

Tuesday, April 5, 2011

The Board of County Commissioners met in regular session on **Tuesday, April 5, 2011 at 9:40 AM** with the following members present:

Maureen T. Frederick

Tommie Jo Marsilio

Christopher Smeiles

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It was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles to approve the meeting minutes of the March 31, 2011 meeting. All in favor, motion carries

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Also attending throughout the day: Mike Sever, Record-Courier; Kent Councilman Erik Valenta; Hank Dunchel

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PORTAGE BOARD OF DEVELOPMENTAL DISABILITIES

Present: Pat Macke

Dr. Macke presented his annual update on the state of the DD Board. He noted his concern regarding House Bill 153, which might mean a \$170,000 cut. He is also concerned that the tangible personal property tax phase-out may occur sooner than planned. The Board is in good fiscal condition and being frugal with funds.

Senate Bill 5 may affect the three Collective Bargaining Agreements in place: 1) school and work shop staff has been negotiating for 24 months with the primary object being new salary schedules. There is an April 13th meeting with the mediator. 2) Service and support administration staff settled their contract two weeks ago – it should be ratified tomorrow and the Board of Commissioners would approve. 3) The bus drivers' contract expired on 12-31-10 and negotiations have not yet started.

The next levy is scheduled for two issues in 2013. The Board of Commissioners would have to authorize ballot placement for these two renewals. Dr. Macke noted that the two levies might be consolidated; he is investigating the option of combining these two levies into one continuous issue.

Dr. Macke confirmed that he will work with the Prosecutor's Office regarding the possible combination and the preparation of the required resolutions.

The Board of Commissioners presented Dr. Macke with the Proclamation for the March DD Month

Dr. Macke reported that Mary Lohr, a longtime employee, passed away last week. She and her husband Earl were also longtime supporters; the county lost two great people in a short time.

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Kent City Councilman Erik Valenta is attending to discuss the Kent Courthouse project urging the Board of Commissioners to keep the courthouse in Kent.

Commissioner Smeiles stated that he is comfortable making a motion to keep the courthouse in Kent without naming a site. Commissioner Frederick replied that the meeting last night was productive and she believes that the court house will be built in Kent. Commissioner Marsilio agreed that the courthouse might be built in Kent if an appropriate site can be found.

Commissioner Frederick suggested sitting down with Kent city representatives to determine if it would be possible to partner with the city at the conference center site. She also wants to consider the SR 261 site as well as the land on Water Street as suggested by Judge Poland. These other site options make her comfortable that there are other options available. She added that she is not certain that a resolution is necessary. Commissioner Smeiles noted that the southwest corner of Depeyster and Haymaker Streets would be a nice site for a courthouse. The land could be swapped since the city owns that piece of property.

Mr. Valenta commented that he would appreciate it if the Board would commit that the courthouse will stay in Kent even without naming a site. He added that city council wants communication with the Board of Commissioners, which is the key to success.

Commissioner Marsilio replied that she would offer to serve as the Board of Commissioners liaison to sit down with city representatives to identify actual site options that would work. Commissioner Frederick would like to work with the city ASAP to get this resolved.

Motion by Commissioner Smeiles to keep the courthouse in Kent, following the current state of Ohio law. Seconded by Commissioner Frederick who added that this might not be appropriate at this time since everyone has committed to this notion. Commissioner Smeiles replied that this project has been languishing for years due to a lack of action. With this commitment, the project can now move forward. Commissioner Frederick responded that the county could have moved forward before if there was not insistence on using one site in particular; other viable sites were not considered. Commissioner Smeiles replied that there were other site discussions and there were reasons for not choosing those sites based on the architect's review. Commissioner Frederick commented that she wants the SR 261 site looked at, as well. Mr. Valenta confirmed that the SR 261 site is in the city limits although there may be a sanitary site issue. The Board of Commissioners agreed that the history is behind us and we need now to look forward to the future. Commissioner Marsilio stated that we need to get back to true partnership.

Commissioner Marsilio stated that she will not approve the motion but has agreed to sit down with city to negotiate the cost and the site. The Board of Commissioners is asking for a good dialog working with the city of Kent officials on site locations. Mr. Valenta responded that that commitment is good enough for him at this time. Commissioner Marsilio voting no, motion carries

Commissioner Marsilio also noted that there was a great meeting last night. She is available on Friday morning until 2PM to meet with city representatives.

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THE WOODLANDS AT ROBINSON

Present: Christa Mayes, Mike Coury, Cathie Eggleston, Allison Goudy, Karen U'Halie

The new Nursing Home Administrator Christa Mayes was introduced. Ms. Mayes noted that she has a variety of questions to ask the Board of Commissioners. She reported that the department heads do not have an individual budget and asked how costs be controlled? She needs guidance on how to order items and what approvals are needed to do so. There is no petty cash in the activities department. Commissioner Frederick asked Mr. Coury to work with the Nursing Home Administrator to prepare budgets for each department etc. The Board of Commissioners also asked the Nursing Home Administrator to meet with Internal Services Director JoAnn Townend and Department of Budget & Finance Director Audrey Tillis to get answers to those questions.

The Nursing Home Administrator advised the Board of Commissioners that she is investigating why the nursing home turned 17 residents away since January 2011? Some of those 17 did not have insurance with contracts in place, or the nursing systems needed were not in place. The Nursing Home Administrator advised that she is working to get the DON the clinical support she needs. Six of the residents not admitted are being contacted to determine if they want to come to the facility at this time. She added that residents want to stay close to home.

The DON noted that the nursing staff does not make the decision whether or not to admit. She will work with the Nursing Home Administrator in the future to manage the patients and giving them the best care they can give.

The Nursing Home Administrator stated that the facility needs positive press; for example the recent Ohio Department of Health survey, which was an excellent one, needs to be advertised. The Nursing Home Administrator noted that the facility is lovely and staff takes great pride in their work there. Residents and family love being at The Woodlands.

The Nursing Home Administrator advised the Board of Commissioners of the Saturday, April 16th Easter Egg Hunt at the facility. The Board agreed that the Marketing Director should market this event as well as the facility itself. The Nursing Home Administrator replied that there are no marking supplies at the site. She will discuss this with JoAnn Townend, as well.

The Nursing Home Administrator suggested purchasing cordless phones for each of the hallways and agreed to check with JoAnn Townend about that as well, since the cordless phones may not be compatible with the county system.

The Nursing Home Administrator wants to start a newsletter but needs release forms for residents to sign for photos etc. She checked with the Marketing Director and she does not have them. Mike Coury responded that she can get blank forms for use; the Board of Commissioners suggested that the Nursing Home Administrator contact Denise Smith to review the forms and/or provide the forms for use.

The Nursing Home Administrator discussed the current Smoking Policy and also asked if the Board has decided what to do about the landscaping proposal. The Board of Commissioners replied that they would like the Maintenance staff to perform this work although there is no equipment at the site. JoAnn Townend to report to the Board of Commissioners of the possibility of Maintenance taking over.

The census today is at 65 with one bed hold. The Nursing Home Administrator reported that there is lots of work to be done, processes that need to be in place, the barriers to admitting residents must be removed and she needs to get the tools necessary for the nursing staff. The Administrator reported that staff is cautious due to the many recent changes.

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10:50 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Tommie Jo Marsilio**, seconded by **Christopher Smeiles** that the Board of Commissioners move into executive session to consider discipline issues. **Also present:** Christa Mayes, Mike Coury, Cathie Eggleston, Allison Goudy, Karen U’Halie. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

11:30 AM Upon conclusion of the above referenced discussion, it was moved by **Tommie Jo Marsilio**, seconded by **Christopher Smeiles** that the Board of Commissioners 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 action by Journal Entry.

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12:15 PM Lunch Recess

1:10 PM Board of Commissioners reconvened

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HONEYWELL BUILDING SOLUTIONS

Present: Brent VanHoose, JoAnn Townend, Charlene Badger

The Board of Commissioners met with Mr. VanHoose to discuss the Honeywell Building Solutions Comprehensive Energy Program in accordance with House Bill 300/295 for conservation/efficiency audit/infrastructure renewal.

The Board of Commissioners will make a decision as to how to proceed in the near future.

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OFFICE OF HOMELAND SECURITY & EMERGENCY MANAGEMENT

Present: Jon Barber, Charlene Badger, JoAnn Townend

1. Discussion of the April 12th Open Government Day/The Board of Commissioners agreed that the upper floors of the Administration Building will not be open to the public during the April 12th Open House
2. The Board of Commissioners agreed to send a memo to their departments, excluding the SWMD, advising that they have authorized the hire of the Pavlick Consulting Group, Inc. to prepare departmental Continuity of Operation Plans (COOP) using funds remaining in the FY 08 SHSP grant.

3. The Office of Homeland Security and Emergency Management Director recommended that the Board of Commissioners discuss the 911 System with Sheriff Doak noting that the Sheriff intends to remove the 911 operation from the Dispatch Center. He suggested that the Board of Commissioners discuss 911 training and protocols with the Sheriff.
4. The Director presented the new Emergency Operation Plan for Board review and approval. The Plan was last adopted in 2003 and has been changed both in format and content. The Plan must be reviewed by the Prosecutor's Office, approved by the Board of Commissioners and sent out to political subdivisions for approval. The Board agreed to review the draft and meet again with the Director to continue the discussion.

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WATER RESOURCES

Present: Jeff Lonrick, Howard Coles, Audrey Tillis, Dave McIntyre

1. DISCUSSION

Howard Coles, 3732 SR 43, is attending today regarding a January 2011 sewer backup at his home. Director Lonrick reported the details to the Board of Commissioners and recommended that the claim not be paid since there is no negligence on the county's part. CORSA has denied the claim as submitted by the Safety/Loss Control Coordinator. Mr. Coles' insurance has made a \$5,000 payment but it cost \$7,000 for the cleanup. Furniture, carpet and flooring must also be replaced. Commissioner Marsilio noted that the county is under no obligation to pay on these claims since the county was not negligent. She added that the Board does try to provide good customer service. Although the Board has no legal responsibility to make this payment the Board must do the right thing. Commissioner Frederick stated that the Board of Commissioners does try to help customers in these situations but would need receipts and an accounting of expenditures as well as photos. Commissioner Smeiles stated that he is comfortable in making payment in this case. The Board of Commissioners agreed to pay \$5,560.94/Journal Entry

2. **RESOLUTION** Enter into a three year agreement between Allen Heasley and the County of Portage for application of cake biosolids on County approved disposal sites/11-0306.
3. **RESOLUTION** Enter into an agreement between Robert and Thelma Knipper and the Board of Commissioners for the lease of land for the purpose of disposal and reuse of liquid and cake biosolids, on approved application sites/11-0307.
4. **RESOLUTION** Agreement for sanitary sewer improvements for the State Route 14 – Porcase Sewer Project, Portage County Water Resources Department, Project No. RV-0 07-270/11-0308.
5. **SIGNATURES** Final application and certificate for payment to West Michigan Cable Contractor's Inc. (dba Midwest Trenchless Services) on the Streetsboro Trunk Sewer Rehabilitation, Phase 1, Project No. ST-4 06-260/Journal Entry.
6. **SIGNATURES** WPCLF Project ARRA Quarterly Report Summary Forms/Journal Entry

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2:45 PM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Tommie Jo Marsilio**, seconded by **Christopher Smeiles** that the Board of Commissioners move into executive session to consider a departmental reorganization. **Also present:** Interim Water Resources Department Director Jeff Lonzrick and DBFM Director Audrey Tillis. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

3:05 pm Upon conclusion of the above referenced discussion, it was moved by **Tommie Jo Marsilio**, seconded by **Maureen T. Frederick** 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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DOG WARDEN

Present: Dave McIntyre, JoAnn Townend

1. Ohio Pet Plate Fund

The Dog Warden received a \$2,000 Grant award

2. The Rabies Clinic is scheduled for April 16, 2011

Dr. Paroff will charge \$10 per shot

3. Highway to Heaven - This rescue group transports animals but will also pay pull fees.

4. Kennel YTD as of today

1. Intakes of Dogs – 222

2. Intakes of Pit Bull Dogs -17

Commissioner Marsilio asked if pit bull dogs were adoptable. The Dog Warden responded that he will release pit bulls to rescue groups but not generally to the public

3. Adoptions YTD – 62

4. Return to owners -56

5. Released to APL – 10

6. Remaining in the facility - 40

5. The Board of Directors agreed that the Dog Warden should participate in the following, completing any necessary travel forms:

1. Bark in the Park, or any other events in Portage that come along.

2. Saturday June 11th at Hardesty Park in Akron from 10AM 4 PM

3. Dog Warden monthly meetings

4. All events that might come up in Portage County

6. The Dog Warden provided a dog to raffle for the Ravenna Police Reverse Raffle - \$220 was raised

7. PetFix

The Mobile Spay/ Neuter program is increasing to twice a month

- 8. **License Renewal** - The Dog Warden reported that staff has made 1973 calls to owners of dogs that have not purchased licenses and 152 licenses have been purchased
- 9. For the Commissioners' evening meeting on /12/2011, the Dog Warden will bring a tent, dogs and handouts

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3:05 PM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Tommie Jo Marsilio**, seconded by **Maureen T. Frederick** that the Board of Commissioners move into executive session to consider a departmental hire. **Also present:** Dog Warden Dave McIntyre and Internal Services Director JoAnn Townend. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

3:15 pm Upon conclusion of the above referenced discussion, it was moved by **Tommie Jo Marsilio**, seconded by **Maureen T. Frederick** 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 action by Journal Entry.

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KENT COURTHOUSE DISCUSSION

Present: Judges Poland, Fankhauser, Oswick; Nicole Jones, Dave McIntyre, Charlene Badger, JoAnn Townend

Commissioner Smeiles reported that the Board of Commissioners adopted a Journal Entry today agreeing to keep the courthouse in Kent. Commissioner Frederick confirmed that this is predicated on finding a location in the city. Judge Poland agreed that the county must find the best property for the best price that we can find. Commissioner Frederick advised that Commissioner Marsilio has offered to meet with the city of Kent on Friday to see what land is available. The Board and the Judges agree that we need to build a building and that it will be built in Kent.

Judge Poland suggested that the architect look at all of the potential sites except the East Main site. No site is off the table including the site next to the Portage Community Bank, Kent city property with a parking problem, and the SR 43/SR 261 property. He wondered if the county can pass the cost of installing a sewer on to future customers? Judge Poland is also concerned about planning to install a sewer just to service three acres of land. Should the county purchase four acres for possible expansion? Judge Oswick commented that she talked to Robinson Memorial Hospital CEO Steve Colecchi today and he confirmed that the SR 261/SR 43 site is "maxed out" and it would not be possible to add more customers to the current sewer system.

Judge Poland added that he does not want to end up with parking issues in the new facility. Commissioner Frederick stated that resident Jim Hudson had some good points last night at the public meeting and he continues to work on investigating the process.

Judge Oswick stated that if we are exploring other options we need to understand all possibilities on all properties. Commissioner Frederick agreed that we got hung up on the property that the county already owns. Kent is now willing to take another look at the site near the convention center, which may now be available. Judge Fankhauser stated that the city wants the courthouse downtown and may be more willing now to assist the county to keep the facility downtown.

Judge Oswick pointed out that the city made an offer several years ago and the Commissioners shot them down. She was reminded by Commissioner Smeiles that parking remains an issue with Kent City offered sites. Commissioner Frederick reported that Commissioner Marsilio has offered to meet the city on Friday to continue the discussion regarding the possible location of the court. Commissioner Frederick added that the city may be able to work with the county on the actual number of parking spots that would be required. Judge Poland replied that he wants to avoid an issue with parking. Commissioner Smeiles stated that we should agree to continue to look and see what works.

Commissioner Marsilio commented that the current courthouse is about 10,000 square feet with the actual space being used at about 7,200 Sq Ft. If you even doubled the used square footage, she asked if that would work? Judge Poland replied that it is not that we have to have a large space. The Judges have already eliminated or combined conference rooms and offices. There are two courtrooms of adequate size. The security, holding cells, intake, elevators, etc really drove the size increase and space requirements. Judge Oswick suggested that the architect be consulted about what the Supreme Court mandates – these are not items that the county wants but are now required.

Commissioner Frederick stated that she was disappointed that the architect did not put parameters on items but asked what was needed and wanted. There was not a lot of intervention by the architect to say what is necessary. Commissioner Marsilio added that the city of Kent has offered to look at the proposed plans, as well.

Judge Fankhauser asked what the proposed square footage is now? JoAnn Townend replied 30,000 square feet including the basement. Judge Poland reiterated that requirements must be met. JoAnn Townend reminded the group to keep in mind what size the lot will be. She suggested not building a two story court that requires holding cells on both floors. Judge Poland wondered if the county should ask how large a lot would be necessary for a one story facility. JoAnn Townend responded that a big enough lot is not located, the court would have to build up.

Commissioner Smeiles commented that we know we can buy land at SR 261 at about \$100,000 per acre. Judge Poland stated that a larger footprint reduces the heating and cooling efficiencies and reduces parking access.

Commissioner Smeiles suggested that the architect meet with the group again to review the square footage needs. He added that he toured the Stow Courthouse with the Judges and invited the other Commissioners to do the same. Judge Oswick added that she toured the Stow Courthouse, which is a utilitarian building, easy to keep clean and maintain. The set up flowed well and deals with the security issues.

Judge Poland stated that the Judges are committed to doing their homework and doing this right creating an efficient and functional building while planning for the future but not a Taj Mahal. Keep costs low and costs contained.

Commissioner Marsilio noted that maintenance is an issue and we need to maintain all county buildings better. She asked if the Judges are interested in using the Special Project fund for maintenance? Judge Poland responded that whatever the funds can legally be use for are fine - the ORC details what can be paid for and what cannot be paid for. Judge Oswick suggested that when we get close to finishing the project, the Judges look at increasing the fine for maintenance of the building. Judge Fankhauser suggested keeping the fine on for 30 years instead of the planned 20 years.

Commissioner Frederick mentioned that the Board of Commissioners is nervous due to the upcoming state cuts.

Judge Oswick stated that now is the time to build before costs increase - time is of the essence due to the liability at the courthouse. Judge Poland would like to get the architect here to look at the proposed sites.

Commissioner Marsilio will meet with the city of Kent and will let Judge Poland know when it is scheduled so that he can attend with her. JoAnn Townend may attend as well. JoAnn Townend suggested that the architect not be contacted until the meeting is held with the city of Kent. The group agreed.

Commissioner Marsilio commented that we all heard the same comments last night. The citizens are concerned although they do know that there is a need for a new facility. She believes that the county must stay in touch with the value set of the citizens.

Judge Poland responded that he can look people in the eye and say that the Judges have done all they can to contain costs. Judge Oswick asked if the county has to pay the appraised value on a site? The agreement was no, the county can offer any amount that we want to offer.

The next meeting was scheduled for April 21st at 3:00 PM.

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RESOLUTION No. 11-0302 - RE: BILLS APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.

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

RESOLVED, that the bills were approved and certified to the County Auditor for payment, contingent upon the review of the Portage County Department of Budget and Financial Management or other designee on April 5, 2011 in the total payment amount of **\$165,429.54 for Funds 0001-7102** 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:

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

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RESOLUTION No. 11-0303 - RE: APPROVAL OF JOURNAL VOUCHERS/ENTRIES.

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

WHEREAS, the Ohio Revised Code requires that warrants be approved by the Board of Commissioners prior to their issuance, and

WHEREAS, there are other similar financial transactions defined as journal vouchers/entries that are dissimilar in that they are used to pay for charges for services from one county department and/or fund to another department and/or fund and thus are processed in lieu of issuing a warrant, and

WHEREAS, the Journal Vouchers/Entries are recommended by the County Auditor’s Office for review and approval by the Board of Commissioners; now therefore be it

RESOLVED, that the Board of Commissioners approves the following Journal Vouchers/Entries as presented by the County Auditor’s Office:

04/04/11	126	\$ 401,964.50
04/01/11	47	5,917.34
04/01/11	48	100,200.00
04/01/11	96	31,055.26
04/01/11	97	51,053.99
04/01/11	102	977.00
04/01/11	103	4,542.15
04/01/11	108	68.88
04/01/11	109	9,170.15
04/01/11	110	114.52
04/01/11	111	216.74
04/01/11	112	7,111.72
04/05/11	152	173,189.17
04/05/11	151	5,775.30
04/05/11	150	5,921.79
Total		\$ 797,278.51

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RESOLUTION No. 11-0305 - RE: APPOINTMENT TO DISTRICT NO. 7 INTEGRATING COMMITTEE - STATE ISSUE 2 INFRASTRUCTURE BOND ISSUE.

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

RESOLVED, that the Board of Portage County Commissioners does hereby appoint Maureen T. Frederick, Portage County Commissioner, as a representative of Portage County on the District No. 7 Integrating Committee - State Issue 2 Infrastructure Bond Issue for an unexpired three year term commencing immediately; and be it further

RESOLVED, to ensure that all interests are represented at all meetings and to ensure meeting quorums, the Board of Commissioners appoints Christopher Smeiles as alternate; and be it further

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

Voice vote was as follows:

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

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RESOLUTION No. 11-0306 - RE: ENTER INTO A THREE YEAR AGREEMENT BETWEEN ALLEN HEASLEY AND THE COUNTY OF PORTAGE FOR APPLICATION OF CAKE BIOSOLIDS ON COUNTY APPROVED DISPOSAL SITES

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

WHEREAS, the County operates various wastewater treatment plants within Portage County, which, after processing, produce a byproduct known as digested liquid biosolids; and further mechanical processing of this byproduct can reduce the water content forming a semi-solid product referred to as biosolids cake; and

WHEREAS, Allen Heasley (the OWNER(S)) are willing to allow liquid and cake biosolids to be placed and spread on portions of their property; and

WHEREAS, the County is willing to lease the above Owner's land for the purpose of cake application services and to ensure the proper operation of the County's wastewater plants;

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

Section 1. That the Board agrees to compensate Allen Heasley in the amount of 5.00 per cubic yard for a three (3) year agreement.

Section 2. That the estimated amount of cake to be applied during the three years of the agreement is 5860 cubic yards, for a total of \$29,300.00.

Section 3. That 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 of 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:

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 11-0307

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RE:

ENTER INTO AN AGREEMENT BETWEEN ROBERT AND THELMA KNIPPER AND THE BOARD OF COMMISSIONERS FOR THE LEASE OF LAND FOR THE PURPOSE OF DISPOSAL AND REUSE OF LIQUID AND CAKE BIOSOLIDS, ON APPROVED APPLICATION SITES.

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

WHEREAS, the County operates various wastewater treatment plants within Portage County which, after processing, produce a byproduct known as digested liquid biosolids; and further mechanical processing of the byproduct can reduce the water content forming a semi-solid product referred to as biosolids cake; and

WHEREAS, the Owners are willing to allow liquid and cake biosolids (BIOSOLIDS) to be applied on portions of the Owners' property; and

WHEREAS, the County is willing to deliver the BIOSOLIDS on portions of the Owners' property; and

WHEREAS, the Ohio EPA has approved this property for the application and disposal of BIOSOLIDS as long as the sites are actively farmed with annual crops to provide nitrogen and phosphorus uptake; and

WHEREAS, the County, using a soil conservation map and aerial photographs, has prepared an Application Map graphically showing the BIOSOLIDS application sites for the property; it is hereby

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

Section 1. That the Board agrees to enter into a five (5) year agreement with Robert and Thelma Knipper, to lease 59 useable acres of land for the purpose of BIOSOLIDS application disposal, as described in the Agreement; and be it further

Section 2. That the County will compensate the Owners' in the amount of \$10.00 per acre per year for the use of the property as a BIOSOLIDS application site In no case shall the cost exceed \$2,950.00 over the life of the 5 year agreement; and be it further

Section 3. That 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 of 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:

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

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RESOLUTION No. 11-0308 - RE: AGREEMENT FOR SANITARY SEWER IMPROVEMENTS FOR THE STATE ROUTE 14 – PORCASE SEWER PROJECT, PORTAGE COUNTY WATER RESOURCES DEPARTMENT PROJECT NO. RV-0 07-270.

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

WHEREAS, Portage Distributing Company, (OWNER) has constructed an 8 inch gravity sanitary sewer line and all necessary appurtenances (SEWER) for the State Route 14 – Porcase Sewer Project, (Portage County Water Resources Project Number RV-0 07-270); and

WHEREAS, this project provides sanitary sewer service to 4.69 acres of land located in Ravenna Township Lot 26-S, Portage County, Ohio; and

WHEREAS, Otto Falkenberg Excavating has acknowledged being paid in full for the construction of the SEWER; and

WHEREAS, the OWNER now wishes to convey the SEWER as a gift to Portage County to own, maintain, and operate, now therefore be it

RESOLVED, by the Board of County Commissioners, Portage County, Ohio
(COMMISSIONERS):

Section 1. That the COMMISSIONERS agree to enter into an Agreement with the OWNER who has constructed the SEWER that provides service to 4.69 acres of land located in Ravenna Township Lot 26-S, Portage County, Ohio.

Section 2. That after the COMMISSIONERS sign the letter of acceptance (as prepared by the Director of the Portage County Water Resources Department) the COMMISSIONERS will accept the SEWER to own, maintain, and operate.

Section 3. That the COMMISSIONERS find and determine that all formal actions at this meeting concerning and relating to the adoption of this resolution were taken in an open meeting by the COMMISSIONERS and that all deliberations of the COMMISSIONERS 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.

Voice Vote as Follows:

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

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RESOLUTIONS

April 5, 2011

1. Approval of the meeting minutes from the March 31, 2011 regular Board meeting.
2. Approve the Bills as presented by the County Auditor and reviewed by the Department of Budget & Financial Management/11-0302.
3. Approve the journal vouchers as presented by the County Auditor/11-0303.
4. Approve the then & now as presented by the County Auditor/11-0304.
5. Appointment to District No. 7 Integrating Committee – State Issue 2 Infrastructure Bond Issue (Executive Assistant) /11-0305.

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INVITATIONS

April 5, 2011

- 1. Invitation from the Portage Animal Protective League for the Paws To Celebrate Derby Day Party on Saturday, May 7, 2011, 4:30 PM, Roses Run Country Club, Stow.

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INCOMING CORRESPONDENCE

April 5, 2011

- 1. February 23, 2011 correspondence (received March 30, 2011) from P. Ken Howe, regarding (1) the Kent Courthouse and (2) employment/Executive Assistant to draft response.
- 2. March 29, 2011 e-mail from County Engineer, Mickey Marozzi, to Timothy Apel, regarding Village Estates Flooding/Information only at this time.
- 3. March 31, 2011 e-mail from Timothy Apel to County Engineer, Mickey Marozzi, regarding Village Estates Flooding/Information only at this time.
- 4. Discussion: Commissioner Marsilio advised that she plans to visit the site of the sinkholes in Brimfield soon. The Board of Commissioners wondered if NACO or the CCAO has handled this type of situation.

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JOURNAL ENTRY

April 5, 2011

- 1. The Board of Commissioners received the March 30, 2011 Certificate of the County Auditor that the Annual Appropriations from each fund does not exceed the Amended Official Certificate of Estimate Resources for the fiscal year beginning January 1, 2011 as presented by the Portage County Budget Commission.
- 2. The Board of Commissioners received the Transportation Report for February 2011 as presented by the Portage County Sheriff's Department.
- 3. In response to the March 24, 2011 Notice from Ohio Division of Liquor Control of a request for a *Change of Corporate Stock Ownership* for the liquor license for Ballentine Investments Inc. dba Time Out Sports Bar & Grille, Freedom Township, Portage County, the Board of Commissioners agreed not to request a hearing, noting that the Freedom Township Trustees have no objections and are not requesting a hearing. Board of Commissioners' authorization also requested to have the Clerk to sign and return the Notice.
- 4. Board of Commissioners' signature requested on the purchase requisition for CTG Environmental LLC for Lead final clearance for the Kevin Coleman house located at 164 E. Spruce Street, Ravenna for \$500.00 as requested by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #4 Private Rental Rehab is funding this expense.

5. Board of Commissioners' signature requested on the Journal Entry to reimburse the Regional Planning Commission from the New Horizons Grant for period December 13, 2010 through February 20, 2011 not previously billed in the amount of \$983.69.
6. In accordance with Ohio Revised Code Section 3705.24, the Board of Commissioners approved payment to the cities of Kent and Ravenna for the 2010 Annual Filing Fee Certification from the Ohio Department of Health certifying the number of birth, death, fetal death, and military service certificates registered with the Ravenna City Health Department as 1,305, with \$1,305 due to the city for the year ending December 31, 2010, and also certifying the number of birth, death, fetal death, and military service certificates registered with the Kent City Health Department as 636, with \$636 due to the city for the year ending December 31, 2010.

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REFERRED

April 5, 2011

1. March 29, 2011 e-mail from the County Engineer, regarding District 7 Integrating Committee/Board of Commissioners adopted Resolution 11-0305 today appointing Commissioner Frederick as the member and Commissioner Smeiles as the alternate.
2. March 28, 2011 memo from Michael Hiler, Ohio Department of Development, requesting completion of the Annual Program Income Report prior to April 30, 2011. Referred to the Neighborhood Development Services, Inc. for completion.

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INFORMATION ONLY

April 5, 2011

1. The Board of Commissioners received the April 1, 2011 Organization Chart as presented by the Department of Job & Family Services.
2. Undated correspondence (received April 1, 2011) from Dee Lynn, Family & Community Services, requesting donations for the 16th Annual Portage County Senior Celebration of Achievements at NEOUCOM Tuesday, May 10, 2011. Donations must be received by Friday, April 15, 2011.

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PLEASE ADD TO THE AGENDA

April 5, 2011

1. April 4, 2011 correspondence from Carol Crimi, KSU Student Legal Services, regarding the Kent Courthouse/The Executive Assistant to draft a response for the Board of Commissioners .
2. April 4, 2011 email from the County Auditor regarding the April 12th Open House at the Portage County Administration Building/The Board of Commissioners agreed that the upper

floors of the Administration Building will not be open to the public during the April 12th Open House.

3. April 4, 2011 email from Steve Colecchi regarding the Woodlands at Robinson/Commissioner Marsilio commented that the Board of Commissioners must respond to Mr. Colecchi suggesting that the Board of Commissioners request a copy of the complete engineering report so that the Board can investigate the issues. Commissioner Smeiles offered to contact Mr. Colecchi to make that request and then work with JoAnn Townend to locate an architect and/or a mechanical engineer to do the investigation. Commissioner Smeiles will also contact CBO Wrentmore to go to the facility with him.

Commissioner Marsilio commented that the building maintenance continues to be a challenge. The Board of Commissioners must decide on a maintenance plan although money is an issue. Commissioner Smeiles responded that there is a report from several years ago on county building status/needs that could be built on. Commissioner Marsilio wondered if current maintenance staff can take that report and update it. Commissioner Smeiles added that the Board of Commissioners needs to set aside funds for repairs and maintenance. Commissioner Frederick and Commissioner Marsilio agreed. Commissioner Smeiles stated that the Board of Commissioners could borrow money and set up an account for future needs. Commissioner Frederick and Commissioner Marsilio agreed that they are not ready to take on additional debt. Commissioner Frederick stated that she would like the hospital to consider negotiating with the county that any excess funds collected go to the debt service.

Commissioner Marsilio noted Mr. Colecchi's concern about the impact of the state budget.

4. March 31, 2011 email from Bob Wrentmore regarding the Woodlands at Robinson inspection.

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PROSECUTOR

April 5, 2011

1. March 30, 2011 e-mail from the Prosecutor's Office, including correspondence to Daniel Dreyfuss regarding Kenneth Mantell & Robinson Memorial Hospital.
2. March 31, 2011 correspondence from Denise Smith to Gerald Berger, regarding claim of Liamette, LLC for tap in fees under the General Sewer Agreement dated January 20, 2006.

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JOURNAL ENTRY

April 5, 2011

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

1. The Board of Commissioners acknowledged the receipt of the March 30, 2011 Certificate of the County Auditor that the Annual Appropriations from each fund does not exceed the Amended

Official Certificate of Estimate Resources for the fiscal year beginning January 1, 2011, as presented by the Portage County Budget Commission.

2. The Board of Commissioners acknowledged the receipt of the Transportation Report for February 2011, as presented by the Portage County Sheriff's Department.
3. In response to the March 24, 2011 Notice from Ohio Division of Liquor Control of a request for a *Change of Corporate Stock Ownership* for the liquor license for Ballentine Investments Inc. dba Time Out Sports Bar & Grille, Freedom Township, Portage County, the Board of Commissioners agreed not to request a hearing, noting that the Freedom Township Trustees have no objections and are not requesting a hearing. The Board of Commissioners authorized the Clerk to sign and return the Notice.
4. After meeting today with Dog Warden Dave McIntyre in an Executive Session, the Board of Commissioners accepted his recommendation and authorized the hire of Jerrod Hankins as a Deputy Dog Warden contingent upon the applicant passing a pre-employment physical and drug screen and motor vehicle record check, if applicable.
5. The Board of Commissioners signed the purchase requisition for CTG Environmental LLC of Cleveland for lead dust wipe clearance and visual evaluation to be performed for the Kevin Coleman house located at 164 E. Spruce Street in Ravenna for \$500.00, as presented by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #4 Private Rental Rehab is funding this expense.
6. The Board of Commissioners signed the Journal Entry to reimburse the Regional Planning Commission from the New Horizons Grant for the time period of December 13, 2010 through February 20, 2011 not previously billed in the amount of \$983.69. Documents reviewed by the DBFM Director who noted that there is proper documentation with correct authorizations.
7. In accordance with Ohio Revised Code Section 3705.24, the Board of Commissioners approved payment to the cities of Kent and Ravenna for the 2010 Annual Filing Fee Certification from the Ohio Department of Health certifying the number of birth, death, fetal death, and military service certificates registered with the Ravenna City Health Department as 1,305, with \$1,305 due to the city for the year ending December 31, 2010, and also certifying the number of birth, death, fetal death, and military service certificates registered with the Kent City Health Department as 636, with \$636 due to the city for the year ending December 31, 2010.
8. After meeting today in an Executive Session with The Woodlands at Robinson staff, the Board of Commissioners authorized The Woodlands at Robinson to advertise as follows:

DEPARTMENT	JOB TITLE	GRADE	ACTION
The Woodlands at Robinson	RN Restorative Replacement for Edyth Turcnell	MG05 1	Post Internally and Externally
The Woodlands at Robinson	LPN Replacement for	LPN/2 I	Post Internally and Externally

	Brittany Bryant		
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9. After meeting today in an Executive Session with The Woodlands at Robinson staff, the Board of Commissioners authorized the termination of a full-time LPN for NCNS (no call/no show), effective March 28, 2011.
10. After meeting today with The Woodlands at Robinson staff, the Board of Commissioners agreed that Nursing Home Administrator Christa Mayes has the authority to expend up to \$2,500 for necessary emergency repairs, as needed. The Board of Commissioners agreed that the Nursing Home Administrator must obtain three (3) quotes for a necessary emergency repair before moving forward.
11. The Board of Commissioners acknowledged the receipt of the April 5, 2011 notice of termination from Michael Coury, Generations HealthCare Management, of the agreement between Aristocrat Senior Management, LTD (dba Generations HealthCare Management) and the Portage County Board of Commissioners for consulting services to The Woodlands at Robinson, effective April 30, 2011. The Board of Commissioners noted that Mr. Coury has agreed to complete the Medicare Cost Report even if the completion of that report occurs after the April 30, 2011 contract end date.
12. After meeting today with Water Resources Interim Director Jeff Lonzrick, the Board of Commissioners agreed to pay \$5,560.94 to Howard Coles, 3732 State Route 43 in Brimfield Township, after a January 8, 2011 sewer backup at his home, noting that the county is under no obligation to pay on these claims since the county was not negligent. The Board of Commissioners agreed that Internal Services Director Townend should prepare the required Settlement and Release Agreement.
13. The Board of Commissioners authorized Commissioner Frederick to sign the following documents as presented by the Water Resources Department:
 - A. WPCLF Project ARRA (Stimulus) Quarterly Report Summary for January – March 2011 for the West Branch MHP WWTP Improvements.
 - B. WPCLF Project ARRA (Stimulus) Quarterly Report Summary for January – March 2011 for the Portage County Garage, O&M Center.
14. The Board of Commissioners signed the Application and Certificate for Payment for the Streetsboro Trunk Sewer Rehabilitation, Phase I ST-4 (06-260) authorizing payment to Contractor West Michigan Cable Contractor's Inc. (dba Midwest Trenchless Services) of Grant, MI, as presented by the Portage County Water Resources Department.

All in favor, motion carries.

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JOURNAL ENTRY II

April 5, 2011

Motion by Commissioner Smeiles to keep the municipal courthouse in Kent, following the current state of Ohio law. Seconded by Commissioner Frederick who added that this action might not be appropriate at this time since everyone has committed to this notion. Commissioner Smeiles replied that this project has been languishing for years due to a lack of action. With this commitment, the project can now move forward. Commissioner Frederick responded that we could have moved forward before if there was not insistence on using one site in particular; other viable sites were not considered. Commissioner Smeiles replied that there were other site discussions and there were reasons for not choosing those sites based on the architect's review. Commissioner Frederick stated that she wants the SR 261 site looked at as well. Mr. Valenta confirmed that the SR 261 site is in the city limits although there may be a sanitary sewer issue. The Board of Commissioners agreed that the history is behind us and we need now to look forward to the future. Commissioner Marsilio stated that we need to get back to true partnership.

Commissioner Marsilio stated that she will not second the motion but has agreed to sit down with city to negotiate the cost and the site. The Board of Commissioners is asking for a good dialog working with the city of Kent officials on site locations. Mr. Valenta responded that that commitment is good enough for him at this time. Commissioner Marsilio voting no, 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 **April 5, 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 4:15 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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