

Thursday, March 17, 2011

The Board of County Commissioners met in regular session on **Thursday, March 17, 2011 at 9:20 AM** with the following members present:

Christopher Smeiles

Maureen T. Frederick

Tommie Jo Marsilio

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It was moved by Christopher Smeiles, seconded by Tommie Jo Marsilio to approve the meeting minutes of the March 15, 2011 meeting. All in favor, motion carries

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

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9:20 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(3), it was moved by **Christopher Smeiles**, seconded by **Tommie Jo Marsilio** 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: Prosecutor Vic Viglucci, Sheriff Dave Doak, Attorney Denise Smith.** Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

9:45 AM Upon conclusion of the above referenced discussion, it was moved by **Christopher Smeiles**, seconded by **Tommie Jo Marsilio** that the Board of Commissioners move 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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9:45 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 consider employment, dismissal, discipline, promotion, demotion or compensation issues at the Sheriff's Department. **Also present: Prosecutor Vic Viglucci, Sheriff Dave Doak, Attorney Denise Smith.** Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Absent.

10:12 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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The Board of Commissioners discussed the recent email from Attorney Denise Smith regarding the donation of land to the Airport. As requested, Attorney Smith talked to an FAA representative who has confirmed her belief that land donated by the Board of Commissioners to the Airport to be used as a local match for FAA funding must remain as Airport property "in perpetuity". The Board must decide

whether or not to move forward with the proposed land donation since the grant is due to the FAA in April and the land will be used as the local match. Commissioner Frederick commented that she wants to see a listing of all revenue sources and copies of contracts to determine if the contracts are beneficial to the airport's solvency. She agreed to put her comments in writing to the Airport for a response.

Commissioner Smeiles noted that he is comfortable moving forward and does not believe there is an issue with the land donation, even without a reversionary clause, unless the airport ceases to exist.

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INTERNAL SERVICES

Present: JoAnn Townend

DISCUSSION

1. The Director presented the draft lease agreement for the EMA building at 2970 SR 59/The Board of Commissioners approved the draft/JoAnn Townend to process.
2. The Director reported that the Public Defender has a proposal to purchase a copier as a replacement for the one that is not working correctly. The state has an excellent program in place but there is a minimum of 10,000 copies per month, which is too many for the Public Defender's Office. Since it makes better sense in this case, the Director recommended that the Board of Commissioners authorize the purchase of a copier for the Public Defender as he has suggested at a cost of \$6,981 for a five year investment including the purchase cost (\$4,606) and the cost of 50,000 copies per year (\$475) for five years.

Commissioner Frederick stated that at the CCAO Legislative Meeting this week she understood that the Public Defender's Office was "on the chopping block". She believes that the Board needs to start to think about upcoming state cuts and how they will affect Portage County. If the Public Defender purchases this copier and then the offices close, what happens to the copier?

JoAnn Townend responded that the machine would come back into the county to be used in another department. Commissioner Marsilio added that the county needs to get into the mode of thinking of volume discounts for purchases/leases for copiers and like items.

Director Townend advised that she will get the Commissions the information about the ongoing county copier rental program and get pricing for the Public Defender's copier, since that office is not currently participating. Commissioner Smeiles suggested that the Director also obtain a quote from Joe DiBias's copy company.

Commissioner Frederick remarked that things are not going to be the way they were – we need to be conservative in our spending.

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RESOLUTIONS

1. Enter into a license and subscription agreement with DLT Solutions on behalf of the Water Resources department for AutoCAD raster and civil 3D software for 2011./11-251

2. Enter into an agreement with Medical Mutual for third party administrator services for the Portage County Employee Health Benefit Plan for 2011./11-252
3. Enter into an agreement with Medical Mutual for Superwell Impact Services for the Portage County Employee Health Benefit Plan for 2011./11-253
4. Enter into amendment number 1 with Community Action Council to terminate the contract effective april1, 2011 as the PRC Positive Parenting Services is being eliminated from the JFS PRC plan./11-254
5. Enter into amendment number 2 with Emerald Transportation to provide transportation services (services to Medicaid eligible recipients and TANF eligible individuals for JFS 1/1/11 to 12/31/11. (Mileage rate increase effective 3/1/11 – overall increase to contract \$896.41)./11-255
6. Authorize the filing of an application for the 2011 Community Housing Improvement Program (CHIP) Home Grant Funds and enter into an administrative agreement with Neighborhood Development Services, Inc/11-0257.

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10:45 AM Recessed to the Investment Advisory Committee quarterly meeting

11:05 AM Board of Commissioners Reconvened

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HUMAN RESOURCES

Present: Director Karen U’Halie, Department of Budget & Finance Director Audrey Tillis

1. The Director presented an update on the CORSA 101 Session scheduled for April 1, 2011. After sending invitations to elected officials, directors and departments there are 33 attending.
2. The Ohio Ethics Commission Seminars are scheduled at Reed Memorial Library in April. 453 employees have confirmed attendance with 17 elected officials or their designees attending.
3. The Director discussed the Workers Compensation Charge Back Analysis. The department continues to diligently attempt to reign in expenses.

The Director advised that the cash balances have been falling every year since 2007 to \$4.4 million from \$5.2 million. She recommended that the chargeback percentage be increased to 2.00 %.

Commissioner Marsilio commented that we are asking for a set percentage, with no incentive for departments to keep claims down since they are all charged the same. She suggested investigating charges based on claim history.

Director U’Halie responded that she is looking at the frequency and severity of claims that could be considered when charging percentages. The Board could start with a basic “every

time you have an accident that could have been preventable” charge per incident to get the departments aware of the issue.

The Board of Commissioners agreed that they are interested in charging departments for incidents that occur. Commissioner Smeiles would like to continue to promote a safe work place with employees more attentive to safety protocols. Commissioner Smeiles replied that this is a constant educational process with constant reminders.

The Director to bring back recommendations that are easily understood with flat dollar amounts that would not bankrupt the department nor be punitive.

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DEPARTMENT OF BUDGET & FINANCIAL MANAGEMENT

Present: Audrey Tillis, JoAnn Townend

Discussion of the building repairs necessary for The Woodlands at Robinson.

Director Tillis asked who is responsible for the repairs of the building in a triple net lease situation. Commissioner Smeiles responded that it could be negotiable although the large items (roof, boiler, etc) are usually the responsibility of the owner; cosmetic items could be the responsibility of the leasee.

Director Tillis stated that the program should be self-supporting if/when Robinson Memorial Hospital takes over the management of the Nursing Home . Commissioner Smeiles replied that Robinson Memorial Hospital is suggesting that the current building repair issues are deferred issues and must be taken care of by the Board of Commissioners. He added that he understands that Robinson Memorial Hospital will set aside money in a reserve fund for repairs after they take over but will not cover these current repairs.

Director Tillis continued, noting that the lease money from Robinson Memorial Hospital would only go toward the debt service. She reminded the Board that there is a 10 year period until the debt is paid that the Board of Commissioners will have to make repairs. She suggested that the Board of Commissioners tie a portion of the revenue into the lease agreement, perhaps a 10% figure, for repairs.

Director Tillis stated that she is working with Bob Nedrich on the cash advance repayment; there would be \$190,000 coming back to the county that could be used for repairs. She is also concerned that the transition has a good cutoff period so that revenues that remain with the County can be identified. Compensation payout is also an issue since the Nursing Home employees will no longer be county employees. Commissioner Smeiles reminded the Board of Commissioners that the hospital could accept the sick and vacation time as the employees’ transition to the hospital.

Commissioner Frederick asked why some of the smaller repairs were not taken care of? Director Townend replied that she does not know but wonders what the duties of the maintenance workers are? She also wondered why, for example, rooms are not painted as the rooms are empty? Commissioner Smeiles responded that might be happening.

Director Townend suggested that perhaps our maintenance staff could do some repairs/maintenance work at The Woodlands. Perhaps the county could have the A/C units looked out for repairs instead of

replacement. She wondered if The Woodlands contacted someone to see if the A/C units are repairable. Commissioner Smeiles responded that the engineer looked at the facility with the hospital interests in mind. Director Townend suggested that the Board of Commissioners look at the items to see what they can do.

Director Townend agreed to work with Director of Maintenance Tim Miller to see what can be repaired using county staff as quickly as possible.

Commissioner Smeiles stated “he who has the cash flow, makes the repairs”. If the facility is filled to capacity, there should be revenue available for repairs. The lease must address all of these issues including not just the debt service but a portion of the revenues for repairs.

The Board of Commissioners agreed to let Attorney Denise Smith know what the issues are so that in her review of the draft lease she can be certain that these issues are covered. The Board agreed to contact Mr. Colecchi regarding these issues that have come up.

The Director noted that the General Fund will lose about \$140,000 in indirect costs if/when Robinson Memorial Hospital takes over the management of the Nursing Home, which also includes property insurance. Liability should be billed to the hospital but the building/property insurance would remain with the county.

Commissioner Frederick asked when the Commissioners intend to let employees know when they are no longer county employees. Commissioner Marsilio responded that the Human Resources Department will work to make certain that the necessary paperwork is filed according to the state rules.

Commissioner Marsilio added that she has committed to employees in the labor management meeting that they will know what the Board of Commissioners knows when the Board knows it. The intent now is that the hospital will take on most if not all employees; the Board of Commissioners will not have any control over that. Steve Colecchi will work directly with the Union Representative when the process is further along; the hospital is waiting for an opinion from counsel as to whether or not the union would be kept in place.

Director Tillis pointed out that the fund can pay for some of the repairs but not all. The Board agreed to make a list and then meet with Robinson Memorial Hospital to determine how to move forward. Commissioner Frederick had asked Director Townend to meet with Steve Colecchi to initiate the transition. Director Townend advised that she has gone through the contract book supplied by the nursing home and now has a handle on the contracts in place. She wants to convey to the hospital what services are in place now and which contracts Robinson Memorial Hospital can take over to provide and which need to be kept going.

Commissioner Frederick commented that the Board is waiting for the draft lease from Robinson Memorial Hospital. That lease should assist the county in dealing with other costs associated with the nursing home. Commissioner Frederick wondered if these repairs will be a deal breaker?

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11:55 AM Lunch Recess

1:05 Board of Commissioners reconvened to the Solid Waste Management District Meeting
Board of Commissioners reconvened

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STREETSBORO ENTERPRISE ZONE AGREEMENT

Present: Diana Fierle; Jeff Pritchard, City of Streetsboro; Attorney Kevin Brokaw, General Counsel, Geis Companies

Mr. Pritchard stated that the city has adopted legislation approving this agreement contingent upon the state’s approval of the Relocation Waiver. The agreement will be executed by the city when the waiver is released. The BB Streetsboro LLC/Best Buy Warehousing Logistics, Inc. project will be built on Industrial Parkway on a 27 acre parcel of land. The building will be 368,060 square feet, will have a \$1.7+ million full time annual payroll and a \$63,913 part-time annual payroll. Streetsboro has a 2% income tax. There will be three new jobs created and 43 full time jobs retained.

Resolution to enter into an agreement within the rural enterprise zone of the City of Streetsboro, Ohio with BB Streetsboro, LLC and Best Buy Warehousing Logistics, Inc. tax abatement for real property only, contingent upon the approval of the Relocation Waiver./11-256

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Kent Courthouse Discussion

Commissioner Smeiles stated that he has been talking to folks and receiving phone calls and he is in favor of proceeding with the courthouse in downtown Kent; he is not interested in pursuing a change in the law to allow the courthouse to be built outside of the city of Kent. The Kent courthouse supports the western corridor of the county. He is comfortable moving forward with building in Kent.

Commissioner Frederick replied that since we have been meeting she has been exasperated with the architects and the site selection process. It appears that it all comes down to one site, which will cost a tremendous amount of money and appears to be a pre-determined site; she does not want to support the acquisition of that site. She added that the Judges have set aside fees for the purpose of building the courthouse but she anticipates that the Judges will come back to the Board of Commissioners for more money for staff. It appears that the architects are doing nothing to control the building size and nobody is reining that in.

Commissioner Marsilio asked Commissioner Smeiles if he does not want a public meeting?
Commissioner Smeiles responded that he wants to streamline the issues to keep the court in Kent. He believes that Commissioner Frederick is not opposed to keeping it in Kent. Commissioner Frederick agreed that she is not opposed to keeping the court in Kent. Although Commissioner Marsilio’s suggestion is a good one; what will the Board do if we cannot find a location in Kent? There is always something wrong with every site located.

Commissioner Smeiles stated that he is willing to make a motion to keep the Kent Courthouse project location within the city of Kent limits and to keep moving forward without a continuing debate as to where the courthouse will be. He is not interested in changing Ohio law and he wants to keep the courthouse in Kent. He asked if Commissioner Frederick and/or Commissioner Marsilio would agree to

a motion to keep the courthouse in Kent. Commissioner Frederick responded that she does not know what the Board of Commissioners committed to on March 15th as to the public meeting to hear comments.

Commissioner Frederick stated that perhaps the city of Kent could be more accommodating if the city wants the courthouse in Kent. She reminded Commissioner Smeiles that he and Commissioner Keiper did not want to locate the court across the street from the current location. Commissioner Smeiles responded that there was no parking for that site.

Motion by Commissioner Smeiles to keep the Kent Courthouse in Kent without naming a site. Commissioner Marsilio commented that she will not second that motion since it is incumbent upon the Board of Commissioners to that which is in the best interest of the entire county. It is our obligation to investigate all options as to how to spend our money wisely. If that means changing the law to create other options, the Board of Commissioners should do so. She wants to look at all feasible sites. Commissioner Frederick added that the county has a site in Kent that the county owns. She has gotten calls from Kent Council people and she takes issue with the Record Courier article today that states that the Board of Commissioners has already made this decision. Commissioner Frederick is not opposed to holding the public meeting to get input. Motion fails for lack of second.

Commissioner Smeiles suggested that the meeting be moved to another day when all Commissioners can attend. Commissioner Frederick reported that she has gotten a call from the city of Kent asking for a meeting to discuss this issue. The Clerk will schedule that meeting.

Commissioner Smeiles advised that he contacted the developer about the site across from Bob Evans to discuss the lack of sewer. He reported that the developer is not interested in putting in the sewer.

Commissioner Frederick stated that she is willing to have the court located in Kent but does not want to commit to the East Main site as the only site. Commissioner Marsilio asked Commissioner Smeiles why he does not want to consider a site outside of Kent even if the county could save \$1 million. Commissioner Marsilio asked Commissioner Smeiles why he is so committed to a Kent site? Commissioner Smeiles responded that other county sites are too far from the residents who will be served.

Commissioner Frederick stated that she would not discount the tremendous investment made in Kent and that is a good thing. She is happy with the ongoing development. Commissioner Smeiles wondered if the county court leaves Kent, would the city then do a Mayor's Court? Why not forget the county courthouse and let all the cities go to a Mayor's court?

Commissioner Marsilio is surprised that Commissioner Smeiles does not want to have a conversation about saving \$1 million by moving the courthouse to Ravenna, or to Shalersville. Commissioner Marsilio continued, stating that the statute requires that the Board of Commissioners seat a court in Kent. That is why she made the recommendation she did on Tuesday. If Commissioner Smeiles is concerned about scheduling the public meeting to avoid a conflict for city of Kent with their regular meetings, why not check with all villages, cities etc. to make sure that it is convenient for them as well. Commissioner Frederick stated again that she is not content with only one site option in Kent; she knows that the court cannot remain where it is.

Commissioner Frederick suggested that the Board of Commissioners look at purchasing the vacant bank site near the TOPS on Water Street and renovated/build on there; that lot is still in the city. She added that she will support a Kent site but does not want to be locked into one site. She suggested that perhaps the city of Kent should find some alternative sites. Commissioner Frederick wondered if the court could use the empty courtroom at the Justice Center and perhaps add on there using the money they have already for renovations or expansion. Commissioner Smeiles noted that the cost of building is going up and we have missed the construction window this year. Commissioner Frederick stated that there is validity in that many residents have advised her that they do not feel that the courthouse is warranted.

Commissioner Smeiles responded that the Board of Commissioners is paid to know that the building is necessary; Commissioner Marsilio agreed on Tuesday that the building is necessary. Commissioner Marsilio confirmed that she did agree that the facility is inadequate and needs to be house elsewhere.

Commissioner Frederick asked if the Board could consider renting space such as the Kent Plaza. Commissioner Smeiles stated that he would prefer to own but renting is an option. Commissioner Smeiles added that he is okay with meeting with city officials; the question still remains: do we agree to keep the court in Kent?

Commissioner Smeiles asked Commissioner Frederick why she agreed to pay for the Main Street appraisal if she did not like that site? Commissioner Frederick responded that the county needed the appraisal to move forward. Commissioner Smeiles replied that the owner might not even take the \$980,000 appraisal amount since the owner's appraisal is higher at \$1.6 million. Commissioner Smeiles stated that he would prefer a downtown Kent site.

Commissioner Smeiles commented that to change the law is a long process, if it can even be done. The current building is not ADA compliant and it is only matter of time before there is a federal court order for ADA compliance. The delay is costing the county money, with steel prices rising and rising interest rates.

Since Commissioner Frederick cannot make the 3-31 meeting and wants to attend, the Board of Commissioners agreed to change the meeting to Monday, April 4, 2011 at 6:00 PM at a venue large enough to hold several hundred people.

Commissioner Marsilio stated that she wants to hear county citizen input and have a dialog on whether or not to ask other elected officials to change the law because it would suit our needs. She added that neither Judge Poland nor Judge Fankhauser objected to the moving of the courthouse from Kent but were concerned about the political issues.

The Board of Commissioners also agreed to meet with the Kent City as soon as possible.

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RESOLUTION No. 11-0244 - RE: BILLS APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.

RESOLVED, that items being be disposed of are as follows:

17 Each RCA Two-Way Radio Assemblies
Model #CMCF7MMA

and be it further

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

Voice vote as follows:

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

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RESOLUTION No. 11-0250

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RE: AMEND RESOLUTION 87-160, TO INCREASE THE AMOUNT OF THE BOND FOR APPLICANTS OF SPECIAL HAULING PERMITS AND IN ADDITION TO SUCH BOND TO DEVELOP MUTUAL AGREEMENTS FOR APPLICANT TO COMPENSATE FOR DAMAGE CAUSED TO ROADWAYS BY MOTOR VEHICLES MOVING OVER, ACROSS AND UPON ROADWAYS EXCEEDING MAXIMUM ALLOWABLE WEIGHTS

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

RESOLVED, that Commissioners' Resolution No. 87-160, which amended Resolution 79-067, which amended Resolution No. 78-158, also is amended as follows:

Paragraph 4C in the Resolve portion of the resolutions shall from this day forward read as follows:

The applicant must file a surety bond, certified check, money order or certificate of insurance, as determined appropriate by the Portage County Engineer, to cover the provisions of Paragraph B in the sum of an amount up to \$500,000 annually. Further, and in the alternative, the Portage County Engineer is hereby delegated discretion to require the applicant file a surety bond, certified check, money order, or certificate of insurance, as determined appropriate by the Portage County Engineer, to cover the provisions of Paragraph B in the sum of \$100,000 per mile for every mile applicant must travel on county and/or township roadways, and in addition the Portage County Engineer may also establish and develop agreements

adopted:

WHEREAS, the Portage County Board of Commissioners has established a self funded Portage County Employee Health Benefit Plan; and

WHEREAS, the Portage County Board of Commissioners has entered into an agreement with Medical Mutual to administer claims under that plan; and

WHEREAS, the Portage County Board of Commissioners desires to offer enhanced wellness programs to its covered employees and their eligible dependents; and

WHEREAS, Medical Mutual has developed a program called SuperWell Impact designed to offer additional wellness programming for customers; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby agree to enter into an agreement for SuperWell Impact Services with Medical Mutual of Ohio, 2060 East Ninth Street, Cleveland, OH 44115 for its self-insured Employee Health Benefit Plan for the period January 1, 2011 through December 31, 2011; and be it further

RESOLVED, that the cost of this service is Eighty cents (\$0.80) per employee per month and will be included as part of the monthly administrative fee billed to the County; and be if further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in 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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RESOLUTION No. 11-0254

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RE:

ENTER INTO AMENDMENT NO. 1 FOR PREVENTION, RETENTION AND CONTINGENCY (PRC) POSITIVE PARENTING SERVICES BETWEEN THE BOARD OF COMMISSIONERS ON BEHALF OF THE PORTAGE COUNTY DEPARTMENT OF JOB & FAMILY SERVICES AND COMMUNITY ACTION COUNCIL OF PORTAGE COUNTY.

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

Family Services (“PCDJFS”) and Emerald Transportation to maintain the time period stipulated in Amendment No. 1 of January 1, 2011 to December 31, 2011; and be it further

RESOLVED, that, effective March 1, 2011, the parties agree that transportation services shall be rendered at a rate of Twenty-four and 32/100 dollars (\$24.32) per trip, not to exceed one thousand two hundred thirty-five (1,235) units for a total of Thirty thousand thirty-five and 20/100 dollars (\$30,035.20), with an additional per mile charge of Two and 25/100 dollars (\$2.25) per mile, not to exceed twenty-two thousand two hundred seven (22,207) units for a total of Forty-nine thousand nine hundred sixty-five and 75/100 dollars (\$49,965.75) which computes to an overall increase to the contract of Eight hundred ninety-six and 41/100 dollars (\$896.41); and be it further

RESOLVED, that Emerald Transportation will provide call ahead service to clients one (1) hour prior to their scheduled pick up time and report all cancellations to PCDJFS on the day of cancellation; and be it further

RESOLVED, that PCDJFS shall notify clients of the call off process and ramifications involved with their failure to cancel timely more than once per month; and be it further

RESOLVED, that the annual service amount shall not exceed Eighty thousand and 95/100 dollars (\$80,000.95); and be it further

RESOLVED, that Emerald Transportation will provide shuttle/door-to-door service from residence to place of employment and/or training site and/or child care provider and return ride to residence to eligible individuals for up to four (4) months in a twelve (12) month period; and be it further

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

Voice vote as follows:

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

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RESOLUTION No. 11-0256

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RE: ENTER INTO AN AGREEMENT WITHIN THE RURAL ENTERPRISE ZONE OF THE CITY OF STREETSBORO, OHIO WITH BB STREETSBORO, LLC AND BEST BUY WAREHOUSING LOGISTICS, INC. TAX ABATEMENT FOR REAL PROPERTY ONLY

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

- WHEREAS,** a Rural Enterprise Zone within the corporate boundaries of the City of Streetsboro was certified by the Ohio Department of Development on July 7, 1989 and June 17, 1996; and
- WHEREAS,** in accordance with Section 5709.63(C) of the Ohio Revised Code, the Portage County Board of Commissioners appointed the Mayor of the City of Streetsboro as Administrator of the Enterprise Zone; and
- WHEREAS,** in accordance with Section 5709.61 to 5709.63 of the Ohio Revised Code, the City of Streetsboro and the County of Portage must approve all agreements with enterprises wishing to establish, occupy, and renovate or expand businesses within the Zone; and
- WHEREAS,** the City of Streetsboro is in receipt of an Enterprise Zone Agreement which contains all information required under Rule 122:4-3-02 of the Administrative Code from BB Streetsboro, LLC., with its main offices located at 10020 Aurora-Hudson Rd., Streetsboro, Ohio 44241 and Best Buy Warehousing Logistics, Inc., with its main offices located at 7601 Penn Ave. S., Richfield, Minnesota 55423; and
- WHEREAS,** the agreement between the City of Streetsboro, Portage County, BB Streetsboro, LLC and Best Buy Warehousing Logistics, Inc. is upon the expressed conditions herein and in the event of any substantial default by any party in the performance of those conditions, the agreement shall terminate, at the option of either party, upon thirty days written notice from the non-defaulting party without correction; now therefore be it
- RESOLVED,** that the Portage County Board of Commissioners does hereby approve the Enterprise Zone Agreement, contingent upon the Waiver of Relocation being approved by the Director of the Ohio Department of Development, as agreed to by and between the parties herein included; now therefore be it further
- RESOLVED,** that the Board of Portage County Commissioners finds and determines that all formal actions of the Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in a meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code; now therefore be it further
- RESOLVED,** that the Portage County Board of Commissioners does hereby approve this Agreement as agreed to by and between the parties herein included.

Voice vote was as follows:

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

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RESOLUTION No. 11-0257

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RE:

AUTHORIZE THE FILING OF AN APPLICATION FOR THE 2011 COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP) HOME GRANT FUNDS, AND ENTER INTO AN ADMINISTRATIVE AGREEMENT WITH NEIGHBORHOOD DEVELOPMENT SERVICES INC.

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

WHEREAS, Portage County is eligible to apply for the Ohio Department of Development 2011 Community Housing Improvement Program (CHIP) HOME Funds in an amount not to exceed \$498,000.00; and

WHEREAS, Portage County desires to utilize these available monies to provide private owner rehabilitation, home repair, and home repair septic systems as eligible under the grant guidelines; now therefore be it

RESOLVED, that the Portage County Board of Commissioners authorizes the filing of the 2011 Community Housing Improvement Program Grant application in an amount not to exceed \$498,000.00 and such grant is to be administered and implemented by the Neighborhood Development Services Inc. (NDS, Inc.); and be it further

RESOLVED, that the Board of Commissioners authorizes Maureen T. Frederick as the President of the Board, or her designee to sign the necessary application documents, as presented by Neighborhood Development Services Inc.; and be it further

RESOLVED, that the Board of Commissioners agrees to sign the correspondence and enter into an administrative agreement with Neighborhood Development Services Inc. designating the Neighborhood Development Services Inc. as the Grant Administrator for the Portage County 2011 CHIP Grant, should the grant be awarded, and be it further

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

Voice Vote as Follows:

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

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RESOLUTIONS

March 17, 2011

1. Approval of the meeting minutes from the March 15, 2011 regular Board meeting.
2. Approve the Bills as presented by the County Auditor and reviewed by the Department of Budget & Financial Management./11-244
3. Approve the wire transfers as presented by the County Auditor./11-245
4. Approve the journal vouchers as presented by the County Auditor./11-246
5. Approve the then & now as presented by the County Auditor./11-247
6. Approve specifications and set date for accepting bids for the project entitled 2011 guardrail upgrade project (County Engineer)./11-248
7. Authorize the disposal of obsolete equipment (County Engineer)./11-249

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INVITATIONS

March 17, 2011

1. Meeting notice for the AMATS meeting as follows:
 - Technical Advisory Committee – Thursday, March 17, 2011, 1:30 PM, Stow Safety Building Community Room
 - Citizens Involvement Committee – Thursday, March 17, 2011, 7:00 PM, Fairlawn Kiwanis Community Center
 - Policy Committee – Wednesday, March 23, 2011, 1:30 PM, Martin University Center South Room
2. Invitation from PARTA for the Groundbreaking ceremony on the Kent Central Gateway Multimodal Facility, Monday, April 4, 2011, 11:00 AM, Kent.
3. Invitation from the Ohio National Guard for the Ravenna Training & Logistics Site Sanitary Sewer & Water Main Installation Phase I Groundbreaking Ceremony, Wednesday, March 23, 2011, 11:00 AM, Windham.
4. Invitation from the Ravenna Area Chamber of Commerce for the Raven Awards dinner on Thursday, March 31, 2011, Elks Club, Ravenna.

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INCOMING CORRESPONDENCE

March 17, 2011

1. March 14, 2011 e-mail from Commissioner Frederick to Director Todd Peetz, Regional Planning Commission, regarding CDBG funds and The Moose Club/Information only.
2. Discussion: AMATS mailing/Clerk to complete and return
3. March 11, 2011 e-mail from Charlene Badger, Executive Assistant, regarding Kent and Ravenna Courthouse plaques/Information only. The Board of Commissioners has signed a letter prepared by the Executive Assistant
4. March 11, 2011 e-mail from Susan White, regarding the NEFCO General Policy Board/Executive Assistant to provide additional information

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JOURNAL ENTRY

March 17, 2011

1. Board of Commissioners' signature requested on the satisfaction of mortgage for Michael and Belinda Porter as requested by the Neighborhood Development Services. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
2. Board of Commissioners' authorization requested to pay the January 29, 2011 Invoice No. 3717 from Laura E. Pavlick for court reporting services for the proposed Hiram Annexation of 139.3981 \$150.00.
3. Board of Commissioners' signature requested on the payment authorization form for the Record Publishing Company for General CDBG Public Hearing and the B-F-10 Release of funds for \$198.00 as requested by the Regional Planning Commission. The B-F-10-1CJ-1 Formula Grant Activity #8 General Administration is funding this expense.
4. Board of Commissioners' authorization requested to have Commissioner Maureen T. Frederick, President of the Board sign the Ohio Community Development Block Grant Program Financial Performance Report for period covering September 1, 2009 through February 28, 2011 for Grant No. B-F-09-1CJ-1 for \$391,000.00 as requested by the Regional Planning Commission. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
5. The Board of Commissioners received the Kennel Disposition Report for March 7, 2011 through March 14, 2011 as presented by Dave McIntyre, Dog Warden.

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REFERRED

March 17, 2011

1. The Board of Commissioners received a Notice of Hearing for the Motion to Pay Interim Fees and Expenses regarding the Twin Lakes Country Club, as presented by the Northern District of Ohio US Bankruptcy Court. Referred to Treasurer's Office.

2. The Board of Commissioners received the Order Allowing Attorney for Trustee Fees and Expenses regarding Case No. 09-51628 ,as presented by the US Bankruptcy Court (Twin Lakes Country Club). Referred to Treasurer's Office.
3. March 11, 2011 correspondence from Claudia James, Regional Planning Commission, regarding the Groselle Agricultural Easement Purchase Agreement. Referred to Prosecutor's Office and Internal Services.

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INFORMATION ONLY

March 17, 2011

1. March 10, 2011 e-mail from Director Todd Peetz, Regional Planning Commission, regarding amendment/extension procedures.
2. March 7, 2011 correspondence from Annette Fisher, Happy Trails Farm Animal Sanctuary, thanking the Board for Proclamation.

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PROSECUTOR

March 17, 2011

1. March 15, 2011 e-mail from Chris Meduri, regarding NDS funding to facility structure removal in the Township/information only.
2. March 14, 2011 e-mail from Chris Meduri, including a draft resolution to amend Resolution No. 87-160 to increase the amount of the bond for applicants of special hauling permits and in addition to such bond to develop mutual agreements for applicants to compensate for damage caused to roadways by motor vehicles moving over, across and upon roadways exceeding maximum allowable weights./11-250

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JOURNAL ENTRY

March 17, 2011

Motion by Christopher Smeiles, seconded by Maureen T. Frederick to approve the following actions:

1. The Board of Commissioners signed the Satisfaction of Mortgage for Michael and Belinda Porter, 8294 Garfield Road, Garrettsville, Ohio, as presented by the Neighborhood Development Services. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
2. The Board of Commissioners authorized payment of the January 29, 2011 Invoice No. 3717 from Laura E. Pavlick for court reporting services for the proposed Hiram Annexation of 139.3981 acres in the amount of \$150.00.

3. The Board of Commissioners signed the payment authorization form for the Record Publishing Company for the General CDBG Public Hearing notice and the B-F-10 Release of funds for \$198.00, as presented by the Regional Planning Commission. The B-F-10-1CJ-1 Formula Grant Activity #8 General Administration is funding this expense.
4. The Board of Commissioners authorized Commissioner Frederick to sign the Ohio Community Development Block Grant Program Financial Performance Report for period covering September 1, 2009 through February 28, 2011 for Grant No. B-F-09-1CJ-1, as presented by the Regional Planning Commission. Documents reviewed by the Department of Budget & Financial Management with no exceptions noted.
5. The Board of Commissioners acknowledged the receipt of the Kennel Disposition Report for March 7, 2011 through March 14, 2011, as presented by Dog Warden Dave McIntyre.
6. After meeting today with Human Resources Department Director Karen U'Halie, the Board of Commissioners agreed to use a 2.0% chargeback for Workers Compensation, for 2010 paid in 2011, as recommended by Director U'Halie.
7. The Board of Commissioners' signed the March 15, 2011 correspondence to County Auditor Janet Esposito requesting that staff debit Fund 1148 and credit the General Fund as follows, as presented by the Department of Budget and Financial Management:

	<u>Org</u>	<u>Object</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
Debit:	11485707	704000	0C000	\$89.42	Local Match/Share
Credit:	00100001	194000		\$89.42	Remit to county

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 **March 17, 2011**. There being no further business to come before the Board, it was moved by Christopher Smeiles, seconded by Tommie Jo Marsilio to adjourn the official meeting at **2:45 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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