

**Tuesday, December 1, 2009**

The Board of County Commissioners met in regular session on **Tuesday, December 1, 2009 at 9:30 AM** with the following members present:

Charles W. Keiper II

Maureen T. Frederick

Christopher Smeiles

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It was moved by Maureen T. Frederick, seconded by Christopher Smeiles to approve the meeting minutes of the November 24, 2009 meeting. All in favor, motion carries

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

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### **THE WOODLANDS AT ROBINSON**

Present: Gary Mitrisin, Mike Coury, Maureen Wern, Karen U'Halie

Mr. Coury advised that the Ohio Department of Health survey results are expected this week; overall it was a good survey.

The Board of Commissioners agreed that Mr. Mitrisin should work with the Prosecutor's Office for the collection of past due invoices under \$2,500.

The census today is at 71.

Mr. Coury noted that SUMMA was pleased with the information they gathered during the interview process. A decision is expected by Christmas. If approved, SUMMA could have a dedicated unit on-site and/or act as a referral source.

9:40 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 consider a discipline issue. **Also present: Gary Mitrisin, Mike Coury, Maureen Wern, Human Resources Department Director Karen U'Halie.** Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

10:12 AM Upon conclusion of the above referenced discussion, it was moved by **Maureen T. Frederick**, 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, Yea.

After exiting Executive Session, the Board of Commissioners approved the termination of a probationary STNA.

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Attorney Denise Smith attending

The Board of Commissioners discussed the nursing home/Westhaven Service Company Omnicare contract for medications for nursing home residents. There is an invoice currently due in the amount of \$100,000, which is on hold. Omnicare is asking for payment of medications as delivered. Reimbursement has been filed with Medicaid; although the reimbursement does not cover the actual cost of the medications.

The Board of Commissioners agreed that the nursing home should open a purchase order for the remainder of 2009 and then another purchase order in 2010 to allow the bid process to move forward. Mike Coury to work

with JoAnn Townend to immediately advertise this bid. Denise Smith agreed to contact the company to negotiate the past due charges. Mike Coury agreed to set up a meeting with company representatives and Denise Smith will attend.

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**PROSECUTOR**

Present: Denise Smith

Review of Prosecutor Pending

- 1. The Board of Commissioners agreed that they will not move forward with the lease of 799 North Freedom Street due to the back taxes issue. Department of Homeland Security & Emergency Management Director Jon Barber is looking for another site.
- 2. Attorney Smith is still investigating the use of the county health benefit reserve.

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**Prosecutor Correspondence**

December 1, 2009

- 1. Confidential November 24, 2009 email from Attorney Chris Meduri regarding Board appointments/Information only at this time.
- 2. November 30, 2009 e-mail from Chris Meduri, Prosecutor’s Office, regarding the amended petition for annexation from agent for the petitioner James Scher, Burkey, Burkey & Scher, Co., LPA/The Board of Commissioners agreed that Attorney Meduri should contact the Attorney for the Petitioner and advise that the public hearing on December 10, 2009 will be rescheduled to allow this amendment to move forward.

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Commissioner Keiper noted that the Moose Lodge contacted him about a water/sewer invoice with huge past due charges that have been negotiated to \$40,000-50,000. Water Resources Department staff had contacted the Moose Lodge (three times in writing as well as follow-up phone calls) advising that there must be a leak somewhere because of the huge increase in water use. The sewage portion of the invoice has been forgiven and a payment plan has been offered.

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**RESOLUTION No. 09-1099 - 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 December 1, 2009 in the total payment amount of **\$487,102.69 for Funds 0001-8101** as set forth in the Accounts Payable Warrant Report on file in the office of the Portage County Auditor; and be it further





2. Approve the Bills as presented by the County Auditor and reviewed by the Internal Auditor./09-1099
3. Approve the Journal Vouchers as presented by the County Auditor./09-1100
4. Approve Then & Now as presented by the County Auditor./09-1101
5. Resolution to support the Strengthening and Updating Resources and Equipment (SURE) Act/Adopted November 24, 2009/09-1096

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**INVITATIONS/MEETING NOTICES**

December 1, 2009

1. Notice of the Wednesday, December 9, 2009 meeting of the Portage County Board of Building Appeals at 9:00 AM in Room 605 in the Portage County Administration Building.
2. Notice of the Wednesday, December 9, 2009 City Club of Cleveland Open House and Annual Meeting at 4:30 PM.
3. Notice of the Wednesday, December 9, 2009 Reception and Presentation from the SUMMA Foundation and NASA for the *Medical Innovations for the Final Frontier* at 5:30 PM at Akron City Hospital.
4. Notice of the Attorney General’s *Ohio Consumer Protection Summit* on March 4, 2010 in Columbus, with details to be announced. .
5. Notice of the American Red Cross Open House on Wednesday, December 9, 2009 at 705 Oakwood Street in Ravenna (Suite 107).

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**INCOMING CORRESPONDENCE**

**DISCUSSION**

December 1, 2009

1. Discussion on December 10, 2009: On November 24, 2009, the Board of Commissioners agreed to contact the potential members of the Board of Directors for the Portage Development Board before today. Commissioner Keiper agreed to redraft the letter to the members to be sent once the member agrees to serve/Information only.
2. The Board of Commissioners received the November 23, 2009 email from Senior Services Director Sally Kelly regarding a complaint about an October bus trip/Information only.
3. Second notice from the Ohio Attorney General (first notice dated October 8, 2009) requesting that Portage County visit the AG’s website to complete a report about the Ohio Department of Development award the county received between July 1, 2004 and June 30, 2009. The Grants Administrator notes that the Neighborhood Development Services sent the report to the state on November 20, 2009/Information only.
4. JFS Director Anita Herington requests permission to use the electronic version of the Personnel Action Form rather than the hard copy. The Human Resources Department Director advises that she has no

problem using the electronic form but noted that a hard copy must be printed at some point for Board signatures/The Board of Commissioners agreed that the Department of Job & Family Services could use the electronic version, which will be printed for their signatures.

5. Notice of the American Red Cross Real Heroes Reception and Breakfast at NEOUCOM on Saturday, March 27, 2009. A Nomination Form is included/Information only.

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## **JOURNAL ENTRIES**

December 1, 2009

1. The Board of Commissioners received the Weekly Report of Kennel population for the week ending November 22, 2009, as presented by Dog Warden Dave McIntyre. The Board of Commissioners also acknowledged the receipt of \$950.00 in Court Donations and \$518.00 in License Sales.
2. The Board of Commissioners received the November 24, 2009 Amended Certificate of Estimated Resources for the year beginning January 1, 2009, as submitted by the Portage County Budget Commission.
3. In response to the November 5, 2009 Notice from the Ohio Division of Liquor Control of a request for a new liquor license for Salvage Pantry, LLC, 11462 Nicholson Road in Nelson Township. The Board of Commissioners agreed to not request a hearing noting that the Nelson Township Trustees were notified, have no objections, and are not requesting a hearing. The Board of Commissioners further authorized the Clerk to sign and return the Notice.
4. Request from Veteran Services for authorization to use their third floor offices for a Veteran Services Commission meeting on December 21, 2009 from 4:40 – 7:00 PM.
5. The Board of Commissioners received the November Monthly Record of Proceedings and Transactions, as presented by the Sheriff's Office – Civil Division in accordance with the Ohio Revised Code Section 325.07.
6. The Water Resources Department presents a Contract Change Order #1 for the Twin Lakes Wastewater Treatment Plant Preliminary Treatment, Project No. FR-2 (06-120)/HOLD for Water Resources to process through Internal Services.
7. The Board of Commissioners acknowledged the receipt of the November 25, 2009 Certificate of the County Auditor that the Total Appropriations from each fund do not exceed the Official Estimate of Resources, as presented by the Portage County Auditor.
8. The Board of Commissioners authorized payment to Goff's Roofing Windham, Ohio in the amount of \$200.00 for the 2008 Portage County CHIP Home Repair for Bernard & Diana Latshaw, 9429 Tower Drive, Streetsboro, as presented by the Neighborhood Development Services. No review required.
9. The Board of Commissioners authorized payment to C. Bryant Construction of Tallmadge, Ohio in the amount of \$6,093.00 for the 2008 Portage County CHIP Home Repair for Gene & Susan Basinger, 7604 State Route 44 in Ravenna, as presented by the Neighborhood Development Services. No review required.

10. The Board of Commissioners authorized payment to G.B. Hawk Construction of Tallmadge, Ohio in the amount of \$15,327.00 for the 2008 Portage County CHIP Home Repair for Georgia Rose, 9128 Maple Circle, Windham, as presented by the Neighborhood Development Services. No review required.

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**REFERRED**

December 1, 2009

1. The U.S. Census Bureau presents a listing of locations for the 2010 Boundary and Annexation Survey Workshop/Forwarded to the Regional Planning Commission.
2. Ohio Department of Development correspondence regarding the balance of the BF-08-062-1 grant of \$28,800. Copy sent to the Regional Planning Commission, Grants Administrator and the Department of Budget and Financial Management.
3. November 19, 2009 correspondence from the Brian Law Offices regarding the Harold Copen v. Portage County Court of Common Pleas. Referred to the Human Resources Department and Prosecutor.

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**INFORMATION ONLY**

December 1, 2009

1. The Board of Commissioners received Akron Regional Air Quality Management District's *The Air You Breathe*, November 2009 edition.
2. University Hospitals notice that their 2008 Community Benefit Report is available online.
3. The Board of Commissioners received the September 17, 2009 District Library Board meeting minutes.
4. The Board of Commissioners received the Garrettsville Area Chamber of Commerce Newsletter, December 2009.

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**PLEASE ADD TO THE AGENDA**

**December 1, 2009**

1. November 30, 2009 request from Homeland Security and Emergency Management Office Director Jon Barber for authorization for the H1N1 Committee to use Rooms 134/136 in the Administration Building as a staging area for the equipment and staff necessary for the shot clinics. The area would be used until no later than January 31, 2010/Journal Entry.

Department of Budget & Financial Management Director Audrey Tillis attending

2. November 30, 2009 email from Regional Planning Commission Director Todd Peetz including a draft agreement for a \$13,000 loan. Director Peetz meets with the Board of Commissioners on December 3, 2009 to discuss this request/Information Only. The Director noted that this is a cash flow loan to be repaid by January 31, 2010 if/when the New Horizons grant funds arrive. Commission Frederick noted that she is not in favor of making this loan and wondered if the Regional Planning Commission has asked the Townships to upfront their dues. She asked what the benefit would be in providing this loan. She also

noted that the Sheriff has need for additional funding, which the Board has not approved. Commissioner Keiper responded that the Regional Planning Commission request is temporary for thousands of dollars while the Sheriff needs millions permanently.

3. November 25, 2009 correspondence from James Scher, Burkey, Burkey & Scher, Co., LPA, including a request to amend petition for annexation pursuant to ORC 703.031(B) and consent of agent for petitioner to amend petition for annexation to ORC 709.031(B) in order to allow Nelson Township to retain real estate taxes levied on the parcels of property subject to the annexation/Hold for Attorney Chris Meduri to contact Attorney Scher.
4. November 25, 2009 correspondence from James Scher, Burkey, Burkey & Scher, Co., LPA, including notarized affidavit that notice of filing of petition was sent to the clerk of each township, to the clerk of the legislative authority of the municipality to which the annexation is proposed, and to property owners as required by ORC/Hold for Attorney Chris Meduri to contact Attorney Scher.
5. November 30, 2009 e-mail from Chris Meduri, Prosecutor's Office, regarding the amended petition for annexation from agent for the petitioner James Scher, Burkey, Burkey & Scher, Co., LPA/Hold for Attorney Chris Meduri to contact Attorney Scher.

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**Journal Entry**

December 1, 2009

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

1. The Board of Commissioners acknowledged the receipt of the Weekly Report of Kennel population for the week ending November 22, 2009, as presented by Dog Warden Dave McIntyre. The Board of Commissioners also acknowledged the receipt of \$950.00 in Court Donations and \$518.00 in License Sales.
2. The Board of Commissioners acknowledged the receipt of the November 24, 2009 Amended Certificate of Estimated Resources for the year beginning January 1, 2009, as submitted by the Portage County Budget Commission.
3. In response to the November 5, 2009 Notice from the Ohio Division of Liquor Control of a request for a new liquor license for Salvage Pantry, LLC, 11462 Nicholson Road in Nelson Township, the Board of Commissioners agreed to not request a hearing noting that the Nelson Township Trustees were notified, have no objections, and are not requesting a hearing. The Board of Commissioners authorized the Clerk to sign and return the Notice.
4. The Board of Commissioners approved the request from Veteran Services for authorization to use their third floor offices for a Veteran Services Commission meeting on December 21, 2009 from 4:40 – 7:00 PM.
5. The Board of Commissioners acknowledged the receipt of the November Monthly Record of Proceedings and Transactions, as presented by the Sheriff's Office – Civil Division in accordance with the Ohio Revised Code Section 325.07.
6. The Board of Commissioners approved the November 30, 2009 request from Homeland Security and Emergency Management Office Director Jon Barber for authorization for the H1N1 Committee to use

Rooms 134/136 in the Administration Building as a staging area for the equipment and staff necessary for the ongoing H1N1 shot clinics. The area will be used until no later than January 31, 2010 at no charge.

7. The Board of Commissioners acknowledged the receipt of the November 25, 2009 Certificate of the County Auditor that the Total Appropriations from each fund do not exceed the Official Estimate of Resources, as presented by the Portage County Auditor.
8. The Board of Commissioners authorized payment to Goff's Roofing Windham, Ohio in the amount of \$200.00 for the 2008 Portage County CHIP Home Repair for Bernard & Diana Latshaw, 9429 Tower Drive, Streetsboro, as presented by the Neighborhood Development Services. No review required.
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11. The Board of Commissioners acknowledged the receipt of the November 25, 2009 correspondence from James Scher, Burkey, Burkey & Scher, Co., LPA, including a request to amend petition for annexation pursuant to ORC 703.031(B) and consent of agent for petitioner to amend petition for annexation to ORC 709.031(B) in order to allow Nelson Township to retain real estate taxes levied on the parcels of property subject to the annexation. Attorney Christopher Meduri will contact Attorney Scher to discuss this request to amend.
12. The Board of Commissioners acknowledged the receipt of the November 25, 2009 correspondence from James Scher, Burkey, Burkey & Scher, Co., LPA, including notarized affidavit that notice of filing of petition was sent to the clerk of each township, to the clerk of the legislative authority of the municipality to which the annexation is proposed, and to property owners, as required by the Ohio Revised Code.
13. After exiting Executive Session today, the Board of Commissioners approved the termination of a probationary STNA at The Woodlands at Robinson, effective at close of business on December 3, 2009.

All in favor, motion carries.

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We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Commissioners' meeting on **December 1, 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 **10:55 AM**. 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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