

Tuesday, October 13, 2009

The Board of County Commissioners met in regular session on **Tuesday, October 13, 2009 at 9:15 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 October 8, 2009 meeting. Commissioner Smeiles absent, motion carries

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WOODLANDS AT ROBINSON

Present: Gary Mitrisin

The Board of Commissioners agreed to meet with the nursing home staff regarding any pending and upcoming personnel issues.

The Administrator noted that the Summa representatives have been in touch and appear to be interested in the Portage County nursing home. Mr. Mitrisin advised that Dr. Coe is interested in the proposed rehabilitation program.

The nursing home has received a subpoena for a Portage County court case, which has been referred to Attorney Leigh Prugh.

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9:55 AM Commissioner Smeiles attending

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PROSECUTOR

Present: Denise Smith

10:05 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Maureen T. Frederick**, seconded by **Christopher Smeiles** that the Board of Commissioners move into executive session to conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. **Also present:** Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

10:20 AM Upon conclusion of the above referenced discussion, it was moved by **Maureen T. Frederick**, seconded by **Christopher Smeiles** that the Board of Commissioners move out of executive session. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

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

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REGIONAL PLANNING COMMISSION

Present: Todd Peetz

The Director reviewed the October 14, 2009 Executive Committee and Regular Board meeting agendas and discussed ongoing issues.

The Director noted that he has 50 TA dedicated to the revision of the Subdivision Regulations. He hopes to confirm another 150 hours in the near future.

The Director advised that he is working with Steve Hudkins on a grant application; the Director agreed to contact the Portage County OSU Extension Executive Director Heather Neikirk, as well.

The Director reported that the Regional Planning Commission will enter into a five year contract for Eileen Stiffler's former office space with the USDA at a rent of \$3000/year or \$250/month.

The Director noted that the Regional Planning Commission intends to apply for New Horizons Fair Housing Program funds and wondered if the Board of Commissioners would consider up fronting the money for the New Horizons Fair Housing Program? The application due date is throughout the FY 2009-program year, beginning June 12, 2009 through May 29, 2010. The goal of the grant is to provide funds to units of local government, or consortia of units of local government, to affirmatively further fair housing in addition to activities undertaken with their Formula Allocation Program funds. The eligible activities are those that further Fair Housing in the Portage County Cities, Counties, Villages, and Townships. The Director will come back to the Board of Commissioners as quickly as possible with additional information.

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WATER RESOURCES

Present: Harold Huff, Jeff Lonzrick

1. **RESOLUTION** Submission of Ohio Public Works Commission and Infrastructure Funding Application for Round 23, and identifying authorized representatives for submitting the application and managing the project entitled "Portage County Wastewater Improvements Round 24."/09-0951

2. **SIGNATURES** Approval for Workman Industrial Services Inc. to install a vacuum pit at in Randolph./Journal Entry

3. **SIGNATURES** Approval for additional Electrical Construction for O&M Facility Emergency power, Project No. PC (08-080)./Journal Entry

4. **DISCUSSION** Spring Lakes Update: The Water Resources Department has verified that all three homes are connected to the sewer. Water Resources Department will send letters to the three including the invoices for services provided since they were connected in 2008.

5. **DISCUSSION** Commissioner Keiper noted that the Western Reserve Land Conservancy (WRLC) would like to provide consulting services to manage surface water for Portage County. Director Huff added that the Streetsboro/Cuyahoga Water Shed will be affected by the Ohio EPA at the Streetsboro plant. He reminded that Board that this is a surface water issue and not a ground water issue. The WRLC would like to

purchase long areas along the Cuyahoga River to protect the river starting at the Streetsboro waste water treatment plant. The WRLC is sending a proposal for Board of Commissioners' consideration. Commissioner Frederick asked if this is related in any way to the WRLC request for several hundred thousand dollars to work in conjunction with a grant obtained through Representative Tim Ryan' office. The Director replied no.

Commissioner Frederick asked if there have been issues with the water pressure in the Pleasant Lakes area. Staff responded that they are aware and are investigating that issue.

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DEPARTMENT OF BUDGET AND FINANCIAL MANAGEMENT

Present: Audrey Tillis

Resolutions

- 1. Cash Advance Repayment from Fund 1167, EMPG Special Projects to Fund 0001, General Fund./09-0952

Other

- 2. Discussion Items
 - a. The Director recommended that the Park District repay \$150,000 in loans in FY 2009/Journal Entry
 - b. The Director advised the Board of Commissioners that the County Engineer has requested a cash advance for his three Ohio Department of Transportation Safety Grants. Reimbursement of \$68,000 should come in quickly. Department of Budget & Financial Management to bring back the necessary resolution.

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The Executive Assistant attending to ask the Board of Commissioners if they want to advertise in the 2010 Portage Area Chamber of Commerce Directory at a cost of \$665. Commissioner Smeiles asked if the county has ever received any leads from this ad? Commissioner Keiper stated that the notion is to support the local chambers. In this economic climate, is it the right thing to do? The Board of Commissioners agreed not to advertise.

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11:45 AM Lunch Recess

1:10 PM Board of Commissioners reconvened

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DBFM WORK SESSION

Present: Audrey Tillis

1:15 PM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Maureen T. Frederick**, seconded by **Christopher Smeiles** that the Board of Commissioners move into executive session to consider an 5employment issue. **Also present: Department of Budget & Financial Management Director Audrey Tillis, Clerk Deborah Mazanec.** Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

2:15 PM Upon conclusion of the above referenced discussion, it was moved by **Maureen T. Frederick**, seconded by **Christopher Smeiles** that the Board of Commissioners move out of executive session. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

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

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RESOLUTION No. 09-0945 - RE: BILLS APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.

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

RESOLVED, that the bills were approved and certified to the County Auditor for payment, contingent upon the review of the Portage County Internal Auditor or other designee on October 13, 2009 in the total payment amount of **\$360,083.93 for Funds 0001-7000** as set forth in the Accounts Payable Warrant Report on file in the office of the Portage County Auditor; and be it further

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

Roll call vote as follows:

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

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RESOLUTION No. 09-0946 - RE: APPROVAL OF JOURNAL VOUCHERS/ENTRIES.

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

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

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

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

RESOLVED, that the Board of Commissioners approves the following Journal

of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice vote was as follows:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 09-0949

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RE: AMEND RESOLUTION 09-0865, ADOPTED SEPTEMBER 17, 2009, APPOINTING TO THE PORTAGE AREA REGIONAL TRANSIT AUTHORITY (PARTA) BOARD OF TRUSTEES REPRESENTING THE NORTHERN SECTION OF PORTAGE COUNTY TO CORRECT THE TERM END DATE.

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

WHEREAS, the Board of Commissioners adopted Resolution 09-0865 on September 17, 2009 appointing Richard Brockett to the Portage Area Regional Transit Authority (PARTA) for a term ending June 30, 2012; and

WHEREAS, the Board of Commissioners desires to correct the term to an end date of June 30, 2011; now therefore be it

RESOLVED, that the Board of Commissioners agrees to change the term to reflect an end date change; and be it further

RESOLVED, that this resolution will supersede and replace Resolution 09-0865 and shall read in its entirety as follows:

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WHEREAS, members of the PARTA Board of Trustees shall be appointed by the political subdivisions creating the Authority, pursuant to Ohio Revised Code Section 306.30; and

WHEREAS, Resolution No. 07-810 states the documentation providing for PARTA and amends it to include the cities of Aurora and Streetsboro and Section 3 defines the Board of Commissioners shall have three representatives, one each from the northern, middle and southern areas of the county, now therefore be it

RESOLVED, that the Board of Commissioners appoints the following to represent the Northern section of the County effective September 18, 2009 to fill the remainder of a three-year term ending June 30, 2011:

Richard Brockett
10094 State Route 305
Garrettsville, OH 44231

Voice vote as follows:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 09-0951

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**RE: SUBMISSION OF OHIO PUBLIC WORKS COMMISSION
INFRASTRUCTURE FUNDING APPLICATION FOR
ROUND 24, AND IDENTIFYING AUTHORIZED
REPRESENTATIVES FOR SUBMITTING THE
APPLICATION AND MANAGING THE PROJECT
ENTITLED: "PORTAGE COUNTY WASTEWATER
IMPROVEMENTS ROUND 24."**

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

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, Portage County is eligible to apply for Ohio Public Works Commission (OPWC) infrastructure Funds, and has qualified in a preliminary application to receive the same for "Portage County Wastewater Improvements Round 24"; and

WHEREAS, Portage County is planning to make capital improvements to the Franklin Hills, Western Reserve, Rivermoor and Fairlane Wastewater Treatment Plants; and

WHEREAS, the infrastructure improvements herein above described are considered to be priority needs for the community and are qualified projects under the OPWC programs; and

WHEREAS, Portage County has the ability to construct the Wastewater Improvement and local match funds are available from the Portage County Sanitary Sewer District – Fund 5200; and

WHEREAS, District 7 through the preliminary application ranking process, has determined that OPWC Funds should be awarded to Portage County for the project on or about July 1, 2010. The project agreement with OPWC is planned to include \$210,000 in grant funds and \$50,000 in loan funds; now therefore be it

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

Section 1. That Portage County Water Resources is authorized by this Board to prepare and submit a final Application for Financial Assistance to the OPWC, and if funded, further authorize the Portage County Water Resources Director to be the Project Manager.

Revenue Source - 291000 – Advance-In Repayment \$ 6,000.00

and be it further

RESOLVED, that the County Auditor is hereby requested to make said cash advance repayment by Journal Entry, and that a certified copy of this resolution be filed with the County Auditor, the Homeland Security and Emergency Management Agency and the Department of Budget & Financial Management, and be it further

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

Roll call vote as follows:

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

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RESOLUTION No. 09-0953 - RE: AMEND RESOLUTION 09-0718 ONLY TO CHANGE THE DATE AND TIME FOR THE PUBLIC HEARING ON THE PETITION FOR REGULAR ANNEXATION OF 22.36 ACRES OF LAND FROM NELSON TOWNSHIP TO THE VILLAGE OF GARRETTSVILLE.

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

WHEREAS, the Board of Commissioners adopted Resolution 09-0718 on August 4, 2009 setting the date, time and place of the public hearing for the annexation of 22.36 acres of land from Nelson Township to the Village of Garrettsville on October 20, 2009; and

WHEREAS, the Portage County Engineer advised the Board of Commissioners in a September 24, 2009 correspondence that he would not recommend approval of the annexation until a signed and sealed annexation plat and an annexation metes and bounds description were presented for review; and

WHEREAS, Attorney for the Petitioner James R. Scher has requested a postponement of the Public Hearing to allow those documents to be obtained; now therefore be it

RESOLVED, that the Board of Commissioners agrees to postpone the Public Hearing for the annexation of 22.36 acres of land from Nelson Township to the Village of Garrettsville from Tuesday, October 20, 2009 to Thursday, December 10, 2009 at 1:00 PM; and be it further

RESOLVED, that the Clerk of the Board may forward a copy of this Resolution to the County Engineer, Nelson Township Trustees, the Village of Garrettsville, the Portage County

2. Meeting agenda for the Mental Health & Recovery Board Meeting Monday, October 12, 2009, 6:30 PM, 155 E. Main St., Kent.
3. Invitation from NEOUCOM for the appreciation celebration for Lois Margaret Nora, Dean, College of Medicine on Thursday, November 19, 2009, 3:15-4:15 PM (College Update) Harry Meshel Hall; 4:30-6:00 PM (Reception), Colin Campbell Atrium.
4. Invitation from Coleman Foundation for the Franklin Apartments Open House and Dedication on Thursday, October 15, 2009, 5:00-6:00PM, 1780 E. Main St., Kent.

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**INCOMING CORRESPONDENCE
DISCUSSION**

October 13, 2009

1. September 14, 2009 correspondence from Elizabeth Birch, Ohio Manufactured Homes Association, regarding proposed taxation of manufactured home communities in Portage County in lieu of separate taxation of individual homeowners already taxed as individual taxing units pursuant to ORC/Forward to the County Engineer to ask that he respond to Ms. Birch and copy the Board of Commissioners.

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JOURNAL ENTRIES

October 13, 2009

1. Board of Commissioners' authorization requested to pay the October 5, 2009 invoice for \$1,600.00 for employees who participated in the Wellness Program for the month of September 2009, as presented by the Portage County Combined General Health District.

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REFERRED

October 13, 2009

1. October 6, 2009 e-mail from Commissioner Keiper, regarding bulletproof vest grant award. Referred to Grants Administrator for processing.
2. September 25, 2009 correspondence from Adam Harris, Portage County Combined General Health District, regarding the current status of Portage County landfills. Referred to Solid Waste.
3. September 30, 2009 correspondence from Riva Queen, Stiles Elementary School, requesting information on Portage County. Referred to the Executive Assistant.

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PLEASE ADD TO YOUR AGENDA

October 13, 2009

1. October 9, 2009 email from the County Engineer in response to the October 8, 2009 e-mail from Leigh Prugh, regarding S & H - Rootstown punch list/Clerk to ask Attorney Prugh if there is any action the Board of Commissioners needs to take.

2. Resolution to postpone the public hearing for the proposed annexation of 22.36 acres from Nelson Township to the Village of Garrettsville from October 20, 2009 to December 10, 2009 to allow the petitioner to obtain documents, as required by the Portage County Engineer/09-0953
3. October 8, 2009 memo from JFS Director Anita Herington requesting Board approval of the revised job description for the PCSA Administrative Assistant and authorization to post this vacancy/Journal entry

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INFORMATION ONLY

October 13, 2009

1. October 5, 2009 correspondence from Amie Cajka, Mental Health & Recovery Board, thanking the Board for allowing the Mental Health Board to be part of the Randolph Fair.

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Journal Entry

October 13, 2009

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

1. The Board of Commissioners authorized the Human Resources Department to pay the October 5, 2009 invoice for \$1,600.00 for employees who participated in the Wellness Program for the month of September 2009, as presented by the Portage County Combined General Health District.
2. The Board of Commissioners accepted the recommendation of Portage County Water Resources Department Director Harold Huff and authorized the Water Resources Department to direct Emery Electric, Inc. of Twinsburg to complete additional electrical construction at the Portage County Regional Sewer District O&M Facility, Emergency Power Project No. PC (08-080), at a proposed cost of \$25,310.00. The Board of Commissioners noted that this expansion is necessary to satisfy Ohio Edison requirements.
3. The Board of Commissioners approved the revised job description for Administrative Assistant as a COMOT 5 in the Portage County Department of Job & Family Services – Children Services, as presented by the Human Resources Department and approved by Department of Job & Family Services Director Anita Herington.
4. The Board of Commissioners approved the following Personnel Requisitions, as presented by the Portage County Human Resources Department and approved by Department of Job & Family Services Director Anita Herington:

DEPARTMENT	JOB TITLE	GRADE	ACTION
Job & Family Services	Administrative Assistant – PCSA Replacement for Heather Kimbrough	COMOT 5	Post Internally and Externally

5. The Board of Commissioners approved the Payment Request to Sere day’s of Brookfield, Ohio for \$35,000 for the completion of the 08 Windham Demolition Project at Brook Court and Maple Grove, as presented

by the Neighborhood Development Services, Inc. Funds are available in the CDBG Economic Development RLF. The Board of Commissioners noted that Windham Village verified the disconnection of all utilities prior to demolition.

- 6. The Board of Commissioners accepted the recommendation of the Department of Budget & Financial Management Director and agreed that the Portage Park District should repay the remaining balance of \$40,000 of their \$120,561 loan, due 12/31/10 and \$110,000 towards the original \$177,000 loan, due 12/31/09 and defer the balance of \$67,000 until 12/31/2010, for a total repayment in 2009 of \$150,000 and \$67,000 in FY 2010. This decision will allow the Park District to stay in balance for FY 2009 and FY 2010.
- 7. The Board of Commissioners authorized the Portage County Water Resources Department to pay the Portage County Regional Planning Commission upon being invoiced \$3,750 for its share of the revision of the Portage County Subdivision Regulations as they relate to potable water and sanitary sewer issues.

All in favor, motion carries.

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JOURNAL ENTRY II

October 13, 2009

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

The Board of Commissioners authorized a purchase order for Workman Industrial Services, Inc. in an amount not to exceed \$5,000.00 to install a new vacuum pit to serve 1932 State Route 44 in Randolph, as recommended by Portage County Water Resources Department Director Harold Huff. Commissioner Smeiles abstaining, 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 **October 13, 2009**. There being no further business to come before the Board, it was moved by Maureen T. Frederick, seconded by Christopher Smeiles to adjourn the official meeting at 2:15 PM. All in favor, motion carries.

Charles W. Keiper II, President

Maureen T. Frederick, Vice President

Christopher Smeiles, Board Member

Deborah Mazanec, Clerk

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