

**Tuesday, August 4, 2009**

The Board of County Commissioners met in regular session on **Tuesday, August 4, 2009 at 9:20 AM** with the following members present:

Charles W. Keiper II

Maureen T. Frederick

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It was moved by Maureen T. Frederick, seconded by Charles W. Keiper II to approve the meeting minutes of the July 30, 2009 meeting. Commissioner Smeiles on vacation, motion carries

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Commissioner Smeiles on vacation

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

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**DEPARTMENT OF BUDGET AND FINANCIAL MANAGEMENT**

Present: Audrey Tillis

The Board of Commissioners discussed the 2010 budget and agreed to send an update to the elected officials. The Board of Commissioners also agreed to meet on August 24<sup>th</sup> with elected officials to discuss further.

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**PROSECUTOR**

Present: Denise Smith

Review of Prosecutor's Pending List

1. Judge Pittman has denied the Conservancy District Petition/no action at this time.
2. Attorney Smith will investigate what authority the Board of Commissioners has over equipment purchased – who owns all county assets purchased? Who is responsible for the policies related to inventory, use, maintenance, reassignment of value, and disposal of items as related to accounting of assets.
3. The Board of Commissioners will forward the Portage County Library District request for a levy on the November ballot to Denise Smith.
4. Attorney Prugh is working on the creation of boilerplate agreement for unfinished subdivisions as well as an individual agreement for Whispering Meadows. The recommendation is that one County department must keep track of the subdivisions and not let the escrow agreements expire.
5. Payment of old court costs from Clerk of Courts – statute says that officials named need not pay court costs. Unfortunately, the Board of Commissioners is not in that list exempting the Board of Commissioners from court costs. Attorney is investigating further.







**RESOLUTION No. 09-0715 - RE: RESCIND RESOLUTION 09-0690, WHICH AUTHORIZED THE PORTAGE COUNTY ENGINEER TO REQUEST PROPOSALS FOR PROFESSIONAL SERVICES FOR THE DESIGN OF A ROUNDABOUT AT THE SUMMIT ROAD/POWDERMILL ROAD INTERSECTION**

It was moved by Maureen T. Frederick, seconded by Charles W. Keiper II that the following Resolution be adopted:

**WHEREAS,** the Portage County Board of Commissioners, by Resolution 09-0690, adopted on July 28, 2009, authorized the Portage County Engineer to request proposals for professional services for the Design of a Roundabout at the Summit Road/Powdermill Road Intersection; and

**WHEREAS,** the Portage County Engineer has since determined it necessary to delay the consultant selection process for this project, which includes requesting proposals for professional services; now therefore be it

**RESOLVED,** that Portage County Board of Commissioners does hereby agree to rescind Resolution No. 09-0690 dated July 28, 2009; and be it further

**RESOLVED,** that the Portage County Engineer, at a later date, will submit a resolution for reconsideration by the Portage County Board of Commissioners to request proposals for professional services for the Design of a Roundabout at the Summit Road/Powdermill Road Intersection; and be it further

**RESOLVED,** that the Portage County 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 meetings 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, Absent;

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**RESOLUTION No. 09-0716 - RE: RESCIND RESOLUTION NO. 09-0542 TO AUTHORIZE NEIGHBORHOOD DEVELOPMENT SERVICES (NDS) TO APPLY FOR A CDBG GRANT THROUGH THE OHIO DEPARTMENT OF DEVELOPMENT (ODOD) TO DIRECTLY ASSIST ADELLS LTD. AND ACCURATE FAB LLC.**

It was moved by Maureen T. Frederick, seconded by Charles W. Keiper II that the following resolution be adopted:

**WHEREAS,** the Ohio Department of Development has Community Development Block Grants available







It was moved by Maureen T. Frederick, and seconded by Charles W. Keiper II that the following resolution be adopted:

**WHEREAS,** this Board by Resolution No. 09-0426 adopted May 7, 2009, set the date and time for bidding of Project No. RV-0 (09-020), AC Pipe Replacement Phase 1, hereinafter referred to as the PROJECT; and

**WHEREAS,** the notice of accepting bids was advertised in the Record Courier Newspaper on May 13 and May 20, 2009; and

**WHEREAS,** nine potential bidders received plans and specifications for the PROJECT; and

**WHEREAS,** this Board received two online bids for the PROJECT on June 18, 2009, as named below; and

United Survey, Inc.	\$ 176,616.00
Insight Pipe Contracting	\$ 239,200.00

**WHEREAS,** based upon his analysis of the bid received (bid tabulation attached), the Portage County Water Resources has made a recommendation for award; and

**WHEREAS,** the Portage County Board of Commissioners has received approval to award from the Ohio Public Works Commission; now therefore be it

**RESOLVED,** by the Board of Commissioners of Portage County, Ohio:

Section 1. That this Board hereby award the Contract for the PROJECT to the responsive bid of United Survey, Inc., 25145 Broadway Avenue, Cleveland, Ohio 44146, in the bid amount of \$ 176,616.00.

Section 2. That the Water Resources is hereby authorized and directed to issue the Notice Of Award to the contractor named in Section 1.

Section 3. That the funds to cover the cost of the PROJECT are budgeted in the "A/C Pipe Replacement", Fund 5314 Org 53140606 Object 684000 Project No. 09020.

Section 4. That the Clerk of this Board is hereby directed to certify a copy of this Resolution to the County Auditor and the Department Of Budget and Financial Management within 15 days after its passage.

Section 5. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board and that all deliberations of this Board and of any of its committees on or after November 28, 1975, that resulted in such formal action, were in

meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Voice vote as follows:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Absent;

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**RESOLUTION No. 09-0720**

**RE: FIXING CHARGES FOR THE USE OF THE SANITARY SEWERAGE SYSTEM IN THE PORTAGE COUNTY REGIONAL SEWER DISTRICT, FUND 5200, PURSUANT TO CHAPTER 6117, OHIO REVISED CODE, AND REPEALING RESOLUTION 08-1233 ADOPTED DECEMBER 23, 2008.**

It was moved by Maureen T. Frederick, and seconded by Charles W. Keiper II that the following resolution be adopted:

**WHEREAS,** this Board, has heretofore established by Resolution No. 74-78, adopted on April 11, 1974, the Portage County Regional Sewer District hereinafter referred to as the Regional Sewer "DISTRICT"; and

**WHEREAS,** this Board is authorized by the pertinent provision of Chapter 6117 of the Ohio Revised Code, to fix reasonable rates to be charged for the use of the sewers or sewage treatment disposal works referred to in such Chapter, by every person, firm or corporation whose premises are served by a connection to such sewers or sewage treatment or disposal works when such sewers or sewage treatment or disposal works are owned or operated by the County and may change such rates as it deems advisable; and

**WHEREAS,** the sanitary sewer system serving the District consists of sewers and sewage treatment and disposal works as referred to in such Chapter 6117; and

**WHEREAS,** the County Sanitary Engineer has advised this Board that most residential buildings served by a connection to the System, whether occupied by one or more families, do not have water meters in place which are capable of measuring the water consumption of such users and that such users discharge approximately equal flow into and/or loading of the system and County Sanitary Engineer has recommended that a flat rate estimate of water consumption by such users of the system be applied in determining the sewer service rates for residential users of the System, including those whose needs for water are furnished by a private well system, until such time that water meters capable of measuring water consumption have been installed on the premises of a majority of the residential users in the System; and

**WHEREAS,** to distribute equitably the cost of providing sewage system collection, conveyance, treatment and disposal facilities among the present and future users of the System, this Board has determined to establish rates to be charged which, in its judgment are

reasonable and proper having due regard to all relevant circumstances and conditions, as hereinafter set forth;

**RESOLVED,** by the Board of County Commissioners of Portage County, Ohio, that:

**SECTION 1. SEWER SERVICE CHARGE**

Sewer service charge means the total charge which is assessed users of the sewage system, and includes user charges and a fixed charge subject to change at any time and from time to time by resolution of this board, each person, firm or corporation whose premises are served by a connection to the System shall be charged a quarterly sewer service charge determined from time to time as hereinafter set forth.

**SECTION 2. DETERMINATION OF SERVICE UNITS FOR NON-METERED USERS**

For the purpose of calculating the charges herein provided for and having given due consideration to the volumes, strength and other characteristics of the sewage emanating from the premises served by the System, it is hereby determined that the following uses of such premises shall be assigned the following Service Units for non-metered users:

EQUIVALENT BUILDING USAGE TABLE

BUILDING USAGE PER	NOTES	TRUNK UNITS*	PLANT UNITS.	
Apartments:				
1 Bedroom		0.6250	0.6250	Apartment
2 Bedroom		0.7500	0.7500	Apartment
3 Bedroom		0.8750	0.8750	Apartment
4 Bedroom		1.0000	1.0000	Apartment
Assembly Halls/Banquet Halls (Without kitchen facilities)		0.0375	0.0375	Employee Seat
(With kitchen facilities)	A	0.0175	0.0175	Seat
Barber Shop		0.2000	0.2000	Barber Chair
Beauty Parlor		0.5000	0.5000	Basin
Bowling Alleys		0.1875	0.1875	Lane
Car Wash	B	0.7250	0.7250	Hand Bay
		2.1500	2.1500	Auto Bay
Campground or recreational park				
Primitive w/o showers		0.075	0.075	Site
Primitive w/showers		0.150	0.150	Site
Site with w/o water hookup		0.150	0.150	Site
Site with water hookup		0.225	0.225	Site
Churches (Small) Less than 200 sanctuary seats				
(Without kitchen)		0.0075	0.0075	Sanctuary Seat
(With kitchen)	A	0.0125	0.0125	Sanctuary Seat
Churches (Large) More than 200 sanctuary seats				

(Without kitchen)		0.0125	0.0125	Sanctuary Seat
(With Kitchen)	A	0.0175	0.0175	Sanctuary Seat
Coffee Shop		0.0375	0.0375	Employee
		0.0125	0.0125	Seat
Condominiums		1.0000	1.0000	Each
Convenience Store (with gas sales)		0.0375	0.0375	Employee
		0.0125	0.0125	Parking Space
		1.2500	1.2500	Pump Island
Country Clubs		0.1250	0.1250	Member
Dance Halls				
(without kitchen facilities)		0.0075	0.0075	Patron
(with kitchen facilities)		0.0175	0.0175	Patron
Daycare Facility		0.0875	0.0875	Employee
		0.0250	0.0250	Student
Dentist Office		0.0875	0.0875	Employee
		0.0250	0.0250	Patient
		0.1875	0.1875	Dentist
Doctor Office		0.0875	0.0875	Employee
		0.0250	0.0250	Patient
		0.1875	0.1875	Dentist
Drive Inn Theater	0.0250		0.0250	Car Space
Factories:				
No Showers		0.0625	0.0625	Employee
W/Showers		0.0875	0.0875	Employee
Food Service Operations:				
Ordinary Restaurant (not 24 hr)	A	0.0875	0.0875	Seat
Ordinary Restaurant (24 hour)	A		0.1500	0.1500 Seat
Fast Food (not 24 hour)	A	0.0625	0.0625	Seat
Fast Food (24 Hour)	A	0.0875	0.0875	Seat
Curb Service	A	0.0620	0.0625	Parking space
Hospitals-No Resident Personnel	A	0.8750	0.8750	Employee
	A	0.7500	0.7500	Bed
		0.0875	0.0875	Employee
House (residential)		1.0000	1.0000	House
Institutions-Resident	A	0.2500	0.2500	Bed
Laundries - (Public)Coin Operated		1.00	1.00	Machine
<u>Laundry Wastes Require Special Consideration--Consult District Sanitary Engineer</u>				
Motels or Hotel	A	0.25	0.25	Room
Nursing & Rest Homes	A	0.25	0.25	Resident Employee
		0.125	0.125	Non-Resd. Employee
		0.50	0.50	Bed
Office Building		0.0500	0.050	Employee
Retail Store		0.0375	0.0375	Employee
		0.030	0.030	Parking space
Schools:		0.0375	0.0375	Employee
Elementary	(A if cafeteria)	0.0375	0.0375	Pupil
Junior & Senior High	(A if cafeteria)	0.0500	0.0500	Pupil
Service Stations:	B	1.25	1.25	Bay

		1.25	1.25	Island
Shopping Center		0.0375	0.0375	Employee
Without food service		0.005	0.005	Parking Space
With food service	A	0.0125	0.0125	Parking Space
Swimming Pools				
Without hot showers		0.0125	0.0125	Swimmer
With hot showers		0.0250	0.0270	Swimmer
Theater		0.0125	0.0125	Seat
Trailer Parks:				
Single Wide Trailer		0.7500	0.7500	Single Wide Trailer
Double Wide Trailer		0.7500	0.7500	Double Wide Trailer
Travel Trailer Parks & Camp		0.3125	0.3125	Trailer or Space
Travel Trailer Dump Station (Holding Tank To Be Pumped Out & Hauled Away)				
Vacation Cottages				
Without Kitchen		0.1250	0.1250	Person
With Kitchen		0.1875	0.1875	Person
Veterinarian Office & Animal Hospital (Outside trash trap may be required if over 10 kennels)				
		0.050	0.050	Kennel/Cage/Run
		0.0375	0.0375	Employee
Youth & Recreation Camps		0.0375	0.0375	Employee
		0.125	0.125	Employee overnight
		0.125	0.125	Camper overnight
		0.0375	0.0375	Camper (food service)
		0.0250	0.0250	Camper (no f service)

NOTES: A. Approved outside grease trap required.

B. Approved outside oil interceptor required.

\* One unit equals the trunk and plant capacity requirements of a single-family residence, which is estimated at 400 gallons per day of wastewater.

A minimum of one unit shall be utilized for billing charges.

Trailer parks shall be billed in accordance with the equivalency chart above unless a flow meter approved by the Portage County Water Resources Department has been installed and is operational. Such metered parks will be billed at the existing commercial rate. Under no circumstances will a park or individual trailer owner be billed less than one unit.

In the case of any uses not described above, the Sanitary Engineer is authorized to establish the applicable service unit for such premises using generally accepted engineering principles and criteria until further legislative determination by this Board or until the installation of a water meter.

**SECTION 3. CHARGES – COUNTY OWNED FACILITIES:**

That for the purposes provided in Section 10 hereof, there is hereby fixed and charged to each person, firm or corporation whose premises have a connection with the following

treatment plant or otherwise discharge sewage, industrial wastes, water or other liquids, either directly or indirectly into such sewer facilities, sewer rates for each service unit, payable and hereinafter provided, in the respective amounts as follows:

1. Quarterly Sewer Service Charge:

A. **Zone 2** - Bolingbrook (SH-2), Brimfield (BR-2), Franklin Hills (FR-1), Red Fox (SH-1), Shalersville Township (SH-4), Twin Lakes (FR-2), Western Reserve (N-1), and Mantua Township (MA-1) Sewer Service Areas.

**Zone 2 year begins on December 1, 2007 and ends on November 30, 2007.**

**Zone 3** - Atwater Sewer Service Area (AT-1), West Branch Service Area (CH-1) Ravenna Regional Sewer Service Area (RV-O), Fairlane Estates Sewer Service Area (SU-1), Rivermoor Sewer Service Area, (SU-2) and the New Milford Sewer Service Area.

**Zone 3 year begins on January 1, 2008 and ends on December 31, 2008.**

The quarterly sewer service charge for the users described above shall be:

2008	\$ 104.80
2009	\$ 108.47
2010	\$ 112.27
2011	\$ 116.20

During such period, in the case of non-residential premises serving food (Commercial Food Service), the quarterly sewer service charge for 1,000 cubic feet of metered water (prorated) consumption shall be:

	PER 1,000 CUBIC FT	MINIMUM BILL
2008	\$ 51.73	\$ 104.80
2009	\$ 53.54	\$ 108.47
2010	\$ 55.41	\$ 112.27

2011	\$ 57.35	\$ 116.20
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In the case of all other non-residential premises (Commercial and Public Authority User) the quarterly sewer service charge shall be:

	PER 1,000 CUBIC FT	MINIMUM BILL
2008	\$ 40.90	\$ 104.80
2009	\$ 42.33	\$ 108.47
2010	\$ 43.81	\$ 112.27
2011	\$ 45.34	\$ 116.20

In the case of the Allen Aircraft Products Industrial Waste connection, Zone 3, the quarterly sewer service charge shall be:

	PER 1,000 CUBIC FT	MINIMUM BILL
2008	\$ 25.80	\$ 104.80
2009	\$ 26.70	\$ 108.47
2010	\$ 27.63	\$ 112.27
2011	\$ 28.60	\$ 116.20

In addition to the amounts calculated in accordance with the preceding paragraphs, there shall be added a Fixed Charge of \$2.25 to each bill rendered.

B. Randolph Sewer Service Area (RA-3).

The quarterly sewer service charge for the users described in Section 2 hereof for each residential unit (prorated) shall be:

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2008	\$ 87.75
2009	\$ 90.82
2010	\$ 94.00
2011	\$ 97.29

Additionally all residences in the Randolph Service Area will pay a capital surcharge of \$62.25 per equivalent resident unit per quarter for a period of 40 years, ending December 31, 2046. Note: A duplex shall be considered as one residential unit for surcharge purposes only.

For premises with metered water consumption, in the case of non-residential premises servicing food (Commercial Food Service), the quarterly sewer service charge shall be:

	PER 1,000 CUBIC FT	MINIMUM BILL
2008	\$ 61.32	\$ 110.87
2009	\$ 63.47	\$ 114.75
2010	\$ 65.69	\$ 118.77
2011	\$ 67.99	\$ 122.93

In the case of all other non-residential premises (Commercial and Public Authority User) the quarterly sewer service charge shall be:

2008	\$ 51.19	\$ 110.87
2009	\$ 52.98	\$ 114.75
2010	\$ 54.83	\$ 118.77

2011	\$ 56.75	\$ 122.93
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In addition to the amounts calculated in accordance with the preceding paragraphs, there shall be added a Fixed Charge of \$2.25 to each bill rendered.

## 2. Surcharge

### A. Extra Strength Waste & Excessive Flow Surcharge

Users that discharge extra strength waste into the sanitary sewer system or exceed original permit design flow to the system shall be surcharged for such flow. The surcharge rate shall be determined by the Sanitary Engineer using the Rules and Regulations governing Portage County and the Streetsboro Sewer District No. 4 and the current user rate and tap-in fee resolutions. The surcharge shall be in conjunction with the Quarterly Sewer Service Charge per Section 3 and Section 4 of this resolution.

### B. Project Construction Surcharge

1. Black Horse Surcharge: In addition to the quarterly sewer service charge all existing residences, businesses, and institutions in the Black Horse Service Area will pay a capital surcharge of \$30.60 per equivalent resident unit per quarter until a total amount of \$612.00 per residential equivalent unit is paid, (in place of normal front foot charges). This is due to the availability of Community Development Block Grant and Issue 2 funding. All future customers in the Black Horse Service Area without existing on site systems are required to pay the then current normal front foot, trunk and plant charges as part of their normal sewer permit process.

2. New Milford Surcharge: In addition to the quarterly sewer service charge all existing residences, businesses, and institutions in the New Milford Service Area will pay a capital surcharge of \$110.00 per equivalent resident unit per quarter until a total amount of \$1760 per residential equivalent unit is paid, (in place of normal front foot, trunk, and plant charges). This is due to the availability of Community Development Block Grant and Issue 2 funding. All future customers in the New Milford Service Area without existing on site systems, are required to pay the then current normal front foot, trunk and plant charges as part of their normal sewer permit process.

## **SECTION 4. CHARGES - COUNTY OPERATED FACILITIES.**

There is hereby fixed and charged to each person, firm or corporation owning sewer facilities and using the Portage County Water Resources Lab Facilities, payable as hereinafter provided in the respective amounts per quarter as follows:

### 1. Quarterly Sewer Service Charge:

A. Southeast School Sewage Treatment Plant. Zone 3

The quarterly sewer service charge for services provided by the Water Resources Department shall be:

<b>FOR THE PERIOD FROM:</b>	<b>RATE PER QUARTER</b>
1-01-2008 TO 12-31-2008	\$1,228.83
1-01-2009 TO 12-31-2009	\$1,271.84
1-01-2010 TO 12-31-2010	\$1,316.35
1-01-2011 TO 12-31-2011	\$1,362.42

In addition to the amounts calculated in accordance with the preceding paragraphs, there shall be added a Fixed Charge of \$2.25 to each bill rendered.

**SECTION 5. QUARTERLY BILLING AND PAYMENT OF CHARGES PENALTY**

The Water Resources Department shall bill the charges herein provided for at the end of each quarter. The amount billed shall be due and payable within 21 days of being mailed; except those rates applicable to properties owned or leased by political subdivisions, of the State Of Ohio shall be due and payable without penalty no later than the 30th day following the billing date. A penalty equal to 10 percent of the unpaid current billing that has not been received by the close of business on the last day such bill is due and payable without penalty shall be added to the unpaid amount of that bill. The "due date" (the date by which payment may be received without penalty) will be shown on the bill. This penalty may be waived at the discretion of the Sanitary Engineer.

**SECTION 6. DISCOUNT PROGRAM**

The Portage County Discount Program ("Discount Program") will apply to qualified residential customers. A discount of 10% will be deducted from the sewer bill for qualified residential customers.

A "qualified residential customer" shall be defined as an individual who receives sanitary sewer service from Portage County Water Resources Department, is currently receiving the Homestead Tax Exemption as contained in Section 323.151 of the Ohio Revised Code for the property which the deduction is requested, and is responsible for the payment of the sanitary sewer utility bill.

**SECTION 7. EFFECTIVE DATE OF NEW CONNECTION**

The effective date of connection to the sanitary sewer system for new building construction shall be the first day of the first month after 90 days has elapsed from the date of lateral installation or the date of occupancy, whichever comes first. If the connection is to a modular, prefab unit or trailer unit the billing shall be the first day of the first month following the date for such connection or date of occupancy which ever is first as certified by the County's Sanitary Engineer. Existing structures or occupied structures will be billed from the date of actual connection verified by inspection. If the property is on the Portage County Water System, billing starts the date the water is turned on.

#### **SECTION 8. CONTINUING CHARGE IN THE ABSENCE OF DISCONNECTION**

So long as the premises of a person, firm or corporation are connected to the Sanitary Sewer System, whether occupied or vacant, the applicable charge shall be billed to such user. The effective date of disconnection of a user from the System shall be the day such disconnection is approved by the County's Sanitary Engineer.

An exception to the above paragraph shall be made provided that the premises are also connected to the Portage County Water System and are billed as a Portage County Water Resources retail customer. In such cases, the sewer charge will not be applied if a permit to turn the water off has been purchased and the water for the same premises is shut off. Such services shall remain off until a permit to turn the water on is purchased and water service is restored.

#### **SECTION 9. CHARGES AND CERTIFICATION**

**A. Non-Payment Of Charges:** The amount of any charges, as set forth in Section 3 and Section 4 of this Resolution, which are not received by the due date shall be certified, together with any applicable penalty to the Portage County Auditor, who shall place them upon the real property tax list and duplicate against the property served. Such charges shall be a lien on such property from the date the same are placed upon the real property tax list and duplicate by the County Auditor and shall be collected in the same manner as other taxes. The County also shall have the right in the event of non-payment to collect those delinquent charges, together with any applicable penalty, in a civil action or to discontinue sewer service to the non-paying user's premises or any other premises of that user served by a connection to the System.

**B. Final Certification List:** The Sanitary Engineer is hereby directed to prepare a final yearly list of delinquent sewer service charges in September of each year which this Board will certify to the Portage County Auditor for collection with real estate taxes.

#### **SECTION 10. SANITARY SEWERAGE SYSTEM REVENUE FUND**

All funds received by the County from the collection of the charges herein provided for shall be deposited as received with the County Treasurer who shall keep the same in a separate and district fund to the credit of the District, and any monies in that fund shall be used first for the payment of the cost of management, replacement, maintenance and

operation of the System and thereafter shall be used for the payment of principal of or interest on any debt incurred to pay costs of replacements and improvements to the System.

#### **SECTION 11. LEASED PREMISES**

The lessor and lessee of any premises, which are served by a connection to the System, shall be jointly and severally liable for payment of the charges billed with respect to the leased premises, together with any penalty relating to the delinquent payment thereof. The County shall have the right to collect those charges and any penalty from either the lessor or the lessee or both of them.

#### **SECTION 12. WATER METERS REQUIRED FOR NON-RESIDENTIAL USERS; FLOW METERS**

The County Sanitary Engineer shall require upon adoption of this resolution, that each future non-residential user of the System install, at the user's cost, a water meter on its premises to measure its water consumption.

If a current non residential customer (not a trailer park), does not have installed a proper meter at the time of adoption of this resolution, then that user will be assigned a number of service units (minimum of one) as specified in Section 2 of the resolution and charged for the service units plus 50%, after a reasonable (as determined by the Sanitary Engineer) time is given to install a meter. This additional 50% charge will continue to be charged until the user installs a proper meter. A trailer park without a meter will be billed in accordance with Section 2 of this resolution without an additional 50% charge.

Should a customer remove (without approval of the Sanitary Engineer), tamper with or fail to provide reasonable access to the metering system, the bill will be calculated using previous meter readings plus 50% or section 2 whichever is greater.

In the event the Sanitary Engineer determines, after reasonable investigation and the application of accepted engineering standards, that a portion of the water consumption measured by a water meter installed on a non-residential user's premises does not enter or is not capable of entering the System, then such user may install, at his expense, a separate discharge flow meter measuring to the satisfaction of the Sanitary Engineer applying accepted engineering standards, the volume of wastewater discharged from the user's premises into the System. In the event the Sanitary Engineer determines, after reasonable investigation and the application of accepted engineering standards that the volume of wastewater discharged from a non-residential user's premises into the System exceeds the volume of water consumed by that user as measured by the water meter installed on the user's premises, the Sanitary Engineer may require that user to install, at the user's cost and expense, a separate discharge flow meter to measure the volume of wastewater discharged from that user's premises into the System. Notwithstanding any provision to the contrary contained in this Resolution, in the event a separate discharge flow meter is installed by a user as herein provided, the user charge to be billed to that user shall be determined on the basis of the volume of

wastewater discharged to the user's premises into the System, rather than on the basis of the volume of water consumed as measured by the water meter installed on the user's premises.

### **SECTION 13. INSPECTION AND METER READINGS ON PRIVATE PROPERTY**

The County Sanitary Engineer is hereby authorized and directed to designate personnel within the County's Water Resources Department who shall have the right to enter upon private property to take water meter readings and flow meter readings and composite samples from meters and samples installed thereon. In the event a user of the System refuses to permit authorized County personnel to enter and take such readings and samples, those authorized personnel shall request the assistance of County Sheriff's Department and shall make the inspection accompanied by an officer of the Sheriff's Department. The County Sheriff is hereby required to provide such assistance. After a user's refusal to permit entry of authorized County personnel to take such readings and samples, the County Sanitary Engineer may elect to bill the user a charge as determined and also may terminate the user's sewer service.

### **SECTION 14. DUTIES OF COUNTY SANITARY ENGINEER**

The County Sanitary Engineer is hereby charged with the responsibility for administering and enforcing this Resolution, classifying users of the System and determining changes that occur in premises or the use thereof which result in changes of user classification or applicable rate. The Sanitary Engineer is hereby authorized to review the operation, maintenance and replacement costs of the System each year for the preceding year and to prepare and review an expense projection for the coming year. This projection shall be prepared in accordance with and based upon generally accepted accounting principles consistently applied and upon an analysis of the operation, maintenance and replacement costs of the System and the covenants of any resolutions, trust indentures or trust agreements pertaining to the System.

### **SECTION 15. SEVERABILITY**

This Resolution is severable and the invalidity of any section, phrase or provision thereof shall not affect the validity of any other section, phrase or provision.

### **SECTION 16. REPEAL OF PRIOR RATE RESOLUTION**

Any resolution or resolutions heretofore adopted by this Board fixing or revising rates to be charged for the use of the Systems herein specified, including without limitation, Resolution 08-1233 adopted December 23, 2008, by this Board, are hereby repealed as of the effective date of this Resolution; provided, however, that such repeal shall not apply to any resolutions or agreements constituting or providing for a contract for the operation by the County of certain sewage treatment or disposal facilities in the District or the determination of the amount to be paid to the County for the operation thereof; and such repeal shall not affect any rights, obligations or liabilities which may have accrued while in any such resolutions were in effect; nor will such repeal affect any administrative or judicial proceeding with respect to any such resolutions, nor shall such repeal effect





6. Rescind Resolution No. 09-0542 to authorize Neighborhood Development Services (Neighborhood Development Services) to apply for a CDBG Grant through the Ohio Department of Development (ODOD) to directly assist Adells Ltd. And Accurate Fab LLC./09-716
7. Accept the FY09 Emergency Management Performance Grant (EMPG) Special Projects Equipment Grant Award on behalf of the Portage County Office of Homeland Security and Emergency Management Agency./09-717
8. Establishing a date, time and place for public hearing on petition for annexation of 22.36 acres of land from Nelson Township to the Village of Garrettsville./09-718
9. Resolution to request Auditor Certification for the Portage County District Library 0.5 Mill Levy/09-0721
10. Resolution to request Auditor Certification for the Portage County Combined Heath District 0.4 Mill Levy/09-0722

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**INVITATIONS/MEETING NOTICES**

August 4, 2009

1. Invitation from the Portage Learning Centers for the Reverse Raffle/Silent Auction Benefit Dinner on Saturday, October 17, 2009 at the Kent Elks Lodge, 6:00 PM.
2. Invitation from the Ravenna Area Chamber of Commerce Golf Outing on Wednesday, September 9, 2009, Kent State University Golf Course.
3. Meeting notice for the JOED Board meeting on Friday, August 21, 2009, in conjunction with the County Commissioners Association of Ohio's summer conference on Friday, August 21, 2009, Galaxy Restaurant & Banquet Center, Wadsworth, 8:00-9:00 AM.
4. Invitation from the Portage County Township Association for the next Dinner/Meeting hosted by Randolph Township on Saturday, August 15, 2009, 6:00 PM at the Randolph Community Center.

\* \* \* \* \*

**INCOMING CORRESPONDENCE**

**DISCUSSION**

August 4, 2009

1. Discussion: After meeting with the State Auditor and County Auditor regarding fixed assets, the Board of Commissioners agreed to ask the Prosecutor what authority the Board of Commissioners has over equipment purchased/Board of Commissioners discussed this issue with the Prosecutor this morning.
2. July 29, 2009 e-mail from Jim Manion, General Services, regarding mammo van parking. Does the Board wish to have the van park in the bullpen/Human Resources Department advises that the van will park on the north side of the Administration Building in the Human Resources Department parking spaces.
3. July 29, 2009 e-mail from Jim Manion, General Services, regarding the records center/The Board of Commissioners agreed to create a procedure to eliminate unnecessary retention and notify all county departments.
4. July 29, 2009 e-mail from Craig Sernik, GAPP, regarding Crestwood computer lab initiative/Executive Assistant to prepare a letter of thanks to Mr. Sernik.

5. The Board of Commissioners received a notice in the matter of the allocation of the Local Government Fund of the several participating sub-divisions of Portage County, Ohio for the year 2010 under the provision of Section 5707.03, Section 5725.24 & Section 5747.53 of the Ohio Revised Code, as presented by the Portage County Budget Commission/Information only.

6. Discussion: Digital camera repair/replacement.

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**JOURNAL ENTRIES**

August 4, 2009

1. The Board of Commissioners received the petition for annexation of 22.36 acres of land from Nelson Township to the Village of Garrettsville, along with Check No. 34795 for \$225.00 as presented by James R. Scher, Esq., Brukey, Burkey & Scher, Co., LPA.

2. The Board of Commissioners acknowledged the receipt of the July 30, 2009 correspondence from The Woodlands at Robinson Director Leann Schaeffer to County Auditor Janet Esposito, requesting that staff debit Fund 5100 the cost allocation of \$14,769.00 (one-tenth of the Indirect Cost Allocation of \$147,691) and credit the General Fund as follows:

	<u>Org</u>	<u>Object</u>	<u>Amount</u>	<u>Description</u>
<u>Debit</u>	51000544	481000	\$ 14,769.00	FY 09 Cost Allocation
<u>Credit</u>	00100001	152000	\$ 14,769.00	FY 09 Cost Allocation Nurs.

3. Board of Commissioners' authorization requested to allow use of The Woodlands At Robinson's parking lot on Thursday, August 27, 2009 from 7:00 AM-2:00 PM for the Mammo Van Medical Imaging Network testing as requested by the Human Resources Department.

4. July 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. July 31, 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.

6. The Board of Commissioners received a Judgment Entry in the matter of the Portage Water Improvement District (Conservancy Petition) as presented by the Court of Common Pleas.

7. The Board of Commissioners received the July 30, 2009 correspondence from the Portage County Sheriff's Department including the Monthly Record of Proceedings and Transactions for July 2009, in accordance with Ohio Revised Code Section 325.07.

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**REFERRED**

August 4, 2009

1. July 24, 2009 correspondence from Hugh Quill, Ohio Department of Administrative Services, regarding layoff of personnel at Job and Family Services. Referred to Human Resources Department and Job and Family Services Director.

2. The Board of Commissioners received the July 30, 2009 Resolution declaring it necessary to levy a tax in excess of the ten-mill limitation for the purpose of providing funds for the necessary requirements of the Public Library. Referred to County Auditor, Department of Budget and Financial Management, and the Prosecutor's Office.

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**INFORMATION ONLY**

August 4, 2009

1. July 29, 2009 e-mail from Bob Wrentmore, Building Department, regarding the Building Official award received from the Home Builders Association on July 28, 2009 presented to Portage County.
2. July 29, 2009 correspondence from Janet Bresky, Portage County Veterans Service Office, including the signed statements for the 2009 Memorial Day expenses.
3. July 23, 2009 correspondence from John Kohlstrand, Ohio Department of Taxation, including the 2009 edition of Ohio's Taxes: A Brief Summary of State and Local Taxes in Ohio.
4. July 27, 2009 memo from Kathy Dillon, County Commissioners Association of Ohio, including a copy of the meeting minutes from the April 17, 2009 Board of Trustee meeting.
5. Undated correspondence (received July 30, 2009) from Community Legal Aid, including the 2008 Annual Report.
6. July 29, 2009 correspondence from Joseph Iacano, Crestwood Local Schools, regarding computer initiative at Crestwood.
7. The Board of Commissioners received the July 31, 2009 Weekly Traffic Advisory as presented by Ohio Department of Transportation.
8. July 27, 2009 correspondence from Jack Rosati, Jr., Bricker & Eckler, including an article from the August/September 2008 of Bricker Construction law entitled "Who Decides How Much to Pay the Contractor?".

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**Journal Entry**

August 4, 2009

Motion by Maureen T. Frederick, seconded by Charles W. Keiper II to approve the following actions:

1. The Board of Commissioners acknowledged the receipt of the petition for annexation of 22.36 acres of land from Nelson Township to the Village of Garrettsville, and with Check No. 34795 for \$225.00, as presented by James R. Scher, Esq., Brukey, Burkey & Scher, Co., LPA. Today, the Board of Commissioners adopted Resolution No. 09-0718 setting the date and time of the Public Hearing.
2. The Board of Commissioners acknowledged the receipt of the July 30, 2009 correspondence from The Woodlands at Robinson Administrator Leann Schaeffer to County Auditor Janet Esposito, requesting that

staff debit Fund 5100 the cost allocation of \$14,769.00 (one-tenth of the Indirect Cost Allocation of \$147,691) and credit the General Fund as follows:

	<u>Org</u>	<u>Object</u>	<u>Amount</u>	<u>Description</u>
<u>Debit</u>	51000544	481000	\$ 14,769.00	FY 09 Cost Allocation
<u>Credit</u>	00100001	152000	\$ 14,769.00	FY 09 Cost Allocation Nurs.

3. The Board of Commissioners authorized the use of The Woodlands At Robinson's parking lot on Thursday, August 27, 2009 from 7:00 AM-2:00 PM for the Mammo Van Medical Imaging Network testing, as presented by the Human Resources Department.
4. The Board of Commissioners acknowledged the receipt of the July 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 July 31, 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.
6. The Board of Commissioners acknowledged the receipt of the Judgment Entry ruling that the Portage Water Improvement District (Conservancy Petition) does not comply with the requirements of the Ohio Revised Code 6101.05 and was rejected by Judge Pittman, Common Pleas Court.
7. The Board of Commissioners acknowledged the receipt of the July 30, 2009 correspondence from the Portage County Sheriff including the Monthly Record of Proceedings and Transactions for July 2009, in accordance with Ohio Revised Code Section 325.07.
8. The Board of Commissioners signed the Personnel Action Form authorizing the lay off of Virginia Fehrman, HMG Project Director, due to a reduction of HMG funds effective August 21, 2009, as presented by Human Resources Department Director Karen U'Halie and approved by Department of Job & Family Services Director Anita Herington.
9. The Board of Commissioners signed the Personnel Action Form authorizing the lay off of Angela Currey, HMG Service Coordinator, due to a reduction of HMG funds effective August 21, 2009, as presented by Human Resources Department Director Karen U'Halie and approved by Department of Job & Family Services Director Anita Herington.
10. The Board of Commissioners signed the Personnel Action Form authorizing the lay off of Susan Cimino, HMG Service Coordinator, due to a reduction of HMG funds effective August 21, 2009 as presented by Human Resources Department Director Karen U'Halie and approved by Department of Job & Family Services Director Anita Herington.
11. The Board of Commissioners signed the August 3, 2009 correspondence to David Peters notifying him of the delinquent time tap payments for Shady Acres Part I, Sublot 12, Parcel No. 35-044-10-00-005-000 for \$12.93, as recommended by Portage County Water Resources Department Director Harold Huff.

- 12. The Board of Commissioners signed the August 3, 2009 correspondence to Jacob Brastine, notifying him of the delinquent time tap payments for Shady Acres Part I, Sublot 5, Parcel No. 35-044-10-00-037-000 for \$12.93, as recommended by Portage County Water Resources Department Director Harold Huff.
- 13. The Board of Commissioners authorized the Water Resources Department to execute a purchase order to cover the required work in order to repair interior deteriorated concrete, refurbish steel beams and reconnect handrail within the structure of the State Route 14 Sanitary Pump Station located at 8918 State Route 14, Streetsboro with Workman Industrial Services, Inc. in an amount not to exceed \$10,000, as recommended by Water Resources Department Director Harold Huff. Funding is available in the Maintenance and Repair 2009 Streetsboro budget, Fund 56002004 Object 413000.
- 14. The Board of Commissioners signed the Contractor’s Application for final payment No. 9 to Northeast Ohio Trenching Service, Inc. for the State Route 44 Vacuum Sewer Installation RA-3 (05-020) for \$19,304.45, as recommend by Water Resources Department Director Harold Huff.
- 15. The Board of Commissioners authorized the Water Resources Department to begin negotiations with Burgess & Niple of Akron to conduct a comprehensive water system evaluation and condition assessment study of the existing Village of Windham Water System, Project No. PC-W (08-120), as recommended by Director Harold Huff, Water Resources Department.
- 16. The Board of Commissioners authorized the Water Resources Department to begin negotiations with CT Consultants with Richard L. Bowen & Associates of Willoughby/Cleveland to conduct a comprehensive sanitary sewer system evaluation and condition assessment of the existing Village of Windham Sanitary Sewer System, Project No. PC (08-130), as recommended by Director Harold Huff, Water Resources Department.
- 17. The Board of Commissioners authorized the replacement of the Board’s digital camera at a cost not to exceed \$160.00, as recommended by the Executive Assistant.

Christopher Smeiles absent, 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 **August 4, 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 11:00 AM. Commissioner Smeiles absent, motion carries.

Charles W. Keiper II, President

Maureen T. Frederick, Vice President

ABSENT

Christopher Smeiles, Board Member

Deborah Mazanec, Clerk

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