

APRIL 8, 2021

LAKE COUNTY COMMISSIONERS' MEETING MINUTES

JOHN R HAMERCHECK, COMMISSIONER	JASON W. BOYD, ADMINISTRATOR
JOHN PLECNIK, COMMISSIONER	LEGAL COUNSEL
RON YOUNG, COMMISSIONER	MIKE MATAS, BUDGET DIRECTOR
JENNIFER BELL, CLERK	NEWS MEDIA

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(Tape 2021-0408)

CALL TO ORDER: Commissioner Hamercheck called the Meeting to order at 10:03 a.m., Thursday, April 8, 2021.

ROLL CALL: Upon roll being called, Commissioners Plecnik , Young and Hamercheck were present.

OPEN TO THE PUBLIC: Commissioner Hamercheck asked if anyone in the audience wished to address the Board. Mr. Brian Massie of 8196 Rainbow Drive in Concord stated that his group has done a lot of analysis using the U.S. Census and one pertaining to the poverty level in Lake County and that they have found that 8.2% of Lake County residents are living in poverty. The second analysis was directed at the housing affordability threshold, explaining that if you add property taxes, mortgage and utilities together it equals 30% or more of a person’s annual income, meaning it will become unaffordable. He spoke of several studies and how it is projected that by 2030, 1/3rd of senior citizens will be priced out of their homes. He gave these statistics because of recent discussions regarding the need for a new jail and how much it would cost. He addressed the jail and whether or not the Commissioners would implement the 1.1 mills they are permitted to do without a vote of the people. He asked that the Board seriously consider other funding alternatives as this additional tax would be a severe burden on taxpayers. Mr. Massie stated he just recently learned the County has two budgets which Commissioner Hamercheck clarified by explaining that there are not two budgets but two accounts which are the inside general fund and the outside general fund. Mr. Massie stated that he feels the funds given to non-profit organizations should be cut in order to help with funding the jail rather than placing the burden on taxpayers. Commissioner Hamercheck stated that, as one example, it would be wrong to take money from a nonprofit like Deepwood. Mr. Massie stated that he knows that many of the nonprofits have substantial cash and ‘rainy day’ funds and there should be budget cuts for them rather than placing this burden on the taxpayers. Commissioner Hamercheck stated that was a subject for fair debate. He stated to be abundantly clear, there is an inside general fund and an outside general fund and that many of the outside general fund accounts are not controlled by the Commissioners. He used the Crime Lab as an example and tax levies that have been passed by a vote of the people. Next Commissioner Hamercheck addressed the poverty levels in Lake County and stated that we are very lucky to have such an exceptional Job and Family Services Department. He discussed the affordability index in conjunction with poverty concerns and the issue of underemployment in Lake County. This is one of the reasons the Board discusses economic development with a focus on manufacturing and workforce development and connecting the workforce with employers.

Commissioner Hamercheck said Lake County is moving from the typical jail model toward more of a justice center model. He explained that we are lucky to have the capabilities to keep our current jail facility well maintained. The current Lake County jail design was based on an incarceration model. Of those incarcerated, there are many with mental health and substance abuse issues and the trend of jails has become focusing on rehabilitation and treatment. Lake County Judges have done a great job keeping low level offenders out of the jail and get them into programs instead. There has been much time spent looking at remodeling, refitting or a new build while keeping in mind effectiveness, efficiency and most importantly, the safety of both the officers and inmates. He briefly discussed the State adding \$50 million over two years (\$25 million/year) to the budget for repairs or construction of new jails.

Commissioner Young added that Lake County has been lucky to not have had the need for unused millage and he is hopeful that there will not be a need for it anytime soon.

*Commissioner Hamercheck stated that item #12 on the agenda will be moved to #1.

RESOLUTIONS:

12. RESOLUTION PROCLAIMING THE WEEK OF APRIL 11 - 17, 2021 NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK (20210408\F01)(C-126)

On a motion by Commissioner Hamercheck, seconded by Commissioner Plecnik. Lake County Sheriff’s Department Captain Michael Warner was present to receive the proclamation. He thanked the Commissioners for recognizing and appreciating the very important and difficult jobs these unseen workers perform. Captain Warner explained that Central Communications practices managed transfer indicating that they stay on the line with the caller until the call is transferred, answered and dispatched. Commissioner Hamercheck thanked Captain Warner and all of the dispatchers for the very important and valuable jobs that they perform. He stated that our Central Communications Department is a premier facility. Captain Warner added that they answer 200,000 9-1-1 calls annually. Commissioner Plecnik stated that Lake County sets the standard for safety and that he was grateful to have had the opportunity to tour the facility. He also stated that they have created a pipeline and that the Auburn Career Center program has begun registering its first students. We are all grateful to Clerk of Courts, Ms. Faith Andrews, for the scholarship donation. Captain Warner added that central dispatch safely handles more than 400 incidents a day and he is proud to have the opportunity to work with the dispatchers and Sheriff Leonbruno. Commissioner Young stated that he has the utmost respect for Captain Warner and the Central Communications Dispatchers. Commissioner Plecnik shared that we are very grateful that Central Dispatch and the City of Mentor have an incredible working partnership and acknowledged that Mr. Landeg is also a Mentor City Council President. Mr. Landeg explained that the City of Mentor is the largest in Lake County and that the coordination and cooperation of the emergency operations must be very strategic. His experiences with LEPC is second to none. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

1. RESOLUTION AWARDED A BID CONTRACT TO RONYAK PAVING, INC. FOR THE CHIP SEAL RESURFACING-2021 PROJECT, AS REQUIRED BY THE LAKE COUNTY ENGINEER IN THE AMOUNT OF \$557,843.40 (20210408\E01)(E-3)

On a motion by Commissioner Plecnik, seconded by Commissioner Young. Special Projects Engineer, Bruce Landeg, stated that this project came in \$90,000 (16%) under budget. The foregoing resolution was adopted with the vote as follows "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

2. RESOLUTION AUTHORIZING EXECUTION OF CONTRACTS FOR VARIOUS WATER AND WASTEWATER CHEMICALS FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (20210408\U01)(UT-4)

On a motion by Commissioner Young, seconded by Commissioner Plecnik. Sanitary Engineer, Mr. Randy Rothlisberger stated that this is the chemical bid that is done annually for the water and wastewater treatment plants. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

3. RESOLUTION CERTIFYING UNPAID SEWER AND WATER SUMS AND ADMINISTRATIVE CHARGES TO THE LAKE COUNTY AUDITOR (20210408\U02)(UT-7)

On a motion by Commissioner Young, seconded by Commissioner Plecnik, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

4. RESOLUTION INCREASING APPROPRIATIONS AND TRANSFERRING CASH WITHIN LAKE COUNTY DEPARTMENT OF UTILITIES SOLID WASTE OPERATING FUND AND PROJECT FUND 597 (20210408\U03)(UT-2)

On a motion by Commissioner Young, seconded by Commissioner Plecnik. Mr. Rothlisberger stated that this resolution permits them to transfer money into these accounts for the 2021 landfill and landfill expansion projects. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

5. RESOLUTION APPROVING LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES VOUCHERS DATE OF WARRANT APRIL 9, 2021, IN THE AMOUNT OF \$136,271.38 (20210408\JFS01)(JFS-14)

On a motion by Commissioner Young, seconded by Commissioner Plecnik, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

6. RESOLUTION SETTING THE DATES, TIMES AND PLACES FOR PUBLIC HEARINGS ON THE PROPOSED AMENDED FLOOD HAZARD REGULATIONS FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM IN ACCORDANCE WITH OHIO REVISED CODE SECTION 307.37 AND ADVERTISING FOR SAME (20210408\C01)(C-66)

On a motion by Commissioner Young, seconded by Commissioner Plecnik. County Administrator, Mr. Jason Boyd, explained that he has been working with Mr. Landeg to meet the insurance regulations. Special Projects Engineer, Bruce Landeg, stated that the Lake County Engineer, along with the Chief Building Inspector and Stormwater Manager, are Floodplain Co-Administrators. He explained that the last amended regulations were in 2004. Today's resolution will adopt the new coastal floodplain language and minimum requirements for storm related inundation from Lake Erie. There are also a number of FEMA source language clarifications. This adoption of Lake County revised Floodplain Regulations will coincide with the effective date of the new Flood Hazard Determination (FHD) mapping in the unincorporated areas of Lake County. This mapping will show the new coastal flood zones and incorporate/document previous Letter of Map Change (LOMC) actions. This will continue to make the citizens of the county eligible for the flood insurance program. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

7. RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT(S) (20210408\C02)(C-73)

On a motion by Commissioner Plecnik, seconded by Commissioner Young. County Administrator, Mr. Jason Boyd, explained that this is an annual resolution that allows the County to receive a grant from NOPEC that will assist with energy efficiency projects throughout the County. This year's grant will be approximately \$17,000. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

8. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$2,281,955.94(202100408\BC01)(C-4)

On a motion by Commissioner Young, seconded by Commissioner Plecnik, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

9. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$4,114,873.09 (202100408\BC02)(C-17)

On a motion by Commissioner Young, seconded by Commissioner Plecnik, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

10. RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS NON-GENERAL FUND ACCOUNTS (20210408\BC03)(C-111)

On a motion by Commissioner Young, seconded by Commissioner Plecnik, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

11. RESOLUTION TRANSFERRING CASH AND APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS (20210408\BC04)(C-111)

On a motion by Commissioner Young, seconded by Commissioner Plecnik, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

DEPARTMENTAL REPORTS:

UTILITIES – Sanitary Engineer, Mr. Randy Rothlisberger, stated that they have begun preparations and implementation of the 2021 Capital Improvement Plan. They intend to design and complete 12 new water and wastewater projects this year and are currently in the design/engineering phase. Their plan is to bid out up to 8 waterline projects and 5 wastewater projects. The projects will be determined by the fluctuation in pricing in the plastics industry. Commissioner Plecnik thanked the Department of Utilities for all of their hard work.

JOB AND FAMILY SERVICES – none.

COUNTY ADMINISTRATOR – Mr. Boyd, on behalf of CDBG Manager, Ms. Rhea Benton, explained that Lake County is required by the U.S. Department of Housing and Urban Development (HUD) to prepare an Annual Action Plan to govern the use of Federal Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) funds. The first public hearing for this will be held on April 14, 2021 at 1:00 p.m. He gave an update on the first round of CARES/Small Business Grant and Loan Program, stating that there was a total of 139 grants and 13 loans approved.

Mr. Boyd also gave an update on the Covid-19 vaccine program, stating that there was a Mega-POD held at Lakeland Community College and that they were able to administer approximately 4,800 vaccinations. Commissioner Hamercheck worked the clinic and stated that the final number will be higher than 4,800 as they are still calculating. Mr. Boyd thanked Commissioner Hamercheck and Commissioner Plecnik for being in the forefront working with everyone at the Lakeland and Mentor Mega-PODs. There is another POD scheduled for Lakeland next Wednesday with appointments still available. He encouraged residents to continue to check the Health District website (www.lcghd.org) for the link to the ArmorVax website to download the app for scheduling of the vaccine. Commissioner Hamercheck thanked all those involved in these clinics for the exceptional job that

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everyone has done. Their teamwork, cooperation and collaboration should be commended. He stated that not one dose has gone to waste and the last vaccination was given at 10:30 pm at the clinic where he was assisting.

Commissioner Plecnik mentioned the bomb threat received at the Perry Nuclear Power Plant last night. Mr. Boyd stated that Sheriff Leonbruno is expected to issue a Press Release regarding this momentarily. He would defer any questions to him and the Sheriff's Department.

FINANCE – none.

CLERK – Commissioners Clerk, Ms. Jennifer Bell, stated that there will not be a meeting next week and that the next Commissioners Meeting will be held on Thursday, April 15, 2021 at 10:00 a.m.

LEGAL – none.

OLD BUSINESS: - none.

NEW BUSINESS: Commissioner Hamercheck asked Mr. Boyd if the County along with CCAO and the Sheriff will be preparing a grant request and application for \$50 million in jail funding. Mr. Boyd discussed S.B. 310. The state will be making \$50 million available for jail repairs and improvements. He stated that while \$50 million sounds like a substantial amount of money, it is actually not that much when you consider the detailed requirements that are involved with jail construction and repairs. There are 7-8 counties who are eligible for "direct-entitlement" due to the need and condition of their jails. It is unfortunate that Lake County may be penalized of sorts for the good care that is taken to keep the jail in good working condition. Mr. Boyd has been working with Budget Director Matas, Sheriff Leonbruno and Captain Brooks to compile the information for the application. Lake County is lucky to have a team of hard-working employees to ensure that the jail is kept in good working order and that the inmates are kept safe. Commissioner Hamercheck added that Lake County may be penalized because there is the capacity to raise sales tax and ask for additional levy funding. Mr. Boyd noted that Lake County is the 10th or 11th largest county in the State and that over the past 14 months with the pandemic and closures, etc., it has not gone unnoticed how tight the communities and political subdivisions are and how well everyone works together. Commissioner Hamercheck addressed House Bill 1 that was introduced earlier this year by Representative Jamie Callender which directly addresses school funding in Ohio and how it has been deemed unconstitutional several times. Representative Callendar took the lead to pursue some sort of legal and equitable way to fund the schools.

Mr. Boyd reported that Sheriff Leonbruno issued the press release with regard to the Perry Plant bomb threat. He read the following to the Board:

REFERENCE THE INCIDENT AT THE PERRY NUCLEAR POWER PLANT

Lt. Larry Harpster, the head of the Lake County Sheriff's Office's Detective Bureau, reports that on Wednesday, April 7, 2021 at 5:43 pm, the North Perry Police Department, assisted by the Perry Village Police Department, was dispatched to the Perry Nuclear Power Plant at 10 Center Road in North Perry Village regarding a suspicious male refusing to leave the property. Upon arrival it was found that the male had driven a pickup truck pulling an enclosed trailer to the entrance of the facility. When confronted by plant security, the male claimed to have a bomb in the trailer. The Lake County Bomb Squad and the Painesville Branch of the F.B.I. were requested to respond. The Lake County Sheriff's Office Detective Bureau was then requested to assist the F.B.I. on the investigation. The truck and trailer were subsequently found not to contain any dangerous ordnance after a detailed inspection by the Lake County Bomb Squad. The investigation led to the arrest of Michael D. Fogelson, 33 years old from Adrian, Michigan. Fogelson has been booked in to the Lake County Jail on the charge of Aggravated Trespass, a first-degree misdemeanor. Additional charges may be forthcoming pending the investigation. The Lake County Sheriff's Office will be continuing this investigation. We want to ensure everyone that there is no ongoing threat or imminent threat to the Perry Nuclear Power Plant. This appears to be an isolated incident. -- Sheriff Frank Leonbruno

Commissioner Plecnik complimented the Sheriff's Department and all of the agencies involved for their quick and efficient handling of the situation. Commissioner Young echoed Commissioner Plecnik's statement with regard to the Perry Nuclear Power Plant incident.

PUBLIC COMMENT: Commissioner Hamercheck asked if anyone in the audience wished to address the Board.

Mr. Brian Massie of 8196 Rainbow Drive in Concord stated that his groups second issue is with regard to the Governors mask mandate. He further stated that they have been working with several groups throughout the State to have this mask mandate rescinded. They contacted the Lake County Coroner's office to obtain some statistics. He listed all of the statistics from the Coroner and questioned whether the mask mandate is adversely impacting some in our community whether by drug use or suicides. They (his group) feel that the mask mandate is unconstitutional and they plan to speak to all communities in the County. His group recently found out that the community activist group "1851" issued a press release regarding how the Ashland County Court has found that the mask mandate is unconstitutional. He asked the Board if they can have more control over what happens over the County. He discussed what his group intends to do and that they will go to each community in the County to speak on this matter. He also mentioned the Health District Board and home rule requirements. Commissioner Hamercheck stated that there is a difference between home rule and local control. Local control has been used in context of the Lake County Health District in the absence of any state guidance. That said, the mask mandate is not under local control. Mask requirements are an absolute mandate from the Governor and the Ohio Department of Health. The Health District is a separate political subdivision and does not fall under the control of the Board of Commissioners.

Commissioner Hamercheck addressed the coroner's statistics stating that while Dr. Komar would be best suited to address the statistics, less than 1% of the population dies each year.

Commissioner Plecnik explained that home rule is an Ohio constitutional right given to municipalities, townships, and villages but it is not extended to Counties because we are a creature of statute and extensions of state government. Assistant Prosecutor, Mr. David Hackman agreed with Commissioner Plecnik's response to Mr. Massie. Commissioner Young added that one way to make a difference is to write a letter and contact your local representatives.

EXECUTIVE SESSION: On a motion by Commissioner Plecnik, seconded by Commissioner Hamercheck, the Board convened an Executive Session at 11:30 a.m. to discuss Personnel-Collective Bargaining and Real Estate-Acquisition with the vote as follows: "AYES": Commissioners: Young, Plecnik and Hamercheck "NAYS": None

The Lake County Board of Commissioners adjourned to Executive Session at 11:30 a.m.

ADJOURN: On a motion by Commissioner Young, seconded by Commissioner Plecnik, the Board adjourned the meeting at 12:58 p.m. with the vote as follows: "AYES": Commissioners: Young, Plecnik and Hamercheck "NAYS": None

Minutes approved this twenty-seventh day of May, 2021.

BOARD OF LAKE COUNTY COMMISSIONERS

JOHN R. HAMERCHECK, PRESIDENT

RON YOUNG, COMMISSIONER

JOHN PLECNIK, COMMISSIONER

JENNIFER BELL, CLERK