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March 29, 2016

LAKE COUNTY COMMISSIONERS' MEETING MINUTES

JUDY MORAN, PRESIDENT	JASON W. BOYD, ADMINISTRATOR
DANIEL P. TROY, VICE PRESIDENT	LEGAL COUNSEL
KEVIN D. MALECEK, COMMISSIONER	MIKE MATAS, BUDGET DIRECTOR
KATHLEEN RUSSO, ASSISTANT CLERK	NEWS MEDIA

(Tape 2016-0329)

CALL TO ORDER: Commissioner Moran called the meeting to order at 2:05 p.m., March 29, 2016. Commissioner Moran asked for a moment of silence for the passing of longtime Willowick City Councilman Tom Wells.

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

APPROVAL OF MINUTES: Upon a motion by Commissioner Troy, seconded by Commissioner Malecek, the minutes of the regular meeting of March 24, 2016 were approved as follows: "AYES": Commissioners: Moran, Troy and Malecek "NAYS": None.

OPEN TO THE PUBLIC: Commissioner Moran asked if anyone in the audience wished to address the Board. Mr. Chuck Hillier, Painesville Township Trustee, of 926 Pebble Beach Cove in Painesville Township, thanked the Commissioners for their response regarding the request for a deed restriction for the access road the County will eventually be putting in along Bacon Road. The request from the residents is to prevent trash haulers from using the road. Mr. Hillier asked the Commissioners to reconsider their request for this deed restriction as the landfill development is moving east and the residents are concerned with future boards overturning any current decisions made by the Board. With the recent residential development in the area there are concerns for the future of the landfill and the traffic it will bring into the area.

Mr. Doug Smith of 1649 N. Shore Drive in Painesville Township, also asked that there be restrictions for the future access road. Mr. Smith thanked Commissioner Malecek for his kind response regarding the issue. Mr. Smith feels there is no reason for this not to be a limited access road. Mr. Smith stated he moved from Pittsburgh mainly due to the shoreline plan of the County. He enjoyed the bike path through the bluffs but explained it is now becoming an access road. Mr. William Moore of 1034 Spring Run Blvd. in Painesville Township, stated he has noticed an increase in school bus traffic and is concerned with the heavy equipment trucks using the same road. Mr. Donald Slater of 1038 Spring Run Blvd. in Painesville Township has lived in the development approximately 3 ½ years. He estimates that there are approximately 1,000 homes in the development area not including those homes south of the development. His concerns, besides the day to day residential traffic, is the addition of the trash haulers and heavy equipment vehicles. He stated the road was paved 3 years ago and is in very bad shape already. He would like this road to be an access road for emergency traffic only. Commissioner Malecek responded that he, as well as County Administrator Jason Boyd and Lake County Solid Waste personnel, met with the Township and explained to them at that time that the plan involved the possibility of additional landfill cells that would be moving eastward and the access road would be considered for emergency access only with the possibility of construction equipment traffic. There are no plans for the scales to be moved and they will stay where they are now. Commissioner Malecek explained that the Township Trustees were supplied a letter and received a phone call explaining that the County legal counsel advised against the deed restriction at this time. He added that the deed restriction could be rescinded by any future County officials and the intention of this Board is to only use this road as an access road with the potential for contractor vehicles and he hoped that the Trustees shared this information with the residents of the community. Commissioner Troy stated the primary purpose Lake County purchased the property was for it to be used as a buffer between the landfill and the residential development that has taken place after the landfill was established. He explained that landfills are strictly regulated by the state and there are stringent rules and regulations for the construction of future landfill cells. He reported that when he was in the legislature, a decision was made to compensate the host community that houses a landfill. Commissioner Troy stated he sees no scenario for a buffer other than its current intended purpose. There are currently no plans to put a road in but there may be a need for emergency access and ingress/egress use for construction vehicles during construction of future landfill cells, but not for trash hauling or secondary scale entrance. Commissioner Moran concurred with Commissioners Malecek and Troy that from the time the parcel was purchased, the County has maintained good open communication with the Painesville Township Trustees and it is not advisable to go against the recommendations of the County legal counsel. She explained that all the information pertaining to this matter has been very open and transparent and she stressed there are no plans for this property other than to act as a buffer between the landfill and housing development. The alternative could have been a private company purchasing the property as it is zoned heavy industrial. Mr. Smith explained he came to the meeting to hear first-hand the plans for the property and appreciates the Commissioner's explanation. Mr. Hillier stated he appreciates all the communication the County has had with the Township but pointed out that the current Board may not be in office ten to twenty years from now and the usage of the property could be changed. They are asking that the Commissioners reconsider the deed restriction. Mr. Smith asked what the status was for the bike path that was planned. Commissioner Troy responded there would be a meeting coming up to discuss lakefront development. County Administrator Boyd explained that the ultimate vision is to add a bike path to the area that would connect

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various other paths throughout the County. A Painesville Township resident asked who owns the landfill. Commissioner Troy responded it is owned by the Board of County Commissioners and operated by the Lake County Department of Utilities. He assured everyone that the County has been proactive with all landfill safety requirements as well as financial planning for the eventual safe closure of the landfill. Director of Utilities, Mr. Rick Martin, stated they have applied for a permit to install a new vertical cell that will follow the same horizontal footprint and assured the residents the buffer will stay wooded and there may be emergency vehicle access sometime in the future.

12. RESOLUTION PROCLAIMING APRIL 2016 CHILD ABUSE PREVENTION MONTH IN LAKE COUNTY (20160329\F02)(C-126)

On a motion by Commissioner Troy, seconded by Commissioner Malecek. The Job and Family Services Director, Mr. Matthew Battiato, thanked the Commissioners for their support of Child Abuse Prevention Month. Ms. Ali Tomaselli from National Child Abuse Prevention, Lake County will host Pinwheels for Prevention on April 6, 2016 at noon in Veteran's Park. 2,338 pinwheels will be placed out in honor of the number of child abuse phone calls received in the last year. Mr. Battiato invited everyone to attend the ceremony. Commissioner Moran stated that seeing the pinwheels is a very moving sight and she appreciates the incredible work the Department of Job and Family Services performs to protect our smallest and most valuable commodities. Commissioner Troy thanked the voters of Lake County for passing a levy for children's protective services. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Moran, Troy and Malecek "NAYS": None

13. RESOLUTION PROCLAIMING APRIL 5, 2016 AS NATIONAL SERVICE RECOGNITION DAY IN LAKE COUNTY, OHIO (20160329\F03)(C-126)

On a motion by Commissioner Troy, seconded by Commissioner Malecek. Ms. Cristen Kane, Director of RSVP, thanked the Commissioners for their support of National Service Recognition Day and expressed her gratitude to all the volunteers she has been blessed with. Ms. Kane stated she has 500 volunteers serving over 90 agencies. In 2015 the agency signed on 219 new volunteer placements, enrolled 55 new volunteers and served over 55,594 volunteer hours. Commissioner Troy stated they are in a new location, the STEM School of Innovation in Willoughby Hills. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Moran, Troy and Malecek "NAYS": None

11. RESOLUTION CONGRATULATING RICHARD L. MARTIN ON HIS RETIREMENT AS EXECUTIVE DIRECTOR (20160329\F01) (C-126)

On a motion by Commissioner Troy, seconded by Commissioner Malecek. Commissioner Troy read the resolution in its entirety. He stated that Mr. Martin has always judiciously followed the rules and the County is better for it. He wished him the best in his retirement. Commissioner Moran thanked him for all of his assistance over the past few years. She stated that she is going to miss him and wished him the best. Commissioner Malecek congratulated Mr. Martin on his retirement. Mr. Martin thanked the Commissioners, his employees, family and friends and everyone who showed up at the meeting today to support him. He thanked the citizens of Lake County for allowing him to serve them for 36 years. Numerous Department Heads and Supervisors thanked Mr. Martin for all of his dedication and hard work to the County as well as his mentoring and guidance. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Moran, Troy and Malecek "NAYS": None

RESOLUTIONS:

1. RESOLUTION INCREASING APPROPRIATIONS AND TRANSFERRING APPROPRIATIONS FOR HARDY ROAD AND OAKWOOD BOULEVARD WATERLINE REPLACEMENT 360-W AND OAKWOOD TO LAKE WATERLINE REPLACEMENT PROJECT 374-W, AND TRANSFERRING CASH FROM LCDU WATER DISTRICT TRANSFERS OUT (20160329\U01)(UT-2)

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

2. RESOLUTION AUTHORIZING ADVERTISING FOR BIDS FOR CHEMICALS FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (Bid Opening: April 20 2016) (20160329\U02) (UT-8)

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

3. RESOLUTION APPROVING PLANS, SPECIFICATIONS AND ESTIMATES OF COST IN THE AMOUNT OF \$1,120,986.88 FOR VICTOR DRIVE AND SYLVIA DRIVE WATERLINE REPLACEMENT PROJECT 354-W AND ADVERTISING FOR BIDS FOR SAME (BID OPENING: April 27, 2016) (20160329\U03) (UT-8)

On a motion by Commissioner Troy, seconded by Commissioner Malecek. Commissioner Troy asked if Madison Village was paying the tap-in fees for this project. Mr. Rothlisberger stated Madison is financing the entire project and has the support of Council. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Moran, Troy and Malecek "NAYS": None

4. RESOLUTION REVISING THE LAKE COUNTY BOARD OF COMMISSIONERS' REGULAR MEETING SCHEDULE (20160329\C01) (C-107)

On a motion by Commissioner Troy, seconded by Commissioner Malecek. Commissioner Moran stated the meeting of April 14th, 2016 has been changed to Tuesday, April 12, 2016 at 9:30 a.m. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Moran, Troy and Malecek "NAYS": None

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5. RESOLUTION AWARDING BID CONTRACT TO KUCERA INTERNATIONAL, INC. FOR THE LiDAR AND 2' ELEVATION CONTOURS PROJECT FOR THE LAKE COUNTY GIS DEPARTMENT (20160329\C02) (C-154-a)

On a motion by Commissioner Troy, seconded by Commissioner Malecek. GIS Director Mr. Jim Branch was present and stated he is happy to award this project to a local company and looks forward to beginning this project. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Moran, Troy and Malecek
"NAYS": None

6. RESOLUTION TO JOIN WITH THE LAKE COUNTY PROSECUTING ATTORNEY TO APPLY TO THE LAKE COUNTY COURT OF COMMON PLEAS, PURSUANT TO R.C. 305.14(A), TO EMPLOY AND COMPENSATE LEGAL COUNSEL TO ASSIST THE LAKE COUNTY AUDITOR IN ANY PROCEEDING BEFORE THE BOARD OF REVISION, OHIO BOARD OF TAX APPEALS, OHIO SUPREME COURT AND/OR ANY OTHER COURT OR TRIBUNAL INVOLVING THE REAL PROPERTY VALUATION OF THE PERRY NUCLEAR POWER PLANT AND THE EASTLAKE POWER PLANT (20160329\C03) (C-2)

On a motion by Commissioner Troy, seconded by Commissioner Malecek. Commissioner Troy explained this is a necessary resolution that formalizes the Auditors use of special legal counsel to address the appeals of valuation of the Perry Nuclear Power Plant and the Eastlake Power Plant; all legal fees will be paid out of the real estate assessment fund. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Moran, Troy and Malecek "NAYS": None

7. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$651,528.97 (20160329\BC01)(C-4)

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

8. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$326,698.76 (20160329\BC02)(C-17)

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

9. RESOLUTION INCREASING AN APPROPRIATION FOR A NON-GENERAL FUND ACCOUNT (20160329\BC03) (C-111)

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

10. RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS (20160329\BC04)(C-111)

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

DEPARTMENTAL REPORTS:

UTILITIES – Mr. Armand gave an update of the recent rains and how well the Department handled the amount of water received. Utilities Director, Mr. Rick Martin, introduced Mr. Randy Rothlisberger, Mr. Gary Fedak and Mr. Matthew Armand as the new leadership team in the Department of Utilities.

JOB AND FAMILY SERVICES - none

COUNTY ADMINISTRATOR – none

FINANCE - none

CLERK - none

LEGAL - none

OLD BUSINESS: - none

NEW BUSINESS: - none

PUBLIC COMMENT: Commissioner Moran asked if anyone in the audience wished to address the Board. No one present wished to address the board.

Commissioner Moran stated that the next Regular Commissioners' Meeting is scheduled for Thursday, April 7, 2016 at 10:00 a.m.

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EXECUTIVE SESSION:

Real Estate

EXECUTIVE SESSION: On a motion by Commissioner Troy, seconded by Commissioner Malecek, the Board convened an Executive Session at 3:12 p.m. to discuss Real Estate with the vote as follows: "AYES": Commissioners: Moran, Troy and Malecek "NAYS": None

The Lake County Board of Commissioners recessed Executive Session at 3:31 p.m.
The Lake County Board of Commissioners reconvened Executive Session at 3:32 p.m.

On a motion by Commissioner Troy, seconded by Commissioner Malecek, the Board returned to open session at 3:32 p.m., with the vote as follows: "AYES": Commissioners: Moran, Troy and Malecek "NAYS": None

ADJOURN: On a motion by Commissioner Troy, seconded by Commissioner Malecek, the Board adjourned the meeting at 3:32 p.m., with the vote as follows: "AYES": Commissioners: Moran, Troy and Malecek "NAYS": None

Minutes approved this twelfth day of April, 2016

BOARD OF LAKE COUNTY COMMISSIONERS

JUDY MORAN, PRESIDENT

KEVIN D. MALECEK, COMMISSIONER

DANIEL P. TROY, VICE PRESIDENT

KATHLEEN RUSSO, ASSISTANT CLERK