

**Tuesday, May 4, 2010**

The Board of County Commissioners met in regular session on **Tuesday, May 4, 2010 at 9:35 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 April 29, 2010 meeting. All in favor, motion carries

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Also attending throughout the day: Dr. Geraldine Nelson, KSU Office of Diversity, Equity and Inclusion, who is shadowing Commissioner Keiper for Leadership Portage County

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**THE WOODLANDS AT ROBINSON - Cancelled**

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**PROSECUTOR**

Present: Denise Smith

**Review of Prosecutor's Pending List**

1. The request for a legal opinion as to whether or not the Solid Waste Management District is considered a public utility is finished and being circulated. This is a very complicated matter due to zoning issues and existing case law and statutes.
2. The Board of Commissioners has a meeting on May 11<sup>th</sup> with Attorney Prugh and the County Engineer to discuss the possible vacation of the Timberstone Subdivision in Freedom Township.
3. The Whispering Meadows lawsuit has been filed with no answer yet.

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**PROSECUTOR'S CORRESPONDENCE**

1. April 30, 2010 correspondence from Denise Smith to Ben Sutton regarding Connie Sutton v. Portage County Sheriff's Office/Information only with Attorney Smith noting that this is a discrimination case as a result of the Sheriff's order that personnel remove "coffeepots, fans, heaters or other personal items from the inmate pod areas for obvious safety reasons".
2. April 30, 2010 email from Portage County Engineer Marozzi including the dismissal of charges in Charge No. 532-2010-00827/Information only.

3. April 30, 2010 email from Leigh Prugh regarding amendments to the Appointed Counsel fee schedule Resolution 99-0377/Attorney Smith advised the Board of Commissioners that she had a conversation with Judge Carnes and advised him that the Board was not concerned with any Juvenile Court cases.

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### DISCUSSION-2010 FORMULA GRANT APPLICANTS

The Board of Commissioners discussed the applications for formula grant funding. Commissioner Frederick stated that the Board tries every year to include a new entity and she would like to see Park District receive funding this year. The Board agreed to meet with Mark Frisone and the Deerfield Historical Society ASAP to discuss their applications.

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### WATER RESOURCES

Present: Harold Huff, Jeff Lonzrick

1. **RESOLUTION:** Approving a request for installment payments of connection charges for connection to the sanitary sewer system in the Portage County Regional Sewer District and establishing the terms and conditions of the same./10-0426
2. **RESOLUTION:** Determining to proceed with the construction of Project No. SH-W (06-300), Cleveland to Aurora Water Line, Phase 2, Contract B, in the Portage County Regional Sewer District./10-0427
3. **RESOLUTION:** Accept bids and award Contract 2 and Contract 3 for Project No. SH-W (06-300), Cleveland to Aurora Water Line, Phase 2, Contract B, in the Portage County Regional Sewer District./10-0428
4. **SIGNATURES:** Temporary License Agreement Permitting Entry on Property, as prepared and approved by the Portage County Prosecutor's Office/Hold for a discussion with Attorney Smith and Attorney Prugh to determine if the Board of Commissioners can approve the template and then authorize Harold Huff to sign the agreements.
5. **SIGNATURE:** Right-of-Way Certificate for the Aurora Meadows Sanitary Sewer Improvements in Mantua, Township, Project No. M-1 (06-190)/Journal Entry
6. **APPROVAL:** The Board of Commissioners accepted the recommendation of the Portage County Water Resources Department Suggestion Committee and presented by Director Harold Huff and authorized the award of \$157 to Water Resources Department employee Stephen Paulus for his suggestion to shut of the heater at the Shalersville Water Plant Storage Building and replacing the necessary pipe heat with electrical heat tape, which will save \$1,567.26 over the next 12 months.

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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. 10-0421 - 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:

05/04/10	49	\$ 1,414.28
05/04/10	52	113,308.34
Total		\$ 114,722.62

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. 10-0422**

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**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 **\$5,832.34** as set forth in Exhibit "A" dated **May 3, 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. 10-0423**

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**RE: ACCEPT PROPOSAL OF OSBORN ARCHITECTS AND ENGINEERS AND ENTER INTO AGREEMENT FOR PROVIDING CONSTRUCTION ENGINEERING SERVICES ON THE LAKEWOOD ROAD BRIDGE (RAV 111 CH151D)**

**REPLACEMENT PROJECT IN RAVENNA TOWNSHIP,  
PORTAGE COUNTY.**

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

- WHEREAS,** a technical and fee proposal to provide construction engineering services on the Lakewood Road Bridge (RAV 111 CH151D) Replacement Project was received by the Portage County Engineer from **Osborn Architects and Engineers**, and
- WHEREAS,** the Portage County Engineer, upon review of the proposal from **Osborn Architects and Engineers**, recommends that said proposal be accepted by the Board of Portage County Commissioners; now therefore be it
- RESOLVED,** that the Board of Portage County Commissioners does hereby accept the proposal of **Osborn Architects and Engineers** to provide said consulting services for the Lakewood Road Bridge (RAV 111 CH151D) Replacement Project, and be it further
- RESOLVED,** that said services will be performed by **Osborn Architects and Engineers 1300 East Ninth Street, Suite 1500, Cleveland, OH 44114-1573**, at a cost not to exceed \$17,844.00.
- 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. 10-0424 - RE: DECLARE OBSOLETE AND UNFIT FOR USE AND AUTHORIZE THE DISCARDING OR SALVAGE OF PORTAGE COUNTY PERSONAL PROPERTY.**

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

- WHEREAS,** Portage County personal property not needed by the Portage County Board of Mental Retardation and Developmental Disabilities (MR/DD), now known as Portage County Board of Developmental Disabilities, which is obsolete or unfit for the use for which it was acquired, and has no value, may be declared obsolete and unfit for use; and

**WHEREAS,** the Portage County Board of Developmental Disabilities presented its Fixed Assets Policy, amended on March 17, 2010, authorizing the Superintendent or his/her designee to request Board of Commissioners' approval to sell, donate, lease, discard or salvage assets in accordance with ORC 307.12; and

**WHEREAS,** pursuant to the Ohio Revised Code Section 307.12, the Board of County Commissioners may declare such items obsolete and unfit for use and having no value, and the items may be discarded or salvaged if the property is valued under \$2,500.00, without advertisement or public notification; now therefore be it

**RESOLVED,** that, in accordance with the Ohio Revised Code Section 307.12 (G), the Board of County Commissioners declares the following items obsolete and unfit for use and further authorizes the discarding or the salvage of the items:

One (1) Magnavox TV  
County Tag # 00695  
PCBDD Identification: 023727

One (1) Metal Shelf  
PCBDD Identification: 001355

**RESOLVED,** that these items may be discarded or salvaged in accordance with the Ohio Revised Code; and be it further

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

Voice vote as follows:

Charles W. Keiper II, Yea;

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

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**RESOLUTION No. 10-0425**

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**RE:**

**DECLARE OBSOLETE AND AUTHORIZE THE SALE OR TRADE-IN OF PORTAGE COUNTY PERSONAL PROPERTY.**

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

**WHEREAS,** the Portage County personal property titled to the Portage County Board of Mental Retardation and Developmental Disabilities (MR/DD), now known as Portage County

Board of Developmental Disabilities, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, declared as such and is for sale; and

**WHEREAS,** the Portage County Board of Developmental Disabilities presented its Fixed Assets Policy, amended on March 17, 2010, authorizing the Superintendent or his/her designee to request Board of Commissioners' approval to sell, donate, lease, discard or salvage assets in accordance with ORC 307.12; and

**WHEREAS,** pursuant to the Ohio Revised Code Section 307.12 the Board of County Commissioners authorize the discarding or trade-in of personal property valued under \$2,500.00 without advertisement or public notification; now therefore be it

**RESOLVED,** that, in accordance with the Ohio Revised Code Section 307.12, the Board of County Commissioners authorizes the sale or trade-in of the following personal property at the Portage County Board of Developmental Disabilities:

One (1) Sharp AR-M35OU  
County Tag # 00378  
PCBDD Identification: 0009080

One (1) Van #19  
County Tag # 004301  
PCBDD Identification: 004316

One (1) Mini-Van #01  
County Tag # 021011  
PCBDD Identification: 004316; and be it further

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

Voice vote as follows:

Charles W. Keiper II, Yea;

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

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**RESOLUTION No. 10-0426**

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**RE: APPROVING A REQUEST FOR INSTALLMENT PAYMENTS OF CONNECTION CHARGES FOR CONNECTION TO THE SANITARY SEWERAGE SYSTEM IN THE PORTAGE COUNTY REGIONAL SEWER DISTRICT AND**

**ESTABLISHING THE TERMS AND CONDITIONS OF THE  
SAME.**

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

**WHEREAS,** this Board by **Resolution No. 09-0006** adopted January 06, 2009, has established connection charges for connection to the sanitary sewerage system in Nelson Township and has provided therein that the applicants in order to purchase a permit for such connection may submit a written request to the Board requesting that such connection charges be paid in installments; and

**WHEREAS,** the following named applicants, being the owners of the property hereafter described applied for a sanitary sewer permit and have now requested in writing the option of paying the connection charges, applicable to the following described property in installments;

Applicants:

Scott E. Phelps and Amy L. Podojil (Owners)

Service Addresses: 11820 State Route 88  
Garrettsville, Ohio 44231

Parcel Numbers: 25-005-00-00-027-000

Property Deed Description: Situated in the Township of Nelson, County of Portage and State of Ohio: Being a portion of Lot #5, Nelson Township, Portage County, Ohio and bounded and described as follows: Beginning at a monument in the centerline of State Route 88 and the centerline of State Route 305; thence North 1 deg. 36 East along the centerline of State Route 88 a distance of 52.79 feet to a point of curvature in said centerline; thence on a curve to the right, having a radius of 2864.79 feet, a total arc distance of 1582.50 feet to a point of tangency in said centerline; thence North 33 deg. 15' East along said centerline a distance of 114.91 feet to a point and the true place of beginning of the land herein described; thence continuing North 33 deg. 15' East along said centerline a distance of 300.00 feet to a point; thence South 62 deg. 24" East a distance of 213.73 feet to an iron pipe and passing over an iron pipe at 38.65 feet from the road center; thence South 27 deg. 36' West a distance of 298.54 feet to an iron pipe; thence North 62 deg. 24' West a distance of 243.27 feet to the true place of beginning and passing over an iron pipe at 50.40 feet from the road center and containing 1.566 acres, more or less per survey of February 1969 by James W. Bowen, P.S. # 4389.

**WHEREAS,** this Board, on the basis of all relevant facts and circumstances,

Hereby determines that the granting of such request would be equitable pursuant to the following terms and conditions that are determined to be fair and appropriate now therefore be it

**RESOLVED,**

by the Board of County Commissioners, Portage County, Ohio  
(COMMISSIONERS):

Section 1. That determinations set forth in the second preamble of this resolution are hereby incorporated herein.

Section 2. That request of the above named applicants for the Installment payment of the connection charges establish pursuant to Resolution No. **09-0006**, adopted January 6, 2009 with respect to the property described in the preamble to this resolution is hereby approved subject to the following terms and conditions.

- A. The total amount of such connection charges is \$4,405.00.
- B. The connection charges shall be payable in 20 quarterly Installments beginning with the first sanitary sewer billing after connection to the sanitary sewer, unless pursuant to Paragraph H of this section, if the applicants are delinquent twice in any calendar year on paying quarterly installments and carrying charge thereon, at which time the total unpaid balance of such connection charges shall be deemed an additional installment then due and owing in that quarter.
- C. A carrying charge shall be paid equal to 4.00 percent per annum on the unpaid balance of the total connection charges due and owing computed from the date of the payment of the preceding quarterly installment.
- D. The quarterly installment and the carrying charges thereon shall be included as a separate item on the quarterly bill for sewer service.
- E. In the event any installment or the carrying charge thereon are not paid within days after the quarterly billing date, a penalty of 10 percent of the amount then due and owing shall be paid.
- F. The applicants, prior to the issuance of the permit, may be required by the Board of County Commissioners to give security, which may include the requirement of a surety Bond sufficient to assure the payment of all such installments.
- G. The applicants or their successors, in title to the property identified in the preamble (hereinafter referred to as "their successors"), at their option may, at any time, make payment of the unpaid balance of the connection charges and carrying charge provided for herein, provided that if such prepayment option is elected, the carrying charge provided for herein shall be computed and paid only to the date of payment

of the unpaid balance.

H. In the event the applicants or their successors are delinquent twice in any calendar year on paying quarterly installments and carrying and the carrying charge Thereon, the Board may by notice in writing to the applicants or their successors, declare the unpaid balance of the connection charge to be due and payable immediately as an additional installment then due and owing in that quarter and upon such declaration such installment shall become due and payable, provided that the applicants or their successors, may cure such default and acceleration of the additional installment by paying, within 15 days of such carrying charges thereon together with the penalty applicable thereto. Such written notice shall be given to the applicants or their successors, by registered or certified mail, postage prepaid at the address set forth in the following approval of terms and conditions. It shall be the obligation of the applicants or their successors to notify the County Sanitary Engineer of any difference of address to which such notice shall be sent. In the event such default is not cured by such payment within the specified period, the installments which are delinquent, together with any unpaid carrying charges and penalty and the balance of the connection charges, all of which are due and payable by reason of such declaration, shall be certified by this Board to the County Auditor who shall place the same upon the real property tax list and duplicate against the property served by such connection and such charge shall be a lien on such property from the date the same are placed on the real property tax list and duplicate by the Auditor and shall be collected in the same manner as other taxes.

Section 3. The Sanitary Engineer acting on behalf of the Board, is hereby authorized and directed to certify to the County Auditor such information as will identify the parcel of property to be served by the connection to be paid in installments pursuant to this resolution, the total amount of the connection charges to be paid in installments, the amount of each installment and the total number of installments to be paid. The County Auditor shall record such information in the sewer improvement record provided for in Section 6117.33, Revised Code, for the Sewer District and maintain such record until the connection charges are paid in full.

Section 4. The County Sanitary Engineer shall present a certified copy of this resolution to the applicants referred to herein. The applicants shall execute thereon an endorsement that the terms and conditions set forth in the resolution are satisfactory to the applicants and that the resolution and the terms and conditions thereof, constitute an agreement between the applicants and the County. Upon the execution by the applicants of the approval of such terms and conditions, the applicants can execute an affidavit pursuant to Section 5301.252, Revised Code, for recording pursuant to Section 317.08, Revised Code, with respect to the right of Portage County to acquire a lien against the above described property in the event of the failure of the applicants or their successors, to pay when due as provided herein. Such affidavit shall, among other things, identify the property to which such lien may attach and shall have

attached to it a true and correct copy of this resolution, including the approval of the terms and conditions by the applicants and such County. Upon the receipt of the resolution with such endorsement executed by the applicants and the execution of such affidavit, the County Sanitary Engineer is authorized to issue to the applicants the permit provided for in Section 2 of Resolution No. **09-0006**.

Section 5. That the Clerk of this Board is hereby directed to file a certified copy of this resolution with the Auditor of this County for recording pursuant to Section 319.61, Ohio Revised Code. In the event the Board declares the unpaid balance to be due and payable pursuant to Subsection H of Section 2 and the default is not cured, a certified copy of the resolution providing for the acceleration of the unpaid balance shall so be certified to the County Auditor for recording pursuant to such section.

Section 6. 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 a 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; Christopher Smeiles, Yea; Maureen T. Frederick, Yea;

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**RESOLUTION No. 10-0427 - RE: DETERMINING TO PROCEED WITH THE CONSTRUCTION OF PROJECT NO. SH-W (06-300), CLEVELAND TO AURORA WATER LINE, PHASE 2, CONTRACT B, IN THE PORTAGE COUNTY REGIONAL SEWER DISTRICT.**

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 contained in Resolution 06-0813 adopted September 19, 2006, the County Water Resources has caused to be prepared and submitted for approval plans, specifications and estimate of cost for Contract ‘B’, Project No. SH-W (06-300), Cleveland to Aurora Water Line, Phase 2, hereinafter referred to as the “PROJECT”; and

**WHEREAS,** setting a date and time for acceptance of bids for the PROJECT has been filed with and approved by this Board by Resolution No. 10-0213, adopted March 2, 2010; and

**WHEREAS,** bids were received on April 14, 2010; and

**WHEREAS,** an estimate of total project costs, based on actual received bids for the PROJECT is on

file in the office of the clerk of this Board; now therefore be it

**RESOLVED,**

by the Board of Commissioners of Portage County, Ohio:

Section 1. That this Board hereby ratifies and approves the plans, character and termini of the improvement and estimate of cost for the PROJECT, all of which are now on file with this Board.

Section 2. That it is hereby determined to proceed with the construction of the PROJECT as provided for in the aforesaid Resolution No. 10-0213, adopted on March 2, 2010 and in accordance with the plans and specifications, provided therefore.

Section 3. That the total cost of the PROJECT is estimated to be \$1,557,996.00. The costs of the PROJECT will be paid from the Portage County Water Fund, Fund 5400. No part of such costs shall be assessed.

Section 4. That the Clerk of this Board is hereby directed to certify a copy of this Resolution to the County Auditor, the Department of Budget and Financial Management and the Department of Water Resources within 15 days after its passage.

Section 5. That the County Auditor is requested to assign a construction fund number for the Contract 'B', Cleveland to Aurora Water Line, Phase 2, and forward such assignment to the Department of Budget and Financial Management for processing.

Section 6. 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 on or after November 28, 1975, 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 was as follows:

Charles W. Keiper II, Yea;

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

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**RESOLUTION No. 10-0428**

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**RE:**

**ACCEPT BIDS AND AWARD CONTRACT 2 AND CONTRACT 3 FOR PROJECT NO. SH-W (06-300), CLEVELAND TO AURORA WATER LINE, PHASE 2, CONTRACT B, IN THE PORTAGE COUNTY REGIONAL SEWER DISTRICT.**

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

**WHEREAS,** this Board by Resolution No. 10-0213 adopted March 2, 2010, set the date and time for bidding of Project No. SH-W (06-300), CLEVELAND TO AURORA WATER LINE, PHASE 2, CONTRACT B, hereinafter referred to as the PROJECT; and

**WHEREAS,** the notice of accepting bids was advertised in the Record Courier Newspaper on March 15 and March 22, 2010; and

**WHEREAS,** fourteen potential bidders received plans and specifications for the PROJECT; and

**WHEREAS,** this Board received nine sealed bids for Contract 1 for the PROJECT on April 14, 2010, as named below; and

DDD Enterprises, Inc.	\$ 1,148,798.00
Mr. Excavator, Inc.	\$ 1,199,333.49
Terrace Construction Company	\$ 1,246,620.25
Lockhart Concrete Company	\$ 1,249,272.00
M. Campbell Contracting	\$ 1,265,117.00
Fabrizi Trucking & Paving Co., Inc.	\$ 1,315,544.00
H.M. Miller Construction Co.	\$ 1,361,572.00
Longo Sewer Construction	\$ 1,364,666.00
Henle Builders	\$ 1,590,000.00

**WHEREAS,** this Board received eleven sealed bids for Contract 2 for the PROJECT on April 14, 2010, as named below; and

DDD Enterprises, Inc.	\$ 1,117,298.00
Mr. Excavator, Inc.	\$ 1,153,264.68
Terrace Construction Company	\$ 1,198,893.25
Lockhart Concrete Company	\$ 1,204,272.00
M. Campbell Contracting	\$ 1,220,117.00

Fabrizi Trucking & Paving Co., Inc.	\$ 1,277,044.00
Stanley Miller Construction Company	\$ 1,294,875.00
Trax Construction Company	\$ 1,301,555.00
H.M. Miller Construction Co.	\$ 1,316,572.00
Longo Sewer Construction	\$ 1,328,666.00
Monte Construction Company, Inc.	\$ 1,375,030.00

**WHEREAS,** this Board received one sealed bid for Contract 3 for the PROJECT on April 14, 2010, as named below; and

Penn Ohio Electrical Company	\$ 27,435.00
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**WHEREAS,** based upon the analysis of the bids received (bid tabulation attached), the Portage County Water Resources has made a recommendation for award; now therefore be it

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

Section 1. That this Board does hereby reject all bids for Contract 1 for the PROJECT since the combined total of the lowest base bids for Contracts 2 and 3 are lower than the lowest bid received for Contract 1.

Section 2. That this Board does hereby award Contract 2 of the PROJECT to the responsive bid of DDD Enterprises, Inc., 1655 Highland Road, Twinsburg, OH 44087, in the bid amount of \$1,117,298.00.

Section 3. That this Board does hereby award Contract 3 of the PROJECT to the responsive bid of Penn Ohio Electrical Company, 1370 Sharon-Hogue Road, Masury, OH 44438, in the bid amount of \$27,435.00.

Section 4. That the Water Resources Department is hereby authorized and directed to issue the Notice Of Award to the contractor named in Section 2 in the total amount of \$1,117,298.00.

Section 5. That the Water Resources is hereby authorized and directed to issue the Notice Of Award to the contractor named in Section 3 in the total amount of \$27,435.00.

Section 6. That the funds to cover the cost of the PROJECT will be budgeted in the “CLEVELAND TO AURORA WATER LINE, PHASE 2, CONTRACT B”, Fund 5507 Org 55070606 Object 685000 Project No. 06300.

Section 7. That the Clerk of this Board is hereby directed to certify a copy of this Resolution to the County Auditor and the Department Of Budget and Financial Management within 15 days after its passage.

Section 8. 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 on or after November 28, 1975, 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 was as follows:

Charles W. Keiper II, Yea;

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

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RESOLUTION No. 10-0429

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RE:

TRANSFER FROM FUND 5312, PCS STATE ROUTE 44  
VACUUM TO FUND 5216, PCS REVENUE BONDS 2009  
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It was moved by Maureen T. Frederick, seconded by Christopher Smeiles that the following resolution be adopted:

**WHEREAS,** the State Route 44 Vacuum Sewer Installation Construction Project has been completed and the remaining cash balance in the Fund is \$ 109,201.17, and

**WHEREAS,** any remaining cash in a Construction Fund, after all expenses have been paid, is to be transferred to the corresponding debt fund; now therefore be it

**RESOLVED,** that the following transfer of funds in the amount of \$109,201.17 be made as follows:

**FROM:**

FUND 5312 PCS STATE ROUTE 44 VACUUM

ORG CODE – 53120609

Project Code: 05020

Debit Expense Account

Object: 91000 - TRANSFERS OUT

\$ 109,201.17



**RESOLVED,** that the following transfer of funds in the amount of \$6,000.00 be and is hereby made:

**FROM:**

FUND 1401 INDIGENT

ORGCODE - 14015609

Debit Expense Account

Object 910000 - TRANSFERS OUT \$ 6,000.00

**TO:**

FUND 0001, GENERAL FUND

ORGCODE - 05600002

Credit Revenue Account

Revenue Source 280000 - TRANSFERS IN \$ 6,000.00

and be it further

**RESOLVED,** that the County Auditor is hereby requested to make said transfer by Journal Entry, and be it further

**RESOLVED,** that any remaining funds in object code 05600004/422000 at the end of FY 2010 will be transferred by resolution to the Indigent Guardianship Fund, Fund 1401, and be it further resolved

**RESOLVED,** and that a certified copy of this resolution be filed with the County Auditor, the Department of Budget and Financial Management and the Portage County Probate Court, 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. 10-0431**

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**RE: ENTER INTO AN AGREEMENT FOR CABLE SERVICE BETWEEN THE BOARD OF COMMISSIONERS OF PORTAGE COUNTY ON BEHALF ON THE PORTAGE COUNTY SECURITY OFFICE AND TIME WARNER.**

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

**WHEREAS,** the Portage County Security Office is in need of the ability to monitor severe weather at the County Administration Building; and

**WHEREAS,** Time Warner is capable of providing the cable service necessary for monitoring; and

**WHEREAS,** funding for this service is within the security office appropriations; now therefore be it

**RESOLVED,** that the Board of Portage County Commissioners does hereby agree to enter into an Agreement between the Board and Time Warner, 530 South Main St., Suite 1751, Akron OH 44311; and be it further

**RESOLVED,** that the term of this agreement is thirty six (36) months beginning May 1, 2010 until April 30, 2013, in an amount not to exceed Sixty-one and 95/100 dollars (\$61.95) per month plus a one- time installation fee of Thirty-nine and 95/100 dollars (\$39.95); and be it further

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

Voice vote as follows:

Charles W. Keiper II, Yea;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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## **RESOLUTIONS**

May 4, 2010

1. Approval of Meeting Minutes from the April 29, 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./10-0420
3. Approve the Journal Vouchers as presented by the County Auditor./10-0421
4. Approve Then & Now as presented by the County Auditor./10-0422

5. Accept proposal of Osborn Architects and Engineers and enter into an agreement for providing construction engineering services on the Lakewood Road Bridge (RAV 111 CH151D) Replacement Project in Ravenna Township, Portage County. (County Engineer)./10-0423
6. The Portage County Board of Developmental Disabilities requests two resolutions to dispose/sell inventory items:
  - a. Declare obsolete and authorize the sale or trade-in of Portage County personal property. /10-0424
  - b. Declare obsolete and unfit for use and authorize the discarding or salvage of Portage County personal property./10-0425

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**INCOMING CORRESPONDENCE**

**DISCUSSION**

May 4, 2010

1. Discussion – Commissioner Frederick had a conversation with John Flynn on Friday, April 30<sup>th</sup>. Commissioner Smeiles also talked to Mr. Flynn and advised that the issue is the dust at the former Dome parking lot. Commissioner Smeiles contacted County Engineer Mickey Marozzi and asked for pricing for 1) oil spraying of the lot as a short term solution and 2) a chip and seal of the lot as a permanent solution.
2. The Board of Commissioners agreed to discuss the draft MOU for the Portage County Municipal Courthouse in Kent, drafted by Attorney Denise Smith and modified by JoAnn Townend, with Director Townend on May 6<sup>th</sup>.

Commissioner Smeiles noted that he worried about delays in achieving a consensus that may cost additional monies. He is worried about “building a building by consensus”. Commissioner Frederick noted that the draft acknowledges some of the issues that were brought up. She added that she spoke with Judge Oswick, who is also concerned about delays.

3. April 27, 2010 memo from Bob Wrentmore, Building Department, regarding House Bill No. 362, recommending that the Board of Commissioners oppose the amendment/Executive Assistant to investigate and work with the CBO on a draft letter.
4. The Board of Commissioners received a notice from NACo regarding prescription discount cards for uninsured and underinsured county residents/Clerk to schedule a meeting with area social service agencies to discuss how this program could work.
5. April 23, 2010 memo from Larry Long, County Commissioners Association of Ohio, regarding deferred compensation issues relating to newly hired County employees/Forward to Karen U'Halie for her files and information.

6. April 24, 2010 correspondence from John Epling and Julie Bradle, Strouffer Realty, Inc., regarding commercial property/Executive Assistant to send a letter of thanks and Board of Commissioners to forward this correspondence to the Judges.
7. April 30, 2010 email from Dave Vaughan regarding Mark Frisone's question as to whether or not the Section 17 funds would have to be repaid, should the Board authorize the use of RLF monies instead of CDBG monies, as requested for the demolition of the White Rubber Building/Clerk to schedule a meeting with Mr. Frisone to discuss how to move forward.
8. Request from Doug McGee and Budd Curfman for use of the Courthouse lawn on May 6, 2010 for a "National Day of Prayer" form 11:30 AM – 1:30 PM/Journal Entry.

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**PLEASE ADD TO THE AGENDA**

**May 4, 2010**

1. Resolution presented by JoAnn Townend to authorize an agreement for cable services between the Board of Commissioners on behalf of the Portage County Security Department and Time Warner/10-0431.
2. May 3, 2010 email from Attorney Theresa Scahill regarding her invitation to Water Resources Department employee Louie Munoz to attend the May 24, 2010 Mediation in Huntington Bank v. Kent-Ravenna Realty Company/The Board of Commissioners noted that Mr. Munoz will attend the mediation regarding an existing county easement.
3. Discussion: RN coverage at The Woodlands at Robinson/Hold for a Journal Entry on May 6<sup>th</sup>
4. May 4, 2010 email from Audrey Tillis regarding a sick leave payout for the Sheriff's Department/Forward to Karen U'Halie to a discussion with the Department of Budget & Financial Management and Board of Commissioners.

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**JOURNAL ENTRY**

**May 4, 2010**

1. Board of Commissioners' authorization requested to allow use of the 3<sup>rd</sup> Floor Veteran Services Office on Monday, May 24, 2010 from 4:30-7:00 PM for a Commission Meeting as requested by Robert Park, Veteran Services.
2. Board of Commissioners' authorization requested to hire Anthony Marozzi and Cynthia Tuck as part time seasonal Canvassers beginning Monday, May 10, 2010 through Friday, September 17, 2010 as presented by Human Resources Department Director Karen U'Halie and approved by Director Dave McIntyre, Dog Warden's Office. The Board of Commissioners notes that each hire is contingent upon the applicant passing a pre-employment physical and drug screen.

3. The Board of Commissioners received the April 29, 2010 Certificate of the County Auditor that the Annual Appropriations from each fund does not exceed the Amended Official Certificate of Estimate Resources for the fiscal year beginning January 1, 2010 as presented by the Portage County Budget Commission.
4. The Portage County Sheriff presents the Monthly Record of Proceedings and Transactions for the Sheriff's Office – Civil Division, in accordance with ORC 325.07. Forwarded to the Department of Budget & Financial Management for review and comment.
5. The Board of Commissioners authorized payment to C. Bryant Construction of Tallmadge for \$12,555.00 for a 2008 Portage County CHIP private rehab at 9853 Belden Drive in Windham for Richard and Marie Larocco, as presented by Neighborhood Development Services. No review necessary in accordance with the Board of Commissioners/Neighborhood Development Services, Inc. SOP.
6. The Board of Commissioners authorized payment to C. Bryant Construction of Tallmadge for \$1,395.00 for a 2008 Portage County CHIP private rehab at 9853 Belden Drive in Windham for Richard and Marie Larocco, as presented by Neighborhood Development Services. No review necessary in accordance with the Board of Commissioners/Neighborhood Development Services, Inc. SOP.
7. The Board of Commissioners authorized payment to the Regional Planning Commission for \$661.04 for the citywide 2008 Aurora CHIP Fair Housing, as presented by Neighborhood Development Services. No review necessary in accordance with the Board of Commissioners/Neighborhood Development Services, Inc. SOP.

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**REFERRED**  
May 4, 2010

1. The Board of Commissioners received the Trustee's Notice of Intent to Sell Personal Property at Private Sale regarding Twin Lakes Country Club, Case No. 09-51628, as presented by the U.S. Bankruptcy Court Northern District of Ohio Eastern Division. Referred to Prosecutor's Office.

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**INFORMATION ONLY**  
May 4, 2010

1. April 27, 2010 e-mail from Matthew Wenham, C&S Companies, including meeting minutes and presentation documents from the Portage County Regional Airport meeting April 14, 2010.
2. The Board of Commissioners received the April 28, 2010 News Release, as presented by Ohio Department of Transportation.

3. The Board of Commissioners received the April 30, 2010 News Release, as presented by Ohio Department of Transportation.

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### **Journal Entry**

May 4, 2010

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

1. The Board of Commissioner authorized the use of the 3<sup>rd</sup> Floor Veteran Services Office on Monday, May 24, 2010 from 4:30-7:00 PM for a Commission Meeting, as requested by Robert Park, Veteran Services.
2. The Board of Commissioners accepted the recommendation of the Portage County Dog Warden and authorized the hire of Anthony Marozzi and Cynthia Tuck as part time seasonal Canvassers beginning Monday, May 10, 2010 through Friday, September 17, 2010 to help canvass Portage County for compliance on dog tag issues, as presented by Human Resources Department Director Karen U’Halie. The Board of Commissioners notes that each hire is contingent upon the applicant passing a pre-employment physical and drug screen.
3. The Board of Commissioners acknowledged the receipt of the April 29, 2010 Certificate of the County Auditor that the Annual Appropriations from each fund does not exceed the Amended Official Certificate of Estimate Resources for the fiscal year beginning January 1, 2010, as presented by the Portage County Budget Commission.
4. The Board of Commissioners acknowledged the receipt of the April 29, 2010 Monthly Record of Proceedings and Transactions for the Sheriff’s Office – Civil Division, in accordance with ORC 325.07, as presented by the Portage County Sheriff. Forwarded to the Department of Budget & Financial Management for review and comment.
5. The Board of Commissioners authorized payment to C. Bryant Construction of Tallmadge for \$12,555.00 for a 2008 Portage County CHIP private rehab at 9853 Belden Drive in Windham for Richard and Marie Larocco, as presented by Neighborhood Development Services. No review necessary in accordance with the Board of Commissioners/Neighborhood Development Services, Inc. SOP.
6. The Board of Commissioners authorized payment to C. Bryant Construction of Tallmadge for \$1,395.00 for a 2008 Portage County CHIP private rehab at 9853 Belden Drive in Windham for Richard and Marie Larocco, as presented by Neighborhood Development Services. No review necessary in accordance with the Board of Commissioners/Neighborhood Development Services, Inc. SOP.
7. The Board of Commissioners authorized payment to the Regional Planning Commission for \$661.04 for the citywide 2008 Aurora CHIP Fair Housing, as presented by Neighborhood Development Services. No review necessary in accordance with the Board of Commissioners/Neighborhood Development Services, Inc. SOP.

