

**Tuesday, February 15, 2011**

The Board of County Commissioners met in regular session on **Tuesday, February 15, 2011 at 9:30 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 10, 2011 meeting. All in favor, motion carries

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Also attending throughout the day: Skip Welling, Hank Dunckel, Tom Smith

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### **PROSECUTOR**

Present: Denise Smith

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

The Board of Commissioners removed the following from the pending list, which have already been completed:

1. Possible combination of the Water Resources Department and the Solid Waste Management District/Attorney Smith advised that the two may not be combined but one Director could serve both. Commissioner Frederick reported that the Board of Commissioners is still discussing these changes and it is now a policy issue.
2. Edward Shaver Estate of Mark Shaver vs Brimfield Township et al – Attorney Smith has responded
3. The review of the Solid Waste Management District Driver Policy – CDL has been completed by the Prosecutor's Office.
4. There is no further action required for the CHIP Program Rehab of the Gwin property on Sheldon Road-NDS.
5. Portage Development Board Representation/the Board of Commissioners adopted Resolution 11-0145 today appointing Commissioner Smeiles to serve as the County designee.

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### **Prosecutor's Correspondence**

1. February 9, 2011 confidential correspondence from Leigh Prugh, regarding Cleveland to Aurora Waterline/Discussed in Executive Session today with Attorney Smith

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9:43 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 conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. **Also present: Attorney Denise Smith.** Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

10:15 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 of Commissioners took no action.

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### **WOODLANDS AT ROBINSON**

Present: Barb Fleischmann, Mike Coury, DON Cathy Eggleston, Human Resources Department Director Karen U'Halie

Ms. Fleischmann advised that the Census today is at 69. The Administrator presented the 2011 admission summary. Commissioner Frederick asked if staff can track the number of inquiries about the facility versus the number who actually choose to be admitted to The Woodlands.

Commissioner Marsilio asked about weekend and evening admissions, is there a process in place? The DON responded that the process is smooth if there are previous approvals of insurance coverage. However, neither staff nor the insurance companies are available on weekends and cannot approve. Residents can come in on a weekend as a private pay resident until insurance can be approved. Commissioner Marsilio suggested that the staff work on a smoother process for evening and weekend admissions. The DON stated that those are isolated cases of being turned away on a weekend or evening. Mike Coury offered to check the database to determine how many weekend and evening admissions were made. Commissioner Marsilio stated that, if other facilities are more efficient in admissions, we should improve our process. The Nursing Home Administrator noted that admissions are also reviewed clinically and are approved by an RN. Some facilities take admissions 24 hours a day; the DON stated that the Portage County facility could but insurance companies are not available.

Commissioner Smeiles noted that the engineering team came from Robinson Memorial Hospital yesterday to look at the facility. Staff knew that they would be on site, but did not see them.

The Nursing Home Administrator reported that Kim Conner and Ted Yates are working together on the current residents' collection cases.

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There was a discussion regarding the Storm Water Program in Portage County. The Board of Commissioners agreed that the clerk should schedule a meeting with the Committee and invite the County Auditor and Treasurer. Commissioner Frederick stated that she would like to expand the Committee to include both a Regional Planning Commission and Township representative. Tom Smith stated that it would be nice if the Townships received some of the storm water monies.

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**MOTOR POOL**

Present: Joe Dillon

Discussion:

- 1. The Board of Commissioners noted that they reviewed with Audrey Tillis her example of FY FY 2012 Weighted Vehicle Service Charge based on Compensation and base operating budget.
- 2. The Director updated the Board of Commissioners pertaining to shop equipment purchases and the hire of a part time employee/Purchase Orders are open and orders have been sent out; some will require electrical hook-up.

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**DEPARTMENT OF BUDGET & FINANCIAL MANAGEMENT**

Present: Audrey Tillis

RESOLUTIONS

- 1. Cash Advance from Fund 5400, PCW General Administration to Fund 5508, PCW Ravenna Training and Logistics./11-144

OTHER

- 2. Journal entry approval(s):
  - a. Veteran Services Memorial Day Expenses
  - b. Grand Juror Fees

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11:15 AM Lunch Recess

1:05 PM Board of Commissioners reconvened with the Geauga County Board of Commissioners for the Joint Juvenile Detention Center Board of Commissioners' meeting

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1:40 PM Board of Commissioners reconvened

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1:40 PM 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 discuss a departmental restructuring. **Also present: DBFM Director Audrey Tillis.** Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

2:16 PM 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.

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**WATER RESOURCES**

Present: Interim Director Jeff Lonzrick, Windham Mayor Donham, Council President Linda Rininger, Water Superintendent Bruce Rininger, Attorney Leigh Prugh, Attorney Tom Reitz

**Windham Water and Sewer Agreement**

The Mayor gave a brief history of this agreement between the village and the county noting that there are only two remaining issues to resolve; the tap-in clarification and the curtailment language.

The Mayor reported that the village legislation was adopted using the best information they had at the time. Attorney Tom Reitz will ask Council to repeal Ordinance 2010-49 and start from scratch with correct language regarding the tap-in fee/gallons per day. He will draft the verbiage and get it to Attorney Leigh Prugh for final review, working out the details on the curtailment verbiage. The tap in will occur within the next 5-6 months so the agreement should be completed prior to that.

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- 1. **SIGNATURES** - Approval to fill Temporary Equipment Operator I position. /Journal Entry
- 2. **JOURNAL ENTRY** - Welling Property Assessment – Finalize, Sign and Mail attached letter confirming assessment has been paid for Atwater MHP./Journal Entry

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2:50 PM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Tommie Jo Marsilio**, seconded by **Maureen T. Frederick** that the Board of Commissioners move into executive session to discuss a departmental restructuring. **Also present: Interim Director Jeff Lonzrick**. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

2:55 PM Commissioner Smeiles attending

3:15 PM 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.

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**PALMER CONSERVATION CONSULTING**

Present: Earl Reid, JoAnn Townend, Charlene Badger

Mr. Reid gave a brief history of his background. He now works for Palmer Conservation Consulting and brings information to the Board of Commissioners about how to reduce energy costs. Senate Bill 221 mandates that the county reduce its electric energy usage by 22% by 2025. He reported that the bill is not yet signed but First Energy has this program in place already.

Mr. Reid advised the Board of Commissioners that First Energy has two plans in place; one is a payment plan that provides funding for projects installed that save money and the second is a DSE2

Opt Out Plan. The DSE2 Plan will charge an additional cost for each kilowatt-hour of electricity consumed by non-residential customers in order to recover the costs associated with peak demand reduction and energy efficiency programs. The fee can be avoided by demonstrating implementation of qualifying energy efficiency projects. Qualifying projects include customer-sited renewables, demand response and peak demand reduction programs, and energy efficiency programs.

The Board of Commissioners agreed to think about this proposal and get back to Mr. Reid.

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**RESOLUTION No. 11-0139 - 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 February 15, 2011 in the total payment amount of **\$216,188.54 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:

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

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**RESOLUTION No. 11-0140 - 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











RESOLUTION No. 11-0145

RE: APPOINT COMMISSIONER CHRISTOPHER SMEILES AS THE PORTAGE COUNTY BOARD OF COMMISSIONERS' APPOINTMENT AS A DESIGNATED DIRECTOR FOR THE PORTAGE DEVELOPMENT BOARD (PDB) FOR 2011.

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

**WHEREAS,** the Portage Development Board (PDB) was created to provide leadership to serve the needs of greater Portage County, Ohio region by developing and operating programs to promote the economic development of the region; and

**WHEREAS,** the goals of the PDB are to:

- Assist existing businesses with retention and expansion plans and support the existing employment base in Portage County.
- Market Portage County to attract new business investment.
- Implement a countywide economic development program to advance the Portage County economy with quality job creation; and

**WHEREAS,** the initial board of directors shall consist of designated directors and elected directors. The total number of directors shall not exceed 36; and

**WHEREAS,** designated directors shall serve while holding office and are not elected. The total number of designated directors will be 11 and shall be represented by one Portage County Commissioner, now therefore be it

**RESOLVED,** by the Board of County Commissioners, Portage County, Ohio, that the following board appointment be made:

Commissioner Christopher Smeiles, a member of the Board of County Commissioners, shall serve as a designated director on the Portage Development Board for the year 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 meeting 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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## **RESOLUTIONS**

February 15, 2011

1. Approval of the meeting minutes from the February 15, 2011 regular Board meeting.
2. Approve the Bills as presented by the County Auditor and reviewed by the Department of Budget & Financial Management./11-0139
3. Approve the journal vouchers as presented by the County Auditor./11-0140
4. Approve the then & now as presented by the County Auditor./11-0141
5. Authorize the Portage County Engineer to execute the Local Public Agency (LPA) Agreement No. 24106 with the Director of the Ohio Department of Transportation for the 2011-2013 Crash Data/High-Hazard location analysis study update on all county highways in Portage County (County Engineer)./11-0142
6. Amend Resolution No. 10-0923 to modify the list of bridges posted for weight reductions in Portage County./11-0143

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## **INVITATIONS**

February 15, 2011

1. Invitation from Willis for the Show Me the Money! Understanding Compensation Philosophy and Design program on Wednesday, April 6, 2011, 8:00 AM, Crowne Plaza Independence.
2. Invitation from Kent State University for the Grand Opening of The Campus Kitchen Project at Kent State University on Wednesday, February 23, 2011 in the 2<sup>nd</sup> Floor Kitchen, Beall Hall, 5:00 PM.

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## **INCOMING CORRESPONDENCE**

February 15, 2011

1. Discussion: MOU with the Portage County Regional Airport Authority/The Board of Commissioners agreed to forward this draft to the Airport Board and invite President John Trew to meet with them to discuss.
2. January 24, 2011 correspondence from Elizabeth Siman, regarding the annexation of Hiram Township to the Village/information only.
3. The Board of Commissioners received the United State of America Federal Energy Regulatory Commission Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene and Competing Applications for applicant: Mahoning Hydropower LLC, Project No. 13954-0000. Deadline for filing comments is 60 days from January 31, 2011/Forward to the Deerfield and Palmyra Township Trustees for their files and information.

4. February 9, 2011 correspondence from A supporter of the Portage Animal Protective League, regarding the shelter/Forward this unsigned correspondence to the APL.
5. February 11, 2011 memo from Linda Black, regarding Water Resources sewer hookup/The Board of Commissioners agreed that the Executive Assistant should prepare a draft response for their review.
6. January 25, 2011 correspondence from Brenda Gerhardstein, Ohio Department of Administrative Services, regarding exemptions from classified services – Executive Assistant Charlene Badger/Forward to the Human Resources Department Director/Information only.
7. Undated correspondence (received February 11, 2011) from R.J. Kunkle, The Traditions Group, regarding masonry structure rejuvenation/Forward to the Internal Services Director for her files and information.
8. February 9, 2011 e-mail from Director Jon Barber, Office of Homeland Security and Emergency Management, regarding the COOP plan/Board of Commissioners to discuss with Director Barber on 2-17-11.
9. February 10, 2011 e-mail from Mickey Marozzi, County Engineer, regarding budget expenditures/Clerk to schedule the Storm Water Committee and invite the County Auditor and the County Treasurer to attend.
10. Discussion: Saturday, April 30, 2011 DEA Pharmaceutical Give Back Day at the Portage County Water Resources O&M Facility/Journal Entry.

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**JOURNAL ENTRY**

February 15, 2011

1. Board of Commissioners’ authorization requested to have Commissioner Frederick sign the Ohio Community Development Block Grant Program Final Performance Report for September 1, 2008-December 31, 2010 for Grant No. B-C-08-1CJ-1 for \$67,600.00 and B-C-08-1CJ-2 for \$367,300.00 as requested by Neighborhood Development Services. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
2. Board of Commissioners’ signature requested on the payment authorization form for J. Eslich Construction & Equipment for Windham Village building demolitions for \$28,780.00 as requested by the Regional Planning Commission. The B-Z-08-1CJ-1 Neighborhood Stabilization Program Demolition Activity is funding this expense.
3. The Board of Commissioners received the BiAnnual Strategy Implementation Report (BISR) filed bi-annually to the Office of Homeland Security as presented by the Office of Homeland Security and Emergency Management.

4. January 31, 2011 Notice from the Ohio Division of Liquor Control of a request for transfer of liquor license from Non Corundum Ilegitimi LLC dba County Line Bar & Grille to C&C Associates, Inc, Randolph Township. Does the Board of Commissioners wish to request a hearing? The Randolph Township Trustees were notified and have no objections; they are not requesting a hearing. Board of Commissioners' authorization also requested to have the Clerk sign and return the Notice.
5. Board of Commissioners' authorization requested to pay Invoice No. 3708 dated February 8, 2011 to Laura E. Pavlick, RMR, for Court Reporting Services for the Hiram Annexation Hearings on February 2, 4, and 7, 2011 \$475.00.
6. Board of Commissioners' signature requested on the payment authorization form for R2K Contracting Inc. for Townhall II exterior renovations located at 155 N. Water Street, Kent for \$1,963.29 as requested by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #06 Neighborhood Fac/Community Center is funding this expense.
7. Board of Commissioners' signature requested on the payment authorization form for R2K Contracting Inc. for rehabilitation of Kevin Coleman house located at 164 E. Spruce St., Ravenna for \$11676.60 as requested by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #4 Private Rental Rehab is funding this expense.

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**REFERRED**

February 15, 2011

1. Undated correspondence (received February 9, 2011) from Ernest Sayre, Portage County Agricultural Society dba Randolph Fair, regarding booth space for the 2011 Fair to be held August 23-August 28, 2011. Referred to Executive Assistant.
2. The Board of Commissioners received the answer of defendants, Brimfield Township, David Knarr and David A. Blough Jury Demand for Case No. 5:11-CV-00154-DDD as presented by the US District Court Northern District of Ohio Eastern Division. Referred to Prosecutor's Office.

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**INFORMATION ONLY**

February 15, 2011

1. The Board of Commissioners received a copy of The Reminger Report entitled Anti-Retaliation Laws Afford Protection to Individuals Other Than the Employee Engaging in the Protected Activity.

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**JOURNAL ENTRY**

February 15, 2011

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

1. The Board of Commissioners authorized Commissioner Frederick to sign the Ohio Community Development Block Grant Program Final Performance Report for September 1, 2008-December 31,

2010 for Grant No. B-C-08-1CJ-1 for \$67,600.00 and B-C-08-1CJ-2 for \$367,300.00, as presented by Neighborhood Development Services. Documents reviewed by the Department of Budget & Finance with no exceptions noted.

2. The Board of Commissioners signed the payment authorization form for J. Eslich Construction & Equipment of Louisville, Ohio for the Windham Village building demolitions for \$28,780.00, as presented by the Regional Planning Commission. The B-Z-08-1CJ-1 Neighborhood Stabilization Program Demolition Activity is funding this expense.
3. The Board of Commissioners acknowledged the receipt of the Biannual Strategy Implementation Report (BISR) filed bi-annually to the Office of Homeland Security, as presented by the Office of Homeland Security and Emergency Management.
4. In response to the January 31, 2011 Notice from the Ohio Division of Liquor Control of a request for transfer of liquor license at 4 SR 44 & Deck 1<sup>st</sup> Fl Bsmt & Deck, from Non Corundum Ilegitimi LLC dba County Line Bar & Grille to C&C Associates, Inc, Randolph Township, the Board of Commissioners agreed to not request a hearing noting that the Randolph Township Trustees were notified and have no objections. The Board of Commissioners authorized the Clerk to sign and return the Notice.
5. The Board of Commissioners authorized payment of Invoice No. 3708 dated February 8, 2011 to Laura E. Pavlick, RMR, for Court Reporting Services for the Hiram Annexation Hearings on February 2, 4, and 7, 2011 for \$475.00.
6. The Board of Commissioners signed the payment authorization form for R2K Contracting Inc. of Rootstown for Townhall II exterior renovations located at 155 North Water Street, Kent for \$1,963.29, as presented by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #06 Neighborhood Fac/Community Center is funding this expense.
7. The Board of Commissioners signed the payment authorization form for R2K Contracting Inc. of Rootstown for the rehabilitation of the Kevin Coleman house located at 164 East Spruce Street, Ravenna for \$11676.60, as presented by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #4 Private Rental Rehab is funding this expense.
8. The Board of Commissioners approved the February 15, 2011 request to hire Scott Nottingham as a Temporary Equipment Operator I position for the Portage County Portage County Water Resources, as presented by Interim Director Jeff Lonzrick. The Board of Commissioners notes that this hire is contingent upon the applicant passing a pre-employment physical and drug screen.
9. The Board of Commissioners authorized Portage County Water Resources Department Interim Director Jeff Lonzrick to sign the February 15, 2011 correspondence to Laura Brady, Krugliak, Wilkins, Griffiths & Dougherty, verifying that tap-in fee credits remain and are available to future owners/developers of the Atwater Township Mobile Home Park, Lot N.E. 3.84 Acres and Lot 59 – 83.00 acres (Welling Properties).

10. The Board of Commissioners accepted the recommendation of Water Resources Department Interim Director Jeff Lonzrick and authorized the Federal Drug Enforcement Administration (DEA) to hold a Pharmaceutical Collection Event on Saturday, April 30, 2011 at the Portage County Water Resources Department Operations & Maintenance Facility located at 8116 Infirmary Road in Shalersville Township, as required in Part III of the Streetsboro Wastewater Treatment Plant NPDES Permit for the Streetsboro Regional Sewer District and Portage County Regional Sewer District.
11. The Board of Commissioners authorized the advertisement for a part-time Automotive Technician for the Portage County Motor Pool.
12. The Board of Commissioners accepted the recommendation of Department of Budget & Financial Management Director Audrey Tillis and authorized the transfer of \$8,500 from the General Fund Contingency to the Portage County Veteran Service for Memorial Day expenses.
13. The Board of Commissioners accepted the recommendation of Department of Budget & Financial Management Director Audrey Tillis and authorized the transfer of \$5,220 from the General Fund Contingency to the Portage County Common Pleas Court Juror Fee line.

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 15, 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 4:00 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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