

Tuesday, January 11, 2011

The Board of County Commissioners met in regular session on Tuesday, January 11, 2011 at 9:25 AM with the following members present:

Christopher Smeiles

Maureen T. Frederick

Tommie Jo Marsilio

*

*

*

*

*

It was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles to approve the Organizational meeting minutes of the January 10, 2011 meeting. All in favor, motion carries

*

*

*

*

*

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

*

*

*

*

*

PROSECUTOR

Present: Denise Smith

9:25 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles that the Board of Commissioners move into executive session for personnel regarding discipline. **Also present:** Denise Smith. Roll call vote: Tommie Jo Marsilio, Yea; Christopher Smeiles, Yea; Maureen T. Frederick, Yea.

9:35 AM Upon conclusion of the above referenced discussion, it was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles that the Board of Commissioners moves out of executive session. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

After exiting executive session, the Board took no action.

*

*

*

*

*

Review of Prosecutor's Pending List

- #1. Franklin Township condemned house question has been assigned to Chris Meduri.
- #6. Windham Sewer and Water agreement is with Windham. Director Huff requested several changes and Windham didn't agree with the changes so we are waiting for Windham's council to provide counter-proposal.

Commissioner Marsilio thanked Prosecutor Smith for her work and suggestions with the Portage Development Board and Prosecutor Smith indicated she is working on a "revision to the revision".

Prosecutor Smith's main concern is with the Revised Code section which states if the person is doing the same or similar job duties, you are required to make their PERS contributions even though they are working for another agency. Commissioner Frederick added that some of these issues can be worked out with the consultant that's being hired. She's suggested an interest in seeing a monthly budget – plan vs. actual on expenditures and a finalized budget. One of her concerns remains that the County is

looking at a large monetary commitment. Commissioner Marsilio indicated the draft does call for quarterly reporting and Prosecutor Smith can add verbiage to include budgetary numbers. Commissioner Frederick is concerned about "Conflict of Interest" – they are their own entity still using public money. Prosecutor Smith asked is this an annual payment up front or quarterly payment? Commissioner Frederick prefers quarterly. Commissioner Smeiles indicated this issue was not discussed. He has spoken with the Board of Commissioners about a draw down methodology but quarterly will be simpler. Commissioner Frederick shared that we can see how much money will be generated from their membership as time progresses. Prosecutor Smith will add the verbiage and go from there.

The other issue Prosecutor Smith shared was that the Board's involvement. She shared the only way to get around sitting on the Board and voting on the contract is to appoint someone else, not a decision maker and doesn't enter into agreement so there wouldn't be a problem. Commissioner Frederick noted that any decision that will affect Economic Development in this County should have input by the Board. Prosecutor Smith indicated they are a separate entity non profit corporation. Commissioner Frederick asked about representation on the Board because she would like to attend. Commissioner Smeiles indicated the JOED Board tied to NEOTEC has dues paid separately and have separate representation. Prosecutor Smith said that this agreement allows Portage Development Board to represent Portage County on all regional statewide agencies (NEOTEC, NEFCO, TEAM Neo). Commissioner Smeiles indicated he is comfortable being on the Development and abstaining from any vote with potential conflict. Commissioner Frederick said that any and all Commissioners can attend the meetings if desired.

Commissioner Frederick believes we had paid for 2011 and shouldn't the recent payment come off the first quarterly payment? We paid \$20,000 in dues to one of the entities? Prosecutor Smith asked if that was taken into consideration of the contract for \$229,000 Commissioner Frederick indicated no. Commissioner Smeiles said we typically pay dues from the Economic Development budget, do we continue to pay from the Development Board budget or continue to pay separate? Commissioner Frederick said that its General Fund money, the \$20,000 should come off the \$200,000. We wouldn't pay it twice. \$165,000 was the cost to run the department last year. Prosecutor Smith said the price is entirely up to the Board. Commissioner Marsilio shared that we've already paid NEOTEC and we have a contract for \$200,000. Commissioner Frederick said she felt it should come off the \$200,000.

Commissioner Marsilio indicated a concern was raised regarding the Roetzel & Andress \$15,000 expenditure which has been repaid.

Commissioner Smeiles has the notification paperwork for the Economic Development Department layoffs. The Board did discuss delaying the process until March 1, 2011 instead of February 1, 2011 and the Portage Development Board was comfortable with whatever the Board decided, but it will cost more if we delay it longer. The Commissioners agreed that the Board should move forward and the letters should be hand delivered.

Denise Smith will send the "revised revised" Portage Development Agreement will be ready for the Board to look at Thursday.

Commissioner Frederick indicated that in the transition, Mayor Bica and City Manager Dave Ruller from Kent would offer their Economic Development Services in the interim.

Commissioner Frederick shared there are mandatory reports and if current staff is laid off, reports might be falling through the cracks. Beyond that, we have a consultant. Commissioner Smeiles indicated KSU has agreed to be the umbrella organization to provide health benefits and PERS coverage. The Board has to reimburse KSU for the cost. Commissioner Frederick said the reports are her concern. If KSU is the administrative entity hiring, does the County have any vulnerability to PERS? Prosecutor Smith doesn't believe it would unless by separate agreement the County is reimbursing KSU. The County is not.

Commissioner Frederick is just concerned that years later, someone will come back to the County stating they should have had PERS and we are then liable.

The Board agreed it is comfortable with sending the notices and the date does not have to be changed.

Commissioner Marsilio indicated that in prior discussions we have abolished the Economic Development department with an effective date; do we have to have the same effective date for the administrative assistant? Prosecutor Smith indicates that without the department, the Board cannot operate Economic Development activities and there can't be an Administrative Assistant.

Commissioner Marsilio further indicated that the Portage Development Board can't be ready for the February 1st date but Commissioner Frederick said they have the ability to hire the consultant. The Board has been invited to attend the meeting tomorrow at 5:00 PM. Does the Board have a vote? Prosecutor Smith said the Board has a contract in place for the Development Board to handle Economic Development activities for them. Attending and participating at the meeting shouldn't be a problem. Can two Commissioners be there? The agenda is their board, their entity and the Board will be attending to discuss their business because it's a new contract for the Board. Bottom line, it's a separate legal entity. The Board will be discussing Development board activities and Development Board activities and business not County business. If the Board's really concerned, only one Commissioner go.

The Board agreed to wait for tomorrow's meeting with the Development Board to use February 1, 2011 as the effective date and not hold until March 1, 2011.

Prosecutor's Correspondence

1. January 7, 2011 e-mail from Denise Smith, regarding the FAA Grant requirement for the Airport/County land transfer.
2. January 10, 2011 e-mail from Denise Smith, Prosecutor's Office, regarding proposed agreement between the County and the Portage Development Board./Prosecutor's office to redraft.

* * * * *

REGIONAL PLANNING COMMISSION

Present: Todd Peetz

The Director discussed tomorrow's meeting agenda with the Board as follows:

I. CALL TO ORDER

II. *APPROVAL OF MINUTES OF DECEMBER 08, 2010

III. SUBDIVISIONS

- *1. Replat of Sublots 25 and 26 in the “*Olde Mill Run Subdivision*” on Bryar Court, Lot 64 in Randolph Township, Scott and Denise Horning, applicant.
- *2. Variance to Section 411 (Private Streets) and Section 421.3 (Lots) of the Portage County Subdivision Regulations, Lot 22 on State Route 59 in Franklin Township, Arthur Cooksey, President Cooksey Inc., applicant.

IV. ZONING

*Palmyra Township Text Amendment Re: Signs and Billboards Regulations & Definition of Family

V. EXECUTIVE COMMITTEE

A. WORK PROGRAM

1. December, 2010 RPC Work Program Report

2. December, 2010 CDBG Program Report

*3. 2011 Proposed Work Program

B. FINANCE

*December, 2010 Financial Statement

VI. DIRECTOR'S REPORT

- Appointment of Nominating Committee

VII. OPEN DISCUSSION

VIII. OTHER BUSINESS

Next Meeting – February 9, 2011 – 124 North Prospect Street, RPC Meeting Room

IX. ADJOURNMENT

* * * * *

WATER RESOURCES

Present: Interim Director Jeff Lonzrick

- 1. Board of Commissioners' signature requested to authorize a sanitary sewer credit for approximately 960,000 CF of lost water attributed to the water leak at the cooling tower, equal

to an amount of \$51,771.14, be applied to the Portage County Justice Center billing, 8240 Infirmary Road, Ravenna from June 19, 2008 through December 16, 2010 as presented by Interim Director Jeff Lonzrick, Water Resources Department./Journal Entry

11:06 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Tommie Jo Marsilio**, seconded by **Christopher Smeiles** that the Board of Commissioners move into executive session to consider hiring of public employees. **Also present:** Jeff Lonzrick, Karen U’Halie. Roll call vote: Tommie Jo Marsilio, Yea; Christopher Smeiles, Yea; Maureen T. Frederick, Yea;

11:36 AM Upon conclusion of the above referenced discussion, it was moved by **Maureen T. Frederick**, seconded by **Christopher Smeiles** that the Board of Commissioners moves out of executive session. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

After exiting executive session, the Board took action by adopting five journal entries.

* * * * *

Recessed: 12:11 PM
Reconvened: 1:15 PM

COUNTY ENGINEER
Present: Mickey Marozzi

County Engineer Marozzi attending to talk with the Board regarding the storm sewer repair/sink hole issue near Day Street in Ravenna (ABC Railway). They have completed the examination of the sinkhole site and determined the work necessary for repairs will be approximately \$31,000. County Engineer Marozzi has contacted two contractors to perform necessary repair work.

Last Wednesday, the Board received an estimate from the County Engineer of \$8,500 for work for the sink hole and authorized the County Engineer to proceed. He made the determination the problem was significantly different in scope than anticipated. They believed they could dig adjacent to the rail, remove/repair section of pipe. Once excavated, the hole in the pipe from the surface appeared to be approximately 2 feet.

Previously a repair was made to this line at a joint adjacent to where this failure occurred and that repair is also failing. In order to replace that pipe (which is the last pipe underneath the railroad), the pipe under the railroad needs replaced. The County Engineer doesn’t have the capacity to perform that service so he contacted someone for railwork (Wintrow Construction). Wintrow Construction is the usual contractor with ABC Railroad. Wintrow Construction indicated they don’t do pipework so the County Engineer contacted Lockhart Concrete. Wintrow will mobilize, cut the rail, remove a section and Lockhart will excavate, remove bad sections of pipe and replace with new 48” diameter reinforced concrete pipe and get out from underneath the track bed in case any future problems happen, it won’t include the track. Wintrow will come back in once Lockhart Concrete is done and re-establish the track. Wintrow’s price is \$13,155.44 and Lockhart concrete is \$14,998.00. Both contractors are ready to mobilize with a phone call within a day or so. It will take approximately 1 day to remove the rail, 2-3 days to remove the pipe, set the new pipe and backfill, and 1 day to re-establish the track so 4-5 days to do the work.

Listed also in his letter are \$1,863.95 charges that the Engineer's office has already done and \$1,000.00 for clean up of homeowner's property adjacent to the tracks in the springtime. Total approximate cost for the repair is \$31,017.39.

The Commissioners thanked the County Engineer for his quick response and indicated since this is over the bid limit of \$25,000 it should be declared an emergency and authorize under that provision.

Commissioner Frederick asked how this is hindering Smurfit Stone. County Engineer Marozzi has been in contact with ABC Railroad and the City of Ravenna but has not spoken with Smurfit directly. Dave Merleno, the City's Utility Director knows their schedule and indicated they have no pending delivery schedule which brings a train every 2-3 weeks. It would be another week before they need a train. There's a possibility we can run a train to pick up now before the work begins. He will confirm with them before they begin.

Commissioner Smeiles indicated there isn't \$31,000 in the rail account. County Engineer Marozzi indicated he went to reasonable lengths to ascertain responsibility of this pipe. This pipe that has failed is a 48" storm sewer pipe that originates on Central Ave. and drains a reasonable number of homes in the City of Ravenna. As near as can be ascertained, there is no easement on record, the City indicated they had no plans with this pipe. This does not have anything to do with the railroad tracks. So this pipe's existence has nothing to do with the railroad tracks. He is unsure how the City of Ravenna's responsibility for this storm sewer line stops at the right of way line which they indicated. This pipe is approximately 100-120 years old, clay tile, and honeycombed constructed. Commissioner Smeiles indicated it needs fixed, so the County will fix it and send a letter to the Mayor saying we'll fix this but reserve the right to have a discussion about whose liability and ultimate cost it becomes. County Engineer Marozzi indicated that he has a few storm sewers in the County that leave the County highway right of way and continue underground until they go to an open ditch and that's his pipe until it opens. It's the standard Mode of Operation. If there's a problem with the pipe, it will have a direct bearing on the integrity of the road and the rail. The City has an interest in the pipe because it services many of its residents.

The Board agreed to adopt two resolutions to complete the necessary repairs one for Wintrow Construction (Resolution No. 11-0036) and one for Lockhart Concrete (Resolution No. 11-0037).

No need for a resolution for the County Engineer as he has an order open for \$8500.00.

The Board directs the County Engineer to begin the process.

Executive Assistant Charlene Badger attending with a draft press release indicating Roetzel & Address has repaid Portage County \$15,000 for legal work it completed in the organization of the Portage Development Board. The Board received the check and forwarded it to Economic Development for processing.

Commissioner Marsilio requests press releases go to the weekly paper such as the Weekly Villager, Community Journal (@yahoo.com) and to Julie Smeiles – The Telegraph. She requests they have the same opportunity for news within the County as the larger newspapers.

The Commissioners were able to reach Dave Merleno at the City of Ravenna and informed him that they have a bill for \$31,000.00 and are unsure who's liable for the pipe because it's a Ravenna City storm water pipe along Portage County's tracks. Mr. Merleno indicated that any utility under the railroad that the City is not paying an easement for, ownership under the tracks belongs to the railroad. He spoke with Jim Boling in Kent and he understood the same. The Commissioners indicated they will fix the problem but wants to speak with the Mayor and Council about a cost sharing endeavour. The Board will send a letter to arrange a meeting. Mr. Merleno expressed his appreciation to the Board for addressing this issue.

Commissioner Smeiles indicated he received an e-mail from Judge Pittman regarding cleaning schedule. Commissioner Frederick called and discussed this issue with the Judge directly. She wants to know what the Board is willing to do about the schedule. She feels someone should be cleaning 3 days a week. Commissioner Frederick indicated she would bring it up with the Board.

* * * * *

Commissioner Frederick indicated she had discussion with Clerk of Courts Linda Fankhauser yesterday on the various plans which have been presented on the site for the new courthouse. She believes The Dome might be a good site but both Commissioner Frederick and Smeiles indicated there isn't enough parking.

While talking about the Board, the Commissioners agreed to pass on a listing of boards and important Commission meeting that impact Economic Development to the new Economic Development person. Executive Assistant Badger to check with Director Peetz for an updated list of board for the new Director's consideration.

Executive Assistant Badger has prepared a report on Indigent Defense Counsel since she's taken over through December 9, 2010. She hasn't been able to process payment since the end of the year's shut down and is asking for Board approval to take flex time. The Board agreed to allow flex time./Journal Entry

* * * * *

DEPARTMENT OF BUDGET & FINANCIAL MANAGEMENT

Present: Audrey Tillis

The Board received the Budget Commissioners' unencumbered cash balance carryover minus the health benefit reserve is \$4,497,262.00 and there's an increase in certification for the General Fund of \$3,063,042.00 which will be broken down in the work session.

RESOLUTIONS

1. Cash Advance from Fund 7201, WC RR P General Administration to Fund 7219, WC Retro Rating Plan 2011/11-0034
2. Annual Transfer from Fund 5200, PCS General Administration to 5240, PCS OWDA 1994 Ravenna City/11-0035

OTHER

3. Journal Entry.

- a. Courthouse Security Grant #2009-RA-A02-2323. This letter is written to the State requesting a change in the personnel on the grant, the rate of the employees that will be charged to the grant and indicating this does not change the scope of the grant. Journal Entry

4. Discussion Items:

- a. 2011 Board of Commissioners' Budget Amendment Schedule. The Clerk has put the schedule on the Board's calendar and the Board is OK with the dates
- b. 4th Quarterly Review (Handout at meeting) – on hold
- c. Area Agency on Aging – 2011 Local Match Request/Clerk to forward to Family and Community Services for payment and work with the Area Agency to get everything transferred over to Family & Community Services.
- d. Veterans Memorial Fund - Cash Advance Repayment Balance. There's approximately \$30,000 in cash advance owed with approximately \$8,000 in the fund now. The \$8,000 hasn't been committed. She recommends we do a transfer of \$30,000 into the fund and repay the balance of the cash advance. Commissioner Frederick asked about the brick fading. Executive Assistant Badger indicated she would contact Dave Sommers about the "warranty item", check into brick wear and bring back an estimate/recommendation to the Board. Audrey Tillis will transfer the \$30,000, pay back the cash advance and the \$8,000 remaining in the fund will stay for maintenance and repair.
- e. KRBA – Loan Request. The Board of Commissioners would like to schedule an appointment with them because the Portage County Board of Commissioners was missing on the loan request because they used the wrong form. She has a call into them and requested they re-do the documents and then they will go to the Prosecutor's Office for review. Commissioner Frederick suggests having Jack Crews to come and see the Board with an update on everything.

UPDATES

5. Contingency Tracker (1413) General contingencies of \$212,000, separation pay-outs of \$96,000, equipment \$67,500 (local match for Sheriff's vehicles), IT revenue supported adjustments and legal contingency.
6. FY 2010 Commissioner Other (1453)
7. BOC Pending Requests (1465)
 - a. Sheriff Union – FY 2011 Concessions
 - b. On Hold
 - i. Nursing Home Cash Advance Repayment – Resolution for BOC (On Hold)
 - ii. Recorder Equipment Set Aside Fund (Follow-up 2011)

SPECIAL SESSIONS

8. Executive Session
 - a. Employment
9. Work Session Agenda

10:24 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Tommie Jo Marsilio**, seconded by **Christopher Smeiles** that the Board of Commissioners move into executive session to consider potential separation of an employee. **Also present:** Audrey Tillis. Roll call vote: Tommie Jo Marsilio, Yea; Christopher Smeiles, Yea; Maureen T. Frederick, Yea.

10:30 AM Upon conclusion of the above referenced discussion, it was moved by **Tommie Jo Marsilio**, seconded by **Christopher Smeiles** that the Board of Commissioners moves out of executive session. Roll call vote: Tommie Jo Marsilio, Yea; Christopher Smeiles, Yea; Maureen T. Frederick, Yea.

After exiting executive session, the Board took action by adopting two journal entries.

* * * * *
RESOLUTION No. 11-0030 - RE: BILLS APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.

It was moved by Tommie Jo Marsilio, 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 January 11, 2011 in the total payment amount of **\$402,032.63 for Funds 0001-7202** 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:

Christopher Smeiles, Yea; Maureen T. Frederick, Yea; Tommie Jo Marsilio, Yea;

* * * * *
RESOLUTION No. 11-0031 - RE: WIRE TRANSFER APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.

It was moved by Tommie Jo Marsilio, 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 January 11, 2011 in the total payment amount as follows:

1. \$375,978.48 for Medical Mutual Claims-Fund 7101; 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 Wednesday, January 12, 2011 \$ 375,978.48

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:

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea

*

*

*

*

*

RESOLUTION No. 11-0032

-

RE: APPROVAL OF JOURNAL VOUCHERS/ENTRIES.

It was moved by Tommie Jo Marsilio, 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:

01/10/11	122	\$ 36,411.03
01/10/11	121	209.79
01/10/11	120	29,962.71
Total		\$ 66,583.53

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea

*

*

*

*

*

RESOLUTION No. 11-0034

-

RE:

**CASH ADVANCE - FROM FUND 7201, WC RR P
GENERAL ADMINISTRATION TO FUND 7219, WC
RETRO RATING PLAN 2010**

It was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles that the following resolution be adopted:

WHEREAS, regular monthly charges are made to County Departments for Workers Compensation expenses, and

WHEREAS, obligations may occur before the crediting of these monthly charges into the Workers Compensation Retro Rating Plan Fund have occurred; now therefore be it

RESOLVED, that the following cash advance be made in the amount of \$ 100,000.00 in order to finance initial Fund 7219 obligations for Fiscal Year 2011;

FROM:

FUND 7201 WC RR P GENERAL ADMINISTRATION

ORGCODE – 72010189

Debit Expense Account

Object 920000 - Advances-Out \$ 100,000.00

TO:

FUND 7219, WC RETRO RATING PLAN 2010

ORGCODE - 72190182

Credit Revenue Account

Revenue Source 290000 - Advances-In \$ 100,000.00

The advance will be repaid no later than December 31, 2020 with revenue received from internal charge backs.

and be it further

RESOLVED, that the County Auditor is hereby requested to make said advance by Journal Entry, and that a certified copy of this resolution be filed with the County Auditor and the Human Resources Department, 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.

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

* * * * *
RESOLUTION No. 11-0036 - RE: DETERMINE THAT A REAL AND PRESENT EMERGENCY EXISTS ON THE ABC RAILWAY PORTION OWNED BY THE PORTAGE COUNTY BOARD OF COMMISSIONERS, KNOWS AS THE FREEDOM SECONDARY RAILWAY.

It was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles that the following resolution be adopted:

WHEREAS, the Portage County Board of Commissioners owns a certain line of railroad, known as the Freedom Secondary located between a point of connection with ABCR's Kent Main track at milepost 190.04± in the vicinity of Kent, Ohio and Milepost 182.82± on the westerly side of Peck Road, in the City of Ravenna, Ohio; and

WHEREAS, the Portage County Board of Commissioners has entered into an Operating Agreement with the Akron Barberton Cluster Railway Company, 44 Second Street, Akron, Ohio 44203 for the operation of the railroad line located at milepost 190.04± in the vicinity of Kent, Ohio and Milepost 182.82± in the vicinity of Ravenna, Ohio; and

WHEREAS, a sinkhole has developed around the storm sewer on the Freedom Secondary Railway line near Day Street in the City of Ravenna; and

WHEREAS, the sole contractor authorized by the Akron Barberton Cluster Railway Company to remove track is Wintrow Construction; now therefore be it

RESOLVED, that pursuant to ORC 307.86(A) and (B) (1) the Board of County Commissioners by a unanimous vote of its members, makes a determination that a real and present emergency exists and authorizes Wintrow Construction to remove approximately sixty (60) feet of track structure so that storm sewer repairs may be done; and be it further

RESOLVED, after the repairs are complete and roadbed is re-established to six inches (6") below the bottom of tie, the track shall be reconstruction with existing rail, plate, bars, and anchors utilizing new track bolts, new track spikes and relay cross ties; ODOT #4 limestone will be utilized for ballast and the track will be machine tamped and hand dressed; and be it further

RESOLVED, that the total cost for the removal and replacement of the track will be Thirteen thousand, one hundred fifty-five dollars and 44/100 dollars (\$13,155.44); and be it further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of the 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:

Christopher Smeiles, Yea; Maureen T. Frederick, Yea; Tommie Jo Marsilio, Yea;

* * * * *
RESOLUTION No. 11-0037 ~ RE: DETERMINE THAT A REAL AND PRESENT EMERGENCY EXISTS ON THE ABC RAILWAY PORTION OWNED BY THE PORTAGE COUNTY BOARD OF COMMISSIONERS, KNOWS AS THE FREEDOM SECONDARY RAILWAY.

It was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles that the following resolution be adopted:

WHEREAS, the Portage County Board of Commissioners owns a certain line of railroad, known as the Freedom Secondary located between a point of connection with ABCR’s Kent Main track at milepost 190.04± in the vicinity of Kent, Ohio and Milepost 182.82± on the westerly side of Peck Road, in the City of Ravenna, Ohio; and

WHEREAS, the Portage County Board of Commissioners has entered into an Operating Agreement with the Akron Barberton Cluster Railway Company, 44 Second Street, Akron, Ohio 44203 for the operation of the railroad line located at milepost 190.04± in the vicinity of Kent, Ohio and Milepost 182.82± in the vicinity of Ravenna, Ohio; and

WHEREAS, a sinkhole has developed around the storm sewer on the Freedom Secondary Railway line near Day Street in the City of Ravenna; now therefore be it

RESOLVED, that pursuant to ORC 307.86 (A (1) and (2) the Board of County Commissioners by a unanimous vote of its members, makes a determination that a real and present emergency exists and that three proposals were solicited accordingly as follows: Wintrow Construction Corporation (no bid); Lockhart Concrete \$14,998.00; Portage County Engineer Force Account \$16,768.27; and be it further

RESOLVED, the Board of County Commissioners authorizes Lockhart Concrete to replace 32 LF of failed 48 inch storm sewer at a cost of Fourteen thousand, nine hundred ninety-eight and 00/100 dollars (\$14,998.00); and be if further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of the 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:

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

*

*

*

*

*

RESOLUTIONS

January 11, 2011

1. Approval of Meeting Minutes from the January 6, 2011 regular Board Meeting and January 10, 2011 Special Meeting as presented.
2. Approve the Bills as presented by the County Auditor and reviewed by the Department of Budget & Financial Management./11-0030
3. Approve the wire transfer, as presented by the County Auditor./11-0031
4. Approve the Journal Vouchers as presented by the County Auditor./11-0032
5. Approve Then & Now as presented by the County Auditor./11-0033

*

*

*

*

*

INVITATIONS/MEETING NOTICES

January 11, 2011

1. Invitation from the Greater Akron Chamber for the Building Prosperity in Greater Akron Forum on Tuesday, January 18, 2011, 9:00 AM-4:00 PM, John S. Knight Center.
2. Invitation from the County Commissioners Association of Ohio for the "Second Wednesday's" seminar, January 12, 2011, in the Boardroom at the County Commissioners Association of Ohio office, Columbus.

*

*

*

*

*

INCOMING CORRESPONDENCE

DISCUSSION

January 11, 2011

1. January 5, 2011 memo from David Dhume, Madison County Commissioner, regarding appointment of Standing Committees for 2011. Completed forms requested by Thursday, January 20, 2011.
2. The Board of Commissioners received the following affidavits regarding the proposed annexation of 139.3981 acres from Hiram Township to the Village of Hiram.
 - A. Jamie Sitko
 - B. James and Mary Beeman

- C. Steven Kramer
- D. Carol Kramer
- E. Martin Moleski
- F. Hali Moleski

- 3. Discussion: Overtime for enterprise zone monitoring./Journal Entry
- 4. Discussion: County Commissioners Association of Ohio Regional Legislative Briefing Monday, March 14, 2011./Commissioner Frederick and Marsilio wish to attend.

* * * * *

JOURNAL ENTRY

January 11, 2011

- 1. The Board of Commissioners received the January 4, 2011 correspondence from the Portage County Sheriff's Department including the Monthly Record of Proceedings and Transactions for December 2010, in accordance with Ohio Revised Code Section 325.07.
- 2. The Board of Commissioners acknowledged receipt of the resignation of Blaine Baldasare, Portage County Water Resources Department Electrician, effective February 28, 2011. Copy forwarded to the Water Resources Department and the Human Resources Department.
- 3. The Board of Commissioners acknowledged the receipt of the December 22, 2010 reply from the Ohio Department of Development in response to the Portage County Board of Commissioners (on behalf of the Regional Planning Commission) FY 2009 New Horizons Fair Housing Program grant application was not funded. Resolution 09-1019 authorized the grant application. Referred to the Department of Budget & Financial Management for their files and information. The Regional Planning Commission was copied on the December 22, 2010 correspondence.
- 4. Board of Commissioners' signature requested on the January 11, 2011 correspondence to Dr. R. Scott Olds, Kent State University, supporting the R21 proposal to reduce childhood obesity through community collaborations and research.
- 5. The Board of Commissioners acknowledged receipt of the December 27, 2011 request for retire/rehire from Louie Munoz, Customer Service Specialist II at the Water Resources Department.

* * * * *

REFERRED

January 11, 2011

- 1. January 4, 2011 correspondence from Sheriff Doak, regarding Grant No. 2009-RA-A02-2323. Referred to Department of Budget & Financial Management.
- 2. January 5, 2011 memo from Jack Crews, Kent Regional Business Alliance, requesting funding payable to Ryan Brannon for \$6,000.00 for the Portage County Microloan. Referred to Department of Budget & Financial Management.

3. January 2011 correspondence from Jack Ferguson, Ravenna Area Chamber of Commerce, including Invoice No. 74 dated December 6, 2010 for Membership Dues for 2011. Referred to Economic Development for payment.

PLEASE ADD TO YOUR AGENDA

January 11, 2011

1. January 10, 2011 e-mail from Denise Smith, Prosecutor's Office, regarding proposed agreement between the County and the Portage Development Board./Revised agreement being prepared by Prosecutor Smith.
2. January 10, 2011 e-mail from Mickey Marozzi, County Engineer, regarding storm drain repair (sink hole issue)./Information Only.
3. January 7, 2011 e-mail from Chris Meduri, Prosecutor's Office, regarding storm drain repair (sink hole issue)./Information Only.
4. January 7, 2011 e-mail from Mickey Marozzi, County Engineer, regarding storm drain repair (sink hole issue)./Information Only.
5. January 10, 2011 email from Karen U'Halie, Human Resources Department, regarding overtime for enterprise zone development./Journal Entry
6. Discussion: Commissioner Frederick's telephone conversation with Judge Pittman regarding the reduction in cleaning./Information Only.
7. January 4, 2011 correspondence from Michael Hostler, Ohio Patrolmen's Benevolent Association to Sheriff Doak, regarding concession vote./Information Only.
8. January 10, 2011 e-mail from Neighborhood Development Services, requesting Commissioner Smeiles' signature on the Request for Release of Funds Environmental Review Record signed by Commissioner Keiper on December 16, 2010 for Emerald 5 with a new signature date of January 6, 2011 to accommodate a 15 day comment period./Journal Entry
9. Discussion: Does the Board wish to attend the Hydraulic Fracturing in 2011 meeting Wednesday, January 12, 2011 at 7:00 PM?
10. The Board of Commissioners received the Journal Entry regarding appraisal of site from Special Project Fund as presented by Judge Kevin Poland, Kent Municipal Court (referred to Department of Budget & Financial Management).

*

*

*

*

*

INFORMATION ONLY

January 11, 2011

1. January 6, 2011 e-mail from Office of Homeland Security and Emergency Management, including the FY2010 SHSP Local Guidance and Application document.
2. January 6, 2011 e-mail from Karen U’Halie, Human Resources Department to Barb Fleischmann, The Woodlands At Robinson, regarding COOP plan for The Woodlands.
3. January 6, 2011 e-mail from Interim Director Jeff Lonzrick, regarding the Sheriff’s water bill.

* * * * *

PROSECUTOR CORRESPONDENCE

January 11, 2011

1. January 7, 2011 e-mail from Denise Smith, regarding the FAA Grant requirement for the Airport/County land transfer.

* * * * *

Journal Entry

January 11, 2011

Motion by Tommie Jo Marsilio, seconded by Christopher Smeiles to approve the following actions:

1. The Board of Commissioners acknowledged receipt of the January 4, 2011 correspondence from the Portage County Sheriff’s Department including the Monthly Record of Proceedings and Transactions for December 2010, in accordance with Ohio Revised Code Section 325.07.
2. The Board of Commissioners acknowledged receipt of the resignation of Blaine Baldasare, Portage County Water Resources Department Electrician, effective February 28, 2011. Copy forwarded to the Water Resources Department and the Human Resources Department.
3. The Board of Commissioners agreed to advertise for a part time permanent electrician position within the Portage County Water Resources Department as presented by Interim Director Jeff Lonzrick.
4. The Board of Commissioners agreed to hire Donald Macko as Treatment Plant Operator II for the Water Resources Department as presented by Interim Director Jeff Lonzrick. The Board noted this hire is contingent upon the applicant passing a pre-employment physical and drug screen.
5. Upon the recommendation of Interim Director Jeff Lonzrick, the Board of Commissioners agreed to advertise for a part time temporary Equipment Operator I position to cover for a medical leave of a current employee within Portage County Water Resources Department.
6. Upon the recommendation of Interim Director Jeff Lonzrick, the Board of Commissioners agreed to rescind its prior approval to fill a vacancy for a Customer Services Specialist in Water Resources Department.

7. The Board of Commissioners acknowledged the receipt of the December 22, 2010 reply from the Ohio Department of Development in response to the Portage County Board of Commissioners (on behalf of the Regional Planning Commission) FY 2009 New Horizons Fair Housing Program grant application was not funded. Resolution 09-1019 authorized the grant application. Referred to the Department of Budget & Financial Management for their files and information. The Regional Planning Commission was copied on the December 22, 2010 correspondence.
8. The Board of Commissioners signed the January 11, 2011 correspondence to Dr. R. Scott Olds, Kent State University, supporting the R21 proposal to reduce childhood obesity through community collaborations and research as presented by Natalie Caine, School of Health & Science, Kent State University.
9. The Board of Commissioners acknowledged receipt of the December 27, 2010 request for retire/rehire from Louie Munoz, Customer Service Specialist II at the Water Resources Department.
10. The Board of Commissioners received the January 7, 2011 Amended Certificate of Estimated Resources for the year beginning January 1, 2011 as submitted by the Portage County Budget Commission (cc: Department of Budget & Financial Management).
11. The Board of Commissioners authorized a sanitary sewer credit for approximately 960,000 CF of lost water attributed to the water leak at the cooling tower, equal to an amount of \$51,771.14, be applied to the Portage County Justice Center billing, 8240 Infirmary Road, Ravenna from June 19, 2008 through December 16, 2010 as presented by Interim Director Jeff Lonzrick, Water Resources Department.
12. The Board of Commissioners accepted the recommendation of William Ulik, Director of the Portage County Department of Economic Development, and approved the payment of overtime for Executive Assistant Diana Fierle in an amount up to \$1,000, paid from Fund 1002 – Enterprise Zone Monitoring, for the preparation of Enterprise Zone, CRA and TIF reports, as well as her attendance at evening Tax Incentive Review Council meetings.
13. The Board of Commissioners authorized Commissioner Christopher Smeiles to sign the Request for Release of Funds Environmental Review Record signed by Commissioner Keiper on December 16, 2010 for Emerald 5 with a new signature date of January 6, 2011 to accommodate a 15 day comment period as presented by Neighborhood Development Services.
14. The Board of Commissioners signed the January 11, 2011 correspondence to the Ohio Office of Criminal Justice Services requesting a change in the Deputies funded through the Courtroom Deputies Grant No. 2009-RA-A02-2323 as a result of Portage County Deputies collective bargaining agreement shift bid process as requested by the Portage County Sheriff's Department and presented by the Department of Budget & Financial Management.

15. The Board of Commissioners acknowledged the receipt of the resignation of Chanel Mason, as Budget Analyst for the Department of Budget & Financial Management with a last day of employment being January 28, 2011 as presented by the Director Audrey Tillis, Department of Budget & Financial Management.
16. The Board of Commissioners authorized the advertisement for the full time permanent position for a Budget Analyst within the Department of Budget & Financial Management, posting both internally and externally as presented by Director Audrey Tillis, Department of Budget & Financial Management.
17. The Board of Commissioners authorized the use of Flex Time for the Commissioners' Executive Assistant Charlene Badger due to indigent defense appointed counsel invoice billing accumulation during end of the year shut down in order to meet State mandated timeline requirements.

All in favor, motion carries.

* * * * *

We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Commissioners' meeting on **January 11, 2011**. There being no further business to come before the Board, it was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles to adjourn the official meeting at **1:45 PM**. All in favor, motion carries.

Maureen T. Frederick, President

Tommie Jo Marsilio, Vice-President

Christopher Smeiles, Board Member

Amy Hutchinson, Acting Clerk

* * * * *