

**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
KATHLEEN RUSSO, ACTING CLERK	NEWS MEDIA

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(Tape 2015-0922)

CALL TO ORDER: Commissioner Troy called the meeting to order at 6:37 p.m., September 22, 2015.

ROLL CALL: Upon the roll being called all were present. Without objection, at some point, the public hearing on Democracy Day will be recessed to take care of some business during the regular meeting, and then reconvene into the Democracy Day public hearing so that everyone will be able to participate. Commissioner Troy stated that Democracy Day is sponsored by Commissioner Malecek and asked him to further explain the event. There is a sign in sheet available.

PUBLIC HEARING DEMOCRACY DAY: Commissioner Malecek explained the purpose and concept of Democracy Day. This is an effort that started last year in the City of Mentor and it is a chance for the public to come forward and express their views especially related to the Citizens United case that was in front of the Supreme Court. Speakers will be limited to three minutes each.

Ms. Connie Kline, 38531 Dodds Landing Drive, indicated her opposition to unlimited political donation by corporations and billionaires to influence elections. The next Presidential election is estimated to cost \$10 billion, which is obscene. She also listed the top 10 corporations who donated the most to campaigns.

Mr. William Quigney, 8275 Steeplechase Drive, if you Google campaign financing the U.S. is the only place where there is no campaign finance laws. People serving in office to serve the public office get shy when accepting money from corporations. The remedy is to amend the constitution. Money is not speech and corporations are not people and this is ground zero for change.

Commissioner Troy stated that it takes two-thirds of both the House and Senate to pass the identical resolution and then be sent to 50 state legislatures and 38 have to approve it in order to amend the constitution. It is a long and involved process.

Ms. Beth Falkner-Brown, stated that it is an honor to be here this evening to see grassroots democracy in action. Mr. David Lima, 7774 Litchfield Drive, thanked the Commissioners for Proclaiming today, September 22 as Lake County Democracy Day and sponsoring this public forum. Mentor residents cast 70% affirmative vote last November to host a biennial Democracy Day. A Reuters poll found that 75% of Americans think there is too much money in politics and 76% think the amount of money elections gives the wealthy and corporations more influence than other Americans and studies done have indicated that this is true.

Ms. Judy Willour, 7439 Case Avenue, stated that the necessity to raise large sums of money deters many good people from seeking office, at the state and national levels the candidates amount of time for fund raising is 40-70% when the majority of their time should be spent on studying issues thoroughly and reading legislation, the amounts of money allowed to come to political campaigns causes a constant state of fundraising, and gradually the corporate person has emerged through a series of Supreme Court decisions. She urged the Commissioners to pass a resolution endorsing the "We the People" amendment.

Mr. Ron Prosek, 7439 Case Avenue, stated that local political campaigns can be overwhelmed with money and he cited the example of Ms. Evelyn Kiffmeyer a former Mentor Councilwoman who did not accept large amounts of political contributions. Her opponent accepted large money and ended up winning. This was an election process that was distorted and corrupted by the power of money. The proposed constitutional amendment would make sure the political playing field is fair.

Commissioner Troy agreed that Ms. Evelyn Kiffmeyer was an outstanding Councilwoman in Mentor. He worked with her on many issues over the years.

Mr. Frank Hribar, 8201 Hart Road, thanked the Commissioners and stated that the rule of the country is a democratic-republic or representative democracy. He explained the term republic is not descriptive and can be applied to many forms of government ruled by people. Ours is a democratic variety. The country has given sovereign rights to corporations. It is unfair and unjust representation. The only way is to eliminate the idea that money is speech.

Ms. Patricia Denny, 7465 Mountain Quail, stated that since the Supreme Court decision in 1886 saying that corporation is a person, the political processes has become increasingly more tightly manipulated by a small, wealthy and exclusive. She also encouraged the Commissioners to support a resolution supporting the "We the People" amendment.

Commissioner Troy recessed the Democracy Day Public Hearing and opened the Regular Commissioners Meeting at 7:00 p.m. without objection.

APPROVAL OF MINUTES: Upon a motion by Commissioner Moran, seconded by Commissioner Malecek, the minutes of the regular meeting of September 10, 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.

Ms. Becky Lynch, 8040 King Memorial Drive in Mentor, stated that she rises in support of our Republic. For ideological purposes we live in a Republic and it is more representative of our country than democracy. Ms. Lynch thanked the Commissioners for holding an evening meeting and hopes that it is one of many. She distributed a letter to the Commissioners about our Republic.

RESOLUTIONS:

1. **RESOLUTION TRANSFERRING APPROPRIATIONS FROM LCDU EAST DISTRIBUTION MAINTENANCE BUILDING 271-W CONTRACT PROJECTS TO PROFESSIONAL SERVICES-CONSULTANTS(20150922\U01)(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

2. **RESOLUTION AUTHORIZING EXECUTION OF AN ENGINEERING AGREEMENT WITH DLZ OHIO, INC. FOR THE HAWTHORNE WOODS WATERLINE IMPROVEMENT PROJECT 380-W IN CONCORD TOWNSHIP(20150922\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

3. **RESOLUTION AWARDED A BID CONTRACT IN THE AMOUNT OF \$757,802.39 TO A.W. FARRELL & SONS, INC. FOR BACON ROAD WATER TREATMENT PLANT & RAW WATER PUMP STATION ROOF REPLACEMENT PROJECT 368-W (20150922\U03)(UT-8)**

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

Commissioner Troy stated that the bid came in 9% under the engineer's estimate, which is good news.

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

4. **RESOLUTION APPROVING LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES VOUCHERS DATE OF WARRANT SEPTEMBER 28, 2015, IN THE AMOUNT OF \$486,845.79(20150922\JFS01)(JFS-14)**

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 AN ECONOMIC DEVELOPMENT LOAN FUND AGREEMENT BETWEEN THE BOARD OF LAKE COUNTY COMMISSIONERS AND HARBOR INN PARTNERSHIP, LLC IN THE AMOUNT OF \$125,000 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS(20150922\C01)(C-46)**

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

Commissioners Troy introduced Ms. Rhea Benton from the CDBG Grants Office, who has worked in partnership with the Lake County Port Authority.

Ms. Rhea Benton explained that CDBG funds are used to stimulate economic development within the county and the program provides loans to businesses and in return for the use of public funds the businesses provide private investment and job opportunities.

Mr. Tim Cahill, from the Lake County Ohio Port & Economic Development Authority, stated that two partners of the Harbor Inn Partnership are present at the meeting. Harbor Inn will be using the funds for part of an equipment purchase for a new micro-brewery and restaurant in Downtown Willoughby. The loan will be secured by a second position through Huntington National Bank.

Mr. T.J. Reagan, Harbor Inn partner, stated that the partners are all experienced and stated that the job creation aspect will be exceeded exponentially. He thanked the Commissioners and stated this is an exciting project. The threshold on the loan is establishing 6 full time jobs and they anticipate on creating 40-50 jobs in the future. The businesses will be located in a thriving entertainment district. There are four experienced partners involved minimizing any risk. They intend to begin construction in the next 30-60 days. This is a seven figure project.

Commissioner Troy stated that this program was established to encourage community and economic development and the creation of jobs. It is gap financing and this is a 10 year loan at a 5.25% interest rate. It is a partnership between the county and local businesses.

Commissioner Malecek stated that taking the success of the entertainment area in Downtown Willoughby and moving the activity down the road a little will be successful and the creation of jobs is always positive.

Commissioner Moran wished the business good luck and stated she is looking forward to the opening.

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

6. **RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$2,803,071.69(20150922\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

7. **RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$756,652.71(20150922\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

8. **RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS NON-GENERAL FUND ACCOUNTS(20150922\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

9. **RESOLUTION TRANSFERRING CASH AND APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS(20150922\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 the last Special Collections, Household Hazardous Waste, will be held this Saturday, September 26, 2015, from 9:00 am to 3:00 pm at the Lake County Fairgrounds. A handout was available to the residents at the meeting. Last year over 130 tons of items were collected. Mr. Armand thanked the Commissioners for their continued support. Commissioner Troy stated that this helps Lake County residents dispose of items properly and also helps the environment.

JOB AND FAMILY SERVICES - none

COUNTY ADMINISTRATOR - none

FINANCE - none

CLERK - none

LEGAL - none

Commissioner Troy stated without objection he would like to recess the Regular Commissioner's Meeting at 7:15 pm and go back into the Public Hearing for Democracy Day.

Ms. Kathy Dangetha, 24 New Concord, stated that if the amendment does pass nationally if big contributors want a new place to put their money, how about for education? Efforts in the prisons and jail more than half the prison population does not have a high school degree or formal education. Educational efforts in these institutions would be greatly welcome. Funding should be greatly increased for public education, teacher salaries, and she encouraged everyone to support providing two years of community college to anyone who is interested. In a democracy, everyone deserves a good education.

Commissioner Troy stated that he understands that in Japan, no one who has been incarcerated gets out until they achieve a certain level of literacy. On school funding, our legislators need to do their best to make sure the public is properly educated.

Mr. David Morse, 8202 Plains Road, stated that some people do not chose the path to make money but they still have worthy occupations, but when it comes to voting, you still only have one vote. The Supreme Court can rewrite the definition of a "person". A corporation is not a person. He stated that he enjoyed this evenings invocation.

Mr. Brian Rice, 46 Tanners Farm Drive, he helped a little with "Move to Amend" in Mentor and he attended Better in Mentor days when he asked people if they thought there was too much money in politics and a vast majority of people would support this amendment change. People support legislation regarding issues like immigration reform, gun control and climate control, but the legislation does not happen. He stated that dark money since 2006 spending increased 60 fold. The money did not have to be disclosed. This issue affects local, state and national politics as well as school boards.

Mr. Dale Fellows asked if there was any resolution to pass it should be more appropriate where you take your oath of office supporting the U.S. Constitution and the State of Ohio. He agrees about the need for more education. You should begin with civics and basic understanding of the Constitution and do history on why the founding fathers formed a Republic.

Commissioner Troy stated that the Commissioners take an oath of office and are bound to support the Constitution. The founding fathers did not afford the female population the right to vote in the initial Constitution so things have changed over the years.

Commissioner Troy thanked everyone for attending. This is a serious issue of concern. Too often today, the candidates' committee are not paying for the ads but it is coming from third parties. The Citizens United decision allows them to spend money without indicating where the dollars come from. The Commissioners, under Ohio Law, have to report all campaign contributions over \$25.00 and all sources of campaign expenditures. As a state Legislator for 14 years, there was a bit of a pay to play atmosphere and it is much worse these days. This issue is up to the people to demand change.

Commissioner Moran thanked everyone for coming out and for their research. Commissioner Moran stated that she won her first election by 8 or 9 votes. Her bakery customers were her campaign committee and her first fund raiser was in her bakery's parking lot. It could not be any more grassroots. When people run for election and are willing to spend hundreds of thousands of dollars to win an election that does not pay that much, one has to look at their motivation and end game.

Commissioner Troy adjourned the Democracy Day Public hearing at 7:35 p.m. Without objection they returned to the Regular Commissioners Meeting.

OLD BUSINESS: - none

NEW BUSINESS: - Commissioner Troy reported that CCAO met last Friday in Columbus and took positions on all three of the State ballot issues. Votes took place to endorse State Issue 1 to change the re-districting process in the State of Ohio. Issue 2 which is the anti-monopoly amendment was supported and Issue 3 received a 33 to 1 vote to oppose the marijuana legislation amendment. There was a strong opinion that we need to not stop legislating in the State Constitution.

Commissioner Malecek stated that a resolution to declare October Manufacturing Month because 25% of jobs in Lake County are attributed to manufacturing, and a Manufacturing Round Table Summit will occur at the end of that month to ensure those companies will have employees.

PUBLIC COMMENT:

Ms. Arzella Melnyk, 10506 Hobart Road in Kirtland, stated at the last Commissioners Meeting the resolution for Democracy Day was adopted. There was a question brought up about out of state organizations being involved and Commissioner Malecek stated that he was approached by local residents that requested Democracy Day and if that is correct, approximately how many residents approached him on the resolution?

Commissioner Malecek stated that many people in the audience, which is about 30, and residents of the City of Mentor voted affirmatively that amounted to 10,000 people.

Ms. Melnyk asked if Lake County residents contact him and ask him to rescind the Mexican matricula card resolution would he support that resolution?

Commissioner Malecek stated that the difference is that this is providing a public forum to have open dialog about a specific issues whereas she is asking the Commissioners to take action on something that they do not have authority over immigration policy.

Ms. Melnyk asked if he would be willing to revisit it because it was not a federal resolution.

Commissioner Troy stated that this issue was a ceremonial or goodwill resolution ten years ago. The Commissioners did not define the benefits, and did not instruct county officials to accept them as legitimate identification. The Prosecutor said that the resolution has no standing or impact. There have been no complaints from any Lake County law enforcement agency.

Ms. Melnyk asked Commissioner Moran if she would revisit the resolution?

Commissioner Moran stated that at this time the resolution will not be revisited as the President of the Board

Commissioner stated.

Mr. Brian Rice, stated that he supports the decision of the matricula identification card. He stated that he has been at St. Mary's during matricula day and he stated these are good people and they contribute to the economy, and he supports immigrants undocumented or otherwise.

Ms. Becky Lynch, 8040 King Memorial Drive in Mentor, asked about Resolution #5 and the execution of an Economic Development Loan Fund with Harbor Inn and asked if there was a match?

Commissioner Troy stated that it is \$125,000 of federal pass-through funds and it is a revolving loan fund. This loan and the other loans are paid back with a 5.25% interest that goes back into the revolving loan fund. It is used to bridge the gap of financing business development or expansion. This particular project is a seven figure project so they have acquired substantially greater financing elsewhere. This is not a grant; it is a loan that will be paid back.

Ms. Arzella Melnyk, stated that unfortunately we have illegal immigrants in our country. As a Lake County residents she should have the right to know who lives in her community and we do not know anything about them.

Commissioner Troy stated that it is not the County's job. This falls under the purview of the Federal Government and they need to pass workable immigration laws because what they have now does not work.

Mr. Rice stated that Senate Bill 744 would bring the immigrants out of the shadows and required them to pay taxes, but it did not make it out of the Senate. Immigration reform is desperately needed.

Commissioner Moran understands her concerns but the card cannot be used by itself because it is a non-issue.

Ms. Melnyk stated she feels when the resolution was passed it opened the door for immigrants.

Commissioner Troy stated that the card indicates that the person is a citizen of the Republic of Mexico.

Commissioner Troy stated that the next regular Commissioners Meeting will be held at 10:00 a.m. on Thursday, October 1, 2015.

EXECUTIVE SESSION:

- Legal - pending litigation

EXECUTIVE SESSION: On a motion of Commissioner Moran seconded by Commissioner Malecek, the Board convened an Executive Session at 7:50 p.m. to discuss legal matters related to pending litigation with the vote as follows:

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

The Lake County Board of Commissioners recessed Executive Session at 7:52 p.m.

The Lake County Board of Commissioners reconvened Executive Session at 8:02 p.m.

On a motion of Commissioner Moran seconded by Commissioner Malecek, the Board returned to open session at 8:45 p.m., with the vote as follows:

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

ADJOURN: On a motion of Commissioner Moran, seconded by Commissioner Malecek, the Board adjourned the meeting at 8:46 p.m., with the vote as follows:

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

Minutes approved this eighth day of October, 2015.

#### **BOARD OF LAKE COUNTY COMMISSIONERS**

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DANIEL P. TROY, PRESIDENT

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KEVIN D. MALECEK, COMMISSIONER

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JUDY MORAN, COMMISSIONER

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KATHLEEN RUSSO, ACTING CLERK