

Thursday, May 5, 2011

The Board of County Commissioners met in regular session on **Thursday, May 5, 2011 at 9:35 AM** with the following members present:

Maureen T. Frederick

Tommie Jo Marsilio

Christopher Smeiles

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It was moved by Christopher Smeiles, seconded by Tommie Jo Marsilio to approve the meeting minutes of the May 3, 2011 meeting. All in favor, motion carries

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Also attending throughout the day: Mike Sever, Record-Courier; Paula Schleis, Beacon Journal; Hank Dunckel; Hiram Township Trustee Kathy Schulda

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The Board of Commissioners agreed to confirm the May 3rd Journal Entry approving the revised job description for the Chief Dog Warden and authorizing his move to an MGT 6, effective May 2, 2011.

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INTERNAL SERVICES

Present: JoAnn Townend

DISCUSSION

The Director reported that Brian Kelley, Information Technology Services has asked for use of Room 617 until that space is designated by the Board of Commissioners for another use. He plans to secure spare monitors and CPU's obtained from WIC/ODJFS that are currently being stored in the back hallway and to secure the table with four (4) PCs being used with the current re-appraisal process that are currently in operation in the core area. The Board of Commissioners agreed that Mr. Kelley can use the space temporarily but come to Board of Commissioners with a proposed permanent storage site.

Maintenance issues

Cleveland Road property (formerly County Engineer's Facility) – The Director reported that the Prosecutor has advised that the Board can install No Trespassing signs, which Maintenance will do. As of this morning, all trucks were moved out of the area. The Director reported that the grassy areas must be repaired due to tire damage

Smoke Stack

The Director reported quotes for under \$20,000 to take down the Administration Building smoke stack. This company business is solely repair and takes down smoke stacks. There is an anticipated start date of May 16th for about one week to take down; she added that the brick cannot be used elsewhere. The company will also re-brick the area/11-0408

Honeywell Evaluation

The Honeywell evaluation starts May 17th and Maintenance staff will be with the inspectors.

Riddle Block

Water is an issue again at the Riddle Block; it could be a gutter and downspout issue. JoAnn Townend is looking at the repair of those items. Honeywell will look at the roof to determine its condition. Maintenance will caulk some of the windows that are leaking. JoAnn Townend to contact Bob Wrentmore about the replacement of those windows and the criteria required by the city. Staff will meet Woody Goodnight at Bar 10 – there will be at least some cosmetic fixes to be made. One of the questions to answer is will the area have to be handicap accessible? If so, perhaps the new tenant could make the repairs and then handle that with the lease agreement.

Commissioner Frederick advised that the JFS may have to reduce the amount they pay in rent for the space at the Riddle Block. Commissioner Frederick noted that there have been no rent increases at that area due to the economy.

Commissioner Marsilio commented that after Honeywell comes in, the Board of Commissioners will work towards a short term list and a long term list of repairs. JoAnn Townend responded yes but reminded the Board of Commissioners that repairs like the coil on courthouse roof that affects the A/C must be fixed ASAP for \$9,000. The Board cannot wait for the Honeywell report. JoAnn Townend is making repairs as necessary and plans to deal with aesthetic issues later. She will stress with Honeywell that HVAC, etc are important but the Jail also has electronic issues that need to be investigated. She would hope for a timeline for replacement and repairs. The Board hopes for an all inclusive report, which could call for staggering repairs.

JoAnn Townend noted that Tim Miller stopped putting additives into the cooling towers to prevent rust etc. JoAnn Townend reported that she is investigating starting that addition again.

Maintenance Job Assignments

The Board of Commissioners agreed to move two of the Maintenance staff to Maintenance Worker 2/Journal Entry

RESOLUTIONS

1. Enter into amendment no. 9 with the Portage County Prosecutor for Legal Services for CSEA for the period of 4/1/11 through 12/31/11 at a cost of \$162,000.00./11-406
2. Enter into a subgrant agreement with the Ohio Department of Job & Family Services to establish the relationship of a “pass-through entity” and a “sub recipient” as used in OMB Circular A-133 for the period 7/1/11 through 6/30/13./11-407

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2010 AUDIT UPDATE

Present: Sujata Sulzer Becky Gratowski, Jeff Rinehart, Janet Esposito, Steve Shanafelt, Rebecca Ritterbeck, Denise Smith

The Board of Commissioners agreed not to enter into an Executive Session to discuss the audit update.

Mr. Rinehart reported that testing continues but should complete most of that soon. The Water Resources Department is working to provide electronic versions that the auditors can use. The Departmental wrap-up could be this week. There were also some corrections made in 2011 at the Solid Waste Management District to include lack of cross-training and a payroll issue.

Ms. Sulzer noted that the audit of the county’s self-insurance has not been addressed yet. She added that the GAPP Inc. portion is still pending. She wondered if the Board of Commissioners could ask for work papers from the state auditor for GAPP for 2010 expenses. The Board of Commissioners agreed that Ms. Sulzer should ask directly or have the County Auditor do so. TANF and Medicaid have been addressed. Help Me Grow is still in process. JFS corrections are being made as issues come up.

Ms. Sulzer noted that the financial and compliance audits are right on schedule. She sees the audit completion by the end of June unless something arises soon.

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HUMAN RESOURCES

Present: Karen U’Halie, Attorneys Denise Smith and Chad Hawkes

11:00 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 a discipline issue and a health benefits issue. Also present: Human Resources Department Director Karen U’Halie; Attorney Denise Smith and Attorney Chad Hawkes. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

11:20 AM Dr. Steven Dean and Attorney Bill Lentz attending
11:40 AM Dr. Steven Dean and Attorney Bill Lentz left the Executive Session
11:45 AM Attorney Smith left the Executive Session
11:55 AM Attorney Smith attending
11:57 AM Vickie Steiner attending
Noon Attorneys Smith and Hawkes left the Executive Session

12:05 PM Upon conclusion of the above referenced discussion, it was moved by Christopher Smeiles, seconded by Tommie Jo Marsilio that the Board of Commissioners moves out of executive session. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

After exiting executive session, the Board took action by Journal Entry.

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DISCUSSION 2011 CDBG PROJECTS – cancelled

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 11-0401

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RE: RESOLUTION DENYING ANNEXATION OF APPROXIMATELY 139.3981 ACRES OF LAND, MORE OR LESS, FROM HIRAM TOWNSHIP TO THE VILLAGE OF HIRAM.

It was moved by Tommie Jo Marsilio, seconded by Maureen T. Frederick that the following Resolution be approved:

WHEREAS, the Petition for a regular annexation pursuant to 709.02 and 709.03, of 139.3981 acres of land, from Hiram Township in Portage County to the Village of Hiram in Portage County, was timely filed, pursuant to ORC 709.02, with the Board of Portage County Commissioners, by Douglas Paul, Agent for the Petitioners, and for the Petitioners, Hiram College and Village Builders of Hiram, Inc., who constitute all of the owners of the real estate sought to be annexed; and

WHEREAS, the notice of time and date of filing said Petition was personally served upon the Clerk of the Hiram Village Council and the Fiscal Officer for Hiram Township, timely and by regular U. S. Mail, to the owners of property adjacent to the territory proposed for annexation, or adjacent to that territory, and located directly across the road from that territory, within five (5) days of the filing of the Petition, pursuant to Ohio Revised Code 709.02 of the Revised Code; and

WHEREAS, all of the procedural and time sensitive requirements have been met for this Petition, which was filed in the manner provided in Section 709.02 of the Revised Code; and

WHEREAS, the persons who signed the Petition are owners of real property located in the territory proposed to be annexed in the Petition, and, as of the time the Petition was filed with the Board of County Commissioners, the number of valid signatures on the Petition constitute a majority of the owners of real estate in that territory and, in this case, all of the owners of the real estate in that territory; and

WHEREAS, Hiram Village Council, to which the territory is proposed to be annexed, has complied with Division (D) of Section 709.03 of the Revised Code; and

WHEREAS, the Portage County Engineer's Office has reviewed the annexation plat and map and finds it to be accurate, and the parties, by stipulation, have agreed to that finding; and

WHEREAS, the Board of County Commissioners held extensive hearings permitting submission of evidence on numerous days, so that all parties could be fully heard; now therefore be it

RESOLVED, by the Board of Commissioners of Portage County, Ohio, that, based upon the preponderance of the substantial, reliable and probative evidence on the whole record the following factual findings are made:

1. The proper deposit was received as required by R.C. 709.014 (A) and as stipulated by the parties.
2. The proper fees were received as required by R.C. 709.014 (A) and as stipulated by the parties.
3. The petition includes signatures of at least 51% of property owners in the area proposed to be annexed as required by R.C. 709.02 (C) (1) and as stipulated by the parties.
4. All signatures are of “owners” as defined in ORC 709.2 (E). Owners were authorized to sign the petition and had title to the property on the date the petition was filed as stipulated by the parties.
5. Each signature includes a date it was obtained, and no signature was obtained more than 180 days before the petition was filed as stipulated by the parties.
6. The petition includes an accurate legal description of the perimeter, as stipulated by the parties.
7. The petition includes an accurate map or plat, as stipulated by the parties.
8. The petition includes the name and address of the agent for petitioners, as stipulated by the parties.
9. The list of parcels in the area to be annexed and adjacent territory that includes name of owner, mailing address of owner, and permanent parcel number was submitted with the petition, as stipulated by the parties.
10. The real property is contiguous to the municipality to which annexation is proposed, as stipulated by the parties.
11. The land is in one county.
12. The petition was entered on journal at the first regular session of the board after filing, pursuant to the stipulation of the parties.
13. The Clerk notified the agent for petitioners of the date, time and place of hearing, as stipulated by the parties.
14. The agent has filed proof of service that notices to governmental bodies were sent within 10 days after completion. This was filed on September 17, 2010.
15. The agent filed a notarized affidavit that notices to property owners were sent by regular mail

within 10 days after mailing. This was filed on September 17, 2010.

16. Agent has filed proof of service of publication of notice in newspaper within 10 days after publication, as stipulated by the parties.

17. The county engineer filed a report on the accuracy of legal description/map/plat at least 25 days before hearing, as stipulated by the parties.

18. Notices to clerk from property owners to withdraw their signature from petition were filed within 21 days after the agent mailed notices to property owners. (ORC 709.03 (C)). No request to withdraw signatures has been filed, as stipulated by the parties.

19. A municipal ordinance/resolution stating what services will be provided and at approximate date was filed with the boards at least 20 days before hearing, as stipulated by the parties.

20. The Agent has consented to any amendment to delete territory to be annexed from the petition by board up to 15 days before hearing. No amendment has been filed, as stipulated by the parties.

21. Affidavits were filed at least 15 days before hearing. These affidavits were considered. Affidavits received later than 15 days before the hearing were received but not considered.

22. There is no request filed by Township Trustees in this matter requesting that owners who signed the petition had authority to sign, as stipulated by the parties.

23. The request for a court reporter was accompanied by a deposit and was filed at least 7 days before hearing, as stipulated by the parties.

24. A request was filed asking that the record of hearing be transcribed, as stipulated by the parties.

25. There were no requests for subpoenas, as stipulated by the parties.

26. There is no issue for the county engineer related to the legal description of the map, as stipulated by the parties.

27. Affidavits proving that a person had authority to sign the petition were filed prior to or at hearing if the request was filed as specified in item #22 above. (ORC 709.032 (C)). No such request was filed in this matter, as stipulated by the parties.

28. There were no challenges to the authority of a person to sign the petition, as stipulated by the parties.

29. There is no issue of signatures as the result of fraud, misrepresentation or undue influence in this matter, as stipulated by the parties.

30. All of the procedural and time sensitive requirements have been met, as set forth and the Petition was filed in the manner provided in R.C. 709.02.

31. The persons who signed the petition are owners of real property located in the territory proposed to be annexed in the petition, and as of the time the petition was filed with the board of county commissioners, the number of valid signatures on the petition constituted a majority of the owners of real estate in that territory. The parties also stipulate to this fact.

32. The municipality to which the territory is proposed to be annexed has complied with Division D of Section 709.03 of the Revised Code as stipulated by the parties.

33. The territory is unreasonably large. The geographic character and shape of the territory to be annexed is the basis for this finding. Several parcels which will remain in the township will be bounded by the village at the north and south. The geographic shape changes not less than six (6) times. The Village would increase in geographic size by approximately Twenty Percent (20%).

34. On balance, the general good of the territory proposed to be annexed will not be served, and the benefits to the territory proposed to be annexed, and the surrounding area, will not outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the annexation petition is granted. In reaching this conclusion, we considered the "surrounding area" to refer only to the territory within the unincorporated area of any township located one-half (1/2) mile or less from any of the territory proposed to be annexed. This is based upon the testimony of the residents and landowners in this ½ mile area as well as expert testimony. This finding is also based upon the lack of any clear plan established for the territory or identification of even one detail of a proposed development. The testimony at hearing identified a series of detriments. In contrast, the developer for the potential senior citizen housing project has resigned, the number of housing units has not been determined, and there was no evidence beyond a general notion that petitioner may wish to build a senior community.

35. A road maintenance problem exists. There was conflicting evidence at hearing and various types of maintenance were discussed. Although it seems likely that snow and ice removal will occur, it was not clear that other maintenance issues have been eliminated; and be it further

RESOLVED, that, pursuant to ORC 709.033(A)(4), (5) and (6), the Petition for Annexation of territory described therein to the Village of Hiram, Portage County, Ohio, be and hereby is denied, and will be entered upon the official record of the Portage County Board of Commissioners; and be it further

RESOLVED, that the Clerk of the Board of Commissioners of Portage County, Ohio, is hereby directed to deliver a certified copy of this Ordinance to the Hiram Township Trustees, the Village of Hiram, the Agent for the Petitioner Douglas Paul, to Portage County Prosecutor, to County Engineer Michael Marozzi, and to the Regional Planning Commission; 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 Ordinance 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 ORC Section 121.22.

Voice vote as follows:

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

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RESOLUTION No. 11-0402 - RE: AUTHORIZE THE PORTAGE COUNTY ENGINEER TO PAY THE TREASURER OF STATE OF OHIO 10% OF THE TOTAL COST INVOICED BY OHIO EDISON COVERING UTILITIES RELOCATION DURING THE CONSTRUCTION OF THE BRADY LAKE ROAD BRIDGE REPLACEMENT PROJECT (FRA 115 CH162A) OVER CSX RAILROAD AND BREAKNECK CREEK IN FRANKLIN TOWNSHIP, PORTAGE COUNTY.

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

WHEREAS, at the recommendation of the Portage County Engineer, a construction contract was awarded on August 27, 2009 by Resolution 09-0788 to replace the **Brady Lake Road Bridge** (FRA 115 CH162A) over the CSX Railroad and Breakneck Creek in Franklin Township, Portage County, and

WHEREAS, construction of the **Brady Lake Road Bridge** (FRA 115 CH162A) over the CSX Railroad and Breakneck Creek in Franklin Township, Portage County was substantially completed during 2010, and

WHEREAS, it was necessary, prior to construction of the **Brady Lake Road Bridge**, for Ohio Edison to relocate their lines and upon completion of construction to return said lines back to the original location, and

WHEREAS, the Portage County Engineer is in receipt of Invoice 90304461 from Ohio Edison, in the amount of \$34,153.23, covering the utility relocation, and

WHEREAS, federal funds, through the Ohio Department of Transportation, will pay 90% of the cost of said services, or \$30,737.91, with the Portage County Engineer being responsible for a local share of 10% or \$3,415.32, and

WHEREAS, the Portage County Engineer's 10% share of \$3,415.32 is to be paid to the Treasurer of State of Ohio and the Ohio Department of Transportation, in turn, will pay the full invoiced amount of \$34,153.23 to Ohio Edison; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby authorize the Portage County Engineer to pay the Treasurer of State of Ohio \$3,415.32 as their

10% local share for Ohio Edison to relocate their lines for the construction of the **Brady Lake Road Bridge** (FRA 115 CH162A) over the CSX Railroad and Breakneck Creek in Franklin Township, Portage County, 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. 11-0403 - **RE: A RESOLUTION TO AUTHORIZE THE PORTAGE COUNTY ENGINEER TO EXECUTE THE LOCAL PUBLIC AGENCY (LPA) AGREEMENT NO. 24327 WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PROJECT KNOWN AS THE FRANKLIN TOWNSHIP STATE ROUTE 59 SIDEWALK, PHASE 1 ALONG THE NORTH SIDE OF STATE ROUTE 59 FROM THE CITY OF KENT EAST CORPORATION LINE EAST TO RHODES ROAD IN FRANKLIN TOWNSHIP**

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

WHEREAS, the Portage County Engineer is developing plans and specifications and the necessary environmental documents for the project known as the **Franklin Township State Route 59 Sidewalk, Phase 1 Project** along the north side of SR 59 from the City of Kent east corporation line east to Rhodes Road in Franklin Township, and

WHEREAS, the Portage County Engineer has secured 80% federal funding through the Akron Metropolitan Area Transportation Study, on behalf of Franklin Township, to provide engineering, environmental clearance, right of way, construction and construction inspection services on said project, and

WHEREAS, the Portage County Engineer has received LPA Agreement No. 24327 from the Director of the Ohio Department of Transportation for this project, and

WHEREAS, the LPA Agreement provides for the direct payment to the Contractor(s) of the federal funds for appropriate work completed on the project, now therefore be it

RESOLUTION No. 11-0406

RE: ENTER INTO AMENDMENT NO. 9 BETWEEN THE BOARD OF COMMISSIONERS, THE PORTAGE COUNTY DEPARTMENT OF JOB & FAMILY SERVICES AND THE PORTAGE COUNTY PROSECUTING ATTORNEY TO PROVIDE LEGAL REPRESENTATION SERVICES.

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

- WHEREAS,** an agreement between the parties was entered into and known as Portage County Contract No. 20070198 (the "Original Contract") on January 1, 2007 by Resolution No. 07-0072 to provide legal representation in the presentation of evidence in cases alleging the abuse, neglect or dependency of children pursuant to Ohio Revised Code 2151.40 and Juvenile Rule 29(E); and
- WHEREAS,** an Amendment No. 1 was entered into on February 19, 2008 through Resolution No. 08-0109; and
- WHEREAS,** an Amendment No. 2 was entered into on October 7, 2008 through Resolution No. 08-0957; and
- WHEREAS,** an Amendment No. 3 was entered into on January 29, 2009 through Resolution No. 09-0009; and
- WHEREAS,** an Amendment No. 4 was entered into on February 19, 2009 through Resolution No. 09-0107; and
- WHEREAS,** an Amendment No. 5 was entered into on February 16, 2010 through Resolution No. 10-0123; and
- WHEREAS,** an Amendment No. 6 was entered into on March 16, 2010 through Resolution No. 10-0224; and
- WHEREAS,** an Amendment No. 7 was entered into on June 10, 2010 through Resolution No. 10-0522; and
- WHEREAS,** an Amendment No. 8 was entered into on March 3, 2011 through Resolution No. 11-0179; and
- WHEREAS,** the parties desire to amend the Original Contract to continue such services; now therefore be it
- RESOLVED,** that the Board of Portage County Commissioners does hereby agree to enter into Amendment No. 9 between the Board of Commissioners, the Portage County Department of Job & Family Services and the Portage County Prosecuting Attorney

to extend the Original Contract nine (9) additional months from April 1, 2011 to December 31, 2011; and be it further

RESOLVED, that the parties mutually agree that the total service cost of this agreement shall not exceed One hundred sixty-two thousand and 00/100 dollars (\$162,000.00); and be it further

RESOLVED, that the Portage County Prosecuting Attorney shall submit monthly invoices and required documentation electronically to the Portage County Department of Job & Family Services for actual compensation and expenses incurred to provide legal representation services to the Portage County Department of Job & Family Services, as well as provide signed hard copies of the mutually agreed upon time sheet for recording the direct service staff's time and activity being performed; and be it further

RESOLVED, that the Portage County Prosecuting Attorney will provide the following staff for the purposes of representing the Portage County Department of Job & Family Services in child abuse, neglect, and dependence matters and adult protective service cases: two (2) full-time prosecuting attorneys at 1.00 full-time equivalent (FTE) each; one (1) part-time assistant prosecuting attorney at approximately 0.50 FTE; one (1) assistant prosecuting attorney at approximately 0.10 FTE; one (1) part-time equivalent paralegal at approximately 0.95 FTE; and, one (1) part-time equivalent Chief Assistant Prosecuting Attorney – Civil Division for approximately 0.15 FTE; and be it further

RESOLVED, that the Portage County Prosecuting Attorney will provide cell phone numbers of legal staff assigned under this contract and will provide a monthly on-call list to the Portage County Department of Job & Family Services prior to the first working day of each month; and be it further

RESOLVED, that breach of any part of this agreement by either party could lead to a renegotiation of the contract budget within ten (10) days of the noncompliance action notification provided by the Portage County Department of Job & Family Services; and be it further

RESOLVED, that the parties agree to jointly review the terms and conditions of this agreement sixty (60) days prior to the end of the term; 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.

WHEREAS, Portage County accepted proposals for the demolition of a County-owned 120' masonry chimney located at 449 South Meridian Street; and

WHEREAS, Chimney Professionals offered the lowest and best quotation from among the contractors responding to the request; now, therefore, be it

RESOLVED, the Board of Commissioners agrees to accept the proposal and enter into an agreement with Chimney Professionals, 567 Fowler St., Cortland OH 44410, for the demolition of the 120' masonry chimney located at 449 South Meridian Street, Ravenna; 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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RESOLUTIONS
May 5, 2011

1. Approval of the meeting minutes from the May 3, 2011 regular Board meeting.
2. Approve bills as presented by the County Auditor and reviewed by the Department of Budget & Financial Management./11-398
3. Approve the Journal Vouchers, as presented by the County Auditor./11-399
4. Approve the Then & Now Certification, as presented by the County Auditor./11-400
5. Resolution to deny or grant annexation of approximately 139.3981 acres of land from Hiram Township to the Village of Hiram.

Commissioner Marsilio stated that she was impressed by the heart of the people involved in this process. She commended the parties and the attorneys on their thoroughness in their attempt to narrow down the detail of the many criteria involved. There are still several questions remaining including the general good question. She is also concerned about the geographic changes of the annexation that isolates residents. Commissioner Frederick agreed that the general good is a question for her as well. She believes that the annexation process was followed correctly but some technical issues were not proven. The sentiment of the people also weighed heavily for her. Commissioner Marsilio added that she and Commissioner Frederick met with the Prosecuting Attorney to review the evidence and Ohio law. The Board of Commissioners put much thought, discussion and reflection into making this decision/Resolution No. 11-401 denies the annexation.

Hiram Township Trustee Schulda thanked the Board of Commissioners for their time and patience in this matter.

6. Authorize the Portage County Engineer to pay the Treasurer of the State of Ohio 10% of the total cost invoiced by Ohio Edison covering utility relocation during the construction of the Brady Lake Road bridge replacement project (FRA 115 CH162A) over CSX Railroad and Breakneck Creek in Franklin Township, Portage County (County Engineer)./11-402
7. Authorize the Portage County Engineer to execute the Local Public Agency (LPA) agreement no. 24327 with the Director of the Ohio Department of Transportation for the project known as the Franklin Township State Route 59 sidewalk, phase 1 along the north side of State Route 59 from the City of Kent east corporation line east to Rhodes Road in Franklin Township (County Engineer)./11-403
8. Accept technical and fee proposal of Timmerman Geotechnical Group, Inc. and enter into agreement for providing professional services for the Hommon Road slide repair project, located in Ravenna Township, Portage County, Ohio (County Engineer)./11-404
9. Accept technical and fee proposal of Timmerman Geotechnical Group, Inc. and enter into agreement for providing professional services for the Knapp Road slide repair project, located in Charlestown Township, Portage County, Ohio (County Engineer)./11-405

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INCOMING CORRESPONDENCE

May 5, 2011

1. April 27, 2011 correspondence from Judge Laurie Pittman, Common Pleas Court, regarding Judges' photos/Executive Assistant to draft response thanking the Judge for her suggestion that the Portage County Bar Association pay for the framing.
2. April 28, 2011 correspondence from Jay Gershen, President of NEOUCOM, inviting the Board to attend the Research and Graduate Education Building Groundbreaking Ceremony on Monday, May 16, 2011, 11:00 AM. The Board is also invited to attend the Research! America Research Partners Forum immediately following the groundbreaking ceremony at 12:00 Noon for a luncheon/ Commissioner Frederick agreed to speak at the groundbreaking ceremony/Commissioner Smeiles will attend/Commissioner Marsilio is not available to attend.
3. April 28, 2011 e-mail from Nancy Dailey, WIC, regarding public records training/The Board of Commissioners agreed that Ms. Dailey does not need to attend this training since she attends this training every two years as part of her requirement as a Township Fiscal Officer.
4. Discussion: Commercial and Public Officials Liability Insurance for the Portage County Regional Airport Authority

The Board of Commissioners discussed removing the Airport from Portage County insurance coverage. Commissioner Smeiles noted that he is happy to continue coverage also reminding the Board of Commissioners that the Airport has offered to forego the \$3600 county stipend in 2012 should the Board agree to continue to provide coverage. Commissioner Marsilio commented that the issue is that the county is at risk with Airport coverage and she is not in favor of continuing

coverage. Commissioner Frederick agreed that the Airport should be removed from county coverage. Attorney Denise Smith noted that the liability risk is the issue, should there be a catastrophic event at the Airport. The Board of Commissioners agreed to request copies of the Airport's insurance policies for review by Attorney Denise Smith.

5. Discussion: Meeting with County Auditor regarding payroll/Bring back after Commissioner Marsilio discusses this issue with the County Auditor.
6. Discussion: The CCAO is accepting nominations for one of two seats representing counties. Does the Board want to service on the Solid Waste Management Advisory Council (SWAC)? Two year term begins June 24, 2011, meets four times/year. Nominations must be received by Friday, May 13, 2011. /Commissioner Smeiles may be interested in serving on this Board.

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JOURNAL ENTRY

May 5, 2011

1. The Board of Commissioners received the Kennel Disposition Report for April 25, 2011 through May 1, 2011 as presented by Dave McIntyre, Dog Warden.
2. Board of Commissioners' signature requested on the payment authorization form for R2K Contracting Inc. for rehabilitation of Kevin Coleman house located at 164 E. Spruce St., Ravenna for \$2,242.21 as requested by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #4 Private Rental Rehab is funding this expense.
3. Board of Commissioners' signature requested on the payment authorization form for Ty-Tan Construction LLC for a roof replacement for homeowners Richard and Tracy Skladoni for \$4,500.00 as requested by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #5 Home/Building Repair is funding this expense.
4. Board of Commissioners' signature requested on the payment authorization form for Hirst Construction for tying homeowner Gladys Hall in to city water for \$5,000.00 as requested by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #5 Home/Building Repair is funding this expense.
5. April 22, 2011 Notice from Ohio Division of Liquor Control of a request for a new liquor license for the Sri Somboon Inc. dba Wild Papaya Thai Cuisine, 1665 SR 59, Franklin Township, Kent, OH. Does Board of Commissioners wish to request a hearing? The Franklin Township Trustees have no objections and are not requesting a hearing. Board authorization requested to have the Clerk to sign and return the notice.
6. The Board of Commissioners received the 2010 Annual Report for the Probate/Juvenile Division as presented by the Portage County Common Pleas Court.

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REFERRED

May 5, 2011

1. April 26, 2011 memo from Michael Hiler, Ohio Department of Development, regarding a delay of drawdown processing due to State Fiscal Year end June 30, 2011. Referred to Department of Budget & Financial Management and the Regional Planning Commission.

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PLEASE ADD TO THE AGENDA

May 5, 2011

1. May 4, 2011 e-mail from Christa Mayes, The Woodlands At Robinson, regarding MUNIS access/Journal Entry
2. May 4, 2011 e-mail from Director Brian Kelley, ITS, regarding Chuck Keiper’s palm pilot/Commissioner Smeiles to talk to Chuck Keiper once a price is determined.
3. May 3, 2011 e-mail from Vicki Steiner, Human Resources Department, regarding a possible Open County Blood Drive/Journal Entry
4. May 4, 2011 correspondence from the Portage County Data Processing Board, authorizing the Board to proceed with the Commissioners’ meeting video streaming to the internet project and recommends funding of the following information technology upgrade and replacement projects/Forward to JoAnn Townend and Audrey Tillis for comment:

CBOSS Web redesign and content management proposal (County web site)	\$ 9,559.00
Cisco Firewall/VPN Upgrade Project	\$10,000.00
Server Virtualization Project (General Fund Initial/Partial Contribution)	<u>\$20,401.00</u>
Total	\$40,000.00

NOTE: Remaining funds exist in the MUNIS project fund to cover the funding of these items. The DP Board recommends the MUNIS Project funds be utilized as the funding source for this request.

5. Commissioner Marsilio advised the Board of Commissioners that the GAPP is undergoing an audit and are challenged by the incorrect coding that occurred under the former fiscal officer. Staff is working to correct the coding issues. Her recommendation to the GAPP yesterday was to hire a permanent fiscal officer as quickly as possible.

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INFORMATION ONLY

May 5, 2011

1. April 28, 2011 e-mail from Michelle Ripley, Safety/Loss control, regarding Certificate of Coverage for Loss Payee with respect to 122-128 N. Prospect St, 2053 SR 44, and 1506 SR 44.
2. The Board of Commissioners received the 2010 Annual Report as presented by AMATS.

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JOURNAL ENTRY

May 5, 2011

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

1. The Board of Commissioners acknowledged receipt of the Kennel Disposition Report for April 25, 2011 through May 1, 2011 as presented by Dave McIntyre, Dog Warden.

2. The Board of Commissioners signed the payment authorization form for R2K Contracting Inc. of Rootstown for the rehabilitation of the Kevin Coleman house located at 164 E. Spruce Street in Ravenna for \$2,242.21, as presented by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #4 Private Rental Rehab is funding this expense.
3. The Board of Commissioners signed the payment authorization form for Ty-Tan Construction LLC of Lakemore, Ohio for a roof replacement for homeowners Richard and Tracy Skladoni, 793 Diane Drive in Streetsboro for \$4,500.00, as presented by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #5 Home/Building Repair is funding this expense.
4. The Board of Commissioners signed the payment authorization form for Hirst Construction of Ravenna for tying homeowner Gladys Hall, 9799 SR 43 in Streetsboro to city water for \$5,000.00, as presented by the Regional Planning Commission. The B-F-09-1CJ-1 Formula Grant Activity #5 Home/Building Repair is funding this expense.
5. In response to the April 22, 2011 Notice from Ohio Division of Liquor Control of a request for a new liquor license for the Sri Somboon Inc. dba Wild Papaya Thai Cuisine, 1665 State Route 59, Franklin Township, Ohio, the Board of Commissioners agreed not to request a hearing. The Franklin Township Trustees have no objections and are not requesting a hearing. The Board of Commissioners authorized the Clerk to sign and return the notice.
6. The Board of Commissioners acknowledged the receipt of the 2010 Annual Report for the Probate/Juvenile Division, as presented by the Portage County Common Pleas Court.
7. The Board of Commissioners agreed that the Information Technology Services (ITS) may use Room 617 in the Portage County Administration Building until that space is designated by the Board of Commissioners for another use. ITS will secure spare monitors and CPU's obtained from WIC/ODJFS that are currently being stored in the back hallway and secure the table with four (4) PC's being used with the current re-appraisal process that are currently in operation in the core area of the 6th Floor. The Board of Commissioners agreed that Mr. Kelley can use the space temporarily, which will allow the floor to make a better appearance. The Board of Commissioners agreed the ITS CIO Brian Kelley should come to the Board of Commissioners with a proposal for a permanent storage site for these items.
8. The Board of Commissioners accepted the recommendation of Internal Services Director JoAnn Townend and authorized the move of Maintenance staff Van Tawney and Robert Pauley from a Maintenance Worker 1 to a Maintenance Worker 2 Grade B, with a 120 day probationary period, effective May 2, 2011.
9. After meeting in an Executive Session today, the Board of Commissioners accepted the resignation of Dr. Steven Dean as the Medical Director at The Woodlands at Robinson, effective immediately.
10. The Board of Commissioners authorized the hire of Dr. Haitham Azem as the Interim Medical Director at The Woodlands at Robinson, effective immediately. Internal Services Director JoAnn Townend to process the necessary agreement and resolution.
11. The Board of Commissioners authorized the ITS to provide Multi- Care Management staff access to the Portage County systems at The Woodlands at Robinson as follows:
 - Lynda Bower and Scott Bower - financial access

- o Rosemary Vay and Judy Nagy - Internet access only

12. The Board of Commissioners accepted the recommendation of JFS Director Genetin and approved the revision to the Job Description for the PCSA Supervisor to add the Competencies under the Job Requirements section.

13. The Board of Commissioners signed the Personnel Requisition for form as presented by the Portage County Department of Job & Family Services:

DEPARTMENT	JOB TITLE	GRADE	ACTION
Portage County Department of Job & Family Services	PCSA Supervisor Replacement for Jan Jacobs	MGT 05	Post Internally

14. After meeting in an Executive Session today with Human Resources Department staff, the Board agreed to allow our current benefits consultants, Willis of Ohio, to market all Portage County Health Benefits under the Section 125 Cafeteria Plan including dental effective June 1, 2011, replacing James VanGuilder, Agent. The Board of Commissioners noted that Willis of Ohio will receive no commissions or additional compensation from Aetna for a total savings of \$27,854.16 in employee contributions annually.

15. After meeting in an Executive Session today with Human Resources Department staff, the Board agreed to reduce the bi-weekly Aetna Dental rates for employees, effective June 10, 2011, which is the first pay in June, as follows:

EE Only	\$10.63
EE + Spouse	\$20.18
EE + Child(ren)	\$25.76
Family (EE, SP, Child(ren))	\$41.97

16. The Board of Commissioners accepted the recommendation of the Human Resources Department and authorized an American Red Cross Blood Drive to be held at the Portage County Administration Building on Friday, July 15, 2011 from 10:00 AM – 3:00 PM.

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 **May 5, 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 **12:15 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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