

January 24, 2013

LAKE COUNTY COMMISSIONERS' MEETING MINUTES

ROBERT E. AUFULDISH, PRESIDENT
JUDY MORAN, COMMISSIONER
DANIEL P. TROY, COMMISSIONER
AMY ELSZASZ, CLERK

JASON W. BOYD, COUNTY ADMINISTRATOR
LEGAL COUNSEL
JOEL DIMARE, BUDGET DIRECTOR
NEWS MEDIA

(Tape 2013-0124)

CALL TO ORDER: Commissioner Aufuldish called the meeting to order at 10:05 am, Thursday, January 24, 2013.

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

APPROVAL OF MINUTES: Upon a motion by Commissioner Troy, seconded by Commissioner Moran, the minutes of the meeting of January 10, January 14 & January 15, 2013 were approved as follows:

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

OPEN TO THE PUBLIC: Commissioner Aufuldish asked if anyone in the audience wished to address the Board. No one present addressed the Board.

RESOLUTIONS:

1. RESOLUTION AUTHORIZING THE BOARD OF LAKE COUNTY COMMISSIONERS TO ENTER INTO A LOCAL PUBLIC AGENT (LPA) AGREEMENT WITH THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO FOR THE LAK-ST. CLAIR STREET BRIDGE DEMOLITION (PID 93375) PROJECT IN THE CITY OF WILLOUGHBY (20130124\E01) (E-3)

Commissioner Aufuldish: This is a 80% federal grant, 20% local grant.

Jim Gills, County Engineer: This is actually part of the Pelton Road Project, which we did about 10 years ago. The agreement at that time was in building that bridge [new], we would eliminate this particular bridge, and we are now prepared to do so. This bridge is load-rated down to four tons and it is in bad shape. We will be taking it down this spring, which I think is in the best interest of the county and the taxpayers.

- Commissioner Troy and Mr. Gills briefly discussed that the County Engineer is responsible for all the bridges in Lake County except one or two.

Commissioner Troy: This bridge is closed right now. Why are we spending the money to take it down?

- Mr. Gills briefly discussed that it would cost more money to bring this bridge up to a reasonable standard and that the bridge is in danger of falling down.

Commissioner Aufuldish: The County Engineer's portion is \$66,000 and \$330,000 is federal funds.

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

2. RESOLUTION FINDING AND DETERMINING THAT THE TERRITORY TO BE USED BY THE PAINESVILLE TOWNSHIP PARK BOARD OF TRUSTEES TO CONSTRUCT ARMOR STONE REVETMENTS AND TO ADJUST LEASES TO EXISTING GROINS PER ODNR SPECIFICATIONS ALONG THE SHORELINE OF THE PROPERTY AT 1025 HARDY ROAD FOR EROSION PROTECTION IN LAKE ERIE, PAINESVILLE TOWNSHIP, IS NOT REQUIRED FOR USE BY LAKE COUNTY AND COMPLIES WITH REGULATION OF PERMISSIBLE LAND USE (20130124\E02) (C-93)

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

3. RESOLUTION AUTHORIZING TEMPORARY RIGHT-OF-ENTRY AGREEMENTS FOR SOIL BORINGS FOR THE VROOMAN ROAD BRIDGE REPLACEMENT IN PERRY TOWNSHIP (20130124\E03) (E-11)

Commissioner Aufuldish: How long is the temporary right-of-way?

Mr. Gills, County Engineer: This will probably be done within a week.

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

4. RESOLUTION AUTHORIZING EXECUTION OF AN ENGINEERING AGREEMENT WITH ARCADIS US, INC. FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (20130124\U01) (UT-4)

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

5. RESOLUTION ESTABLISHING A FUND TO BE KNOWN AS GLKWRF ELECTRIC SWITCHGEAR 347S WITH VARIOUS REVENUE AND APPROPRIATION LINES AND TRANSFERRING CASH (20130124\U02) (UT-2)

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

6. RESOLUTION RECLASSIFYING DAVID BAUM TO THE POSITION OF LEAD OPERATOR IN THE LAKE COUNTY DEPARTMENT OF UTILITIES, EFFECTIVE JANUARY 27, 2013 (20130124\U03) (UT-3)

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

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7. RESOLUTION RECLASSIFYING ERIC PECK TO THE POSITION OF OPERATOR I IN THE LAKE COUNTY DEPARTMENT OF UTILITIES, EFFECTIVE JANUARY 27, 2013 (20130124\U04) (UT-3)

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

8. RESOLUTION CERTIFYING UNPAID SEWER AND WATER SUMS TO THE LAKE COUNTY AUDITOR (20130124\U05) (UT-7)

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

9. RESOLUTION APPROVING LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES VOUCHERS DATE OF WARRANT JANUARY 28, 2013, IN THE AMOUNT OF \$470,601.12 (20130124\JFS01) (JFS-14)

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

10. RESOLUTION HIRING VERNON D. HALL FOR THE POSITION OF NIGHT FOREMAN IN THE LAKE COUNTY BUILDINGS AND GROUNDS DEPARTMENT, EFFECTIVE JANUARY 30, 2013 (20130124\C01) (P-7)

Commissioner Troy: This is to fill a vacancy caused by a retirement.

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

11. RESOLUTION AUTHORIZING THE LAKE COUNTY BOARD OF 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 PROSECUTING ATTORNEY'S OFFICE TO RECEIVE FEDERALLY FORFEITED PROPERTY AND/OR FUNDS (20130124\C02) (CT-8con)

Commissioner Aufuldish: Mr. O'Donnell, this is something that we have to pass every year?

Mr. O'Donnell, Legal Counsel: Yes.

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

12. RESOLUTION AUTHORIZING EXECUTION OF A SUBGRANT AGREEMENT (#2011-WF-VA5-8211a) WITH THE OHIO OFFICE OF CRIMINAL JUSTICE SERVICES UNDER THE VIOLENCE AGAINST WOMEN ACT ON BEHALF OF THE LAKE COUNTY PROSECUTOR'S VICTIM ASSISTANCE PROGRAM IN THE AMOUNT OF \$5,300.00, FOR THE PERIOD JANUARY 1, 2013 THROUGH MAY 31, 2013 (20130124\C03) (CT-8aa)

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

13. RESOLUTION AUTHORIZING EXECUTION OF A SUBGRANT AGREEMENT (#2012-WF-VA5-8211) WITH THE OHIO OFFICE OF CRIMINAL JUSTICE SERVICES UNDER THE VIOLENCE AGAINST WOMEN ACT ON BEHALF OF THE LAKE COUNTY PROSECUTOR'S VICTIM ASSISTANCE PROGRAM IN THE AMOUNT OF \$45,694.93, FOR THE PERIOD JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 (20130124\C04) (CT-8aa)

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

14. RESOLUTION AUTHORIZING EXECUTION OF A REVOLVING LOAN FUND AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS AND ALL WRIGHT ENTERPRISES, LLC FOR \$38,250 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (20130124\C05) (C-46)

Commissioner Aufuldish: We have with us today Marty Gareau of the Lake County Port Authority and Jeff Jenkins who will be accepting two checks regarding this resolution and resolution 15. I understand that we will be retaining nine jobs and creating two.

Marty Gareau, Lake County Port Authority, Small Business Development Center: This company is about 16 years old, and the owner is retired and wants to sell the company. He has had several offers, but none wanted to keep the business in Lake County. In order to retain this company, Jeff Jenkins, who has been president for the last few years, has agreed to buy the business. We have been working with Mr. Jenkins and these funds will help complete the financial package.

Commissioner Troy: This is a loan program, so obviously there is a commitment on part of the business. This is just to help them get restarted.

- Mr. Jenkins: I would like to express my gratitude to the Lake County Board of Commissioners, Marty Gareau of the SBA Port Authority, and Lake National Bank for walking us through this whole program. We have a viable company that really needed to stay here and I had a responsibility to those people who are already employed. I thank you for this great opportunity.

Commissioner Aufuldish: Mr. Gareau has done a tremendous job in running our SBA 504 Corporation Program. Every business that we have helped out has been successful. We thank you for staying in Lake County.

Commissioner Troy: We appreciate your comments. A few years ago, we decided that this was wise use of community development grant funds. I do not think that there is anything that does more for community development than keeping people working in their jobs or creating additional jobs. We are really happy with the way the Port Authority has taken over and administered this program and has helped so many small businesses. We do have a little bit of extra money coming in from casino revenue and have committed the lion's share of that to economic development.

Jason Boyd, County Administrator: This is another good relationship with the port and Rhea our CDBG Manager who is in the audience who joined in on this loan. The teamwork that has been established with the port, the planning department and the private sector seems to be working out quite well.

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

15. RESOLUTION AUTHORIZING EXECUTION OF A REVOLVING LOAN FUND AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS AND RW 1208, LLC FOR \$40,125 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (20130124\C06) (C-46)

Mr. Gareau: We have two loans on the table for the same business. One is for the real estate and one is for the equipment. This is for the real estate portion of it.

- The Commissioners presented two checks to Mr. Jenkins in the amounts of \$38,250 and \$40,125.

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

16. RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS AND THE LAKE COUNTY LAND REUTILIZATION CORPORATION FOR AN INCREASE IN APPROPRIATIONS (20130124\C07) (C-40b)

Commissioner Troy: The Lake County Land Reutilization Corporation or commonly referred to as the Lake County Land Bank. It passed a resolution at their December meeting seeking temporary funding for current expenses and unanticipated expenditures for the year ending December 31, 2013. This resolution authorizes the chair of the Land Bank Corporation to formally request an additional allocation from the Lake County Treasurer's DTAC Fund, which would be reimbursed upon settlement. By state law, this is the main funding stream for the Land Reutilization Corporation. Previously, this board added an additional 5% to the delinquent tax penalty. That is where these dollars go and this is a request to have that money appropriated to the Land Reutilization Corporation for their expenses in 2013.

Commissioner Aufuldish: The amount is \$350,000.

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

17. RESOLUTION AUTHORIZING EXECUTION OF A SUB-GRANT AWARD AGREEMENT IN THE AMOUNT OF \$11,033.00 WITH THE OFFICE OF CRIMINAL JUSTICE SERVICES UNDER THE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANTS PROGRAM, EFFECTIVE JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 (20130124\C08) (CT-3c)

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

18. RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN JOSEPH L. MYERS, ARCHITECT, INC. AND THE LAKE COUNTY BOARD OF COMMISSIONERS IN AN AMOUNT NOT TO EXCEED \$7,850.00 (20130124\C09) (C-7)

Commissioner Aufuldish: Mr. Myers is working with our Clerk of Courts who had some water problems and the entire area is being revamped.

Commissioner Troy: The water damage was from a Painesville City waterline break. Our insurance carrier has approved certain renovations. This is an additional upgrade that the Commissioners are going to proceed on with the Clerk of Courts area, which will improve the working conditions.

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

19. RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN SHERMAN-ANDRZEJCZYK GROUP, INC. AND THE LAKE COUNTY BOARD OF COMMISSIONERS IN AN AMOUNT NOT TO EXCEED \$3,750.00 (20130124\C10) (C-107)

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

20. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$1,419,885.47 (20130124\BC01) (C-4)

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

21. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$911,466.00 (20130124\BC02) (C-17)

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

22. RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS (20130124\BC03) (C-111)

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

23. RESOLUTION TRANSFERRING CASH WITHIN VARIOUS GENERAL AND NON GENERAL FUND ACCOUNTS (20130124\BC04) (C-111)

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

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24. RESOLUTION ESTABLISHING A FUND TO BE KNOWN AS THE ADDITIONAL DTAC FUND WITH VARIOUS REVENUE AND APPROPRIATION LINES (20130124\BC05) (C-111)

Commissioner Troy: This will formalize the resolution that was passed earlier regarding the Land Bank and will create a separate account for the DTAC funds, which are the delinquent funds that are available and are so authorized by the Board of Commissioners at the request of the Land Bank Corporation. The appropriation account and revenue account will be for contract services that the Land Bank has to enter into. At this point, there is a pending contract with the firm to utilize and administer the grant that was received through the Attorney General settlement with the mortgage lending companies for demolition, for payment of any staff or office space needs for the actual administration purposes of the Lake County Land Reutilization Corporation. This resolution just makes sure that we have the proper accounts in place to account for those dollars.

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

UTILITIES: None

STORMWATER: None

JOB AND FAMILY SERVICES: None

COUNTY ADMINISTRATOR: None

DIRECTOR OF ADMINISTRATIVE SERVICES: None

FINANCE: None

CLERK: None

LEGAL: None

OLD BUSINESS: None

NEW BUSINESS: Commissioner Troy: The County Commissioners Association had their first board of directors meeting last Friday in Columbus. There was a presentation from the Health Policy Institute of Ohio regarding the pluses and minuses of Medicaid Expansion in Ohio. The CCAO Board of Directors did go on record with certain stipulations to urge the Governor to go ahead with the federally allowable Medicaid Expansion in Ohio. The argument was if there is one industry that is relatively healthy in the state, it is the healthcare industry and it is fairly healthy in Northeast Ohio. This does make a lot of dollars available for increased healthcare, increased jobs, increased services, etc... The fact is that it will add additional revenue dollars to the state budget and for those folks that are not covered by Medicaid, now there is one hundred percent coverage on this. It was a long debate, but the pluses outweighed the minuses. We did stipulate that we want to make sure that there is a safeguard so that Ohio is not left holding the bag on this and that there is some exit provision if the federal government does not keep its commitment. I added an amendment saying if any additional administrative burden is placed on county JFS Offices for this expansion of Medicaid that Job and Family Services receive sufficient staff and resources. We will see if the Governor includes this when he proposes his budget on February the 4th.

Commissioner Troy: Yesterday, there was a meeting in Columbus of the Joint Committee of County Commissioners and the Ohio Association of Election Officials regarding what we can look forward to in the changes of elections law in 2013. Several things that the Commissioners Association fought for included requiring entities wishing to have an issue before the voters in a non-general election would have to prepay. Currently, the law is that all costs have to be advanced by the county and the county does not get that money back until next year's tax settlement. And, we do not receive any interest. Another issue is to implement central voting centers and eliminate precinct by precinct locations. Some of the Commissioners said early voting is certainly good for the citizens, but it has not resulted in any reduction in costs on election day. We are still spending the same amount of resources on election day even though half of the people have already voted. Another concern is that all of the machines that were bought under the Help America Vote Act are now approaching ten years in age and they are wearing out and becoming technically outdated. And, finally the hours and days of voting need to be firmly established. At NACo, we will have to keep an eye on the federal government because there is going to be legislation proposed on election laws in regards to problems such as Florida had with all of the long lines.

PUBLIC COMMENT: None

Commissioner Aufuldish: We will meet again next Tuesday, January 29, 2013 at 2 pm and on Thursday, January 31, 2013 at 10 am. And, we do have budget hearing this afternoon.

EXECUTIVE SESSION: On a motion of Commissioner Troy, seconded by Commissioner Moran, the Board convened an Executive Session at 10:44 am to discuss pending litigation and real estate matters, with the vote as follows:

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

The Lake County Board of Commissioners recessed Executive Session at 10:44 am.

The Lake County Board of Commissioners reconvened Executive Session at 10:45 am.

On a motion of Commissioner Moran, seconded by Commissioner Troy, the Board terminated the Executive Session at 11:30 am, with the vote as follows:

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

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ADJOURN: On a motion of Commissioner Moran, seconded by Commissioner Troy, the Board adjourned the meeting at 11:31 am, with the vote as follows:

"AYES": Commissioners: Aufuldish, Moran and Troy

"NAYS": None

Minutes approved this 29th day of January, 2013.

BOARD OF LAKE COUNTY COMMISSIONERS

ROBERT E. AUFULDISH, PRESIDENT

JUDY MORAN, COMMISSIONER

DANIEL P. TROY, COMMISSIONER

AMY ELSZASZ, CLERK