

Thursday, February 10, 2011

The Board of County Commissioners met in regular session on **Thursday, February 10, 2011 at 9:35 AM** with the following members present:

Christopher Smeiles

Maureen T. Frederick

Tommie Jo Marsilio

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It was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles to approve the meeting minutes of the February 8, 2011 meeting. All in favor, motion carries

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Also attending throughout the day: Mike Sever, Record-Courier; Hank Dunckel, member of the public

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Commissioner Frederick reported that at the Regional Planning Commission Executive Board Meeting last night, Director Todd Peetz advised that there had been some interest in the purchase of the RPC building. She also noted that the Executive Committee approved a repair to the roof in the amount of \$400.

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Mr. Dunckel asked for an update on the Kent Courthouse; Commissioner Smeiles responded that the Board of Commissioners is waiting for an appraisal of a site. Commissioner Frederick reported that John Epling told her at the Regional Planning Commission meeting last night that he has not been contacted by the architect about his site.

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INTERNAL SERVICES

February 10, 2011

DISCUSSION

1. The Director has been approached by Chesapeake leasing to determine if the county is interested in selling the mineral rights on 62 county owned acres in Suffield Township. Commissioner Smeiles stated that it would be the Pretty Glen Dam area. He added that there will be lots of interest in county mineral rights and the Board of Commissioners must decide if the Board wants to lease the property. If so, does the Board of Commissioners want to create an RFP? The Board needs to protect the aquifers. Commissioner Frederick stated that she attended a public meeting at Reed Memorial Library and suggested that the Board hold public meetings to discuss this issue. Mr. Dunckel commented that meeting was videotaped and will be on the Tea Party website.
2. The Board of Commissioners agreed that the Executive Assistant should create a list of county owned property so that the Board of Commissioners can determine which, if any, property should be leased. JT to contact the CCAO to determine their position on this issue and the Clerk is to schedule a meeting with Chesapeake to get general information regarding this proposal.

Commissioner Marsilio asked the Commissioners if they are concerned that the Board of Commissioners owns so much property?

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RESOLUTIONS

1. Enter into amendment no. 1 with Premier Therapy LLC for therapy services at the Woodlands from March 27, 2011 through June 30, 2011./11-135

Commissioner Frederick noted that she wanted to look at another provider but there would be no time to bid this. This action will allow RMH to proceed with the management takeover on July 1, 2011.

2. Enter into amendment no. 2 with Absolute Pharmacy for pharmaceutical services at the Woodlands on a month to month basis./11-136
3. Enter into a license agreement with Home Savings Bank for use of the Courthouse lawn on May 12th and July 21st, 2011 for the Home Heritage Concert Series./11-137
4. Enter into amendment no. 1 with Matthew L. West for biosolids application site services for the Water Resources Department./11-138

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10:20 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Christopher Smeiles**, seconded by **Tommie Jo Marsilio** that the Board of Commissioners move into executive session to discuss a departmental reorganization. **Also present:** Internal Services Director JoAnn Townend. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

10:45 AM Upon conclusion of the above referenced discussion, it was moved by **Christopher Smeiles**, seconded by **Tommie Jo Marsilio** 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 Journal Entry.

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10:45 AM Recessed to Solid Waste Management District
11:15 AM Board of Commissioners Reconvened

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PUBLIC MEETING

**Rehire of Portage County Retirant
Convened at 11:15 AM**

Present: Commissioners Frederick, Marsilio, and Smeiles; Water Resources Department Interim Director Jeff Lonzrick; James Akerley, Wayne Carkido, Don VanMetre, Commissioners' Clerk Deborah Mazanec

I. Commissioner Frederick opened the public meeting.

II. Purpose Of The Meeting – Deborah Mazanec, Clerk

This public meeting is being held in accordance with the Ohio Revised Code Section 145.381 to hear public comments and answer questions concerning the proposed rehire of James Akerley, Streetsboro Wastewater Superintendent for the Portage County Water Resources Department, rehire date on or about March 1, 2011.

Notice of this hearing was published in the Record Courier Newspaper on Thursday, December 30, 2010

III. Comments

- Commissioner Frederick asked Mr. Lonzrick for his recommendation. Mr. Lonzrick introduced James Akerley and stated that he recommends this rehire. Mr. Akerley is the Superintendent at the largest county wastewater plant; that position requires a Class 3 license. Mr. Akerley is currently paid \$24.24/hour and has agreed to a 5% decrease to \$23.03/hour. Mr. Akerley also currently receives five weeks of vacation, he will receive no vacation for the first year of rehire and then be entitled to two weeks of vacation per year. That will be a total departmental savings of \$7,300 this year.
- Mr. Akerley stated that he has accepted this proposal.
- Commissioner Frederick asked when Mr. Akerley was hired. Mr. Lonzrick responded April 2010. Commissioner Frederick stated that Mr. Akerley brought time with him from his former position at a municipality that Portage County must now pay out. Mr. Lonzrick responded that the county would have to make the same payout if Mr. Akerley retired.
- Commissioner Frederick asked if Mr. Akerley lives in Portage County; Mr. Akerley responded no, he lives in Cuyahoga County.
- Commissioner Marsilio asked Mr. Lonzrick what the position would be posted as dollar wise, if Mr. Akerley was not willing to be rehired. Mr. Lonzrick responded that Mr. Akerley is being paid mid-range in the system.
- Commissioner Frederick recalled that the licensure of applicants has been an issue in the past.
- Wayne Carkido, Wastewater Division Manager, commented that he was involved in the hire of Mr. Akerley and advised that the county received five applications for the position; three were not qualified.

IV. Hearing no further comment, the Public Meeting adjourned at 11:21 AM

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After the public meeting, the Board of Commissioners took action by Journal Entry.

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HUMAN RESOURCES

Present: Karen U’Halie, Vickie Steiner

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11:30 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Christopher Smeiles**, seconded by **Tommie Jo Marsilio** that the Board of Commissioners move into executive session for employee health benefits. **Also present:** Human Resources Director Karen U’Halie and Health Benefits Coordinator Vickie Steiner. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

11:35 AM Upon conclusion of the above referenced discussion, it was moved by **Christopher Smeiles**, seconded by **Tommie Jo Marsilio** 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 Journal Entry.

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11:45 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Christopher Smeiles**, seconded by **Tommie Jo Marsilio** that the Board of Commissioners move into executive session to discuss a departmental reorganization. **Also present:** Internal Services Director JoAnn Townend, Human Resources Department Director Karen U’Halie, Clerk Deborah Mazanec. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

12:05 PM Upon conclusion of the above referenced discussion, it was moved by **Christopher Smeiles**, seconded by **Tommie Jo Marsilio** 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.

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RESOLUTION No. 11-0128 - RE: BILLS APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.

It was moved by Christopher Smeiles, seconded by Tommie Jo Marsilio 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 February 10, 2011 in the total payment amount of **\$539,364.69 for Funds 0001-7000** 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.

the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the STATE has identified the need for the described project:

Feasibility study of routes for a connector hike and bike trail from Hiram College to Headwaters Trail
also connecting with Barrow Biological Field Station

NOW THEREFORE, be it ordained by Portage County of Portage County
(LPA)

Ohio.

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The LPA agrees to participate in the cost of eligible preliminary engineering activities that exceed the fund manager's stated federal maximums. These costs will be the responsibility of the LPA.

The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way costs include eligible utility costs. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3)

maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Consultants and Authority to Sign

The Portage County Engineer of said Portage County Commissioners is hereby empowered on behalf of (Contractual Agent) (LPA) the Portage County Commissioners to enter into contracts with ODOT pre-qualified consultants (LPA)

for the preliminary engineering phase of the Project and to enter into contracts with the Director of Transportation necessary to complete the above described project.

Upon the request of ODOT, the Portage County Engineer is also empowered to assign (Contractual Agent)

all rights, title, and interests of the Portage County Commissioners to ODOT arising from (LPA)

any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Attested: _____

(Administrative Assistant)

(Portage County Engineer)

CERTIFICATE OF COPY
STATE OF OHIO

Portage County Engineer _____ of Portage _____ County, Ohio
(LPA)

I, Michael A. Marozzi _____, as Engineer of the Portage County Engineer _____
(LPA)

of Portage County _____, Ohio, do hereby certify that the forgoing is a true and
correct copy of Resolution No. 11-0133 adopted by the legislative Authority of the said
(Ordinance/Resolution)

Portage County _____ on the 10th day of February _____, 2011
Engineer _____
(LPA)

that the publication of such Resolution No. 11-0133 has been made and certified of
(Ordinance/Resolution)

record according to law; that no proceedings looking to a referendum upon such
Resolution No. 11-0133 _____ have been taken; and that such Resolution No. 11-0133 _____
(Ordinance/Resolution) (Ordinance/Resolution)

and certificate of publication thereof are of record in Volume 74, Page _____
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if
applicable, this _____ day of _____, 20__

Clerk

(SEAL)
(If Applicable)

Portage County Engineer _____ of Portage County _____, Ohio
(LPA)

The foregoing is accepted as a basis for proceeding with the project herein described.
For the Portage County Engineer _____ of Portage County _____, Ohio
(LPA)

Attest: _____, Date _____

For the State of Ohio

Attest: _____, Date _____

Director, Ohio Department of Transportation

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RESOLUTION No. 11-0134 - RE: BOARD OF COMMISSIONERS' APPOINTMENT TO THE TAX INCENTIVE REVIEW COUNCIL FOR THE TOWNSHIP OF SHALERSVILLE.

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

WHEREAS, the Tax Incentive Review Council (TIRC) is an inter-jurisdictional body created to review and evaluate the performance of each Enterprise Zone Agreement; and

WHEREAS, the council is to annually review each Enterprise Zone Agreement and determine whether or not businesses have complied with the terms and conditions of the agreement; and

WHEREAS, an opening exists on the Tax Incentive Review Council for the Township of Shalersville; now therefore be it

RESOLVED, that the Portage County Board of Commissioners does hereby appoint the following to the Shalersville Township TIRC:

Chuck Casalacchio
8981 Peck Rd.
Ravenna, OH 44266

and be it further

RESOLVED, that the above mentioned board member serve a term commencing Feb. 10, 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.

Voice vote was as follows:

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

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RESOLUTION No. 11-0135 - RE: ENTER INTO AMENDMENT NO. 1 BETWEEN THE BOARD OF COMMISSIONERS AND PREMIER THERAPY LLC FOR THERAPY SERVICES AT THE WOODLANDS AT ROBINSON

4. Approve the Journal Vouchers as presented by the County Auditor./11-130
5. Approve Then & Now as presented by the County Auditor./11-131
6. A resolution to authorize the Portage County Engineer to execute the preliminary legislation agreement with the Director of the Ohio Department of Transportation for the project known as the Hiram Hike & Bike Trail feasibility study (County Engineer)./11-132
7. A resolution to authorize the Portage County Engineer to execute the preliminary legislation agreement with the Director of the Ohio Department of Transportation for the project known as the Hiram Hike & Bike Trail feasibility study (County Engineer ODOT's Agreement No. 24037)./11-133
8. Appointment to the Tax Incentive Review Council for the Township of Shalersville – Chuck Casalacchio, as recommended by the Township./11-134

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INVITATIONS/MEETING NOTICES

February 10, 2011

1. Invitation from Crestwood Primary School for a Community Breakfast on Tuesday, February 22, 2011 at Crestwood Primary Cafeteria, 7:30 AM.
2. Invitation from NEOTEC for the Liquid Crystals: International Business Opportunities Program on Wednesday, February 23, 2011, 3:00-5:00 PM, Kent State University.

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INCOMING CORRESPONDENCE

DISCUSSION

February 10, 2011

1. Discussion: Saturday, April 30, 2011 DEA Pharmaceutical Give Back Day at the O&M facility/Add to the calendar.
2. Discussion: Justice Center garage/additional storage needs/hold for a discussion with EMA Director Jon Barber
3. Discussion: NEOTEC Annual Dues per the Cooperative Agreement of the JOED for calendar year 2011 \$25,000.00/Clerk to schedule a meeting with NEOTEC Executive Director Ron DeBarr. The Board of Commissioners would like to know what NEOTEC has done for Portage County.

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JOURNAL ENTRY

February 10, 2011

1. Board of Commissioners' signature requested on the purchase requisition for Theodore Manfrass, AIA for additional architect services to rehabilitate unit at 164 Spruce St., Ravenna for \$500.00 as requested by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #3 Private Rental Rehab is funding this expense.
2. The Board of Commissioners received the Kennel Disposition Report for January 30, 2011 through February 6, 2011 as presented by Dave McIntyre, Dog Warden.
3. Board of Commissioners' authorization requested to pay the Portage County Regional Airport Authority Invoice No. 2011-78 dated February 9, 2011 for \$251.80 for reimbursement of the 10 cents per gallon in fuel costs for the Metro Life Flight helicopter, as approved by the Board of Commissioners in a Journal Entry adopted July 8, 2008, for the life of the 60 month lease with Metro Life Flight not to exceed \$6,000 annually.

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REFERRED

February 10, 2011

1. January 30, 2011 correspondence from Michael Hiler, Ohio Department of Development, regarding review and approval of the County's loan review report form for Dacon Industries Co for \$135,000.00 effective January 28, 2011. Referred to Neighborhood Development Services and Department of Budget & Financial Management.
2. February 1, 2011 correspondence from Michael Hiler, Ohio Department of Development, regarding review and approval of the County's loan review report form for Emerald Five, LLC for \$112,500.00 effective February 1, 2011. Referred to Neighborhood Development Services and Department of Budget & Financial Management.
3. January 28, 2011 correspondence from Michael Hiler, Ohio Department of Development, including a Notice of Project Specific Release of Funds Respecting Environmental Grant Conditions for Program Income Grant. Referred to Neighborhood Development Services and Department of Budget & Financial Management.
4. February 7, 2011 FAX from ABC/Amega Inc., regarding cancellation charges for the termination of the First Energy contract before its March 2012 expiration date for 211 S. Chestnut St., Ravenna \$50.00. Referred to Internal Services and Maintenance.
5. February 7, 2011 FAX from Office of Criminal Justice Services, including a confirmation of payment request for the Portage County Collaboration of Advocacy, Subgrant No. 2009-RA-D01-2184 for period ending December 15, 2011. Referred to Department of Budget & Financial Management.
6. February 7, 2011 correspondence from Dorothy Caldwell, Shalersville Township, recommending an appointment to the TIRC Committee/Resolution adopted today
7. Undated correspondence (received February 8, 2011) from Bruce Saxe, requesting consideration for the vacancy on the Robinson Memorial Hospital Board of Trustees. Referred to Executive Assistant.

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INFORMATION ONLY

February 10, 2011

1. February 3, 2011 memo from Joseph Hadley, NEFCO, including the two year audit for Fiscal years 2010 and 2009 and 2009 Management Letter.

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PROSECUTOR CORRESPONDENCE

February 10, 2011

1. February 8, 2011 correspondence from Leigh Prugh to Brian Salvagni Esq. Joseph D. Carney & Associates, LLC, regarding Koharchiks Sewer Backup claim/Information only.
2. February 7, 2011 correspondence from Denise Smith to Allen Tittle, Novak, Robenalt & Pavlik, LLP, regarding Case No. 5:11-CV-00154 (Shaver) /Information only.
3. February 3, 2011 correspondence from Leigh Prugh to Gerald Berger Esq., regarding Liamette LLC for Tap In Fees/Information only.

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JOURNAL ENTRY

February 10, 2011

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

1. The Board of Commissioners signed the purchase requisition for Theodore Manfrass, AIA, for additional architectural services to rehabilitate a unit at 164 Spruce Street, Ravenna for \$500.00, as presented by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #3 Private Rental Rehab is funding this expense.
2. The Board of Commissioners acknowledged the receipt of the Kennel Disposition Report for January 30, 2011 through February 6, 2011, as presented by Dog Warden Dave McIntyre.
3. The Board of Commissioners authorized payment of the Portage County Regional Airport Authority Invoice No. 2011-78 dated February 9, 2011 for \$251.80 for reimbursement of the 10 cents per gallon in fuel costs for the Metro Life Flight helicopter, as approved by the Board of Commissioners in a Journal Entry adopted July 8, 2008, for the life of the 60 month lease with Metro Life Flight not to exceed \$6,000 annually.
4. After holding the required public meeting today to hear comment on the proposed rehire of James P. Akerley, Streetsboro Wastewater Superintendent for Portage County Water Resources Department, the Board of Commissioners agreed to rehire Mr. Akerley, effective March 1, 2011, with a 5% hourly decrease from \$24.24 to \$23.03/per hour.

5. After meeting today in an Executive Session with Human Resources Department Director Karen U'Halie and Health Benefits Coordinator Vickie Steiner, the Board of Commissioners accepted the staff and Willis of Ohio recommendation and agreed to remove the exclusion of Injectable Drugs (Injectables) from the PPO Plan's RX coverage, effective March 1, 2011

6. After meeting today in an Executive Session with Internal Services Director JoAnn Townend, the Board of Commissioners agreed to promote Portage County Maintenance Department employees 1) Robert Tilden, Jr. from an LTC 4 to a MGMT 4 at \$17.77/hour, effective February 14, 2011 and 2) Mark Gilly from an LTC 4 to a MGMT 4 at \$17.77/hour, effective February 14, 2011. These employees will be working supervisors to improve the quality and efficiency of the Maintenance Department.

All in favor, motion carries.

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We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Commissioners' meeting on **February 10, 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 **12:06 PM**. All in favor, motion carries.

Maureen T. Frederick, President

Tommie Jo Marsilio, Vice-President

Christopher Smeiles, Board Member

Deborah Mazanec, Clerk

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