

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

(Tape 2015-0811)

CALL TO ORDER: Commissioner Troy called the meeting to order at 2:05 p.m., August 11, 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 30, 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. No one present wished to address the Board at this time.

RESOLUTIONS:

1. RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR THE ADDITION OF LAK-VROOMAN ROAD BRIDGE AND ROADWAY IMPROVEMENTS PART 1 PID 5669 WITH THE RUHLIN COMPANY IN THE AMOUNT OF \$68,401.25(20150811\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 AWARDED A BID CONTRACT TO EASTON LEASING, INC. IN THE AMOUNT OF \$111,984.00 FOR THE METCALF ROAD BRIDGE REPAIR PROJECT (OPWC PROJECT NO. DGS06) OVER UNNAMED STREAM IN WAITE HILL VILLAGE, LAKE COUNTY, OHIO(20150811\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 INCREASING APPROPRIATIONS FOR LCDU SOLID WASTE DISTRICT TRANSFERS OUT AND TRANSFERRING CASH(20150811\U01)(UT-2)

On a motion of Commissioner Moran, seconded by Commissioner Malecek. Commissioner Troy stated that This resolution adds the appropriations to the post-closure fund and this will bring the amount to \$7.5 million. Under Ohio law, when a landfill completes its use, there is an expensive closure cost. It is a fiduciary responsibility from the EPA. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None

4. RESOLUTION INCREASING APPROPRIATIONS FOR STATE ROUTES 91 & 84 ELEVATED TANK PAINTING 357-W CONTRACT PROJECTS AND BACON ROAD WATER TREATMENT PLANT & RAW WATER PUMP STATION ROOF REPLACEMENT 368-W CONTRACT PROJECTS AND TRANSFERRING CASH(20150811\U02)(UT-2)

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 APPROVING PLANS, SPECIFICATIONS AND ESTIMATES OF COST IN THE AMOUNT OF \$1,175,591.00 FOR GLYCO II FORCEMAIN REPLACEMENT PROJECT NO. 364-S CONTRACT B AND ADVERTISING FOR BIDS FOR SAME (Bid Opening: September 2, 2015)(20150811\U03)(UT-9)

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

6. RESOLUTION APPROVING PLANS, SPECIFICATIONS AND ESTIMATES OF COST IN THE AMOUNT OF \$1,149,000.00 FOR FAIRPORT NURSERY ROAD WATERLINE REPLACEMENT PROJECT NO. 359-W AND ADVERTISING FOR BIDS FOR SAME (Bid Opening: September 2, 2015)(20150811\U04)(UT-9)

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 AMENDING THE SANITARY SEWERAGE, SOLID WASTE, AND WATER SUPPLY RULES AND REGULATIONS OF THE LAKE COUNTY DEPARTMENT OF UTILITIES(20150811\U05)(UT-41)

On a motion of Commissioner Moran, seconded by Commissioner Malecek. Commissioner Troy stated there are some minor changes discussed by Utilities and the Commissioners individually. He explained that 15 years ago all the rules and regulations were codified since they were standards by which they had to operate and they are reviewed annually. Mr. Randy Rothlisberger, Sanitary Engineer, stated that most of the changes are housekeeping items. The rules and regulations are reviewed annually and there are updates and public comment received. There were clarifications when a business changes its use relating to water capacity. There were only six items changed. Commissioner Troy stated that last year one change was made regarding high wall basement plumbing in order to help eliminate basement flooding. In the long run, this will definitely help neighborhoods in problem areas. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Troy, Malecek and Moran "NAYS": None

8. **RESOLUTION AUTHORIZING ADVERTISING FOR BIDS FOR COURTROOM AUDIO/VISUAL SYSTEMS FOR THE LAKE COUNTY COURT OF COMMON PLEAS (BID OPENING: September 16, 2015)(20150811\C01)(CT-1)**

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

Mr. Jim Walsh, IT Director for the Courts, explained that they went out to bid about five months ago and rejected the bids in order to make sure that they get the appropriate system. They have since expanded the system to include the hearing impaired and this is funded by the Special Projects Fund.

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

9. **RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS AND THE COMMUNICATIONS WORKERS OF AMERICA, LOCAL 4340, EXPIRING MARCH 31, 2018(20150811\C02)(301A)**

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

Commissioner Troy stated that the agreement is for three years and it includes employees in the Buildings & Grounds Department, Telecommunications, Building Department and Dog Shelter. There is a 2 ½% increase for each of the three years and a change regarding compensation for unused sick time that will mirror the County's policy and take affect in the third year.

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

10. **RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$2,220,237.88(20150811\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

11. **RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$1,177,232.49(20150811\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

12. **RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS NON-GENERAL FUND ACCOUNTS(20150811\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

13. **RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS(20150811\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 - Mr. Matt Armand, Public Service Coordinator for the Department of Utilities, reported that August 18, 2015 is the annual certification process. Any water and sewer accounts that are 90 days past due get removed from the account and attached to the property taxes along with a 15% administrative fee. They encourage customers to pay as much as they can now and they have informed customers on their bills and through social media.

Commissioner Moran asked if customers are able to set up payment plans or do they need to pay their bill in full? Mr. Armand replied that the Utilities Department tries to work with customers and set up good will payment plans before anything is placed on their property tax. They try to accommodate customers to the best of their ability.

JOB AND FAMILY SERVICES - none

COUNTY ADMINISTRATOR - none

FINANCE - none

CLERK - none

LEGAL - none

OLD BUSINESS: - none

NEW BUSINESS: - Commissioner Troy reported that a stormwater report was recently received by the Commissioners from the Federal Emergency Management Agency, and there were some concerns with the Barton Ditch and McKinney Creek flooding.

Mr. Tim Miller, Stormwater Management Director, explained that an informational meeting was held recently where they were looking for areas of concern that local officials may have and there were a few areas in Painesville Township such as the Barton Ditch, which is difficult to get water out of and this causes an inconvenience in a local apartment parking lot. FEMA is requesting other areas of concern be brought to their attention and they also wanted the County to be aware of some of the programs that they offer.

PUBLIC COMMENT:

Ms. Arzella Melnyk, 10506 Hobart Road in Kirtland, asked if all local police department's or the Sheriff's Office were informed about the resolution endorsing the matricula consular card prior to its adoption in 2005 to see if they had any concerns?

Commissioner Troy replied that to the best of his recollection the issue was submitted to the Lake County Prosecutor's Office and they were instructed to draft a non-binding ceremonial resolution. As Prosecutor Coulson previously explained, the card only identifies people as citizens of the Republic of Mexico. We did not instruct anyone to use it to supplement any other form of identification and the Prosecutor's Office would have advised the Commissioners if they were doing anything problematic.

Ms. Melnyk asked if local law enforcement was reached out for feedback? Commissioner Troy replied that they had no comment one way or the other and in 10 years there have been no comments from law enforcement.

Mr. John Muzik, Mr. John Muzik, 45 Coventry Drive in Painesville Township, stated that during Congressional Testimony in 2003 they were discussing this card and the Commissioners endorsed the card in 2005. A previous Chief Deputy of the Sheriff's Department sent an opinion on the resolution. There was an on-going opinion about the use of the card. A Lake County resident did not bring this forward, it was another government and he asked why Lake County would endorse the card and be the only local County to endorse the card?

Commissioner Troy reiterated that the Prosecutor stated that the card has absolutely no bearing or use and the resolution was ceremonial. A person carrying the card indicates that they are a citizen of the Republic of Mexico. The position of the board is that the resolution will not be revisited. We do not desire illegal immigrants in the County. The Commissioners uphold the Constitution of the United States and control of our borders is the Federal Government's responsibility and hopefully Congress comes up with an enforceable law.

Mr. Muzik stated that out of all the counties why did Lake County endorse this card with a resolution? Commissioner Troy stated he is not aware of what others counties did?

Mr. Angelo Cimaglio, 477 Owego Street in Painesville, stated that the Commissioners refute that Lake County is a sanctuary county and he asked who first proposed this to the County and why? He asked if it was the nurseries so that their employees can cash their checks at a bank?

Commissioner Troy stated that if you look at the minutes of 2005, the President of the Board was Commissioner Aufuldish and a representative of HOLA and The Mexican Consulate from Detroit made a presentation about the card. At that time it was noted that the card does not supplant legal citizenship or entitle people to any special privileges or rights and they agreed. He stated that this is America and people are entitled to their opinions but people are not entitled to their own facts.

Mr. Hal Werner, 551 S. State Street in Painesville, reported that he was a Painesville City Councilperson in 2008 and asked Council at that time to pass legislation for them not to acknowledge the matricula card. Because many illegal immigrants are in possession of this card. Painesville City Council voted that they would not accept this card and he asked that the County rescind the 2005 resolution endorsing the card because the card is extremely controversial.

Commissioner Troy stated that we do not acknowledge acceptance of the card for any purpose.

Commissioner Moran asked for Ms. Melnyk's interpretation of the card.

Ms. Melnyk believes that banks do accept the card and it is like putting out a welcome mat for illegal immigrants. This card cannot be verified according to the FBI.

Commissioner Troy stated he would like to know what banks allow the use of the card.

Mr. Cimaglio stated that it comes down to perception. Endorsement of the matricula card is seen as a welcome mat. Painesville officials have been on national television shows and wrote letters to Congress stating that we accept the card. He does not see the need for the resolution.

Mr. Muzik stated that he gave the Commissioners a copy of an article in the HOLA Journal indicating all the benefits of holding a matricula card and the resolution. He thought that the resolution should never have been adopted.

Commissioner Troy stated that the Commissioners are not promoting the fact that this ceremonial resolution was adopted and it appears that others keep bringing this up and it is time to move on.

Commissioner Troy stated that the next regular Commissioners Meeting will be held on Thursday, August 20, 2015 at 10:00 a.m. The Lake County Fair begins Tuesday, August 18, 2015.

EXECUTIVE SESSION:

- Personnel - employment
- Legal - potential litigation

EXECUTIVE SESSION: On a motion of Commissioner Moran seconded by Commissioner Malecek, the Board convened an Executive Session at 2:45 p.m. to discuss personnel matters related to employment and legal matters related to potential litigation with the vote as follows:

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

The Lake County Board of Commissioners recessed Executive Session at 2:45 p.m.

The Lake County Board of Commissioners reconvened Executive Session at 2:50 p.m.

On a motion of Commissioner Moran seconded by Commissioner Malecek, the Board returned to open session at 3:27 p.m., with the vote as follows:

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

ADJOURN: On a motion of Commissioner Moran, seconded by Commissioner Malecek, the Board adjourned the meeting at 3:28 p.m., with the vote as follows:

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

Minutes approved this twentieth day of August, 2015.

BOARD OF LAKE COUNTY COMMISSIONERS

DANIEL P. TROY, PRESIDENT

KEVIN D. MALECEK

JUDY MORAN, COMMISSIONER

JENNIFER BELL, CLERK