

ERIE COUNTY COMMISSIONERS

REGULAR SESSION

THURSDAY, FEBRUARY 21, 2019

ALL PRESENT

President Shenigo called the meeting to order at 9:30 a.m. The meeting was opened with the Pledge of Allegiance and a prayer was given by Probate Judge Beverly McGookey.

Assistant Prosecuting Attorney Gerhard Gross was also present.

Students from the Regional Center for Advanced Academic Studies. The Commissioners welcomed third grade students from the Regional Center for Advanced Academic Studies. Before coming into the Commission meeting, the students visited Veteran Services. A tour of the Services Center and Annex are planned, along with time in the Microfilm Department and at the Dog Pound.

Public Comment.

Emerson Creek Wind Farm. Roger Hunker, Development Associate; Sarah Moser, Development Manager; and Nate Pedder, Development Manager, from Apex Clean Energy were present for this session.

Tammy Slaughterbeck, Groton Township, commented on an article in the *Sandusky Register*, referencing a "Between the Lines" interview with APEX about the planned wind farm and the advantages of a Payment of Lieu of Taxes (PILOT) program. There were comments made by APEX about the negative reactions from impacted property owners. She was disappointed that only one side of the issue was reported. She also presented a letter from Tim Wrenn, Strecker Road, responding directly to the "Between the Lines" interview with APEX that was the topic of that article, specifically referring to statements from Sarah Moser comparing taxes collected under the PILOT to those from manufacturing.

Mr. Shenigo explained the project - constructing 19 wind turbines in Erie County - and what Ms. Slaughterbeck's comments were regarding, to the students at the meeting. A public meeting is scheduled for next Tuesday, February 26, at Bellevue Elementary School, and Mr. Pedder asked about the format and what is expected from APEX. The Commissioners plan to limit public comment to 2-3 minutes a person, and would like Apex to present information regarding revenues. Mr. Pedder said the focus will be on the PILOT, and noted that it is possible to be against the project, but for the PILOT. Mr. Old suggested a 10-15 minute presentation by Apex, followed by public comment, and a time for Apex to answer questions or offer a rebuttal to comments.

Auditor Rick Jeffrey, who was at the meeting for the Budget Hearing, said he is working with Apex to get numbers related to tax collections and payments to municipalities and schools, with and without the PILOT. He said, though, that he still needs some information from Apex, with Mr. Pedder saying he will get that to Rick by the end of today. Ms. Moser noted that Apex has not done a project without a PILOT in place, so she does not have numbers for him to compare to.

Mr. Shenigo mentioned that he has heard concerns about installing these structures, and the footers they stand on, in the karst area in Groton Township. However, he was told that Apex has built other projects in karst areas, and a geotechnical analysis will be done at each turbine location. This is an issue that they have dealt with before. Mr. Shoffner would like to have a map with site locations for each proposed turbine available at the February 26 meeting.

Pete Daniel re Various Issues.

Sales Tax Report. Pete presented an update on sales tax revenues. February collections, for November 2018 sales, amounted to \$1,207,968.58. This is up 4.82% compared to January collections, which had been flat. Year-to-date, receipts are 0.35% above budget. He said, however, it is too soon to determine a trend.

Consolidated Budget Hearing - General Fund. Present were Ed Widman, Director of Finance, and Melissa Tomaro, Assistant Finance Director; Public Defender Jeff Whitacre; Judge Roger Binette, Court Administrator Vickie Fitzgerald, and Judicial Administrator Lori Rickenbaugh; Clerk of Courts Luvada Wilson, Jennifer Wilkins and Judy Johnson; Auditor Rick Jeffrey, Chief Deputy Auditor John Rogers, and Chief Fiscal Officer Brenda Hurst; Judge Beverly McGookey and Kathryn (Kate) Eyster, Court Administrator/Staff Attorney; Prosecutor Kevin Baxter; Treasurer Pam Ferrell; and Judge Tygh Tone, Court Administrator Beth Naufel, Chief Probation Officer Mike Frank, and Senior Probation Officer Kelli Bias.

Probate Court - Judicial - Judge McGookey and Kate Eyster explained the individual requests for additional funds, in addition to the \$27,099 already presented for the reorganization of staff in the office following a retirement. The Judge would also like to retain a vacant part-time position (\$5,541) to cover anticipated employee leave time; \$1,072 for coffee for employees and water and soft drinks for jurors; repairs to a file-stamp and the microfilm reader (\$704); criminal jury planning (\$5,020), which Kate said is difficult to predict; increasing the budget for attorney fees by \$1,976; training seminars for the Bailiff and Court Administrator (\$6,963); funds to cover the cost of visiting judges when conflicts exist with all three Common Pleas judges (\$2,923); an increase of \$475 for contract services; another \$2,300 for legal representation for mental illness patients; and increasing the Investigator budget by \$17,783. The Judge explained that the Investigator is a contract position that, by statute, prepares a report for every guardianship case.

Judge McGookey reminded the Commissioners that, in the last five years, she has returned \$160,000 to the General Fund that she did not spend.

Clerk of Courts - Judicial - Luvada reviewed her requests:

- A \$.50/hour increase for one employee (\$1,092).
- Increasing travel to \$1,800, since she had no travel expenses in 2018. However, this year, she would like to begin attending her monthly meetings in Columbus, but limiting overnight stays.
- Purchasing four scanners and a printer (\$3,915 total), noting that her scanners will not last another year. Mr. Old suggested she just purchase one now, and replace the others when they stop working. However, Luvada said they are not functioning well, and asked if she could replace three instead of four.
- Currently, there is a part-time person working through a temp agency, and Luvada would like to make that full time (\$15,450), since she is working in two different areas. However, Luvada said she is willing remove that request, along with the kiosk she had considered for jurors.
- Luvada has included \$22,506 in her budget requests to have Strategic Solutions scan and microfilm old journals. She is working with Jackie Yost to see if our Microfilm Department is able to do those for her. If so, that request could also be removed.

Treasurer - Executive and Delinquent Real Estate Tax Assessment Collection (DRETAC) Funds - Pam warned of a possible problem with advertising and printing costs. She did not mail out as many tax bills in 2018, saving \$12,000, and doesn't believe she can take a \$5,000 cut in 2019. Mr. Shenigo mentioned her projected DRETAC ending balance of \$411,057, saying that the Prosecutor's budget could use some help. However, Pam noted that adjustments have already been made to the payment of DRETAC costs, going from 50/50 to 70/30 to the point that she is now paying all the DRETAC bills. The Prosecutor is also receiving 50% of delinquent settlements. She pointed out that she received a one-time windfall payment that the Clerk of Courts was able to collect. The large delinquencies have been settled, and she does not anticipate revenues at that level again. She is working to make sure she has enough money to send out the tax bills, which have to be paid with General Fund dollars.

Treasurer - Prepaid Real Estate Investment Earnings - within guidelines.

Prosecutor - Judicial - Prosecutor Kevin Baxter told the Commissioners that his budget has increased very little in the past fifteen years, in spite of the addition of another Common Pleas Court Judge, the Municipal Court Judge going to a full-time position, and assuming duties in Juvenile Court. He has made the Commissioners aware of the situation in his office

this year, where he has lost four of his eleven full-time Prosecuting Attorneys - with all leaving for better-paying jobs. He has not had much success in replacing them with experienced attorneys. He has tapped into other revenue sources when possible, such as Federal reimbursements through Job and Family Services Child Support and Children Services.

Public Defender - Jeff Whitacre is asking for parity increases for his attorneys (\$59,217) to make them comparable to salaries in the Prosecutor's office. He is concerned about being in the same situation as Kevin Baxter, and does not want to lose people to better-paying jobs. He advised the Board to take into consideration that every dollar that is allocated to him from the General Fund is reimbursed by the State at a 45% rate. Finance was directed to include those revenues as an offset for his expenses.

Human Resources - The list presented included the previous requests for a \$1.00/hour increase for an employee receiving CLRP Certification (\$2,426); promoting the Administrative Assistant to HR Generalist with a \$.62/hour increase (\$1,504); a merit increase for the Loss Control Coordinator (\$2,426); an additional \$1.00/hour for an employee upon obtaining a certification through the Society for Human Resources Management (SHRM) (\$2,426); and a part-time floater clerk, working twelve hours a week (\$7,336). Printing costs of the Personnel Policy Manual (\$1,015) have been approved. The Commissioners denied the request for the part-time clerk.

Microfilm - Requested pay increases will be discussed in closed session.

Facilities - Capital projects were reviewed, with estimates for replacing the Courthouse roof and HVAC system included (\$150,000 each). Mr. Shenigo said that will not be enough. Pete said, too, that we should start setting aside \$300,000 a year for Courthouse repairs.

Common Pleas Court - Binette - Judicial - Judge Binette is asking for an \$11,192 increase in his supplies budget, and \$13,126 additional in services, returning these funds to 2018 budget levels. He expressed his disappointment in the budget process, saying that it is politics as normal. While some officials are made to jump through hoops and get nothing, others get what they want with just a phone call. He has made adjustments in his 2019 budget numbers, removing one-time purchases made last year. However, additional money is needed for the CourtSmart upgrade and a copier lease. He noted that his salaries budget has been reduced, and no increase in staffing is planned.

Judge Binette also mentioned that he has used \$186,000 in special project funds over the past several years for a jury room upgrade, the CourtSmart system and subsequent upgrades, remodeling of the courtroom for safety purposes and a hearing room. In return, he gets little or nothing. He referred to Resolution No. 18-501, where the Board approved additional dollars to Judges Tone and McGookey. In addition, the other courts budget for visiting judges (\$3,000), and he does not, since he has "mutual aid" agreements with other counties, resulting in expenses of only \$200 last year.

Melissa recommends allowing 2018 budget levels, less \$5,000 one-time expenditures, for Judge Binette's 2019 budget.

Common Pleas Court - Tone - Judicial - Judge Tone is asking for \$158,000 toward the replacement of the CourtSmart system. He is working on the process to increase court filing fees, and will be meeting with Ed regarding his Special Project Funds. Personnel requests will be discussed in closed session.

There was a brief discussion regarding jury draws, with Mr. Shenigo saying that the Board had been told each Judge calls sixty jurors per month. However, Judge Tone said it depends on the type of cases, with Judge Binette saying that there aren't many jury trials - only seven in 2017, eight in 2018 and eight in 2019. Prosecutor Gerhard Gross suggested having a centralized jury selection, eliminating the need for each court to have its own jury commission. Judge Binette said this had been discussed at a judges' meeting, and it was agreed the process should be left as it is, since it is more efficient.

Adult Probation - Personnel requests regarding continued funding of positions when grants end this year will be discussed in closed session. Three options were presented for distribution of payroll and insurance costs.

County Auditor - Auditor Rick Jeffrey explained reallocations for staff between the General Fund and Real Estate Fund, along with pay raises that were given beyond the 2% approved last year (totaling an additional \$9,958 in requests).

Rick is asking for an additional \$13,600 for web hosting backup and cost increases to the Harris account system. He advised that the system is 14 years old and needs software upgrades. Mr. Old directed Finance to get the actual cost of the upgrade without the backup piece, since our IT Department believes that is not needed.

A lengthy discussion followed regarding travel policies, with Rick explaining the benefits of attending conferences, since he is asking for an additional \$3,500 in travel expenses, bringing his total allocation to \$19,500. He mentioned that information gained at his conference last year enabled his office to pass the IRS audit. He said he does participate in webinars, but disagrees with the Board's philosophy that those should replace attending training seminars and meetings. Mr. Old said that, compared to other departments, Rick's expenses are above the norm. Mr. Shoffner agreed that it is important to attend these meetings, and it does make a difference in the networking, but requests from all the County departments add up to more than the County has, and the Commissioners need to figure out a way to manage expenses.

Rick said he agrees with the point made by Judge Binette, and it appears that there are some budgets under attack. He said the elected officials are all equal, and the Commissioners should allocate the dollars and give the elected officials the power to budget them. Mr. Old said that is what the Commissioners are doing. However, these discussions are about additional requests, above allocations set by the budgetary guidelines.

On motion of Mr. Old and second of Mr. Shoffner, Board **recesses** at 12:10 p.m.; Roll Call: All Aye

On motion of Mr. Old and second of Mr. Shoffner, Board **reconvenes** at 12:25 p.m.; Roll Call: All Aye

On motion of Mr. Old and second of Mr. Shenigo, Board recesses into **Personnel Session** re **Compensation**; Roll Call: All Aye

On motion of Mr. Old and second of Mr. Shoffner, Board **reconvenes** at 2:00 p.m.; Roll Call: All Aye

On motion of Mr. Shoffner and second of Mr. Old, Board approves the minutes of the **January 24 Commission Meeting**; Roll Call: All Aye

On motion of Mr. Shoffner and second of Mr. Old, Board **Cancels the following Commission Meetings**: Monday, March 4; Monday, March 11; Monday, March 18; Monday, March 25; and Thursday, March 28, 2019; Roll Call: All Aye

On motion of Mr. Shoffner and second of Mr. Old, Board adopts resolution approving the **Public Official Bond of the Director of the Erie County Department of Job and Family Services**; Roll Call: All Aye (#19-92 - February 1, 2019 - February 1, 2021)

On motion of Mr. Shoffner and second of Mr. Old, Board adopts resolution submitting an amendment to the **Ohio Department of Youth Services FY 2019 RECLAIM Ohio Grant Agreement**; Roll Call: All Aye (#19-93 - realigning funds based on FY 2018 carryover funds)

On motion of Mr. Shoffner and second of Mr. Old, Board adopts resolution entering into an agreement with the **Erie County Board of Developmental Disabilities**; Roll Call: All Aye (#19-94 - providing wellness program services through Human Resources Department)

On motion of Mr. Shoffner and second of Mr. Old, Board adopts resolution entering into an agreement with the **Erie County Sheriff**; Roll Call: All Aye (#19-95 - providing security services at JFS under Title IV-D funding)

Board approves Revised Auditor's Certificate for **Sandusky Steel** in an additional amount of \$6,500.00 providing recycling services for DOES.

Board approves Revised Auditor's Certificate for **Dietrich Company** in an additional amount of \$1,500.00 re providing courier services for DOES.

Board approves Revised Auditor's Certificate for **City of Huron** in an additional amount of \$1,500.00 re providing emergency ambulance services to The Meadows at Osborn Park.

Board approves specifications for **consulting services for Community Housing Impact and Preservation for Erie County for PY 2019** and authorizes Finance to proceed with RFQ process.

Board authorizes revised expenses for **Mark Wroblewski**, Auditor's Office, attending 2019 Northeast Ohio GIS Symposium & Ohio URISA GIS Education Series in Cleveland, Ohio, on 5/8 and 5/9/19 in an estimated amount of \$145.00 (revised from 2/14 to include registration fees).

Board authorizes expenses for **Rick Jeffrey, John Rogers, and Toni Fritz**, Auditor's Office, attending Northwest District Auditor's Association District meeting in Bowling Green, Ohio, on 2/22/19 in an estimated amount of \$45.00.

Board approves Travel Request Form for **Carolyn Hauenstein**, Commissioners/Clerk, attending CCC/ESAO Regional Training meeting in Painesville, Ohio, on 3/15/19 at no cost.

Board authorizes expenses for **Candie Doerner and Elyssa Sherer**, The Meadows at Osborn Park, attending STNA classes in Sandusky, Ohio, on 3/4 - 3/24/19 in an estimated amount of \$1,250.00.

Board authorizes expenses for **Donna Patrick and Christine Laser**, The Meadows at Osborn Park, attending Train the Trainer Class (STNA training course) in Toledo, Ohio, on 3/23, 3/24, 3/30/19 in an estimated amount of \$1,000.00.

Board authorizes expenses for **JoDee Davis and Andrea McKillips**, The Meadows at Osborn Park, attending ICD-10-CM coding for Long Term Care course in Perrysburg, Ohio, on 3/26/19 in an estimated amount of \$125.00.

Board authorizes expenses for **Barbara Sessler**, Recorder, attending ORA Spring continuing education in Columbus, Ohio, on 4/10/19 in an estimated amount of \$220.00.

Board approves Personnel Action Forms for **The Meadows at Osborn Park** re **Taschika Edwards**, PRN STNA, termination due to three no call, no shows effective 2/12/19; **Samantha Fleming**, full-time STNA, resignation effective 3/8/19; **Susie Porter**, from full-time STNA to PRN STNA effective 2/18/19; and **Cheryl Yancey**, full-time STNA, resignation effective 2/20/19.

Commissioners have no objection to issuing a liquor license to Dolgen Midwest, LLC dba **Dollar General Store**, 7525 State Route 61, Berlin Township.

Received Notice of Disclosure Statement Hearing in regard to **FirstEnergy Solutions Corp., et al.**, in the United State Bankruptcy Court, Northern District of Ohio, Eastern Division, Case No. 18-50757.

Received letters from Ohio EPA re **Erie County Sanitary open and closed Landfill Compliance Review letter of acknowledgement and letter of compliance.**

Received letter from Jack Farschman, County Engineer, re **concerns with 2019 budget process.**

Received copy of 1/22/19 **Mental Health and Recovery Board of Erie & Ottawa Counties** meeting minutes.

Received copy of 2/4/19 **Veterans Services Commission** meeting minutes.

On motion of Mr. Old and second of Mr. Shoffner, Board **adjourns** at 2:05 p.m.; Roll Call: All Aye