

**Tuesday, March 16, 2010**

The Board of County Commissioners met in regular session on **Tuesday, March 16, 2010 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 March 11, 2010 meeting. All in favor, motion carries

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Also attending throughout the day: Mike Sever, Record-Courier and Kent resident Rick Hawksley

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### **THE WOODLANDS AT ROBINSON**

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

1. Mr. Coury advised the Board of Commissioners that the nursing home has an ongoing contract with Management Options for Medicare, managed care and Medicaid Part B billing. However, it has been determined that the company does no follow-up. Mr. Coury recommends changing companies to Ms. Wern's company which will bill and also provide follow-up at a cost of \$24,000/year.

Commissioner Frederick asked if this would be a conflict with Ms. Wern being directly connected to Generations. Ms. Wern responded that her company "can do more for less" and that this is not intended to be a long term contract but until county staff can be trained to complete this service in house. The contract with Ms. Wern's company would be \$1800/month for one year plus \$700 to purchase the software required to start internal billing. If the Board of Commissioners is interested, they would need approval to move forward. The new system would help cash-flow since the billing could be done weekly and not monthly as with Management Options.

Commissioner Smeiles likes the idea of bringing the billing service in-house. He suggested that staff check with JoAnn Townend to determine what the current agreement with Management Options requires for termination of services. Commissioner Keiper asked what the census is? Mr. Coury responded 69 as of yesterday. Commissioner Keiper added that he is concerned with any expenditure at this point until the break-even point is reached at 81. Ms. Wern stated that they are looking at any and all ways to get spending under control. Commissioner Smeiles stated that the County Auditor spoke with the Board of Commissioners about the increased costs for physical therapy. Mr. Coury responded that the revenues far exceed the physical therapy expense with Medicare billing. Medicare Part B also covers reimbursement for physical therapy. Ms. Wern stated that the physical therapy program makes more than it costs.

2. Mr. Mitrisin advised the Board of Commissioners that the next labor management meeting is 3-23-10.

9:50 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 discuss

the Mary Ellen Sini lawsuit. **Also present:** Mike Coury, Gary Mitrisin, Maureen Wern. 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 **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 took no action.

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#### **PROSECUTOR**

Present: Denise Smith

#### **Review of Prosecutor's Pending List**

The Board of Commissioners accepted Attorney Smith's recommendation and each Commissioner signed their Litigation Hold Notice letter from Attorney McLandrich letter (Mazanec, Raskin, Ryder & Keller Co., LPA) regarding the Jane Doe lawsuit. Attorney Smith will return the original letters to Attorney McLandrich.

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#### **Prosecutor's Correspondence**

1. March 12, 2010 e-mail from Chris Meduri, regarding Timberstone Development in Freedom Township/Information only until the County Engineer makes his recommendation.
2. March 12, 2010 correspondence from Denise Smith to Ben Sutton, Edward H. Sutton Insurance Agency Inc., regarding potential litigation from a discharged County Engineer employee/Information only.
3. March 12, 2010 correspondence from Denise Smith to Ben Sutton, Edward H. Sutton Insurance Agency Inc., Case No. 2010 CV 00398 (Seni) /Information only.

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10:28 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 discuss pending and/or imminent litigation. **Also present:** Attorney Denise Smith. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Yea; Maureen T. Frederick, Yea.

10:35 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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10:38 AM Recessed to Solid Waste Management District Meeting  
10:55 AM Board of Commissioners reconvened

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Commissioner Keiper advised the Board of Commissioners that, in response to a telephone call from the Streetsboro Parks & Recreation Department asking if the county would be willing to make the local match for a grant application to purchase land around Tinker’s Creek, he contacted Water Resources Department Director Harold Huff and asked him to coordinate that request.

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**DEPARTMENT OF BUDGET AND FINANCIAL MANAGEMENT**

Present: Audrey Tillis

**Resolutions**

- 1. Close Fund 1364, Child Health Grant/10-0259
- 2. Close Fund 1491, Family Community SVS Po Co Inc./10-0260

**Other**

- 3. Journal entry approval:
  - a. Processing Local Match – Global Monitoring Intervention Grant/Journal Entry

**Updates**

- 4. The Director provided the Compensation Report by Payroll Location
- 5. BOC Pending Requests
  - a. Building Security has requested funding for the replacement of the required Court House Metal Detector/Board of Commissioners directed the Clerk to contact the Judges to determine if they have funding for this replacement
  - b. The most recent tuberculosis case has proved resistant to normal medications. An additional \$10,000 may be required to complete the treatment for a possible total cost of \$22,000.

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**JOB & FAMILY SERVICES - Cancelled**

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Commissioner Keiper advised the Board of Commissioners that he spoke with Neighborhood Development Services, Inc. President Dave Vaughan has received verbal authorization from the state for the use of RLF Admin funds to become members of the newly formed Portage Development Board. He is waiting for written authorization.

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Commissioner Smeiles advised the Board of Commissioners that he participated in a conference call on March 15<sup>th</sup> and learned some of the details for the planned, regional August 2010 National Guard disaster

training at the Ravenna National Guard Training Facility. The Board of Commissioners will participate in one of the three days of training.

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**RESOLUTION No. 10-0254 - 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 March 16, 2010 in the total payment amount of **\$297,652.03 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

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

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**RESOLUTION No. 10-0255 - 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 Vouchers/Entries as presented by the County Auditor’s Office:

03/15/10	609	\$ 6,280.14
03/15/10	611	8.50
03/15/10	608	2,561.99
03/15/10	606	3,642.00
03/15/10	605	7,313.29
03/15/10	604	4,783.41
Total		\$ 24,589.33

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

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**RESOLUTION No. 10-0256 - RE: ACCEPTANCE OF THEN AND NOW CERTIFICATIONS FOR PAYMENT.**

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

**WHEREAS,** Ohio Revised Code Section 5705.41 (D)(1) authorizes the expenditure of moneys, provided a certificate of the County Auditor is supplied stating that there was at the time of the making of such contract or order and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances (Then and Now Certification), and

**WHEREAS,** the Then and Now Certification is recommended by the State Auditor’s Office, the Portage County Auditor’s Office, and the Portage County Prosecutor’s Office, and

**WHEREAS,** a listing of expenditures, attached hereto as Exhibit “A” and incorporated herein by reference, has been certified by the County Auditor according to Ohio Revised Code section 5705.41 (D)(1); now therefore be it

**RESOLVED,** that the expenditures listed herein are properly certified by the County Auditor in the amount of **\$15,486.74** as set forth in Exhibit “A” dated **March 16, 2010** shall be paid; 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, Yea;

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

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**RESOLUTION No. 10-0257**

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**RE: APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST, AND SETTING THE DATE AND TIME FOR ACCEPTANCE OF BIDS FOR THE CONSTRUCTION OF PROJECT NO. ST-4 (10-010), COUNTY WIDE LINE MAINTENANCE PROGRAM, CLEANING AND JET FLUSHING, ZONE 4 – STREETSBORO WEST, IN THE STREETSBORO SANITARY SEWER DISTRICT NO. 4; CITY OF STREETSBORO.**

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

**WHEREAS,**

pursuant to authorization by the Board, the County Water Resources has caused to be prepared and submitted for approval plans, specifications and estimate of cost for Project No. ST-4 (10-010), County Wide Line Maintenance Program, Cleaning And Jet Flushing, Zone 4 – Streetsboro West, hereinafter referred to as the "PROJECT" and copies of said plans, specifications and estimate of cost on file in the office of the Clerk and Water Resources Department and are available for examination therein;

**RESOLVED,**

by the Board of Commissioners of Portage County, Ohio:

Section 1. That said plans, specifications and estimate of cost for said PROJECT hereto be and the same are hereby approved.

Section 2. That said plans, specifications and estimate of cost shall be filed in the office of the Clerk of this Board and in the office of the Water Resources Department and kept continuously on file for inspection by all persons interested therein.

Section 3. That sealed bids for the construction of the PROJECT will be accepted by the Portage County Commissioners until 2:00 PM on April 7, 2010, at their office on the seventh floor of the County Administration Building, 449 South Meridian Street, Ravenna, Ohio.

Section 4. That the Notice of receiving bids shall be posted in the Record Courier on March 22 and March 29, 2010 and the Clerk of this Board is directed to post said Notice on the official bulletin board in the office of the County Commissioners. This advertisement for bids may also be found on Portage County's website at [www.co.portage.oh.us](http://www.co.portage.oh.us) under County Bid Notices.

Section 5. That it is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Voice vote as follows:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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**RESOLUTION No. 10-0258**

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**RE: AUTHORIZE APPLICATION TO THE WAL-MART  
FOUNDATION GRANT PROGRAM**

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

**WHEREAS,** our Portage County Senior Center is seeking ways to create a multi-faceted fitness center for its clients; and

**WHEREAS,** The Wal-Mart Foundation has a grant program providing funds for non-profit and government organizations that donates funds, gift-cards, and merchandise on a monthly basis; now therefore be it

**RESOLVED,** that the Portage County Board of Commissioners does hereby support the application to the Wal-Mart Foundation Grant Program on behalf of the Portage County Senior Center in the amount of \$1,000.00 with no local match; and be it further

**RESOLVED,** that the Portage County Board of Commissioners authorizes Charles W. Keiper II as President of the Portage County Board of Commissioners, or his designee to sign all documentation regarding the grant application; 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, Yea; Christopher Smeiles, Yea; Maureen T. Frederick, Yea;

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**RESOLUTION No. 10-0259 - RE: CLOSING OF FUND 1364, CHILD HEALTH GRANT**

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

**WHEREAS,** fiscal activity has ceased in Fund 1364, Child Health Grant, all payments have been made and the Treasurer’s Cash Balance is \$0.00; now therefore be it

**RESOLVED,** that Fund 1364, Child Health Grant is hereby closed; 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 Portage County Job and Family Services, 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, Yea; Maureen T. Frederick, Yea; Christopher Smeiles, Yea;

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**RESOLUTION No. 10-0260 - RE: CLOSING OF FUND 1491, FAMILY COMMUNITY SVS PO CO INC**

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

**WHEREAS,** fiscal activity has ceased in Fund 1491, Family Community SVS Po Co Inc, all payments have been made and the Treasurer’s Cash Balance is \$0.00; now therefore be it

**RESOLVED,** that Fund 1491, Family Community SVS Po Co Inc is hereby closed; and be it further



Charles W. Keiper II, Yea;

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

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**RESOLUTIONS**

March 16, 2010

1. Approval of Meeting Minutes from the March 11, 2010 regular Board Meeting as presented.
2. Approve the Bills as presented by the County Auditor and reviewed by the Department of Budget & Financial Management./10-0254
3. Approve the Journal Vouchers as presented by the County Auditor./10-0255
4. Approve Then & Now as presented by the County Auditor./10-0256
5. Approve the plans, specifications and estimate of costs and setting the date and time for acceptance of bids for the construction of Project No. ST-4 (10-010), County Wide Line Maintenance Program, Cleaning and Jet Flushing, Zone 4 – Streetsboro West in the Streetsboro Sanitary Sewer District No. 4, City of Streetsboro (Water Resources Department)./10-0257

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**INVITATIONS/MEETING NOTICES**

March 16, 2010

1. Invitation from LEPC for the New Media, Old Media: Integrating the best of both worlds into your emergency communication plan on Monday, April 5, 2010, at Kent State University Student Center, 8:30 AM.
2. Invitation from Fund for Our Economic Future for the Intergovernmental Opportunities Forum II on Wednesday, March 24, 2010, 2:30-5:00 pm, Kent State University Moulton Hall Room 333.
3. Invitation for the Ultimate Breakfast Program on Exporting to the United Kingdom on Wednesday, April 7, 2010, Hilton Garden Inn, Twinsburg, 7:30 AM.
4. Meeting notice for the AMATS Policy Committee meeting on Thursday, March 25, 2010, 1:30 PM, Martin University Center South Room, Akron.

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**INCOMING CORRESPONDENCE**

**DISCUSSION**

March 16, 2010

1. Discussion: The Grants Administrator presents the following for Board consideration:
  - The acceptance of the Pre-award conditions for VAWA by J.E/Journal Entry
  - A resolution allowing me to apply for funding from Wal-Mart for Sally Kelly./10-0258

2. Discussion: March 12, 2010 e-mail from Director Bob Wrentmore, Building Department, regarding ISO Rating/Information only at this time.
3. Discussion: Airport Authority vacancy (1)/The Board of Commissioners appointed Russell Gill to the Board of Trustees/10-0261.
4. March 11, 2010 correspondence from Karen U’Halie, Human Resources Department, regarding mandatory cost savings days program/Information only.

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**JOURNAL ENTRY**

March 16, 2010

1. The Board of Commissioners received the Portage County Investment Reconciliation for the month of February 2010 as presented by the County Auditor and County Treasurer.
2. In accordance with Section 909.07 of the Ohio Revised Code, the Board of Commissioners received approval of Portage County’s Deputy Apiarist for the year 2010 of James Just as presented by the Ohio Department of Agriculture.
3. The Board of Commissioners received the monthly operating expenses and caseload report for County Public Defender’s office for December 2009 as presented by the County Auditor.
4. March 10, 2010 correspondence from Dave Vaughan, Neighborhood Development Services, regarding Rootstown Villas Apartments.
5. The Board of Commissioners received the March 12, 2010 notice from the Portage County Board of Elections, indicating that the Board of Elections will be open to the public in preparation for the Primary Election on May 4, 2010 as follows:

Saturday, March 20, 2010	8:00 AM-Noon
Saturday, March 27, 2010	8:00 AM-Noon
Saturday, April 3, 2010	8:00 AM-Noon
Saturday, April 24, 2010	8:00 AM-Noon
Saturday, May 1, 2010	8:00 AM-Noon
Tuesday, May 4, 2010	6:30 AM until business had been completed.

6. The Board of Commissioners received the CDBG and Home Programs Report for the period of January 1, 2009 through December 31, 2009 as presented by Neighborhood Development Services. Documents reviewed by Department of Budget and Financial Management with no exceptions noted. Commissioner Keiper’s signature requested on this document.

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**REFERRED**

March 16, 2010

1. March 9, 2010 correspondence from Jeff Williams, Hastings Mutual Insurance Company, regarding snow plow damage on Pioneer Trail. Referred to County Engineer.
2. March 5, 2010 correspondence from Karen Hughes, Ohio Department of Health, regarding funding request for WIC Project No. 06710041WA0310. Referred to Department of Budget and Financial Management and Grants Administrator.

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**INFORMATION ONLY**

March 16, 2010

1. March 11, 2010 e-mail from Steve Schoeny, Ohio Department of Development to Portage County Economic Development, regarding the State of Ohio Recovery Zone Bond Notice of Reallocation availability.

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**Journal Entry**

March 16, 2010

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

1. The Board of Commissioners acknowledged the receipt of the Portage County Investment Reconciliation for the month of February 2010, as presented by the County Auditor and County Treasurer.
2. In accordance with Section 909.07 of the Ohio Revised Code, the Board of Commissioners acknowledged the receipt of the Ohio Department of Agriculture's approval of Portage County's Deputy Apiarist for the year 2010 of James Just.
3. The Board of Commissioners acknowledged the receipt of the monthly operating expenses and caseload report for County Public Defender's Office for December 2009, as presented by the County Auditor.
4. The Board of Commissioners acknowledged the receipt of the March 10, 2010 correspondence from David Vaughan, Executive Director of Neighborhood Development Services, advising of their intent to be the general partner of a residential rental development (Rootstown Villas Apartments) located in or within a one-half mile radius of the Board of Commissioner's political jurisdiction and that Neighborhood Development Services, Inc. plans to utilize the multifamily programs of the Ohio Housing Finance Agency (OHFA) for the development of this property.
5. The Board of Commissioners acknowledged the receipt of the March 12, 2010 notice from the Portage County Board of Elections, indicating that the Board of Elections will be open to the public in preparation for the Primary Election on May 4, 2010 as follows. Forwarded to the Directors of Maintenance and Security.

Saturday, March 20, 2010	8:00 AM-Noon
Saturday, March 27, 2010	8:00 AM-Noon
Saturday, April 3, 2010	8:00 AM-Noon
Saturday, April 24, 2010	8:00 AM-Noon
Saturday, May 1, 2010	8:00 AM-Noon
Tuesday, May 4, 2010	6:30 AM until business had been completed.

- The Board of Commissioners authorized Commissioner Keiper II to sign the CDBG and Home Programs Report for the period of January 1, 2009 through December 31, 2009, as presented by Neighborhood Development Services. Documents reviewed by Department of Budget and Financial Management with no exceptions noted.
- The Board of Commissioners approved the Pre-Award Condition requirements for VAWA funding (2009-WF-VA8-8222), as presented by Carole Beaty, Director of Shelter Services for Family & Community Services, Inc. The Board of Commissioners also authorized Commissioner Keiper to sign the EEO form, the Declaration Regarding Material Assistance/No Assistance to Terrorist Form, and the Inter-Agency Victims Assistance Coordinating Committee Service Code Document.
- The Board of Commissioners signed the March 16, 2010 correspondence to the Portage County Auditor requesting that staff process the Local Match for the Global Monitoring Intervention Grant, as follows as presented by the Department of Budget & Financial Management:

<u>Org</u>	<u>Object</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
Debit: 00100004	492100		\$1,114.00	Local Share
Credit: 11485701	194000	oC000	\$1,114.00	Local Match/Share

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 **March 16, 2010**. 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 **11:24 AM**. All in favor, motion carries.

Charles W. Keiper II, President

Maureen T. Frederick, Board Member

Christopher Smeiles, Vice President

Deborah Mazanec, Clerk

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