

December 1, 2011

## LAKE COUNTY COMMISSIONERS' MEETING MINUTES

RAYMOND E. SINES, PRESIDENT  
DANIEL P. TROY, COMMISSIONER

ROBERT E. AUFULDISH, COMMISSIONER

LEGAL COUNSEL

JOEL DIMARE, BUDGET  
DIRECTOR

AMY ELSZASZ, CLERK

NEWS MEDIA

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(Tape 2011-1201)

CALL TO ORDER: Commissioner Sines called the meeting to order at 10:10 am, Thursday, December 1, 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 November 15 & November 22, 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. No one present addressed the Board.

### RESOLUTIONS:

1. RESOLUTION AMENDING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE LAKE COUNTY ENGINEER AND BBC&M ENGINEERING, INC. IN THE AMOUNT OF \$4,655.19 FOR ADDITIONAL TESTING SERVICES DUE TO UNUSUAL WEATHER CONDITIONS FOR THE DODD ROAD BRIDGE REPLACEMENT PROJECT - PID 85133 (20111201\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 AUTHORIZING ADVERTISING FOR BIDS FOR LIMESTONE FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (Bid Opening: December 21, 2011) (20111201\U01) (UT-8)

**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 AUTHORIZING EXECUTION OF AN AGREEMENT WITH BURGESS & NIPLE, INC. FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (20111201\U02) (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

4. RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN LCDU WATER, SEWER AND SOLID WASTE DISTRICTS AND INCREASING APPROPRIATIONS (20111201\U03) (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

5. RESOLUTION REVISING THE LAKE COUNTY DEPARTMENT OF UTILITIES SANITARY SEWER RATES (20111201\U04) (UT-19)

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Commissioner Aufuldish: These dollars will be used for the rehabilitation and replacement of our aging infrastructure. There has been a lot of rain this year identifying excess infiltration areas and it is very important to get these areas corrected. These dollars will also be used towards the \$16 million Madison Wastewater Treatment Plant Upgrade. There has been essentially no improvements done to this plant for 40 years.

Commissioner Troy: This resolution is a result of a request from the Department of Utilities. The Utilities Department made a presentation a few weeks ago explaining the need for an increase of rates. A rate review is done every two years, and the Utilities Department determines whether no increase or a maximum 5% increase request to the Commissioners is needed. I believe this is a request for a 4.76% increase.

Commissioner Sines: The department has asked for an increase. I have looked at the numbers and I would say it is needed. But, I have asked the Commissioners to join with me in lowering the stormwater fees at the same time that we are increasing these sewer rates. However, that was not agreed to. I think we should have shown the folks in this county that we are looking at every fund in how we assess their needs. The department is asking for a 4.76% increase, and at this time I am not willing to increase those fees.

**On a motion** of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish and Troy “NAYS”: Commissioner Sines

6. RESOLUTION RECLASSIFYING WILLIAM F. DAVIS TO THE POSITION OF SYSTEM MAINTENANCE I IN THE LAKE COUNTY DEPARTMENT OF UTILITIES, EFFECTIVE DECEMBER 4, 2011 (20111201\U05) (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

7. RESOLUTION HIRING TIM J. MURPHY TO THE POSITION OF MAINTENANCE I IN THE LAKE COUNTY DEPARTMENT OF UTILITIES, EFFECTIVE DECEMBER 5, 2011 (20111201\U06) (UT-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

8. RESOLUTION APPOINTING MARTIN GAREAU TO THE LAKE COUNTY WORKFORCE INVESTMENT BOARD TO REPRESENT ECONOMIC DEVELOPMENT TO COMPLETE AN UNEXPIRED TERM ENDING FEBRUARY 14, 2012 (20111201\JFS01) (B-77)

Commissioner Aufuldish: Marty is the new director of the 504 SBA Corporation for the Lake County Port Authority and this is the type of person that is needed on this board.

**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 PAYMENT TO VARIOUS LAKE COUNTY POLICE PROSECUTORS FOR THE SECOND HALF OF 2011 (20111201\C01) (CT-8)

**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 ESTABLISHING HOLIDAYS FOR WHICH THE COUNTY OFFICES CLOSE DURING THE YEAR 2012 (20111201\C02) ©-107)

**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

11. RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE LAKE COUNTY

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SHERIFF'S DEPARTMENT AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION NON-DEPUTIZED DISPATCHERS, EXPIRING MARCH 31, 2014 (20111201\C03) (301c)

Commissioner Aufuldish: This is a result of fact finding, neither side agreed, therefore we went to conciliation. I would like to read a couple of the comments: The fact finder in this case found that the employer established that they had inability to pay. After reviewing all of the evidence and arguments presented the conciliator also agreed that the employer has an inability to pay. As a result in this agreement longevity has been frozen for three years, three personal days have been eliminated, sick time accrual has been reduced to 10 days per year, there will be six unpaid furlough days in the year 2012, and there will be no salary increase. Once you go to conciliation there is no turning back and then each side needs to adopt a resolution.

Commissioner Troy: Either side does have the option to take it to Common Pleas. 90% of this case agreed with the county's position.

Commissioner Sines: This has been a long process and we are happy to sign off on these agreements and move forward. There are no raises involved and there are some take backs included. In this environment it is difficult to be in a position where you can't reward people for their work. In many cases these folks have not received a raise in four or five years. **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 AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE LAKE COUNTY NARCOTICS AGENCY AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, EXPIRING MARCH 31, 2013 (20111201\C04) (301c)

Commissioner Troy: This story is a little bit different. In this case the conciliator agreed more with the employees union for the primary reason that they felt the money was available. The contract is for a 6% increase spread over three years, no furlough days, and no changes in longevity. It is a flaw in the system that basically says if the money is sitting there then they are entitled to it! And, we have no choice and I will move for the adoption reluctantly!

Commissioner Aufuldish: One thing that they did look at was various cities gave around a 2% increase to their police force. This contract will give them parity with the deputy sheriff's of Lake County, which they have been striving to do for quite some time.

**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 RECOMMENDING APPOINTMENTS OF 23 MEMBERS TO THE LAKE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE, FOR TERMS EXPIRING AUGUST 15, 2013 (20111201\C05) (500-F)

**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 AUTHORIZING EXECUTION OF A TWELVE (12) MONTH SELF-FUNDED HEALTH CARE AGREEMENT WITH ANTHEM BLUE CROSS AND BLUE SHIELD, EFFECTIVE JANUARY 1, 2012 (20111201\C06) (INS)

Bill Margalis, Administrative Director: We have been with UnitedHealthcare for the last ten years. This is a new agreement with Anthem starting January 1, 2012. This resolution will authorize the administrative portion.

**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 (20111201\BC01) (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

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“NAYS”: None

Commissioner Sines: We do have some representatives from the senior coalition interested in putting a levy on the ballot.

BY CAPTION:

RESOLUTION DECLARING THAT THE AMOUNT OF TAXES WHICH MAY BE RAISED WITHIN THE TEN-MILL LIMITATION WILL BE INSUFFICIENT TO PROVIDE FOR THE NECESSARY REQUIREMENTS OF LAKE COUNTY, DETERMINING THAT IT IS NECESSARY TO LEVY A TAX IN EXCESS AND OUTSIDE OF THE TEN-MILL LIMITATION FOR SENIOR CITIZENS SERVICE OR FACILITIES, SAID LEVY BEING A RENEWAL OF FOUR-TENTHS OF ONE MILL AND AN INCREASE OF ONE-TENTH OF ONE MILL (.1), TO CONSTITUTE FIVE TENTHS OF ONE MILL (.5) TAX FOR A PERIOD OF FIVE (5) YEARS, AND REQUESTING THAT THE COUNTY AUDITOR CERTIFY THE TOTAL CURRENT TAX VALUATION OF LAKE COUNTY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THE SAID FIVE-TENTHS OF ONE MILL (.5) TAX (20111201\C07) (C-5)

Commissioner Troy: The County Commissioners in 1992 put a Senior Citizens Levy on the ballot and the voters approved the levy to provide senior citizen programs and facilities. This levy was renewed in 1997 and 2002, and replaced in 2007 with a five year levy at four-tenths of one mill to expire at the end of 2012. Council on Aging, RSVP, and the senior centers throughout the county are interested in seeing this funding stream continue because it provides vital programs. The senior citizens coalition discussed their needs with the Commissioners and presented a forecast in terms of the senior population indicating an increasing demand for services. The levy is currently at a four-tenths of one mill and the coalition has requested an increase of one-tenth of one mill in order to continue the same level of service. In 2008 and 2009 this levy was collecting approximately \$2.9 million. There was an update of property values in 2009 and those values went down 10%. In 2010, the levy dropped to a collection level of \$2.7 million. In the last budget bill there was an immediate loss of funds due to state law changes in tangible personal property reimbursement and utility deregulation reimbursement resulting in the \$2.7 million dropping to an estimated \$2.6 million level for 2011. And, with the conclusion of the phase out of state reimbursement funds the amount will drop to \$2.5 million in 2012. In 2012, there will be a property tax reappraisal in the county and all the smart money is saying property values will drop another 10% based on market activity in the three proceeding years. If the current four-tenths of one mill remains the same that number will drop to \$2.25 million for collection in 2013, 2014, and 2015. The four-tenths of one mill on a \$100,000 home is \$14.00 and after state reduction factors is \$12.60. If the levy is approved at four-tenths of one mill with an additional one-tenth the increase would be at \$1.50 - \$2.00 per household, per year, and in total would be \$2.7 million and \$2.8 million starting in 2013, which is below the amount collected in 2008. The levy request is for the March 2012 ballot, which may become the April 2012 ballot. This resolution will ask the Auditor to certify what the millage will generate, which will be a misleading number because it will be applied against current property values. In analyzing this levy request and in order to continue to provide the current services it will not be capable with only a renewal of four-tenths of one mill.

Ellen Cantor, Council on Aging: I would like to thank the Board for considering this levy. It is very essential and has been voted affirmatively since 1982. This levy would not give excess and would allow for current operations to continue. Currently, there is a wait list for “Meals on Wheels,” and we serve over 200,000 meals per year in Lake County.

- The nutrition sites serve 200 meals per day.
- Commissioner Sines briefly discussed that the Mayor of Willoughby and Mentor City Manager are requesting just a renewal.
- Ms. Cantor explained that cities are having to make cutbacks. Ms. Cantor said, that a persons life can change on a dime and they could become homebound, and that the increasing age population needs to be considered.

Commissioner Aufuldish: I do not think that they have not gone through the math like we have and just see an increase. - Levy breakdown: 53% - Council on Aging assistance to the elderly, 42% - (10) Lake County Senior Centers allowing seniors to interact and have a purpose each day, 5% - RSVP keeping seniors engaged. An engaged senior spends \$3,000 less in Medicare funds.

Commissioner Troy: If I vote to put something on the ballot, I am basically saying that I am convinced that it is a worthy request to the voters.

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**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

UTILITIES: Randy Rothlisberger gave an update on a capital improvement project from this past spring as follows: \$100,000 was spent on a new variable frequency drive at the Aquarius Water Plant to allow for fewer pressure changes in the distribution system to reduce breaks. In the first six months of operation we saw a reduction of 44 breaks compared to an average over the last four years. An average cost for a break is \$2,000 saving \$88,000 during the first six months with a payback of three to five years on this investment. This has been a success greater than we expected.

STORMWATER: None - Jim Gills was present on behalf of Tim Miller.

JOB AND FAMILY SERVICES: Matt Battiato, Director announced that Lake County’s application has been chosen as a pilot county for an alternative response approach to Children Services. Having been selected a \$20,000 grant is included to assist with the implementation process.

ADMINISTRATIVE SERVICES: None

FINANCE: None

CLERK: None

LEGAL: None

OLD BUSINESS: There was no old business.

NEW BUSINESS: Commissioner Troy briefly discussed that a compromise between the Speaker of the House in Columbus and one of the Republican leaders regarding the congressional redistricting plan if approved by Legislature would hopefully avoid two primaries being held in 2012, an expense of great concern to county government throughout the state.

PUBLIC COMMENT: None

EXECUTIVE SESSION: On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the Board convened an Executive Session at 10:55 am to discuss pending litigation, 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 11:04 am.

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the Board terminated the Executive Session at 11:21 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 11:21 am, with the vote as follows:

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

Minutes approved this 15<sup>th</sup> day of December, 2011.

## **BOARD OF LAKE COUNTY COMMISSIONERS**

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RAYMOND E. SINES, PRESIDENT

DANIEL P. TROY, COMMISSIONER

December 1, 2011

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ROBERT E. AUFULDISH, COMMISSIONER

AMY ELSZASZ, CLERK