

**Tuesday, July 5, 2011**

The Board of County Commissioners met in regular session on **Tuesday, July 5, 2011 at 9:30 AM** with the following members present:

Maureen T. Frederick

Christopher Smeiles

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It was moved by Christopher Smeiles, seconded by Maureen T. Frederick to approve the meeting minutes of the June 30, 2011 meeting. Commissioner Marsilio absent, motion carries

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Also attending throughout the day: Hank Dunckel

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**PROSECUTOR**

Present: Denise Smith

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9:32 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Christopher Smeiles**, seconded by **Maureen T. Frederick** that the Board of Commissioners move into executive session to discuss pending and/or imminent litigation. **Also present:** Attorney Denise Smith. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Absent; Maureen T. Frederick, Yea.

9:50 AM Commissioner Marsilio attending

10:05 Nursing Home Administrator Christa Mayes attending

10:20 AM Upon conclusion of the above referenced discussion, it was moved by **Tommie Jo Marsilio**, seconded by **Christopher Smeiles** that the Board of Commissioners move out of executive session. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

After exiting Executive Session, the Board of Commissioners took no action.

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**Prosecutor's Correspondence**

July 5, 2011

1. June 30, 2011 from Attorney Leigh Prugh regarding the Timberstone Subdivision/Discussed in Executive Session today.
2. July 1, 2011 email from Attorney Denise Smith regarding county participation with the Sourcing Office/The Board of Commissioners agreed to forward Attorney Smith's email to the Sourcing Office and the CCAO for comment.
3. July 1, 2011 email from Attorney Chris Meduri regarding the Aurora East ditch assessment/Information only at this time.

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**THE WOODLANDS AT ROBINSON**

Present: Christa Mayes, Jill Nelson, Allison Box, Karen U’Halie, Denise Smith

The Nursing Home Administrator reported a census of 90 with 24 skilled patients. The Board of Commissioners agreed to authorize the purchase of lunch for staff to celebrate hitting the 90 mile mark/Journal Entry. The Nursing Home Administrator also noted that with the increase in the census, additional televisions will be needed.

The Board of Commissioners agreed to request an update and then a monthly report from Christley, Herington & Pierce for the collection of long outstanding fees owed by residents at The Woodlands. Staff billing is going well at this time.

**Mileage**

The Nursing Home Administrator noted that travel out of the county for training must be approved by the Board of Commissioners. The travel and training is very expensive; the Board of Commissioners agreed that staff could/should take a county vehicle when traveling, if a car is available.

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10:45 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Tommie Jo Marsilio**, seconded by **Christopher Smeiles** that the Board of Commissioners move into executive session to consider a discipline issue and a hiring issue. **Also present:** Christa Mayes, Allison Goudy, DON Jill Nelson, Human Resources Department Director Karen U’Halie, Attorney Denise Smith. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

11:00 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 move out of executive session. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

After exiting Executive Session, the Board of Commissioners took action by Journal Entry.

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Commissioner Marsilio noted that she continues to ask the GAPP staff to carbon copy Portage County JFS Director Judee Genetin on emails and correspondences to her. That is still not occurring although Mr. Sernik has advised that he will do so when it is appropriate.

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Commissioner Frederick reported that she attending the Community Corrections Board meeting on Friday, July 1<sup>st</sup> and learned about House Bill 86, which is intended to divert some nonviolent offenders to community programs and will require that Portage County establish a halfway house. She asked the Commissioners to think about possibly using the former Nursing Home, current Records Center, as a possible location. Commissioner Smeiles asked if funding is available and Commissioner Frederick responded perhaps only for testing.

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The Board of Commissioners discussed their decision last week to ask the Portage Amateur Radio Club to remove its equipment from the roof of the Administration Building.

Commissioner Frederick reported that she talked to Larry Solak about this issue and was told that the Club could provide insurance coverage if that is the issue; Mr. Solak asked the Board of Commissioners to reconsider. She also suggested that Mr. Solak contact Mark Frisone to discuss the possibility of moving the equipment to the old Ohio Department of Transportation facility.

Commissioner Marsilio asked Commissioner Frederick if she is suggesting that the Club be allowed to keep the equipment on site. Commissioner Frederick responded yes noting that the purpose would be to provide service during an emergency. She understands the liabilities and maintenance issues but still would like to authorize the Club to leave the equipment on site. Commissioner Smeiles stated that anyone who wants to use county property must enter into an agreement and provide insurance coverage. Commissioner Marsilio responded that this is not a public entity and is not affiliated with the Homeland Security and Emergency Management Office or law enforcement.

Commissioner Marsilio pointed out that the Board of Commissioners would most likely not allow other companies (i.e. the Tea Party) to put equipment on the roof. Commissioner Frederick responded that the equipment has been in place since 1979 and enhances the safety of Portage County residents and public.

Commissioner Marsilio and Commissioner Smeiles agreed to sign the letter to the Club advising of their decision that the equipment must be removed.

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### **Kent Courthouse**

Commissioner Marsilio commented that she had called two weeks ago and sent an email last week to [Kent City Manager] Dave Ruller asking that he respond to Commissioner Frederick's letter suggesting the Depeyster Street site for the new Kent Courthouse. Since she has not heard back from Mr. Ruller, to her that means that the site is not available. Commissioner Frederick stated that she heard from [Kent Economic Development Director] Dan Smith last Friday but she did not return that call. She added that she is meeting with Howard Boyle and Nancy Hansford tomorrow. Commissioner Frederick stated that she is leaning toward Dome site with a downsized building. She has already shared Linda Fankhauser's concerns about the size of the facility.

Commissioner Smeiles stated that he talked to Dan Smith last week and Mr. Smith told him that he has spoken with Commissioner Frederick about the Depeyster Street site and shared with her that the site does not work for a government building since the occupant of that site needs to pay real estate taxes in accordance with a Tax Increment Financing (TIF) agreement. Commissioner Frederick replied that she had lunch with Mr. Smith several weeks ago to update her on Kent events but he did not tell her that the site was not good for a county building. She also met Mayor Fiala and another Kent City council person over the weekend at a class reunion and both indicated that there has been no official disposition of this issue. She would think that the city would communicate in some manner regarding her suggestion. If the committee has not met, the question will not be posed.

Commissioner Marsilio commented that the people of the county are sick of this kind of behavior. She stated that she asked the city of Kent two things officially on behalf of the Board of Commissioners. She both called and sent an email to Dave Ruller and he has not responded. It appears that the city will meet for lunch but not in an open session. Commissioner Marsilio does not believe this is the appropriate way to proceed.

Commissioner Frederick agreed and stated that she did not construe her lunch with Dan Smith to bring her up to date as a secret meeting. Her running into the Mayor and council member at a class reunion was not a secret either. Dan Smith also mentioned that he has met with Commissioner Marsilio and Joe Mayernick about an issue, as well. She does not see that meeting as a secret conversation. Commissioner Frederick would like the city of Kent to come to the Board of Commissioners and make the request. Commissioner Marsilio stated that it is odd to her that the city will not return her phone call or respond to her email.

Commissioner Smeiles commented that the Dome site does not work since it requires a move from 25,000 to 15,000 square feet. Commissioner Marsilio responded that a 22,000 – 24,000 square foot building would fit on that site. Commissioner Smeiles has yet to see a parking plan that works for this site. Commissioner Marsilio responded that the city does not require a parking plan for the site. Commissioner Smeiles disagreed and noted that the city Planning Commission requires a parking plan that they would approve. A parking variance may be available. He asked if Commissioner Frederick and Commissioner Marsilio are willing to tear down the old courthouse to achieve parking? Commissioner Frederick responded no but would offer the site for sale. Commissioner Marsilio responded yes depending on offers.

Commissioner Frederick stated that, although she is not on the committee, she thought that the city or the development association would be willing to offer alternative sites for parking for the Dome site or work something out. Commissioner Marsilio responded that the city offered to talk to the railroad who owns property catty-cornered across the street but that has not occurred yet. Commissioner Smeiles replied that the city did talk to the railroad and it is not a viable option.

Commissioner Smeiles stated that, assuming the courthouse is sold, does the Board think that they can achieve the 24,000 square foot building plus parking on the Dome site?

Commissioner Frederick replied that this weekend she heard from three residents who asked her not to move the courts to Kent. She explained to them that there already is a court in Kent that will remain there. There is one Judge and one Magistrate requiring one courtroom that maybe could be shared. The parking issue may not be as profound as the Board may think. Judge Poland has advised that only the Judge needs secured parking in accordance with the Supreme Court ruling. That means one secured parking place and not as much square footage as the Judges think necessary. Perhaps whittle down the number of break rooms and conference rooms to 21,000 – 22,000 square feet. She does not see the necessity for 135 parking spots that would be available on the Main Street site.

Commissioner Smeiles asked the Board of Commissioners if they don't think the Board should plan for the future? Commissioner Marsilio asked what the point is of this discussion until Commissioner Frederick decides on her choice of the site. Commissioner Smeiles remarked that he is in favor of the Main Street site at zero cost to the county. Commissioner Frederick responded that Commissioner

Smeiles keeps saying zero but what if the developer takes both county properties and makes money on those sites. The appraised value is just that; you need not sell or buy at the appraised value. The city and/or the CIC appears to be willing to pay the appraised value or more, which may be more than the building is worth. That becomes distasteful to the public.

Commissioner Frederick stated that she is not convinced that the future will bring an increase in cases. Commissioner Smeiles replied that Commissioner Frederick just reported that felons would be handled at the Muni Court level. That would be an increased docket and more people using the court. Commissioner Marsilio responded that the jail will be impacted and not the Muni Court except for arraignment purposes only.

Commissioner Frederick added that as the university grows, that growth should not fall on the shoulders of the students and their parents. Commissioner Smeiles asked if she would prefer that the taxpayers pay for that growth? Commissioner Frederick replied parents pay taxes. It also does not mean that crime will rise because the student population is growing. The university has done a stellar job on deferment programs. Commissioner Smeiles stated that the Board could take the students out of the equation and think about the increase in population and new homes in the western tier of the county. More houses and residences in Suffield and Brimfield would mean more use of the Kent Courthouse. Commissioner Frederick disagreed and noted that the Ravenna court could also be used. Commissioner Smeiles stated that it is a moot point until Commissioner Frederick decides which site she prefers. Commissioner Frederick advised that she has calls into the businesses next to the Dome site to see how a building at the site would impact them.

Commissioner Smeiles is not sure that a 24,000 square foot building would fit on the Dome site. Commissioner Frederick responded that she believes that the square footage can be reduced from the current numbers. Commissioner Smeiles wondered why the Board went through the architectural process? Commissioner Frederick replied that the architects never said no to the elected officials; wants became needs.

The Board of Commissioners agreed to discuss this issue again on July 7<sup>th</sup> after Commissioner Frederick meets with Howard Boyle and Nancy Hansford.

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**DEPARTMENT OF BUDGET & FINANCIAL MANAGEMENT - Cancelled**

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12:05 PM Recessed for Lunch

1:30 PM Reconvened

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**DOG WARDEN**

Present: Dave McIntyre

**1. Kennel YTD as of 6/30/11**

- There were 466 dog intakes
- There were 48 intakes of Pit Bull Dogs

- The intakes of cats is at 115
- Adoptions Year to Date is at 128; dogs rescued is at 113; dogs returned to owner is at 132

## 2. License Renewal

- Staff has found 1,880 licenses from making telephone calls and officers following up on bad telephone numbers. As of this morning staff has contacted 2,882 people
- The Dog Warden presented the Dog License Comparison Sheet Year to Date

## 3. APL

- The Dog Warden reported that the APL has taken and kept a total of 13 dogs from the Dog Warden since January 1, 2011.

## 4. Concrete Pad and Fencing

- The Dog Warden presented photos of the new fenced in area in the back of the facility.
- The Dog Warden asked the Board of Commissioners to accept a donation of concrete from Rose's Rescue and an anonymous donor. The Dog Warden to work with the Executive Assistant on the resolution to accept.
- The Board of Commissioners agreed that the Sheriff's Office inmates should be used to cut holes and finish the walk-throughs in walls for dogs

## 5. Veterinarian on Staff

- The Dog Warden advised that having a veterinarian on staff to come in weekly would be great but he cannot afford to pay for a full time veterinarian. He requested permission to start talks to determine if he can get a veterinarian on staff and what costs could be worked out including insurance, small stipend, etc. Commissioner Frederick suggested a contract could be entered into. Commissioner Marsilio suggested that the Board of Commissioners work to find one veterinarian who would be the veterinarian that the county uses and then agree to send that veterinarian's information home with every dog adopted out. The Board of Commissioners is open to the idea but want to be careful of the costs associated/Dog Warden agreed to investigate further

## 6. Equipment for officers

- The Dog Warden advised that his officers have asked him to investigate the authority to carry weapons. He added that 47 of the 88 Ohio County Dog Warden's carry weapons. The Dog Warden stated that he is concerned about both dog attacks and people and noted that the officers must be OPATA trained.

Commissioner Smeiles responded that the Board of Commissioners has already had armed deputies and one of them pulled his weapon on a citizen. Commissioner Smeiles remembered that the Board of Commissioners authorized the purchase of tranquilizer guns; the Dog Warden responded that he cannot buy tranquilizer without a veterinarian on staff but agreed to find those guns. Commissioner Marsilio commented that she is not interested in allowing the officers to carry weapons and suggested use of tasers. The Board agreed that they would not be interested in allowing Dog Warden staff to carry

weapons; the Dog Warden should find the tranquilizer guns should the Board agree to allow staff to carry those.

7. The Dog Warden reported that there is some interest from John Perry, Bonny Mills, Jennifer Covington, and Karen Genske in starting an FOP Organization/501C3 group/Friends of the Pound that would be able to apply for grants that the Dog Warden cannot. The Board of Commissioners agreed that they liked the idea and would accept donations/Dog Warden to pursue.

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**OFFICE OF HOMELAND SECURITY & EMERGENCY MANAGEMENT**

Present: Jon Barber

The Director noted that the Board of Commissioners must authorize him to apply on line for access to the federal system to apply for the FY 2012 Mitigation Grant. The local match can/will be erased by an in-kind match (time, copies, etc) and the Homeland Security and Emergency Management Office budget would/could absorb the difference between the local match requirement of \$7,500 and the actual in-kind amount. The Director advised that there will be a 36 month period to spend the money, once accepted by the Board of Commissioners. The \$30,000 grant (\$22,500 in grant funds and \$7,500 in in-kind or local match) will be used for the Mitigation Plan update. Commissioner Smeiles suggested that the Director apply for more funding to make certain that the project can be completed; the Director responded that the \$30,000 is sufficient for this update. Commissioner Marsilio commended the Director for requesting only funds that are needed and can be spent.

RESOLUTION: Authorize the Portage County Office of Homeland Security & Emergency Management to apply for the FY12 Mitigation Grant./11-601

Commissioner Frederick thanked the Director for responding to the alarm drop over the weekend. She asked that both JoAnn Townend and the Sheriff know that this does occur on occasion.

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**WATER RESOURCES**

Present: Jeff Lonzrick

The Board of Commissioners presented the Director with the two framed EPA certificates of recognition of Portage County in recognizing the importance of protecting ground water resources with the Drinking Water Source Protection Plan for Portage County – Shalersville and Brimfield. The Board of Commissioners received these awards from the EPA on June 23, 2011.

1. RESOLUTION - Authorizing the preparation of plans, specifications and estimate of cost for Project No. SH-W (11-060), Shalersville WTP Chlorination Modification Improvements, in the Portage County Regional Sewer District, Shalersville Township./11-597
2. RESOLUTION - Accept bids and award contract for Project No. ST-4 (06-275), Streetsboro Trunk Sewer Rehabilitation, Phase 2 & 3, in the Streetsboro Sanitary Sewer

District No. 4/Commissioner Frederick asked if there is concern that too many change orders would come forward since the bids were so close to the project estimate. The Director responded that they have researched the company and contacted their references and noted that the company is not known for change orders./11-598

3. SIGNATURES - WPCLF Project ARRA Quarterly Report Summary forms/Journal Entry
4. JOURNAL ENTRY - Approval to Interview Architectural Firms for Project SIGNATURES Design Services on Water Resources Department Administrative Offices Expansion at 8116 Infirmary Road, Project No. PC (11-050). Commissioner Smeiles suggested that staff interview DLZ and Four Points, who also submitted qualifications. Commissioner Frederick and Commissioner Marsilio agreed to accept the recommendation of the Director and move forward to interview the three companies: Hasenstab Architects, RE Warner & Associates, and Strollo Architects/Journal Entry.
5. JOURNAL ENTRY - Approval to send an interest survey to property owners for extension of sewer on Lynwood Drive/Journal Entry.
6. JOURNAL ENTRY - Employment/Journal Entry
7. The Director advised the Board of Commissioners that he has spoken with a resident several times regarding sewer charges for his residence on State Route 59, which were placed on the tax bill. Mr. Lonzrick explained the real estate assessment process/certification to him and advised that his bills between September 2009 and June 2010 were certified in August 2010. The Board of Commissioners thanked the Director for his handling of this issue.

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**RESOLUTION No. 11-0594 - RE: BILLS APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.**

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

**RESOLVED,** that the bills were approved and certified to the County Auditor for payment, contingent upon the review of the Portage County Department of Budget and Financial Management or other designee on July 5, 2011 in the total payment amount of **\$318,288.43 for Funds 0001-5100** as set forth in the Accounts Payable Warrant Report on file in the office of the Portage County Auditor; and be it further

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

Roll call vote as follows:

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

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**RESOLUTION No. 11-0595 - RE: APPROVAL OF JOURNAL VOUCHERS/ENTRIES.**

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

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

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

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

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

07/01/11	38	\$ 377.15
Total		\$ 377.15

and be it further

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

Roll call vote as follows:

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

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**RESOLUTION No. 11-0596 - RE: ACCEPTANCE OF THEN AND NOW CERTIFICATIONS FOR PAYMENT.**

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



**WHEREAS,** the PROJECT is necessary because the chlorine gas used as a disinfectant during the production of drinking water at the plant has hazardous material risks and requires laborious safety precautions; and

**WHEREAS,** a sodium hypochlorite system is planned to replace the chlorine gas; and

**WHEREAS,** this project will provide a safer and more efficient alternative for transporting, storing, and handling chemicals at the water plant; and

**WHEREAS,** many other public water production plants have switched their chemical use in similar fashion over concern for safety and liability; now therefore be it

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

Section 1. That said authorization to prepare plans, specifications and estimate of cost for said PROJECT is hereby given.

Section 2. That it is hereby found and determined that all formal actions of this Board concerning and relation to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Voice vote as follows:

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

Christopher Smeiles, Yea;

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**RESOLUTION No. 11-0598**

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**RE: ACCEPT BIDS AND AWARD CONTRACT FOR PROJECT NO. ST-4 (06-275), STREETSBORO TRUNK SEWER REHABILITATION, PHASE 2 & 3, IN THE STREETSBORO SANITARY SEWER DISTRICT No. 4.**

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

**WHEREAS,** this Board by Resolution No. 11-0436 adopted May 17, 2011, set the date and time for bidding of Project No. ST-4 (06-275), Streetsboro Trunk Sewer Rehabilitation, Phase 2 & 3, hereinafter referred to as the PROJECT; and

**WHEREAS,** the notice of accepting bids was advertised in the Record Courier Newspaper on May 23 and May 30, 2011; and

**WHEREAS,** sixteen potential bidders received plans and specifications for the PROJECT; and

**WHEREAS,** this Board received four bids for the PROJECT on June 15, 2011, as named below; and

Wenger Excavating, Inc.	\$ 1,881,494.90
Utilicon Corp.	\$ 1,970,564.00
Inland Waters Pollution Control, Inc.	\$ 1,996,157.00
Nerone & Sons, Inc.	\$ 2,002,962.00

**WHEREAS,** based upon the analysis of the bids received (bid tabulation attached), the Portage County Water Resources has made a recommendation for award; and

**WHEREAS,** the Portage County Board of Commissioners has received approval to award from the United States Army Corp of Engineers; now therefore be it

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

Section 1. That this Board hereby award the Contract for the PROJECT to the responsive bid of Wenger Excavating, 26 N. Cochran Street, P.O. Box 499, Dalton, Ohio 44618, in the bid amount of \$ 1,881,494.90.

Section 2. That the Water Resources is hereby authorized and directed to issue the Notice Of Award to the contractor named in Section 1.

Section 3. That the funds to cover the cost of the PROJECT are budgeted in the "Streetsboro Trunk Sewer Rehabilitation, Phase 2 & 3", Fund 57050606 Object 680000 Project No. 06275.

Section 4. That the Clerk of this Board is hereby directed to certify a copy of this Resolution to the County Auditor and the Department Of Budget and Financial Management within 15 days after its passage.

Section 5. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board and that all deliberations of this Board and of any of its committees on or after November 28, 1975, that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Voice vote as follows:

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

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**RESOLUTION No. 11-0599 - RE: ACCEPT CONTRACT CHANGE ORDER NO. 4 AND FINAL FOR THE RUHLIN COMPANY COVERING THE BRADY LAKE ROAD BRIDGE REPLACEMENT PROJECT**

**OVER CSXT 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,** Resolution 09-0688 accepted and awarded the bid of The Ruhlin Company for furnishing all labor, materials and equipment necessary to complete the project known as the **Brady Lake Road Bridge Replacement (FRA 115 CH162A)**; over CSXT and Breakneck Creek in Franklin Township, Portage County, and

**WHEREAS,** a contract was entered into with The Ruhlin Company in the total amount of \$1,896,632.12, and

**WHEREAS,** Resolution 10-0173 accepted Contract Change Order No. 1 which increased the contract to \$1,903,368.09 (\$6,735.97 increase), and

**WHEREAS,** Resolution 10-0488 accepted Contract Change Order No. 2 which increased the contract to \$1,932,940.44 (\$29,572.35), and

**WHEREAS,** Resolution 10-0698 extended project completion date from May 28, 2010 to June 20, 2010, and

**WHEREAS,** Resolution 11-0209 accepted Contract Change Order No. 3 which decreased the contract by \$4,934.80 to \$1,928,005.64, and

**WHEREAS,** additional revisions were made to the **Brady Lake Road Bridge Replacement (FRA 115 CH162A)** plans resulting in an additional cost decrease of \$43,243.356, now therefore be it

**RESOLVED,** that the Board of Portage County Commissioners do hereby accept Contract Change Order No. 4 and Final to the construction contract between The Ruhlin Company and Portage County covering the **Brady Lake Road Bridge Replacement Project (FRA 115 CH162A)**, and be it further

**RESOLVED,** that this Contract Change Order decreases the contract between The Ruhlin Company and Portage County by \$43,243.36 to \$1,884,762.28 and be it further

**RESOLVED,** that the Board of Portage County Commissioners authorizes the execution of said Contract Change Order between The Ruhlin Company and 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 meetings open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice vote as follows:

Maureen T. Frederick, Yea;

Tommie Jo Marsilio, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 11-0600

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RE: ACCEPT CONTRACT CHANGE ORDER NO. 1 AND FINAL FOR KARVO PAVING COMPANY COVERING THE 2010 TALLMADGE ROAD RESURFACING PROJECT (C.H. 18, SECTIONS A & B), IN BRIMFIELD TOWNSHIP, PORTAGE COUNTY.

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

**WHEREAS,** Resolution 10-0845 accepted and awarded the bid of Karvo Paving Company for furnishing all labor, materials and equipment necessary to complete the project known as the **2010 Tallmadge Road Resurfacing Project**, in Brimfield Township, Portage County; and

**WHEREAS,** a contract was entered into with Karvo Paving Company in the total amount of \$558,281.90; and

**WHEREAS,** modifications to the **2010 Tallmadge Road Resurfacing Project** plans were required in order to complete the project, which resulted in additional costs; now therefore be it

**RESOLVED,** that the Board of Portage County Commissioners do hereby accept Contract Change Order No. 1 and Final to the construction contract between Karvo Paving Company and Portage County covering the **2010 Tallmadge Road Resurfacing Project**; and be it further

**RESOLVED,** that this Contract Change Order, in the amount of **\$77,418.66**, increases the contract between Karvo Paving Company and Portage County to **\$635,700.56**; and be it further

**RESOLVED,** that the Board of Portage County Commissioners authorizes the execution of said Contract Change Order between Karvo Paving Company and 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 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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## INCOMING CORRESPONDENCE

July 5, 2011

### 1. Discussion: PARTA Board appointment.

Commissioner Frederick stated that she did contact Mr. Brockett to discuss his interest in continuing to serve on the PARTA Board of Trustees. She did not talk again to David Brode. She knows both applicants.

Commissioner Frederick noted that, although her personal preference would be to appoint David Brode to this Board of Trustees, she will vote to appoint Dick Brockett noting that Frank Hairston came to see her at John Drew's request to encourage her to re-appoint Mr. Brockett as PARTA would like Mr. Brockett to continue to serve. Mr. Hairston also advised her that Mr. Brockett has not missed a Board meeting.

Commissioner Marsilio asked Commissioner Frederick if it bothers her that, even though he has not missed a meeting in 18 months he does not know how the PARTA budget works. Commissioner Frederick responded that she asked Mr. Brockett about that and he responded that he does know how the budget works and relies on the budget person/Treasurer for information but he does understand how the PARTA budget works. Board members typically rely on the fiscal staff for budget details.

Commissioner Marsilio asked if Commissioner Frederick discussed the empty bus issue with Mr. Brockett. Commissioner Frederick responded that she did and added that it is an issue that she also gets many complaints about. In fact, she asked Frank Hairston last week about the empty busses and was told that the busses could be on their way somewhere having just dropped off riders. The bus could be loaded at the next stop. She added that she was told that Mr. Brockett has posed that question to the Board of Trustees and was told that there are records that show the number of people who rode the bus last quarter and use is significant. Commissioner Marsilio stated that the way to tackle this issue is to put someone on the Board that has noticed this issue and is willing to ask questions.

Commissioner Marsilio responded that it is peculiar that Commissioner Frederick believes that David Brode is the better appointment but Commissioner Frederick is choosing to vote for Dick Brockett. Commissioner Frederick added that she likes David Brode personally but will vote for Mr. Brockett. Commissioner Marsilio responded that when she asked Mr. Brockett about the empty bus issue during his Board of Commissioners' interview, he responded that he hadn't asked for an explanation. Commissioner Marsilio added that Commissioner Smeiles even challenged him to ask the Board of Trustees about the empty busses.

Commissioner Frederick replied that she would have liked to appoint David Brode to the Airport Board of Trustees but he is unable to serve on that board. Although she thinks highly of Mr. Brode, she will vote to appoint Dick Brockett.

Commissioner Marsilio stated that she cannot appoint someone who does not know anything about the tax levy or how the PARTA budget works and since Mr. Brockett was not interested in the empty busses. That person is not looking to reduce the public tax burden or for public transportation. She added that she will not vote to appoint Dick Brockett but would be in favor of appointing David Brode.

Motion by Commissioner Marsilio to appoint David Brode to the PARTA Board of Trustees, seconded by Commissioner Smeiles for discussion purposes. A roll call vote was as follows: Commissioner Marsilio, yea; Commissioner Smeiles, nay; Commissioner Frederick, nay. Motion fails. /11-0602

Motion by Commissioner Smeiles to appoint Richard Brockett to the PARTA Board of Trustees. Seconded by Commissioner Frederick, Commissioner Marsilio voting no on behalf of the county taxpayers, motion carries/11-0603

- 2. June 29, 2011 correspondence from Leslie Otten, Ohio EPA, regarding the Community Water System for Shalersville, Brimfield and Rivermoor/Referred to the Water Resources Department Director.
- 3. June 29, 2011 memo from Todd Peetz, Regional Planning Commission to Janet Esposito, County Auditor, regarding the multipurpose building loan/Information only.

\* \* \* \* \*

**JOURNAL ENTRY**  
**July 5, 2011**

- 1. The Board of Commissioners acknowledged the receipt of the June 30, 2011 Certificate of County Auditor that the Total Appropriations from each fund do not exceed the Official Estimate Resources for the fiscal year beginning January 1, 2011, as presented by the Portage County Auditor.
- 2. The Board of Commissioners acknowledged receipt of the June 27, 2011 notice from Linda Marcial and Faith Lyon, Portage County Board of Elections, indicating that the Board of Elections will be open to the public in preparation for the August 2, 2011 Special Election as follows:

Saturday, July 30, 2011	8:00 AM-12:00 Noon
Tuesday, August 2, 2011	6:30 AM- Until Business Completed

\* \* \* \* \*

**REFERRED**  
**July 5, 2011**

- 1. The Board of Commissioners received the 2010 cash flow reports for the following loans as presented by Neighborhood Development Services: SWVRR010, PCHM5028, CORR1053, CORR1054 and CORR1055. Referred to the Department of Budget & Financial Management.

\* \* \* \* \*

**PLEASE ADD TO THE AGENDA**  
**July 5, 2011**

- 1. DRAFT RESOLUTION: Accept contract Change Order No. 4 and final for the Ruhlin Company covering the Brady Lake Road Bridge Replacement project over CSXT and Breakneck Creek in Franklin Township, Portage County (County Engineer)./11-599
- 2. DRAFT RESOLUTION: Accept contract Change Order No. 1 and final for Karvo Paving Company covering the 2010 Tallmadge Road resurfacing project (CH 18 Section A&B), Brimfield Township, Portage County (County Engineer)./11-600

3. July 5, 2011 email from Motor Pool Director Joe Dillon regarding a request from the Ohio State Patrol that he bid to repair their vehicles/The Board of Commissioners agreed to accept the Director's recommendation and not submit a bid this year noting that it would be a good opportunity to increase the Motor Pool's revenues with the right facility, staff, equipment and training. Since the county does not have all the key elements in place, the Board agreed to investigate this in the future. The Commissioners agreed that they would need more notice next year to respond.

\* \* \* \* \*

**JOURNAL ENTRY**  
**July 5, 2011**

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

1. The Board of Commissioners acknowledged the receipt of the June 30, 2011 Certificate of County Auditor that the Total Appropriations from each fund do not exceed the Official Estimate Resources for the fiscal year beginning January 1, 2011, as presented by the Portage County Auditor.
2. The Board of Commissioners acknowledged the receipt of the June 27, 2011 notice from Linda Marcial and Faith Lyon, Portage County Board of Elections, advising that the Board of Elections will be open to the public in preparation for the August 2, 2011 Special Election as follows. Forwarded to the Sheriff and Maintenance Department.

Saturday, July 30, 2011	8:00 AM-12:00 Noon
Tuesday, August 2, 2011	6:30 AM- Until Business Completed

3. The Board of Commissioners authorized Commissioner Frederick to sign the Water Pollution Control Loan Fund (WPCLF) Project ARRA Quarterly Report Summary forms for the time period April – June 2011 for the following projects:
  - A. Portage County Garage and O&M Center  
 Loan Number CS390067-0018  
 Total Payroll: \$25,538.31
  - B. West Branch MHP WWTP Improvements  
 Loan Number CS390067-0013  
 Total Payroll: \$1,353.18
4. The Board of Commissioners accepted the recommendation of Water Resources Department Interim Director Jeff Lonzrick and agreed to send an interest survey to property owners on Lynwood Drive in Brimfield Township to determine their interest in an extension of sewer. The Director to work with the Executive Assistant on the survey letter.
5. The Board of Commissioners authorized the Water Resources Department to advertise for one full-time Engineering Tech I as follows:

DEPARTMENT	JOB TITLE	GRADE	ACTION
Water Resources Department	Engineering	ET1/1	Post Internally and

	Tech I Replacement for Mike Frymire		Externally
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6. The Board of Commissioners accepted the recommendation of the Nursing Home Administrator and authorized the purchase of lunch from Guido's in Ravenna on July 8, 2011 for about 100 staff members in an amount not to exceed \$400 to celebrate the increase in the census to 90.

7. The Board of Commissioners authorized The Woodlands at Robinson to advertise as follows:

DEPARTMENT	JOB TITLE	GRADE	ACTION
The Woodlands at Robinson	Cook Replacement for Paulette Romo	COK 2 4	Post Internally

8. After meeting today in an Executive Session with The Woodlands at Robinson staff, the Board of Commissioners accepted staff recommendation and authorized a 13 day suspension of an STNA for two occurrences of No Call No Show (NCNS) to be served on July 6, 7, 8, 11, 12, 13, 15, 19, 20, 21, 22, 25, and 26, 2011.

All in favor, motion carries.

\* \* \* \* \*

**JOURNAL ENTRY II**  
**July 5, 2011**

Motion by Tommie Jo Marsilio, seconded by Maureen T. Frederick to accept the recommendation of Water Resources Department Interim Director Jeff Lonzrick and authorize staff to interview Hasenstab Architects, RE Warner & Associates, and Strollo Architects for design services for the Water Resources Department Administrative Offices Expansion at 8116 Infirmiry Road, Project No. PC (11-050). Commissioner Smeiles voting no noting that he would also like to interview two local companies, DLZ and Four Points Architectural Services, Inc., who also submitted qualifications, motion carries.

\* \* \* \* \*

We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Commissioners' meeting on **July 5, 2011**. There being no further business to come before the Board, it was moved by Tommie Jo Marsilio, seconded by Christopher Smeiles to adjourn the official meeting at 2:15 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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