



Portage County Board of Commissioners

449 South Meridian Street
Ravenna, OH 44266
<http://www.co.portage.oh.us>

Regular Meeting

~ Minutes ~

Deborah Mazanec, Clerk
330-297-3895

Thursday, November 3, 2011

10:00 AM

Commissioners' Board Room

Call to Order

The Portage County Board of Commissioners' meeting was called to order with the following members present:

Attendee Name	Title	Status
Maureen T. Frederick	President	Absent
Tommie Jo Marsilio	Vice President	Present
Christopher Smeiles	Board Member	Present

Minutes Approval

It was moved by Christopher Smeiles, seconded by Tommie Jo Marsilio to approve the meeting minutes of the November 1, 2011 meeting. Commissioner Frederick absent, motion carries.

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

INTERNAL SERVICES

Present: JoAnn Townend

Discussion

Woodlands

The Director received the Bowen response to the City of Ravenna letter about the road dedication. The Director reported that the road was built to ODOT specifications. She has emailed the City Engineer to ask for a copy of the city requirements so that she can compare them to the Ohio Department of Transportation specs.

Kent Courthouse

The Director has nothing new to report on the project.

Jail Heating Controls

The Director reported that it looks like the IT Department has the system working.

Resolutions

RESOLUTION NO. 11-0973 - RE: ENTER INTO AN AGREEMENT WITH GAPP FOR ADULT DISLOCATED WORKER SERVICES, SEPTEMBER 9, 2011 THROUGH JUNE 30, 2012 at \$180,000.00.

WHEREAS, Title I of the Workforce Investment Act of 1998 (“WIA”) requires that WIA Area 19, which consists of Geauga, Ashtabula and Portage counties, must provide employment and training services to adults and dislocated workers; and

WHEREAS, the Portage County Department of Job & Family Services agrees to provide core services, intensive services, training services, and programs that combine workplace training with related instruction in accordance with the Adult and Dislocated Workers Services Agreement; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby agree to enter into an Adult and Dislocated Worker Services Agreement between the Board of Commissioners, the Portage County Department of Job & Family Services (“PCDJFS”) and the Geauga, Ashtabula, Portage Partnership, Inc. (“GAPP”), 385 Center Street, Suite 100, Chardon, OH 44024, for the period of September 9, 2011 through June 30, 2012; and be it further

RESOLVED, that GAPP agrees to compensate PCDJFS in the amount of One hundred eighty thousand and 00/100 dollars (\$180,000.00) for the Agreement period; 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Smeiles, Board Member
SECONDER:	Tommie Jo Marsilio, Vice President
AYES:	Tommie Jo Marsilio, Christopher Smeiles
ABSENT:	Maureen T. Frederick

RESOLUTION NO. 11-0974 - RE: ENTER INTO REAL ESTATE LEASE FOR THE PROPERTY LOCATED AT 126 NORTH PROSPECT STREET, RAVENNA (RPC BUILDING) WITH DOWNTOWN BETTY'S, DECEMBER 1, 2011 THROUGH NOVEMBER 30, 2013 AT \$275.00 PER MONTH.

WHEREAS, the Board of Commissioners wish to lease real estate property situated in the County of Portage, known for street numbering purposes as 126 North Prospect Street, Ravenna, Ohio; and

WHEREAS, Stacie Seacrist, owner of Downtown Betty's has an interest in leasing said property; now therefore be it

RESOLVED, that the Board of Commissioners does hereby agree to enter into a Lease Agreement for the property listed above with Stacie Seacrist, owner of Downtown Betty's for a term of two (2) years beginning December 1, 2011 and ending November 30, 2013; and be it further

RESOLVED, that the amount of rent shall be two hundred seventy-five and 00/100 dollars (\$275.00) per month and a security deposit of \$275.00 is also required at the time of contract signing; 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 a meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Smeiles, Board Member
SECONDER:	Tommie Jo Marsilio, Vice President
AYES:	Tommie Jo Marsilio, Christopher Smeiles
ABSENT:	Maureen T. Frederick

DEPARTMENT OF BUDGET & FINANCE

Present: Audrey Tillis

The Director was asked a question as to the adoption of the Commissioner's Sick Leave Conversion Policy. Departments want to know if elected officials and boards are required to adopt the Board of

Commissioners' whole personnel policy or just the policies that relate to compensation, leave and time and attendance policies in order to be eligible for the sick leave conversion for their employees. Commissioner Smeiles noted that departments want to pick the best of the policies and ignore the rest. Commissioner Marsilio agreed and added that she would prefer to make it adopt all or none. The Board of Commissioners agreed that the Director should send the Board of Commissioners' policy to the departments for their review and comparison and then, if the department agrees to adopt it, the Board of Commissioners will conduct its own comparison.

Executive Session

10:12 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Christopher Smeiles**, seconded by **Tommie Jo Marsilio** that the Board of Commissioners move into executive session to consider a compensation issue. Also present: Department of Budget & Financial Management Director Tillis. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Absent

10:30 AM Director Tillis left the Executive Session

10:50 AM Upon conclusion of the above referenced discussion, it was moved by **Christopher Smeiles**, seconded by **Tommie Jo Marsilio** that the Board of Commissioners moves out of executive session. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Absent.

After exiting executive session, the Board took no action.

Executive Session

11:10 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Christopher Smeiles**, seconded by **Tommie Jo Marsilio** that the Board of Commissioners move into executive session to consider a potential personnel restructuring and compensation issue. Also present: Department of Budget & Financial Management Director Tillis. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Absent

12:00 PM Upon conclusion of the above referenced discussion, it was moved by **Christopher Smeiles**, seconded by **Tommie Jo Marsilio** that the Board of Commissioners moves out of executive session. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Yea; Maureen T. Frederick, Absent.

After exiting executive session, the Board took no action.

PUBLIC HEARING REIGER DRIVE VACATION

Reconvened from October 13, 2011 at 12:00 Noon

Present: Commissioners Marsilio and Smeiles; Anthony Zumbo, County Engineer's Office; Portage County Assistant Prosecuting Attorney Chris Meduri; Surveyor Jerry Rockney; property owners listed on attached sign-in sheet; Deborah Mazanec, Clerk

Commissioner Marsilio reconvened the public hearing at 12:00 Noon

SWEARING IN OF THOSE WHO ARE SPEAKING - Commissioner Marsilio

Please raise your right hand:

Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth?

Please respond: I Do.

COUNTY ENGINEER'S STATEMENT DATED OCTOBER 31, 2011

Anthony Zumbo

The Portage County Engineer's Office received a copy of the revised petition and reviewed it for content. This petition was created after the October 13th public hearing recessed. The Engineer's Office commented that the submittal includes a vacation plat for Reiger Drive without consolidating parcels, creating landlocked parcel, which is not permitted under the Portage County Subdivision Regulations.

The County Engineer recommends that the Board of Commissioners approve the vacation of the entirety of Reiger Drive contingent upon the replat of the newly formed landlocked parcels. Commissioner Smeiles noted that the parcels have the same owners but need to be consolidated.

PUBLIC COMMENT

- ⊙ Surveyor Jerry Rockney stated that he worked with the County Engineer and his staff and the current drawing shows the vacation of the entire road. It is now titled vacation and replat of as many parcels as he could include. The drawing needs one final revision to square off the road. A subsequent replat of other lots could be done if other land owners want to proceed.
- ⊙ Mr. Zumbo added that the drawing, even though it is titled vacation/replat, the Board of Commissioners can only approve the vacation. The Regional Planning Commission must review and consider the replat. Mr. Rockney confirmed that he has sent a copy of the drawing to the Regional Planning Commission.
- ⊙ Commissioner Smeiles asked if the members of Berlin Leisure Time met as discussed in October.

- ⊙ The President of Berlin Leisure Tome confirmed that the members met. He is not sure about the replat.
- ⊙ Mr. Rockney responded that there may be the need of a variance for the frontage and size of the lots.
- ⊙ Attorney Meduri advised the Board of Commissioners that the Board may vacate the road and the residents would have to follow up to meet the Subdivision Regulations through the Regional Planning Commission.

Commissioner Marsilio asked for a show of hands of the landowners present are in favor of the vacation. Most of the landowners, if not all of the landowners raised their hands.

Mr. Rockney noted that, if approved by the Board of Commissioners, he would make the change to the drawing and submit the Mylar to the Board of Commissioners' office for signatures.

Public Hearing adjourned at 12:17 PM

Meeting Reconvened: 12:17 PM

After the Public Hearing adjourned, the Board of Commissioners adopted Resolution 11-0968 approving the vacation of Reiger Drive in its entirety.

RESOLUTION NO. 11-0968 - RE: APPROVE VACATION OF THE ENTIRETY OF REIGER DRIVE (TH 456) IN DEERFIELD TOWNSHIP, LOT 12, PORTAGE COUNTY.

WHEREAS, by Journal Entry No. 15, dated January 8, 2008, the Portage County Board of Commissioners agreed to consider if it will be for the public convenience and welfare to vacate part of Reiger Drive, (TH 456) located in Deerfield Township; and

WHEREAS, the Portage County Board of Commissioners held a public hearing on Thursday, January 31, 2008 at 11:00 AM in the Portage County Administration Building, 7th Floor Commissioners' Boardroom, 449 South Meridian Street in Ravenna to hear comment on this proposed vacation; that public hearing was recessed to allow the residents to obtain the necessary vacation replat; and

WHEREAS, the Board of Commissioners reconvened the public hearing on October 13, 2011 after receiving notice from the petitioner that the vacation plat had been revised; the Board of Commissioners recessed that public hearing upon the recommendation of the County Engineer since the vacation plat did not include any consolidation of the parcels, which would create landlocked parcels, which is not permissible under Portage County's Subdivision Regulations, Section 421, Item No. 3; and

- WHEREAS,** the Board of Commissioners reconvened the public hearing on November 3, 2011; and
- WHEREAS,** the Board of Commissioners heard the Portage County Engineer's October 31, 2011 recommendation that the Board approve the vacation of the entirety of Reiger Drive with the condition that the petitioner also re-plat the newly formed landlocked parcels; now therefore be it
- RESOLVED,** that the Board of Commissioners accepts the Portage County Engineer's October 31, 2011 recommendation and agrees to approve the vacation of the entirety of Reiger Drive with the condition that the petitioner also re-plat the newly formed landlocked parcels on the Mylar; and be it further
- RESOLVED,** that this approval to vacate is also conditioned upon the receipt of the Mylar for the vacation of the entirety of Reiger Drive in Deerfield Township; and be it further
- RESOLVED,** that the Portage County Board of Commissioners does find that such improvements will serve the public convenience and welfare, and does hereby approve the vacating of said herein described area of Reiger Drive, Deerfield Township, Portage County, as described on the Mylar;
- and be it further
- RESOLVED,** that a certified copy of this resolution be filed with the County Engineer, Water Resources, County Recorder, County Auditor, Board of Elections, Township Trustees, County Building Department and Petitioner by the Clerk for the Board; 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Smeiles, Board Member
SECONDER:	Tommie Jo Marsilio, Vice President
AYES:	Tommie Jo Marsilio, Christopher Smeiles
ABSENT:	Maureen T. Frederick

12:15 PM Meeting Reconvened

RESOLUTIONS

RESOLUTION NO. 11-0964 - RE: APPROVE BILLS AS PRESENTED BY THE COUNTY AUDITOR AND REVIEWED BY THE DEPARTMENT OF BUDGET & FINANCIAL MANAGEMENT.

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 November 3, 2011 in the total payment amount of **\$ 318,420.50 for Funds 0001-8101** as set forth in the Accounts Payable Warrant Report on file in the office of the Portage County Auditor; and be it further

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Smeiles, Board Member
SECONDER:	Tommie Jo Marsilio, Vice President
AYES:	Tommie Jo Marsilio, Christopher Smeiles
ABSENT:	Maureen T. Frederick

RESOLUTION NO. 11-0965 - RE: APPROVE THE WIRE TRANSFERS AS PRESENTED BY THE COUNTY AUDITOR

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 November 3, 2011 in the total payment amount as follows:

1. \$183,027.97 for claims 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, November 4, 2011 \$ 183,027.97

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.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Christopher Smeiles, Board Member
SECONDER: Tommie Jo Marsilio, Vice President
AYES: Tommie Jo Marsilio, Christopher Smeiles
ABSENT: Maureen T. Frederick

RESOLUTION NO. 11-0966 - RE: APPROVAL OF JOURNAL VOUCHERS/ENTRIES.

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:

11/03/11	180	\$ 53,105.00
11/03/11	183	159,400.00
11/03/11	184	434,778.78

11/03/11	185	107,732.28
11/03/11	187	582,233.83
11/03/11	188	20,163.32
11/03/11	189	125.97
11/01/11	77	522.90
Total		\$ 1,358,062.08

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Smeiles, Board Member
SECONDER:	Tommie Jo Marsilio, Vice President
AYES:	Tommie Jo Marsilio, Christopher Smeiles
ABSENT:	Maureen T. Frederick

**RESOLUTION NO. 11-0967 - RE: APPROVE THE THEN & NOW
CERTIFICATION, AS PRESENTED BY THE
COUNTY AUDITOR**

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 \$2,728.67 as set forth in Exhibit "A" dated **November 3, 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Smeiles, Board Member
SECONDER:	Tommie Jo Marsilio, Vice President
AYES:	Tommie Jo Marsilio, Christopher Smeiles
ABSENT:	Maureen T. Frederick

RESOLUTION NO. 11-0968 - RE: APPROVE VACATION OF THE ENTIRETY OF REIGER DRIVE (TH 456) IN DEERFIELD TOWNSHIP, LOT 12, PORTAGE COUNTY.

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

WHEREAS, by Journal Entry No. 15, dated January 8, 2008, the Portage County Board of Commissioners agreed to consider if it will be for the public convenience and welfare to vacate part of Reiger Drive, (TH 456) located in Deerfield Township; and

WHEREAS, the Portage County Board of Commissioners held a public hearing on Thursday, January 31, 2008 at 11:00 AM in the Portage County Administration Building, 7th Floor Commissioners' Boardroom, 449 South Meridian Street in Ravenna to hear comment on this proposed vacation; that public hearing was recessed to allow the residents to obtain the necessary vacation replat; and

WHEREAS, the Board of Commissioners reconvened the public hearing on October 13, 2011 after receiving notice from the petitioner that the vacation plat had been revised; the Board of Commissioners recessed that public hearing upon the recommendation of the County Engineer since the vacation plat did not include any consolidation of the parcels, which

would create landlocked parcels, which is not permissible under Portage County's Subdivision Regulations, Section 421, Item No. 3; and

WHEREAS, the Board of Commissioners reconvened the public hearing on November 3, 2011; and

WHEREAS, the Board of Commissioners heard the Portage County Engineer's October 31, 2011 recommendation that the Board approve the vacation of the entirety of Reiger Drive with the condition that the petitioner also re-plat the newly formed landlocked parcels; now therefore be it

RESOLVED, that the Board of Commissioners accepts the Portage County Engineer's October 31, 2011 recommendation and agrees to approve the vacation of the entirety of Reiger Drive with the condition that the petitioner also re-plat the newly formed landlocked parcels on the Mylar; and be it further

RESOLVED, that this approval to vacate is also conditioned upon the receipt of the Mylar for the vacation of the entirety of Reiger Drive in Deerfield Township; and be it further

RESOLVED, that the Portage County Board of Commissioners does find that such improvements will serve the public convenience and welfare, and does hereby approve the vacating of said herein described area of Reiger Drive, Deerfield Township, Portage County, as described on the Mylar;

and be it further

RESOLVED, that a certified copy of this resolution be filed with the County Engineer, Water Resources, County Recorder, County Auditor, Board of Elections, Township Trustees, County Building Department and Petitioner by the Clerk for the Board; 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Smeiles, Board Member
SECONDER:	Tommie Jo Marsilio, Vice President
AYES:	Tommie Jo Marsilio, Christopher Smeiles
ABSENT:	Maureen T. Frederick

RESOLUTION NO. 11-0969 - RE: ACCEPT CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN PORTAGE COUNTY AND RONYAK PAVING, INC. COVERING THE CABLE LINE ROAD RESURFACING PROJECT LOCATED IN PALMYRA

**AND PARIS TOWNSHIPS, PORTAGE COUNTY
(COUNTY ENGINEER).**

WHEREAS, Resolution 11-0679 accepted and awarded the bid of Ronyak Paving, Inc. for furnishing all labor, materials and equipment necessary to complete the project known as **Cable Line Road Resurfacing**, located in Palmyra and Paris Townships, Portage County, and

WHEREAS, a contract was entered into with Ronyak Paving, Inc. in the total amount of \$432,859.91, and

WHEREAS, it has been determined that the bid document for said project included an outdated version of the Davis Bacon Wage Determination and the incorrect ODOT LPA Template, now therefore be it

RESOLVED, that the Board of Portage County Commissioners do hereby accept Contract Change Order No. 1 to the construction contract between Portage County and Ronyak Paving, Inc. covering the **Cable Line Road Resurfacing Project**, and be it further

RESOLVED, that there is no increase in cost as a result of this change order, and be it further

RESOLVED, that the Board of Portage County Commissioners authorizes the execution of Contract Change No. 1 between Portage County and Ronyak Paving, Inc.; 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Smeiles, Board Member
SECONDER:	Tommie Jo Marsilio, Vice President
AYES:	Tommie Jo Marsilio, Christopher Smeiles
ABSENT:	Maureen T. Frederick

**RESOLUTION NO. 11-0970 - RE: ACCEPT CONTRACT CHANGE ORDER NO. 1
AND FINAL FOR TALLMADGE ASPHALT
PAVING COMPANY COVERING THE 2011
SANDY LAKE ROAD RESURFACING PROJECT**

**LOCATED IN ROOTSTOWN TOWNSHIP,
PORTAGE COUNTY (COUNTY ENGINEER).**

WHEREAS, Resolution 11-0414 accepted and awarded the bid of Tallmadge Asphalt Paving Company for furnishing all labor, materials and equipment necessary to complete the project known as **Sandy Lake Road Resurfacing**, located in Rootstown Township, Portage County, and

WHEREAS, a contract was entered into with Tallmadge Asphalt Paving Company in the total amount of \$175,731.85, and

WHEREAS, modifications to the project plans were required which resulted in a decrease in the total cost of the project, 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 Tallmadge Asphalt Paving Company covering the **Sandy Lake Road Resurfacing Project**, and be it further

RESOLVED, that Contract Change Order No. 1 and Final decreases the contract between Portage County and Tallmadge Asphalt Paving Company by \$29,763.50, and be it further

RESOLVED, that the adjusted amount of the **Sandy Lake Road Resurfacing** contract between Portage County and Tallmadge Asphalt Paving Company, including this change order, will now be \$145,968.35, and be it further

RESOLVED, that the Board of Portage County Commissioners authorizes the execution of Contract Change Order No. 1 between Portage County and Tallmadge Asphalt Paving Company; 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Smeiles, Board Member
SECONDER:	Tommie Jo Marsilio, Vice President
AYES:	Tommie Jo Marsilio, Christopher Smeiles

ABSENT: Maureen T. Frederick

RESOLUTION NO. 11-0971 - RE: ACCEPT & AWARD THE BID OF SPANO BROTHERS CONSTRUCTION COMPANY INC. FOR THE STATE ROUTE 59 SIDEWALK PROJECT, PHASE I, FRANKLIN TOWNSHIP, PORTAGE COUNTY (COUNTY ENGINEER).

WHEREAS, Resolution 11-0841 approved plans and specifications and set date for accepting bids for the State Route 59 Sidewalk Project, Phase I, located in Franklin Township, Portage County, and

WHEREAS, notice of receiving bids for said project was published in the Record Courier on September 30, 2011, October 7, 2011 and October 14, 2011, and

WHEREAS, six (6) sealed bids were received, tabulated and recorded on October 26, 2011 for furnishing all labor, materials and equipment necessary to complete the project known as State Route 59 Sidewalk Project, Phase I, and

WHEREAS, after reviewing all bids received, it was the recommendation of the Portage County Engineer that the bid of **Spano Brothers Construction Company, Inc., 2595 Pressler Road, Akron, Ohio 44312-5553**, be accepted as the lowest and best bid received; now therefore be it

RESOLVED, that the bid of **Spano Brothers Construction Company, Inc.** be accepted and awarded as the lowest and best bid received in accordance with specifications and plans prepared for the State Route 59 Sidewalk Project, Phase I; and be it further

RESOLVED, that a contract be entered into with **Spano Brothers Construction Company, Inc.** in the total amount of **\$107,309.86**, 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.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Christopher Smeiles, Board Member

SECONDER: Tommie Jo Marsilio, Vice President

AYES: Tommie Jo Marsilio, Christopher Smeiles

ABSENT: Maureen T. Frederick

RESOLUTION NO. 11-0972 - RE: CONFIRM APPOINTMENT TO THE NORTHEAST OHIO COMMUNITY ALTERNATIVE PROGRAM (NEOCAP) FACILITY GOVERNING BOARD KEITH EVANS (EXECUTIVE ASSISTANT).

WHEREAS, the Northeast Ohio Community Alternative Program (NEOCAP) was established by the Common Pleas Judges of Portage, Geauga, Lake, Ashtabula and Trumbull counties in 1997 and serves as the Community Based Corrections Facility (CBCF); and

WHEREAS, Ohio Revised Code Section 2301.51(E) provides that the CBCF be governed by a Facility Governing Board to which the judicial advisory board of the CBCF shall appoint two-thirds of the members [six (6)] and the boards of county commissioners of the member counties of the CBCF shall appoint the remaining one-third of the members [three (3)]; and

WHEREAS, it is within the discretion of and has been mutually determined by the CBCF's member counties that the Facility Governing Board should be comprised of nine members which requires that boards of county commissions of the member counties shall appoint three of the members; and

RESOLVED, that the Portage County Board of Commissioners in agreement with the other member counties appoints the following to serve on the Facility Governing Board for a three year term:

<u>Name</u>	<u>Term Expires</u>	
Keith A. Evans	Nov. 8, 2014	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.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Christopher Smeiles, Board Member

SECONDER: Tommie Jo Marsilio, Vice President

AYES: Tommie Jo Marsilio, Christopher Smeiles

ABSENT: Maureen T. Frederick

INVITATIONS

1. Invitation from Maplewood Career Center for the advisory committee meeting on Thursday, November 17, 2011, 1:00-2:00 PM, Maplewood Career Center Conference Room A.

INCOMING CORRESPONDENCE

1. October 28, 2011 memo from CCAO, regarding nominations for the CCAO Board of Directors due Thursday, November 3, 2011.
2. October 27, 2011 correspondence from Janet Esposito, County Auditor, regarding reimbursements.
3. The Board of Commissioners discussed the proposed changes to the Robinson Memorial Hospital Term Sheet for the proposed conversion to not-for-profit status. Although Commissioner Frederick is absent today, she has commented that she is okay with keeping the current Board of Trustees as the Board of Trustees for the new organization. Commissioner Marsilio stated that she is not in favor of keeping the same Board of Trustees if the Board is not diluted in some way and she would not be in favor of moving forward with the investigation if that is the case. The Board of Commissioners agreed to continue the discussion when Commissioner Frederick is in attendance.

REFERRED

1. October 28, 2011 correspondence from Michael Riggelman, Ohio EPA, regarding Fleet reporting requirements. Referred to Internal Services.
2. October 27, 2011 memo from Ohio Department of Development, including signed grant agreements for B-C-11-1CJ-1 and B-C-11-1CJ-2. Referred to Neighborhood Development Services and Department of Budget & Financial Management.

PLEASE ADD TO YOUR AGENDA

1. November 2, 2011 correspondence from CORSA, regarding personal representation for Prosecutor Vigluicci/The Board of Commissioners noted that Prosecutor Vigluicci was copied on this response for outside counsel. No action necessary at this time.

Commissioner Marsilio noted that going forward, she would not be in favor of approving outside counsel in these types of matters since CORSA provides this service to Portage County. Commissioner Smeiles agreed and added that Attorney Denise Smith had met with the Board of Commissioners and CORSA last year and it was agreed that CORSA attorneys would be used in these matters.

2. November 2, 2011 e-mail from Leigh Prugh, Prosecutor's Office, regarding Timberstone Road vacation/Information only.
3. October 5, 2011 Notice from Ohio Division of Liquor Control of a request for a new liquor license for Mark J. Burkey dba Marks Live Bait and Tackle, Ravenna Township. Does Board of Commissioners wish to request a hearing? The Ravenna Township Trustees agreed to have a hearing because of several questions for Mr. Burkey. Board authorization requested to have the Clerk to sign and return the notice/Journal Entry.

JOURNAL ENTRY

November 3, 2011

1. The Board of Commissioners acknowledged the receipt of the Kennel Disposition Report and Intake Report for October 24, 2011 through October 30, 2011, as presented by Dog Warden Dave McIntyre.
2. In response to the October 5, 2011 Notice from Ohio Division of Liquor Control of a request for a new liquor license for Mark J. Burkey dba Marks Live Bait and Tackle, Ravenna Township, the Board of Commissioners agreed to request a hearing noting that the Ravenna Township Trustees have also requested a hearing. The Board of Commissioners authorized the Clerk to sign and return the Notice.
3. The Board of Commissioners approved the Portage County Veterans Service request and authorized the purchase of two vans using the office's Relief Allowances lines. Director Townend will bring the necessary resolution to the Board of Commissioners for adoption. The Board of Commissioners agreed to transfer \$45,000 necessary to make this purchase; the Department of Budget & Financial Management will bring that resolution to the Board of Commissioners for adoption.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Smeiles, Board Member
SECONDER:	Tommie Jo Marsilio, Vice President

AYES: Tommie Jo Marsilio, Christopher Smeiles

ABSENT: Maureen T. Frederick

We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Commissioners' meeting on November 3, 2011. There being no further business to come before the Board, it was moved by Christopher Smeiles and seconded by Tommie Jo Marsilio to adjourn the official meeting at **12:17 PM**.

ABSENT

Maureen T. Frederick, President

Tommie Jo Marsilio, Vice-President

Christopher Smeiles, Board Member

Deborah Mazanec, Clerk