

Thursday, August 13, 2009

The Board of County Commissioners met in regular session on **Thursday, August 13, 2009 at 9:40 AM** with the following members present:

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 August 11, 2009 meeting. Commissioner Keiper absent, motion carries

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Commissioner Keiper on vacation

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

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BUILDING DEPARTMENT

Present: CBO Bob Wrentmore

The Board of Commissioners agreed not to amend Resolution 07-0160 to include the language recommended by the Attorney General’s Office that transient contractors be registered during times of disaster with the AG’s Office. The Board of Commissioners agreed that this step is not necessary since Portage County requires that all contractors operating in the county be registered.

(340)

The CBO discussed his recommendation that the Board of Commissioners amend Resolution 09-0372 to include a new form, including language from the Code, entitled “*Agricultural Building Permit Application*”. This new form will give details of the proposed project to be certain that the building is agricultural and not a business.

The CBO advised that Portage County Zoning Inspectors decide if buildings are agricultural or not per the ORC. The Portage County building code exempts agricultural buildings. The issue is that only one in 1000 buildings is truly agricultural. The Board of Commissioners agreed to approve the form and amend Resolution 09-0372 pending approval of the form by the Prosecutor’s Office.

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INTERNAL SERVICES

Present: JoAnn Townend

Discussion

1. Fixed Assets – The Director noted that a meeting has been scheduled for Friday, August 14th to look at the first draft of a revised MUNIS policy. The Water Resources Department must be retrained to code per project, meaning that the department currently has blanket Purchase Orders open to allow purchases for each project so that they can avoid a Then and Now Certification, making it impossible to track inventory. JoAnn Townend noted that the Then and Now Certification is a tool allowed by the state for just these types of purchases. All departments must be in the MUNIS system, including the Water Resources Department, to capture items and enter them into the MUNIS system; MUNIS is an excellent system that allows tracking of items. Commissioner Smeiles replied that the county must do as much as possible in house. He added that staff said that they do not know how to handle the complex issues such as depreciation of buildings. JoAnn Townend responded that she believes that staff has figured out the depreciation piece. Everything, except Water Resources Department infrastructure, is in place in MUNIS. The Director will discuss the Water Resources Department issue at the meeting tomorrow.

2. Senior Center rent with Family & Community Services

F&CS Executive Director Mark Frisone contacted the Director regarding the rent amount for the new Senior Center. Mr. Frisone noted that he currently charges other entities \$7.00/square foot at the Oakwood Facility but has offered to charge Portage County \$3.50/square foot for 4140 square feet of space including all utilities except phone service. The Director noted that the Board of Commissioners authorized \$9,800 for the “fix-up” of the temporary space, Phase I and Phase II costs of \$210,000 in CDBG funds and \$40,700 in General Fund monies was spent. The rate reduction will offset these expenditures.

The Director added that the Regional Planning Commission has confirmed that there is not a CDBG stipulation that the Senior Center must remain a Senior Center.

The Board of Commissioners agreed that the \$3.50/square foot appears to be a good offset for the \$300,000 the county invested in the Family & Community Services facility, especially with the inclusion of utilities. The Board of Commissioners agreed that they must be able to show on paper why General Fund monies were used for this project. JoAnn Townend to bring back those numbers for Board of Commissioners, as well as a draft lease.

3. Purchases – The Board of Commissioners agreed that JoAnn Townend should begin to question departments about purchase orders submitted.
4. The Board of Commissioners agreed to begin using a new ***Substantiate Necessity for Travel Form*** asking departments to advise of the necessity.
5. With the arrival of the Dog Warden’s new vehicle, the Director advised that the Dog Warden wants to put Dog Warden decals on the truck and not Portage County decals, to allow the public to identify the vehicle as a Dog Warden vehicle. The decals would cost \$75. The Board of Commissioners disapproved this request, noting that no special decals should be purchased but the Motor Pool should simply add “DOG WARDEN” under the Portage County decal.
6. The Board of Commissioners discussed the request that the county install a water spigot next to the south fence of the F-Lot to allow access to water for the Senior Gardens, as the five county owned houses are taken down. The Director advised the Board of Commissioners that the water lines have been removed already. The Director of Maintenance is not in favor of installing a spigot and does not think a hose run from the Administration Building would work. He would recommend taking water to the site in a wheeled cart. The Board of Commissioners agreed not to install the spigot and that the gardeners may have access to the old smoke shack for tool storage.

Resolutions

1. Enter into amendment no. 5 with Family & Community Services to provide service coordination for the help me grow program./09-749
2. Enter into an agreement with Family & Community Services to provide PRC Car Seat Education & Installation Services./09-750
3. Enter into an agreement with Willis of Ohio, Inc. to provide a dependent eligibility audit./09-751

4. Enter into real estate lease agreement with the Portage Park District for property located at 128 N. Prospect St./09-752
5. Enter into a license agreement with the Ravenna Area Chamber for use of the Courthouse lawn on 8/14/09./09-753
6. Accept and award the bid for demolition of structures located at 428 and 438 S. Chestnut and 441, 443 and 445 S. Meridian Streets. Seeded with grass with straw and water and sewer lines capped in accordance with the city requirements/09-754
7. Enter into an agreement for equipment, software and support services with Kronos for the Woodlands at Robinson./09-755
8. Enter into an agreement with MetroSwat for mutual aid with Portage County Office of Homeland Security and Emergency management./09-756

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HUMAN RESOURCES

Present: Karen U’Halie

The Board of Commissioners approved the revision to the Outside Employment Form, as recommended Human Resources Department to send out to Board of Commissioners Leadership Team immediately, pending a final review by the Prosecutor’s Office.

10:45 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 a WIC compensation issue and a discipline issue at the Woodlands at Robinson. **Also present:** Karen U’Halie. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Absent; Maureen T. Frederick, Yea.

11:20 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, Absent; Maureen T. Frederick, Yea.

After exiting Executive Session, the Board of Commissioners approved two Journal Entries; one for the WIC and one for the Portage County nursing home.

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GENERAL SERVICES – Cancelled

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JOB & FAMILY SERVICES

Present: Anita Herington

- I. The Director presented the PCDJFS Future Defining Documents for State FY 2009-2010 including the mission statement and vision statement, adding the Overarching Goals and Objectives. The process began in March 2009 and was finalized on July 30, 2009. The Board of Commissioners agreed that the Director should share this process with the Leadership Team at the September meeting. Commissioner Frederick asked if there has been improvement in the JFS staff answering the telephones. The Director responded that there has been improvement and added that most often callers do not leave a message.

II. The Director presented the CSEA Performance for July 2009 noting that Portage County continues to perform better than the rest of the state.

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11:50 AM Lunch Recess

12:40 PM Board of Commissioners reconvened

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STORM WATER STEERING COMMITTEE

Present: Mickey Marozzi, Janet Esposito, Steve Shanafelt, Kathy Cutting, Mary Paul, Leigh Prugh, Audrey Tillis, Chip Porter, James Bierlair, Shawn Arden, Denise Smith

The County Engineer noted that the Steering Committee is in attendance today to make its final recommendation to the Board of Commissioners in the implementation of a Storm Water Utility. The Engineer noted that the county held one informational meeting, two required public hearings and made a presentation to the Regional Planning Commission on August 12th. He added that all townships were invited to participate on the Task Force with several townships participating. The County Engineer noted that the resolution of support for this program failed at the Regional Planning Commission last night 12-7 when presented.

Consultant Shawn Arden explained that, since the June 4th Meeting with Board of Commissioners, there was a public meeting held to discuss proposed rules and Storm Water District on June 25, 2009 and two public hearings for the proposed rules were held on July 16 and July 23, 2009. He added that Portage County received a second Notice of Violation from the Ohio EPA dated July 21, 2009, with a response requested within 30 days of the date of the letter.

The Steering Committee has revised the Storm Water District plan based on comments from the public and the Board of Commissioners. He noted two options for moving forward, with a decision required within the next few weeks. Option One is that Portage County remains in violation of Ohio EPA NPDES Phase II permit and risks future fiscal penalties and Option Two is that the Board of Commissioners adopts the proposed rules and funding vehicle to bring Portage County and Townships into compliance with the Ohio EPA NPDES Phase II permit. Either the General Fund will fund the program or a utility must be created. If the proposal is adopted, he does not anticipate any EPA fines. If the proposal is not adopted and Portage County deviates from the compliance plan “all bets are off”. The Steering Committee was tasked to design Storm Water District to accomplish this task.

As a history, Mr. Arden stated that between in 1979-1983 the Nationwide Urban Runoff Program (NURP) runoff research indicated that the highest concentrations of pollution in storm water came from urban areas. In 1987, Clean Water Act (CWA) amendments required the EPA to implement storm water control measures. That resulted in the NPDES Phase II – Section 402 P(6). The term “Urbanized Areas” is used to define automatic area of coverage for Phase II as defined by Bureau of Census in the Code of Federal Regulations. All Portage County Co-Permittees meet the “Urbanized Area” definition.

Commissioner Smeiles asked if there is an appeals process for exclusion. Mr. Arden stated that the appeal must show no surface water degradation, which is almost impossible. Portage County facilities and all Townships must comply with ORC 6117 Storm Water District. Portage County Villages and Cities are not included in the proposed District. They may comply on their own, contract with the District to provide services, or petition to join District in the future. This does not affect the Co-Permittee Status.

Commissioner Frederick asked if there is any way to avoid the burden of this “user fee” on property owners. She asked why Portage County does not assess developers rather than the property owners. Mr. Arden responded that there must be a funding stream to meet the component requirements. In this economy, there is not enough development to fund the program. Chip Porter and James Bierlair agreed that this is not just a developer issue. Mr. Bierlair added that we must remember that Portage County is a Headwaters County at the top of a watershed.

Mr. Arden continued, stating that the user fee is to be included on property tax duplicate and will be based on the Equivalent Residential Unit (ERU) concept. The county will establish permit and inspection fees for future development projects.

The operating revenue needs for this proposal is \$1,910,000, which does not include funding for flood control and water quality needs. The development fees require site plan review, storm water plan review, and site storm water inspections to be paid via the proposed development fees. Hourly rates are proposed for plan review and inspection services to cover on-call county staff or consultant services. The proposed rate schedule is included in the appendix of the Storm Water District Operating Plan.

The proposed rate policy includes 1 ERU Flat Rate for Single Family Residential, Condominiums, and Agricultural properties. 1 ERU Flat Rate will be charged per Residential Unit including Multi Family Residential, Apartments, and Mobile Home Parks. 1 ERU will be charged per 5,800 SF Impervious Area for Commercial, Industrial, Public Property, Churches, Hospitals, and Schools. The rate policy is based on 58,968 ERU's and 6% ERU loss for credits. Each ERU would be about \$2.50 per month, which is in line with other communities like Kent at \$2.30/month, Lake County = \$2.50, Ravenna = \$3.00, for an average of \$3.00/month.

The \$2.50/month/ERU rate does not include fees for the Auditor and Treasurer as entitled to them under the Ohio Revised Code. Commissioner Smeiles asked if the Auditor and/or Treasurer would agree to waive the fees. County Auditor Esposito replied that she will not waive the fees. Both Treasurer Shanafelt and Auditor Esposito noted that some of the fees go into the General Fund. The Auditor added that they both need to run their offices and that this is quite a bit of additional work. Commissioner Smeiles asked if the Auditor and Treasurer would submit in writing that they both want the fees. The Auditor advised that she will not do that.

Mr. Arden noted that the Steering Committee requires final direction from Auditor and Treasurer on what the fee would be prior to certification of charges. He added that a 3% fee is about \$0.08/ERU/month and would equal \$53,213. The County Auditor noted that this will be a District that will be charged Auditor and Treasurer Fees; she has a legal opinion from Attorney Leigh Prugh that breaks out the possible charges. The Auditor handed out copies of that July 27, 2009 correspondence from Attorney Prugh. Attorney Prugh added that the fees are permissive fees.

The Steering Committee decided to set the charge at 1 ERU per residential unit, which is general practice. A reduced rate was considered for apartments and mobile home parks due to smaller land use, but rejected based on higher concentration of impervious surface per unit and the fact that they have more pollutants than a single family lot. The complex or park owner is to be charged fee for all units on site based on parcel ownership. It will be the owner's responsibility to pass on charge to individual tenants.

Public property, not including roads and streets, will be charged for its contribution. Portage County Property will cost 554.5 ERU's or \$16,635/yr; Townships will be charged an average of 36 ERU's per Township (\$1,080/yr); the State of Ohio = 224.3 ERU's (\$6,729/yr); Akron = 200.8 ERU's (\$6,024/yr); and the

Fairgrounds will be charged for 147.5 ERU's (\$4,425/yr). Non-residential parcels will be eligible for a User Fee Credit for implementing programs above and beyond the current regulations. Example Programs Include: Displaying NPDES Educational Materials Onsite; Constructing Infiltration BMP's (Rain Gardens, Bioswales, Green Roofs, etc. Above Minimum Storm Water Management Requirements). The Maximum Credit Possible would be Typical Non-Residential Parcels = 50%; and Churches / Schools = 75%.

Credits are also proposed for multiple parcel agricultural use and public parcels with permanent conservation easements. The details on the Credit Program in the Appendix of the Operating Plan.

There is no discount program for low income or senior citizens since their parcels generate the same amount of runoff and pollution as other parcels. The Board of Commissioners must decide whether or not a first year credit program is to be applied retroactively or not included. The County Engineer noted that the Steering Committee is recommending no exclusions from charges for the first year; we would need about six months to get the application process in place and make the required inspections.

Commissioner Frederick asked who is the enforcement entity. Chip Porter responded that the Health Department will handle enforcement in the same manner as they do now for a nuisance complaint. They will not go onto private property without due cause and must have the homeowner's permission and/or a warrant.

The Steering Committee is requesting final Board of Commissioners' comments on the proposed Storm Water District. The data must be to the County Auditor by the second Monday in September, which requires Board Certification by September 10, 2009. The Board will consider three resolutions; one to establish the District, one to establish the fee, and one to adopt the two sets of rules.

Commissioner Frederick asked if Mr. Arden could identify the 20 counties that have a Storm Water Program in place. Mr. Arden responded that Butler County charges a fee, Hamilton County does not charge a fee, Trumbull County has no fee, Mahoning County has no fee currently but is looking at a utility, Franklin County will charge, Stark County charges residents a portion, Lucas County will charge, Lake County will charge and Cuyahoga County has a fee. The County Engineer added that Streetsboro is looking at a charge, Aurora's General Fund pays the costs and Kent and Ravenna charge. Shawn Arden added that there are 75 storm water utilities in Ohio, mostly cities. Counties affected have been putting off creating a district as long as they can.

The County Auditor noted that the money collected will go into an Enterprise Fund. The County Engineer added that these are estimates on costs for compliance, which can be raised or reduced by the Board of Commissioners. The County Auditor reminded everyone that no money will be available until March 2010 when taxes are collected, then again in August.

Treasurer Shanafelt noted that tax payments will be made by the public minus this payment, which will cause the taxes to be delinquent. It is the Auditor and Treasurer's policy that assessments are paid first. Commissioner Smeiles asked if the policy can be changed. Attorney Denise Smith noted that there is statutory language that assessments are to be paid first. Commissioner Smeiles asked if the Treasurer can add a written explanation to the tax bills regarding the payment of assessments first. The Treasurer agreed that he could, with the approval of the Ohio Department of Taxation. He also noted that his and the Auditor's staffs will bear the brunt of public anger.

Department of Budget & Financial Management Director Audrey Tillis asked if the County Engineer's compensation from the Board of Commissioners is in the budget. The Engineer replied no and agreed to

include that amount. His plan is to have his staff perform the necessary work with additional contracts with the Health Department and Soil & Water Conservation District in place. The County Engineer will invoice the Storm Water District for work performed.

Commissioner Smeiles asked Attorney Smith is she would be comfortable defending the Board of Commissioners with the EPA should they decide not to move forward. Attorney Smith replied that the Water Resources Department had a similar situation in the past with the EPA and noted that the EPA will file a complaint and include that the county pay non-compliance fines as well as EPA attorney fees. She added that this would be impossible to defend.

Commissioner Frederick noted that she is not ready to adopt the three required resolutions today nor to sign the letter to the EPA, which is due back to them next week.

The Board of Commissioners noted that they must decide on the future of the credit program and asked Mr. Arden to draft language for them to review. They must adopt three resolutions should they decide to move forward and must sign a letter to the EPA by August 20, 2009.

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2:25 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: Attorney Denise Smith.** Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Absent; Maureen T. Frederick, Yea.

2:40 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, Absent; Maureen T. Frederick, Yea.

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

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GENERAL SERVICES

Present: Jim Manion, Jon Barber

The Directors attending to recommend that the Board of Commissioners host an H1N1 Update/Preparedness Planning at the Palmtstrom Room, Robinson Memorial Hospital on Wednesday, September 2, 2009. This event will allow a presentation and discussion with Elected Officials and Departments as to how to continue county government if and when a pandemic hits. The Board of Commissioners agreed to schedule this meeting.

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RESOLUTION NO. 09-0742 - 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 August 13,

RESOLVED, that the Board of Commissioners authorizes the application for the Fiscal Year 2008 State Homeland Security Program – Regional Grant (SHSP) in the amount of \$15,000.00 **(with no local match)** for Structural Collapse Training on behalf of the Northeast Regional Hazardous Material Response Group; and be it further

RESOLVED, that the Board of Portage County Commissioners agrees that Portage County will act as the Lead County on behalf of the Northeast Regional Hazardous Material Response Group; and be it further

RESOLVED, that the Board of Commissioners authorizes the Portage County Office of Homeland Security & Emergency Management Agency Director to sign the grant application documents; and be it further

RESOLVED, that a copy of this resolution be filed with the Portage County Auditor, the Department of Budget & Financial Management, the Internal Auditor, and the Office of Homeland Security & Emergency Management Agency Director; and be it further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice Vote as Follows:

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

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RESOLUTION NO. 09-0744 - RE: APPROVAL OF JOURNAL VOUCHERS/ENTRIES.

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

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

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

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

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

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, Absent; Maureen T. Frederick, Yea; Christopher Smeiles, Yea;

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RESOLUTION NO. 09-0746 - RE: CREATE FUND 5705, STS TRUNK REHABILITATION

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

WHEREAS, it has become necessary to create a new fund in order to properly control the processing of financial related transactions related to the Streetsboro Trunk Sewer Rehabilitation, Phase 1 Construction Project, and

WHEREAS, the County Auditor has assigned fund number 5705 to the Streetsboro Trunk Sewer Rehabilitation, Phase 1 Construction Project; now therefore be it

RESOLVED, that Fund 5705, StS Trunk Rehabilitation be created, and be it further

RESOLVED, that a certified copy of this resolution be filed with the County Auditor, the Department of Budget and Financial Management and the Water Resources 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, Absent; Maureen T. Frederick, Yea; Christopher Smeiles, Yea;

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RESOLUTION No. 09-0747 - RE: ACCEPT CONTRACT MODIFICATION TO THE ENGINEERING AGREEMENT BETWEEN ME COMPANIES, INC. AND PORTAGE COUNTY, FOR THE FRA 115 CH162A BRIDGE REPLACEMENT PROJECT ON BRADY LAKE ROAD OVER CSX RAILROAD AND BREAKNECK CREEK IN FRANKLIN TOWNSHIP, TO PROVIDE VANDAL FENCE DETAILS AND SHORING SPECIFICATIONS TO CONSTRUCTION PLANS, PROVIDE LOAD RATING CALCULATIONS, APPLY FOR NATIONWIDE PERMIT

**FROM ARMY CORP OF ENGINEERS AND OBTAIN CSX
DESIGN EXCEPTION.**

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

WHEREAS, Resolution 04-0947, adopted by the Portage County Board of Commissioners on November 11, 2004, authorized the execution of the original Engineering Agreement between ME Companies, Inc. and Portage County for providing engineering services for the FRA 115 CH162A Bridge Replacement Project, at an amount of \$176,480.00, and

WHEREAS, Resolution 05-0345, adopted by the Portage County Board of Commissioners on April 26, 2005, authorized the amendment of the original Engineering Agreement between ME Companies, Inc. and Portage County for providing additional engineering services including MOA Ecological Resources and Post Construction Stormwater Management Feasibility Analysis, increasing the contract amount to \$186,194.00, and

WHEREAS, Resolution 06-0229, adopted by the Portage County Board of Commissioners on March 16, 2006, authorized the amendment of the original Engineering Agreement between ME Companies, Inc. and Portage County for providing additional engineering services including Final Roadway, Bridge and Right of Way Plans, Asbestos Survey and Right of Way Acquisition (If Authorized), increasing the contract amount to \$329,346.00 and

WHEREAS, the Portage County Engineer has requested additional engineering services over and above the original scope of services stipulated in the original Engineering Agreement including providing vandal fence details and shoring specifications to construction plans, providing load rating calculations, applying for Nationwide Permit from Army Corps of Engineers and obtaining CSX design exception, and

WHEREAS, the fee submitted by ME Companies, Inc. for the additional engineering services, was \$11,837.00, now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby accept said contract modification in the amount of \$11,837.00, and be it further

RESOLVED, that this amendment increases the contract amount to \$341,183.00; and be it further

RESOLVED, that the Board of Portage County Commissioners authorizes the execution of said contract modification to the Engineering Agreement between ME Companies, Inc., 4150 Belden Village Street, Suite 104, Canton, Ohio 44718 and Portage County; 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, Absent;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 09-0748

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RE:

TO DECLARE THE NECESSITY OF AND PLACEMENT OF AN ADDITIONAL FIVE-TENTHS (0.5) MILL LEVY ON THE BALLOT AT THE NOVEMBER 3, 2009 GENERAL ELECTION IN PORTAGE COUNTY FOR THE BENEFIT OF THE PORTAGE COUNTY DISTRICT LIBRARY FOR CURRENT EXPENSES PURSUANT TO SECTION 5705.23 OF THE OHIO REVISED CODE.

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

WHEREAS,

the Board of the Portage County District Library, on July 30, 2009, by resolution, requests the Portage County Board of Commissioners to certify to the Board of Elections a five-tenths (0.5) mill levy in excess of the ten (10) mill limitation to provide for the current expenses of the Portage County District Library pursuant to R.C. 5705.23 and R.C. 5705.19(D), for ten years, commencing with the tax year of 2009; and

WHEREAS,

the Board of Portage County Commissioners hereby finds that the amount of taxes which may be raised within the ten (10) mill limitation levied on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the Portage County District Library, and

WHEREAS,

The Board of Portage County Commissioners finds it necessary to levy a tax in excess of the ten (10) mill limitation in order to provide the Portage County District Library with sufficient funds to meet its current expenses; now therefore be it

RESOLVED,

by the Board of Portage County Commissioners, pursuant to 5705.19(D), 5705.23, and 5705.25 of the Ohio Revised Code, the following:

Section 1. That the amount of taxes which may be raised at the maximum rates within the ten (10) mill limitation will be insufficient to provide an adequate amount to satisfy the necessary requirements of the Portage County District Library.

Section 2. That the Board shall certify the following language to the Board of Elections, Portage County, Ohio for placement on the ballot at the November 3, 2009 General Election:

“An additional tax for the benefit of THE PORTAGE COUNTY DISTRICT LIBRARY for the purpose of PROVIDING FUNDS FOR THE CURRENT EXPENSES OF THE PORTAGE COUNTY LIBRARY DISTRICT at a rate not exceeding FIVE-TENTHS (0.5) MILL for each one dollar of valuation, which amounts to FIVE CENTS (\$0.05) for each one hundred dollars of valuation, for ten years, commencing with the tax year of 2009, first due in calendar year 2010.”

WHEREAS, an Amendment No. 4 was entered into on April 2, 2009 through Resolution No. 09-0238; 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 agree to enter into Amendment No. 5 between the Board of Commissioners, the Department of Job & Family Services and Family & Community Services, Inc., for the period from July 1, 2009 through June 30, 2010; and be it further

RESOLVED, that effective July 1, 2009, Family & Community Services, Inc. will provide four (4) instead of six (6) full-time equivalent Service Coordinators (40 hours per week) to eligible families referred to Help Me Grow, as well as provide a part-time supervisor for service coordination; and be it further

RESOLVED, that the parties mutually agree that annual services for Help Me Grow Service Coordination shall not exceed Two hundred seven thousand ninety and 40/100 dollars (\$207,090.40); 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 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, Absent;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 09-0750

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RE:

ENTER INTO AN AGREEMENT FOR PRC CAR SEAT EDUCATION & INSTALLATION SERVICES ENTITLED "SEAT CHECKS FOR KIDS" BETWEEN THE PORTAGE COUNTY 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, the Portage County Department of Job & Family Services is in need of PRC Car Seat Education & Installation Services entitled "Seat Checks for Kids" for eligible Portage County residents; and

WHEREAS, Requests for Proposals were sent to nine (9) potential service providers; and

WHEREAS, upon review of the bids received, it is the recommendation of the Portage County Director of Internal Services that the bid of Sereday Trucking 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 Sereday Trucking, Inc., 7591 Warren Sharon Rd., Brookfield OH 44403 for demolition of the structures located at 428 and 438 South Chestnut and 441, 443, and 445 South Meridian Streets in Ravenna, Ohio at a cost not to exceed Twenty three thousand nine hundred and 00/100 dollars (\$23,900.00); 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 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, Absent; Maureen T. Frederick, Yea; Christopher Smeiles, Yea;

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RESOLUTION No. 09-0755 - RE: ENTER INTO AN AGREEMENT FOR EQUIPMENT, SOFTWARE AND SUPPORT SERVICES BETWEEN THE PORTAGE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE WOODLANDS AT ROBINSON AND KRONOS.

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

WHEREAS, the Woodlands at Robinson has the need to upgrade their current electronic time keeping payroll system; and

WHEREAS, Kronos has provided a quotation to upgrade their equipment and software and to provide support services; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby agree to enter into an Agreement between the Board and Kronos to provide electronic time keeping payroll software and support services as stipulated in the Agreement; and be it further

RESOLVED, that the total service amount under this Agreement shall not exceed Two thousand seven hundred seventy-five and 00/100 dollars (\$2,775.00) now therefore be it

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 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, Absent;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 09-0756

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RE:

ENTER INTO A MEMBERSHIP AND PARTICIPATION AGREEMENT BETWEEN THE PORTAGE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE OFFICE OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT AND METRO SWAT TO PROVIDE MUTUAL AID.

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

WHEREAS,

Metro Swat is a team of specially trained police officers and emergency medical personnel from participating political subdivisions which will respond to any incident where special weapons or tactics are needed to assist local police in incidents beyond their normal capabilities; and

WHEREAS,

the Portage County Board of Commissioners Office of Homeland Security and Emergency Management is desirous of obtaining additional police protection for the citizens of Portage County pursuant to Ohio Revised Code sections 311.07 and 737.04; now therefore be it

RESOLVED,

that the Board of Portage County Commissioners does hereby agree to enter into a Membership and Participation Agreement (attached hereto as exhibit A) between the Portage County Board of Commissioners on behalf of the Office of Homeland Security and Emergency Management and Metro Swat to furnish to any other participating subdivision equipment and assistance as is requested; and be if further

RESOLVED,

that the equipment and assistance shall be extended only upon authorization of the Chief of Police, or other officer acting with the authority of the Chief of Police, as provided by the Rules promulgated by the Portage County Office of Homeland Security and Emergency management Department taking into account the following:

A. That such equipment and assistance may be extended in times of emergency or disaster only so far as is consistent with the proper protection of Portage County.

B. That the availability of equipment and personnel shall be subject to priority of use within Portage County.

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

5. Invitation from the Fraternal Order of Police Lodge #70 for the Reverse Raffle and Dinner on Saturday, September 26, 2009, 6:00 PM, Knights of Columbus Hall.
6. Invitation from the United Way of Portage County for the 4 person scramble on Friday, September 25, 2009, 9:30 AM, Windmill Lake Golf Club.

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INCOMING CORRESPONDENCE

DISCUSSION

August 13, 2009

1. Discussion: Continuation of the vegetable garden, as recommended by Jon Barber/Discussed today with Internal Services Department Director JoAnn Townend.
2. August 11, 2009 e-mail from Harold Huff, Water Resources Department, including the August 3, 2009 correspondence from Marie McCullough, Department of the Army, regarding Ravenna Training and Logistics Site Sanitary Sewer and Water Main Installation, Phase I/Information only.
3. August 6, 2009 e-mail from Mickey Marozzi, County Engineer, regarding the July 21, 2009 correspondence from the Ohio EPA regarding Storm Water/Board of Commissioners to sign next week

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JOURNAL ENTRIES

August 13, 2009

1. Board of Commissioners' authorization requested to pay the Portage County Regional Airport Authority Invoice No. 2009-048 dated August 8, 2009 for \$720.12 for reimbursement of the 10 cents per gallon in fuel costs for the Metro Life Flight helicopter, as approved by the Board of Commissioners in a Journal Entry adopted July 8, 2008, for the life of the 60 month lease with Metro Life Flight not to exceed \$6,000 annually.
2. Board of Commissioners' authorization requested to allow Safer Communities use of the Coroner's Office front porch for the Over Limit Under Arrest Campaign Banner (3x6) from August 18-September 7, 2009 as requested by Tom Decker.
3. The Board of Commissioners acknowledged receipt of the August 10, 2009 notice of reappointment for Commissioner Charles W. Keiper II, President of the Board of Commissioners, to the Ohio EPA's Solid Waste Advisory Council (SWAC), representing Ohio Counties, for the term ending June 23, 2011 as presented by Matthew Hittle, Ohio EPA.
4. Board of Commissioners' authorization requested to allow payment by the Human Resources Department of the July 2009 Wellness and Assessment Program Billing for \$2,205.00 as requested by the Portage County Health Department.
5. Board of Commissioners' authorization requested to have Commissioner Frederick sign the Ohio Public Works Commission Request to Proceed form to award a construction contract to West Michigan Cable Contractors, Inc. dba Midwest Trenchless Services for the Streetsboro Trunk Sewer Rehabilitation, Phase 1

Construction project, Portage County Wastewater Improvement (RD 21), OPWC Project No. CG06K/CG07K for a contract amount of \$997,437.00 as presented by Department of Budget and Financial Management.

6. Board of Commissioners' authorization requested to authorize payment to Neighborhood Development Services Inc. for \$ 500.00 for foreclosure counseling (PO No. 34521) and payment to Neighborhood Development Services for a mortgage Rescue Loan for \$3,000.00 (PO No. 34522) for a single woman as requested by Neighborhood Development Services Inc. Documents reviewed by Carol Kurtz, Internal Auditor with comments noted/HOLD
7. Board of Commissioners' authorization requested to authorize payment to Neighborhood Development Services for \$ 500.00 for foreclosure counseling (PO No. 34521) and payment to Neighborhood Development Services for a mortgage Rescue Loan for \$1,075.92 (PO No. 34522) for a single man as requested by Neighborhood Development Services. Documents reviewed by Carol Kurtz, Internal Auditor with comments noted/HOLD.
8. The Board of Commissioners authorized Commissioner Frederick to sign the file copy of the electronic filing of the draft financial status report to the US Department of Justice Office of Justice Programs (OJP) for the Arrest Grant No. 2007-WE-AX-0048 for the Advocate, Train & Respond Collaborative grant for the period of April 1, 2009 through June 30, 2009, and authorized the electronic filing, as presented by Carole Beaty, Family & Community Services. Documents reviewed by Carol Kurtz, Internal Auditor noting the request appears to be accurate and complete.
9. Board of Commissioners' authorization requested to pay the renewal subscription to the Akron Beacon Journal for 52 weeks daily and Sunday through August 28, 2010 \$187.20/The Board of Commissioners agreed not to subscribe.

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REFERRED

August 13, 2009

1. July 30, 2009 correspondence from Thomas Stickrath, Ohio Department of Youth Services to Judge Carnes, Portage County Juvenile Court, regarding the FY 2010-2011 Subsidy Grant Agreement. Referred to Grants Coordinator.
2. The Board of Commissioners received Contact Information Update Form Local Update of Census Addresses Program as presented by the US Department of Commerce. Referred to Regional Planning Commission.

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PLEASE ADD TO THE AGENDA

August 13, 2009

1. August 12, 2009 memo from Joe Moroski, County Commissioners Association of Ohio, regarding Ohio Regional Prosperity Initiative Meeting Friday, August 21, 2009/Commissioner Keiper may attend.
2. August 12, 2009 correspondence from Carol Kurtz, Internal Auditor, regarding her resignation effective August 31, 2009/Journal Entry.

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INFORMATION ONLY

August 13, 2009

1. Undated correspondence (received August 10, 2009) from Jacob Mix, regarding the Randolph Fair 4-H Animal Auction on Saturday, August 29, 2009 at 3:00 PM in the Hamilton Arena. He will be showing rabbits and goats.
2. The Board of Commissioners received a new location card from Barnes & Thornburg LLP in Columbus, Ohio.
3. August 6, 2009 correspondence from Tim Loughery, Appleton, regarding NCR Paper needs.
4. The Board of Commissioners received notice from Director Robert Wrentmore with no comments or objections regarding the petition for annexation of 22.36 acres from Nelson Township to Garrettsville Village.
5. August 7, 2009 correspondence from Anita Herington, Job and Family Services to Robert Williams regarding layoffs.
6. Undated correspondence (received August 11, 2009) from Leigh at NOPEC, indicating GEXA is NOPEC's electric supplier.

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PROSECUTOR

August 13, 2009

1. August 10, 2009 e-mail from Theresa Scahill, including a draft resolution to declare the necessity of and placement of an addition five-tenths (0.5) mill levy on the ballot at the November 3, 2009 General Election in Portage County for the benefit of the Portage County District Library for current expenses pursuant to Section 5705.23 of the Ohio Revised Code./09-748
2. August 6, 2009 e-mail from Leigh Prugh, including a draft escrow agreement for Whispering Meadows/Discussion August 18, 2009.

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JOURNAL ENTRY

August 13, 2009

Vol. 70, Page _____

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

1. The Board of Commissioners authorized payment of the Portage County Regional Airport Authority Invoice No. 2009-048 dated August 8, 2009 for \$720.12 for reimbursement of the 10 cents per gallon in fuel costs for the Metro Life Flight helicopter, as approved by the Board of Commissioners in a Journal Entry adopted July 8, 2008, for the life of the 60 month lease with Metro Life Flight not to exceed \$6,000 annually.

2. The Board of Commissioners authorized Safer Communities to display an "Over Limit Under Arrest" Campaign Banner (3x6) on the Portage County Coroner's Office front porch area, 226 West Harris Street, Ravenna, from August 18, 2009 -September 7, 2009, as requested by Tom Decker.
3. The Board of Commissioners acknowledged the receipt of the August 10, 2009 notice of reappointment for Commissioner Charles W. Keiper II to the Ohio EPA's Solid Waste Advisory Council (SWAC), representing Ohio Counties, for the term ending June 23, 2011, as presented by Matthew Hittle, Ohio EPA.
4. The Board of Commissioners authorized the Human Resources Department to pay the July 2009 Wellness and Assessment Program Billing for \$2,205.00, as presented by the Portage County Health Department.
5. The Board of Commissioners authorized Commissioner Frederick to sign the Ohio Public Works Commission Request to Proceed form to award a construction contract to West Michigan Cable Contractors, Inc. dba Midwest Trenchless Services for the Streetsboro Trunk Sewer Rehabilitation, Phase 1 Construction project, Portage County Wastewater Improvement (RD 21), OPWC Project No. CG06K/CG07K for a contract amount of \$997,437.00, as presented by Department of Budget and Financial Management.
6. The Board of Commissioners accepted with regret the August 12, 2009 notice of retirement from Internal Auditor Carol Kurtz, effective August 31, 2009.
7. The Board of Commissioners approved the revised *Outside Employment* Form for use by Board of Commissioners' Departments, as recommended Human Resources Department, pending a final review by the Prosecutor's Office.
8. The Board of Commissioners authorized Commissioner Frederick to sign the file copy of the electronic filing of the draft financial status report to the US Department of Justice Office of Justice Programs (OJP) for the Arrest Grant No. 2007-WE-AX-0048 for the Advocate, Train & Respond Collaborative grant for the period of April 1, 2009 through June 30, 2009, and authorized the electronic filing, as presented by Carole Beaty, Family & Community Services. Documents reviewed by Carol Kurtz, Internal Auditor noting the request appears to be accurate and complete.
9. After meeting today in an Executive Session with Human Resources Department Director Karen U'Halie, the Board of Commissioners authorized the termination of an LPN at The Woodlands at Robinson, effective at close of business on Friday, August 14, 2009.
10. After meeting today in an Executive Session with Human Resources Department Director Karen U'Halie, the Board of Commissioners accepted the recommendation of WIC Program Manager Nancy Dailey and authorized an increase for WIC employees as follows: COMOT 3 Vicki Caddell, Intake Clerk, from \$13.19/hour to \$13.52/hour, effective September 1, 2009 and COMOT 3 Karen Hendrickson, Intake Clerk/Administrative Secretary, from \$14.21/hour to \$14.56/hour, effective September 1, 2009. The Director noted that the WIC Grant has funds available to support these increases.

Charles W. Keiper II 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 13, 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 2:50 PM. Commissioner Keiper absent, motion carries.

ABSENT

Charles W. Keiper II, President

Maureen T. Frederick, Vice President

Christopher Smeiles, Board Member

Deborah Mazanec, Clerk

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