

LAKE COUNTY COMMISSIONERS' MEETING MINUTES

DANIEL P. TROY, PRESIDENT JASON W. BOYD, ADMINISTRATOR
KEVIN D. MALECEK, COMMISSIONER LEGAL COUNSEL
JUDY MORAN, COMMISSIONER JOEL DIMARE, BUDGET DIRECTOR
JENNIFER BELL, CLERK NEWS MEDIA

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(Tape 2015-0723)

CALL TO ORDER: Commissioner Troy called the meeting to order at 10:05 a.m., July 23, 2015.

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

APPROVAL OF MINUTES: Upon a motion by Commissioner Moran, seconded by Commissioner Malecek, the minutes of the regular meeting of July 16, 2015, were approved as follows:
"AYES": Commissioners: Troy, Malecek and Moran "NAYS": None

OPEN TO THE PUBLIC: Commissioner Troy asked if anyone in the audience wished to address the Board. Mr. Frank Hribar, 8201 Hunt Road in Kirtland Hills, requested that the Commissioners consider creating a county-wide "Democracy Day" to increase awareness and participation in local government. There is a lot of apathy for politics. Commissioner Troy asked that more information be furnished to the Commissioners. It was suggested that a proclamation be prepared for Constitution Day. Commissioner Malecek stated that he attended the first Democracy Day in Mentor and stated that anything that we can do to increase and promote public involvement in local government would be an admirable goal. Mr. Dave Lima, 7774 Litchfield in Mentor, stated democracy gives Lake County residents the opportunity to speak on this issue. Commissioner Malecek stated that Mentor residents voted approximately 75% for Democracy Day. Ms. Becky Lynch, 8040 King Memorial Drive, stated that we do not live in a democracy but in a constitutional representative republic. She would be okay with a proclamation as long as the proclamation makes it clear that we live in a republic. Constitution Day is September 17, 2015. She read Article 4, Section 4, of the Constitution, "The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature can-not be convened against domestic violence." A republic is the only form of government mentioned in the Constitution. Mr. Lima stated that the United States is a representative democracy or a democratic republic, which more accurately describes our form of government.

RESOLUTIONS:

- 1. RESOLUTION AUTHORIZING CHANGE ORDER NO. 2- FINAL FOR THE MCMACKIN ROAD CULVERT REPLACEMENT AND SAFETY IMPROVEMENTS PROJECT WITH HALLMARK EXCAVATING, INC., DECREASING THE TOTAL CONTRACT IN THE AMOUNT OF \$2,063.00(20150723\E01)(E-3)
On a motion of Commissioner Moran, seconded by Commissioner Malecek, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None
2. RESOLUTION AWARDDING A BID CONTRACT TO ARMS TRUCKING CO. FOR CINDERS IN 2015 IN THE AMOUNT OF \$117,250.00 AS REQUIRED BY THE LAKE COUNTY ENGINEER(20150723\E02)(E-3)
On a motion of Commissioner Moran, seconded by Commissioner Malecek, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None
3. RESOLUTION AWARDDING A BID CONTRACT TO CARGILL, INC. FOR TREATED ROCK SALT IN 2015 IN THE AMOUNT OF \$874,940.00 AS REQUIRED BY THE LAKE COUNTY ENGINEER(20150723\E03)(E-3)
On a motion of Commissioner Moran, seconded by Commissioner Malecek.
Commissioner Troy asked if the Engineer's Office was satisfied with this price because the price used to be much less.
Mr. Ted Galuschik, replied that this price is less than last year and he takes it as a good sign.
Commissioner Malecek asked if Lake County was in the rebate program on behalf of the State relating to a settlement for price fixing in the salt industry that was resolved recently and Mr. Galuschik replied that the County was in the program but stated that the County will probably not see much money from the settlement because it was \$11 million for the entire State.
The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None
4. RESOLUTION AWARDDING A CONTRACT TO D.B. BENTLEY, INC., FOR THE BLAIR ROAD RETAINING WALL REPAIR PROJECT (RW-0217-0109), PERRY TOWNSHIP, OH, IN THE AMOUNT OF \$48,700.00(20150723\E04)(E-3)
On a motion of Commissioner Moran, seconded by Commissioner Malecek, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None
5. RESOLUTION AUTHORIZING EXECUTION OF OHIO EPA FINDINGS AND ORDERS FOR THE LAKE COUNTY SOLID WASTE FACILITY (20150723\U01)(UT-26)
On a motion of Commissioner Moran, seconded by Commissioner Malecek.
Commissioner Troy stated that the County is regulated by the Ohio EPA for the landfill and there are certain corrective procedures and findings and this addresses those items using corrective measures.
Mr. Rick Martin, Department of Utilities Executive Director, explained that there are some operational deviations that have been remediated and few will be taken care of with obtaining a new permit. There were no environmental impacts found.

Commissioner Troy stated that the County is in compliance with HB 590.

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

6. **RESOLUTION AUTHORIZING EXECUTION OF AN ENGINEERING AGREEMENT WITH ENVIRONMENTAL ENGINEERING AND TECHNOLOGY, INC. FOR BACON ROAD WATER TREATMENT PLANT PROCESS IMPROVEMENT PLAN PROJECT 378-W FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES(20150723\U02)(UT-4)**

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

7. **RESOLUTION ACCEPTING A RAPE CRISIS FUND GRANT AWARD (ID#2015RCC16) IN THE AMOUNT OF \$45,803.57 FROM THE OFFICE OF THE OHIO ATTORNEY GENERAL ON BEHALF OF THE LAKE COUNTY PROSECUTING ATTORNEY'S VICTIM ASSISTANCE PROGRAM TO PROVIDE RAPE CRISIS SERVICES FOR THE GRANT PERIOD THROUGH JUNE 30, 2016 (20150723\C01)(CT-8aa)**

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

8. **RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS AND THE DEPARTMENT OF THE ARMY FOR THE SECTION 206 ARCOLA CREEK AQUATIC ECOSYSTEM RESTORATION STUDY, EFFECTIVE JULY 23, 2015(20150723\C02)(UT-46)**

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

Mr. Tim Miller, Director of the Stormwater Management Department, explained that this project was discussed a few weeks ago about conducting a feasibility study of the Arcola Creek Watershed to look at water quality improvements. The study will cost \$310,000 with a 50% match by the County. The Army Corps of Engineers will provide the other 50%. The time frame on this study is 2-2 ½ years. The study will be conducted by the Army Corps of Engineer personnel.

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

9. **RESOLUTION DECLARING CERTAIN REAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE AND AUTHORIZING THE TRANSFER OF SAID REAL PROPERTY TO LAKE METROPARKS FOR USE OUTSIDE OF THE ROAD RIGHTS OF WAY PURSUANT TO 307.10(B) OF THE OHIO REVISED CODE(20150723\C03)(C-87)**

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

Commissioner Troy stated that this resolution transfers a portion of Seeley Road to Lake Metroparks and the next resolution vacates the property.

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

10. **RESOLUTION TO VACATE A PORTION OF SEELEY ROAD IN LEROY TOWNSHIP(20150723\C04)(C-87)**

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

11. **RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$2,219,237.45(20150723\BC01)(C-4)**

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

12. **RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$385,620.27(20150723\BC02)(C-17)**

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

13. **RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS NON-GENERAL FUND ACCOUNTS(20150723\BC03)(C-111)**

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

14. **RESOLUTION TRANSFERRING CASH AND APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS(20150723\BC04)(C-111)**

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

DEPARTMENTAL REPORTS:

UTILITIES - none

JOB AND FAMILY SERVICES - none

COUNTY ADMINISTRATOR - none

FINANCE - none

CLERK - Ms. Bell reported that viewing of a portion of Dock Road proposed to be vacated will be held next week for the Commissioners consideration as required by the Ohio Revised Code.

LEGAL - none

OLD BUSINESS: - none

NEW BUSINESS: - Commissioner Troy reported that Athens County Commissioner President Lenny Eliason, requested all Ohio Boards of Commissioners to consider a resolution urging a moratorium on new injection wells in Ohio. Commissioner Troy stated that we will wait and see what the CCAO decides. He asked for opinions from

Planning and Engineering about the proposal.

Mr. Klco stated that there are two injection wells on Vrooman Road and 90 in Leroy and they are being watched carefully. He stated that these wells are a serious problem in Athens County.

PUBLIC COMMENT:

Ms. Becky Lynch, 8040 King Memorial Drive in Mentor, inquired about resolution #3 relating to an agreement for treated salt and asked if there was an additional expense for the salt to be treated?

Commissioner Troy stated that treated salt comes in at a much better price and it is more effective on the roads at lower temperatures.

Mr. Galuschik stated that there is a cost savings because less salt was used last winter with treated salt.

Ms. Lynch asked about resolution #7 relating to the rape crisis fund grant award and asked what agency the grant is for in the County and is it outside the General Fund?

Commissioner Troy stated that this is a grant through the Prosecutor's Office Victims' Assistance Program that is annually applied for because there is funding to address these grants. This spares the General Fund from totally financing it, and they are responsible for documenting how the money is used. The Commissioners are accepting the grant on their behalf.

Ms. Lurch asked for the Commissioner's thoughts about the Chattanooga shooter, Mr. Abdulazeez, being employed at the Perry Power Nuclear Plant and asked if any additional precautions were being taken to secure the facility?

Commissioner Troy stated that Mr. Abdulazeez did not clear a background check and was not hired by the Perry Power Nuclear Plant. The Commissioners do not control their personnel. The Plant operations are controlled by First Energy hiring practices and they are federally-regulated by the Nuclear Regulatory Commission.

Ms. Karen Anderson asked if the County had any involvement with the concrete recycling plant at the corner of Vrooman Road and 90? There are many residents who are concerned that it has diminished property values and that there will be environmental impacts to the Grand River.

Commissioner Troy stated that the County is not involved with the permitting process of that area. It would need to fit into the zoning code of Leroy Township and the facility probably needs permits from the EPA. It is up to the Auditor to appraise properties and they do not have any regulatory powers in the area. All the Commissioners can do is weigh in with comments, but use of this property is regulated by the township's zoning code.

Mr. Radachy stated that they are using the existing zoning code, which is industrial light commercial zoning.

Mr. Klco replied that they worked on their permits with the Army Corps of Engineers and residents who purchased homes in the area knew that the property was zoning industrial light. The Health District acts as agents of the EPA to ensure there is no air or water pollution or environmental degradation.

Mr. Klco replied that the plant is a temporary plant and thought that it would not be around for too much longer.

Mr. Klco thanked the Commissioners for passing the Seeley Road vacation and stated that this is a good example of local governments working together.

Ms. Susie Walters, 155 Hemlock Court, stated that she is a Trustee of the Painesville Area Senior Center and asked when the results of the senior study will be available?

Mr. DiMare replied that the staff has a draft of the report and it is in the process of review.

Ms. Walters asked how the study will impact the Painesville Senior Center in particular?

Commissioner Troy stated that the County purchased the building and they have up to one year to vacate the premises. The Commissioners encourage the Senior Center and the City to work together to determine a new location. Lake County has 12 senior centers and it is the smallest County in Ohio. There will be recommendations coming out of the study; however levy money will still be going to the centers.

Commissioner Troy stated that the next regular Commissioners Meeting will be held on Thursday, July 30, 2015 at 10:00 a.m.

ADJOURN: On a motion of Commissioner Moran, seconded by Commissioner Malecek, the Board adjourned the meeting at 10:50 a.m., with the vote as follows:  
"AYES": Commissioners: Troy, Malecek and Moran "NAYS": None

Minutes approved this fourth day of August, 2015.

**BOARD OF LAKE COUNTY COMMISSIONERS**

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DANIEL P. TROY, PRESIDENT

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KEVIN D. MALECEK

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JUDY MORAN, COMMISSIONER

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JENNIFER BELL, CLERK