

Tuesday, September 8, 2009

The Board of County Commissioners met in regular session on **Tuesday, September 8, 2009 at 9:30 AM** with the following members present:

Charles W. Keiper II

Christopher Smeiles

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It was moved by Christopher Smeiles, seconded by Charles W. Keiper II to approve the meeting minutes of the September 3, 2009 meeting. Commissioner Frederick absent, motion carries

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Commissioner Maureen T. Frederick – Absent

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

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PROSECUTOR

Present: Denise Smith

9:55 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Christopher Smeiles**, seconded by **Charles W. Keiper II** 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:** Tommie Marsilio. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Absent.

10:00 AM Denise Smith attending

10:15 AM Upon conclusion of the above referenced discussion, it was moved by **Christopher Smeiles**, seconded by **Charles W. Keiper II** that the Board of Commissioners move out of executive session. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Absent.

After exiting Executive Session, the Board of Commissioners approved an amendment to Resolution No. 09-0358 dated April 21, 2009 which entered into a settlement/release agreement for Case No. 2008 CV 01760 and authorizes the Portage County Prosecutor’s Office to bring back the amendment for Board consideration.

Review of Prosecutor’s Pending List

Forward a copy of Pending Item #3 - Payment of City of Kent for legislative revision to Denise Smith.

Prosecutor’s Correspondence

1. August 31, 2009 correspondence from Denise Smith advising that she is assigned to review the Board of Commissioners’ request for a legal opinion regarding fixed assets.

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REGIONAL PLANNING COMMISSION

Present: Todd Peetz

Discussion regarding the September 9, 2009 Regional Planning Commission meeting agenda.

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DEPARTMENT OF BUDGET AND FINANCIAL MANAGEMENT

Present: Audrey Tillis

RESOLUTIONS

1. Other Funds Amendments to the Annual Appropriation Resolution:/09-0820
 - a. Fund 1123, Community Integration Soc CISP – Transfer, Projected Need
 - b. Fund 1364, Child Health Grant – Supplemental, Projected Need
 - c. Fund 3000, County Notes – Supplemental, Adjust to Actual
 - d. Fund 3112, SA PCS Bond 1982 – Supplemental, Adjust to Actual
 - e. Fund 3113, SA PCS Bond 1997 – Supplemental, Adjust to Actual
 - f. Fund 3115, SA PCS Bonds 2004 – Supplemental, Adjust to Actual
 - g. Fund 3140, SA PCW Bond 94REFI04 – Supplemental, Adjust to Actual
 - h. Fund 3142, SA PCW Bonds 2007 – Supplemental, Adjust to Actual
 - i. Fund 3170, SA StS Bond 1999 – Supplemental, Adjust to Actual
 - j. Fund 3211, SA PCS OWDA 1989 – Supplemental, Adjust to Actual
 - k. Fund 3212, SA PCS OWDA 1994 – Supplemental, Adjust to Actual
 - l. Fund 3213, SA PCS OWDA 1998 – Supplemental, Adjust to Actual
 - m. Fund 3214, SA PCS OWDA 2000 – Supplemental, Adjust to Actual
 - n. Fund 3215, SA PCS OWDA 2001 – Supplemental, Adjust to Actual
 - o. Fund 5215, PCS Revenue Bonds 2007 (USDA) – Supplemental, Additional Principle Payment
 - p. Fund 5312, PCS State Route 44 Vacuum – Supplemental, Adjust to Actual
 - q. Fund 5507, PCW Cleveland to Aurora – Supplemental, Adjust to Anticipated Expense
 - r. Fund 7217, WC Retro Rating Plan 2008 – Supplemental, Projected Need
 - s. Fund 8101, Unclaimed Monies – Supplemental, Projected Need

UPDATES

2. Fiscal 2009 Carryover Department Requests
3. BOC Pending Requests
 - a. Nursing Home Cash Advance – Resolutions for BOC Approval in September
 - b. Water Resources Sheriff Training Facility Billing (MOU sent to Internal Services)
 - c. 911 Fund Creation (Waiting on Jon Barber)
 - d. FY 2010 Note Issuance

Director Audrey Tillis approved to attend seminar entitled “How Are Local Governments Dealing With Current Financial Hardships?” Commissioners agreed to pay \$15.00 contribution fee.

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Recessed: 10:55 AM

Reconvened: 11:12 AM

County Engineer Mickey Marozzi attending today to present a three ring notebook that contains a listing of all the storm water user fee charges for every parcel in the District as prepared by MS Consultants. The purpose of this hard copy of the listing is for the Board to certify it and send it to the County Auditor, along with the resolution that creates the Storm Water District.

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1:10 PM Recessed to Solid Waste Management District
1:50 PM Board of Commissioners Reconvened

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DBFM WORK SESSION

Present: Audrey Tillis

The Board of Commissioners continued their discussion of the 2009 and 2010 budget issues.

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RESOLUTION No. 09-0819 - RE: BILLS APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.

It was moved by Christopher Smeiles, seconded by Charles W. Keiper II 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 September 8, 2009 in the total payment amount of **\$263,888.14 for Funds 0001-8391** as set forth in the Accounts Payable Warrant Report on file in the office of the Portage County Auditor; and be it further

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

Roll call vote as follows:

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

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RESOLUTION No. 09-0820

RE: AMENDMENT TO THE NON GENERAL FUND
2009 ANNUAL APPROPRIATION RESOLUTION
NO. 08-1182 ADOPTED DECEMBER 11, 2008

It was moved by Christopher Smeiles, second by Charles W. Keiper II that the following resolution be adopted:

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

		<u>Increase</u>	<u>Decrease</u>
Fund: 1123	Community Integration Soc CISP		
	590 Adult Probation		
11233	Comm Integra Soc CISP Fringes	0	1,500
1123E	Comm Integr Soc CISP Part Time	1,500	0
	MEMO TOTAL	<u><u>\$ 1,500</u></u>	<u><u>\$ 1,500</u></u>

Note:

Fund: 1364	Child Health Grant		
	051 Job And Family Services		
13644	Child Health Grant CS	4	0
	MEMO TOTAL	<u><u>\$ 4</u></u>	<u><u>\$ -</u></u>

Note: Projected need

Fund: 3000	County Notes		
	001 Commissioners		
30008	County Notes DE	0	4,376,796
	MEMO TOTAL	<u><u>\$ -</u></u>	<u><u>\$ 4,376,796</u></u>

Note: ADJUST TO ACTUAL

Fund: 3112	SA PCS Bond 1982		
	010 Commissioners Other		
31128	SA PCS Bonds 1982 DS	0	491
	MEMO TOTAL	<u><u>\$ -</u></u>	<u><u>\$ 491</u></u>

Note: ADJUST TO ACTUAL

	<i>Increase</i>	<i>Decrease</i>
Fund: 3113 SA PCS Bond 1997		
010 Commissioners Other		
31138 SA PCS Bonds 1997 DS	0	82
MEMO TOTAL	<u>0</u>	<u>82</u>
	<u>\$ -</u>	<u>\$ 82</u>

Note: ADJUST TO ACTUAL

Fund: 3115 SA PCS Bonds 2004		
010 Commissioners Other		
31158 SA PCS Bonds 2004 DS	0	54
MEMO TOTAL	<u>0</u>	<u>54</u>
	<u>\$ -</u>	<u>\$ 54</u>

Note: ADJUST TO ACTUAL

Fund: 3140 SA PCW Bond 94REFI04		
010 Commissioners Other		
31408 SA PCW Bonds 94REFI04 DS	0	50
MEMO TOTAL	<u>0</u>	<u>50</u>
	<u>\$ -</u>	<u>\$ 50</u>

Note: ADJUST TO ACTUAL

Fund: 3142 SA PCW Bonds 2007		
010 Commissioners Other		
31428 SA PCW Bonds 2007 DE	0	33
MEMO TOTAL	<u>0</u>	<u>33</u>
	<u>\$ -</u>	<u>\$ 33</u>

Note: ADJUST TO ACTUAL

Fund: 3170 SA StS Bond 1999		
010 Commissioners Other		
31708 SA StS Bonds 1999 DS	0	66
MEMO TOTAL	<u>0</u>	<u>66</u>
	<u>\$ -</u>	<u>\$ 66</u>

Note: ADJUST TO ACTUAL

Fund: 3211 SA PCS OWDA 1989		
010 Commissioners Other		
32118 SA PCS OWDA 1989 DS	0	50
MEMO TOTAL	<u>0</u>	<u>50</u>
	<u>\$ -</u>	<u>\$ 50</u>

Note: ADJUST TO ACTUAL

	<i>Increase</i>	<i>Decrease</i>
Fund: 3212 SA PCS OWDA 1994		
010 Commissioners Other		
32128 SA PCS OWDA 1994 DS	0	56
MEMO TOTAL	<u>0</u>	<u>56</u>
	<u>\$ -</u>	<u>\$ 56</u>

Note: ADJUST TO ACTUAL

Fund: 3213 SA PCS OWDA 1998		
010 Commissioners Other		
32138 SA PCS OWDA 1998 DS	0	142
MEMO TOTAL	<u>0</u>	<u>142</u>
	<u>\$ -</u>	<u>\$ 142</u>

Note: ADJUST TO ACTUAL

Fund: 3214 SA PCS OWDA 2000		
010 Commissioners Other		
32148 SA PCS OWDA 2000 DE	0	50
MEMO TOTAL	<u>0</u>	<u>50</u>
	<u>\$ -</u>	<u>\$ 50</u>

Note: ADJUST TO ACTUAL

Fund: 3215 SA PCS OWDA 2001		
010 Commissioners Other		
32158 SA PCS OWDA 2001 DS	0	126
MEMO TOTAL	<u>0</u>	<u>126</u>
	<u>\$ -</u>	<u>\$ 126</u>

Note: ADJUST TO ACTUAL

Fund: 5215 PCS Revenue Bonds 2007 (USDA)		
060 Water Resources		
52158 PCS Revenue Bonds 07 (USDA) DE	25,000	0
MEMO TOTAL	<u>25,000</u>	<u>0</u>
	<u>\$ 25,000</u>	<u>\$ -</u>

Note: ADDITIONAL PRINCIPLE PAYMENT

Fund: 5312 PCS State Route 44 Vacuum		
060 Water Resources		
53126 PCS State Route 44 Vacuum CO	0	74,442
MEMO TOTAL	<u>0</u>	<u>74,442</u>
	<u>\$ -</u>	<u>\$ 74,442</u>

Note: ADJUST TO ACTUAL

	<i>Increase</i>	<i>Decrease</i>
Fund: 5507 PCW Cleveland to Aurora		
060 Water Resources		
55076 PCW Cleveland to Aurora CO	0	50,000
MEMO TOTAL	<u>0</u>	<u>50,000</u>
	<u>\$ -</u>	<u>\$ 50,000</u>

Note: ADJUST TO ANTICIPATED EXPENSE

Fund: 7217 WC Retro Rating Plan 2008		
018 Human Resources		
72179 WC Retro Rating Plan 08 ME	0	74,122
MEMO TOTAL	<u>0</u>	<u>74,122</u>
	<u>\$ -</u>	<u>\$ 74,122</u>

Note:

Fund: 8101 Unclaimed Monies		
200 Treasurer		
81019 Unclaimed Monies ME	170,000	0
MEMO TOTAL	<u>170,000</u>	<u>0</u>
	<u>\$ 170,000</u>	<u>\$ -</u>

Note: projected need

TOTAL MEMO BALANCE FOR ALL FUNDS	<u>\$ 196,504</u>	<u>\$ 4,578,060</u>
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and be it further,

RESOLVED, that the notes stated in the resolution are for informational purposes only and are not intended to restrict the expenditure of those appropriated funds to any single purpose. Such funds are for the use of all expenditures that are lawful under the approved appropriation.

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

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

Roll call as Follows:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Absent;

Christopher Smeiles, Yea;

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2. Invitation from the Ohio Farm Bureau for the Annual Meeting on Tuesday, September 15, 2009, Maplewood Career Center, 6:15 PM.
3. Invitation from Kent State University for discussion on how local governments are dealing with current financial hardships on Thursday, September 24, 2009, 3:00-5:00 PM, Kent State University Moulton Hall Ballroom.
4. Invitation from the Garrettsville Area Chamber of Commerce for the 2009 Business Showcase on Thursday, October 2, 2009, 5:00-8:00 PM, James A. Garfield High School.

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**INCOMING CORRESPONDENCE
DISCUSSION**

September 8, 2009

1. Discussion: Storm Water Program – three resolutions required to proceed. /Hold until Thursday.
 - (A) Resolution establishing Portage County Storm Water District.
 - (B) Resolution fixing charges for the use of the Portage County Storm Water District, Fund 6800 (Storm Water Management), pursuant to Chapter 6117, Ohio Revised Code.
 - (C) Resolution adopting rules for illicit discharge detection and elimination, construction, and post-construction storm water management.
2. September 2, 2009 correspondence from Terry Krauss, regarding his property at 3830 Waterloo Road./Forward to Water Resources for review and comment on Thursday, September 10, 2009.

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JOURNAL ENTRIES

September 8, 2009

1. Board of Commissioners’ authorization requested to allow use of the 3rd Floor Veteran Services Office on Monday, September 28, 2009 from 4:30-7:00 PM for a Commission Meeting as requested by Robert Park, Veteran Services.
2. Board of Commissioners’ authorization requested to utilize H. Luli Construction to replace the County Home and Baronwood Pump Station Building roofs at a cost of \$9,790.00 as requested by the Water Resources Department. Funds for this expenditure are available in the 2009 Portage County Sewer Lines Operations and Maintenance budget.
3. In order to comply with OSHA Section 1910.23 safety requirements, Board of Commissioners’ authorization requested to utilize Bochert Excavating Inc. to install a 4”x8” kick plate at the following wastewater treatment plants locations Atwater, Bolingbrook, Countryside Estates, Fairlane, Redfox, Twin Lakes and Western Reserve, for a cost of \$11,218.80 as requested by the Water Resources Department. Funds for this expenditure are available in the 2009 Portage County Sewer Plant’s Operations and Maintenance budget.
4. Board of Commissioners’ approval requested on the recommendation that the sewer maintenance rate for the Portage County Regional Sewer District Sewer Maintenance Assessments for Mogadore Sewer District No. 8 be confirmed and levied in accordance with the following schedule:

Mogadore Sewer District No. 8 \$ 0.40 per foot with a \$ 40.00 minimum assessment for each parcel connecting to the sewer system (no change in rate) as provided for by Resolution No. 92-16.

The Board of Commissioners further certified the rates as indicated in the Portage County Water Resources Department listing to the Portage County Auditor for collection by the Portage County Treasurer.

5. The Board of Commissioners received the September 1, 2009 correspondence from the Portage County Sheriff's Department including the Monthly Record of Proceedings and Transactions for August 2009, in accordance with Ohio Revised Code Section 325.07.
6. Board of Commissioners' signature requested on the purchase requisition for Habitat for Humanity of Portage County for two (2) water wells for Habitat houses located at 1453 Hillcrest, Atwater and 1463 Hillcrest, Atwater for \$ 3,533.24 as requested by the Regional Planning Commission. The B-F-08-062-1 Formula Grant Activity #01 New Construction is funding this expense. Documents reviewed by the Grants Administrator with no exceptions noted.
7. Board of Commissioners' authorization requested to pay Invoice No. 09-174 dated September 1, 2009 for the B-F-09-062-1 Formula Grant Application preparation from January 26, 2009 through August 23, 2009 \$7,729.38 as presented by the Regional Planning Commission. Documents reviewed by the Grants Administrator with no exceptions noted.

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REFERRED

September 8, 2009

1. August 31, 2009 correspondence from Thomas Mesenbourg, US Department of Commerce, US Census Bureau, regarding the targeted non-sheltered homeless outdoor locations. Referred to Regional Planning Commission.

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INFORMATION ONLY

September 8, 2009

1. Undated correspondence (received September 2, 2009) from Larry Fredrich, Runzheimer International, regarding mobile device expense management service for cell phones, smart phones and other mobile communication devices.

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PLEASE ADD TO THE AGENDA

September 8, 2009

1. The Board has agreed to attend the Thursday, September 24, 2009 Senior Corps Volunteer Event at the Ravenna Elks Lodge. Family and Community Services staff has advised that they would like the Board to open the event with the invocation at 11:00 AM. Does the BOC want to rearrange the calendar to allow you to arrive for the 11:00 AM opening and remain until 1:00 PM? The Board will attend at 1:00 PM. Family & Community Services advised.
2. September 3, 2009 email from Attorney Denise Smith regarding a public records request.
3. September 4, 2009 email from Brian Kelley regarding the recent public records request. Does the Board of Commissioners request ITS assistance, as offered? The Board of Commissioners authorized ITS to provide assistance with request. Commissioner Keiper e-mailed Director Kelley.

4. Invitation from the Ravenna Army Ammunition Plant RAB to a tour on Tuesday, September 15, 2009. ***Please RSVP by September 9, 2009.*** Commissioner Keiper not attending, Commissioner Smeiles to check schedule.
5. September 4, 2009 email from JFS Director Herington regarding a response to the 2007 audit and continuous improvement. Director Herington advises that the Internal Auditor asked her to assemble "written representations that describe your efforts and accomplishments in addressing and ameliorating matters and/or conditions identified in the 2007 Audit Findings/Questioned Costs and Management Letter". (See page two of the September 4, 2009 email sent by Anita Herington at 1:47 PM)./Clerk to assemble for Board review.
6. Board of Commissioners' authorization requested to utilize Perrin Asphalt to seal the asphalt driveway and adjacent parking lot at the Shalersville Water Treatment Plant for a cost not to exceed \$4,800.00 as requested by the Water Resources Department. Funding for this expense is available in Fund 54001004 413000 of the 2009 Portage County Water Plant's Operations and Maintenance budget./Journal Entry.

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Journal Entry

September 8, 2009

Motion by Christopher Smeiles, seconded by Charles W. Keiper II to approve the following actions:

1. The Board of Commissioners authorized use of the 3rd Floor Veteran Services Office on Monday, September 28, 2009 from 4:30-7:00 PM for a Commission Meeting, as requested by Robert Park, Veteran Services.
2. The Board of Commissioners authorized H. Luli Construction, as the lowest and best bid received, to replace the County Home and Baronwood Pump Station Building roofs at a cost of \$9,790.00, as recommended by Water Resources Department Director Harold Huff. Funds for this expenditure are available in the 2009 Portage County Sewer Lines Operations and Maintenance budget.
3. In order to comply with OSHA Section 1910.23 Safety Requirements, the Board of Commissioners authorized Bochert Excavating Inc., as the lowest and best bid received, to install a 4"x8" kick plates at the following wastewater treatment plants locations: Atwater, Bolingbrook, Countryside Estates, Fairlane, Redfox, Twin Lakes and Western Reserve, for a cost of \$11,218.80, as recommended by Water Resources Department Director Harold Huff. Funds for this expenditure are available in the 2009 Portage County Sewer Plant's Operations and Maintenance budget.
4. The Board of Commissioners accepted the recommendation of Portage County Water Resources Department Director Harold Huff and authorized the sewer maintenance rate for the Portage County Regional Sewer District Sewer Maintenance Assessments for Mogadore Sewer District No. 8 be confirmed and levied in accordance with the following schedule:

Mogadore Sewer District No. 8 \$ 0.40 per foot with a \$ 40.00 minimum assessment for each parcel connecting to the sewer system (no change in rate) as provided for by Resolution No. 92-16.

The Board of Commissioners further certified the rates as indicated in the Portage County Water Resources Department listing to the Portage County Auditor for collection by the Portage County Treasurer.

5. The Board of Commissioners acknowledged the receipt of the September 1, 2009 correspondence from the Portage County Sheriff including the Monthly Record of Proceedings and Transactions for August 2009, in accordance with Ohio Revised Code Section 325.07.
6. The Board of Commissioners signed the purchase requisition for Habitat for Humanity of Portage County for two (2) water wells for Habitat houses located at 1453 Hillcrest in Atwater and 1463 Hillcrest in Atwater for \$ 3,533.24, as presented by the Regional Planning Commission. The B-F-08-062-1 Formula Grant Activity #01 New Construction is funding this expense. Documents reviewed by the Grants Administrator with no exceptions noted.
7. The Board of Commissioners authorized payment of Invoice No. 09-174 dated September 1, 2009 for the B-F-09-062-1 Formula Grant Application preparation for services provided from January 26, 2009 through August 23, 2009 in the amount of \$7,729.38, as presented by the Regional Planning Commission. Documents reviewed by the Grants Administrator with no exceptions noted.
8. The Board of Commissioners authorized Perrin Asphalt, as the lowest and best bid received, to seal the asphalt driveway and adjacent parking lot at the Shalersville Water Treatment Plant for a cost not to exceed \$4,800.00 as requested by the Water Resources Department. Funding for this expense is available in Fund 54001004 413000 of the 2009 Portage County Water Plant's Operations and Maintenance budget.
9. The Board of Commissioners approved the draft In County Travel and Reimbursement Form for use by the Commissioners' Department Heads and available for use county-wide as presented by the Internal Services Director. The Board of Commissioners further directs the Internal Services Director to e-mail the final protected document to Commissioners' Department Heads in order to utilize the electronic version of the form. The Board of Commissioners indicated this form replaces any prior forms for In County Travel and Reimbursement.
10. The Board of Commissioners approved an amendment to Resolution No. 09-0358 dated April 21, 2009 which entered into a settlement/release agreement for Case No. 2008 CV 01760 and authorized the Portage County Prosecutor's Office to bring back the amendment for Board consideration.

Maureen T. Frederick, 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 **September 8, 2009**. There being no further business to come before the Board, it was moved by Christopher Smeiles, seconded by Charles W. Keiper II to adjourn the official meeting at **11:25 AM**. Commissioner Frederick, absent, motion carries.

Charles W. Keiper II, President

ABSENT
Maureen T. Frederick, Vice President

Christopher Smeiles, Board Member

Amy Hutchinson, Acting Clerk

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