

JULY 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 2021-0708)

CALL TO ORDER: Commissioner Hamercheck called the Meeting to order at 10:09 a.m., Thursday, July 8, 2021.

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

APPROVAL OF MINUTES:

Upon a motion by Commissioner Young, seconded by Commissioner Plecnik, the minutes of the Regular Meetings of May 27, 2021, June 3, 2021 and June 10, 2021, were approved with the vote as follows: "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

OPEN TO THE PUBLIC: Commissioner Hamercheck asked if anyone in the audience wished to address the Board.

Mr. David Lima of 7774 Litchfield Drive in Mentor referred to item #16 on the agenda pertaining to second amendment rights and asked the Board to consider a future resolution supporting the first amendment. He reviewed several legislative items being considered that would limit the rights that the first amendment supports. Commissioners Clerk, Ms. Jennifer Bell, read the following email received for comment:

"Commissioners Plecnik, Young, and Hamercheck: I have attached a file that contains a proposed draft for a county ordinance which over half of Lake County's citizens hope the commissioners can make law quickly before the second round of Fauci-China bio-weapon diseases is released during flu season. This action would eliminate any continuing supposed "anti-Covid vaccinating" in our county that murdered more than 129 Lake County persons. These persons did not die because of Covid, but because they were not treated with known cures. Instead, they were falsely or ignorantly told by county, state, and federal health agencies, that Covid was hopeless without a vaccine. Yet, none of these terrorized county citizens had to die, if they had been treated with proven non-vaccine Covid treatments in a timely manner. Constitutionally, I would propose that "vaccines" should be voluntary, but that aspect has been ruined by the left, fake media, paid off health officials, and RINO's. Voluntary, yes, but only after reviewing real science from real doctors who have actually treated real patients and cured millions with ordinary existing medicines; not fake-studies from lying government institutions that falsely say the vaccines are safe and fully FDS approved (which they can never be because *by definition*, there cannot be a "vaccine" for a condition for which there is an existing non-vaccine cure). I watched the video of your last commissioner's meeting, and was deeply saddened that you are so unwittingly sentencing children and families to death and permanent injury and then congratulating one another that you are a "High Performer" at it. Show me the proof that the vaccines actually cure Covid. You cannot, because I personally know dozens of people who have gotten Covid after taking the jab. I can also provide you with overwhelming proof of what I am saying in just a brief meeting. Evidence that other states have adopted on the in-session testimony by world renowned doctors. Do not congratulate yourselves. You didn't cure anybody! But your ignorance may have killed nearly half of your Lake County constituents. Praying for you all daily.

"No King but Jesus" - Revolutionary War slogan"

-Dave Wible - 440-867-8374 of 8946 Jackson St, Mentor ,44060

Faithful Companions - 440-255-4357

The following attachment was referenced by Commissioner Hamercheck but not read into the record:

COUNTY ORDINANCE (SAMPLE) LANGUAGE RESTORATION OF CONSTITUTIONAL FREEDOMS THROUGH LOCAL GOVERNMENT NULLIFICATION \*Sample Written by Attorney Michael Peroutka

Be it hereby enacted that any order, rule, edict, mandate, lockdown, regulation, or proclamation which has been or may be issued by any elected or appointed official of Federal or State government, or by any agent or agency thereof, which, if enforced, would limit, restrict, or in any way infringe upon the right of the people to: freely practice religion, freely speak and publish their thoughts and opinions, freely travel and peaceably assemble, maintain full and complete authority over personal health decisions including, but not limited to, the decision to wear or not to wear a face mask or any other medical device, or to receive a vaccination or any other medical procedure, own, keep, carry, transport, or sell firearms, own, maintain, or operate any otherwise lawful business without interference or restriction based on the pretext of preventing the spread of disease, take any otherwise lawful action protected by the Constitution of The United States and the Constitution of this State, shall be invalid in this county, shall not be recognized by this county, is hereby specifically rejected by this county, shall in no way be enforced by or within this county, and shall be considered null and void and of no effect in this county. Be it further enacted that no person who is refused entry to any restaurant or other business on the basis that they have not complied with a policy that requires the wearing of a facemask shall be subject to a charge of trespass or disorderly conduct for refusal to comply with such policy. Nor shall any funds or other resources of this county be used to assist in the arrest, transport, detainment, holding or processing any such person. *"The Institute on the Constitution"* Learn the law at [www.TheAmericanView.com](http://www.TheAmericanView.com)

Commissioner Young stated that his perspective is interesting and he will call Mr. Wible to further discuss his views expressed in the email.

Commissioner Hamercheck stated that the Board of Commissioners, by statute, cannot create laws or ordinances. He explained that the County Coroner, Dr. Komar, has worked very closely with the General Health District in regards to lives lost to Covid-19. Commissioner Hamercheck addressed and clarified several of Mr. Wible's statements. Commissioner Hamercheck stated that Mr. Michael Peroutka is not licensed to practice law in the

State of Ohio. If anyone would like further information on Mr. Peroutka, a Google search will provide information on him.

Commissioner Plecnik reiterated the fact that the Commissioners do not have the authority to create law. He also feels strongly that people have the right to choose medical care including whether or not to receive the Covid-19 vaccine.

Commissioner Young stated that Mr. Wible's data is concerning and that he looks forward to speaking with him about his thoughts.

**RESOLUTIONS:**

**1. RESOLUTION AUTHORIZING FINAL APPROVAL AND ACCEPTING A THREE-YEAR MAINTENANCE SURETY FOR STONERIDGE ESTATES PHASE III SUBDIVISION, CONCORD TOWNSHIP (20210708\U01)(SD-435)**

On a motion by Commissioner Plecnik, seconded by Commissioner Young. Planning and Community Development Director, Mr. David Radachy, stated that items #1, #3 and #7 all pertain to Stoneridge Estates Subdivision Phase 3. Items #1 and #3 are the maintenance surety bonds to protect the roads for the three years and item #7 is the approval of the subdivision plat. The foregoing resolution was adopted with the vote follows "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

**2. RESOLUTION APPROVING PLANS, SPECIFICATIONS AND ESTIMATES OF COST IN THE AMOUNT OF \$601,300.00 FOR HAZEL AVENUE SANITARY SEWER REHABILITATION PROJECT NO 402-S, AND ADVERTISING FOR BIDS FOR SAME (Bid Opening August 4, 2021) (20210708\U01)(UT-8)**

On a motion by Commissioner Young, seconded by Commissioner Plecnik. Sanitary Engineer, Mr. Randy Rothlisberger, stated that this project involves in-place lining of existing pipe as well as replacement of 100' of pipe. The foregoing resolution was adopted with the vote follows "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

**3. RESOLUTION ACCEPTING A COMBINED MAINTENANCE SURETY IN THE AMOUNT OF \$34,266.71 FOR STONERIDGE ESTATES-PHASE III IN CONCORD TOWNSHIP (20210708\U02)(SD-435)**

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

**4. RESOLUTION AWARDED A BID CONTRACT IN THE AMOUNT OF \$406,871.50 TO DAVIS DIGGERS FOR ORCHARD ROAD WATERLINE REPLACEMENT PROJECT 432-W (20210708\U03)(UT-4)**

On a motion by Commissioner Young, seconded by Commissioner Plecnik. Mr. Rothlisberger explained that this project was moved up on the list of the 2021 Capital Improvement Projects and came in 36% under the engineers estimate. The foregoing resolution was adopted with the vote follows "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

**5. RESOLUTION CERTIFYING UNPAID SEWER AND WATER SUMS AND ADMINISTRATIVE CHARGES TO THE LAKE COUNTY AUDITOR (20210708\U04)(UT-7)**

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

**6. RESOLUTION AUTHORIZING EXECUTION OF AN ENGINEERING AGREEMENT WITH EUTHENICS, INC. FOR THE WALNUT STREET WATERLINE REPLACEMENT PROJECT 449-W FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (20210708\U05)(UT-4)**

On a motion by Commissioner Young, seconded by Commissioner Plecnik. Mr. Rothlisberger stated that this resolution is the design portion of a project that will begin construction in 2022. The foregoing resolution was adopted with the vote follows "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

**7. RESOLUTION APPROVING THE FINAL DEDICATION PLAT FOR STONERIDGE ESTATES PHASE III IN CONCORD TOWNSHIP (20210708\C01)(SD-435)**

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

**8. RESOLUTION DECLARING FOR THE PUBLIC CONVENIENCE AND WELFARE TO ALTER A PORTION OF CRILE ROAD CENTERLINE AND NAME THE CENTERLINE CAPITAL PARKWAY IN CONCORD TOWNSHIP (20210708\C02)(C-79)**

On a motion by Commissioner Young, seconded by Commissioner Plecnik. Mr. Radachy explained the details of the directional change of the roadways. He stated that this is more of a housekeeping item. There will not be any disruptions and is to clarify the area for surveyors. The foregoing resolution was adopted with the vote follows "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

**9. RESOLUTION TO ALTER THE COUNTY HIGHWAY SYSTEM IN CONCORD TOWNSHIP (20210708\C03)(C-79)**

On a motion by Commissioner Young, seconded by Commissioner Plecnik. Mr. Radachy explained that this is the final resolution for the dedication and declares the maintenance responsibilities. The foregoing resolution was adopted with the vote follows "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

**10. RESOLUTION TO REVISE THE APPOINTED COUNSEL FEE SCHEDULE AND PLAN FOR LAKE COUNTY FOR THE REPRESENTATION OF INDIGENT PERSONS PURSUANT TO SECTION 120.33(A)(3) AND 2941.51 OF THE OHIO REVISED CODE (20210708\C04)(CT-13)**

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

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**11. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$1,702,863.01 (20210708\BC01)(C-4)**

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

**12. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$2,262,353.26 (20210708\BC02)(C-17)**

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

**13. RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS (20210708\BC03)(C-111)**

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

**14. RESOLUTION TRANSFERRING CASH ONS WITHIN VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS (20210708\BC04)(C-111)**

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

**15. RESOLUTION TO HONOR AND RECOGNIZE VICTIMS OF AGENT ORANGE DURING THE VIETNAM WAR (20210708\F01)(C-126)**

On a motion by Commissioner Plecnik, seconded by Commissioner Young. Mr. Arnold Stanko, Ohio State Representative of the Orange Medal program was present. Mr. Stanko thanked the Commissioners for their support of this resolution. He explained that many of his fellow veterans have passed away from this including his own brother. He stated that, through research, it has been found that the ramifications of them being exposed to agent orange is passed on from generation to generation. Mr. Stanko stated that there is now a foundation that will issue Orange Heart Medals to these veterans or their families. He provided the criteria, instructions and website to apply. A monument in honor of these veterans has been erected in Tennessee and their names can be engraved on it in honor of their service. Mr. Stanko stated that they are trying to have this issue and the Medal recognized by all states and encouraged everyone to contact their legislator to support these efforts. Commissioner Hamercheck thanked Mr. Stanko for his service and continuing the fight to honor these veterans. He stated that we (Lake County) are honored to be the first County in the State of Ohio to honor Agent Orange veterans. Commissioner Young thanked Mr. Stanko for taking this project on and that he and his brother served in the Vietnam War. Commissioner Plecnik thanked Mr. Stanko and the veterans for their service to this Country. The foregoing resolution was adopted with the vote follows "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

**16. RESOLUTION TO SUPPORT THE SECOND AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA (20210708\F02)(C-126)**

On a motion by Commissioner Plecnik, seconded by Commissioner Young. Commissioner Young read the following statement in support of the second amendment: "I am pleased to support the Second Amendment preservation resolution. In the Second Amendment to our Constitution the founders gave us a foundational freedom. This freedom to keep and bear arms is critical to the future of our country. A government that does not trust its own law-abiding citizenry to keep and bear arms is one with questionable objectives. A truly free society must allow its citizens the right to defend themselves in a responsible and lawful manner. I believe the Second Amendment achieves this goal and I am proud to support it and this resolution."

Commissioner Plecnik stated that he wanted to propose this resolution because people now more than ever, are concerned about encroachment from the federal government and lack of respect for the constitution. While the Board does not have authority to make laws, by passing this resolution, the Board has the power to make a statement. This Board upholds the constitution and takes its oath very seriously. The foregoing resolution was adopted with the vote follows "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

DEPARTMENTAL REPORTS:

UTILITIES – Mr. Rothlisberger reported that materials continue to be in short supply and pricing is only guaranteed for 7 days. He was happy to report that they are still receiving competitive bids for their projects.

JOB AND FAMILY SERVICES – none.

COUNTY ADMINISTRATOR – none.

FINANCE – none.

CLERK –Commissioners Clerk, Ms. Jennifer Bell, stated that the next Commissioners Meeting will be held on Thursday, July 8, 2021 at 10:00 a.m.

LEGAL – none.

OLD BUSINESS: none.

NEW BUSINESS: none.

Commissioners Clerk, Ms. Jennifer Bell, stated that in order for the County to be compliant to receive the Edward Byrne Memorial Justice Assistance Grant Program, there must be a public announcement of the following grant and allow for public comment. "Pursuant to the requirements of the grant, notice is hereby issued that the Lake County Sheriff's Office intends to apply for an Edward Byrne Memorial Justice Assistance Grant (JAG) Program-FY 2021 Local Solicitation in the amount of \$25,598 to purchase a 2021 Police Vehicle (patrol vehicle). This vehicle will be fully marked and equipped for emergency service and will replace an older vehicle that is currently in use." PUBLIC COMMENT: Commissioner Hamercheck asked if anyone in the audience wished to address the Board.

Mr. John Muzik, 45 Coventry Drive, Painesville, praised Mr. Stanko and shared a story of a friend and veteran also suffering. He thanked all veterans for their service. He spoke of higher taxes and how they affect senior citizens and those on fixed incomes. Mr. Muzik asked that the Board continue to be good stewards of the taxpayer's money.

ADJOURN: On a motion by Commissioner Young, seconded by Commissioner Plecnik, the Board adjourned the meeting at 11:28 a.m. with the vote as follows: "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None

Minutes approved this twenty-second day of July, 2021.

**BOARD OF LAKE COUNTY COMMISSIONERS**

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JOHN R. HAMERCHECK, PRESIDENT

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RON YOUNG, COMMISSIONER

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JOHN PLECNIK, COMMISSIONER

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JENNIFER BELL, CLERK