

Thursday, September 8, 2011

The Board of County Commissioners met in regular session on **Thursday, September 8, 2011 at 9:40 AM** with the following members present:

Maureen T. Frederick

Tommie Jo Marsilio

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Absent: Commissioner Smeiles attending a Case Management Conference (Mantell v. Health Professionals, Ltd. et al) with Attorney Denise Smith in Akron.

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It was moved by Tommie Jo Marsilio, seconded by Maureen T. Frederick to approve the meeting minutes of the September 6, 2011 meeting. Commissioner Smeiles absent, motion carries

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Also attending throughout the day: Tom Gallik, Record-Courier; Hank Dunckel

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9:40 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 discuss a potential discipline issue. Roll call vote: Christopher Smeiles, Absent; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Yea.

10:00 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 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 of Commissioners took no formal action but requested that the Clerk schedule the EMA Department review as soon as possible.

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**INTERNAL SERVICES**

Present: JoAnn Townend

The Board of Commissioners agreed to the new policy for processing the use of county facilities by internal and external agencies and permission to walk county property requests/Journal Entry.

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Attorney David Brode attending to advise the Board of Commissioners that he heard from the Ohio Attorney General that a Worker's Comp claim that was denied and then appealed, that he discussed with the Board of Commissioners two months ago, has been settled for \$21,000. The Board thanked him for his time and attention in this matter.

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**EXECUTIVE ASSISTANT**

Present: Charlene Badger

**Veterans Day**

The plans are moving forward for the commemoration this year.

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**United Way Campaign**

Two thirds of the Elected Officials have agreed to participate in the United Way Campaign with an incentive for participating employees who contribute through payroll deduction to win three days off with pay. The Board of Commissioners agreed to proceed with the incentive applying to their departments and those Elected Officials departments who responded.

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**Board of Commissioners Public Meeting re Robinson Memorial Hospital**

The Executive Assistant will prepare a press release announcing the meeting on September 29<sup>th</sup> at 6:30 PM at Maplewood to hear public comment on the proposed move of the hospital to not-for-profit status.

The Executive Assistant will keep track of the emails that she has received about this proposal. Commissioner Frederick noted that it would be nice to respond that the Board of Commissioners has scheduled this meeting.

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**PIO Training**

The Executive Assistant thanked the Board of Commissioners for sending her to public information officer training in Columbus, which was beneficial and informative.

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The Executive Assistant will work with the Dog Warden and Solid Waste Management District Director on the press releases and thank you notes discussed recently.

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**GAPP Update**

Commissioner Marsilio reported that she attended the regular GAPP meetings yesterday. She noted that she recently met with the other Local Elected Officials (LEOs) and County JFS Directors and all agreed to changes to the administrative duties of the GAPP. Yesterday, the body voted to change the by-laws so that the Executive Committee will be comprised of the three LEOs and one person from each county with an alternate allowable. She added that this is a huge accomplishment and will start in October. The LEOs have agreed to streamline the entire process, using the expertise available to obtain private sector representatives' thoughts on policy. The GAPP is scheduling a retreat/workshop to discuss how to move forward.

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**Solid Waste Management District Update**

Commissioner Marsilio reported that she spent some time talking with Dave Richards, Solid Waste Management District Union Representative yesterday, Mr. Richards contacted her to express his

substantial concerns that some members of the bargaining unit have not been advised as to what the Board of Commissioners is thinking. Commissioner Marsilio stated that she is equally disappointed that Bill Steiner has not made certain that members have been updated and with the fact that Mr. Richards did not do so either. She has offered to meet with the Solid Waste Management District union members to explain what the Board of Commissioners is considering, if Mr. Richards agrees to that in writing.

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10:50 AM Recessed for Lunch

1:45 PM Reconvened

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## **REGIONAL PLANNING COMMISSION**

Present: Todd Peetz, Lisa Reeves

The Board of Commissioners approved the proposed amendment to the 2010 Formula Grant, as recommended by Regional Planning Commission staff/Journal Entry.

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The Director discussed the following September 14<sup>th</sup> agenda items:

### **AUGUST, 2011 RPC WORK PROGRAM REPORT**

#### **Comprehensive Planning**

##### **A. Farmland Preservation Plan Update**

There was one application this year for this program. The Director noted that the program will continue as is until the end of 2012 when it may go to a local or regional panel for implementation in the future.

##### **B. Staff has attended Shalersville Township Zoning Commissions to work on the changes to the Comprehensive Plan. The next meeting is tonight.**

#### **Plan Implementation/Short Term Planning**

The RPC intern is working on the update to the Portage County Subdivision Regulations.

#### **Planning Administration**

The Director reported that seven applications were submitted last month.

#### **Regional Coordination and other Continuing Activities**

Other member services requested

- Hiram Township – RPC finished updates to the code revisions and reviewed private fairs and events
- Hiram Village is partnering with Hiram College in a HUD Community Challenge Grant. The Board of Commissioners noted that the Commissioners have no authority in this project.
- Mantua Township – Staff is completing the zoning code revisions

- Mantua Village – Staff has completed the LMI survey and submitted it to the ODOD. If approved, the Village would qualify as an LMI neighborhood for consideration for future Formula funding
- Palmyra Township – Staff has processed a text amendment
- Ravenna Township – Staff is preparing a rezoning map amendment and reviewing property maintenance codes
- Rootstown Township – Staff processed a text amendment
- Suffield Township – Staff processed a text amendment

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The last Quarterly Zoning Inspectors Meeting was held on August 18<sup>th</sup> with Attorney Chris Meduri speaking about agricultural uses.

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The Environmental EPA Grant is completed.

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The New Horizons Grant project is almost completed; the grant looks to evaluate land use and business practices that may create barriers for persons to acquire fair housing.

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Staff had been working on the Storm water Septic Tank Program, which is no longer in the Storm Water budget. Commissioner Marsilio asked if there are other funds available to assist residents with water quality and quantity issues. She noted that the issue has been on the Commissioners’ minds since they agreed to freeze the storm water fee. Commissioner Marsilio asked that the RPC work with the NDS to identify funding sources to assist with these issues. The Director agreed; Ms. Reeves added that the Countywide Home Repair Program may be of assistance and there is a USDA Home program, as well. The Director agreed to return next month with some options for Board consideration.

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The Director reported that the RPC will consider the acceptance of donations to the Portage County Regional Planning Commission Visioning in Portage for 2011.

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The Director reported that the RPC will consider authorizing a contract with the City of Streetsboro to provide fair housing services for an amount not to exceed \$4,000.

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**Marketing/Customer Service/Public Relations**

1. The Director reported that the PREP meeting has been moved to October so that the group can meet and greet the new Portage Development Board President.
2. Visioning in Portage has 130 people signed up for committees to work on a countywide vision plan that will be used to create a countywide comprehensive plan.

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2:20 PM Recessed to the Solid Waste Management District meeting  
2:45 PM Board of Commissioners reconvened

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**BOARD OF DEVELOPMENTAL DISABILITIES**

Present: Lynn Leslie and Dr. Pat Macke

Resolution to accept and approve a collective bargaining agreement between the Portage County Board of Developmental Disabilities (Drivers) and the Ohio Association of Public School Employees, Local 044. Mr. Leslie stated that the driver rates are where they should be competitively. Commissioner Marsilio noted that this approval is a formality since the Board of Commissioners has no input in this process/11-0781

Dr. Macke reported on the impact of state budget cuts, TTP losses and utility deregulation on the PCDBB budget.

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**COUNTY ENGINEER**

Present: Mickey Marozzi, James Bierlair, Chip Porter, Audrey Tillis

The Steering Committee is attending to present the draft 2012 budget using the \$1.50 per month fee set by the Board of Commissioners with Resolution 11-0764 on September 1, 2011. There is no action that the Board of Commissioners need to take today.

Mr. Marozzi asked the Board of Commissioners to certify charges for the Portage County Storm Water Program to the Portage County Auditor for collection by the Portage County Treasurer, as authorized by Portage County Board of Commissioners' Resolution 11-0764/Journal Entry.

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Mr. Marozzi advised the Board of Commissioners that he and Mr. Bierlair met with a representative from the Aurora East Subdivision today to discuss the flooding in the area.

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**RESOLUTION No. 11-0776 - 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 September 8, 2011 in the total payment amount of **\$357,736.80 for Funds 0001-8101** as set forth in the Accounts Payable Warrant Report on file in the office of the Portage County Auditor; and be it further

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







**RESOLVED,** that the Portage County Engineer will generate a purchase order for Solar Testing Laboratories, Inc., in the amount of \$2,000.00 to cover the cost of said materials testing services, and be it further

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

Voice vote was as follows:

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

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**RESOLUTION No. 11-0781 - RE: ACCEPT AND APPROVE A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PORTAGE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES (PCBDD) AND THE OHIO ASSOCIATION OF PUBLIC SCHOOL EMPLOYEES (OAPSE), LOCAL 044.**

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

**RESOLVED,** that the Board of Portage County Commissioners does hereby accepts and approves the Collective Bargaining Agreement between the Portage County Board of Developmental Disabilities (PCBDD) and the Ohio Association of Public School Employees (OAPSE), Local 044, as negotiated and accepted by vote of the Bargaining Unit; and be it further

**RESOLVED,** that this agreement is in effect from January 1, 2011 and shall continue in full force and effect until December 31, 2013; 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;

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**RESOLUTIONS**  
September 8, 2011

1. Approval of the meeting minutes from the September 6, 2011 regular Board meeting.

2. Approve bills as presented by the County Auditor and reviewed by the Department of Budget & Financial Management./11-0776
3. Approve the wire transfers as presented by the County Auditor./11-0777
4. Approve the Journal Vouchers, as presented by the County Auditor./11-0778
5. Approve the Then & Now Certification, as presented by the County Auditor./11-0779
6. Accept proposal of Solar Testing Laboratories, Inc. to provide materials testing services for the Cable Line Road Resurfacing Project, Palmyra and Paris Townships, Portage County (County Engineer)./11-0780

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**INCOMING CORRESPONDENCE**

September 8, 2011

1. Undated correspondence (received September 6, 2011) from Steve Pisarchik, requesting Board authorization to walk on county owned property/JoAnn Townend to process in accordance with the Journal Entry approved today.
2. September 2, 2011 e-mail from Mickey Marozzi, County Engineer to Todd Peetz, Regional Planning Commission regarding septic tank program/information only

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**JOURNAL ENTRY**

September 8, 2011

1. Board of Commissioners' authorization requested to pay Invoice No. 82611 dated September 1, 2011 for tower rent in Mantua for the Portage County Sheriff's radios for July-September 2011 for \$600.00, as presented by Dorson Communications of Mantua, Ohio.
2. Board of Commissioners' authorization requested to pay Invoice No. 11-21-4, dated September 1, 2011 to the Regional Planning Commission for 4<sup>th</sup> Quarter payment on the 2011 Annual Membership Dues \$35,972.41 as requested by the Regional Planning Commission.
3. The Board of Commissioners acknowledged the receipt of the Kennel Disposition Report for August 22-28, 2011, as presented by Dog Warden Dave McIntyre.
4. The Board of Commissioners authorized a drawdown of funds using the online Grant Payment Request System from the US Department of Justice for the OVW Enforcement of Protection Orders Grant No. 2007-WE-AX-0048 to reimburse August 2011 expenses for \$12,002.55 as presented by the Department of Budget & Financial Management.

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**PLEASE ADD TO THE AGENDA**

September 8, 2011

1. September 7, 2011 correspondence from Denise Smith to the Board of Commissioners and Sheriff Dave Doak, regarding governmental assistance fund/This correspondence was also sent the Sheriff by Attorney Smith.

2. Board of Commissioners' signature requested on the Request for Application and Certificate for Payment (No. 10 Final) allowing payment of \$ 6376.00 to Kline and Kavali Mechanical Contractors LLC for the Portage County and Streetsboro Sewer District O&M Equipment Garage, Project No. PC 07-143 as requested by the Water Resources Department. (#5315)/Journal Entry
3. Board of Commissioners' signature requested on the Request for Application and Certificate for Payment (No. 10 Final) allowing payment of \$ 6840.93 to Emery Electric Inc., for the Portage County and Streetsboro Sewer District O&M Equipment Garage, Project No. PC 07-143 as requested by the Water Resources Department. (#5315) /Journal Entry
4. August 11, 2011 memo from Jon Barber, Office of Homeland Security and Emergency Management, indicating an electronic cash request for \$23,437.00 was submitted to the Ohio EMA for the SHSP FY09 Grant on August 10, 2011. Documents reviewed by the Department of Budget & Finance with no exceptions noted.

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**JOURNAL ENTRY**

September 8, 2011

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

1. The Board of Commissioners authorized payment of Invoice No. 82611 dated September 1, 2011 for tower rental in Mantua for the Portage County Sheriff's radios for the time period July-September 2011 for \$600.00, as presented by Dorson Communications of Mantua, Ohio.
2. The Board of Commissioners authorized payment of Invoice No. 11-21-4, dated September 1, 2011 to the Regional Planning Commission for the 4<sup>th</sup> Quarter payment of 2011 Annual Membership Dues in the amount of \$35,972.41, as presented by the Regional Planning Commission.
3. The Board of Commissioners acknowledged the receipt of the Kennel Disposition Report for August 22-28, 2011, as presented by Dog Warden Dave McIntyre.
4. The Board of Commissioners authorized a drawdown of funds using the online Grant Payment Request System from the US Department of Justice for the OVW Enforcement of Protection Orders Grant No. 2007-WE-AX-0048 to reimburse for August 2011 expenses in the amount of \$12,002.55, as presented by the Department of Budget & Financial Management.
5. The Board of Commissioners signed the Personnel Action form acknowledging the resignation of Julie Solitro as a Social Service Worker 3 for the Portage County Department of Job and Family Services, effective September 16, 2011, as presented by the Department of Job and Family Services Director Judee Genetin.
6. The Board of Commissioners signed the following Personnel Requisition, as presented by Portage County Department of Job & Family Services Director Judee Genetin:

DEPARTMENT	JOB TITLE	GRADE	ACTION
Job & Family Services	Social Service Worker 3 (Replacing Julie Solitro)	J	Post Internally and Externally

7. The Board of Commissioners signed the Personnel Action Form acknowledging the termination of an Employment Services Counselor, effective September 6, 2011, as presented by Job & Family Services Director Judee Genetin.
8. The Board of Commissioners signed the following Personnel Requisition, as presented by Portage County Department of Job & Family Services Director Judee Genetin:

DEPARTMENT	JOB TITLE	GRADE	ACTION
Job & Family Services	IM Worker 3 (Replacing Cheri Kirkhart and Rebecca Howard)	JFS H	Post Internally and Externally

9. The Board of Commissioners signed the Request for Application and Certificate for Payment (No. 10 Final) allowing payment of \$6,376.00 to Kline and Kavali Mechanical Contractors LLC of Kent for the Portage County and Streetsboro Sewer District O&M Equipment Garage, Project No. PC 07-143, as presented by the Water Resources Department.
10. The Board of Commissioners signed the Request for Application and Certificate for Payment (No. 10 Final) allowing payment of \$6,840.93 to Emery Electric Inc. of Twinsburg, for the Portage County and Streetsboro Sewer District O&M Equipment Garage, Project No. PC 07-143, as presented by the Water Resources Department.
11. After meeting today with County Engineer/County Stormwater Coordinator Mickey Marozzi, the Board of Commissioners agreed to certify charges for the Portage County Stormwater Program to the Portage County Auditor for collection by the Portage County Treasurer, as authorized by Portage County Board of Commissioners' Resolution 11-0764.
12. The Board of Commissioners agreed to modify their process for the approval of the use of county facility requests and requests for permission to walk county property and agreed to the following, effective today:
  - A. Requests will be directed to the Board of Commissioners' Office where staff will check availability for the site, determine the requirements for insurance, \$1.00 payment and necessity for security. The signed, approved request will be forwarded to the Internal Services Director.
  - B. The Internal Services Director will prepare the required agreement for the user and sign that agreement on behalf of the Board of Commissioners in accordance with this Journal Entry.
13. On December 18, 2007, the Board of Commissioners adopted a Journal Entry acknowledging the receipt of the January 12, 2007 correspondence from Nancy Cowan, Deerfield Township, including Resolution No. 07-30 requesting that the Board of Commissioners vacate Reiger Drive. (TH 456). On January 8, 2008, the Board of Commissioners noted that the Township has corrected a parcel number listed in their Resolution 07-30 dated October 8, 2007 from "08-012-10-00-004 on its southwest corner..." to "08-012-10-00-044 on its southwest corner...". The Board of Commissioners also set the Vacation Public Hearing date as Thursday, January 31, 2008 at 11:00 AM in their Board Room.

At the January 31, 2008 Public Hearing, the Portage County Engineer's Office noted the proposed vacation as submitted did not include vacation plat/replat showing and describing the vacated area and consolidating parcels on both sides of Reiger Drive to prevent a future potential of landlocked parcels. The County Engineer recommended that the Board of Commissioners not approve the vacation until such a vacation plat/replat is submitted and approved. The Board of Commissioners then recessed the public hearing to allow the landowners to hire a surveyor and obtain the required replat.

On August 31, 2011, the Portage County Board of Commissioners received a vacation replat of Reiger Drive in Deerfield Township, as presented by Jerry Rockney, Professional Surveyor. The plat describes the Vacation Plat as being part of Township Lot 12, Deerfield Township, Reiger Drive, Township Highway 456 Sublots #53 through #65; #98 though #107, W.A. Hawthorne Allotment, Plat No. 2 (Original Plat: Volume 7, page 15).

Today, the Board of Commissioners acknowledged the receipt of the newly presented plat map and agreed to reconvene the Public Hearing on Thursday, October 13, 2011 at 3:00 PM, as recommended by Portage County Assistant Prosecuting Attorney Chris Meduri.

- 14. The Board of Commissioners authorized comp time for Amy Hutchinson and Julie Gonzales during the week of September 12, 2011.
- 15. The Board of Commissioners signed the September 8, 2011 correspondence to Office Chief Michael Hiler, ODOD, requesting approval of an amendment to the B-F-10-1CJ-1 formula grant to amend Activity #3, Parks and Rec. Facilities; Activity #4, Demolition/Clearance; and Activity #5 Home/Building Repair.
- 16. The Board of Commissioners acknowledged the receipt of the notice of electronic submittal by Director Jon Barber, Office of Homeland Security and Emergency Management, of a cash request for \$23,437.00, which was submitted to the Ohio EMA for the SHSP FY09 Grant on August 10, 2011. Documents reviewed by the Department of Budget & Finance with no exceptions noted.

All in favor, motion carries.

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We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Commissioners' meeting on **September 8, 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 **3:20 PM**. Commissioner Smeiles absent, motion carries.

Maureen T. Frederick, President

Tommie Jo Marsilio, Vice-President

ABSENT

Christopher Smeiles, Board Member

Deborah Mazanec, Clerk

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