

**Thursday, July 23, 2009**

The Board of County Commissioners met in regular session on **Thursday, July 23, 2009 at 10:10 AM** with the following members present:

Charles W. Keiper II

Maureen T. Frederick

Christopher Smeiles

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It was moved by Christopher Smeiles, seconded by Maureen T. Frederick to approve the meeting minutes of the July 21, 2009 meeting. All in favor, motion carries

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

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**INTERNAL SERVICES**

Present: JoAnn Townend

**DISCUSSION**

The Director noted that the NOPEC Electric Aggregation Program is available for all Portage County facilities in Hiram Village, City of Kent and for all Portage County Townships, and offers 9% off the generation price for the remainder of 2009; 5 ½ % for January thru June 2010 and 1% for July 2010 thru the January 2011 meter reading. The First Energy Solutions Program offers a 10% of generation price for the remainder of 2009 and 5% off the generation price through 2010. As a reminder, the Board of Commissioners enrolled in the city of Ravenna Electric Governmental Aggregation Program, which provides 7% off in 2009, 3% off in years 2010 and 2011 and 2% off for January through March 2012 on the electric generation fees. The Streetsboro Electric Governmental Aggregation Program provides 7% off in 2009, 3% off in years 2010 and 2011 and 2% off for January through March 2012 on the electric generation fees/Journal Entry

**Projects**

- a. Regional Planning Commission staff Eileen Stiffler presented Change Order No. 1 for the Townhall II alterations to the Horizon House including additional insulation, paving and the catch basin, and a concrete walk for \$14,122.50. The Director noted that there are CDBG funds for this change order/Journal Entry
- b. The Department of Job & Family Services has requested that security access controls be placed on two doors at the former Prosecutor’s Annex, the installation of a dome camera in the reception area; and a panic switch in reception area, all to be integrated into the existing access and CCTV systems in Portage County Administration Building a t a cost of \$9,025.93/journal Entry
- c. The Director noted that the Bar 10 owner has requested that the Board of Commissioners not raise his monthly lease payment from \$1,301.88/month for the next yearly lease/ The Board of Commissioners agreed to hold the rate.

**RESOLUTIONS**

- 1. Enter into amendment no. 1 for multisystemic therapy with Family & Community Services for JFS 7/1/09 to 6/30/10./09-680

2. Set the proposal date for qualifications for professional design services for renovation within the Portage County Administration Building for a public meeting room./09-681
3. Award the bid and enter into an agreement with Red Diamond Uniform & Police Supply, Inc. for ballistic body armor for the Portage County Sheriff's Dept./09-682
4. Enter into amendment no. 1 for the employee assistance program with Coleman Wellness Solutions 7/1/09 to 10/1/09./09-683

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**HUMAN RESOURCES**

Present: Karen U’Halie, JFS Director Anita Herington, JFS Staff Brian Boykin and Sue Brannon, and Attorneys Denise Smith and Ron Habowski

10:30 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Christopher Smeiles**, seconded by **Maureen T. Frederick** that the Board of Commissioners move into executive session to consider JFS employment issues. **Also present:** Human Resources Department Director Karen U’Halie, JFS Director Anita Herington, JFS Staff Brian Boykin and Sue Brannon, and Attorneys Denise Smith and Ron Habowski. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

11:00 AM Upon conclusion of the above referenced discussion; it was moved by **Christopher Smeiles**, seconded by **Maureen T. Frederick** 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 adopted Resolutions 09-0684, 09-0685 and 09-0686.

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**JOB & FAMILY SERVICES**

Present: Anita Herington

- I. The Director presented the Ohio Department of Job & Family Services Civilian Labor Force Estimates for June 2009.
- II. The Director noted that the Portage County JFS will be honored and receive the Big Ten Highest State Payment Accuracy Rate award today in Milwaukee.
- III. The Director noted that there is an issue with the use of the basement of the former Prosecutor’s Annex by JFS staff. Director of Maintenance Tim Miller has refused to allow JFS to use the basement for files and/or as a visitation room/overflow area. The area needs to be carpeted and the ceiling dropped to accommodate this use. The Board of Commissioners agreed to discuss this issue with Director Miller but noted that they did not want staff or the public in the basement consistently.
- IV. The Director asked if the Board of Commissioners had signed the Car Seat agreement today. The Board advised that they would check with JoAnn Townend on the status of that agreement.
- V. The Director presented the CSEA Performance for June 2009

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## **MAINTENANCE**

Present: Tim Miller, Jim Manion, Karen U'Halie

The Director recommended that the JFS Banner announcing August as CSEA month should be placed on the lawn; JFS staff Kevin Gowan does not want to do that in fear of vandalism. The Board of Commissioners wonders if there is any good use for the purchase of a long ladder and/or a bucket truck needed to access the courthouse roof over the entry, which the architect has advised should not be walked on. Can the Solid Waste Management District or the Water Resources Department use a bucket truck? Commissioner Smeiles suggested installing a metal frame on the balcony and use a hook to install banners from the ground. Tim Miller would prefer not driving a truck up the walk causing damage to the cement and will investigate the metal frame option.

Mr. Miller met with the Jail Administrator and discussed the jail kitchen wall backsplash at the dishwasher, which is moldy and in need of repair. One inmate is a tile worker who has offered to install a tile backsplash. The Board of Commissioners agreed that Maintenance will pickup and pay for the materials necessary for the inmate to install.

Mr. Miller received a request from the Board of Elections for the installation of a door and framework into back room from the offices. The Board of Commissioners agreed to invite the Board of Elections to meet with them about this request.

Jim Manion also noted that the Board of Elections is looking at items stored at the Records Center to determine what can be destroyed and what must remain.

Maintenance staff has been going to the Records Center when time allows to continue the clean-up effort. Jail Administrator Ricky Neal has offered a work detail of 4-5 inmates tomorrow to complete the clean-up. Jim Manion to coordinate a box lunch through Family & Community Services.

Director Miller noted that Maintenance staff Ron Nelson's hours have been changed to eight hours on Tuesday and Thursday at the Justice Center and the remaining time at the Administration Building.

The Board of Commissioners noted that JFS Director Anita Herington told them that Mr. Miller will not allow JFS to use the annex basement for files and/or the overflow for child visitations. Since there is no mold in the basement area, it can be used for files but Director Miller noted that he would not recommend using the area for the public and/or children. The ceilings and air ducts that come from the ceiling will not allow a dropped ceiling to be installed to cover the HVAC unit. There are three rooms that must be abated for asbestos tile before using. If JFS needs to use the area, the abatement must be completed and carpeting installed; the ceiling cannot be dropped. Commissioner Keiper noted that this is the first he has heard of the basement usage, which is a "deal breaker" according to the JFS Director. The Board of Commissioners asked that Mr. Miller get a cost to abate the tile; Tim Miller has already contacted GCS for a cost. The Board of Commissioners also agreed to obtain a price on the carpeting of the area. Commissioner Keiper noted that use every day is not overflow but is scheduled space. Both Tim Miller and Jim Manion agreed that they have heard that the basement would be used for a conference room for JFS employees. With the planned repairs and carpet installation, it would not be an issue to store files. Commissioner Smeiles stated that the basement area should not be used as an overflow; perhaps there is an area in the Administration Building that could be used? Perhaps a local church would allow some visitation?

Mr. Miller has reviewed the proposals for the Preventative Maintenance of HVAC & Refrigeration Systems and recommends the hire of the K Company Inc./Journal Entry

Mr. Miller noted that the chair rails will be installed in Domestic Court in September due to vacation schedules.

Commissioner Smeiles stated that in the Board's July 16<sup>th</sup> meeting with JoAnn Townend, it was decided that the Maintenance staff should look at additional insulation in the walls in Judge Giulitto's conference rooms. Tim Miller to contact JoAnn Townend to discuss.

12:00 Noon In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Christopher Smeiles**, seconded by **Maureen T. Frederick** that the Board of Commissioners move into executive session to discuss a performance review. **Also present: Maintenance Director Tim Miller, Human Resources Department Director Karen U'Halie, and General Services Director Jim Manion.** Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

12:40 PM Upon conclusion of the above referenced discussion, it was moved by **Christopher Smeiles**, seconded by **Maureen T. Frederick** that the Board of Commissioners move out of executive session. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

Upon exiting executive session, the Board took no action.

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12:40 PM Lunch Recess

1:00 PM Board of Commissioners reconvened

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**Portage County Stormwater Rules and Utility Creation Public Hearing  
Convened at 1:00 PM**

**I. OPENING & INTRODUCTIONS  
Portage County Board of Commissioners  
Charles W. Keiper II**

**II. PURPOSE OF THE HEARING** – Deborah Mazanec, Clerk  
In accordance with Ohio Revised Code § 307.79, the Portage County Board of Commissioners will hold two Public Hearings to hear comment on the establishment of rules for erosion/sediment control and illicit discharges under Ohio Revised Code 307.79. Upon future adoption, the proposed rules would be implemented through a Portage County storm sewer district in accordance with Ohio Revised Code 6117.01. This is the second of two public hearings. The first public hearing was held on **Thursday, July 16, 2009 at 5:00 PM** at the Portage County Engineer's Facility.

Notice of this hearing was published in the Record Courier Newspaper on July 1, 2009, July 8, 2009 and July 15, 2009.

A copy of the draft rules for erosion/sediment control and illicit discharges has been available for public review since June 23, 2009 at the Commissioners' Office located on the seventh floor of the Portage County Administration Building, 449 South Meridian Street in Ravenna and at the County

Engineer's Facility, 5000 Newton Falls Road in Ravenna. A copy of the draft rules are also posted on the Portage County Storm Water Management Department Website, which can be found at the Portage County Homepage.

### **III. SWEARING IN OF THOSE WHO ARE SPEAKING – Commissioner Keiper**

- Do you solemnly affirm under the penalties of the law of perjury of the State of Ohio that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth?

Please respond: I do.

### **IV. PRESENTATION ON OF PROPOSED REGULATIONS**

Portage County Engineer/Portage County Storm Water Coordinator Michael Marozzi introduced the members of the Portage County Storm Water steering Committee; James Bierlair and Chip Porter. Mr. Marozzi gave the website for the storm water program as [www.co.portage.oh.us/stormwater.htm](http://www.co.portage.oh.us/stormwater.htm) and introduced Ohio EPA's Storm Water Coordinator Kelvin Rogers.

Mr. Marozzi gave a history of how the Portage County Task Force was created and described the task that the Task Force undertook in creating the Storm Water program in order to comply with the Ohio EPA's six minimum control measures. The Task Force worked for three years in creating the rules that were to be adopted under the first permit. Portage County did not impose the rules and has been in violation since. The Soil & Water Conservation District, the Health Department and the County Engineer must work in tandem but cannot supply the necessary services with no funding. The Portage County Prosecutor has determined that there are three funding mechanisms available and the task force recommended a storm water utility to create the necessary revenue stream. The Board of Commissioners is considering the implementation of a storm water utility to provide a revenue stream for the program and the adoption of two sets of rules for that utility. The Board of Commissioners retained ms consultants to assist in the implementation. Why is the county doing this? The purpose of this program is to create better storm water quality. There will be no pipes laid, no ditches dug and no dealings with the quantity of water. Secondly, this program is an unfunded mandate required by the Ohio EPA. Right now, Portage County is in violation and the EPA could fine Portage County \$30,000 per day since the county is deficient in three areas. However, since the county has a schedule and timeframe, the EPA will wait for our process to move forward. Commissioner Smeiles presented the May 28, 2008 Ohio EPA correspondence regarding these violations and offered copies to the public.

The Ohio EPA issued a first generation permit to Portage County and co-permittees for a five year period ending 2008. The second generation permit was issued for five years from 2009-2104.

Shawn Arden, consultant with ms consultants, inc. noted that the Ohio EPA rolled out the rules in 2003; this is not a new program. The NPDES program requires Portage County to develop storm water quality controls in a minimum of six practice areas: 1) Illicit Discharge Detection and Elimination, 2) Construction Storm Water Management, 3) Post-Construction Storm Water Management, 4) Public Education, 5) Public Involvement, and 6) Good Housekeeping. The two sets of rules must be adopted for the unincorporated areas of Portage County, not the cities and villages and there must be a revenue stream identified. The county is working with EPA's Kelvin Rogers to finalize the Portage County plan. The EPA can fine Portage County and/or any individual Township if any of these entities are not compliant. Non-compliance can jeopardize the receipt of grant funds since the county must confirm compliance with all state and federal regulations. Outside agencies

can also file suit for non-compliance. The EPA has advised the county that we will be audited in the fall of 2009.

Mr. Arden reviewed the draft rules for illicit discharge and storm water noting that the objectives of these rules are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any user
- (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with these rules

He further read Section VII of the draft illicit discharge and storm water rules, which states that no person shall discharge or cause to be discharged into the storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

Mr. Arden outlined the discharges that are exempt from the rules including: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants. He added that this program will be in place to prohibit the placing of something into storm water that should not be there.

At the last hearing, there was a comment about county access to private party. The County will be checking tiles along county and township roads. If they identify a pollutant, the County will investigate; they will not be on private property without a warrant.

The construction site sediment, erosion, and storm water management draft rules affect parcels larger than one acre to control storm water quality. These rules are already in effect in Ohio but the local inspection and oversight will be provided here with statewide compliance regulated by the Ohio EPA.

Mr. Arden stated that the proposed storm water district will include the unincorporated areas of Portage County only. There will be additional requirements under the current EPA permit in that 50% of residents must be educated, a storm water system must be mapped, construction sites must be inspected, post-construction sites maintained, and the county and township facilities must install Good Housekeeping Rules. Soil & Water staff will conduct site inspections and Health Department staff will test outfalls. Kent and Ravenna both have a District and Rules in place; Stow, Barberton and Wadsworth also have moved forward with rules and a district in place. Erie, Franklin and Lucas Counties are working on the creation of a district and rules. Over 75 Ohio communities have adopted a storm water utility to fund this type of program. Public comments from previous meetings/hearings have already been incorporated into the program.

In accordance with Ohio Revised Code 6117, Portage County will assess a storm water user fee in the unincorporated areas of the county beginning in January 2010 if the Storm Water District is adopted. Each residential property and agricultural parcels will be charged for one flat rate Equivalent Residential Unit (ERU), which is an average of 5,800 square feet. One ERU will cost \$3.00 or less per month. Industrial, commercial and public properties, as well as churches, hospitals and schools will be charged based on the impervious (hard surfaces such as patios, rooftops, driveways, sheds, outbuildings, etc) area of the parcel, and billed one ERU per 5,800 SF of impervious area. There will be a credit program in place for special needs users who implement programs above the draft rules including the installation of rain gardens, ground water recharging, public education and some credit, yet to be determined, for agricultural relief. Residential parcels may not receive a financial credit but it may be simpler for the District to provide rain barrels and/or provide materials to build a rain garden. He noted that none of the 10 entities in Ohio that he checked with have any kind of residential credits. He added that the county must be careful to meet legal requirements as well, avoiding any radical billing. Mr. Arden noted that he would consider any suggestions from the Ag community especially for those owners of multiple parcels. The City of Kent charges around \$2.30/month per ERU, the City of Ravenna charges \$3.00/month per ERU, and Lake County charges \$2.50/month. The average charge is \$3.00. The EPA has not yet laid out the requirements for the next five year cycle, which begin in 2014. If the state remains consistent, only small changes will be made allowing the Portage County rate of \$3.00 to be sustainable. Mr. Arden stated that there is a liability for the county not to move forward with EPA fines for the county and/or each township. The rules require staffing, which the General Fund cannot pay for with tax revenues down. This utility is necessary to pay for this unfunded mandate following precedent set both locally and nationally.

Finally, Mr. Arden stated that this proposed Storm Water District is not a Conservancy District and is not associated with that entity in any way.

Commissioner Keiper opened the hearing to the public for comment asking that comments be limited to three minutes and that the speaker identify himself/herself before speaking. Commissioner Keiper noted that all questions would be annotated and answered after the comment period.

## **V. PUBLIC COMMENT**

- William Thomas, Freedom Township, stated that Shawn Arden contradicts himself. He noted that this is a representative form of government with the people having their say. The government is “us” and urged the Board of Commissioners to go by what the people want. Mr. Thomas asked what gives the county the right to access his property. He noted the United Nations Agenda 21 and added that the Board of Commissioners serves the public and is infringing upon the people’s rights.
- Robert Gaskin, 2344 Tallmadge Avenue, agreed with Mr. Thomas asking what gives the EPA the right to levy taxes on us.
- Linda Martin, 4723 Edson Road, stated that she owns a golf course and is concerned with the requirements for illicit discharges and pollutants and asked how that will affect the golf course. She asked how this program will affect the 4-H Program and area farms. She also is concerned about the assessment for the ERUs for the golf course. Paying that assessment will be almost impossible in this economic market.

- Patsy Artz, 6638 Peck Road, asked if the \$3.00 charge per parcel is the same for a one acre parcel as a 60 acre parcel and asked what the cost is to Portage County for this program.
- County Auditor Janet Esposito stated that the parcels are surveyed by landowners and not the County Auditor.
- Carol Foster, 263 West Main Street, Modern Management Solutions, manages trailer parks that have low-mid income tenants. She asked if there will be a charge for every roof and road in the park adding that this may make a lot of homeless people.
- Vic Grimm, 4574 Harner Road, asked if a 100 acre parcel will be billed one ERU while another 100 acre parcel, divided into five lots, will be charged five ERUs. Why not charge the developers who are disturbing property?
- Steve Berecek, Nelson Township, agreed with Mr. Grimm. He added that he presented United Nations Agenda 21, Chapter 18 to the Board of Commissioners at the last public hearing. He noted that this document was used to write the Great Lakes Water Compact. The proposed program is a burden on property owners and should be spread out to all pollutants. Why not charge the developers, chemical makers, etc. putting the burden on the money makers and leave the property owners alone.
- Dave Armentrout, Smith Road in Rootstown, stated that citizens have attended the meetings regarding this program. He believes that citizens have rights but noted that this is not a new concern. The rules have been in place since 1974 for this bi-partisan effort to have cleaner water. This is unfortunate timing but there is no solution for those not informed; to crucify our neighbors and friends; the Board of Commissioners and local elected officials, with a conspiracy theory is wrong. Mr. Armentrout stated that he served on the Task Force – all were invited to attend with a poor turnout. Our representatives, who we voted for, want to move forward. Either change electors or change the laws. This is an unfunded mandate with local input on the best way to comply. Mr. Armentrout also sits on the Regional Planning Commission, which need participation to help make the developers pay their fair share.
- Edith Chase 5731 Caranor Drive, stated that she also attended the Task Force Meetings and noted that the Kent Environmental Council (KEC) commends the Board of Commissioners for establishing storm water management rules to keep Portage County compliant with EPA requirements. The KEC believes that each property owner should be responsible for their own storm water and should assume the cost of mitigation. She believes that \$3.00/month is an average charge and encouraged those with multiple parcels to combine them to avoid the monthly charge. Mrs. Chase recommended that the Board of Commissioners consider a grant program to assist homeowners with repair or replacement of failing septic systems, which contributes to the pollution of storm water runoff. The grants could be based on need. A variety of measures could be used for storm water management including structural changes such as retention and detention ponds, dikes, swales, green roofs, and the use of impervious pavement. Changes in policy could include the amendment of the county subdivision regulations to reduce road width, protection of wetlands with buffers, riparian setbacks, vegetative cover preservation and best management practices for farm and urban lands. The Board of Commissioners should strengthen monitoring and enforcement for construction and post-construction storm water management. Since Portage County is a headwaters county, it is important that we improve the water quality. Mrs. Chase handed the Board of Commissioners the *“Life at the Water’s Edge”* pamphlet.

- County Auditor Esposito asked if the plan calls for a charge to trailer parks for each trailer. She added that Portage County has the second largest mobile home population in Ohio.
- Will Thomas responded to Edith Chase, stating that we must all be good stewards but wise stewards. This program puts the price on homeowners when the developers and corporations should be paying. Who is the EPA to fine Portage County?
- Jerry VanOss, Nelson Township, stated that Soil & Water has been preaching “no-till” farming. This is what happens when you use herbicides and pesticides. Land owners are better stewards of their own land and he needs no one to tell him what to do. The EPA has no authority to tax residents – Portage County people will not listen to the Board of Commissioners.
- Susan Skrovan, 4770B Wayne Road, stated that removing a lot line for two lots may affect resale. She attended the June public meeting and asked if all residential lots are 5800 square feet=1 ERU. Would the charge be on each unimproved and improved property?
- Bob Gaskins, 2344 Tallmadge Avenue, stated that the EPA has levied this program without funding attached. He does not believe in polluted water, no-till farming requires chemicals. Now there is great concern about runoff water and the creation of a utility. Taxes, once charged, will never go down – he added that he does not want others to control water on his property. He urged that the Board of Commissioners stop and think long and hard before moving ahead. This is not reasonable and residents can ill afford a new tax.
- David Stotler, 522 Horning Road, asked about the affect of wells and water softener salt on residential neighborhoods. If he builds a house on an acre residential lot, does he have the same requirements as a developer.
- Linda Martin stated that all chemicals used are regulated by the EPA; if the rules are followed, there should be not pollution. She urged the Board of Commissioners to vote no on storm water because this is an unfunded mandate and not based on any scientific evidence but on population threshold. Ms. Martin also asked why all 88 counties are not involved in this mandate – only 75 communities state wide.
- David Stotler stated that this is similar to the E-Check Program. Portage County is now the only Ohio County in E-Check. The EPA fines are unrealistic – if we cannot pay the fines, so what? He added that he was in the National Guard for 37 years and spent seven of those years at the Ravenna Arsenal, where there are “all kinds of water pollution issues”. Who’s looking at that?
- Dave Pollard, 3692 State Route 82, asked why the program is based on population and not pollution. There is no science to the mandate; the EPA wants this. Is there a baseline test of water quality by township? Does the EPA have a baseline? What does the county get out of this? What are the user fees being used for? For example, when he travels the Ohio Turnpike, he knows that the fee is the charge to use the road. If the townships are given baseline information, will the township water ever be clean enough to meet the EPA standards? If the developers do not want the burden for pollution, let them leave the county. Put the burden on the developers and not the homeowners.

- Ron Mishler, Suffield Township, stated that he attended the recent T.E.A. Party and recognizes some of today's attendees. He believes that all speakers are correct but the county must deal with storm water. He believes that the county is doing the best they can in a responsible manner.
- Carole Pollard, 5359 Allyn Road, suggested that the county use "honest language" in the rules. This is not a utility and not a user fee – it is enforcement. Why not call it that? There are two definitions of baseline: 1) what is the water like township by township and 2) the EPA target for Portage County to meet, which will never happen. She added that residents are "screwed on this no matter what". Education is part of the mission; children should not be propaganda tools. The county should tie education to proper, knowledgeable county people. She reminded the Board of Commissioners that they are not separate but live in Portage County as well – be good citizens.
- Linda Martin stated that the EPA will fine Portage County if we do not follow the rules. If we do follow the rules about pesticide use, then our water should be fine. She asked if Portage County can put the money into an escrow account until we can come up with a better plan.
- Carole Foster asked if the storm water utility will be registered with PUCO.
- Ron Stenglein, 9377 Dorothy Road, advised that the Board of Commissioners has asked the court to approve a water conservation district, which will have the ability to do this work as well. A conservancy district deals with the same problems of water quality and will be able to eminent domain.
- Commissioner Maureen T. Frederick asked EPA representative Kelvin Rogers why Portage County is under a mandate as the 15<sup>th</sup> largest county and not all 88 Ohio Counties. She asked if a baseline study has been done by the EPA?
- Mr. Rogers responded that he has been working closely with Portage County on this program.
- Consultant Shawn Arden answered the questions asked today as follows in no particular order.
  - The EPA established the program based on population thresholds of 10,000
  - The verbiage used throughout the draft rules must consistently follow ORC guidelines
  - It is not the intent of the public education component to be a propaganda machine; 50% of county residents must be reached
  - The county is looking at a credit system for owners of multiple parcels
  - The total cost of the proposed program is between \$1.5 and \$1.9 million per year. Based on and ERU, that would be approximately \$3.00 per month per ERU.
  - If residents and farmers are using fertilizers properly, there should be no pollution problem.
  - The 75 communities that have a storm water utility in Ohio follow the same billing format, which complies with state requirements and have set a precedent. The county will look at other options but this is a well established process.
  - Commissioner Keiper noted that one parcel is one parcel whether it is one acre or 100 acres. He added that building a house on one acre already requires an EPA permit.
- Chester Patterson, 4440 Edson Road, asked if the \$1.5-\$1.9 million for the program is for equipment, people and control measures. How many employees will there be and what salary will be paid.

- Linda Martin asked if this charge will be on the 2010 taxes. When will the department begin and when does the EPA see the county proposal. Mr. Arden responded that the EPA has been involved with the program from the start, that the fee will be on the 2010 property taxes and the Board of Commissioners has already hired the County Engineer to develop this program.
- Dave Pollard stated that he is a farmer with a pesticide license. He noted that the EPA approved pesticide limits can be cut in half and still be effective. He asked what happens if a township or district went through the hoops with a ballot issue stopping development of Portage County so that the county could get a baseline of water quality.
- Commissioner Keiper responded that he believes that Brimfield Township has such a moratorium on development.
- David Stotler asked if there are only 75 communities in Ohio that have over 10,000 in population? Mr. Arden responded that more than 75 communities have complied based on population but the remaining communities have funded the program through the General Fund or are working on compliance.
- Commissioner Smeiles asked Mr. Rogers of the EPA what would happen if Portage County does nothing.
- Mr. Rogers responded that the EPA can and will fine Portage County \$10,000 per day per violation. He added that the Ohio EPA will impose fines on Portage County and if not paid, the United States EPA may step in with even greater fines. He added that this program should have started in 2003; it is now 2009. He also stated that those communities downstream of Portage County can sue for non-compliance.
- Jerry VanOss, Nelson Township, stated that, once broke, the county can file for bankruptcy.
- County Engineer Mickey Marozzi noted that Portage County applications for grants and loans require that the county be in compliance with all state and federal requirements. Not being in compliance with this issue may jeopardize future grant funding. Jerry VanOss responded that that is wrong.
- Ron Mishler asked if the septic inspections would be blended into this program. Health Commissioner Chip Porter responded no.
- Dave Armentrout stated that we are a nation of laws with elected officials and leaders. The EPA edicts are covered by the constitution and laws of the land. Either change the laws or our representatives – we are a nation of laws not people.
- Rod Hoskin, 4097 SR 14, is the Fair Board Director who asked if the fairgrounds would have to pay \$3.00/month for that property. Mr. Arden responded that the fairgrounds are a public facility and would have to pay as a public property.
- Mike Biles, 516 Cherry Street, asked if this is a direct or indirect tax. Commissioner Keiper responded neither – this is a user fee placed on the property taxes as an assessment.

**VI. CLOSING STATEMENT** – Commissioner Keiper thanked the residents for attending and noted that the Board of Commissioners will wait for the final recommendation from the County Engineer before taking action.

There being no further business to come before the Board, the public hearing was adjourned at 3:05 PM

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**NEIGHBORHOOD DEVELOPMENT SERVICES**

Present: Dave Vaughan, Justin Meiser, Bob Paoloni

3:20 PM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Christopher Smeiles**, seconded by **Maureen T. Frederick** that the Board of Commissioners move into executive session to conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. **Also present:** Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

3:35 PM Upon conclusion of the above referenced discussion, it was moved by **Christopher Smeiles**, seconded by **Maureen T. Frederick** that the Board of Commissioners move 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 approved the form and substance of the draft settlement of the foreclosure action, pending review and approval by the Portage County Prosecutor. Attorney Paoloni to contact Attorney Denise Smith.

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**RESOLUTION No. 09-0676 - RE: BILLS APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.**

It was moved by Christopher Smeiles, seconded by Maureen T. Frederick 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 July 23, 2009 in the total payment amount of **\$714,169.43 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;

\* \* \* \* \*



making of such contract or order and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances (Then and Now Certification), and

**WHEREAS,** the Then and Now Certification is recommended by the State Auditor's Office, the Portage County Auditor's Office, and the Portage County Prosecutor's Office, and

**WHEREAS,** a listing of expenditures, attached hereto as Exhibit "A" and incorporated herein by reference, has been certified by the County Auditor according to Ohio Revised Code section 5705.41 (D)(1); now therefore be it

**RESOLVED,** that the expenditures listed herein are properly certified by the County Auditor in the amount of **\$28,005.54** as set forth in Exhibit "A" dated **July 23, 2009** shall be paid; 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:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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**RESOLUTION No. 09-0680**

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**RE:**

**ENTER INTO AMENDMENT NO. 1 FOR MULTISYSTEMIC THERAPY BETWEEN THE BOARD OF COMMISSIONERS ON BEHALF OF THE PORTAGE COUNTY DEPARTMENT OF JOB & FAMILY SERVICES AND FAMILY & COMMUNITY SERVICES, INC.**

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

**WHEREAS,** an agreement between the parties was entered into and known as Portage County Contract No. 20090373 (the "Original Contract") by Resolution No. 08-0838 to provide family and community based treatment to youth with complex clinical, social and educational problems referred to as Multisystemic Therapy ("MST"); and

**WHEREAS,** the parties desire to amend the Original Contract to continue such services; now therefore be it

**RESOLVED,** that the Board of Portage County Commissioners does hereby enter into Amendment No. 1 between the Board of Commissioners on behalf of the Portage County Department of Job & Family Services and Family & Community Services, Inc. for the period July 1, 2009 through June 30, 2010; and be it further



Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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**RESOLUTION No. 09-0682**

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**RE: AWARD THE BID AND ENTER INTO AN AGREEMENT WITH RED DIAMOND UNIFORM & POLICE SUPPLY, INC. FOR BALLISTIC BODY ARMOR FOR THE PORTAGE COUNTY SHERIFF'S DEPARTMENT.**

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

**WHEREAS,** nine (9) companies picked up specifications for ballistic body armor for the Portage County Sheriff's Department; and

**WHEREAS,** on July 6, 2009 the Portage County Internal Services Department received one (1) acceptable and one (1) unresponsive bid; and

**WHEREAS,** upon review of the bids received, it is the recommendation of the Portage County Director of Internal Services that the bid of Red Diamond Uniform & Police Supply, Inc. be accepted as the lowest and best bid received; now therefore be it

**RESOLVED,** that the Board of Commissioners hereby agrees to accept and award the bid of Red Diamond Uniform & Police Supply, Inc., 4437 Mahoning Ave., Youngstown OH 44515, in the amount of Thirty thousand, four hundred sixty-five and 41/100 dollars (\$30,465.41) for ballistic body armor for the Portage County Sheriff's Department; 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:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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**RESOLUTION No. 09-0683**

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**RE: ENTER INTO AMENDMENT NO. 1 BETWEEN THE BOARD OF COMMISSIONERS AND COLEMAN WELLNESS SOLUTIONS FOR THE EMPLOYEE ASSISTANCE PROGRAM.**

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

**WHEREAS,** an agreement between the Board of Commissioners and Coleman Wellness Solutions known as Portage County Contract No. 20080340 to provide an employee assistance

program to the County's employees, spouses, and eligible dependents on July 10, 2008; and

**WHEREAS,** it has been determined that services under the annual contract have increased requiring bids to be issued per ORC 307.86; and

**WHEREAS,** the parties desire to amend the Original Contract to continue such services until the bid process is finalized and a new contract is in place; now therefore it

**RESOLVED,** that the Board of Portage County Commissioners does hereby agree to enter into an Agreement between the Board and Coleman Wellness Solutions at the same amount of Twenty three and 60/100 (\$23.60) per employee for the time period of July 1, 2009 to October 1, 2009; 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:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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**RESOLUTION No. 09-0684**

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**RE:**

**APPROVE LAYOFF OF POSITION IN THE PORTAGE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES.**

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

**WHEREAS,** the Portage County Board of Commissioners has reviewed the current and projected revenues of the Portage County Department of Job and Family Services (PCDJFS) and has determined that said lack of funds requires a reduction of current staff; and

**WHEREAS,** the Board of Commissioners has determined that the State budget cuts to be incurred by the PCDJFS and said lack of funds requires a reduction of current staff; and

**WHEREAS,** the Director of the Portage County Job and Family Services has recommended that one position in the Job and Family Services Department be laid off; now therefore be it

**RESOLVED,** that the Board of Portage County Commissioners does hereby approve the following position layoff:

- Income Maintenance Supervisor 1

**RESOLVED,** that the layoff will be effective as soon as legally possible; and be it further





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**INVITATIONS/MEETING NOTICES**

July 23, 2009

1. Invitation from AMATS for the Annual Luncheon Meeting on Friday, October 16, 2009, 10:30 AM, Sheraton Suites.
2. Invitation from Summit County for the Cuyahoga County's Land Bank Seminar on Wednesday, August 26, 2009, Tangier Restaurant, 9:00 AM.
3. Invitation for the Portage County Randolph Fair Opening Day Celebration on Tuesday, August 25, 2009, 11:00 AM at the Main Gate. Tour and Merry-Go-Round ride to follow.

\* \* \* \* \*

**INCOMING CORRESPONDENCE**

**DISCUSSION**

July 23, 2009

1. July 14, 2009 correspondence from Christy Esler, Ravenna Army Ammunition Plant Restoration Advisory Board, including the Technical Assistance for Public Participation (TAPP) provider voting ballot July 2009. Completed ballots requested by Tuesday, August 4, 2009/Journal Entry.
2. The Board of Commissioners received the City of Kent, Ohio's objection to the petition for a water improvement district as presented by the Portage County Common Pleas Court/Forwarded to Attorney Denise Smith
3. July 21, 2009 e-mail from Carol Kurtz, Internal Auditor, regarding RLF/Information only.
4. In response of the June 25, 2009 Notice from the Ohio Division of Liquor Control of a request for transfer of liquor license from Nelson Ledge Amusement Park LLC dba Nelson Ledge Amusement Park to Salvage Pantry LLC dba Salvage Grocery Store, 11462 Nicholson Rd., Nelson Township, Garrettsville, OH 44231, does the Board of Commissioners wish to have a hearing? The Nelson Township Trustees were notified and have objections, and are requesting a hearing. Chris Meduri, Prosecutor's Office, has comments noted/Journal Entry.
5. July 21, 2009 memo from Charlene Badger, Executive Assistant, regarding payment for deed document for Columbiana Gas Company/Journal Entry.

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**JOURNAL ENTRIES**

July 23, 2009

1. The Board of Commissioners received the Weekly Report of Kennel population for the week ending July 19, 2009 as presented by Dave McIntyre, Dog Warden. The Board of Commissioners acknowledged the receipt of \$1,372.00 in Court Donations and \$2,418.50 in License Sales.
2. Board of Commissioners' authorization requested to pay Speelman Electric for 2008 Portage County Home Repair at 1209 Apache Pass, Streetsboro, OH 44241 (Ausra) for \$5,170.50 as requested by Neighborhood Development Services.

3. Board of Commissioners' authorization requested to pay Speelman Electric for 2008 Portage County Home Repair at 1209 Apache Pass, Streetsboro, OH 44241 (Ausra) for \$574.50 as requested by Neighborhood Development Services.
4. Board of Commissioners' authorization requested to pay G.B. Hawk Construction for Portage County CHIP Private Rehab at 10088 Nichols Rd., Mantua, OH 44255 (Lydic) for \$29,268.00 as requested by Neighborhood Development Services.
5. Board of Commissioners' authorization requested to pay G.B. Hawk Construction for Portage County CHIP Private Rehab at 10088 Nichols Rd., Mantua, OH 44255 (Lydic) for \$3,252.00 as requested by Neighborhood Development Services.
6. Board of Commissioners' authorization requested to pay C. Bryant Construction for 2008 Portage County CHIP Private Rehab at 6239 N. Spring St., Ravenna, OH 44266 for \$13,819.50 as requested by Neighborhood Development Services.
7. Board of Commissioners' authorization requested to pay C. Bryant Construction for 2008 Portage County CHIP Private Rehab at 6239 N. Spring St., Ravenna, OH 44266 for \$3,195.50 as requested by Neighborhood Development Services.
8. Board of Commissioners' authorization requested to use the Portage County Administration Building's C Parking Lot and WIC Lot for the Mammo Van Medical Imaging Network for County employees on Tuesday, August 18, 2009 and Friday, August 21, 2009 from 7:00 AM until 2:00 PM as requested by the Human Resources Department.

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**REFERRED**

July 23, 2009

1. July 20, 2009 e-mail from Carole Beaty, Family & Community Services, regarding Grant Extension for Grant No. 2007-WE-AX-0048. Referred to Grants Administrator.
2. July 13, 2009 correspondence from Deborah Ingram, FEMA, regarding floodplain management. Referred to Building Department for his files and information. ***Please note that the Ohio Department of Natural Resources acknowledged the receipt of the Portage County Flood Damage Reduction Resolution in a July 9, 2009 correspondence to the Board of Commissioners. Resolution 09-0571 was deemed compliant with the minimum NFIP standards. The ODNR will forward the Portage County resolution with the ODNR approval to FEMA Region V offices to complete the process.***
3. July 14, 2009 correspondence from Dr. Tony Forshey, Ohio Department of Agriculture, regarding the loss of funding in order to reimburse livestock producers who have experienced predation by coyotes or black vultures to their livestock for fiscal years 2010-2011. Referred to Internal Auditor and Dog Warden.
4. July 13, 2009 correspondence from NOPEC, regarding electricity options. Referred to Internal Services.
5. July 15, 2009 correspondence from NOPEC, regarding electricity options. Referred to Internal Services.

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**INFORMATION ONLY**

July 23, 2009

1. The Board of Commissioners received meeting minutes from the Special Board Meeting on June 25, 2009, presented by the Portage County District Library.
2. The Board of Commissioners received meeting minutes from the Board Meeting on June 18, 2009, as presented by the Portage County District Library.
3. July 17, 2009 memo from the County Engineer's Office to all political subdivisions who submitted pre-applications for Round 24 Ohio Public Works Commission funding, inviting them to attend a public meeting on Friday, July 31, 2009 at the Portage County Engineer's Facility at 1:30 PM.

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**Journal Entry**  
July 23, 2009

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

1. The Board of Commissioners acknowledged the receipt of the Weekly Report of Kennel population for the week ending July 19, 2009, as presented by Dave McIntyre, Dog Warden. The Board of Commissioners also acknowledged the receipt of \$1,372.00 in Court Donations and \$2,418.50 in License Sales.
2. The Board of Commissioners authorized payment to Speelman Electric of Tallmadge for a 2008 Portage County Home Repair for Stephen and Elmia Ausra, 1209 Apache Pass, Streetsboro, OH 44241 for \$5,170.50 as requested by Neighborhood Development Services.
3. The Board of Commissioners authorized payment to Speelman Electric of Tallmadge for a 2008 Portage County Home Repair for Stephen and Elmia Ausra, 1209 Apache Pass, Streetsboro, OH 44241 for \$574.50, as presented by Neighborhood Development Services.
4. The Board of Commissioners authorized payment to G.B. Hawk Construction of Tallmadge for a Portage County CHIP Private Rehab for Marjorie Lydic, 10088 Nichols Road in Mantua, OH 44255 for \$29,268.00, as presented by Neighborhood Development Services.
5. The Board of Commissioners authorized payment to G.B. Hawk Construction of Tallmadge for a Portage County CHIP Private Rehab for Marjorie Lydic, 10088 Nichols Road in Mantua, OH 44255 (Lydic) for \$3,252.00, as presented by Neighborhood Development Services.
6. The Board of Commissioners authorized payment to C. Bryant Construction of Tallmadge for a 2008 Portage County CHIP Private Rehab for Albert Marstillier, 6239 N. Spring St., Ravenna, OH 44266 for \$13,819.50, as presented by Neighborhood Development Services.
7. The Board of Commissioners authorized payment to C. Bryant Construction of Tallmadge for a 2008 Portage County CHIP Private Rehab for Albert Marstillier, 6239 N. Spring St., Ravenna, OH 44266 for \$3,195.50, as presented by Neighborhood Development Services.
8. In response of the June 25, 2009 Notice from the Ohio Division of Liquor Control of a request for transfer of liquor license from Nelson Ledge Amusement Park LLC dba Nelson Ledge Amusement Park to Salvage Pantry LLC dba Salvage Grocery Store, 11462 Nicholson Rd., Nelson Township, Garrettsville, Ohio 44231, the Board of Commissioners agreed not to request a hearing. The Board of Commissioners noted that, although the Nelson Township Trustees have objections and are requesting a hearing, Portage County Assistant Prosecuting Attorney Christopher Meduri has advised that there is no basis for a hearing.

9. The Board of Commissioners accepted the recommendation of Executive Assistant Charlene Badger and authorized payment to the Columbiana County Recorder of \$7.00 for a deed document to change the lease rental payments into the Portage County Board of Commissioners' name for Columbiana Gas Transmission Corporation Lease Number 3196161-000.
10. In response to the July 14, 2009 correspondence from Christy Esler, RAB Administrator for the Ravenna Army Ammunition Plant Restoration Advisory Board, requesting a vote for one Technical Assistance for Public Participation (TAPP) provider, the Board of Commissioners agreed to vote for Emerald Environmental.
11. The Board of Commissioners accepted the Internal Services Director's recommendation and agreed to participate in the NOPEC Electric Aggregation Program (commercial customers only) for all Portage County facilities located in Hiram Village, the City of Kent and all Portage County Townships, which offers 9% off the generation price for the remainder of 2009; 5 ½ % for January 2010 through June 2010 and 1% for July 2010 through the January 2011 meter reading.
12. The Board of Commissioners accepted the Regional Planning Commission recommendation and approved Change Order No. 1 for the Townhall II alterations to the Horizon House including additional insulation, paving and the catch basin, and a concrete walk for \$14,122.50, as presented by Internal Services Director JoAnn Townend. The Director noted that there are CDBG funds available for this change order.
13. The Board of Commissioners approved the Department of Job & Family Services request that security access controls be placed on two doors at the former Prosecutor's Annex, the installation of a dome camera in the reception area; and a panic switch in reception area, all to be integrated into the existing access and CCTV systems in Portage County Administration Building at a cost of \$9,025.93, as presented by the Internal Services Director.
14. The Board of Commissioners accepted the recommendation of Director of Maintenance Tim Miller and accepted the proposal of the K Company Inc of Akron for the Preventative Maintenance HVAC & Refrigeration Services for Portage County. Internal Services to bring forward the contract.

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 **July 23, 2009**. There being no further business to come before the Board, it was moved by Christopher Smeiles, seconded by Maureen T. Frederick to adjourn the official meeting at 3:35 PM. 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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