

Thursday, November 18, 2010

The Board of County Commissioners met in regular session on **Thursday, November 18, 2010 at 9:25 AM** with the following members present:

Maureen T. Frederick

Christopher Smeiles

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Absent: Commissioner Keiper attending the Solid Waste Advisory Council meeting in Columbus.

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

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It was moved by Maureen T. Frederick, seconded by Christopher Smeiles to approve the meeting minutes of the November 16, 2010 meeting. Commissioner Keiper absent, motion carries

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INTERNAL SERVICES

Present: JoAnn Townend, Jon Barber

Commissioner Smeiles noted that the County Auditor has asked for a listing of potential 2011 borrowings noting that RMH is looking at 2011 borrowings and we must work together. Please include the Water Resources Department Sludge Press Building and other sewer projects, the Aurora-Cleveland water line, the Justice Center Cooling Tower, etc.

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Commissioner Smeiles stated that the Department of Homeland Security & Emergency Management garage may also need to be included in the 2011 borrowings. Commissioner Frederick asked about the condition of the current facility and asked if there is a plan to do an inspection prior to the purchase. She wants to be certain that the building will not need repairs after purchase.

Director Barber responded that \$200,000 would be used to expand the facility. The structure is sound, with a solid shingled roof, sound heating system (Brust serviced the radiant tube system last year), and is a block structure. Director Townend added that the buyer can certainly do an inspection. Director Barber noted that he has been leasing there for almost one year and have discovered no issues except a minor repair to the back garage door.

JoAnn Townend reported that she discussed this purchase with the Prosecutor who would prefer to use an option to purchase agreement with a lease until March 2011 when the building will be purchased. Dave Brode is reviewing the current purchase agreement, signed by the owner.

Noting the upcoming meeting of the Portage County Terrorism Advisory Team to discuss a significant budget request from Metro Swat and how that will change the spending for the FY08 SHSP grant, Commissioner Frederick asked if those SHSP grant funds are to be used to pay the debt/lease of the

building. Jon Barber responded no and added that he has set aside \$33,000 in 2009 SHSP funds for lease payments. He added that the Sheriff can put his vehicle into the building behind the Justice Center if the Hazmat equipment stored there is moved out. The mowers can be stored behind the Records Center and the Maintenance vehicle will be brought to the Administration Building.

Commissioner Smeiles stated that if there is another offer, the owners will most likely not accept our offer. He suggested that the county prepare a purchase agree with an April 1, 2011 closing date and asked how we can spend 2011 money in 2010? JoAnn Townend responded that you cannot and asked what happens in 2011 if there is not a majority of the Board of Commissioners who agree to move forward?

Commissioner Smeiles asked Commissioner Frederick if she is comfortable in moving forward. Commissioner Frederick would prefer that the building be inspected before the purchase or wondered if Commissioner Smeiles and Jon Barber are suggesting purchasing the building as is. Jon Barber responded that he would certainly pay for that inspection. Commissioner Frederick suggested that the inspection may be paid for by the seller. Commissioner Smeiles noted that the Director has been at the site for almost a year and has some knowledge that the building is sound. He is comfortable moving ahead with a Purchase Agreement, and not an Option to Purchase, without an inspection. He would want an Environmental Phase I inspection completed at a several thousand dollar cost to the county. Director Barber responded that the only tank in place is the oil separator tank leading to the sewer, which is pumped once a year; this is a fiberglass tank.

Commissioner Smeiles stated that the earnest money is usually 1% of the purchase price. Commissioner Frederick hopes that no layoffs occur after the transfer of this money. Commissioner Smeiles responded that we are not spending money until next April and will have to work on this in the meantime.

JoAnn Townend agreed to work with Attorney David Brode on the purchase agreement. Jon Barber noted that the current offer has been tabled until the county offer comes in. JoAnn Townend to bring the agreement to the Board of Commissioners today/Journal Entry.

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DISCUSSION

1. Woodlands: The Director noted that Generations agreement was signed to give Barb Fleischmann assistance with billing etc. Generations took their original agreement and used it as a consultant agreement. The Prosecutor reviewed the agreement and advised that the service must be bid. Attorney Leigh Prugh rewrote the agreement as a consulting agreement and it has been signed by Mr. Coury. When routed for final signatures, David Brode reviewed it and advised that the language is not enforceable. Denise Smith spoke with both attorneys and now advises that the agreement can be signed by the Board of Commissioners as long as they understand the issue.

Commissioner Smeiles asked how the monies can be certified in 2011? JoAnn Townend responded that they cannot – there would be two Auditor Certifications- one for \$31,200 for 2010 and the for \$93,600 for 2011.

Commissioner Smeiles stated that he comfortable moving forward as long as there is a termination clause in the agreement in case Robinson Memorial Hospital agrees to take over operation. Commissioner Frederick agreed but noted that she would have preferred to bid the service since there was interest in the community.

JoAnn Townend to move the agreement forward.

2. When Safety/Loss Control Coordinator Michelle Ripley asked for a listing of vacant buildings, the Director realized that her current listing shows that the Record Center is listed as vacant building status. Ms. Ripley needs to identify a value to be placed on the contents of the building to include the kitchen wing. JoAnn Townend agreed to contact Ben Sutton to determine how we can place a value on the records?
3. The Planned Parenthood Lease is up for renewal and they have asked for no increase to the current \$1726.08/month rent. The Board of Commissioners agreed to continue the lease with no increase for 2011.

4. Senior Center

JoAnn Townend presented the draft agreement with Family & Community Services for review, which has been reviewed by Mark Frisone. Mark interviewed two people and the council will have a recommendation on Monday, November 22nd. The Board of Commissioners approved the draft agreement/10-1071

Checking Account – The County Auditor needs to advise how to turn over the funds to F&CS. JoAnn Townend to work with Audrey Tillis and the County Auditor on this issue.

5. Paul Earl has provided the jail legal access in the past – does the Board of Commissioners want to go to bid or continue with Attorney Earl. Agreement/The Board of Commissioners agreed to continue with Mr. Earl.

6. Ravenna Training & Logistics Site sewer/water project.

This project was bid with Water Resources Department paying part and Neighborhood Development Services funds set aside. The Department of Budget & Finance has asked if there is to be a MOU between the Neighborhood Development Services and Portage County about the financial arrangement. Commissioner Smeiles believes it would be a good idea to identify who inspects? Who coordinates? Who pays for what? Who owns the project once completed? Water JoAnn Townend to work on an MOU.

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RESOLUTIONS

1. Award and enter into a contract with Brewer Garrett Company for HVAC repairs for Townhall II (CDBG grant funds) /10-1066

2. Enter into an agreement with RPC for the administration and implementation of the 2010 community development block grant funds/10-1067.
3. Enter into amendment no. 1 with Family & Community Services for Help Me Grow Services (no additional funds – change of hours)/10-1068
4. Enter into an agreement with the City of Ravenna and the Portage Soil & Water Conservation District for the storm water program (5/1/10 – 4/30/11) /10-1069.
5. Enter into an agreement with the City of Streetsboro and the Portage Soil & Water Conservation District for the storm water program (5/1/10 – 4/30/11) /10-1070.
6. Enter into amendment no. 1 with Securus for inmate telephone services to allow the phone calls to be recorded and monitored at no cost to the county/10-HOLD
7. Declare unused/excess property owned by the BOC and set the bid date for the sale of property in Ravenna Township on Infirmary Road/10-1072.
8. Enter into a lease agreement with Frank & Geraldine Guy for the lease of property for EMA (December 1, 2010 through March 31, 2011) /10-1073
9. Resolution to award and enter into an agreement with Baltimore Aircoil C/O Mark Elliott Company for the purchase of a cooling tower for the Portage County Justice Center/10-1074

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HUMAN RESOURCES

Present: Karen U’Halie, CBO Bob Wrentmore, Attorney Ron Habowski

1. The Board of Commissioners approved the draft Activity Director Position Description with revisions agreed upon with the Nursing Home Administrator/Journal Entry
2. The Director noted that there was an issue with the batteries for the AEDs located in county facilities. Due to the battery issue, Safety/Loss Control Coordinator Michelle Ripley removed the AED units from the several locations in the Administration Building, the Water Resources Department Lab in Shalersville, and one from the Riddle Block Building.

Commissioner Frederick asked why the batteries do not last longer. The Director responded that there is a shelf life expiration date and when the batteries are installed there is a constant drain. Commissioner Frederick asked if the Safety/Loss Control Coordinator will step up her monitoring of the remaining units. The Director responded that the Safety/Loss Control Coordinator inspects each unit monthly, which takes between 8-12 hours. That process will not change. Commissioner Frederick asked why all off the batteries failed within one month? The Director responded that she does not know but since all the units were put into place at the same time, it would make sense.

The Director advised that each battery will cost \$248 and the Safety/Loss Control Coordinator recommends replacing the 14 set of electrodes at \$30 each. There will also be the cost for the Safety/Loss Control Coordinator's annual certification, mannequin upkeep and other training. In all, the total cost in supplies, training and hours spent was \$2,400 in 2009 and \$768 so far in 2010. It will cost \$5,400/per year to continue this program, which is in the Safety/Loss Control Coordinator budget.

Commissioner Smeiles noted that he shares the Director's concern about the cost but would approve the expense. Commissioner Frederick agreed/Journal Entry

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10:46 AM In accordance with the Ohio Rev. Code Ann. (121.22(G)(4), it was moved by **Maureen T. Frederick**, seconded by **Christopher Smeiles** that the Board of Commissioners move into executive session to prepare for, conduct or review negotiations or bargaining issues with public employees concerning their compensation or other terms and conditions of their employment in the Building Department and a Workers Compensation issue. **Also present:** Human Resources Department Director Karen U'Halie, CBO Wrentmore, and Attorney Ron Habowski. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Absent; Maureen T. Frederick, Yea.

10:58 AM CBO Wrentmore and Attorney Habowski left the Executive Session.

11:05 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, Absent; Maureen T. Frederick, Yea.

After exiting Executive Session, the Board of Commissioners took action by Journal Entry.

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11:10 AM Board of Commissioners recessed to the Solid Waste Management District meeting
11:55 AM Board of Commissioners reconvened

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RESOLUTION No. 10-1061 - **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 Department of Budget and Financial Management or other designee on November 18, 2010 in the total payment amount of **\$738,146.66 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, Absent; Christopher Smeiles, Yea; Maureen T. Frederick, Yea;

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RESOLUTION No. 10-1062 - RE: WIRE TRANSFER 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 Department of Budget and Financial Management or other designee on November 18, 2010 in the total payment amount as follows:

1. \$226,353.31 for Medical Mutual Claims-Fund 7101; and
2. \$ 5,671.61 to WageWorks, Inc. for processing claims for Medical Mutual; and

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 authorizes the wire transfer for the charges relating to health benefits, as presented by the Portage County Auditor’s Office:

Wire Transfer on Friday, November19, 2010	\$ 226,353.31
Wire Transfer on Friday, November19, 2010	\$ 5,671.61

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

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RESOLUTION No. 10-1063 - 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:

11/17/10	960	\$ 41.40
11/17/10	961	707.37
11/17/10	962	859.33
11/17/10	922	2,252.22
11/16/10	925	3,250.00
11/16/10	926	1,261.12
11/16/10	927	17,333.10
11/16/10	928	9,111.84
11/16/10	929	12,037.12
Total		\$ 48,853.50

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

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RESOLUTION No. 10-1064

- 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 **\$2,330.01** as set forth in Exhibit “A” dated **November 18, 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, Absent;

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

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RESOLUTION No. 10-1065

- RE: AGREE TO ACCEPT THE ESCROW AGREEMENT AND THE PERFORMANCE AGREEMENT FOR CONSTRUCTION OF STREET, STORM SEWER AND DRAINAGE IMPROVEMENTS – WHISPERING WOODS SUBDIVISION – BRIMFIELD TOWNSHIP, PORTAGE COUNTY.

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

RESOLVED,

that, upon the recommendation of the Portage County Engineer and the Portage County Prosecutor’s Office, the Board of Portage County Commissioners does hereby agree to accept the Escrow Agreement and the Performance Agreement for the construction of street, storm sewer and drainage improvement for the Whispering Woods Subdivision between L & C Excavating and Paving, LLC/CTW Development Corporation and the (owner/developer) and Home Savings and Loan Company, in the full and just sum of Seventeen Thousand Seven Hundred Thirty Two Dollars and 00/100 (\$17,732.00); 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, Absent; Christopher Smeiles, Yea; Maureen T. Frederick, Yea;

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RESOLUTION No. 10-1066 - RE: AWARD AND ENTER INTO CONTRACT WITH THE BREWER GARRETT COMPANY TO REPLACE THE HOT DECK CONTROLLER FOR AIR HANDLER #9 AT TOWNHALL II, 155 NORTH WATER STREET, KENT, OHIO, 44240

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

WHEREAS,

eight (8) bid packages were requested and mailed to replace the hot deck controller for air handler #9 at Townhall II, 155 North Water Street, Kent, OH 44240; and

WHEREAS,

one (1) bid was received, opened, and tabulated on November 3, 2010 at 3:00 p.m. (E.S.T.) for the above project and the lowest and best bid was submitted by The Brewer Garrett Company in the amount of one thousand seven hundred thirty-four and 00/100 dollars (\$1,734.00) to replace one master controller and two temperature transmitters and three thousand three hundred sixty-eight and 00/100 dollars (\$3,368.00) for alternate #1: Replace hot deck controller for two additional air handlers; now therefore be it

RESOLVED,

that the Portage County Board of Commissioners enter into a contract with The Brewer Garrett Company, 1525 Corporate Woods Parkway, Uniontown, OH 44685 in the amount of five thousand, one hundred two and 00/100 dollars (\$5,102.00); and be it further

RESOLVED, that funding for this project will be paid through the Community Development Block Grant 2009 Formula Allocation grant activity set aside for this project; 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, Absent; Christopher Smeiles, Yea; Maureen T. Frederick, Yea;

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RESOLUTION No. 10-1067 - RE: ENTERING INTO AN AGREEMENT WITH THE PORTAGE COUNTY REGIONAL PLANNING COMMISSION FOR ADMINISTRATION AND IMPLEMENTATION OF THE 2010 COMMUNITY DEVELOPMENT BLOCK GRANT FORMULA ALLOCATION FUNDS

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

WHEREAS: the parties desire to unite in their efforts for the better utilization, administration, and implementation of programs, grants and other such available funds; and

WHEREAS: Portage County has received 2010 Community Development Block Grant Formula Allocation Grant Funds; and

WHEREAS: Portage County desires to contract with Portage County Regional Planning Commission to administer and implement this grant; now therefore be it

RESOLVED: that the Portage County Board of Commissioners desires to enter into contract with Portage County Regional Planning Commission to provide such services in the amount of Sixty-six thousand, six hundred and 00/100 dollars (\$66,600.00) to provide administration of the County funds, administration and implementation of the Streetsboro activities, and Seven thousand and 00/100 dollars (\$7,000.00) to provide fair housing services, as allowed in the 2009 Formula Grant; 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, Absent; Christopher Smeiles, Yea; Maureen T. Frederick, Yea;

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RESOLUTION No. 10-1068	-	RE:	ENTER INTO AMENDMENT NO. 1 BETWEEN THE PORTAGE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE PORTAGE COUNTY DEPARTMENT OF JOB & FAMILY SERVICES AND FAMILY & COMMUNITY SERVICES, INC. TO PROVIDE SERVICE COORDINATION FOR THE HELP ME GROW PROGRAM.	

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

WHEREAS, an agreement between the parties was entered into and known as Portage County Contract No. 20100346 (the “Original Contract”) on August 3, 2010 by Resolution No. 10-0684 to provide Help Me Grow service coordination, developmental assessment and parenting for eligible families of Portage County; and

WHEREAS, the parties desire to amend the Original Contract to continue such services; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby agree to enter into Amendment No. 1 between the Board of Commissioners on behalf of the Portage County Department of Job & Family Services and Family & Community Services, Inc., for the period July 1, 2010 through June 30, 2011; and be it further

RESOLVED, that effective October 11, 2010, Family & Community Services, Inc. will provide three (3) full-time equivalent Service Coordinators (40 hours per week) and two (2) part-time equivalent Service Coordinators (25-32 hours per week) to eligible families referred to Help Me Grow, as well as provide a part-time Project Director and part-time Clinical Supervisor for service coordination; and be it further

RESOLVED, that effective November 1, 2010, Family & Community Services, Inc. will provide four (4) full-time equivalent Service Coordinators (40 hours per week) and one (1) part-time equivalent Service Coordinator (25-32 hours per week) to eligible families referred to Help Me Grow, as well as provide a part-time Project Director and part-time Clinical Supervisor for service coordination; and be it further

RESOLVED, that annual services under this agreement shall remain Three hundred thousand and 00/100 dollars (\$300,000.00); 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, Absent; Christopher Smeiles, Yea; Maureen T. Frederick, Yea;

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RESOLUTION No. 10-1069 - RE: ENTER INTO AN AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS, THE PORTAGE SOIL AND WATER CONSERVATION DISTRICT AND THE CITY OF RAVENNA

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

WHEREAS, mandated by Congress under the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) Storm Water Program is a comprehensive two-phased national program for addressing the non-agricultural sources of storm water discharges that adversely affect the quality of our nation's waters. The Program uses the NPDES permitting mechanism to require the implementation of controls designed to prevent harmful pollutants from being washed by storm water runoff into local water bodies. The Phase II Final Rule, published in the Federal Register on December 8, 1999, requires NPDES permit coverage for storm water discharges from certain regulated small municipal separate storm sewer systems (MS4s) and construction activity disturbing between 1 and 5 acres of land; and

WHEREAS, the Board of Commissioners has identified the Portage Soil and Water Conservation District as the lead agency for the Portage County NPDES Phase II program. The Commissioners invited other county municipalities to join the Portage County NPDES Phase II program as co-permittees; now therefore be it.

RESOLVED, that, recognizing the need for a close working relationship in carrying out the responsibilities of the Phase II program for which each is charged, the City of Ravenna, the Portage Soil and Water Conservation District, and the Board of Commissioners agree to enter into an Agreement as the foundation for an enduring cooperative relationship. Such cooperation allows for joint effort in the solution of problems relating to storm water management, land use planning and the development of the soil and water resources in the City of Ravenna; and be it further

RESOLVED, that the Board of Commissioners agrees to sign the required agreement effective for a period of one year ending April 30, 2011; 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.

Vote was as follows:

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

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RESOLUTION No. 10-1070 - RE: ENTER INTO AN AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS, THE PORTAGE SOIL AND WATER CONSERVATION DISTRICT AND THE CITY OF STREETSBORO FOR THE STORM WATER PROGRAM

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

WHEREAS, mandated by Congress under the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) Storm Water Program is a comprehensive two-phased national program for addressing the non-agricultural sources of storm water discharges that adversely affect the quality of our nation's waters. The Program uses the NPDES permitting mechanism to require the implementation of controls designed to prevent harmful pollutants from being washed by storm water runoff into local water bodies. The Phase II Final Rule, published in the Federal Register on December 8, 1999, requires NPDES permit coverage for storm water discharges from certain regulated small municipal separate storm sewer systems (MS4s) and construction activity disturbing between 1 and 5 acres of land; and

WHEREAS, the Board of Commissioners has identified the Portage Soil and Water Conservation District as the lead agency for the Portage County NPDES Phase II program. The Commissioners invited other county municipalities to join the Portage County NPDES Phase II program as co-permittees; now therefore be it.

RESOLVED, that, recognizing the need for a close working relationship in carrying out the responsibilities of the Phase II program for which each is charged, the City of Streetsboro, the Portage Soil and Water Conservation District, and the Board of Commissioners agree to enter into an Agreement as the foundation for an enduring cooperative relationship. Such cooperation allows for joint effort in the solution of

problems relating to storm water management, land use planning and the development of the soil and water resources in the City of Streetsboro; and be it further

RESOLVED, that the Board of Commissioners agrees to sign the required agreement effective for a period of one year ending April 30, 2011; 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.

Vote was as follows:

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

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RESOLUTION No. 10-1071 - RE: ENTER INTO AN AGREEMENT FOR OPERATION OF THE SENIOR CENTER BETWEEN THE BOARD OF COMMISSIONERS OF PORTAGE COUNTY AND FAMILY & COMMUNITY SERVICES OF PORTAGE COUNTY.

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

WHEREAS, the County Commissioners has a need to continue the operation for the Portage County Senior Center for the senior citizens of Portage County; and

WHEREAS, Family & Community Services represents that it is professionally qualified and capable of performing the services requested; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby agree to enter into an agreement by and between the Board of Commissioners and Family & Community Services for the operation of the Portage County Senior Center for the period beginning December 1, 2010 through December 31, 2011 in an agreement amount not to exceed Fifty four thousand, one hundred sixty-six and 67/100 dollars (\$54,166.67) as follows: December 1, 2010 - \$4,166.67; January 1, 2011 - \$12,500.01; April 1, 2011 \$12,500.01; July 1, 2011 - \$12,500.01; and October 1, 2011 - \$12,500.00; 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, Absent; Christopher Smeiles, Yea; Maureen T. Frederick, Yea;

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RESOLUTION No. 10-1072 - RE: DECLARE UNUSED/EXCESS PROPERTY OWNED BY PORTAGE COUNTY AND THE SET BID DATE FOR THE SALE OF THE UNUSED/EXCESS REAL ESTATE LOCATED IN RAVENNA TOWNSHIP OWNED BY THE PORTAGE COUNTY COMMISSIONERS

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

RESOLVED, that parcel no. 29-103-00-00-0020-000 consisting of approximately 19.28 acres and parcel no. 29-104-00-00-008-000 consisting of approximately 27.66 acres located in Ravenna Township, Ohio be declared as County owned unused/excess property under the jurisdiction of the Board of Commissioners; and be it further

RESOLVED, that the Portage County Commissioners reserve the mineral rights on the parcels and that a minimum bid be set at \$100,000.00; and be it further

RESOLVED, that the parcels are for sale to be sold to the highest bidder; and be it further;

RESOLVED, that sealed bids, therefore, will be accepted by the Portage County Director of Internal Services, 7th floor-room 701, Portage County Administration Building, 449 South Meridian St., Ravenna, Ohio until 3:00 p.m., E.S.T. on February 2, 2011; and be it further

RESOLVED, that the notice of receiving bids shall be published in the Record Courier on December 27, 2010; January 3, 10 and 18, 2011 and a copy thereof be posted on the County's website and bulletin board of the Board forthwith; 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, Absent; Christopher Smeiles, Yea; Maureen T. Frederick, Yea;

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RESOLUTION No. 10-1073 - **RE: ENTER INTO A LEASE AGREEMENT BETWEEN FRANK A. GUY, SR. AND GERALDINE G. GUY AND THE PORTAGE COUNTY BOARD OF COMMISSIONERS FOR THE LEASE OF PROPERTY LOCATED AT 2970 STATE ROUTE 59 IN RAVENNA TOWNSHIP (Permanent Parcel Number 29-355-00-00-002-000).**

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

WHEREAS, Portage County is in need of a facility for the temporary storage of its Emergency Management vehicles and equipment and lessors Frank A. Guy, Sr. and Geraldine G. Guy have a facility that would meet this need; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby agree to enter into an agreement for the lease of property located at 2970 State Route 59, Ravenna Township, Portage County, Ohio (Permanent Parcel Number 29-355-00-00-002-000); and be it further

RESOLVED, that the Board of Commissioners agrees to pay lessors Frank A. Guy, Sr. and Geraldine G. Guy the total sum of One Thousand and 00/100 dollars (\$1,000.00) per month in rent; and be it further

RESOLVED, that the lease shall begin on December 1, 2010 and continue through March 31, 2011; and be if 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, Absent; Christopher Smeiles, Yea; Maureen T. Frederick, Yea;

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RESOLUTION No. 10-1074 - **RE: AWARD AND ENTER INTO AN AGREEMENT WITH BALTIMORE AIRCOIL C/O MARK ELLIOTT COMPANY FOR THE PURCHASE OF A COOLING TOWER FOR THE PORTAGE COUNTY JUSTICE CENTER.**

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

WHEREAS: six (6) contractors and three (3) plan house requested and received the specifications for the the cooling tower replacement equipment pre-purchase for the Portage County Justice Center; and

WHEREAS: on November 17, 2010 the Portage County Internal Services Department received, opened and tabulated two (2) bids; and

WHEREAS: the lowest and best bid meeting all specifications was submitted by Baltimore Aircoil c/o Mark Elliott Company, 5824 Akron Cleveland Rd. – B, Hudson OH 44236 in the amount of Forty-four thousand, nine hundred and 00/100 dollars (\$44,900.00); now therefore be it

RESOLVED: that the Portage County Board of Commissioners enter into an agreement with Baltimore Aircoil c/o Mark Elliott Company for the amount of Forty-four thousand, nine hundred and 00/100 dollars (\$44,900.00); 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, Absent; Christopher Smeiles, Yea; Maureen T. Frederick, Yea;

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RESOLUTIONS

November 18, 2010

1. Approval of Meeting Minutes from the November 16, 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/10-1061
3. Approve the wire transfer, as presented by the County Auditor/10-1062.
4. Approve the Journal Vouchers as presented by the County Auditor/10-1063.
5. Approve Then & Now as presented by the County Auditor/10-1064.

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INVITATIONS/MEETING NOTICES

November 18, 2010

1. Invitation from the Kent Regional Business Alliance to the Small Business Awards presentation and Linda Yost Foundation Inaugural on December 16, 2010 from 5:00 PM – 7:00 PM in Kent.

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INCOMING CORRESPONDENCE

DISCUSSION

November 18, 2010

1. Attorney Denise Smith advises that at least one Commissioner should plan to attend the Tuesday, November 30th Hearing regarding the Health Benefits Transfer. Does the Board of Commissioners want to rearrange the calendar to allow the Board to attend/Yes
2. November 16, 2010 memo from Commissioner Smeiles advising that he will abstain from the matter of annexation from Hiram Township to Hiram Village/Journal Entry.
3. November 18, 2010 request from Water Resources Department Director Harold Huff for authorization to hire a temporary part-time Water Treatment Plant Operator II/Journal Entry.
4. The Board of Commissioners to decide the start date of the continued public hearing for the annexation from Hiram Township to Hiram Village.
5. The Regional Planning Commission presents the Comprehensive Economic Development Strategy (CEDS) update for Board of Commissioners' consideration by resolution/Commissioner Smeiles contacted Director Peetz and asked him to add the Shalersville Industrial Park project to the list.
6. November 10, 2010 invoice from NEFCO for the second half fiscal year 2011 dues to be paid by the SWMD and the Water Resources Department/Journal Entry.
7. Rootstown Area Chamber of Commerce presents the paper ballot for the election of officers and trustees/Clerk to return the ballot.

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JOURNAL ENTRY

November 18, 2010

1. The Board of Commissioners received the Weekly Report of Kennel population for the week ending November 14, 2010 as presented by Dave McIntyre, Dog Warden. The Board of Commissioners acknowledged receipt of \$240.00 in License Sales and \$620 for Impound fees.

2. The Board of Commissioners approved payment of the November 9, 2010 Invoice for the retainer of \$175.00, as presented by Clemans Nelson & Associates, Inc. and approved by the Human Resources Department Director Karen U'Halie.
3. The Board of Commissioners signed the Journal Entry authorizing reimbursement to the Regional Planning Commission from Grant B-F-10 Administration for the time period June 21, 2010 through September 9, 2010 for costs not previously billed in the amount of **\$1,883.41**, as presented by the Regional Planning Commission. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
4. The Board of Commissioners signed the Journal Entry authorizing reimbursement to the Regional Planning Commission from Grant B-F-10 Administration for the time period January 26, 2010 through June 20, 2010 for costs not previously billed in the amount of **\$8,000.00**, as presented by the Regional Planning Commission. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
5. The Board of Commissioners authorized Commissioner Frederick to sign the Ohio Neighborhood Stabilization Program Status Report for the B-Z-08-1CJ-1 for the Portage County NSP Program, as submitted by the Regional Planning Commission. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
6. The Board of Commissioners received the November 8, 2010 Final Grant Close Out Notices from the Ohio Department of Development for following grants:
 - a. B-F-06-1CJ-1 (Forwarded to the Department of Budget & Financial Management and Regional Planning Commission)
 - b. B-F-07-1CJ-1 (Forwarded to the Department of Budget & Financial Management and Regional Planning Commission)
 - c. B-M-05-1CJ-1 (Microenterprise) (Forwarded to the Department of Budget & Financial Management)

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PROSECUTOR CORRESPONDENCE

November 18 2010

1. November 9, 2010 correspondence from Attorney Leigh Prugh requesting that the Board of Commissioners adopt a resolution to accept the Escrow Agreement and the Performance Agreement for the construction of street, storm sewer and drainage improvement for the Whispering Woods Subdivision between L & C Excavating and Paving, LLC/CTW Development Corporation and the (owner/developer) and Home Savings and Loan Company, in the full and just sum of Seventeen Thousand Seven Hundred Thirty Two Dollars and 00/100 (\$17,732.00) /10-1065. The Board of Commissioners agreed to ask the County Engineer who will monitor the payouts for this project.
2. November 16, 2010 correspondence from Attorney Denise Smith to Ben Sutton of the Edward H. Sutton Insurance Agency Inc. regarding Kenneth Mantell v Portage County Sheriff/Information only.

3. November 16, 2010 correspondence from Attorney Denise Smith to Ben Sutton of the Edward H. Sutton Insurance Agency Inc. regarding Amanda Michael vs. Portage County Sheriff/Information only.
4. November 16, 2010 correspondence from Attorney Denise Smith to Ben Sutton of the Edward H. Sutton Insurance Agency Inc. regarding Mark Shaver vs. Portage County Sheriff/Information only.

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PLEASE ADD TO THE AGENDA

November 18, 2010

1. Request from the Ravenna Area Chamber of Commerce for authorization to use the Court House Lawn on Friday, November 26, 2010 for a Balloon-A-Fair Parade/Journal Entry.
2. November 17, 2010 memo from JFS Director Judee Genetin requesting the extension of a Probationary Period for a staff member/Journal Entry.
3. Is the Board of Commissioners available to meet on Tuesday, November 23rd at 8:00 AM for a 2011 budget discussion with DBFM Director Audrey Tillis/Board of Commissioners agreed to meet,

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Journal Entry

November 18, 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 Weekly Report of Kennel population for the week ending November 14, 2010, as presented by Dog Warden Dave McIntyre. The Board of Commissioners acknowledged receipt of \$240.00 in License Sales and \$620 for Impound fees.
2. The Board of Commissioners approved payment of the November 9, 2010 Invoice for the retainer of \$175.00, as presented by Clemans Nelson & Associates, Inc. and approved by the Human Resources Department Director Karen U’Halie.
3. The Board of Commissioners signed the Journal Entry authorizing reimbursement to the Regional Planning Commission from Grant B-F-10 Administration for the time period June 21, 2010 through September 9, 2010 for costs not previously billed in the amount of **\$1,883.41**, as presented by the Regional Planning Commission. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
4. The Board of Commissioners signed the Journal Entry authorizing reimbursement to the Regional Planning Commission from Grant B-F-10 Administration for the time period January 26, 2010 through June 20, 2010 for costs not previously billed in the amount of **\$8,000.00**, as presented by the Regional Planning Commission. Documents reviewed by the Department of Budget & Finance with no exceptions noted.

5. The Board of Commissioners authorized Commissioner Frederick to sign the Ohio Neighborhood Stabilization Program Status Report for the B-Z-08-1CJ-1 for the Portage County NSP Program, as submitted by the Regional Planning Commission. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
6. The Board of Commissioners agreed to sign and execute the Real Estate Purchase Agreement for Portage County real estate to be used for the safe storage of first responder procured equipment.
7. The Board of Commissioners acknowledged the receipt of the November 16, 2010 memo from Portage County Commissioner Christopher Smeiles advising that he will abstain from the matter of the Petition for Annexation of 139.3981 Acres of land from Hiram Township to Hiram Village, as advised by legal counsel due to a potential conflict of interest.
8. The Board of Commissioners accepted the November 18, 2010 recommendation of Water Resources Department Director Harold Huff and authorized the hire of James L. Greener as a temporary part-time Water Treatment Plant Operator II contingent upon his successful passing of his physical and drug and alcohol testing. The anticipated start date is November 29, 2010.
9. The Board of Commissioners authorized Director of Security Jon Barber to provide security services at a Pre-Disciplinary Hearing on November 19, 2010 at the Portage County Solid Waste Management District facility.
10. The Board of Commissioners authorized the Water Resources Department and the Solid Waste Management District to pay their portion of the November 10, 2010 invoice from NEFCO for the second half fiscal year 2011 dues.
11. After meeting in an Executive Session today with Building Department CBO Bob Wrentmore, Human Resources Department Director Karen U'Halie and Attorney Ron Habowski, the Board of Commissioners approved the tentative agreement unanimously ratified by members of Teamsters Local No. 436. Staff to bring back the necessary resolution for this agreement.
12. After meeting in an Executive Session today with Building Department CBO Bob Wrentmore, Human Resources Department Director Karen U'Halie and Attorney Ron Habowski, the Board of Commissioners signed a Memorandum of Understanding between the Portage County Commissioners and Teamsters Local No. 436, authorizing a correction to discrepancies in the wage rates for 2010, in accordance with the collective bargaining agreement.
13. After meeting today with Human Resources Department Karen U'Halie, the Board of Commissioners agreed to continue the Automated External Defibrillators (AED) Program, which will cost up to \$5,400 per year in supplies, training and upkeep, which is in the Safety/Loss Control Coordinator budget.
14. The Board of Commissioners acknowledged the receipt of the November 8, 2010 Final Grant Close Out Notices from the Ohio Department of Development for following grants:

- a. B-F-06-1CJ-1 (Forwarded to the Department of Budget & Financial Management and Regional Planning Commission)
- b. B-F-07-1CJ-1 (Forwarded to the Department of Budget & Financial Management and Regional Planning Commission)
- c. B-M-05-1CJ-1 (Microenterprise) (Forwarded to the Department of Budget & Financial Management)

15. The Board of Commissioners approved the request from the Ravenna Area Chamber of Commerce for authorization to use the Court House Lawn on Friday, November 26, 2010 for a Balloon-A-Fair Christmas Parade. Forwarded to the Internal Services Director for preparation of the necessary agreement.
16. The Board of Commissioners accepted the November 17, 2010 recommendation from JFS Director Judee Genetin and authorized the extension of the probationary period for the PCDJFS Public Assistance Administrator to February 22, 2011. The Director noted that, as she has just begun her service as Director, she has not had the opportunity to make a fair and accurate assessment of his performance.
17. The Board of Commissioners signed the Personnel Action Form approving the reinstatement of Brandy Johnson as a Portage County JFS Social Service Worker III, effective November 22, 2010, noting that the employee is returning to work from educational leave.
18. The Board of Commissioners approved the draft job description for the Activity Director at The Woodlands at Robinson, as presented by Human Resources Department Director Karen U'Halie.
19. After meeting in an Executive Session today with the Human Resources Department Director, the Board of Commissioners signed documents authorizing the Portage County TPA Comp Management, Inc. to pursue recommended settlements within the financial guidelines approved by the Board of Commissioners for two Workers Compensation claims.

Commissioner Keiper absent, motion carries.

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We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Commissioners' meeting on **November 18, 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 12:02 PM. Commissioner Keiper absent, motion carries.

ABSENT

Charles W. Keiper II, President

Maureen T. Frederick, Board Member

Christopher Smeiles, Vice President

Deborah Mazanec, Clerk

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