

LAKE COUNTY COMMISSIONERS' MEETING MINUTES

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

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

 (Tape 2014-0415)

CALL TO ORDER: Commissioner Troy called the meeting to order at 2:05 p.m., April 15, 2014.

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

APPROVAL OF MINUTES: Upon a motion by Commissioner Aufuldish, seconded by Commissioner Moran, the minutes of the regular meeting of April 10, 2014 was approved as follows:

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

OPEN TO THE PUBLIC: Commissioner Troy asked if anyone in the audience wished to address the Board. Commissioner Troy read a proclamation declaring Clean and Green Lake County for April 15 through May 31, 2014 and encouraged residents to take advantage of the Solid Waste District's special collections as they undertake cleanup activities. He thanked all the entities, The Ohio State University Extension, Lake County Solid Waste Management District, Lubrizol Corporation and McDonald's restaurants, that collaborate to make sure that every spring a little cleaning is done in Lake County. Computer collection is on Saturday, April 26 and Scrap Tire Collection is on Saturday, May 10.

Mr. Tim Gourley, SWD Coordinator, stated that the children's poster contest winners will be awarded on April 24, 2014.

RESOLUTIONS:

1. **RESOLUTION AWARDDING A BID CONTRACT TO HALLMARK EXCAVATING, INC. IN THE AMOUNT OF \$137,583.70 FOR THE OAKRIDGE-YELLOWWOOD DAM RESTORATION PROJECT IN CONCORD TOWNSHIP, OHIO (20140415\E01)(UT-46)**

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

2. **RESOLUTION AUTHORIZING A TEMPORARY RIGHT-OF-ENTRY AGREEMENT FOR THE MCMACKIN ROAD CULVERT REPLACEMENT AND SAFETY IMPROVEMENT PROJECT IN MADISON TOWNSHIP (20140415\E02)(E-11)**

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

3. **RESOLUTION AUTHORIZING ADVERTISING FOR REQUESTS FOR PROPOSALS FOR HOUSEHOLD HAZARDOUS WASTE COLLECTIONS (Open Requests for Proposal on May 7, 2014)(20140415\U01)(UT-8)**

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

4. **RESOLUTION ESTABLISHING APPROPRIATION LINE ITEMS TO BE KNOWN AS EAST DISTRIBUTION/MAINTENANCE GARAGE 271W PROFESSIONAL SERVICES-LEGAL AND CONTRACT PROJECTS AND INCREASING APPROPRIATIONS AND TRANSFERRING CASH FROM LCDU WATER DISTRICT (20140415\U02)(UT-2)**

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

5. **RESOLUTION TRANSFERRING APPROPRIATIONS FROM LCDU SOLID WASTE DISTRICT VEHICLES TO LCDU SOLID WASTE VEHICLE REPAIRS AND SUPPLIES (20140415\U03)(UT-2)**

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

6. **RESOLUTION INCREASING APPROPRIATIONS FOR KIRTLAND ROAD TO KING EDWARD CT. WATERLINE REPLACEMENT 343W PROFESSIONAL SERVICES-CONSULTANTS AND TRANSFERRING CASH FROM LCDU WATER DISTRICT (20140415\U04)(UT-2)**

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

7. **RESOLUTION CERTIFYING UNPAID SEWER AND WATER SUMS TO THE LAKE COUNTY AUDITOR (20140415\U05)(UT-7)**

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

8. **RESOLUTION AUTHORIZING THE LAKE COUNTY SHERIFF TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES-DIVISION OF WATERCRAFT TO OBTAIN MATCHING FUNDS IN THE AMOUNT OF \$31,224.73 FOR MARINE PATROL FOR THE YEAR 2014 (20140415\C01)(CT-10a)**

On a motion of Commissioner Moran, seconded by Commissioner Aufuldish.

Commissioner Troy stated there are sufficient funds on account to match this grant so there is no need to appropriate additional funds.

The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Aufuldish and Moran "NAYS": None

9. **RESOLUTION AUTHORIZING EXECUTION OF A DRUG LAW ENFORCEMENT FUND SUB-GRANT AWARD AGREEMENT (#2013-DL-LEF-5809) IN THE AMOUNT OF \$101,232.95 WITH THE OFFICE OF CRIMINAL JUSTICE SERVICES, EFFECTIVE THROUGH JANUARY 31, 2015 (20140415\C02)(CT-17a)**

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

10. **RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS NON-GENERAL FUND ACCOUNTS (20140415\BC01)(C-111)**

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

11. **RESOLUTION TRANSFERRING CASH AND APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS(20140415\BC02) (C-111)**

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

12. **RESOLUTION DECLARING APRIL 2014 FAIR HOUSING MONTH IN LAKE COUNTY, OHIO (20140415\F01) (C-126)**

On a motion of Commissioner Moran, seconded by Commissioner Aufuldish.

Ms. Marian Norman, HOME Program Manager, explained that this marks the 46th anniversary of the passage of Title 8 of the Civil Rights Act that established the Fair Housing Act and we join with the community in helping to provide those essential rights to the people to Lake County. HUD required that we act in the manner to affirm fair housing that was confirmed in a presidential executive order. HUD wishes to synchronize all activities that provide for fair housing whether it be education, employment or fair housing.

Commissioner Troy stated that the executive order required the County to eliminate any barriers that are out there to fair housing and he asked if they still existed or are they being minimized?

Ms. Norman replied that unfortunately discrimination still exists but it is more subtle and it happens all over the country. The partnership with the Fair Housing Resource Center is very important because they have the skills to test the market.

Commissioner Troy asked how to proceed if there is a violation. Who is the enforcing agency?

Ms. Norman answered that Office of Housing and Urban Development is one part and the State Law is equivalent to Federal Law and the Ohio Civil Rights Commission can be contacted and a complaint can be filed in Federal Court. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Aufuldish and Moran "NAYS": None

13. **RESOLUTION PROCLAIMING THE WEEK OF APRIL 21-26, 2014 NATIONAL COMMUNITY DEVELOPMENT WEEK (20140415\F02) (C-126)**

On a motion of Commissioner Moran, seconded by Commissioner Aufuldish.

Ms. Rhea Benton, CDBG Manager, explained that this is the second year the County is proclaiming National Community Development Week. All the funds and allocations were narrowed down to FY13 and broken down by HOME Program and CDBG funds and how they are allocated and the number of people served. The allocations for FY14 are known and are just a few thousand dollars less in CDBG from last year. The HOME Program received an increase in funding for FY14. They are receiving applications and look forward to reviewing them. The application deadline is May 16, 2014.

The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Aufuldish and Moran "NAYS": None

DEPARTMENTAL REPORTS:

UTILITIES - Commissioner Moran requested information from Mr. Al Saari for a resident on County Line Road.

JOB AND FAMILY SERVICES - Commissioner Troy stated that they picked a good weather day last week for holding the Pinwheels for Prevention event to support Child Abuse Prevention Month and that hopefully the Foster Parents Association fundraiser was a success.

COUNTY ADMINISTRATOR - Mr. Jason Boyd, County Administrator, stated that they are in the final stages of the new website rollout, which will go live in a few weeks at www.lakecountyohio.gov.

FINANCE - none

CLERK - none

LEGAL - none

OLD BUSINESS: - none

NEW BUSINESS: - Commissioner Troy reported that according to absentee voting, voter turnout has been light. He stated that Issue 1 is important. This is the first time the issue is not on the ballot for a November election. There are signs available urging people to vote for this issue, and they are available at CT Consultants on Sterling Avenue in Mentor. Issue 1 funding has been used by all local communities and our Lake County Utility and Engineer's departments.

Commissioner Troy reported that he recently co-chaired a Foreclosure Task Force meeting and discussed the "Save the Dream" Federal program that offers assistance through the Department of Housing and Urban Development for anyone in any stage of the foreclosure process or those who feel they will not be able to make the next mortgage payment. The deadline to register for the program is April 30, 2014. This is one opportunity that may prevent a foreclosure from happening. The qualifications include an annual household income of less than \$112,000, owing less than \$432,500 on the mortgage, and having a financial hardship such as lost income or medical bills.

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

Commissioner Troy reported the next Commissioner Meeting is scheduled for Thursday, April 24, 2014 at 10:00 a.m. and the Commissioners Meeting schedule for the summer will be placed on the agenda for the meeting. He wished everyone a happy holiday weekend on behalf of the Board.

EXECUTIVE SESSION:

- Legal - Pending Litigation

EXECUTIVE SESSION: On a motion of Commissioner Moran, seconded by Commissioner Aufuldish, the Board convened an Executive Session at 2:28 p.m. to discuss a legal relating to pending litigation, with the vote as follows:

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

The Lake County Board of Commissioners recessed Executive Session at 2:24 p.m.

The Lake County Board of Commissioners reconvened Executive Session at 2:28p.m.

On a motion of Commissioner Moran seconded by Commissioner Aufuldish, the Board terminated the Executive Session at 2:50 p.m., with the vote as follows:

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

Commissioner Troy stated that The Lake County Board of Commissioners received bids for a contract for Lake County of Utilities Maintenance Facility Project No. 271 and there has not been a contract awarded yet. There is a recommendation from Burgess & Niple. A correspondence was received from Sona Construction, LLC expressing their intent to dispute the contract award. Sona requested a meeting with the Commissioners.

Mr. Eric Levasseur, attorney with Hahn Loeser, was in attendance serving as legal counsel to Sona Construction for the Lake County of Utilities Maintenance Facility Project No. 271-W. Mr. Raman Patel, President of Sona Construction and Peter Patal and Sunil Desai Project Managers for Sona Construction were introduced.

Mr. Levasseur explained that a proposed \$5 million project based on the engineer's estimate and bids were submitted and opened. Burgess and Niple went through the evaluation process and on March 20, Burgess & Niple made the recommendation that Sona would not be the best bidder for the project and they respectfully disagree. This project was competitively bid out and would be awarded based on the lowest and best bidder standard. Taking that into account, there is no question that Sona came in as the lowest bidder as a combined bid and through separate bids. Information about Sona was distributed to the Commissioners with all the principals of Sona and their background experience and subcontractors. Sona has the appropriate bonding in place. Sona has not done a project of this size, but Mr. Patel and Mr. Desai have worked as Project and Construction Managers on projects much larger than this one.

Mr. Mark Hutson, Burgess and Niple, explained that RFC did not submit the list of subcontractors with the original bid, which is a bid irregularity that would be discussed afterward and they subsequently did provide the list. It is not a deal breaker.

Mr. Horacek asked Mr. Hutson to outline for the record the basis for Burgess and Niple's recommendation.

Mr. Hutson stated a primary factor is experience. He respects Mr. Patel's 50 plus years of experience, based on what he has supplied in the bid package. Sona supplied 32 projects including experience and cost, and as Mr. Horacek pointed out, the largest was 61% of the projects. The large project was a renovation and not new construction. It was for a general trades and plumbing contract and not the total comprehensive building of a new facility. This is what he looked for and he respects the experiences that they have had but he cannot consider what was not provided in the bid package.

Mr. Levasseur asked about the alternate not specified on the bid sheet but it was bid by Sona.

Mr. Hutson stated that it was discussed early on of taking an alternate for aluminum wire in lieu of copper. There would be significant deduct potential and chose not to include it in as part of the bid submittal and based it on the copper. The aluminum deduct was not on the bid form but it existed on the plans.

Commissioner Troy stated that the Commissioners have not made a decision and will discuss this further. The Commissioners today have permitted Sona the opportunity to discuss this issue. The documents submitted will become part of the record.

ADJOURN: On a motion of Commissioner Moran, seconded by Commissioner Aufuldish, the Board adjourned the meeting at 3:27 p.m., with the vote as follows:

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

Minutes approved this twenty-fourth day of April, 2014.

BOARD OF LAKE COUNTY COMMISSIONERS

DANIEL P. TROY, PRESIDENT

JUDY MORAN, COMMISSIONER

ROBERT E. AUFULDISH, COMMISSIONER

AMY ELSZASZ, CLERK