2009 Annual Appropriation in the amounts and for the purposes set forth in the enumeration shown below,

		<u>Increase</u>	<u>Decrease</u>
<b>Fund: 0001</b>	<b>General Fund</b>		
	<b>700 Sheriff's Department</b>		
0730D	Sheriff-Road Deputis Full Time	0	35,000
07300	Sheriff-Road Deputies Retireme	35,000	0
	<b>MEMO TOTAL</b>	<u><u>\$ 35,000</u></u>	<u><u>\$ 35,000</u></u>
Note: Transfer Money for Termination Settlements			
<b>TOTAL MEMO BALANCE ALL AMENDMENTS</b>		<u><u>\$ 35,000</u></u>	<u><u>\$ 35,000</u></u>

and be it further,

RESOLVED, that a certified copy of this resolution be filed with the County Auditor, and be it further,

RESOLVED, that the Board of Commissioners 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 that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call as Follows:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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**RESOLUTION No. 09-0096**

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**RE: EXECUTE DECLARATION OF DEED RESTRICTIONS WITH ROBINSON MEMORIAL HOSPITAL BOARD OF TRUSTEES (dba ROBINSON MEMORIAL HOSPITAL).**

It was moved by Maureen T. Frederick, seconded by Christopher Smeiles that the following resolution be adopted:

**WHEREAS,** the Portage County Board of Commissioners is the owner of certain parcels of adjoining land located in the City of Streetsboro, Portage County, Ohio; and

**WHEREAS,** the development of the property by the Robinson Memorial Hospital Board of Trustees involved the filling of 0.45 acres of federally jurisdictional wetland and 117 linear feet of federally jurisdictional ephemeral stream pursuant to Department of Army Application No. 2005-1307, Nationwide Permit No. (39) as published in the Federal Register, Volume 72, No. 47, on Monday, March 12, 2007; and

**WHEREAS,** as a condition of its issuance of the permit, the United States Army Corps of Engineers has required that the Board of Commissioners restrict the use and/or alteration of the unimpacted wetlands and streams located on the property; now therefore be it

**RESOLVED,** that the Portage County Board of Commissioners agrees to execute the Declaration of Restrictions as presented by the Board of Portage County Hospital Trustees (dba Robinson Memorial Hospital) by and through the Portage County Board of Commissioners), as prepared by Robinson Memorial Hospital General Counsel and recommended by Portage County Assistant Chief Prosecuting Attorney Denise Smith. The document is to be filed by Robinson Memorial Hospital with the Portage County Recorder's Office; and be it further

**RESOLVED,** that the Board of Commissioners 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 that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice vote was as follows:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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**RESOLUTIONS**

February 3, 2009

1. Approval of Meeting Minutes from the January 29, 2009 regular Board Meeting as presented.
2. Approve the Bills as presented by the County Auditor and reviewed by the Internal Auditor./09-91
3. Approve the Journal Vouchers as presented by the County Auditor./09-0092
4. Approve the Then & Now as presented by the Portage County Auditor./09-0093

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**INVITATIONS/MEETING NOTICES**

February 3, 2009

1. Invitation from the County Engineers Association of Ohio for the Ohio Storm Water Management and Drainage Conference, Tuesday-Wednesday, March 3-4, 2009, Crowne Plaza North Hotel, Columbus.
2. Invitation from the Greater Akron Chamber for the 102<sup>nd</sup> Annual meeting at the John S. Knight Center, Thursday, March 19, 2009, 5:00 PM.
3. Meeting notice for the AMATS Policy Committee meeting on Tuesday, February 3, 2009, 1:30 PM, Martin Center South Room, Akron.

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**INCOMING CORRESPONDENCE**

**DISCUSSION**

February 3, 2009

1. January 30, 2009 correspondence from the Rootstown Township Trustees, regarding Subdivision regulations/Commissioner Smeiles recalled that the Regional Planning Commission had started a redraft of the Subdivision Regulations but never completed that redraft. Trustee Armentrout had suggested at a recent Regional Planning Commission Executive Committee Meeting that the Board of Commissioners should pay for the completion of that project/Clerk to draft a response
2. Discussion: Sheriff's Department collective bargaining agreement. Commissioner Keiper to contact Attorney Habowski/Bring back on 2/5/09
3. January 30, 2009 e-mail from Jon Barber, Security, regarding gated parking at Spruce and S. Prospect St. January 30, 2009 e-mail from Jim Manion regarding the same issue/The Board of Commissioners had approved the city's request that the Board allow the public to use the gated county owned parking lot located at the corner of Spruce Street and Prospect Street after 6:00 PM on weekdays and during the weekends. Upon revisiting the request after three months to determine if is working, the Board of Commissioners discussed the usage of this lot with staff determined that, because usage is low, they would prefer to keep the lot closed, effective January 13, 2009, and open the lot for special events upon city request. In response, Ravenna's Mayor Poland asked the Board of Commissioners to reconsider that decision. Today, after hearing from Jon Barber and Jim Manion, the Board of Commissioners agreed to extend the opening of that gated lot for another three months until the beginning of May 2009 and ask Jon Barber to monitor the number of vehicles using the lot.
4. January 26, 2009 memo from Eileen Stiffler, Regional Planning Commission, requesting a timeline for the 2009 Formula Allocation Grant Applications/Clerk to schedule.

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**JOURNAL ENTRIES**

February 3, 2009

1. January 28, 2009 Certificate of the County Auditor that the Total Appropriations from each fund do not exceed the Official Estimate Resources for the fiscal year beginning January 1, 2009 as presented by the Portage County Auditor's Office.

2. The Board of Commissioners received the year end reports of departmental activity as required by House Bill 355 and presented by the Portage County Combined General Health District.
3. Board of Commissioners' authorization requested to allow use of the 3<sup>rd</sup> Floor Veteran Services Office on Tuesday, February 3, 2009 from 4:30-7:00 PM for a Commission Meeting as requested by Robert Park, Veteran Services.
4. January 30, 2009 Certificate of the County Auditor that the Total Appropriations from each fund do not exceed the Official Estimate Resources for the fiscal year beginning January 1, 2009, as presented by the Portage County Auditor's Office.
5. The Board of Commissioners received the January 29, 2008 correspondence from the Portage County Sheriff's Department including the Monthly Record of Proceedings and Transactions for January 2009, in accordance with Ohio Revised Code Section 325.07.
6. Board of Commissioners' authorization requested to use the Courthouse Lawn on Monday, April 27, 2009-Thursday, April 30, 2009 for Pinwheels for Prevention, child abuse awareness display as requested by the Children's Advocacy Center of Portage County.
7. Board of Commissioners' signature requested on the purchase requisition for Portage Title Agency Inc. for the purchase of 2 lots (Lots 26 1463 Hillcrest Drive, Atwater and Lot 27 1453 Hillcrest Drive, Atwater) to be used for Habitat for Humanity projects for \$ 48,000.00 as requested by the Regional Planning Commission. The B-F-08-062-1 Formula Grant Activity #01 New Construction is funding this expense. Documents reviewed by Carol Kurtz, Internal Auditor with no exception noted.
8. Board of Commissioners' signature requested on the purchase requisition for Advanced Contracting for change order or plumbing work for homeowner Stephen Ausra for \$ 500.00 as requested by the Regional Planning Commission. The B-F-08-062-1 Formula Grant Activity #02 Home/Building Repair is funding this expense. Documents reviewed by Carol Kurtz, Internal Auditor noting the documents appear to be accurate, appropriate and properly authorized.
9. Board of Commissioners' signature requested on the purchase requisition for McLean Home Improvements for a roof replacement for homeowners Tim and Rita Naylor for \$ 5,000 as requested by the Regional Planning Commission. The B-F-07-062-1 Formula Grant Activity #05 Home/Building Repair is funding this expense. Documents reviewed by Carol Kurtz, Internal Auditor noting the documents appear to agree and the payment request seems to be appropriate.
10. Board of Commissioners' authorization requested to have Commissioner Keiper and Commissioner Frederick sign the new signature cards for the Office of Housing and Community Partnership as requested by the Regional Planning Commission.

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**REFERRED**

February 3, 2009

1. January 28, 2009 e-mail from Rebecca Park, Common Pleas Court to Tim Miller, Director of Maintenance, regarding appreciation for the department. Referred to Human Resources Department for file.

2. The Board of Commissioners received the Garrettsville Area Chamber of Commerce Membership Application and Dues Invoice for payment. Referred to Economic Development for payment.

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**PLEASE ADD TO YOUR AGENDA**

February 3, 2009

1. The Board of Commissioners received the February 2, 2009 Quotation for total labor and materials to provide insulation to the exterior wall in the Portage County Justice Center as presented by Mid American Energy Services \$8,033.00/Journal entry.
2. Sheriff Doak presents a draft MOU between Metro SWAT and the Board of Commissioners/Denise Smith to review and JoAnn Townend to present to the Board of Commissioners.

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**INFORMATION ONLY**

February 3, 2009

1. January 28, 2009 correspondence from Jack Rosati Jr., Bricker & Eckler, including an article entitled Revisiting Surety Bonds & Contract Requirements.
2. January 29, 2009 e-mail from John Mason, Office of Homeland Security and Emergency Management, including a press release from the Portage County Combined General Health District regarding 3 reported cases of salmonella in Portage County.
3. January 23, 2009 correspondence from Michael Hiler, Ohio Department of Development, regarding Neighborhood Stabilization program/Forward to Dan Banks.
4. January 26, 2009 correspondence from Carol Grosse, Glenmoor Country Club, regarding facility rental.

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**Journal Entries**

February 3, 2009

Motion by Maureen T. Frederick, seconded by Christopher Smeiles to approve the following actions:

1. The Board of Commissioners acknowledged the receipt of the January 28, 2009 Certificate of the County Auditor that the Total Appropriations from each fund do not exceed the Official Estimate Resources for the fiscal year beginning January 1, 2009, as presented by the Portage County Auditor.
2. The Board of Commissioners acknowledged the receipt of the year end reports of departmental activity, as presented by the Portage County Combined General Health District pursuant to House Bill #355.
3. The Board of Commissioners authorized use of the 3<sup>rd</sup> Floor Veteran Services Office on Tuesday, February 3, 2009 from 4:30 PM - 7:00 PM for a Commission Meeting, as requested by Robert Park, Veteran Services.

4. The Board of Commissioners acknowledged the receipt of the January 30, 2009 Certificate of the County Auditor that the Total Appropriations from each fund do not exceed the Official Estimate Resources for the fiscal year beginning January 1, 2009, as presented by the Portage County Auditor.
5. The Board of Commissioners acknowledged the receipt of the Monthly Record of Proceedings and Transactions for January 2009, in accordance with Ohio Revised Code Section 325.07, as presented by the Portage County Sheriff.
6. The Board of Commissioners authorized the use of the Courthouse Lawn on Monday, April 27, 2009 - Thursday, April 30, 2009 for the Pinwheels for Prevention child abuse awareness display, as requested by the Children's Advocacy Center of Portage County.
7. The Board of Commissioners signed the purchase requisition for \$48,000.00 for Portage Title Agency Inc. of Ravenna for the purchase of two (2) lots (Lots 26 - 1463 Hillcrest Drive, Atwater and Lot 27 - 1453 Hillcrest Drive, Atwater) to be used for Habitat for Humanity projects, as presented by the Regional Planning Commission. The B-F-08-062-1 Formula Grant Activity #01 New Construction is funding this expense. Documents reviewed by Carol Kurtz, Internal Auditor with no exception noted.
8. The Board of Commissioners signed the purchase requisition for \$500 for Advanced Contracting of Atwater for a change order for plumbing work for homeowner Stephen Ausra, 1209 Apache Pass in Streetsboro, as presented by the Regional Planning Commission. The B-F-08-062-1 Formula Grant Activity #02 Home/Building Repair is funding this expense. Documents reviewed by Carol Kurtz, Internal Auditor noting the documents appear to be accurate, appropriate and properly authorized.
9. The Board of Commissioners signed the purchase requisition for \$5,000 for McLean Home Improvements of Ravenna for a roof replacement for homeowners Tim and Rita Naylor, 119 Harper Road in Streetsboro, as presented by the Regional Planning Commission. The B-F-07-062-1 Formula Grant Activity #05 Home/Building Repair is funding this expense. Documents reviewed by Carol Kurtz, Internal Auditor noting the documents appear to agree and the payment request seems to be appropriate.
10. The Board of Commissioners authorized Commissioner Keiper and Commissioner Frederick to sign new signature cards for the Office of Housing and Community Partnership, as presented by the Regional Planning Commission.
11. The Board of Commissioners accepted the February 2, 2009 quotation from Mid American Energy Services of Atwater, Ohio for labor and materials not to exceed \$8,033 for the insulation of spray poly urethane foam to the exterior wall above the office area (south and east walls) in the Portage County Justice Center for insulation and to stop air infiltration.
12. On October 9, 2008, the Board of Commissioners approved the June 30, 2008 request from the City of Ravenna that the county allow the public to use the gated county owned parking lot located at the corner of Spruce Street and Prospect Street after 6:00 PM on weekdays and during the weekends. The Commissioners agreed to revisit this authorization in three months to determine if was working.

Upon revisiting this request and discussing the usage of this lot with staff, the Board determined that, because usage is low, they would prefer to keep the lot closed, effective January 13, 2009, and open the lot for special events upon city request. The City of Ravenna's Mayor Poland asked the Board of Commissioners to reconsider that decision.

Today, after hearing comments from Director of Security Jon Barber and General Services Director Jim Manion, the Board of Commissioners agreed to extend the opening of that gated lot for another three months until the beginning of May 2009 and ask Director Barber to monitor the number of vehicles using the lot.

13. The Board of Commissioners signed the February 3, 2009 correspondence to Janet Esposito, County Auditor requesting that the Auditor debit the General Fund and credit Fund 1103 as follows:

	<u>Org</u>	<u>Object</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
<b>Debit:</b>	00100004	492100		\$48,658.00	Local Share
<b>Credit:</b>	11037001	194000	8D000	\$48,658.00	Local Match/Share

All in favor, motion carries.

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We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Commissioners' meeting on February 3, 2009. There being no further business to come before the Board, it was moved by Maureen T. Frederick, seconded by Charles W. Keiper II to adjourn the official meeting at 11:05 AM. All in favor, motion carries.

Charles W. Keiper II, President

Maureen T. Frederick, Vice President

Christopher Smeiles, Board Member

Deborah Mazanec, Clerk

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