

**Tuesday, March 15, 2011**

The Board of County Commissioners met in regular session on **Tuesday, March 15, 2011 at 11:20 AM** with the following members present:

Christopher Smeiles

Tommie Jo Marsilio

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Commissioner Frederick: Absent

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It was moved by Christopher Smeiles, seconded by Tommie Jo Marsilio to approve the meeting minutes of the March 10, 2011 meeting. Commissioner Frederick absent, motion carries

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Also attending throughout the day: Mike Sever, Record-Courier; Leo Nagle and Hank Duncel

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**PROSECUTOR'S OFFICE**

Present: David Brode

Attorney Brode is attending today for Board of Commissioners' authorization to accept and execute the final settlement for Tara Reed, Workers' Compensation Case No. 2009 CV 01896/11-0242

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Attorney Brode confirmed that he has reviewed the documents for the anticipated Streetsboro Enterprise Zone Agreement and approved them as to form.

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**THE WOODLANDS AT ROBINSON**

Present: Barb Fleischmann, Mike Coury, Allison Goudy, Cathie Eggleston, Karen U'Halie, Janet Esposito

The Nursing Home Administrator reported that the census today is at 66 with three residents in the hospital.

The Nursing Home Administrator presented the 2011 Admission Summary for Board review.

The Nursing Home Administrator commented that the labor management meeting held yesterday went well; the group agreed to continue to meet every 30 days. Commissioner Marsilio reported that all parties agreed to communicate changes better. She added that Robinson Memorial Hospital CEO Steve Colecchi joined the meeting to try to answer questions. He will have an update about the bargaining unit within the next 30 days.

Commissioner Marsilio added that there was discussion at the labor management meeting about the use of mandatory overtime or use of agency personnel and it was agreed that the Nursing Home will

hire additional staff. Ms. Goudy presented several personnel action form for Board approval noting that these hires will alleviate some of the concern about mandated overtime/Journal Entry.

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 to consider an employment contract. **Also present: Nursing Home Administrator Barb Fleischmann**. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Absent.

11:42 AM Barb Fleischmann left the Executive Session

11:53 AM Upon conclusion of the above referenced discussion, it was moved by **Christopher Smeiles**, seconded by **Tommie Jo Marsilio** that the Board of Commissioners move out of executive session. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Absent.

After exiting Executive Session, the Board of Commissioners took no action.

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**MOTOR POOL – Cancelled**

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**Executive Assistant attending**

Ms. Badger reported that she has completed the listing of county owned property for consideration of leasing for the mineral rights. Commissioner Smeiles commented that the Board of Commissioners must decide if they want to lease any property and if so, to what company. Commissioner Marsilio asked if the Board of Commissioners has done any analysis in the past about leasing. Commissioner Smeiles responded that the Commissioners leased Towner’s Woods years ago, Robinson Memorial Hospital leases property and the Board of Commissioners has leased county owned property around the Administration Building. He added that the companies generally require a 40 acre parcel for consideration. The county owns 50 acres on Infirmary Road (the former location of the County Engineer’s salt shed), the Cleveland Road site of the former County Engineer’s Facility, water well sites in Suffield Township and in Twin Lakes, and the Justice Center area.

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Noting the receipt of the electronic transcripts for the Hiram Township to Hiram Village Annexation Public Hearing, the Board of Commissioners agreed that the county will make one copy of the transcript for our official record but charge the petitioner 5 cents per page for that copy.

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**PROSECUTOR – Sheriff not available to attend - meeting rescheduled to March 17, 2011 at 9:00 AM**

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**WATER RESOURCES**

Present: Jeff Lonzrick, Charlene Badger

- 1. **RESOLUTION -** Enter into a Settlement and Release Agreement between the

Portage County Board of Commissioners and the Ohio American Water Company relative to Bulk Water Billing.

The Director advised the Board of Commissioners that in July 2010 the Water Resources Department replaced a meter used to calculate bulk water supplied to the Ohio American Water Company (OAWC), which provides water to Aurora East residents. The meter was replaced with a newer style that is more accurate at lower flows. When the OAWC received its first bill after that replacement they called the Water Resources Department to advise that the bill was considerably larger than previous billings. It has been determined that the OAWC was under billed in the amount of \$10,906.04 for the period November 2007 – July 2010. The Director recommends that Board of Commissioners enter into a Settlement and Release Agreement with the Ohio American Water Company. The Director noted that Attorney Leigh Prugh prepared the agreement/11-0240

**2. DISCUSSION**

The Director advised that a resident on Meldon Drive in Streetsboro has had two sewer backup in the past and has asked for reimbursement from the County. The first back up occurred on April 10, 2009 and a blockage was cleared from the resident’s private lateral. The second backup occurred on November 19, 2010 and the blockage may have been located in the shared lateral which his residence connects to the main sewer through. There was no significant storm event preceding the 2010 backup that could have been a contributing factor. The Water Resources Department inspected the main line sewer serving the property and found it to be flowing unimpeded and in good condition. The Water Resources Department investigated the shared lateral and found that it was deteriorated at the point where it makes a stream crossing. The Water Resources Department completed the lateral repairs on December 9, 2010. The Director reported that both the homeowner’s insurance and CORSA have rejected the claims. Since the Water Resources Department was not negligent in either of these backups, the Director recommends not compensating the homeowner.

Commissioner Marsilio stated that she is comfortable denying payment if that is the Director’s recommendation. Commissioner Smeiles commented that he would not pay the 2009 invoice but would consider paying the 2010 invoice if there is any question that the county may have some responsibility. Commissioner Marsilio agreed/Journal Entry

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12:56 PM Lunch Recess

2:05 PM Board of Commissioners reconvened

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**STORM WATER TASK FORCE STEERING COMMITTEE**

Present: Mickey Marozzi; Janet Esposito; Steve Shanafelt; Chip Porter; James Bierlair; Brian Kelley; Charlene Badger; Rebecca Bralek, Health Department Storm Water Staff

## **Discussion of the Portage County Storm Water Program**

Mickey Marozzi noted that the residents who are complaining about the program end up calling the County Engineer's staff only after they have contacted staff in other departments. Commissioner Frederick was upset with the County Engineer because someone told her that they were told to contact the Board of Commissioners and not the County Engineer. Mr. Marozzi stated that his charge is to administer a storm water program for the Board of Commissioners. He, Chip Porter and James Bierlair have been working for 18 months to implement the program and attain the six minimum control measures. The funds collected through the real estate assessment pay the three entities and money is set aside for other programs like the septic program to be administered by the Regional Planning Commission.

Mr. Marozzi stated that the questions seems to be "what are we doing with the money – where is it going?" The County Engineer has contracted with the Health Department and the Soil & Water Conservation District for services to meet the requirements of the EPA's minimum control measures.

Mr. Bierlair presented an overview of the program beginning in 2009. He reported that the EPA also requires an organizational chart including the villages and cities that are co-permittees with Portage County. Mr. Marozzi added that the two cities collect their own assessments for their storm water programs.

The Storm Water Program Annual Reports that the Soil & Water Conservation District prepares prove to the EPA that Portage County is in compliance. Mr. Marozzi added that all county residents pay the storm water assessment even though not all of the townships are regulated under all six minimum control measures. The unregulated townships do not have to be a co-permittee for the NPDES.

Health Commissioner Porter noted that all of the townships will be included in Phase III; we are now in Phase II. There will be an easy transition to Phase III since the communities are up to speed in the program and will not be behind when they all must participate. Mr. Marozzi added that the Phase I started about 15 years ago for the largest cities in the country. Phase II came out in 2003 and medium sized counties had to participate. The EPA identified population densities that affected portions of communities not following subdivision boundaries. Phase III could be coming in three years and will include all other communities, as mandated by the Clean Water Act. Portage County is treating the entire county as a regulated community in anticipation of Phase III. This lessens the burden on county taxpayers.

Chip Porter stated that his department is responsible for the illicit discharge and elimination in the county, which is a minimum control measure. The Health Department has identified 3000 illicit discharges although about 600 are in Aurora and/or Ravenna. He will map the GPS locations of the illicit discharges and added that most program work in 2010 was survey oriented and the creation of an inventory list. Only complaints will be investigated this year but next year the Health Department will be able to investigate identified illicit discharges. He noted that the Septic System Program will be in place by the end of this year and money should be available to assist residents.

The County Engineer reported that last year the Soil & Water Conservation District was paid \$211,000; this year the contract is for \$219,000. Last year the Health Department was paid \$205,000; this year

the contract is for \$200,000. These contracts will increase as funding increases. Mr. Marozzi is proposing a contract this year for his department to identify outfalls along township and county roads. The biggest budget item is \$275,000 allowed for the septic system program.

Commissioner Smeiles asked what the ramifications would be if the Board keeps the monthly fee at \$1.50. Mr. Marozzi replied that the initial recommendation was an assessment of \$3/month but he lowered it after the public hearings. Commissioner Smeiles suggested exploring the idea of capping the fee at \$1.50. Mr. Marozzi responded that he would not recommend capping the fee mainly because he has not yet started the maintenance work on the storm water retention basins, which was deferred until the fees increased. By ramping up the fees instead of starting at \$3.00/month, the Board created a slower start than anticipated. All of the minimum control measures compliance cannot be met with the \$1.50/month fee. If the Board of Commissioners wants to cut the program, the Commissioners must direct the Steering Committee as to what they want to accomplish and how the money should be spent.

Commissioner Smeiles asked how the rest of the state is complying. Mr. Marozzi responded that Lucas County is about to come on line culminating a several month period for a consultant to create a storm water utility at a cost of \$600,000. Portage County paid \$180,000 for the same process. The utility has not been implemented yet awaiting the completion of negotiations.

Commissioner Porter noted that the Ohio EPA will continue to enforce this program under the US EPA mandate. Mr. Marozzi reminded the Board of Commissioners of the \$1000/day fines as threatened by the EPA before this program was implemented.

Commissioner Smeiles noted that a 50 cents per resident increase is about \$300,000. Commissioner Marsilio asked if the budget includes how this money will be spent? Mickey Marozzi responded yes. Commissioner Marsilio asked if Mr. Marozzi could give the Board of Commissioners a recommendation as to how to proceed if the Board of Commissioners freezes the fee at \$1.50. He replied that Portage County cannot meet the minimum control measure requirements with \$1.50/month. Chip Porter suggested that the Board of Commissioners approve the next 50 cent increase to \$2.00 and then consider a freeze of the fee at \$2.00 to allow the county to move forward. Mr. Marozzi reminded the Board of Commissioners that they would have to reduce the monies allowed for the septic system program if the fee remains at \$1.50. That program is planned to increase that program since it is a discretionary program.

Commissioner Smeiles asked how soon the Auditor/Treasurer would have to know if the Board of Commissioners changes the fee or keeps it the same. Auditor Esposito responded that the charges are due to her office by the second Monday in September.

Health Commissioner Porter stated that they are making more than a good faith effort in complying with the NPDES permit.

Members of the public asked several questions about the retention basin program, the \$180,000 set aside for septic repairs this year, which will increase to \$275 K if the fees increase. Leo Nagle asked why construction/building fees don't cover the Soil & Water Conservation District costs instead of the

storm water fees covering their costs. Commissioner Smeiles responded that the Portage County Subdivision Regulations revision should address that issue.

Mr. Dunkel asked if the education part was to the public or to students. Mr. Bierlair responded for students as well civic groups Chip Porter added that there is a program in place for organizations to lower their fees by participating in available programs.

The Board of Commissioners thanked the group for attending with this information.

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### **KENT MUNICIPAL COURTHOUSE DISCUSSION**

Present: Judge Oswick, Judge Poland, Judge Fankhauser, Linda Fankhauser, JoAnn Townend, Nicole Jones

Commissioner Marsilio commented that she has reviewed the files and now believes that the current building is ill equipped to handle those with disabilities and is not adequate for the current purpose. The county cannot put “do nothing” on the table.

Judge Oswick responded that there is now “\$3 million” in a fund for this building project and the Judges have been good stewards of that money. If the money is coming from defendants not taxpayers, why is money still an issue. The Judge added that she believes there is an obligation to the taxpayers to spend this money.

Commissioner Marsilio responded that \$8-9 million is a lot of money regardless of where it comes from. She wants to proceed with caution in these tough economic times, being good watchmen of public money. She agrees that there is a need for a better facility but she receives phone calls from citizens concerned about how the county spends money.

Judge Fankhauser commented that he appreciates Commissioner Marsilio’s comments. He has no problem not building the Taj Mahal or with not buying land the county doesn’t already own. Commissioner Smeiles remarked that from 2004 on, the Judges have been good partners; being compliant in doing what was requested in finding the money and being involved in meetings. Judge Oswick pointed out that she still believes that people do not understand that the Judges have been collecting money for this purpose. This has been the plan and the Judges have been working at this.

Commissioner Smeiles noted that he is concerned about the pace of the project. The architect provided a time line that looks like once the building is designed and bids go out, we would be pouring concrete in the middle of next winter. Fast tracking would be September but it would be tough to be under roof by fall.

Judge Poland stated that he appreciates Commissioner Marsilio’s getting phone calls but reiterated that this money is not coming out of the General Fund. He asked if Commissioner Marsilio advises callers that this is not a General Fund obligation but will be funded by court costs? Commissioner Marsilio responded yes, and it does not go well. The concern is not how the money got there, but that the county be appropriate in our spending. Judge Poland replied that the Judges have cut the size of the building from the original 35,000 square feet but need a functional court that takes into account the

county needs for the next 40-50 years. He pointed to a March 8, 2007 report that indicates that the building is unsafe and not suitable accommodations for a court. The issue now is not whether or not we should build. The Judges are not interested in building an outrageous building but in getting this done as economically as possible. The building will be built using court costs not General Fund monies from Portage County taxpayers as well on non-Portage County residents.

Judge Oswick stated that Commissioner Frederick said at the last meeting that she does not want to build a courthouse. Commissioner Marsilio responded that the group has done lots of talking without any action. We need to meet more often as a group and the Board of Commissioners needs to make a decision as to how to move forward.

Judge Poland stated that the Judges have taken into account the existence of property the county already owns. He would like to use county owned property for the building and added that the cost of using the current facility is not economically feasible. The Franklin/College Streets parking lot is also available but the parking is not adequate and would require additional property. The area across from the City of Kent facilities is also not viable. Judge Fankhauser noted that the Franklin Station lot could use the current court's location for parking.

Judge Poland stated that the 261/43 property is available but would cost money for utilities. The East Main property and the Sunnywood property all have pros and cons. Judge Oswick observed that time is of the essence and we cannot take another two years to move the project forward. We are losing the economic edge since it is much cheaper to build right now due to the economic climate. Even if Commissioner Frederick votes not to build, Commissioner Marsilio and Commissioner Smeiles do agree. Commissioner Marsilio replied that she agrees that we need a different facility and that it is not feasible to renovate the current one. She suggested that we all agree to spend the least amount possible to get the most appropriate facility. She would like to find a place to build that we already own. Commissioner Marsilio continued, stated that the Ohio law compels the county to build this facility in Kent. She suggested asking the legislators to change the ORC to allow the court to be built elsewhere. She would be interested in seeking public input in the next week and then make a decision as to how to move forward allowing ourselves more options.

Judge Poland stated that it would require a bill passed by both bodies and signed by the Governor. This provision was put into the legislature by former Judge Joe Kainrad when he was serving. He asked Commissioner Marsilio if the City of Kent knows about this suggestion? Commissioner Marsilio responded that she has not shared her suggestion with the city. Judge Poland replied that the city/county may be at war over this proposal and other political entities will want the court in their jurisdictions. The Judge is not saying that the suggestion is appropriate or reasonable but politicians become territorial. Commissioner Marsilio asked if the Judge is opposed to public comment? She added that Judge Poland did say at the last meeting that he does not care where the court is built. Judge Fankhauser stated that there will be a lot of people caring where the court is built. He is concerned that there will be public discussion for years and the court won't get built. He does not mind Commissioner Marsilio's idea since the county already owes land elsewhere. Judge Oswick stated that trying to change the law will become "a political hot potato."

Commissioner Smeiles asked if the intent is to ask Kathleen Clyde or Todd McKenney to endorse a bill to move the court out of Kent, which is the largest voting base in Portage County? Judge Poland added

that the recent census shows increases to Aurora, Brimfield, and the KSU student population. Why wouldn't the city of Streetsboro or Aurora come to the Board of Commissioners and ask that the court be placed there. Judge Oswick asked where Commissioner Marsilio would propose to locate the court. Commissioner Marsilio responded that the county does not own enough property in Kent. Commissioner Smeiles replied that the county does own 50 acres on Infirmary Road, and 10 acres on SR 14 near Lake Rockwell, which is a water well site.

Commissioner Smeiles added that the west side corridor of Portage County uses the Kent Courthouse. The County does not own land in that area that is suitable. Before he would build the court on Infirmary Road, he asked why not take the current Ravenna Courthouse and do a second shift? Judge Poland responded that you would need to add onto the current courthouse to accommodate the Clerk of Courts. Commissioner Smeiles replied that the Riddle Block Building could be used as an Annex.

Commissioner Smeiles stated that he is comfortable going forward building the facility in Kent. The site is available, is centrally located, has no demolition costs and includes 130 off-street parking spots. The land would not be that expensive if the county sells the land we do own for \$750K and buys a site for \$980,000, the net cost would be \$230,000.

Judge Poland stated that the second shift idea would take a lot of logistical planning. The Board must consider that defendants using the court may not be able to get to a site in Shalersville Township. Commissioner Marsilio responded that it would also be convenient to put a courthouse on the east side of the county but the cost is prohibitive. Judge Poland stated again that this money is not coming from the General Fund.

Judge Poland stated that on August 17, 2010 the Board of Commissioners and the Judges signed an MOU about building the court in the city of Kent; the MOU is legally binding; Commissioner Marsilio responded that the MOU is not legally binding. Judge Poland added that the county has spent \$100K on appraisals and architects. It is too late to jump through hoops to move the court from the city of Kent. Assuming that the legislature approves the request, the county would lose property used for the site for future use; it would not be free land but a county owned asset. Commissioner Marsilio responded that there could be retail or houses built near the Justice Center but that would be a limited market.

Judge Poland commented that if we do not make a decision soon, we will set the project back another two years. Commissioner Marsilio responded that she would like to try to change the law. Judge Poland replied that he is opposed philosophically in that the repercussions and fall out will create profound and lasting problems for the county. That would also delay the project and would not be in the best interest of the county. Judge Fankhauser agreed that it would cause a huge delay. He suggested that the county tear down the current courthouse and use it as parking and build the court on the Dome site. Judge Poland responded that 20 parking spaces is not sufficient; visitors to the Ravenna Courthouse park all over the place in unauthorized lots. Judge Fankhauser asked if the group wants to pay \$1 million for the East Main site? Judge Poland responded that the county could sell the dome site for \$700K. Commissioner Smeiles added that city zoning requires so many parking spaces per square footage of the building. The current courthouse space would allow only 20 parking spaces. Judge Poland added that the county would have to buy spaces for parking. The downtown development will assist the county in getting as much for the property we own.

Commissioner Marsilio asked, if you can buy space for a courthouse somewhere that does not cost \$1 million, does that make sense? Judge Fankhauser replied that Judge Poland said that there is a lot that the Mandaleris own that BW3 uses for parking. Why not buy that space for parking for a courthouse on the former Dome space. Commissioner Smeiles said that the county spoke with that owner several years ago and they were told it is not for sale. Commissioner Smeiles added that he is not willing to tear down the current courthouse since the people in Kent consider it to be an historic property.

Judge Poland commented that the county may be able to get more for the former Dome site. Commissioner Marsilio stated that it appears that we do not want to have another conversation and we do not want to explore new options because it takes too long. Judge Fankhauser responded that the Judges do not want to take another two years to make a decision.

Commissioner Smeiles would put the courthouse on the East Main site, which is available, the courthouse site would be convenient, has the support of the Kent community, is available and will cost \$250,000 once the Done site is sold. Judge Fankhauser agreed that the site may be the best site. Judge Poland added that the demolition cost would be minimal, the site sufficient in size to comply with parking requirements and the utilities are up to date. Commissioner Smeiles added that another reason would be that there is no need to relocate employees to build at this site and there would be no disruption to the court.

Judge Poland noted that the 261/43 site is vacant for \$285K but it would cost \$1-1.5 million to run the utilities. Judge Fankhauser stated that if we can build on a site that the county owns, we should, although there is no suitable county owned property in the city of Kent.

Commissioner Marsilio commented that choice is a good thing and in light of the costs for this building, she would like to have a number of options. She would build the court on Infirmary Road if we could do it more economically.

Judge Poland stated that it makes no sense to build a stand-alone courthouse five minutes from the Ravenna courthouse. Or, is the suggestion to combine the two courts into one site, which would require 45,000 square feet? He does not believe that would serve the taxpayers. Commissioner Marsilio responded that it is only 10 minutes from Kent to Ravenna where the current courts are located. Commissioner Smeiles stated that the Kent court is central to the population that uses it.

Judge Poland noted that it is not a bad idea but he does not believe that it will serve all - how do you weigh intangibles? Moving in that direction would put the project two years away.

Commissioner Smeiles stated that the net cost of the East Main site is \$235,000. Commissioner Marsilio and Judge Poland agreed that the sale of one site should be kept separate from the purchase of another. The Judges have gone above and beyond the call of duty to reduce costs, reduce size, combine functions, and will continue to do so. We need to move forward under the current legislation sooner rather than later.

Judge Fankhauser asked if it is the Board of Commissioners goal to start building this year? Commissioner Smeiles responded that the project should be closed in before winter hits.

Commissioner Marsilio stated that she wants to get public input about changing the law, set a public meeting in one week and then a Judges/Board of Commissioners meeting after that for a majority decision of the Board of Commissioners. A few more weeks would not make or break the project. Judge Poland asked -how do we get public consensus? The only people who will call the Commissioners are the ones who have a strong point of view. Commissioner Marsilio responded that this will be a forum to share ideas. Judge Poland stated that the public needs the complete picture: we need a new building to be paid for from the Special Project Fund.

The Board of Commissioners and the Judges agreed to hold a public meeting at 3:00 PM on Thursday, March 31, 2011 to hear public comment regarding the courthouse project. The meeting will be held in the Portage County Administration Building Room #111.

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**RESOLUTION No. 11-0235 - 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 March 15, 2011 in the total payment amount of **\$ 530,916.08 for Funds 0001-7219** 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, Absent; Tommie Jo Marsilio, Yea;

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**RESOLUTION No. 11-0236 - RE: APPROVAL OF JOURNAL VOUCHERS/ENTRIES.**

It was moved by Christopher Smeiles, seconded by Tommie Jo Marsilio 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:

03/14/11	633	\$ 220.00
03/14/11	632	95.00
03/14/11	631	970.00
03/14/11	630	807.00
03/14/11	542	1,324.58
03/14/11	536	86,445.15
03/14/11	533	6,905.16
03/11/11	525	332.02
03/11/11	522	300.00
03/11/11	521	13,827.14
03/11/11	519	13,827.16
03/11/11	517	131,250.00
03/11/11	516	74,744.66
03/11/11	515	390,600.00
03/11/11	514	99.04
Total		\$ 721,746.91

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, Absent;

Tommie Jo Marsilio, Yea

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**RESOLUTION No. 11-0237**

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**RE:**

**ACCEPTANCE OF THEN AND NOW CERTIFICATIONS FOR PAYMENT.**

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

**WHEREAS,**

Ohio Revised Code Section 5705.41 (D)(1) authorizes the expenditure of moneys, provided a certificate of the County Auditor is supplied stating that there was at the





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**RESOLUTION No. 11-0240 - RE: ENTER INTO A SETTLEMENT AND RELEASE AGREEMENT BETWEEN THE PORTAGE COUNTY BOARD OF COMMISSIONERS AND THE OHIO AMERICAN WATER COMPANY RELATIVE TO BULK WATER BILLING.**

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

**WHEREAS,** this Board of Commissioners, on December 28, 2000, entered into a Water Service Agreement with the Citizens Utilities Company of Ohio (now Ohio American Water Company) to be their bulk supplier of potable water for their customers in Brimfield and Shalersville Townships; and

**WHEREAS,** a dispute has arisen between Portage County and the Ohio American Water Company concerning the amount of bulk water purchased during a time period of November 2008 until July 2010; and

**WHEREAS,** both parties desire to compromise and settle the dispute; now therefore be it

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

Section 1. The Portage County Board of Commissioners does hereby accept the settlement and agrees to enter into the attached Settlement and Release Agreement in the amount of \$10,906.04 payable to Portage County.

Section 2. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Voice vote as follows:

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

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**RESOLUTION No. 11-0241 - RE: AUTHORIZE THE ACQUISITION OF THREE (3) SLOPE EASEMENTS AND AUTHORIZE THE ISSUANCE OF COUNTY WARRANT TO ACQUIRE SAID RIGHT OF WAY TO ALLOW FOR THE CONSTRUCTION OF THE HOPKINS ROAD BRIDGE (NEL 160 TH250A)**

**REPLACEMENT PROJECT OVER EAGLE CREEK IN  
NELSON TOWNSHIP, PORTAGE COUNTY.**

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

**WHEREAS,** plans prepared by the Portage County Engineer's Office for the Hopkins Road Bridge Replacement Project (NEL 160 TH250A) indicated that Portage County would need to purchase three (3) Slope Easements from parcels owned by Williams Family Farms, LLC to allow for the construction of said project, and

**WHEREAS,** Resolution No. 10-0913 authorized ME Companies to provide right of way acquisition services for the Hopkins Road Bridge Replacement Project (NEL 160 TH250A), and

**WHEREAS,** the appraised value, submitted by ME Companies to purchase three (3) Slope Easements from Williams Family Farms, LLC had a total cost of \$600.00 for the construction of the Hopkins Road Bridge Replacement Project (NEL 160 TH250A) over Eagle Creek in Nelson Township, Portage County, and

**WHEREAS,** the Portage County Engineer does hereby recommend the acquisition of the below enumerated three (3) Slope Easements to facilitate the construction of the Hopkins Road Bridge Replacement Project (NEL 160 TH250A) over Eagle Creek in Nelson Township, Portage County; now therefore be it

**RESOLVED,** that the Board of Portage County Commissioners does hereby authorize the purchase of said parcels as follows and further authorizes the issuance of one (1) County warrant, totaling \$600.00, to Williams Family Farms, LLC:

Portage County Auditor's Parcel #25-015-00-00-004, #25-015-00-00-003  
**Slope Easement No. 1 SL – 0.0457 Acres of Land**  
**Slope Easement No. 2 SL – 0.0626 Acres of Land**  
**Slope Easement No. 3 SL – 0.0039 Acres of Land**

Owner: Williams Family Farms, LLC, 603 Lantern Way, Aurora, OH 44202

Cost: \$600.00

Now therefore be it;

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

Voice vote as follows:

Christopher Smeiles, Yea;

Maureen T. Frederick, Absent;

Tommie Jo Marsilio, Yea;

\* \* \* \* \*

**RESOLUTION No. 11-0242 - RE: ACCEPT AND EXECUTE THE FINAL SETTLEMENT AGREEMENT AND RELEASE WITH TARA M REED, THE OHIO BUREAU OF WORKERS' COMPENSATION AND PORTAGE COUNTY IN CASE NO. 2009 CV 01896.**

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

- WHEREAS,** Tara M. Reed filed a Notice of Appeal and Complaint from the disallowance of a workers' compensation claim; and
- WHEREAS,** the parties have reached an agreement for settlement of the appeal and all claims related thereto; now therefore be it
- RESOLVED,** that the Board of Commissioners agree to accept the Final Settlement Agreement and Release; and be it further
- RESOLVED,** that the Board of Commissioners authorizes the Prosecutor's Office on behalf of the Board to execute the agreement; and be it further
- RESOLVED,** that the Board of Commissioners finds and determines that all formal actions of this Board concerning end 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 an 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, Absent;                      Tommie Marsilio, Yea

\* \* \* \* \*

**RESOLUTION No. 11-0243 - RE: APPOINTMENT TO THE PORTAGE COUNTY COMMUNITY PLAN COMMITTEE.**

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

- WHEREAS,** the passage of Ohio Works First (OWF) required each county to plan for services and strategies to reduce welfare dependence and to develop self-sufficiency for their residents and this plan would form the foundation of a partnership agreement with the State; and
- WHEREAS,** Ohio Revised Code 329.06 requires the Board of Commissioners to appoint a committee to assist in monitoring the implementation of this plan and identifies nine categories that may be represented on this committee as:
  - (1) Consumers of family services;

- (2) Public Children Services Agency;
- (3) Child Support Enforcement Agency;
- (4) County Family & Children First Council;
- (5) Public and Private Colleges and Universities;
- (6) Public entities that provide family services;
- (7) Private nonprofit and for-profit entities that provide family services;
- (8) Labor organizations;
- (9) Any other group or entity that has an interest in family services that represent the county's business, urban and rural sectors; and

**WHEREAS,**

The Community Plan Committee was established on September 21, 1999, by Resolution No. 99-669, and an update is appropriate as some of those original members no longer serve in their appointed capacity; now, therefore, be it

**RESOLVED,**

the Portage County Board of Commissioners hereby appoints the following members to the Community Plan Committee for ongoing terms:

Name	Representing
1. Bonnie Wilson	American Red Cross
2. Kevin Gowan	Child Support Enforcement Agency
3. Sandra Myers	Coleman Professional Services
4. Arlyne Habeeb	Community Action Council
5. David Shea	Community Action Council
6. Linda Duffy	Community Legal Aid Services, Inc.
7. Mark Frisone	Family & Community Services, Inc.
8. Hal Farrier	Mental Health & Recovery Board
9. Bryan Smith	PARTA
10. Judee L. Genetin	Portage County Department of Job & Family Services
11. Phil Miller	Portage Industries
12. Fred Zawilinski	Portage Metropolitan Housing Authority
13. Suzanne Livengood	Portage Private Industry Council
14. Tim Beckner	Portage Workforce Connection
15. Children Services Administrator	Public Children Services Agency
16. Erin Dunbar	United Way of Portage County
17. Sue Whitehurst	Townhall II

and be it further

**RESOLVED,**

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

Voice vote as follows:

Christopher Smeiles, Yea;

Maureen T. Frederick, Absent;

Tommie Jo Marsilio, Yea;

\* \* \* \* \*

**RESOLUTIONS**

March 15, 2011

1. Approval of the meeting minutes from the March 10, 2011 regular Board meeting.
2. Approve the Bills as presented by the County Auditor and reviewed by the Department of Budget & Financial Management./11-235
3. Approve the journal vouchers as presented by the County Auditor./11-236
4. Approve the then & now as presented by the County Auditor./11-237
5. Accept proposal of URS Corporation Ohio and enter into agreement to provide preliminary engineering for the Rock Spring Road (CHA 37 CH52C) bridge replacement project over West Branch reservoir in Charlestown Township, Portage County (County Engineer)./11-238

\* \* \* \* \*

**INVITATIONS**

March 15, 2011

1. Invitation from the Children’s Advocacy Center for the 7<sup>th</sup> Annual countywide Pinwheels for Prevention Kick-off at Robinson Memorial Hospital on Monday, April 4<sup>th</sup> at 3:30 PM and/or Monday, April 11<sup>th</sup> at 3:30 PM.
2. Invitation from Portage Learning Centers for Government Day on Thursday, April 21, 2011.

\* \* \* \* \*

**INCOMING CORRESPONDENCE**

March 15, 2011

1. Undated correspondence (received March 9, 2011) from David Miller, regarding County owned land/The Executive Assistant to investigate and report back to the Board of Commissioners.
2. March 9, 2011 e-mail from Chief Dog Warden Dave McIntyre, regarding rabies clinic/Journal Entry.
3. March 8, 2011 memo from Wood County Board of Commissioners, regarding the Ohio Turnpike/Information only
4. March 9, 2011 e-mail from Nancy Dailey, WIC Program Manager, requesting to hire a part time peer helper as authorized by Journal Entry #13 dated November 4, 2010/Journal Entry.
5. March 9, 2011 e-mail from Director Todd Peetz, Regional Planning Commission, regarding an amendment/extension procedure/Information only with Director Peetz noting that Hiram Village has been working towards using the remaining funds and with the limited time of the current extension. It may be difficult to change projects, however, the Regional Planning Commission is waiting for to hear from the Department of Development about potentially extending again
6. March 9, 2011 e-mail from Charlene Badger, Executive Assistant, including a summary of the Portage County Community Plan Committee and current resolution of membership/11-0243.

7. March 10, 2011 e-mail from Frank Belanger, URS Corporation, including a temporary property access agreement to access property owned by the Board of Commissioners to accomplish shallow hand auger soil boring. (cc: Prosecutor and Internal Services/JoAnn Townend to move forward.
8. The Department of Budget & Financial Management presents the following items for Board consideration:
  - (A) RESOLUTION: Create Fund 1482 – Prosecutor Drug Task Force/11-239
  - (B) JOURNAL ENTRY: Local Match Adjustment – Global Monitoring Intervention Grant

**JOURNAL ENTRY**

March 15, 2011

1. The Board of Commissioners received the March 9, 2011 notice from Linda Marcial and Faith Lyons Portage County Board of Elections, indicating that the Board of Elections will be open to the public in preparation for the May 3, 2011 Primary Election as follows:

Saturday, March 19, 2011	8:00 AM-12:00 Noon
Saturday, March 26, 2011	8:00 AM-12:00 Noon
Saturday, April 2, 2011	8:00 AM-12:00 Noon
Monday, April 4, 2011	4:30 PM-9:00 PM
Saturday, April 23, 2011	8:00 AM-12:00 Noon
Saturday, April 30, 2011	8:00 AM-12:00 Noon
Tuesday, May 3, 2011	6:30 AM-until business has been completed

2. March 9, 2011 Certificate of the County Auditor that the Total Appropriations from each fund do not exceed the Official Estimate Resources for the fiscal year beginning January 1, 2011 as presented by the Portage County Auditor’s Office.
3. The Board of Commissioners received the Portfolio Report for February 2011 as presented by the Portage County Treasurer’s Office.
4. Board of Commissioners’ signature requested on the purchase requisition for Eslich Construction and Equipment Corporation for the demolition services for 20 buildings located in Windham Village for \$17,914.57 as requested by the Regional Planning Commission. The B-Z-08-1CJ-1 Neighborhood Stabilization Program Demolition Activity is funding this expense.
5. Board of Commissioners’ authorization requested to have Commissioner Frederick sign the State of Ohio Office of Housing and Community Partnerships Request for Payment and Status of Funds Report Draw No. 456 as presented by the Regional Planning Commission as follows:

Grant No.	Activity Name	Amt Requested
B-Z-08-1CJ-1	General Administration	\$10,500.00
B-Z-08-1CJ-1	Land Banking/Demo	\$26,335.00
Total		\$36,835.00

Documents reviewed by the Department of Budget & Finance with no exceptions noted.

- Board of Commissioners' signature requested on the following Personnel Requisition as presented by the Water Resources Department Interim Director Jeff Lonzrick:

DEPARTMENT	JOB TITLE	GRADE	ACTION
Water Resources	Electrician	ELECT/1	Post Internally and Externally

\* \* \* \* \*

**REFERRED**

March 15, 2011

- March 10, 2011 e-mail from Len Reinker, requesting two (2) Eagle Scout recognition letters for Joshua William Foerst and John Thomas Sulik Jr. Referred to Executive Assistant.
- March 10, 2011 e-mail from Director Bob Wrentmore, Building Department, requesting a proclamation for May 2011 as Building Safety Month. Referred to Executive Assistant.

\* \* \* \* \*

**PLEASE ADD TO THE AGENDA**

March 15, 2011

- March 10, 2011 e-mail from Leigh Prugh, Prosecutor's Office, regarding Timberstone Subdivision/The Board of Commissioners agreed that the completion date should be December 31, 2011 as long as the agreement clearly prevents the developer from selling lots until the roads are accepted.
- March 11, 2011 e-mail from JoAnn Townend, Internal Services, regarding the Justice Center storage building/The Board of Commissioners approved the draft MOU and asked the Director to process it as quickly as possible.
- RESOLUTION: Authorize the acquisition of three (3) slope easements and authorize the issuance of county warrant to acquire said right of way to allow for the construction of the Hopkins Road Bridge (NEL 160 TH250A) replacement project over eagle creek in Nelson Township, Portage County. (County Engineer)./11-241
- March 10, 2011 e-mail from Frank Belanger, URS Corporation, regarding a property access agreement with ABC Railway/Board of Commissioners noted that Attorney Chris Meduri made some changes to the proposed access agreement. JoAnn Townend to forward the revised agreement to the ABC Railway for their review and signatures.
- March 11, 2011 e-mail from Chris Meduri, Prosecutor's Office, including the temporary property access agreement with ABC Railway approved as to form/Information only.
- March 11, 2011 e-mail from Michelle Ripley, Safety/Loss Control, regarding the ABC Railway/Information only.

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**INFORMATION ONLY**

March 15, 2011

1. The Board of Commissioners received the Portage County Microenterprise RLF Annual Report for January 1, 2010-December 31, 2010 as presented by Jack Crews, Kent Regional Business Alliance/Journal Entry.
2. The Commissioners received an article from the Law & Government Section of the Villager dated February 25, 2011.
3. Undated correspondence (received March 10, 2011) correspondence from the Kent Area Chamber of Commerce, thanking the Board for continued support.

\* \* \* \* \*

**PROSECUTOR'S CORRESPONDENCE**

March 15, 2011

1. March 10, 2011 correspondence from Leigh Prugh to Timothy and Debbie Cunningham, regarding a public nuisance (violation of home sewage disposal rules)/Information only.
2. March 9, 2011 e-mail from David Brode, regarding the Groselle AEPP agreement. (cc: Internal Services)/Information only noting that the Regional Planning Commission advises that the AG Easement has been changed.
3. March 11, 2011 email from Chris Meduri regarding the Portage County Board of Commissioners Property & Akron Barberton Cluster Railway and his suggested changes/Information only
4. March 14, 2011 email from Denise Smith regarding the Airport Authority/Hold for discussion on March 17<sup>th</sup> with Commissioner Frederick.

\* \* \* \* \*

**JOURNAL ENTRY**

March 15, 2011

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

1. The Board of Commissioners acknowledged the receipt of the March 9, 2011 notice from Linda Marcial and Faith Lyons, Portage County Board of Elections, indicating that the Board of Elections will be open to the public in preparation for the May 3, 2011 Primary Election as follows:

Saturday, March 19, 2011	8:00 AM-12:00 Noon
Saturday, March 26, 2011	8:00 AM-12:00 Noon
Saturday, April 2, 2011	8:00 AM-12:00 Noon
Monday, April 4, 2011	4:30 PM-9:00 PM
Saturday, April 23, 2011	8:00 AM-12:00 Noon
Saturday, April 30, 2011	8:00 AM-12:00 Noon
Tuesday, May 3, 2011	6:30 AM-until business has been completed

2. The Board of Commissioners acknowledged the receipt of the March 9, 2011 Certificate of the County Auditor that the Total Appropriations from each fund do not exceed the Official Estimate Resources for the fiscal year beginning January 1, 2011, as presented by the Portage County Auditor.

3. The Board of Commissioners acknowledged the receipt of the Portfolio Report for February 2011, as presented by the Portage County Treasurer.
4. The Board of Commissioners signed the purchase requisition for Eslich Construction and Equipment Corporation of Louisville, Ohio for demolition services for the removal of 20 buildings located in Windham Village for \$17,914.57, as presented by the Regional Planning Commission. The B-Z-08-1CJ-1 Neighborhood Stabilization Program Demolition Activity is funding this expense.
5. The Board of Commissioners authorized Commissioner Frederick to sign the State of Ohio Office of Housing and Community Partnerships Request for Payment and Status of Funds Report Draw No. 456 as presented by the Regional Planning Commission as follows:

Grant No.	Activity Name	Amt Requested
B-Z-08-1CJ-1	General Administration	\$10,500.00
B-Z-08-1CJ-1	Land Banking/Demo	\$26,335.00
Total		\$36,835.00

Documents reviewed by the Department of Budget & Finance with no exceptions noted.

6. The Board of Commissioners signed the following Personnel Requisition, as presented by the Water Resources Department Interim Director Jeff Lonzrick:

DEPARTMENT	JOB TITLE	GRADE	ACTION
Water Resources	Electrician Part-Time Permanent (Replacement for Steve Paulus)	ELEC/1	Post Internally and Externally

7. The Board of Commissioners signed the Personnel Action Form authorizing the full time permanent hire of Kaylyn Kane as a Social Services Worker 3 (replacing Kristin Fields-Ignatious), as presented by Job & Family Services Director Judee Genetin. The Board of Commissioners notes that this hire is contingent upon the applicant passing a pre-employment physical and drug screen.
8. The Board of Commissioners signed the Personnel Action Form authorizing the probationary termination of a Social Service Worker 3 for the Portage County Department of Job & Family Services, effective March 10, 2011, as presented by the by Department of Job & Family Services Director Judee Genetin.
9. The Board of Commissioners acknowledged the receipt of the Portage County Microenterprise RLF Annual Report for January 1, 2010-December 31, 2010 as presented by Jack Crews, Kent Regional Business Alliance.
10. The Board of Commissioners authorized the Dog Warden to hold a Rabies Clinic at his facility on Saturday, April 16, 2011.

11. The Board of Commissioners accepted the recommendation of WIC Program Manager Nancy Dailey and authorized the hire of Rachel Stratton as a Peer Helper, COMOT 1, Grade D at \$9.81/hour. If warranted, the Board of Commissioners agreed to an increase to \$10.29/hour following the successful completion of a probationary period. The Board noted that funds are available in the WIC grant for this part-time/20 hour per week hire. The Board of Commissioners notes that this hire can start work on March 21, 2011 contingent upon the applicant satisfactory completion of a pre-employment drug screen.
12. After meeting today with Water Resources Department Interim Director Jeff Lonzrick, the Board of Commissioners agreed to reimburse Stan Jankowski, 9953 Meldon Drive in Streetsboro, for the November 19, 2010 invoice from Portage Plumbing & Heating Inc. for \$186.00 for the clearing of blockage in the shared lateral. The Water Resources Department Director will have the necessary agreement prepared.
13. The Board of Commissioners signed the letter of support for the Kent State University Center for Public Administration and Public Policy's grant application for the U.S. EPA Community Actiuon for a Renewed Environment (CARE) grant.
14. The Board of Commissioners signed the following Personnel Requisition as presented by The Woodlands at Robinson:

DEPARTMENT	JOB TITLE	GRADE
The Woodlands at Robinson	STNA Six (6) Part-Time Positions	NSAS/1
The Woodlands at Robinson	STNA One (1) Full-Time Positions	NSAS/1

Commissioner Frederick absent, motion carries.

\* \* \* \* \*

We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Commissioners' meeting on **March 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 **4:50 PM**. Commissioner Frederick absent, motion carries.

ABSENT

Maureen T. Frederick, President

Tommie Jo Marsilio, Vice-President

Christopher Smeiles, Board Member

Deborah Mazanec, Clerk

\* \* \* \* \*