

February 24, 2011

LAKE COUNTY COMMISSIONERS' MEETING MINUTES

RAYMOND E. SINES, PRESIDENT
DANIEL P. TROY, COMMISSIONER
ROBERT E. AUFULDISH, COMMISSIONER
AMY ELSZASZ, CLERK

LEGAL COUNSEL
MIKE MATAS, BUDGET DIRECTOR
NEWS MEDIA

(Tape 2011-0224)

CALL TO ORDER: Commissioner Sines called the meeting to order at 10:06 am, Thursday, February 24, 2011.

ROLL CALL: Upon the roll being called all were present.

APPROVAL OF MINUTES: Upon a motion by Commissioner Troy, seconded by Commissioner Aufuldish, the minutes of the meeting of February 15, 2011, were approved as follows:

"AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

OPEN TO THE PUBLIC: Commissioner Sines asked if anyone in the audience wished to address the Board.

- Discussion took place when Arzela Melnyk of Kirtland asked if there are any measures in place that prevent illegal immigrants from benefitting from the tax dollars of the recently distributed Community Development Block Grant money.
- Discussion that the Commissioners follow the federal guidelines, rules and regulations in regards to distribution of these funds.

- Commissioner Sines said that the agencies benefitting from these dollars do a wonderful service for this community and suggested if there is a concern that Ms. Melnyk talk directly to their agencies board.

- The Commissioners are not aware of any money going to illegal aliens, they look at these federal tax dollars as their tax dollars, and take the distribution very seriously.

- John Muzik of Painesville Township addressed the Board saying that these federal dollars are taxpayer dollars, and that we need to watch these dollars to make sure that they are being put to good use in helping as many legal people in our country as possible.

- Becky Lynch of Mentor pointed out that the Commissioners work for the taxpayers and the taxpayers pay for the Commissioners.

- Commissioner Sines assured Ms. Lynch that he understands where she is coming from and that there is a lot of conversation going on across the country right now regarding the public sector and the private sector, and what people are getting paid. Commissioner Sines said these are difficult times and that we will see more change and flexibility.

RESOLUTIONS:

1. RESOLUTION APPROVING FINAL ESTIMATE NO. 9 (RELEASE OF RETAINER) IN THE AMOUNT OF \$38,332.99 WITH SNAVELY EXCAVATING COMPANY AND ACCEPTING A MAINTENANCE BOND IN THE AMOUNT OF \$95,832.50 FOR ROBINHOOD DR. AND KILARNEY DR. WATERLINE REPLACEMENT PROJECT NO. 296-W FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (20110224\U01) (UT-4)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

2. RESOLUTION RECLASSIFYING MATTHEW ARMAND TO THE POSITION OF ASSISTANT BILLING MANAGER IN THE LAKE COUNTY DEPARTMENT OF UTILITIES, EFFECTIVE FEBRUARY 28, 2011 (20110224\U02) (UT-3)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

3. RESOLUTION APPROVING LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES VOUCHERS DATE OF WARRANT FEBRUARY 28, 2011, IN THE AMOUNT OF \$427,087.90 (20110224\JFS01) (JFS-14)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

4. RESOLUTION APPROVING THE FINAL DEDICATION PLAT FOR CAMBDEN CREEK SUBDIVISION PHASE 2 IN CONCORD TOWNSHIP (20110224\C01) (SD-385)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

5. RESOLUTION AUTHORIZING EXECUTION OF A TWO YEAR AGREEMENT FOR EXCESS WORKERS' COMPENSATION AND EMPLOYER'S LIABILITY INSURANCE WITH WELLS FARGO INSURANCE SERVICES OF USA, INC., AGENT FOR MIDWEST EMPLOYERS CASUALTY COMPANY, EFFECTIVE MARCH 1, 2011 THROUGH FEBRUARY 28, 2013 (20110224\C02) (Workers' Comp.)

Commissioner Aufuldish: This is a two-year contract and we are saving right around \$19,000 per year because we are doing such a good job.

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

6. RESOLUTION AUTHORIZING THE BOARD OF LAKE COUNTY COMMISSIONERS TO ENTER INTO A FEDERAL EQUITABLE SHARING AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE AND THE UNITED STATES DEPARTMENT OF THE TREASURY ON BEHALF OF THE LAKE COUNTY SHERIFF'S DEPARTMENT TO RECEIVE FEDERALLY FORFEITED PROPERTY AND/OR FUNDS (20110224\C03) (CT-10)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

7. RESOLUTION AUTHORIZING EXECUTION OF COURT ORDERED SETTLEMENT JOURNAL ENTRY IN RIEBE LIVING TRUST, ET AL. V. THE BOARD OF LAKE COUNTY COMMISSIONERS, ET AL., LAKE COUNTY COURT OF COMMON PLEAS CASE NOS. 09CV004062 AND 10CV000643 (20110224\C04) (CT-8)

Commissioner Aufuldish: This was a sewer project where the contractor sued the Department of Utilities and Judge Gibson has ordered this court settlement.

Commissioner Troy: This case was in court between the developer and The Board of County Commissioners. After a lot of discussion and compromises this is a court ordered settlement. Any future obligations in terms of tap-in fees or assessments for this project to any individual is a result of an order by the Judge.

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

8. RESOLUTION CANCELING THE REGULAR COMMISSIONERS' MEETING SCHEDULED FOR THURSDAY, MARCH 3, 2011 AND SCHEDULING A REGULAR COMMISSIONERS' MEETING THURSDAY, MARCH 17, 2011 AT 10:00 A.M. (20110224\C05) (C-107)

Commissioner Troy: We have one more budget hearing that we will be concluding early next week. The Finance Department will then take on the cumbersome task of putting together the final 2011 budget.

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

9. RESOLUTION AUTHORIZING A BUILDING PERMIT FOR LAKELAND COMMUNITY COLLEGE'S UNIVERSITY CENTER BUILDING TO PREMIER DEVELOPMENT PARTNERS, LLC, BY THE LAKE COUNTY BOARD OF COMMISSIONERS AND EXECUTION OF AN AGREEMENT THAT OCCUPANCY AND SANITARY SEWER PERMITS FOR THE UNIVERSITY CENTER BUILDING WILL BE CONTINGENT ON COMPLETION OF SANITARY SEWER PROJECT NO. 284-S (20110224\C06) (UT-22)

Commissioner Troy: Lakeland Community College is building a new university center on property that is running right along where the Kirtland Sewer Project is presently being installed. The county's rules and regulations state that a building permit cannot be issued until the utility infrastructure is in place and operable. This resolution will authorize Lakeland Community College to get a building permit without having to wait until summer to break ground, but with the understanding that the building cannot be occupied until the utility infrastructure is complete. I would like to thank Ben Neylon, Legal Counsel for drafting this contract, which covers the county, and is contingent upon Lakeland Community College signing this agreement.

Commissioner Sines: Obviously, in this environment we do not want to cause delays for anyone that wants to build and expand, which will hire more people.

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

10. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$1,142,959.45 (20110224\BC01) (C-4)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

11. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$363,537.33 (20110224\BC02) (C-17)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

12. RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS GENERAL AND NON GENERAL FUND ACCOUNTS (20110224\BC03) (C-111)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

13. RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN VARIOUS NON GENERAL FUND ACCOUNTS (20110224\BC04) (C-111)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

February 24, 2011

AWARDED BY THE NATIONAL BOY SCOUTS OF AMERICA (20110224\F01) (C-126)

Commissioner Aufuldish: I will again represent this Board at this Eagle Court of Honor. I believe that I have been to 145 ceremonies.

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

UTILITIES: None

STORMWATER: None

JOB AND FAMILY SERVICES: Matt Battiato, Director: The House of Representatives recently passed a Continuing Resolution bill, which would result in the elimination of all funding for employment and training in the country. This funding is what we receive locally through our Workforce Investment Board to operate our Lake1Stop, which is a concern. This now has to go to the Senate. We are hearing that there will hopefully be a compromise bill that restores this funding. We have asked our local Workforce Investment Board members to contact Senator Portman and Brown to encourage reinstatement of this funding. This is critical to the country and to Lake County in assisting persons who are without employment.

- It is believed that there is local funding in place through June 30, 2011.

ADMINISTRATIVE SERVICES: None

FINANCE: None

CLERK: None

LEGAL: None

OLD BUSINESS: There was no old business.

NEW BUSINESS: Commissioner Troy reported that they were honored to have Governor Kasich at last week's CCAO Board Meeting who listened to our concerns. Commissioner Troy indicated that local government needs more flexibility and opportunities to utilize funding streams that are just sitting around building up balances and are earmarked for certain purposes. Commissioner Troy, Larry Long and a couple other Commissioners met again with the Governor and key staff back at his office. The Governor said "draft me some language for the budget", and CCAO is working on this draft. Commissioner Troy pointed out that county government is not a local government, and is more of a geographic subdivision of state government. And, everything that county government does is spelled out by the state and that county government then makes civilization work in the State of Ohio. Yesterday, the administration unveiled the proposed transportation bill, which funds O.D.O.T. and the Highway Patrol. It is proposed that there will be a \$10 increase in title fees from \$15 to \$25, collected at the county level, then bundled up and sent to Columbus to pay for the operation of the highway patrol. CCAO detests using local government offices to collect dollars to fund the state budget.

PUBLIC COMMENT: Becky Lynch asked Commissioner Troy for clarification of an earlier statement that our county is a geographic subdivision of state government and if that is true, why would he complain or be concerned about the state sending down a mandate to collect something at the county level.

Commissioner Troy: That \$10 does not fund any of the costs for our branch, and we are underfunded for a lot the services that we have to provide for the State of Ohio.

- John Muzik and Commissioner Aufuldish discussed the fact that Congressman LaTourette is voting "yes" to the Continuing Resolution Bill. Commissioner Aufuldish said, you don't make decisions that are going to hurt people out of work and are collecting unemployment that is draining the tax base. You want to try and help these people!

- Commissioner Troy briefly discussed that only 2% of county property tax bills goes to this Board of County Commissioners General Fund to operate all of the services that we provide and everything else is earmarked.

EXECUTIVE SESSION: On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the Board convened an Executive Session at 10:55 am to discuss legal and personnel matters, with the vote as follows:

"AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

The Lake County Board of Commissioners recessed Executive Session at 10:55 am.

The Lake County Board of Commissioners reconvened Executive Session at 11 am.

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the Board terminated the Executive Session at 11:40 am, with the vote as follows:

"AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

ADJOURN: On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the Board adjourned the meeting at 11:40 am, with the vote as follows:

"AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

February 24, 2011

Minutes approved this 10th day of March, 2011.

BOARD OF LAKE COUNTY COMMISSIONERS

RAYMOND E. SINES, PRESIDENT

DANIEL P. TROY, COMMISSIONER

ROBERT E. AUFULDISH, COMMISSIONER

AMY ELSZASZ, CLERK