

LAKE COUNTY COMMISSIONERS' MEETING MINUTES

JERRY C. CIRINO, COMMISSIONER	JASON W. BOYD, ADMINISTRATOR
JOHN R HAMERCHECK, COMMISSIONER	LEGAL COUNSEL
DANIEL P. TROY, COMMISSIONER	MIKE MATAS, BUDGET DIRECTOR
JENNIFER BELL, CLERK	NEWS MEDIA

.....  
(Tape 2018-0322)

CALL TO ORDER: Commissioner Hamercheck called the Meeting to order at 10:04 a.m. Thursday, March 22, 2018.

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

OPEN TO THE PUBLIC: Commissioner Hamercheck asked if anyone in the audience wished to address the Board. No one present wished to address the Board at this time.

RESOLUTIONS:

**13. RESOLUTION RECOGNIZING DEVELOPMENTAL DISABILITIES AWARENESS MONTH MARCH 1-31, 2018 (20180322\F01)(C-126)**

On a motion by Commissioner Troy, seconded by Commissioner Cirino. The Commissioners recognized Lake County Board of Developmental Disabilities/Deepwood for Developmental Disabilities Awareness Month. Chris Bundy of the Lake County Board of DD/Deepwood, Lani Engle and Michael Sukalac, medalists in the Austrian Dance Competition, and State Bocce Champion, Madalyn Nolan, were present to accept the resolution and also presented the Commissioners with gifts. Commissioner Troy stated that Lake County has one of the best programs and staff in the State and thanks to voter support, they are now able to continue to provide these high quality services. Commissioner Hamercheck thanked them and congratulated them for their success. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None

**1. RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN EUTHENICS, INC. AND THE LAKE COUNTY BOARD OF COMMISSIONERS IN AN AMOUNT NOT TO EXCEED \$113,850.00 FOR THE LAK WAITE HILL ROAD BRIDGE REPLACEMENT (PID 101587) AND LAK MARKELL ROAD BRIDGE REPLACEMENT (PID 102069) PROJECTS (20180322\E01)(E-3)**

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

**2. RESOLUTION AWARDED A BID CONTRACT TO OSBORNE CONCRETE & STONE CO. FOR ROADWAY MATERIALS - 2018 AS REQUIRED BY THE LAKE COUNTY ENGINEER IN THE AMOUNT OF \$107,050.00 (PLANT MIX PAVEMENTS)(20180322\E02)(E-3)**

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

**3. RESOLUTION AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL AGREEMENT FOR LAK VROOMAN ROAD BRIDGE PROJECT PID NO. 105029 BETWEEN THE NORTHEAST OHIO AREA WIDE COORDINATING AGENCY AND LAKE COUNTY (20180322\E03)(E-20)**

On a motion by Commissioner Cirino, seconded by Commissioner Hamercheck. Commissioner Troy stated that this and the following two resolutions pertain to the Vrooman Road Bridge Project. Commissioner Troy had several questions for County Engineer, Mr. Gills. He stated that this resolution is required by NOACA due to some concern on their part (NOACA) that Lake County may be considering leaving NOACA. Commissioner Troy explained that the resolution authorizing signing of the SIB loan is basically rewriting the State infrastructure bank loan and will cost the County additional interest money in terms of paying for it over the years. Commissioner Troy questioned why the project will cost upwards of \$30 million once the project is complete. The original cost estimate was in the range of \$16 to \$18 million. Mr. Gills responded the estimate of the project had always been in the mid-twenty million dollar range due to delays and additional work required by the Federal Government which caused costs to increase over time. This cost estimate of \$29-\$30 million includes engineering, real estate fees and various other fee requirements. Commissioner Troy expressed his concern that there is still no contractor for this and concern over the amount of money that has moved from other projects in order to fund this bridge project. Commissioner Troy stated that information he received from NOACA stated that there was \$1.5 million earmarked for the Vrooman Road rehabilitation project from State Route 86 to State Route 84 and another \$1.605 million to rehabilitate Madison Avenue from the Painesville City corporation line to State Route 84 that was pushed out of the TIP Project Fund to accommodate funding the Vrooman Road bridge project cost overruns. He questioned whether the Vrooman Road bridge project is worth \$30 million once completed based on the postponement of other projects throughout the County. Mr. Gills explained the issues that he has experienced with NOACA and funding for other projects. He stated that they (the Engineers Office) requested Madison Avenue be placed back on the list for repair and that they feel NOACA has not fulfilled their obligation to the County. He also stated that NOACA seems to be funding more projects in Cleveland than the other outlying counties. Commissioner Troy questioned the reasons for the Route 84 entrance to the bridge closure due to the fragility of the hillside and what other fragile parts of the landscape they will encounter along with the many change orders. Mr. Gills responded that they are currently getting estimates to evaluate stabilizing and shoring up the wall/ hillside. The Board and Mr. Gills continued to further discuss the repair and costs of the wall repair, the possibility of reopening Route 84 entrance, history of the project, and the many complicated challenges the project has faced. Commissioner Troy inquired rather than spend \$30 million, why they are not looking into a more reasonable alternative. Mr. Gills stated that an alternate, less costly mid-level bridge would not qualify for federal funding. The steel beams for the current design have already been manufactured and

MARCH 22, 2018

he explained how costly it would be for the County to now look into changing the current design. For clarification, Commissioner Cirino asked if the projects that have been deferred would be placed back on the lists at some point. Mr. Gills responded that was correct and that they are simply postponed at this time. Commissioner Hamercheck asked if those projects have been deferred for two years or seven years. Mr. Gills stated they will have to wait to be placed back on the list. Commissioner Cirino stated he cannot speak to what the original cost estimate was, but when ODOT looks at the scope of the project and the cost of \$29 million at this time, given this place and this manner, they view the \$29 million cost as market price. Commissioner Cirino and Mr. Gills discussed some of the history and original motivation for this project. They briefly discussed how the bridge was chosen by the Emergency Operations Center as a secondary emergency evacuation route. Commissioner Troy asked what assurances the County has that any change orders and/or cost increases will be borne by ODOT and not the Lake County auto and license gas tax funds. Mr. Gills stated that these costs are the responsibility of Lake County. Commissioner Hamercheck addressed Assistant Prosecutor, Mr. David Hackman, stating that it is his understanding that as a Board of three members looking at these three resolutions, they have an obligation to proceed with this project, based on a settlement agreement. Mr. Hackman responded that, as the Board is aware, there was prior litigation in this matter and this is based on the settlement agreement (the County was represented by the law firm Benesch-Friedlander) with the Ruhlin Company. Lake County is required to cooperate with ODOT for the construction of this bridge. The settlement agreement was signed by the 2016 Board which required cooperation with ODOT. Commissioner Troy stated it reads "a project of this scope" and feels that it doesn't necessarily mean that a reduction to the scope of the project would be absolutely forbidden by this agreement. He also explained the reasoning behind the settlement and provided some background of the county's involvement with the Ruhlin Company. Commissioner Troy stated that, rather than spend \$30 million, he would prefer that Mr. Gills look into a more reasonable alternative. Mr. Gills responded that at this point, it would be quite costly to make any changes given that there are materials already in storage for the current bridge design and that any change to the project would not qualify for federal funding. The Board and Mr. Gills continued to discuss several details of funding, what exactly the County's responsibility is with this project and the reasoning behind the current bridge design. Mr. Gills stated that they are waiting on final approval for this project from the Department of Agriculture. They had 90 days to comment on the final submittal, which ended two weeks ago. Commissioner Troy clarified that until the approval is received from the Department of Agriculture and the funding is in place, this project cannot go out to bid. Mr. Gills reviewed the necessity for the approval of the resolutions on the agenda. Commissioner Troy explained that resolution #4 on the agenda alters the SIB loan and he reviewed the specifics of the other resolutions with Mr. Gills. Commissioner Hamercheck verified with Assistant Prosecutor, Mr. David Hackman, that NOACA indicated there was a push for a 'claw back' which is punitive in nature. He stated that it is this Board's understanding that there are no 'claw back' clauses and whether Lake County stays with or leaves NOACA, the County is under no obligation to payback more than what is owed at that instant in time. Mr. Hackman responded that was a correct statement. Commissioner Hamercheck also verified the proposed language ODOT objected to regarding the SIB loan and that the changes to the loan that would trigger automatic repayment of the SIB loans (plural) are not part of this and would not trigger anything adverse or have any unintended consequences. Mr. Hackman responded that was a correct statement. Commissioner Hamercheck addressed Mr. Gills about the Route 84 wall. They discussed several items including funding, closure of Route 84, its fragile hillside, inspections of the retaining wall, any necessary action, and the need to shore up the hill. Mr. Gills also addressed in detail, the funding for the Vrooman Road Bridge and Commissioner Hamercheck stated that theoretically, the Vrooman Road Bridge Project is fully funded. Mr. Gills further explained the funding process provided the Board adopts the resolutions on the agenda today. Commissioner Hamercheck asked Mr. Gills if the concerns with birds and bats had been addressed. Mr. Gills explained the costs, process and the timeline they are required to follow when addressing wildlife. Commissioner Hamercheck also asked if they have made arrangements should any American Indian tribal and burial grounds be unearthed. Mr. Gills stated that there will be an archeological individual on site should any Indian artifacts be unearthed and there is approval from 26 recognized US and Canadian Indian tribes. Mr. Chuck Klco, Leroy Township Trustee, stated on behalf of his constituents, the many reasons they are concerned with the road closure. Commissioner Hamercheck addressed Mr. Hackman regarding the original scope of the project and the road remaining open. Mr. Hackman stated that he would need to review the original agreement. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None

**4. RESOLUTION AUTHORIZING SIGNING OF THE FIRST AMENDMENT TO THE LOAN AGREEMENT AMONGST LAKE COUNTY AND THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) FOR THE VROOMAN ROAD BRIDGE PROJECT SIB LOAN AGREEMENT NO. 180005 AND PID NO. 105029 AND THE REVISED PROMISSORY NOTE (20180322\E04)(E-20)**

On a motion by Commissioner Cirino, seconded by Commissioner Hamercheck. Commissioner Hamercheck addressed Assistant Prosecutor, Mr. David Hackman, clarifying that the preceding discussions may apply to the remainder of Vrooman Road Project resolutions. Mr. Hackman responded that was correct. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None

**5. RESOLUTION AUTHORIZING THE LAKE COUNTY ENGINEER TO ENTER INTO AN LPA FEDERAL ODOT-LET PROJECT AGREEMENT WITH THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO FOR THE UPGRADING AND RELOCATING OF VROOMAN ROAD FROM IR-90 TO SR-84 IN LEROY AND PERRY TOWNSHIPS PROJECT (PID #105029)(2080322\E05)(E-20)**

On a motion by Commissioner Cirino, seconded by Commissioner Hamercheck. . Commissioner Hamercheck addressed Assistant Prosecutor, Mr. David Hackman, clarifying that the preceding discussions may apply to the remainder of Vrooman Road Project resolutions. Mr. Hackman responded that was correct. Commissioner Hamercheck added that there are funds currently available and allocated for change orders and any potential unforeseen issues. Mr. Gills stated that was correct; 3% is allocated. He stated that any change order greater than \$50,000 must be approved by the Board of Commissioners. Commissioner Troy requested to make a statement before casting his vote on this resolution. He explained that he has voted for more resolutions at this table to move this bridge project forward even at times to the consternation of one of his former colleagues on this Board.

Obviously his feeling is that this project should have been completed long ago and he continues to question the cost versus benefit ratio. He remains concerned that in this resolution, the County is committing to being responsible for any change orders. A project of this magnitude could have significant cost overruns and change orders well in excess of the \$650,000 that has been set aside. He would like to revisit who picks up those costs because the County is dealing with a finite source of revenue. He reviewed the need for road repairs throughout the County and where the funding for these repairs would come from. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Cirino and Hamercheck. "NAYS": Commissioner Troy

**6. RESOLUTION INCREASING APPROPRIATIONS FOR LAKE COUNTY DEPARTMENT OF UTILITIES WATER AND SEWER COUNTY ADMINISTRATION CENTER PROJECT FUNDS(20180322\U01)(UT-2)**

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

**7. RESOLUTION APPOINTING WALTER R. SIEGEL TO THE LAKE COUNTY OHIO PORT AND ECONOMIC DEVELOPMENT AUTHORITY BOARD OF DIRECTORS TO COMPLETE THE REMAINDER OF A TERM EXPIRING DECEMBER 31, 2020 (20180322\C01)(B-192) TABLED 1/16/18**

Commissioner Cirino made a motion to remove the resolution from the table. Commissioner Hamercheck stated that he is performing his due diligence before casting his vote on this matter. Commissioner Cirino apologized to Mr. Siegel and his family for the length of time this resolution is taking for a vote. Commissioner Troy suggested that this resolution be addressed at the final meeting in March. (March 29). No second for the motion was received. No action was taken on this resolution.

**8. RESOLUTION DECLARING THE LAKE COUNTY BOARD OF COMMISSIONERS' REGULAR MEETING SCHEDULE BEGINNING APRIL 5, 2018(20180322\C02)9C-107)**

On a motion by Commissioner Cirino, seconded by Commissioner Troy. Commissioner Troy stated that this resolution sets the meeting schedule until the end of June. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None

**9. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$1,901,924.01(20180322\BC01)(C-4)**

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

**10. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$434,427.97 (20180322\BC02)(C-17)**

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

**11. RESOLUTION INCREASING APPROPRIATIONS FOR A NON-GENERAL FUND ACCOUNTS(20180322\BC03)(C-111)**

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

**12. RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS(20180322\BC04)(C-111)**

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

DEPARTMENTAL REPORTS:

UTILITIES – none.

JOB AND FAMILY SERVICES – Commissioner Troy stated that CCAO had a lengthy discussion regarding the proposed work requirements for Medicaid expansions recipients. He stated that at this time there are still many unanswered questions. Director of Jobs and Family Services, Mr. Matthew Battiato, stated that it is difficult to comment on the mandates as his Department has not yet seen the rules. He is relatively sure that there will be additional costs and they are not sure who will be considered exempt from local eligibility.

COUNTY ADMINISTRATOR – none.

FINANCE – none.

CLERK –none.

LEGAL – none.

OLD BUSINESS: -none.

NEW BUSINESS: - Commissioner Troy stated that he was in Columbus to testify before the Senate Finance Committee regarding the Elections Machinery Bill. He explained that the equipment would be funded through "Certificates of Participation"; a form of short term funding (8 years) that would allow for all Counties to obtain enough funding to cover the cost of optical scan machines.

PUBLIC COMMENT: Commissioner Hamercheck asked if anyone in the audience wished to address the Board. No one present wished to address the Board at this time.

MARCH 22, 2018

EXECUTIVE SESSION: On a motion Commissioner Troy, seconded by Commissioner Cirino, the Board convened an Executive Session at 11:30 a.m. to discuss Legal-pending litigation with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None  
The Lake County Board of Commissioners adjourned to Executive Session at 11:45 a.m.

ADJOURN: On a motion by Commissioner Troy, seconded by Commissioner Hamercheck, the Board adjourned the meeting at 11:45 a.m., with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None

Minutes approved this thirty-first day of May, 2018.

**BOARD OF LAKE COUNTY COMMISSIONERS**

\_\_\_\_\_  
JOHN R. HAMERCHECK, PRESIDENT

\_\_\_\_\_  
JERRY C. CIRINO, COMMISSIONER

\_\_\_\_\_  
DANIEL P. TROY, COMMISSIONER

\_\_\_\_\_  
JENNIFER BELL, CLERK