

July 26, 2012

LAKE COUNTY COMMISSIONERS' MEETING MINUTES

RAYMOND E. SINES, PRESIDENT

DANIEL P. TROY, COMMISSIONER

ROBERT E. AUFULDISH, COMMISSIONER

AMY ELSZASZ, CLERK

LEGAL COUNSEL

JOEL DIMARE, BUDGET DIRECTOR

NEWS MEDIA

(Tape 2012-0726)

CALL TO ORDER: Commissioner Sines called the meeting to order at 10:05 am, Thursday, July 26, 2012.

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 July 19, 2012, 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. No one present addressed the Board.

RESOLUTIONS:

1. RESOLUTION AWARDED A BID CONTRACT IN THE AMOUNT OF \$253,440.00 TO RONYAK PAVING, INC. FOR THE HOOSE ROAD RESURFACING PROJECT IN CONCORD TOWNSHIP, OHIO - OPWC PROJECT CGX05 (20120726\E01) (E-3)

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 AWARDED A BID CONTRACT TO ATLANTIC COAST POLYMER COMPANY AND POLYDYNE, INC. FOR ORGANIC POLYELECTROLYTES (POLYMER) FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (20120726\U01) (UT-4)

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 REVISED PLANS, SPECIFICATIONS, AND ESTIMATE IN THE AMOUNT OF \$23,200,000 AND AUTHORIZING RE-ADVERTISING FOR BIDS FOR MADISON WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION PROJECT NO. 289-S FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (Bid Opening: August 22, 2012) (20120726\U02) (UT-8)

Commissioner Aufuldish and Al Saari, Sanitary Engineer briefly discussed that there is confidence that the engineer's estimate will now be acceptable as far as the bidders are concerned.

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 AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING AMONG THE VILLAGE OF MADISON, SARAH AND JAMES C. POWELL, AND BOARD OF LAKE COUNTY COMMISSIONERS (20120726\U03) (UT-4)

Commissioner Troy: This is in response to a petition from a citizen a few weeks ago at our Commissioners' Meeting regarding a dispute in the 208 maps between the Village of Madison and Lake County. This will allow this citizen to tap into the sewer system.

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

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5. RESOLUTION REJECTING ALL BIDS RECEIVED ON JULY 11, 2012 FOR STIRLING ROAD PAVEMENT REPAIR PROJECT 337S FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (20120726\U04) (UT-8)

Commissioner Aufuldish and Al Saari, Sanitary Engineer briefly discussed that this project will be re-engineered.

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 INCREASING APPROPRIATIONS, TRANSFERRING APPROPRIATIONS AND TRANSFERRING CASH FROM ORTON ROAD TANK PAINTING 325W AND FOREST ROAD AND GARDEN DRIVE SANITARY 294S TO LCDU WATER DISTRICT AND LCDU SEWER DISTRICT (20120726\U05) (UT-2)

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 CERTIFYING UNPAID SEWER AND WATER SUMS TO THE LAKE COUNTY AUDITOR (20120726\U06) (UT-7)

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 ACCEPTING THE RETIREMENT RESIGNATION OF DAVID A. LOOMIS FROM THE LAKE COUNTY TELECOMMUNICATIONS DEPARTMENT, EFFECTIVE JULY 27, 2012 (20120726\C01) (P-404)

Commissioner Aufuldish: Dave has done an outstanding job for us and we will miss him. We wish him the best in his retirement.

Commissioner Sines: He will now have more time to play his guitar.

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 ESTABLISHING ALTERNATIVE SCHEDULE FOR HOLIDAY FOR EMPLOYEES OF THE LAKE COUNTY BOARD OF COMMISSIONERS (20120726\C02) (C-107)

Commissioner Aufuldish: When we settled our contract with the CWA it was designated that the day after Thanksgiving would be a scheduled holiday. And now, this resolution will also designate that day as a holiday for the employees that are under the authority of the Board of Commissioners.

Commissioner Troy: This does not establish an additional holiday for our employees. Previously, they had the choice of either the day after Thanksgiving, Christmas Eve, or New Years Eve as a holiday.

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

10. RESOLUTION PURSUANT TO OHIO REVISED CODE SECTION 1724.10(A)(2) APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT AND PLAN WITH THE LAKE COUNTY LAND REUTILIZATION CORPORATION AS THE COUNTY’S AGENCY FOR EXERCISING THE POWERS AND PERFORMING THE DUTIES OF THE COUNTY UNDER CHAPTER 5722 OF THE OHIO REVISED CODE FOR THE RECLAMATION, REHABILITATION, AND REUTILIZATION OF VACANT, ABANDONED, TAX-FORECLOSED AND OTHER REAL PROPERTY IN THE COUNTY (20120726\C04) (C-40b)

Commissioner Sines: This resolution is the Land Bank agreement. John Rogers, through the Treasurer’s Office has done a great job in putting this together for the county.

John Rogers: The Lake County Land Reutilization Corporation was recently established by the Commissioners in conjunction with John Crocker, County Treasurer. The Ohio Legislature in its

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effort to assist communities created language whereby counties could create a Land Bank Corporation. The idea is to address vacant, abandoned, and dilapidated properties throughout Lake County, which impacts property values, raises potential risk for fires, truancy, and vandalism. The next resolution is the funding apparatus. The legislature has said that we are going to use a portion of delinquent property taxes from those homes to offset the expenses of running this organization. The Ohio Attorney General has made \$75 million available to all 88 counties in Ohio with \$1.5 million allocated to Lake County based on foreclosure activity. Currently, we have a list of 51 properties in Lake County that need to be taken down and we still haven't heard from six communities. Ultimately, this will help Lake County to be a stronger county.

- Mr. Rogers gave an overview of the penalties for those who fail to pay property taxes.

Commissioner Sines: I would like to make it clear that this is not an additional delinquency charge. Now, who will lose 5% is the taxing district. But, in the same token, we are taking properties that are not paying any taxes and trying to bring it back on the tax base for eventual revenues. I believe that this is a good way to use these funds in helping communities get rid of some blighted properties. I commend you John for your efforts. The county is going to be well-served going forward with this program!

Commissioner Aufuldish: I think we need to be more proactive in collecting the delinquent dollars because I think that there is quite a chunk of change sitting out there. I do know that you are working on that!

Mr. Rogers: I can assure you that Mr. Crocker, County Treasurer and Mr. Coulson, Prosecutor work very hard in an effort to collect those delinquent taxes.

John Rogers: The idea behind the land bank is to take non-performing property, and return it to a performing property. When the land bank acquires a property, ultimately whoever ends up getting that property will have clear title. There will in essence be a loss of immediate tax revenue.

Commissioner Troy: John, you have given a very good explanation of this process. I want to salute you because you have pretty much been the catalyst within the county government that has brought this to the reality that it is today. As you have indicated, you have to spend money to make money. Once a property is restored or rescued it is probably more likely to pay taxes to the taxing entities than it was as foreclosed or abandoned.

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

- John Rogers and the Commissioners took questions from the audience regarding the Land Bank and clarified the mechanism implemented by the following resolution to act as a revenue source for the Lake County Land Reutilization Corporation.

11. RESOLUTION AUTHORIZING AND DESIGNATING AN ADDITIONAL FIVE PERCENT OF ALL COLLECTIONS OF DELINQUENT REAL PROPERTY, PERSONAL PROPERTY, AND MANUFACTURED AND MOBILE HOME TAXES AND ASSESSMENTS TO BE DEPOSITED IN THE DELINQUENT TAX AND ASSESSMENT COLLECTION FUND FOR THE USE OF AND APPROPRIATING SUCH AMOUNT TO THE USE OF THE LAKE COUNTY LAND REUTILIZATION CORPORATION AND PROVIDING FOR RELATED MATTERS (20120726\C05) (C-40b)

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

12. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$847,250.22 (20120726\BC01) (C-4)

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

13. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$512,941.14 (20120726\BC02) (C-17)

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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

14. RESOLUTION INCREASING AND DECREASING APPROPRIATIONS FOR VARIOUS GENERAL AND NON GENERAL FUND ACCOUNTS (20120726\BC03) (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

15. RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON GENERAL FUND ACCOUNTS (20120726\BC04) (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

UTILITIES: Al Saari, Sanitary Engineer gave the bid results for the Gardenside Drive Waterline Replacement Project as follows:

6 bids

Engineer’s estimate was \$634,775

High bid was \$676,978

Low bid was Longo Sewer of South Euclid at \$591,099.10, which is about 7% below the engineer’s estimate.

STORMWATER: Tim Miller, Stormwater Director gave the July 11, 2012 bid results for the Overlook Road Improvements in Painesville Township as follows:

Engineer’s estimate was \$695,000

4 bids

Low bid was Mr. Excavator of Kirtland for \$714,396, which is about 3% over the engineer’s estimate.

High bid was \$1,084,336

Commissioner Troy: The lowest bid is within 10% of the engineer’s estimate.

Mr. Miller: The base bid is actually under the estimate. At the last minute we added an alternate for some additional paving at the request of the township, which brought it over the estimate.

JOB AND FAMILY SERVICES: None - Mary Spencer was present on behalf of Matt Battiato.

ADMINISTRATIVE SERVICES: None - Bill Margalis was on vacation.

FINANCE: None

CLERK: None

LEGAL: None

OLD BUSINESS: There was no old business.

NEW BUSINESS: Commissioner Troy briefly discussed a meeting that was held in Eastlake where a representative of the Intergovernmental Affairs Office of the White House, David Agnew was present. It was mentioned that Lake, Cuyahoga, and Lorain have all created Land Banks, and whatever this administration can do to make dollars available for demolition is appreciated. And, that there is always a concern for the budget cutters in Washington, D.C. looking at the tax exempt municipal bonds. Commissioner Troy indicated that we don’t want to give rich people too many tax breaks, but it is rich people who buy these municipal bonds and these municipal bonds help us build our infrastructure, expand our sewer plants, and put people to work.

PUBLIC COMMENT: Tom DeHaas, 2908 Red Oak Drive, Perry Twp., Ohio briefly discussed with the Commissioners a few questions regarding Perry Township seeking a 2.9 mill levy (on the November ballot) to help pay for sheriff’s services.

- Brief discussion took place as to the Commissioners’ rationale on sheriff patrol in the township and if

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any of the additional money coming from the casinos could be channeled to this area.

- Brief discussion that Perry Township does not pay for dispatch services.
- The Commissioners are in agreement that the county is not required to provide road patrol per the Ohio Revised Code and due to budget constraints, have cut back. The county does provide the base services such as the jail, detective bureau, evidence room, and a base road patrol statutory requirement to respond to emergencies and keeping the peace. It's the communities' choice as to whether or not they want to pay for additional patrolling and municipal type police services.

EXECUTIVE SESSION: On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the Board convened an Executive Session at 11:05 am to discuss threatened litigation and real estate matters, with the vote as follows:

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

The Lake County Board of Commissioners recessed Executive Session at 11:05 am.
The Lake County Board of Commissioners reconvened Executive Session at 11:10 am.

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the Board terminated the Executive Session at 11:50 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 11:50 am, with the vote as follows:

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

Minutes approved this 2nd day of August, 2012.

BOARD OF LAKE COUNTY COMMISSIONERS

RAYMOND E. SINES, PRESIDENT

DANIEL P. TROY, COMMISSIONER

ROBERT E. AUFULDISH, COMMISSIONER

AMY ELSZASZ, CLERK