

**LORAIN PORT AUTHORITY  
Board of Directors  
Regular Board Meeting  
July 9, 2013**

**Board of Directors:** Ms. Carr, Mrs. Cook; Messrs. Bansek, Brown, Davila, Mullins, Nielsen and Sommers.

**Staff:** Richard M. Novak, Executive Director  
Yvonne Smith, Accountant  
Michael Brosky, Esq.

**Guests:** Rick Payerchin (7:02), Morning Journal  
Jim Tomazic (7:03), Citizen

1. **Roll Call.** The meeting was called to order at 7:00 p.m. by Chairman, Carl Nielsen with roll call indicating a quorum present.
2. **Disposition of Meeting Minutes:** Disposition of June 11, 2013 Regular Board Meeting Minutes were presented for approval. Motion by Mr. Sommers to accept. Support by Mr. Mullins. Motion carried.
3. **Report of Committees**

**A. Contract Management Committee.**

1. Carnegie Library Agreement. Mr. Novak stated several months ago the City asked us to get involved with the Carnegie Library in order to allow the Black River Historical Society to take over the facility at Streator Park. The Board had previously passed a Resolution accepting the Library from the City of Lorain. What needs to be done now is pass a Resolution, along with the associated Agreement, allowing for the transfer of the Library from the Port Authority to the Black River Historical Society. We assisted the Library and the City by utilizing our Brownfield Assessment money to conduct an environment assessment of the building. Asbestos was found in the building, lead based paint was also present. These are not major issues; however the asbestos does need to be cleaned up. There is no liability on the Port Authority's part now that everything has been done. If there is an issue, it would go into the upper fund area through EPA. Mr. Brosky drafted the Agreement. Attorney Brosky summarized the Agreement with Black River Historical Society for the Board.

Mr. Nielsen presented:

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LORAIN PORT AUTHORITY AUTHORIZING THE DIRECTOR TO TRANSFER REAL ESTATE FROM THE LORAIN PORT AUTHORITY (STREATOR PARK) TO THE BLACK RIVER HISTORICAL SOCIETY DESCRIBED IN EXHIBIT "A" AND THE AGREEMENT ATTACHED HERETO, SUBJECT TO LEGAL COUNSEL FINAL REVIEW.**

Mr. Sommers made a Motion to accept Resolution No. 2013-34. Seconded by Mrs. Cook. Roll call vote as follows:

Ayes: 7                      Nays: 0                      Abstain: 0                      Resolution passed.

**4. Report of Officers**

**B. Executive Director.**

1. CenturyLink License Agreement. Mr. Novak stated that this Agreement pertains to the acquisition of the railroad corridor from CSX that the Port Authority initiated in 1998. The Port Authority bought the railroad corridor and eventually we bought the tracks associated with the corridor. However, when we bought the property, there were several License Agreements that the railroad had with the abutting property owners. The railroad charged a specified amount and that increased over the years. When we acquired it, we worked out an agreement with Centurytel. They pay us \$2,100.00 per year. Centurytel indicated that they only have five (5) customers in the area. They would like to know if we would be willing to reduce that amount from \$2,100.00 to \$1,500.00.

Mrs. Cook presented:

**RESOLUTION AUTHORIZING AN AMENDMENT TO THE LICENSE AGREEMENT TO CENTURYLINK (FORMER LICENSEE – LORAIN TELEPHONE COMPANY) ASSUMED BY THE LORAIN PORT AUTHORITY THROUGH THE ACQUISITION OF THE CSX RAILROAD CORRIDOR (1998).**

Mr. Davila made a Motion to accept Resolution No. 2013-35. Seconded by Mr. Mullins. Roll call vote as follows:

Ayes: 6                      Nays: 0                      Abstain: 1                      Resolution passed.  
(Carl Nielsen –  
Appearance of  
Conflict of Interest)

**A. Chairman.**

1. Correspondence received. Commendation for Gloria Noland.

Mr. Nielsen presented:

**A RESOLUTION COMMENDING GLORIA NOLAND FOR HER OUTSTANDING SERVICE, DEDICATION AND COMMITMENT TO THE LORAIN PORT AUTHORITY.**

Mr. Sommers made a Motion to accept Resolution No. 2013-36. Seconded by Mr. Mullins. Roll call vote as follows:

Ayes: 7                      Nays: 0                      Abstain: 0                      Resolution passed.

2. Letter of Appointment from Mayor Chase Ritenauer for Stephen G. Bansek. Mr. Nielsen congratulated Mr. Bansek and the Board welcomed him aboard.

3. Letter from the Rotary Club of Lorain. Mr. Novak stated this was a Thank You letter. The Rotary Club had a group in town from India and asked if we could provide a short river tour up the river and out to the Lighthouse. We were able to accommodate them. Mr. Nielsen indicated this letter is received and to be filed.

4. Letter from Black River Historical Society Letter. The organization is asking to use their own vendor for the cleanup during the Taste of History. They will not be provided with a key to the facility as they will maintain the restrooms during the event and clean up at the close the event. Mr. Davila made a motion to allow Black River Historical Society to use their own cleaning crew. Seconded by Mr. Mullins

5. Black River Historical Society Letter – Taste of History. The Black River Historical Society provided a payment to the Port Authority for \$1,400.00 in April, 2013. They are asking for a fee reduction for the event to \$400.00. Mr. Davila made a motion to reduce the fee to \$400.00. The \$1,000.00 deposit is still required. Seconded by Mr. Mullins. Motion carried.

6. Letter from Lorain County Community College. Mr. Novak indicated that this is a letter thanking the Board for the fee waiver that was provided for utilizing the building for one of their fundraisers.

**4. Report of Committees**

**B. Strategic Development Plan Committee – No Report**

**C. Marketing & Public Affairs Committee – No Report**

1. Lorain Co-Operative Ministry Letter. This group holds free food give-away on our site from various farms around the area. They have done a great job working with us throughout the years. They have in the past provided all of the plantings by

the follow the fish sculpture. Mr. Mullins made a motion to waive the fee for the Lorain Co-Operative Ministry. Seconded by Ms. Carr. Motion carried.

**D. Financial Planning and Audit Committee.**

1 – 2. Bank Reconciliation Report for June 2013 and Financial Statement for June 2013. Mr. Davila stated that Mrs. Smith and he were able to meet and review the Bank Reconciliation Report and Financial Statement for June 2013. These both are in order. Ms. Carr made a motion to accept the June 2013 Financial Statements. Seconded by Mr. Mullins. Motion carried.

3. Transfer of Funds from the General Fund to a Capital Projects Fund (Ferry Terminal Building). Mrs. Smith indicated that a Resolution is needed to transfer the funds. The Board recommends Mrs. Smith to transfer the funds on an as needed basis.

Mr. Nielsen presented:

**A RESOLUTION TO APPROVE A TRANSFER OF FUNDS FROM THE GENERAL FUND TO A CAPITAL PROJECTS FUND (FERRY TERMINAL BUILDING).**

Mr. Mullins made a motion to accept Resolution No. 2013-37. Seconded by Ms. Carr. Roll call vote as follows:

Ayes: 7                      Nays: 0                      Abstain: 0                      Resolution passed.

4. 2014 Temporary Budget Appropriations. Mrs. Smith stated that each year a Temporary Budget Appropriation must be filed with the County Auditors.

Mr. Nielsen presented

**A RESOLUTION MAKING TEMPORARY BUDGET APPROPRIATIONS FOR THE LORAIN PORT AUTHORITY FOR CALENDAR YEAR 2014.**

Mr. Mullins made a motion to approve the 2014 Temporary Budget. Seconded by Mr. Sommers. Roll call vote as follows:

Ayes: 7                      Nays: 0                      Abstain: 0                      Resolution passed

5. Then and Now Certificate. None.

**E. By-Laws and Personnel Committee** – Mrs. Cook stated that the ByLaws and Personnel Committee recommends that the Board approve a Cost of

Living Adjustment of two percent (2%) for the staff retroactive to January 1, 2013. Mr. Mullins made a motion to approve the Cost of Living Adjustment, two percent (2%) retroactive to January 1, 2013 for the staff. Seconded by Ms. Carr. Motion carried.

**7. Other Business.** None.

**8. Public Comments.** Jim Tomazic, a citizen, made the Board aware that alcohol is being consumed at Black River Wharf Launch Ramp. Mr. Nielsen stated that is a City concern not to be enforced by the Port Authority.

**9. Huffman Equipment – two (2) week extension Dock Project.** There was a request made from the Contractor to extend the date for the completion of the Project for two (2) weeks, to July 29, 2013. Mr. Sommers made a Motion to grant Huffman Equipment a two (2) week extension on this project. Seconded by Ms. Carr. Motion carried.

## **10. Adjournment**

There being no further business to come before the Board, Mr. Sommers made a motion to adjourn. Seconded by Mr. Mullins. Motion carried. The meeting was adjourned at 7:44 p.m.

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Carl Nielsen, Chairman

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Richard M. Novak, Executive Director