

Thursday, June 16, 2011

The Board of County Commissioners met in regular session on **Thursday, June 16, 2011 at 9:38 AM** with the following members present:

Maureen T. Frederick

Tommie Jo Marsilio

* * * * *

Commissioner Christopher Smeiles – Absent

* * * * *

It was moved by Tommie Jo Marsilio, seconded by Maureen T. Frederick to approve the meeting minutes of the June 14, 2011 meeting. Commissioner Smeiles absent, motion carries

* * * * *

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

* * * * *

COUNTY CORONER

Present: Dr. Marcial, Janet Esposito, Denise Smith, Wayne Enders, Audrey Tillis, Karen U’Halie

Discussion of the Coroner’s Sick Leave Conversion Policy

Dr. Marcial is attending today to discuss the Coroner’s proposed Sick Leave Conversion Policy. Denise Smith noted that the difference between the Board of Commissioners’ policy and the proposed Coroner’s policy is about \$10,000. The policyholder (the Coroner) may adopt the 100% payout policy with Board of Commissioners concurrence since the office receives over half of its support from the General Fund. Commissioner Marsilio commented that either the ORC option or the Board of Commissioners’ payout policy is supported by Ohio law. Attorney Smith responded that a filing in the court would cost more than the \$10,000 difference to defend. The question is, how does the Board of Commissioners want to spend the money.

Commissioner Frederick commented that the Board of Commissioners does not have the money for this payout, noting the possible \$5 million shortfall next year. She added that, if the Coroner uses his current funding to make this payout, the office will be looking at a layoff situation later in the year.

Commissioner Marsilio asked DBFM Director Tillis if the Board of Commissioners could pay the estimated \$6,000 allowable under the Board of Commissioners’ policy for payout on retirement? The Director responded yes.

Attorney Smith pointed out that the Board of Commissioners acknowledged the receipt of the policy on May 12, 2011 by Journal Entry. That acknowledgment can be construed as approval and/or acceptance of the policy. Commissioner Marsilio responded that the Board of Commissioners acknowledges the receipt of many things every day but that does not mean that the Board of Commissioners accepts or approves any of them. She added that the Board of Commissioners first received notice of this policy from the County Auditor on May 9, 2011.

Commissioner Frederick stated again that the money is not there in the General Fund. That may not be relevant to this particular point. Denise Smith responded that money is being spent elsewhere, for example on outside counsel. The County Auditor added that there are many more examples of this spending and fair is fair; the precedent has been set at the Sheriff's Office.

Director Tillis pointed out that, in the past, the Board of Commissioners has only funded retirement payout in accordance with the Board of Commissioners' policy and the office has made up the difference. The Auditor added that then the Board of Commissioners gave more money.

Commissioner Marsilio asked if the Coroner would consider matching the Board of Commissioners' policy? She added that she is deeply concerned about Prosecutor Vigluicci's concern about the hire of outside counsel but the issue is the ORC requirement for retirement payout is not as generous as the Board of Commissioners' policy. Attorney Smith responded that the facts, along with chronology and the ORC dictated her response.

Mr. Wayne commented that Mr. Decker came to the Coroner in December 2010 asking that he be allowed to retire and be rehired. Since he did not know of that intent until late December, he could not put anything in the budget. Commissioner Marsilio responded that the Board of Commissioners has no issue with paying the \$6000; the issue is the payment of the \$16,000 as suggested by the Coroner.

Mr. Enders noted that Dr. Marcial was under the assumption that he could have his own policy. Commissioner Frederick responded that the Board of Commissioners did not have the policy to approve. Commissioner Marsilio added that she would not have voted to approve the policy since it is more generous than the Board's own policy. The ORC requires the Board of Commissioners to approve the Coroner's sick leave conversion policy.

Commissioner Frederick pointed out that the Coroner comes back yearly with requests for money and is accommodated by the Board of Commissioners.

Dr. Marcial stated that he has talked to Tom Decker and he is willing to accept monthly payments not to exceed 12 months. Denise Smith advised that is permissible under the ORC.

Commissioner Marsilio asked what the exposure is in an audit for this issue? Denise Smith responded that this is not an audit issue but is a good faith opinion since approval did come on May 12th by the Board of Commissioners' acknowledgement of the policy. Attorney Smith suggested that the Board use the words "accept receipt" rather than "acknowledge" in the future.

Attorney Smith stated that, if Director Tillis is telling her that the Board of Commissioners' past practice is to pay only the share that they would pay in accordance with their policy, then the Coroner must pay the difference from his budget.

The County Auditor commented that the Board of Commissioners should work with other elected officials, communicating better. The elected officials are concerned that some departments get this - others get that. Staff is demoralized when they see spending in the Commissioners' minutes and there are no raises, which is also demoralizing.

Commissioner Frederick stated that the Board of Commissioners has made and continues to make gut wrenching decisions about departmental employees. The Auditor responded that her budget is tight and she has cut through attrition since 2005. Others elected officials have not done that budget tightening.

Commissioner Frederick hopes that this discussion helps in some way with the Board of Commissioners authorizing payment of approximately \$6200. She added that the approval by Journal Entry is more than ORC requires but less than the Coroner asks. Mr. Enders responded that Mr. Decker is free to do what he wants.

Commissioner Frederick noted her concern that there are elected official that do not understand that the retired employees' leave balances go to zero and the employee is treated as a new employee. She worries that some retired employees may be expecting large leave payoffs when they leave county employment.

Commissioner Marsilio commented that the Board's decision to not pay the entire amount to Mr. Decker is not any commentary on the employee himself. Mr. Enders responded that he is not aware of the Board of Commissioners disapproving any other public office holder's policy. He asked why the policyholders make policy and answered because they want to treat their employees in a certain way. Commissioner Marsilio responded that Ohio law gives the Board of Commissioners this authority because it is a financial decision. The Coroner's proposed policy is more generous than the ORC and the Board's own policy and it is not a good budget decision to approve.

The County Auditor asked if the Coroner had this policy 20 years ago and never supplied the policy to the Board of Commissioners, would that change anything? Denise Smith replied that the money is not there anymore. Commissioner Frederick added that with state changes, people are retiring and being rehired; the policies must be clarified for the employees. Denise Smith will consider sending a correspondence to elected officials reminding them of the parameters of a retire/rehire situation; she would also like to look at all elected officials' policies.

The County Auditor asked if a Judge court orders the payment, would the Board of Commissioners have to follow? Denise Smith responded yes and added that the litigation would take 3-5 years.

Commissioner Frederick commented that Mr. Decker is an exemplary employee according to Dr. Marcial and Mr. Enders. The Coroner can honor the commitment that he made to the employee, but, when the Coroner comes back to the Board of Commissioners, the money issue will be there. The day has come when the projected revenue and carry forward are not there. State changes are also coming and money availability will be reduced/Journal Entry.

* * * * *

INTERNAL SERVICES

Present: JoAnn Townend, Karen U'Halie

DISCUSSION

1. NACo Prescription Discount program – the Director reported that Attorney Leigh Prugh has advised that she can approve the agreement as to form. The Director needs Board input on some of the

information requested; contact, start up time, website, cards and posters in Spanish, distribution, etc. The Director noted that it will take 10 weeks to get items printed, which will give the Board of Commissioners time to figure out the details such as a phone number for general calls, which will lessen as the program is rolled out. JoAnn Townend suggested that the cards be given to all political subdivisions for distribution. Karen U'Halie suggested a dedicated phone line with a phone message. JoAnn Townend to work on the details

2. Consulting agreement for Department of Homeland Security & Emergency Management

The Director advised that the consulting agreement for Annette Petranic/Pavlick Consulting is ready to move forward. This is the second part of a project for \$30,000 for the time period of May 1, 2011-April 30, 2012 to locate facilities identified in the first part of the project. She asked if the Board of Commissioners wants to proceed with this contract noting that there is no time now to do an RFQ/RFP. Commissioner Frederick responded that the Board has told Jon Barber to work with the Director on RFPs/RFQs. Commissioner Marsilio asked if this is grant funding? JoAnn Townend responded yes- one of the Department of Homeland Security & Emergency Management grants will pay for this. Commissioner Frederick commented that, since the Department of Homeland Security & Emergency Management Director will have more time since the Security Department has been abolished, the Director may have time to do this himself in-house. She wondered if Ms. Petranic has worked on this project since May 1st? Commissioner Marsilio wondered if there is some way to involve the Sheriff in this contract since there is similarity to emergency preparedness and first responders. Grant money coming for emergency preparedness, why can't some of this money be used by the Sheriff to do this project keeping the money in the county. The Director will contact Ms. Petranic to discuss.

The Board of Commissioners agreed to meet with Director Barber ASAP to discuss this issue.

3. Security MOU

The Director met with Captain McRitchie and Major Missimi yesterday. There must be a determination made as to the hours of service for the Administration Building, which are currently 6AM-6PM. When the Director asked Director Barber why the building is open from 6-6 and who needs to be in the building all of those hours, his response was that it was to accommodate the Department of Job & Family Services and Veteran Services. Director Townend agreed to contact Bob Park in Veteran Services to discuss how to accommodate the van driver and riders. The van leaves here at 7AM and riders must be here at 6:46M. The driver comes at 6:30 AM and goes to get the van from the F Lot. The driver could let the vets in the building at 6:45 AM or sit in the van at 6:45 AM.

JFS has varying shifts but the Director would be amenable to changing hours to the same 8-4:30 PM schedule with the Sheriff opening the Administration Building at 7:30 AM and staying until 5:00 PM. The maintenance staff can enter the building using their fobs.

Adult Probation has evening meetings two nights per month that they stay open until 6PM. The Auto Title is open Wednesday night and some Saturdays. The Clerk of Courts intends to contract out that service. If the Board of Elections needs Saturday or evening opening, they would have to contract with the Sheriff for security services. Board of Elections must let the Board of Commissioners know ahead of time what the opening schedule will be.

Mobile security services to the One Stop would be provided, camera and security system maintenance will be moved to the Sheriff, Maintenance will open F Lot gates in the morning and the Sheriff will close them in the evening, Maintenance will take over parking assignments and the Human Resources Department to take over photos/badges.

The Board of Commissioners agreed that the current security vehicle used to take Treasurer to the bank may be swapped with a Sheriff's detective car with high miles. The Sheriff will be provided with grand master keys for internal offices

Commissioner Frederick commented that 7:30 AM 5:00 PM will work well as long as the veterans are accommodated. JoAnn Townend to work with Denise Smith on a memo to elected officials noting the changes to security services

JoAnn Townend to meet with Bob Park and Judee Genetin to explain the new procedures

4. Parking on former County Engineer's site on Cleveland Road

The Director reported that a truck driver met with her to discuss his dismay that there were No Parking signs posted at the site. JoAnn Townend agreed to send the driver's concern to the Prosecutor's Office since the driver believes that the lot is public property as it is owned by the county and therefore public; he does not want to pay to park there. This is a liability issue; JoAnn Townend to address this as quickly as possible.

5. The IT Department's UPS (Uninterrupted Power Supply) went down the other day and was rerouted by an electrician to get it up and running. It will cost about \$15,000 to make the replacement but an electrician will investigate the use of a different piece of equipment. The County Auditor advised Director Townend that the Maintenance Department did not take care of the A/C in that area. JoAnn Townend will have the new Maintenance employee look at that area as soon as he starts.

6. Honeywell has part of the buildings done and working to complete the report.

* * *

RESOLUTIONS

1. Enter into amendment no. 2 for PRC legal services with Community Legal Aid Services, Inc. decreasing units rendered and increasing filing fees through June 30, 2011 – net change \$0.00/11-0538.
2. Enter into amendment no. 2 with Marlene's Low Vision for special services for the visually impaired. This amendment is to terminate services for lack of funding/11-0539.
3. Acceptance of assignment of communications site rental agreement to T6 Unison Site Management LLC for tower rental at NEOUCOM/11-0540.
4. Acknowledgement the service agreement with PES Insurance LLC for the enrollment of employees in voluntary insurance/11-0541.
5. Enter into a license agreement with the APL for Hogs and Dogs fundraiser on June 18, 2011/11-0542.
6. Enter into a license agreement with the APL for a yard sale on July 16, 2011/11-0543.

* * *

10:16 AM 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 departmental reorganizations. **Also present:** Internal Services Director JoAnn Townend and Human Resources Department Director Karen U’Halie. Roll call vote: Christopher Smeiles, Absent; 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 **Maureen T. Frederick** that the Board of Commissioners moves out of executive session. Roll call vote: Christopher Smeiles, Absent; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

After exiting executive session, the Board took action by Journal Entry and Resolution 11-0545.

* * * * *

HUMAN RESOURCES

Present: Karen U’Halie, Judee Genetin, Brian Boykin

The Board of Commissioners adopted Resolution 11-0544 authorizing the Help Me Grow layoff.

* * * * *

Coroner’s employee Wayne Enders attending to present the Board of Commissioners with a June 16, 2011 correspondence from the County Coroner agreeing to accept the payout to Thomas Decker, as approved today by the Board of Commissioners.

* * * * *

11:43 AM Lunch Recess

* * * * *

1:30 PM Board of Commissioners reconvened from lunch to the Solid Waste Management District Meeting

2:00 PM Board of Commissioners reconvened

* * * * *

NEIGHBORHOOD DEVELOPMENT

Present: Dave Vaughan, Mike Bogo, Jen King

Neighborhood Revitalization Grant

Ms. King advised the Board of Commissioners that this is not a grant application at this time. Neighborhood Development Services, Inc. is providing the scope of services that will be provided to the County related to the Neighborhood Revitalization Grant, which includes the grant application and administration of the grant award. The total agreement costs for administrative services is \$35,000.00. This grant does include the commitment of the \$100,000.00 in 2011 CDBG funding. The total grant project application will be \$400,000.00. Administration costs are approximately 9% of the total project costs. Ms. King noted that the Prosecutor’s Office is reviewing the Administrative Agreement for this grant.

Terrill Suites Housing Credit Project

The Board of Commissioners signed the letter of support for this \$5 million in rehabilitation for this Cleveland Road property. Once renovated, the units will be managed by PMHA and put into the "Moving To Work" model/Journal Entry

Water Issues

Commissioner Frederick wondered if there were any grant funds available to assist residents with water problems. Mr. Bogos responded that money for storm water management is not readily available and some programs prohibit using funds for storm water issues. Mr. Vaughan noted that there are passive controls such as sinking cisterns, rain barrels, rain gardens, that could help with storm water control. He also suggested incentives of some kind to decrease the fee.

Commissioner Frederick suggested that the Board of Commissioners meet with the Storm Water Steering Committee to discuss the education component of the program. Mr. Bogos commented that the Sub Division Regulations are critical since developers must comply with those rules. It is too late to require compliance once the development is completed.

* * * * *
RESOLUTION No. 11-0532 - RE: BILLS APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.

It was moved by Tommie Jo Marsilio, seconded by Maureen T. Frederick 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 June 16, 2011 in the total payment amount of **\$1,035,057.66 for Funds 0001-8105** 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, Absent;

* * * * *
RESOLUTION No. 11-0533 - RE: WIRE TRANSFER APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.

It was moved by Tommie Jo Marsilio, seconded by Maureen T. Frederick 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 June 16, 2011 in the total payment amount as follows:

1. \$ 156,405.63 for Medical Mutual Claims-Fund 7101; and
2. \$ 650.00 to Take Care by WageWorks, Inc. for processing Admin Fees for Medical Mutual; and

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 authorizes the wire transfer for the charges relating to health benefits, as presented by the Portage County Auditor's Office:

Wire Transfer on Friday, June 17, 2011	\$ 156,405.63
Wire Transfer on Friday, June 17, 2011	\$ 650.00

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, Absent;

* * * * *

RESOLUTION No. 11-0534 - RE: APPROVAL OF JOURNAL VOUCHERS/ENTRIES.

It was moved by Tommie Jo Marsilio, seconded by Maureen T. Frederick 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:

06/15/11	606	\$ 166.01
06/15/11	603	17,275.55
06/15/11	602	11,813.17
06/16/11	633	1,250.00
06/16/11	634	105,122.48
Total		135,627.21

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;

* * * * *

RESOLUTION No. 11-0535 - RE: ACCEPTANCE OF THEN AND NOW CERTIFICATIONS FOR PAYMENT.

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

WHEREAS, Ohio Revised Code Section 5705.41 (D)(1) authorizes the expenditure of moneys, provided a certificate of the County Auditor is supplied stating that there was at the time of the making of such contract or order and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances (Then and Now Certification), and

WHEREAS, the Then and Now Certification is recommended by the State Auditor’s Office, the Portage County Auditor’s Office, and the Portage County Prosecutor’s Office, and

WHEREAS, a listing of expenditures, attached hereto as Exhibit “A” and incorporated herein by reference, has been certified by the County Auditor according to Ohio Revised Code section 5705.41 (D)(1); now therefore be it

RESOLVED, that the expenditures listed herein are properly certified by the County Auditor in the amount of **\$11,379.35** as set forth in Exhibit "A" dated **June 16, 2011** shall be paid; 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, Absent;

* * * * *

RESOLUTION No. 11-0536 - RE: ACCEPT AND AWARD THE BID OF NORTHSTAR ASPHALT, INC. FOR THE WATERLOO ROAD RESURFACING PROJECT.

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

WHEREAS, notice of Receiving Bids for the **Waterloo Road Resurfacing Project** was published in the Record Courier on May 6, 2011 and May 13, 2011, and

WHEREAS, eight (8) sealed bids were received, tabulated and recorded on May 25, 2011 for furnishing all labor, materials and equipment necessary to complete the project known as the **Waterloo Road Resurfacing**; and

WHEREAS, after reviewing all bids received, it was the recommendation of the Portage County Engineer that the bid of **Northstar Asphalt, Inc., 7345 Sunset Strip, N.W., North Canton, Ohio 44720**, be accepted as the lowest and best bid received; now therefore be it

RESOLVED, that the bid of **Northstar Asphalt, Inc.** be accepted and awarded as the lowest and best bid received in accordance with specifications and plans prepared for the **Waterloo Road Resurfacing Project**; and be it further

RESOLVED, that a contract be entered into with **Northstar Asphalt, Inc.** in the total amount of **\$849,607.61**, 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, Absent;

* * * * *

RESOLUTION No. 11-0537 - RE: AMEND RESOLUTION 10-1182: DEED UNUSED/EXCESS LAND OWNED BY PORTAGE COUNTY TO THE PORTAGE COUNTY AIRPORT BOARD OF TRUSTEES.

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

WHEREAS, the Board of Commissioners adopted Resolution 10-1182 on December 23, 2010 to deed unused/excess land owned by Portage County to the Portage County Airport Board of Trustees; and

WHEREAS, the Board of Commissioners has agreed to include restrictive language in the deed to limit the Airport Authority’s use of this parcel; and

WHEREAS, it is the intention of the Board of Portage County Commissioners to deed unused/excess land owned by Portage County in accordance with requirements established by the Ohio Revised Code to the Portage County Airport Board of Trustees; now therefore be it

RESOLVED, that the Portage County Board of Commissioners hereby deeds the following County-owned unused/excess property under the jurisdiction of the Board of Commissioners, with limited warranty covenants, for partial use as the local match for FAA AIP Project 3-39-0099-211, as prepared by the Portage County Prosecutor’s Office (Exhibit A); and be it further

Situated in Shalersville Township, Lot 62, parcel #33-062-00-00-006-001 consisting of 16.32 acres

; 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, Absent;

* * * * *

LIMITED WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that the **Board of Commissioners of Portage County, Ohio**, the GRANTOR, who claims title by or through instruments, recorded in Volume 1119, Page 649, County Recorder's Office, for the consideration of Ten Dollars (\$10.00) received to its full satisfaction of the **Board of Trustees of the Portage County Regional Airport Authority**, the GRANTEE, whose tax mailing address will be 4039 Nanway Blvd, Ravenna, Ohio 44266, *does Give, Grant, Bargain, Sell and Convey* unto the said Grantee, with limited warranty covenants, the following described premises:

Situated in the Township of Shalersville, County of Portage and State of Ohio: and known as being part of original Shalersville Township Lot 62, Parcel 2, and is further described as follows:

Beginning at an iron rod found in the centerline of Infirmary Road OH 164 at the northwest corner of said township Lot 62;

Thence along the centerline of Infirmary Road and the west line of Lot 62 S. 00 deg. 18' 50" E. a distance of 634.88 feet to a point at the northwest corner of lands now or formerly owned by the Board of Portage County Commissioners (34/474) (an iron rod was found 0.18' west of said point);

Thence along the northerly line of the said Board of Portage County Commissioners S. 89 deg. 58' 19" E. a distance of 1856.87 feet to an iron pipe set at the northwesterly corner of lands now or formerly owned by The Portage County Airport Authority (968/1186) and the true place of beginning for this parcel of land.

Thence continuing S. 89 deg. 58' 19" E. a distance of 400.04 feet to a point at the northeasterly corner of said lands now or formerly owned by The Portage County Airport Authority (an iron pipe was found 0.49' south of and 0.40' west of said point);

Thence along the easterly line of the said Portage County Airport Authority S. 00 deg. 44' 23" E. a distance of 1757.16 feet to an iron pipe set.

Thence S. 84 deg. 16' 46" W. a distance of 401.52 feet to an iron pipe set in the westerly line of said Portage County Airport Authority;

Thence along said westerly line N. 00 deg. 44' 23" W. a distance of 1797.38 feet to the true place of beginning and containing 16.3169 acres of land be the same more or less, but subject to all legal highways as surveyed and described in August 1990, by Don Trocchio, Registered Surveyor No. 6445.

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances thereof, unto the said Grantee so long as the Grantee uses the premises to support the operations of the public airport. Further restricting that the Grantee shall not use the premises granted hereunder for expansion of the physical size of the public airport runway from that which exists upon filing of this deed, including using the premises herein described as local match for any funding from any source for

said runway expansion and subject to the following conditions: that said real property, or any interest therein may not be alienated, pledged, transferred, assigned or sold to any person or entity, excepting Grantor.

And the said Grantor does covenant with the said Grantee that at and until the ensealing of these present, it is well seized of the above described premises, as a good and indefeasible estate in FEE SIMPLE, have good right to bargain and sell the same in manner and form as above written, and that the same are free from all encumbrances made by Grantor, except those existing of record, and that said Grantor will WARRANT and DEFEND said premises, with the appurtenances thereunto belonging, to the said Grantee against all other lawful claims and demands whatsoever.

EXECUTED before me, said Board of Commissioners of Portage County, Ohio, set its hand by Christopher Smeiles, Maureen T. Frederick and Tommie Jo Marsilio, being commissioners, who under penalty of perjury in violation of Section 2921.11 of the Revised Cord, represented to me to be said persons.

THE BOARD OF COMMISSIONERS OF
PORTAGE COUNTY, OHIO

CHRISTOPHER SMEILES, Commissioner

MAUREEN T. FREDERICK, Commissioner

TOMMIE JO MARSILIO, Commissioner

STATE OF OHIO)
) SS:
COUNTY OF PORTAGE)

Before me a Notary Public in and for said County and State, personally appeared the above named **BOARD OF COMMISSIONERS OF PORTAGE COUNTY, OHIO** by Christopher Smeiles, Maureen T. Frederick, and Tommie Jo Marsilio, being commissioners, who acknowledged that they did sign the foregoing instrument and that the same is the free act and deed of the said Board of Commissioners of Portage County, Ohio and the free act and deed of them personally and as such commissioner.

In testimony whereof, I have hereunto set my hand and official seal, at Ravenna, Ohio this _____ day of _____, A.D. 2011.

NOTARY PUBLIC

My commission expires _____

This instrument prepared by:

Portage County Prosecutor's Office
241 S. Chestnut Street
Ravenna, Ohio 44266
(330) 297-3850

*
RESOLUTION No. 11-0538

*
- RE: ENTER INTO AMENDMENT NO. 2 FOR PREVENTION,
RETENTION AND CONTINGENCY (PRC) LEGAL
SERVICES BETWEEN THE BOARD OF COMMISSIONERS
ON BEHALF OF THE PORTAGE COUNTY DEPARTMENT
OF JOB & FAMILY SERVICES AND COMMUNITY
LEGAL AID SERVICES, INC.
*

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

WHEREAS, an agreement between the parties was entered into and known as Portage County Contract No. 20100327 (the "Original Contract") on July 22, 2010 by Resolution No. 10-0621 to provide PRC Legal Services for eligible Portage County residents; and

WHEREAS, an Amendment No. 1 was entered into on March 31, 2011 through Resolution No. 11-0276; and

WHEREAS, the parties desire to amend the Original Contract; now therefore be it; and

RESOLVED, that the Board of Portage County Commissioners does hereby enter into Amendment No. 2 between the Board of Commissioners on behalf of the Portage County Department of Job & Family Services ("PCDJFS") and Community Legal Aid Services, Inc. for the period July 1, 2010 to June 30, 2011; and be it further

RESOLVED, that the parties agree that legal services shall be decreased by fifteen (15) units, for a maximum of eight hundred twenty and one half (820.5) units rendered at a rate of Eighty-one and 24/100 dollars (\$81.24), not to exceed Sixty-six thousand six hundred fifty-seven and 24/100 dollars (\$66,657.24), for a total decrease of One thousand two hundred eighteen and 60/100 dollars (\$1,218.60); and be it further

RESOLVED, that the parties agree to increase filing fees associated with PRC approved legal services by One thousand two hundred eighteen and 60/100 dollars (\$1,218.60), not to exceed Seven thousand nine hundred thirty-two and 60/100 dollars (\$7,932.60); and be it further

RESOLVED, that the parties agree to maintain paralegal services related to work performed regarding public benefits for a maximum of ten (10) units rendered at a unit rate of Forty-one and 10/100 dollars (\$41.10), for a total increase of Four hundred eleven and 00/100 dollars (\$411.00); and be it further

RESOLVED, that the annual service under this agreement shall remain Seventy-five thousand one and 02/100 dollars (\$75,001.02); 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, Absent;

* * * * *

RESOLUTION No. 11-0539 ~ **RE: ENTER INTO AMENDMENT NO. 2 BETWEEN THE PORTAGE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE PORTAGE COUNTY DEPARTMENT OF JOB & FAMILY SERVICES AND MARLENE’S LOW VISION TO PROVIDE SPECIAL SERVICES FOR THE VISUALLY IMPAIRED.**

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

WHEREAS, an agreement between the parties was entered into and known as Portage County Contract No. 20100148 (the “Original Contract”) on January 26, 2010 by Resolution No. 09-1162 to provide Special Services for the Visually Impaired for eligible Portage County visually impaired individuals; and

WHEREAS, an Amendment No. 1 was entered into on February 3, 2011 through Resolution No. 11-0091; and

WHEREAS, the parties desire to amend the Original Contract; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby enter into Amendment No. 2 between the Board of Commissioners on behalf of the Portage County Department of Job & Family Services and Marlene’s Low Vision to terminate this contract effective July 1, 2011 due to loss of funding; 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, Absent;

* * * * *

RESOLUTION No. 11-0540 - RE: ACCEPTANCE OF ASSIGNMENT OF COMMUNICATIONS SITE RENTAL AGREEMENT - PORTAGE COUNTY BOARD OF COMMISSIONERS AND NORTHEASTERN OHIO UNIVERSITY COLLEGE OF MEDICINE TO T6 UNISON SITE MANAGEMENT LLC.

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

- WHEREAS,** the Portage County Board of Commissioners has entered into an agreement for the rental of a communication site with the Northeastern Ohio University College of Medicine originally on August 24th, 1993 and again on May 23, 2007; and
- WHEREAS,** the Portage County Board of Commissioners desires to continue leasing the communication site; and
- WHEREAS,** the Northeastern Ohio University College of Medicine has assigned the communication site lease to T6 Unison Site Management LLC; now therefore be it
- RESOLVED,** that the Board of Commissioners does hereby accept the assignment of the communication site rental agreement to T6 Unison Site Management LLC, P. O. Box 75655, Baltimore, MD 21275-5655 with all rights, responsibilities, and duties as stipulated in the Original Agreements dated August 24, 1993 and May 23, 2007; 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, Absent;

* * * * *

RESOLUTION No. 11-0541 - RE: ACKNOWLEDGEMENT OF THE SERVICE AGREEMENT WITH PES INSURANCE LLC FOR THE ENROLLMENT OF EMPLOYEES IN VOLUNTARY INSURANCE.

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

- WHEREAS,** the Portage County Board of Commissioners is desirous of providing voluntary insurance for County employees and their families who elect such coverage, the cost of which is paid by the employees; and

WHEREAS, PES Insurance LLC is both qualified and interested in providing said voluntary employee insurance coverage; now therefore be it

RESOLVED, that the Board of Portage County Commissioners acknowledges the service agreement dated May 3, 2011, attached as Exhibit A with PES Insurance LLC, c/o James R. Van Guilder CLU, P.O. Box 4037, Newark OH 43058, to provide voluntary insurance coverage for County employees who elect such coverage effective January 1, 2011; 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, Absent;

* * * * *
RESOLUTION No. 11-0542 - RE: ENTER INTO LICENSE AGREEMENT BETWEEN THE PORTAGE COUNTY COMMISSIONERS AND PORTAGE ANIMAL PROTECTIVE LEAGUE

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

WHEREAS, the County owns property located at 8122 Infirmary Rd., Ravenna, Ohio known as the Portage County Animal Protective League; and

WHEREAS, The Animal Protective League wishes to use the Animal Protective League outside grounds, on Saturday, June 18th, 2011 between the hours of 10:30 AM to 12:00 PM for Fundraising Event Hogs and Dogs; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby agree to enter into a License Agreement between the Board and Animal Protective League at 8122 Infirmary Rd., Ravenna, Ohio 44266 for use of the Fundraising Event Hogs and Dogs on Saturday, June 18th, 2011 between the hours of 10:30 AM to 12:00 PM for Fundraising Event Hogs and Dogs; 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.

* * * * *

INCOMING CORRESPONDENCE

June 16, 2011

1. June 14, 2011 request from the Board of Elections for an additional appropriation of \$2,433.00 to the Board Members salary account. Forwarded to the Department of Budget & Financial Management/Director Tillis to bring back to the Board of Commissioners.
2. June 13, 2011 request from the Board of Elections for an additional appropriation of \$10,625.56 to the postage account. Forwarded to the Department of Budget & Financial Management/Director Tillis to bring back to the Board of Commissioners.
3. June 14, 2011 email from Jim Zupka regarding the 2010 County Audit. Forwarded to the Portage County Job & Family Services Fiscal Officer Terri Burn/Information only.

* * * * *

JOURNAL ENTRY

June 16, 2011

1. The Board of Commissioners acknowledged the receipt of the Kennel Disposition Report for June 6, 2011 through June 13, 2011 as presented by Dog Warden Dave McIntyre.
2. The Board of Commissioners authorized payment of the June 9, 2011 Invoice for Professional Services – Retainer for \$175.00, as requested by Clemans Nelson & Associates, Inc. and approved by the Human Resources Department Director Karen U’Halie.
3. The Board of Commissioners acknowledged the receipt of the Portage County Investment Reconciliation for the month of May 2011, as presented by the County Auditor and County Treasurer.
4. Board of Commissioners’ authorization requested to pay the Portage County Regional Airport Authority Invoice No. 2011-032 dated June 14, 2011 for \$376.90 for reimbursement of the 10 cents per gallon in fuel costs for the Metro Life Flight helicopter, as approved by the Board of Commissioners in a Journal Entry adopted July 8, 2008, for the life of the 60 month lease with Metro Life Flight not to exceed \$6,000 annually.
5. The Board of Commissioners acknowledged the receipt of the Portfolio Report for the month of May 2011, as presented by the County Treasurer.
6. The Board of Commissioners signed the Regional Planning Commission Payment Authorization Form for R2K of Rootstown for the rehabilitation of the Kevin Coleman house located at 164 East Spruce Street in Ravenna in the amount of \$400.78. The B-F-09-1CJ-1 Formula Grant Activity #4 Private Rehab is funding this expense.

* * * * *

PLEASE ADD TO THE AGENDA

June 16, 2011

1. June 15, 2011 e-mail from Director Jon Barber, Office of Homeland Security and Emergency Management, regarding 911 distribution. Director Barber suggests that the effective date for the distribution change be: June collection, which is collected in July/Information only.
2. June 15, 2011 e-mail from Director Jon Barber, Office of Homeland Security and Emergency Management, in response to the Board of Revision correspondence from June 9, 2011/The Board of Commissioners agreed to meet with Director Barber.

* * * * *

INFORMATION ONLY

June 16, 2011

1. June 8, 2011 correspondence from Jack Rosati, Bricker & Eckler, including an article entitled Sole Source Procurement for Ohio Public Owners, especially with regard to construction of treatment works.

* * * * *

PROSECUTOR

June 16, 2011

1. June 13, 2011 e-mail from Leigh Prugh, regarding sinkholes on private property/Board of Commissioners asked that the email be forwarded to the County Engineer.

* * * * *

JOURNAL ENTRY

June 16, 2011

Motion by Tommie Jo Marsilio, seconded by Maureen T. Frederick to approve the following actions:

1. The Board of Commissioners acknowledged the receipt of the Kennel Disposition Report for June 6, 2011 through June 13, 2011, as presented by Dog Warden Dave McIntyre.
2. The Board of Commissioners authorized payment of the June 9, 2011 Invoice for Professional Services – Retainer for \$175.00, as presented by Clemans Nelson & Associates, Inc. and approved by the Human Resources Department Director Karen U’Halie.
3. The Board of Commissioners acknowledged the receipt of the Portage County Investment Reconciliation for the month of May 2011, as presented by the County Auditor and County Treasurer.
4. The Board of Commissioners authorized payment of the Portage County Regional Airport Authority Invoice No. 2011-032 dated June 14, 2011 for \$376.90 for reimbursement of the 10 cents per gallon in fuel costs for the Metro Life Flight helicopter, as approved by the Board of Commissioners

in a Journal Entry adopted July 8, 2008, for the life of the 60 month lease with Metro Life Flight not to exceed \$6,000 annually.

- 5. The Board of Commissioners acknowledged the receipt of the Portfolio Report for the month of May 2011, as presented by the County Treasurer.
- 6. The Board of Commissioners signed the Regional Planning Commission Payment Authorization Form for R2K of Rootstown for the rehabilitation of the Kevin Coleman house located at 164 East Spruce Street in Ravenna in the amount of \$400.78. The B-F-09-1CJ-1 Formula Grant Activity #4 Private Rehab is funding this expense.
- 7. The Board of Commissioners signed the Personnel Action Form acknowledging the resignation of Rebecca Howard as an IM Worker 3 in the Portage County Department of Job & Family Services effective June 24, 2011, as presented by Director Judee Genetin.
- 8. After meeting today with County Coroner Roger Marcial, the Board of Commissioners authorized the retirement sick leave payout of one quarter (1/4) of the value of sick leave accumulated, with a maximum cap of 90 days, for Coroner's employee Thomas E. Decker, as he retired on April 30, 2011. The Board of Commissioners noted that this payout is consistent with the Board of Commissioners' Policy.
- 9. The Board of Commissioners signed the letter of support for the Neighborhood Development Services, Inc. Ohio Housing Finance Agency application for the Terrill Suites Housing Credit Project to rehab 65 units, as presented by the Neighborhood Development Services, Inc.
- 10. After meeting today with Internal Services Director Townend and Human Resources Department Director U'Halie, the Board of Commissioners approved the Job Description for the Residential Building Administrator for the Portage County Building Department, factored as an MGT 06.

Commissioner Smeiles absent, motion carries.

* * * * *

We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Commissioners' meeting on **June 16, 2011**. There being no further business to come before the Board, it was moved by Tommie Jo Marsilio, seconded by Maureen T. Frederick to adjourn the official meeting at 2:30 PM. Commissioner Smeiles absent, motion carries.

Maureen T. Frederick, President

Tommie Jo Marsilio, Vice-President

ABSENT

Christopher Smeiles, Board Member

Deborah Mazanec, Clerk

* * * * *