

REGULAR SESSION OF THE ASHTABULA COUNTY BOARD OF COMMISSIONERS

Old Courthouse 25 West Jefferson St., 2nd Floor Jefferson, OH 44047

February 25, 2020

The Board of Ashtabula County Commissioners met in session; the Board President called the meeting to order and the Pledge of Allegiance was said.

Members Present: President Casey R. Kozlowski, Vice-President Kathryn L. Whittington **Absent:** Commissioner J. P. Ducro IV **Board Staff Present:** County Administrator Janet Discher and Clerk of the Board Lisa Hawkins.

Motion To Approve Minutes Of Previous Session(s), Waiver Of The Reading Of Same and Motion To Approve Today's Agenda:

MOTION: Kozlowski moved the adoption, Whittington seconded. **DISCUSSION:** None

VOTE: **Yeas:** Kozlowski, Whittington **Nays:** None **Abstained:** None **Absent:** Ducro

Whereupon the minutes were declared approved unanimously.

THE BOARD PRESIDENT INTRODUCED AND ENTERTAINED MOTIONS FOR THE FOLLOWING RESOLUTIONS:

RESOLUTION NUMBER 2020-84 ORDERING PUBLICATION AND BIDS FOR MISCELLANEOUS MATERIALS AND EQUIPMENT RENTAL, ENGINEER'S DEPT.

The Board of County Commissioners of Ashtabula County, Ohio, met on the 25th day of February, 2020, in regular session at the offices of said Board in the Old Courthouse Building, 2nd Floor, 25 W. Jefferson St., Jefferson, Ohio, with the following members present: Casey R. Kozlowski, Kathryn L. Whittington.

WHEREAS, Tom Partridge, Chief Deputy Engineer of the Engineer's Department, has submitted a request to this Board for the publication and solicitation of competitive bids for Miscellaneous Materials and Equipment Rental for use during the 2020 season, as follows:

MISCELLANEOUS ITEMS AND EQUIPMENT RENTAL:

- Concrete Pipe (small sizes 12" thru 36")
- Asphalt Concrete (ODOT Items 301, 448 Type 1, 448 Type 2), Cold Patch & MC-70
- Snow & Ice Control Materials (anti-skid)
- Redi-Mix Concrete
- Equipment Rental (Cranes, Excavators, Bulldozers, Wheel Loaders)

Publication: February 26, 2020

Bid Opening: March 13, 2020 at 10:00 a.m.

THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Ashtabula County, Ohio, the bid opening date is to be held on the 13th day of March, 2020 at 10:00 a.m. at the office of the Ashtabula County Engineer. The Clerk of the Board is hereby ordered to advertise in the newspapers and post notice of said bid on the bulletin board as outlined above.

MOTION: Whittington moved the adoption, Kozlowski seconded. **DISCUSSION:** None

VOTE: **Yeas:** Kozlowski, Whittington, Ducro **Nays:** None **Abstained:** None **Absent:** None

Whereupon the resolution was declared passed unanimously.

RESOLUTION NUMBER 2020-85 RESCINDING RESOLUTION NUMBER 2020-83 AUTHORIZING THE ASHTABULA COUNTY BOARD OF COMMISSIONERS TO ENGAGE AND RETAIN THE SERVICES OF MANSOUR GAVIN, LPA IN ORDER TO ADVISE THE ASHTABULA COUNTY BOARD OF ELECTIONS FOR GENERAL LEGAL SERVICES

The Board of County Commissioners of Ashtabula County, Ohio, met on the 25th day of February, 2020, in regular session at the offices of said Board in the Old Courthouse Building, 2nd Floor, 25 W. Jefferson St., Jefferson, Ohio, with the following members present: Casey R. Kozlowski, Kathryn L. Whittington.

WHEREAS, Resolution Number 2020-83 was adopted on February 20, 2020 that authorized the Ashtabula County Board of Commissioners to engage Mansour Gavin, LPA, in order to provide general legal services for Ashtabula County in a Board of Elections matter at a cost not to exceed \$2,500.00; and

WHEREAS, it is now necessary to rescind said resolution, as a joint application needs to be adopted by the Board of Commissioners and the Ashtabula County Prosecuting Attorney to the Court of Common Pleas to retain the services of Mansour Gavin, LPA in order to advise the Ashtabula County Board of Elections in the challenge to the right of vote of Colleen O'toole; now

THEREFORE, BE IT RESOLVED, By the Board of Commissioners of Ashtabula County, the Ashtabula County Board of Commissioners hereby rescinds Resolution Number 2020-83.

MOTION: Whittington moved the adoption, Kozlowski seconded. **DISCUSSION:** None

VOTE: **Yeas:** Kozlowski, Whittington, Ducro **Nays:** None **Abstained:** None **Absent:** None

Whereupon the resolution was declared passed unanimously.

RESOLUTION NUMBER 2020-86 AUTHORIZING A JOINT APPLICATION BY THE BOARD OF COMMISSIONERS AND THE ASHTABULA COUNTY PROSECUTING ATTORNEY TO THE COURT OF COMMON PLEAS TO RETAIN THE SERVICES OF MANSOUR GAVIN, LPA IN ORDER TO ADVISE THE ASHTABULA COUNTY BOARD OF ELECTIONS IN THE CHALLENGE TO THE RIGHT TO VOTE OF COLLEEN O'TOOLE

The Board of County Commissioners of Ashtabula County, Ohio, met on the 25th day of February, 2020, in regular session at the offices of said Board in the Old Courthouse Building, 2nd Floor, 25 W. Jefferson St., Jefferson, Ohio, with the following members present: Casey R. Kozlowski, Kathryn L. Whittington.

WHEREAS the Ashtabula County Board of Elections, received a challenge to the right to vote of Colleen O'Toole; and

WHEREAS the Ashtabula County Board of Elections convened for the purpose of a hearing on that challenge on Monday, February 24, 2020; and

WHEREAS Colleen O'Toole is currently a candidate for the position of Ashtabula County Prosecutor, to be decided at the November 2020 general election; and

WHEREAS the current Ashtabula County Prosecutor is the statutory legal adviser to the Board of Elections pursuant to Ohio Revised Code 309.09; and

WHEREAS the Prosecutor has identified a conflict of interest in providing legal advice to the Board of Elections in this matter; and

WHEREAS the Board of Elections will require legal advice regarding this matter; and

WHEREAS Ohio Revised Code 309.14 provides for the employment of alternative legal counsel for any matter with the authorization of the court of common pleas;

NOW THEREFORE BE IT RESOLVED that the Ashtabula County Board of Commissioners requests the Ashtabula County Prosecutor to make application to the Court of Common Pleas as provided by ORC 309.14 for any legal matter regarding the challenge of the right to vote of Colleen O'Toole. The Board of Commissioners authorizes the expenditure of up to \$10,000.00.

MOTION: Whittington moved the adoption, Kozlowski seconded. **DISCUSSION:** None

VOTE: **Yeas:** Kozlowski, Whittington, Ducro **Nays:** None **Abstained:** None **Absent:** None

Whereupon the resolution was declared passed unanimously.

RESOLUTION NUMBER 2020-87 APPROVING COMMERCIAL RIGHT OF ENTRY AGREEMENT BY AND BETWEEN ASHTABULA COUNTY AND SPECTRUM CHARTER COMMUNICATIONS OPERATING, LLC FOR ASHCRAFT

The Board of County Commissioners of Ashtabula County, Ohio, met on the 25th day of February, 2020, in regular session at the offices of said Board in the Old Courthouse Building, 2nd Floor, 25 W. Jefferson St., Jefferson, Ohio, with the following members present: Casey R. Kozlowski, Kathryn L. Whittington.

WHEREAS, Ashtabula County is the owner of property used by the AshCraft; and

WHEREAS, underground cable needs to be installed to the AshCraft Building to provide internet and phone service for the Active Day program; and

WHEREAS, an Agreement has been presented for the approval of the Board, to-wit:

Scope: to grant a non-exclusive right of entry to the Premises and those buildings of Owner located on the Premises for the installation, attachment, maintenance, modification, inspection, relocation, repair, upgrade, replacement or removal of any equipment and facilities and other communications accessories, equipment, apparatus, fixtures, hardware, appliances and appurtenances and any other association equipment to provide any of Charter's services.

Providers: Spectrum, Charter Communications Operating, LLC 12405 Powerscourt Dr., St. Louis, MO 63131

Cost: No cost

Term: February 25, 2020 until five years (February 24, 2025) or 6 months after the date that Charter is no longer providing services to any tenant of the premises; now

THEREFORE, BE IT RESOLVED, By the Board of Commissioners of Ashtabula County, Ohio that the Agreement, as noted above, is approved in accordance with the copy now on file in this office.

MOTION: Whittington moved the adoption, Kozlowski seconded. **DISCUSSION:** None

VOTE: Yeas: Kozlowski, Whittington, Ducro **Nays:** None **Abstained:** None **Absent:** None

Whereupon the resolution was declared passed unanimously.

RESOLUTION NUMBER 2020-88 HOLDING PUBLIC HEARING TO AMEND ASHTABULA COUNTY'S PY 2019 COMMUNITY DEVELOPMENT ALLOCATION GRANT (B-F-19-1AD-1) TO OHIO DEVELOPMENT SERVICE AGENCY

The Board of County Commissioners of Ashtabula County, Ohio, met on the 25th day of February, 2020, in regular session at the offices of said Board in the Old Courthouse Building, 2nd Floor, 25 W. Jefferson St., Jefferson, Ohio, with the following members present: Casey R. Kozlowski, Kathryn L. Whittington.

WHEREAS, on February 15, 2020 a notice was published in the Star Beacon notifying the public of the date and time of this public hearing and listing the projects proposed for funding; and

WHEREAS, Ashtabula County Department of Community Services personnel will explain the necessity to amend the FY 2019 Community Development Block Grant and the proposed outcomes; and

WHEREAS, Janice Switzer presented the following:

CDBG PH PY 2019 Amendment

- 2019 Allocation Grant Agreement has 5 projects plus Admin and FH totaling \$380,000.
 - Geneva Memorial Field \$41,000
 - Countywide Demolition \$89,000
 - Pierpont Twp Flood & Drainage \$25,000
 - ACTS - \$49,000
 - Conneaut Chestnut ST Reconstruction - \$100,000
- On January 3, Pierpont Twp Trustee Bob Jackson informed Janice Switzer that they would not be able to use the funding due not having an easement for the project area.
- Considered all options to utilize the funding including spreading among the remaining projects or finding a new project.
- Staff in consultation with Board of Commissioners suggested utilizing the funds for Planning to help offset the cost of the update of the Comprehensive Land Use Plan for Ashtabula County.
- Jake Brand consulted ODSA Office of Community Development staff to see if it was an eligible project.
- Planning is considered an Administration Activity and Ashtabula County already has maximum funding for Administration so we County need to submit a waiver to exceed the allowed Administration funding.
- Amendments can be submitted when documentation is secured.

WHEREAS, Comments from the public were offered as follows: no members of the public were present; now

THEREFORE, BE IT RESOLVED, By the Board of Commissioners of Ashtabula County, Ohio, that the public hearing held to request an amendment from the Ohio Development Services Agency for PY 2019 Community Development Block Grant (B-F-19-1AD-1), is hereby adjourned.

MOTION: Whittington moved the adoption, Kozlowski seconded. **DISCUSSION:** None

VOTE: Yeas: Kozlowski, Whittington, Ducro **Nays:** None **Abstained:** None **Absent:** None

Whereupon the resolution was declared passed unanimously.

RESOLUTION NUMBER 2020-89 AUTHORIZING THE FILING OF AN AMENDMENT TO THE PY2019 COMMUNITY DEVELOPMENT ALLOCATION GRANT (B-F-19-1AD-1) TO OHIO DEVELOPMENT SERVICE AGENCY, OFFICE OF COMMUNITY DEVELOPMENT

The Board of County Commissioners of Ashtabula County, Ohio, met on the 25th day of February, 2020, in regular session at the offices of said Board in the Old Courthouse Building, 2nd Floor, 25 W. Jefferson St., Jefferson, Ohio, with the following members present: Casey R. Kozlowski, Kathryn L. Whittington.

WHEREAS, The Board of Commissioners County Commissioners of Ashtabula County, Ohio accepted a Community Development Block Grant from the Ohio Development Services Agency to complete the following projects:

- Ashtabula County Transportation System (Public Service) - \$49,000;
- Conneaut City (Street Improvements) - \$100,000
- Geneva City (Park and Recreation Improvement) - \$41,000
- Ashtabula County Land Bank (Clearance) - \$89,000
- Pierpont Township (Flood & Drainage Improvements) - \$25,000
- Administration/FH - \$76,000

WHEREAS, Pierpont Township Trustees have requested to withdraw the Flood & Drainage Project in Pierpont Township due to acquisition issues; and

WHEREAS, Ashtabula County Commissioners wish to utilize the funding (\$25,000) previously allocated to the Pierpont Township project to supplement the cost to update the Comprehensive Land Use Plan and have requested a waiver to exceed the 15% cap on Administration funds; and

WHEREAS, There were no adverse comments to the proposed amendment; now

THEREFORE, BE IT RESOLVED, By the Board of Commissioners of Ashtabula County, that the proposed amendment for Community Development Block grants be submitted by the Community Services and Planning Department to the Ohio Development Services Agency, 77 South High Street, Columbus, Ohio 43216-1001 on or before February 28, 2020.

MOTION: Whittington moved the adoption, Kozlowski seconded. **DISCUSSION:** None

VOTE: **Yeas:** Kozlowski, Whittington, Ducro **Nays:** None **Abstained:** None **Absent:** None
Whereupon the resolution was declared passed unanimously.

RESOLUTION NUMBER 2020-17FINA APPROVING FINANCIAL TRANSACTIONS FOR THE COUNTY

The Board of County Commissioners of Ashtabula County, Ohio, met on the 25th day of February, 2020, in regular session at the offices of said Board in the Old Courthouse Building, 2nd Floor, 25 W. Jefferson St., Jefferson, Ohio, with the following members present: Casey R. Kozlowski, Kathryn L. Whittington.

WHEREAS, it is declared and determined that all formal actions of the Board of County Commissioners concerning and relating to the adoption of all resolutions that were adopted in this meeting, and that all deliberations of the Board of Commissioners and any of its committees that resulted in such formal action, were open to the public and were in compliance with all legal requirements, including Section 121.11 of the Ohio Revised Code.

Financial Transactions and Voucher Approval Requirements

WHEREAS, The Board of Commissioners acknowledges receipt of all department financial transactions and vouchers submitted this date for approval, as follows:

TRAVEL REQUESTS:

Janice Switzer OCCD Strategic Plan Mtg. Columbus 2/26 \$.00

APPROPRIATIONS AND TRANSFERS:

Appropriations	Fund	Total	Personal Svcs	Comment
Board of DD	2035.203	\$ 2,000,000.00	\$ -	appropriation for transfers out
Western County Court	1001.014	\$ 300.00	\$ -	appropriation for contract repairs
Sheriff CCW Fund	2058.008	\$ 23,775.00	\$ 20,594.00	additional appropriations
Northern Border Grant	2651.008	\$ 25,933.00	\$ 15,000.00	appropriations for grant
Transfer				
Board of DD Fund 2035 to	\$ 2,000,000.00			
Board of DD Reserve Fund 2036				

DIRECT RELIEF BILLS:

Vouchers #2020-0000274 thru 2020-0000310 for Public Assistance; #2020-200032 thru 2020-200032 for Child Support Invoices

BILLS:

COUNTY FUNDS SCHEDULE 8
ENGINEERS SCHEDULE 8E; now

THEREFORE, BE IT RESOLVED, By the Board of Commissioners of Ashtabula County, Ohio, do hereby find that the above outlined financial transactions and vouchers are in order and sufficient funds are available to permit the execution of these transactions,

BE IT FURTHER RESOLVED, that the above transactions are approved and allowed, and furthermore, that the County Auditor is hereby authorized to issue warrants for payment of said vouchers.

MOTION: Whittington moved the adoption, Kozlowski seconded. **DISCUSSION:** None
VOTE: Yeas: Kozlowski, Whittington, Ducro **Nays:** None **Abstained:** None **Absent:** None
Whereupon the resolution was declared passed unanimously.

Work sessions:

February 25, 2020 8:30 a.m. Topic: 2020 Budget Work Session
In Attendance: Casey Kozlowski, Kathryn Whittington, J. P. Ducro IV, Janet Discher

The proposed 2020 Budget was discussed, line by line. Commissioners were given assignments of County Elected Officials to present to their proposed budget numbers. Commissioner Kozlowski will contact: Recorder's Office, Clerk of Courts, Juvenile and Probate Court, Western County Court, and Public Defender's office; Commissioner Whittington will contact: OSU Extension, Soil & Water, Auditor's office & Data Board, Prosecutor's Office, Sheriff's Dept., and

Eastern County Court; Commissioner Ducro will contact: Airport, Treasurer's office, Coroner's Office, Common Pleas, and Board of Elections. The Budget will be adopted at the next Commissioner's meeting.

February 25, 2020 10:00 a.m. Topic: General Matters/Agenda Items

In Attendance: Casey Kozlowski, Kathryn Whittington, J. P. Ducro IV, Janet Discher

- ❖ Broadband Support Ltr. (Jake Brand will be here) Jake has been working with Commissioner Ducro; attending a meeting last week at Eastgate. Trumbull County applied for and received funding from a power grant EDA grant. Decided regionalization of this effort would be best and brought in Mahoning and Ashtabula Counties. Looking for letters of support from county organizations, chambers, townships to be sent to the County pledging support for this project. Jake will also forward a separate draft letter that he was working on for the Commissioners to sign in support. Due to EDA on March 13th.
- ❖ 2nd Amendment Resolution (in folder). The Prosecutor approved the draft Lisa created, if we are inclined to adopt it. Commissioners to review some more.
- ❖ MOU for Opioid – Cecilia sent over the new MOU that Frank Galucci sent to her. Cecilia agrees with everything in the MOU. Cecilia was concerned about representation on the foundation board. Kathryn stated she will be vying for a seat on the Foundation Board or the expert panel. Resolution must be passed by March 6th and Lisa is currently working on a draft. All 3 Commissioners support the MOU.
- ❖ Proposal from Marta Stone – Casey presented a proposal from Stone for an employee engagement project. Cost is \$3,000 plus mileage. Commissioners provide materials. Okay to approve.

- ❖ Miscellaneous

American Tower payment reduction request- (cell phone tower at the Fairgrounds) It appears maybe our lease for the cell tower is ending? They want to negotiate terms. Janet to work with Jamie to find the old lease and do some research.

Spectrum – Board of DD needs an agreement signed in order to run some lines in and under the ground. Prosecutor's office has issue with indemnification language and some others. Board willing to move forward with current proposed agreement.

Jail letters – there was a question over which parcels to include to send the jail letters from the Prosecutor's office. Casey to clear that up with the Prosecutor's office and let us know when the letters go out.

Board appointments – one for DD, one for CSB, 2 for public defender commission. Lisa to reach out to Jeff Ford and Gary Coxon to see if they are interesting in retaining their seats. Lisa to send application and email to Jane Jackson to see if she is interested. CSB would love someone with business background. JP suggests Tim Volpone. DD also wants someone with a business background. Board needs to know requirements of the seat before appointing someone.

- ❖ Schedule: (Call Beckey in)

Set up monthly work sessions with Building Dept.
Set up Public Defender tour on 3/2- afternoon.

- ❖ New/Old Business

TB contracts – Catherine Colgan emailed a revised TB control unit document with monthly payment provisions in it with a 30 day out clause.

Leadership meeting discussion

NOPEC grant \$26,952 for 2020 – decision to use money on EMA generator

Community Corrections/Jail Project

Pierpont Sewers

Nursing Home RFP – Janet and Kathryn to review and evaluate RFP.

Financial Transaction payments – proposals go out to entities on 2/28.

Committee Reports:

JP went to the directions center event on 2/24. Toured the facility. Going to airport special meeting tomorrow. Kathryn – Governor's office called last night regarding Imagination Library project. Kathryn put the office in touch with Kristen Kitchen United Way and Rachel Moussad with CCAO. We are one of the last of 5 counties not to have it in place. Kathryn is following up with Kristen Kitchen to see if UW is interested in helping this or if another partner is needed.

ADJOURNMENT:

The President and Clerk of the Board hereby certify that this is a true and accurate record of the minutes of the February 25, 2020 session. All deliberations concerning official business and formal actions by this Board of Ashtabula County Commissioners were conducted in an open public meeting.

CERTIFIED:

ATTESTED:

PRESIDENT

CLERK

COMMISSIONERS

OF

ASHTABULA COUNTY