

Tuesday, April 26, 2011

The Board of County Commissioners met in regular session on **Tuesday, April 26, 2011 at 9:20 AM** with the following members present:

Maureen T. Frederick

Christopher Smeiles

Absent: Commissioner Marsilio, who was at the Meet the New Administrator/New Commissioner until after midnight last night at The Woodlands at Robinson.

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It was moved by Christopher Smeiles, seconded by Maureen T. Frederick to approve the meeting minutes of the April 21, 2011 meeting. Commissioner Marsilio absent, motion carries

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

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ATTORNEY RON HABOWSKI

Present: Ron Habowski and Attorney Denise Smith

Attorney Habowski is attending today to discuss a draft agreement for professional services for labor relations legal advice. Commissioner Marsilio noted that this contract would be good for the county and enable the Board to contain costs by centralizing the service. Over the next several years the Board would be able to get the same contract language in all agreements ensuring countywide consistency in format and language.

9:35 AM Commissioner Marsilio attending

Attorney Smith reported that Attorney Habowski does a good job and is familiar with the county, as well as bringing his institutional memory to the table. The Board of Commissioners intends to use Attorney Habowski for all of their departmental labor relations legal advice and would like the Sheriff and Engineer to also use his services. Attorney Smith reminded the Board of Commissioners that her office handles many of the grievances/arbitration for Sheriff Doak. She commented that she would sign this agreement As To Form, as presented.

The Board of Commissioners approved the agreement presented noting that Attorney Habowski confirms that subsequent interpretation of the county's collective bargaining agreements include mediation sessions, grievance hearings, and other administration of the contracts. Arbitration, EEOC and OCRC representation would be charged in addition to the retainer amount. Attorney Smith reminded the Board of Commissioners that the amount they spend yearly on legal fees cannot exceed the Prosecutor's salary. The Board of Commissioners agreed to ask JoAnn Townend to look let them know how much they spend yearly. The Solid Waste Management District Board of Commissioners will take action on April 28th to allow inclusion in this agreement.

Resolution 11-0374 approves the Agreement/JoAnn Townend to process

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THE WOODLANDS AT ROBINSON

Present: Christa Mayes, Cathie Eggleston, Allison Goudy, Attorney Denise Smith

Updates

The Nursing Home Administrator noted that the census is at 79 plus one in the hospital. The Nursing Home Administrator reported that the Meet the New Administrator and New Commissioner meetings went well yesterday.

Ms. Mayes to work with JoAnn Townend to continue to coordinate the purchase of televisions for some of the rooms.

The Nursing Home Administrator recommended the purchase of software to print diets are now being hand written. The Board of Commissioners agreed to get pricing.

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.

Food Purchases

Ms. Mayes commented that US Foods is a vendor that she would like to use; she added that the Robinson Memorial Hospital also uses this company. She is recommending switching to this company, which would allow a \$25,000-\$50,000 savings over the current company. Denise Smith reminded the Board of Commissioners that this might have to be bid. JoAnn Townend to determine if there is a contract; was it competitively bid? If not, was there an exemption or is the current company on the state list? The Nursing Home Administrator to work with JoAnn Townend to move this forward.

The Nursing Home Administrator reported that she has not yet gotten the budgets from Generation Healthcare, as requested.

Attorney Denise Smith reported that she is meeting with the legal counsel suggested by the Nursing Home Administrator to discuss the creation of an admissions packet. Attorney Smith also reviewed the Multi-Care contract for a 60 day time period in an amount not to exceed \$12,000. That service will be bid out working with Robinson Memorial Hospital. Denise Smith still needs an hourly rate and a list of services that could be included even if not used to complete the contract. Multi-Care would also provide a detailed invoice. Ms. Mayes agreed to contact the company and get that listing to the Board of Commissioners.

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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 a discipline issue and a labor issue. **Also present:** Christa Mayes, Cathie Eggleston, Allison Goudy, Denise Smith. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

11:15 AM Allison Goudy and Cathie Eggleston left the Executive Session

11:50 AM The Nursing Home Administrator left the Executive Session

11:55 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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BUILDING DEPARTMENT

Present: CBO Wrentmore and Attorney Leigh Prugh

The CBO has been notified by the Board of Building Standards that the Villages of Mantua, Garrettsville, and Windham are not included on the Portage County Certification for the enforcement of the Residential Building Code of Ohio. The Board of Building Standards has advised the CBO that if he can get agreements with those villages delivered to them by June 3, 2011, the state will add those communities to the Portage County Certification.

The Board of Commissioners agreed that Attorney Prugh and the CBO should draft a correspondence to Mantua, Windham and Garrettsville advising that residential services will stop if an agreement is not in place with the Board of Commissioners for the enforcement of the Residential Building Code of Ohio before the June 3, 2011 due date set by the Ohio Board of Building Standards.

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DEPARTMENT OF BUDGET & FINANCIAL MANAGEMENT

Resolutions

1. General Fund Amendments to the Annual Appropriation Resolution:/11-0369
 - a. Commissioner Other, Supplement to Departments – Boc Appr JE’s: 4/07/11 #3, 4/12/11 #8, 4/19/11 #17
 - b. Budget & Financial management, Transfer – BOC Appr 4/19/11 #16
 - c. Human Resources, Suppl – BOC Appr JE’s: 4/12/11 #8 & 4/19/11 JE # 17
 - d. Building Regulation Inspection, Suppl – Boc Appr 4/12/11 JE #8
 - e. Prosecutor’s Office, Suppl & Trans – Contr Agree & Boc Appr. 4/12/11 JE #8
 - f. Juvenile Probation, Suppl - Boc Appr 4/12/11 JE #8
 - g. Adult Probation, Suppl - Boc Appr 4/12/11 JE #8
 - h. Sheriff Administration, Suppl – Resol. # 11-0285 (Legal)
 - i. Public Defender Commission, Suppl Boc Appr 4/07/11 JE #3

2. Other Funds Amendments to the Annual Appropriation Resolution:/11-0370
 - a. 1002, Enterprise Zone Program – Supplemental, Projected need to close fund
 - b. 1149, Felony Delinque Care & Custody – Supplemental, Cover anticipated need and negative balances.
 - c. 5313, PCS Twin Lakes Prelim Treatmnt – Supplemental, Adjust to Actual
 - d. 5316, PCS W Branch Mobile Home Park – Supplemental, Return Cash Advance
 - e. 8101, Unclaimed Monies – Supplemental, Increase in Claims

3. Create Fund 5318, PCS Red Fox Improvement 08-160/11-0371
4. Transfer from Fund 7201, WC RR P General Administration to Fund 7213, WC Retro Rating Plan 2004, Fund 7214 WC Retro Rating Plan 2005, and Fund 7218 W Retro Rating Plan 2009/11-0372
5. Close Fund 1470, Area Agency on Aging/11-0373

Commissioner Frederick reminded the Board of Commissioners that the Park District Executive Director was to come back to the Board of Commissioners with a date for the Loan Extension that was not 9 years away and to check with local banks for Grant Cash Flow Funding.

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Noon Lunch Recess

1:15 PM Board of Commissioners Reconvened

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DISCUSSION: 2011 CDBG PROJECTS

The Board of Commissioners agreed to ask Regional Planning Commission staff to meet with them on May 3 at 3:00 PM and/or May 5th at 1:00 PM to review the projects with them. The Board prioritized as follows: 1) Neighborhood Revitalization Match as already agreed to, 2) F&CS Liberty House, 3) Deerfield Historical Society, 4) Upper Room Cultural Development Corp, 5) Coleman Professional Services acquisition and site prep and last Downtown Mantua Revitalization Corp paving project and will continue their discussion next week. Commissioner Marsilio commented that she did not understand that the \$100,000 commitment for the match for the 2011 Neighborhood Revitalization Grant would displace the other projects presented.

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WATER RESOURCES

Present: Jeff Lonzrick, Audrey Tillis, Karen Garman

The group is attending to discuss the “5 Year Plan” Capital Improvements Projects. The Board of Commissioners agreed to move forward with the Streetsboro Biosolids Reduction Facility contingent upon obtaining a Summit County commitment in writing and the Franklin Hills Tertiary Filter Replacement project/Journal Entry

The Board of Commissioners complimented the Directors on their corralling of the information in an understandable manner.

Director Lonzrick reported that the suggestion is that the IT take over the responsibility for the security of Water Resources Department SSI financial package.

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AIRPORT

Present: John Trew, Tim Hartong, Daryl and Kurt Guyette

Insurance Issue

The Airport Board President John Trew is attending today to discuss the CORSA insurance coverage for the Airport, which the Board of Commissioners would like to cancel. Mr. Trew reported that the Airport has the Major policy covered through CORSA for the Catastrophic or large claims, which may alleviate the Commissioners' concerns. The specific stop gap insurance is a specialty which, for a board authority, is costly because of the experience rating without the rest of the County, which is risky. The quotes are high and there is a great burden placed upon airport if county coverage is withdrawn.

Commissioner Marsilio replied that the issue is the risk associated with the coverage not the cost of the premium. She commented that the county has everything to lose financially by covering the Airport and nothing to gain. Mr. Trew responded that as the Airport acquires buildings on site, the Airport has and will have more control over the buildings, reducing liability.

Commissioner Smeiles commented that taking the Airport out from under the county umbrella will double their premiums Commissioner Frederick responded that the Board of Commissioners knows that but wants to avoid the liability. Mr. Trew again noted that the Airport has outside catastrophic coverage to cover large claims. He suggested that next year, the Airport forego the \$3600 yearly county stipend if the Board of Commissioners agrees to keep the Airport on their county insurance. Mr. Trew agreed to get detailed information from Ben Sutton as to the policy coverage. The Board of Commissioners agreed to revisit this request when they have more information.

Land Donation

Mr. Trew commented that the Airport wants the county land donation in order to maintain the existing runways and drainage with an FAA Grant of \$150,000 to do so. The FAA has confirmed that the land cannot revert to the county once donated. Commissioner Smeiles asked about the residual value of the land. Mr. Trew responded that the FAA will hold the residual value of the land for use by the Airport. Commissioner Smeiles stated that he is comfortable with donating the land to the Airport. Commissioner Marsilio asked if there are restrictions on the deed? Mr. Trew responded no but that air space and drainage are the intended uses of the land. Commissioner Marsilio understands that there is a difference between not intending and being legally obliged. Tim Hartong commented that the Board of Commissioners must sign off on all FAA grants even without a match. Commissioner Smeiles noted that if there is a private donation, that land could be used for a different purpose. Commissioner Marsilio commented that there is a clear division among residents in how big the Airport should be. She would like the paper trail to state that this land is a match and not to be used for the purpose of expansion of the Airport. Commissioner Smeiles replied that all improvements are expansion not just the runway expansion. He added that he heard that a recent industry newcomer to Streetsboro agreed to move here because the company flew into the Airport and was to Streetsboro and back to the Airport in one afternoon. That is happening more and more often; Me. Trew agreed noting that this Airport will never be a Chicago Midway with cargo expansion. The piece of land in question is not near the runway. Commissioner Marsilio asked Mr. Trew if he would support this donation to maintain what we have? Mr. Trew responded yes. Commissioner Marsilio added that if this donation is to be used to expand the Airport, she will not support the donation. Commissioner Smeiles commented that the Board of Commissioners has tasked the Airport to be self-sustaining; the Airport cannot do that without expansion. Mr. Trew replied that the Airport could make the donation designated to be used only for maintenance not expansion. He agreed that a deed restriction could be placed on the property.

Commissioner Smeiles suggested using an agreement and not a deed restriction. The grant has already been submitted by the Airport even without the land to repair the runway.

Commissioner Marsilio replied that the purpose of the land donation is to get cash from ODOT and the FAA. The only purpose of the land donation is for runway drainage for runways that exist in 2011. Commissioner Marsilio wants to support what is there.

Mr. Guyette, a Shalersville resident for 28 years, asked what is the problem with expansion? He lives near the Airport and has no problem with expansion. Commissioner Marsilio responded that some of the community don't want expansion and some do; a difference of opinion is out there. She would support this match for maintenance, navigation, property acquisition on the Airport side and to maintain existing Airport functions.

Tim Hartong asked if the Airport can use the land donation to acquire more property? Commissioner Marsilio responded that the Airport is not self-sufficient and cannot pay its insurance bill. Mr. Trew commented that the intent is to acquire properties that currently have 30 year leases that are up this year.

Commissioner Marsilio suggested the generation of a deed restriction with language that the donation will be only for maintenance for existing Airport. Commissioner Smeiles agreed that the Board of Commissioners will draft a document for consideration and discuss with Denise Smith next week.

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The APL rescheduled their meeting today until May 12th.

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RESOLUTION No. 11-0364 - 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 26, 2011 in the total payment amount of **\$1,066,759.24 for Funds 0001-8101** as set forth in the Accounts Payable Warrant Report on file in the office of the Portage County Auditor; and be it further

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

Roll call vote as follows:

**Location: Edinburg Auction Sales, Inc.
4029 State Route 14
Edinburg, Ohio**

Said equipment may be viewed from 9:00 A.M. to 5:00 P.M. Monday, Tuesday, Thursday and Friday at Edinburg Auction Sales, Inc.

Items being sold are as follows:

1996 Ford Super Duty Truck – Model F-450
Serial #1FDLF47F9TEA49777 (County Equipment #002968)

1996 Mack Dump Truck – Model RD688S
Serial #1M2P286C4TM027669 (County Equipment #002957)

1996 Mack Dump Truck – Model RD688S
Serial #1M2P286C0TM027670 (County Equipment #002955)

and be it further

RESOLVED, that a copy of this resolution be filed with 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 meetings 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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RESOLUTION No. 11-0369 - RE: AMENDMENT TO THE GENERAL FUND 2011 ANNUAL APPROPRIATION RESOLUTION NO. 10-1142 ADOPTED DECEMBER 16, 2010.

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

RESOLVED, that it has become necessary to amend the General Fund 2011 Annual Appropriation in the amounts and for the purposes set forth in the enumeration shown below:

	<u>Increase</u>	<u>Decrease</u>
Fund: 0001 General Fund		
010 Commissioners Other		
00107 Commissioner Other OE	0	56,980
MEMO TOTAL	<u><u>\$ -</u></u>	<u><u>\$ 56,980</u></u>

Note: BOC, Res. 11-0285 BOC Appr JE's: 4/7/11 #3, 4/12/11 #8, & 4/19/11

011 Budget & Financial Management		
00115 DBFM MS	2,500	-
0011D DBFM Full Time	0	2,500
MEMO TOTAL	<u><u>\$ 2,500</u></u>	<u><u>\$ 2,500</u></u>

Note: BOC Appr 4/19/11 #16

018 Human Resources		
00183 Human Resources Fringes	5,700	-
00184 Human Resources CS	5,000	-
MEMO TOTAL	<u><u>\$ 10,700</u></u>	<u><u>\$ -</u></u>

Note: BOC Appr 4/12/11 #8 BOC Appr 4/19 JE# 17

020 Building Regulation Inspection		
00203 Building Regulation In Fringes	13,407	-
MEMO TOTAL	<u><u>\$ 13,407</u></u>	<u><u>\$ -</u></u>

Note: BOC Appr 4/12/11 #8

		<i>Increase</i>	<i>Decrease</i>
300 Prosecutor			
03003	Prosecutor General Fringes	5,353	-
03014	Prosecutor Support CS	1,200	-
0302D	Prosecutor Ch Welfare Full-Tim	0	1,200
	MEMO TOTAL	\$ 6,553	\$ 1,200

Note: TRANSFER BOC Apr 4/12/11 #8

580 Juvenile Probation			
05803	Juvenile Probation Fringes	7,090	-
	MEMO TOTAL	\$ 7,090	\$ -

Note: BOC Apr 4/12/11 #8

590 Adult Probation			
05903	Adult Probation Fringes	10,899	-
	MEMO TOTAL	\$ 10,899	\$ -

Note: BOC Apr 4/12/11 #8

700 Sheriff's Department			
07004	Sheriff-General Admin CS	4,924	-
	MEMO TOTAL	\$ 4,924	\$ -

Note: Addtl approp per Res. 11-0285

920 Public Defender Commission			
09205	Public Defender MS	4,607	-
	MEMO TOTAL	\$ 4,607	\$ -

Note: BOC JE#3, 4/7/2011

TOTAL MEMO BALANCE ALL AMENDMENTS	\$ 60,680	\$ 60,680
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; and be it further

RESOLVED, that the notes of explanation in this resolution are for informational purposes only and are not intended to restrict the expenditure of those appropriated funds to any single purpose. Such funds are for the use of all expenditures that are lawful under the approved appropriation; and be it further

RESOLVED, that a certified copy of this resolution be filed with the 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 as Follows:

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 11-0370 - RE: AMENDMENT TO THE NON GENERAL FUND 2011 ANNUAL APPROPRIATION RESOLUTION NO. 10-1143 ADOPTED DECEMBER 16, 2010.

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

RESOLVED, that it has become necessary to amend the Non General Fund 2011 Annual Appropriation in the amounts and for the purposes set forth in the enumeration shown below:

	<u>Increase</u>	<u>Decrease</u>
Fund: 1002 Enterprise Zone Program		
080 Economic Development		
10024 Enterprise Zone Program CS	4,122	-
MEMO TOTAL	<u>\$ 4,122</u>	<u>\$ -</u>

Note: PROJECTED NEED

Fund: 1149 Felony Delinque Care & Custody		
570 Juvenile Court		
11493 Juv Feny Delnq Care Fringes	6,295	-
11494 Juv Feny Delnq Care CS	1,475	-
11495 Juv Feny Delnq Care MS	425	-
MEMO TOTAL	<u>\$ 8,195</u>	<u>\$ -</u>

Note: COVER ANTICIPATED COVER NEGATIVE BALANCE

Fund: 5313 PCS Twin Lakes Prelim Treatmnt		
060 Water Resources		
53136 PCS Twin Lks Prelim Trtmnt CO	10	-
MEMO TOTAL	<u>\$ 10</u>	<u>\$ -</u>

Note: ADJUST TO ACTUAL

Fund: 5316 PCS W Branch Mobile Home Park		
060 Water Resources		
53169 W Brnch Mobile Home Park ME	631,684	-
MEMO TOTAL	<u>\$ 631,684</u>	<u>\$ -</u>

Note: RETURN CASH ADVANCE

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	<u>Increase</u>	<u>Decrease</u>
Fund: 8101 Unclaimed Monies		
100 Auditor		
81017 Unclaimed Monies OE	60,000	-
MEMO TOTAL	<u><u>\$ 60,000</u></u>	<u><u>\$ -</u></u>

Note: Increase in claims

TOTAL MEMO BALANCE FOR ALL FUNDS	<u><u>\$ 704,011</u></u>	<u><u>\$ -</u></u>
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; and be it further

RESOLVED, that the notes of explanation in this resolution are for informational purposes only and are not intended to restrict the expenditure of those appropriated funds to any single purpose. Such funds are for the use of all expenditures that are lawful under the approved appropriation; and be it further

RESOLVED, that a certified copy of this resolution be filed with the 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 as Follows:

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 11-0371 - RE: CREATE FUND 5318, PCS RED FOX IMPROVEMENT 08-160

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

- WHEREAS,** it has become necessary to create a new fund in order to properly control the processing of financial related transactions related to the Red Fox Wastewater Treatment Plant Improvements Construction Project, and
- WHEREAS,** the County Auditor has assigned fund number 5318 to the Red Fox Wastewater Treatment Plant Improvements Construction Project; now therefore be it
- RESOLVED,** that Fund 5318, PCS Red Fox Improvement 08-160 be created, and be it further
- RESOLVED,** that a certified copy of this resolution be filed with the County Auditor, the Department of Budget and Financial Management and the Water Resources Department; and be it further
- RESOLVED,** that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice vote as follows:

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

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RESOLUTION No. 11-0372 - RE: TRANSFER FROM FUND 7201, WC RR P GENERAL ADMINISTRATION TO FUND 7213, WC RETRO RATING PLAN 2004, FUND 7214 WC RETRO RATING PLAN 2005, AND FUND 7218 WC RETRO RATING PLAN 2009

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

- WHEREAS,** the WC RR P General Administration Fund 7201, was created to close out plan years after all requirements have been meet, and
- WHEREAS,** the cash balance in this fund is used to provide additional funding where required for active plan years that have obligations that exceed cash balances, and

WHEREAS, an operating transfer is necessary in order to provide the necessary cash to pay for projected obligations in Funds 7213, 7214 and 7218; now therefore be it

RESOLVED, that the following transfer be made in the amount of \$ 100,667.16

FROM:

7201, WC RR P GENERAL ADMINISTRATION

ORGCODE - 72010189

Debit Expense Account

Object 910000 - Transfer-Out \$ 100,667.16

TO:

7213 WC RETRO RATING PLAN 2004

ORGCODE – 72130182

Credit Revenue Account

Revenue Source 280000 - Transfer-In \$ 86,265.12

7214 WC RETRO RATING PLAN 2005

ORGCODE – 72140182

Credit Revenue Account

Revenue Source 280000 - Transfer-In \$ 2,842.09

7218 WC RETRO RATING PLAN 2009

ORGCODE – 72180182

Credit Revenue Account

Revenue Source 280000 - Transfer-In \$ 11,559.95

and be it further

RESOLVED, that the County Auditor is hereby requested to make said transfer by Journal Entry, and that a certified copy of this resolution be filed with the County Auditor, the Department of Budget and Financial Management and the Department of Human Resources, 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. 11-0373 - RE: CLOSING OF FUND 1470, AREA AGENCY ON AGING

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

WHEREAS, fiscal activity has ceased in Fund 1470, Area Agency on Aging, all payments have been made and the Treasurer's Cash Balance is \$0.00; now therefore be it

RESOLVED, that Fund 1470, Area Agency on Aging is hereby closed; and be it further

RESOLVED, that a certified copy of this resolution be filed with the County Auditor and the Department of Budget and Financial Management, and be it further

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

Voice Vote as Follows:

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

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RESOLUTION 11-0374 - RE: AGREE TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE BOARD OF COMMISSIONERS OF PORTAGE COUNTY, OHIO AND RONALD J. HABOWSKI, ATTORNEY.

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

WHEREAS, Portage County has need for services for various public sector labor relations legal advice; and

WHEREAS, Attorney Ronald J. Habowski is an Attorney licensed to practice law in the State of Ohio and desires to provide such services; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby agree to enter into an Agreement between the Board and Attorney Ronald J. Habowski, 1931 Basswood Drive, Kent, Ohio 44240, for a monthly retainer of \$6,250.00 and additional services at a rate of \$150.00 per hour; and be it further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted

in those formal actions were in meetings open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice vote was as follows:

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

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RESOLUTIONS
April 26, 2011

1. Approval of the meeting minutes from the April 21, 2011 regular Board meeting.
2. Approve bills as presented by the County Auditor and reviewed by the Department of Budget & Financial Management/11-0364
3. Approve the Journal Vouchers, as presented by the County Auditor./11-0365
4. Approve the Then & Now Certification, as presented by the County Auditor./11-0366
5. Accept and award the bid of Lake Erie Construction Company for the project entitled 2011 Guardrail Upgrading Project. (County Engineer)/11-0367
6. Authorize the sale of obsolete equipment by public auction as presented by the (County Engineer/11-0368

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INVITATIONS
April 26, 2011

1. Notice of the Goodwill Celebration of Champions on Thursday, May 5, 2011 from noon-1:00 PM at the Kent Store, 2528 SR 59.
2. Notice of the Get Motivated Business Seminar on Wednesday, May 11, 2011 from 8AM-4:45 PM in Cleveland. Charge is \$1.95/person or Entire Office for \$9.95.

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INCOMING CORRESPONDENCE
April 26, 2011

1. Commissioner Marsilio is working on the draft resolution for the Hiram Annexation decision, as discussed with Commissioner Frederick and Attorney Denise Smith.
2. In response to the March 2, 2011 Notice from the ODOH of an anonymous complaint that county workers were smoking inside the Administration Building and in crew trucks, the Cuyahoga County Health Department investigated on April 21, 2011 and dismissed the complaint/Information only.
3. April 15, 2011 notice from Streetsboro Family Homes of the Board right to submit comments to the Ohio Housing Finance Agency regarding the impact of the planned development of up to 28 general

occupancy housing units on the southwest corner of the intersection of Market Place Drive and SR 303 in Streetsboro/Journal Entry.

4. Undated request from One Community (received April 20, 2011) requesting permission to place fiber cable over the railroad crossing on North Chestnut Street in Ravenna/Forward to the Prosecutor for review and comment. Clerk to contact the company and ask what action is necessary.
5. April 18, 2011 invitation to attend the OSU Extension/Western Reserve EERA meeting on May 16th at 10:00 AM in Cuyahoga Heights/Each Commissioner to RSVP/Each Commissioner to decide whether or not to attend.
6. April 20, 2011 public records request from Attorney David B. Malik. Forwarded to JoAnn Townend, Denise Smith, Karen U'Halie and Sheriff Doak/Clerk to draft a response to Attorney Malik:
 - a. Denise Smith commented on the request in an April 21, 2011 email.
 - b. Karen U'Halie commented on April 21, 2011 that her office has no personnel files for Sheriff employees.
 - c. Brian Kelley commented on April 22, 2011 that he awaits instruction from the Prosecutor regarding electronic documents.
7. April 20, 2011 invitation from Yank Heisler to join KSU President Lester Lefton on Tuesday, May 24th at 7:45 AM for a University update/All Commissioners will attend.
8. Discussion: Correspondence from nursing home employee regarding job responsibilities. Forwarded to the Nursing Home Administrator and Human Resources Department Director for review and comment to the Board of Commissioners/Information only.
9. Discussion: Job Factor Request – Chief Dog Warden/Bring Back.
10. Discussion: NEFCO Appointment – Susan White or James Demboski. The Board of Commissioners noted that both applicants are willing to serve/Bring Back.

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REFERRED
April 26, 2011

1. April 14, 2011 correspondence from Nicholas Codrea, Jr. regarding health care costs. Referred to the Human Resources Department Director for review and comment.
2. April 15, 2011 Order from the US Bankruptcy Court in the matter of the Twin Lakes Country Club. Copy forwarded to Attorney Denise Smith.
3. April 18, 2011 Order from the US Bankruptcy Court in the matter of Gregory and Sandra Tate. Copy forwarded to the Neighborhood Development Services and Attorney Denise Smith.

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INFORMATION ONLY
April 26, 2011

1. April 25, 2011 e-mail from Karen U’Halie, Human Resources Department, regarding CORSA Insurance.

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PROSECUTOR
April 26, 2011

1. April 20, 2011 email from Attorney Leigh Prugh regarding the Timberstone Agreement/Information only.
2. April 25, 2011 e-mail from Denise Smith regarding consulting agreement/Information only.

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JOURNAL ENTRY
April 26, 2011

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

1. The Board of Commissioners signed the April 26, 2011 correspondence to Janet Esposito, County Auditor requesting the Auditor’s office debit the General Fund account for the local government contribution of \$6,931.00 and credit this amount to Fund 1102 on behalf of the Sheriff’s Department, as presented by the Department of Budget & Financial Management as follows:

	<u>Org</u>	<u>Object</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
Debit:	00100004	492100		\$6,931.00	Local Share
Credit:	11027001	194000	1A000	\$6,931.00	Local Match/Share

2. The Board of Commissioners acknowledged the receipt of the April 15, 2011 notice from Streetsboro Family Homes of the Board right to submit comments to the Ohio Housing Finance Agency regarding the impact of the planned development of up to 28 general occupancy housing units on the southwest corner of the intersection of Market Place Drive and SR 303 in Streetsboro.
3. The Board of Commissioners signed the Personnel Requisition for form for the Portage County Dog Warden as follows:

DEPARTMENT	JOB TITLE	GRADE	ACTION
Portage County Dog Warden	Part-Time Seasonal Canvasser Two New Positions		Post Internally & Externally

4. The Board of Commissioners accepted with regret the resignation of The Woodlands at Robinson Director of Nursing Cathie Eggleston, effective May 25, 2011.
5. After meeting today in an Executive Session with The Woodlands at Robinson staff, the Board of Commissioners authorized the following actions:
 - Termination of a probationary part-time STNA for job abandonment and No Call No Show/NCNS three times
 - Termination of a probationary part-time STNA for No Call No Show/NCNS three times

6. 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	Director of Nursing Replacement for Cathie Eggleston	MG07/2	Post Internally
The Woodlands at Robinson	Part-time Nursing Assistant Replacement for Curtis Bankston	NSAS 2	Post Externally
The Woodlands at Robinson	Part-time Nursing Assistant Replacement for Tracy McMillan	NSAS 2	Post Externally

7. After meeting today with Department of Budget & Financial Management Director Audrey Tillis, Department of Budget & Financial Management staff Karen Garman and Water Resources Department Interim Director Jeff Lonzrick, the Board of Commissioners agreed to move the following projects on the Five Year Plan for Capital Improvements forward:

- Streetsboro Biosolids Reduction Facility, Project NO. ST-4 (08-100), contingent upon the receipt of a written commitment for participation from Summit County, Ohio
- Franklin Hills WWTP Tertiary Filter Replacement, Project No. FR-1 (08-150)
- Streetsboro Trunk Sewer Improvements, Phases 2 & 3, Project No. ST-4 (06-275)

Commissioner Frederick absent, 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 26, 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 3:00 PM. All in favor, motion carries.

Maureen T. Frederick, President

Tommie Jo Marsilio, Vice-President

Christopher Smeiles, Board Member

Deborah Mazanec, Clerk

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