

AUGUST 12, 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 2021-0812)

CALL TO ORDER: Commissioner Hamercheck called the Meeting to order at 10:05 a.m., Thursday, August 12, 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.

Commissioner Hamercheck acknowledged Mr. David Wible of 8946 Jackson Street in Mentor and referenced an email he received from him dated July 7<sup>th</sup>, 2021 in which he proposed a draft for a county ordinance in opposition of “anti-COVID vaccinating” that he was hoping the Board would be in favor of. Mr. Wible also included a sample of an ordinance entitled “Restoration of Constitutional Freedoms through Local Government Nullification” written by Attorney Michael Peroutka. Commissioner Hamercheck wanted it to be clear that the Board is controlled by state statutes and has no authority in creating laws/regulations. In researching the author (Mr. Peroutka) of the sample document Mr. Wible provided, Commissioner Hamercheck discovered some alarming information. He provided a brief bio of Mr. Peroutka that alleged he was a member in the “League of the South”; a designated hate group which some have described as a Neo-Confederate, white supremacist, organization promoting racism and anti-Semitism. Under the impression Mr. Peroutka was at the foundation of Mr. Wible’s communication, Commissioner Hamercheck stated that he has little faith in the provided document as he believes you cannot get good fruit from a bad tree. Mr. Wible informed the Board that he was present, not to speak about Mr. Peroutka, but to speak out on alternatives to vaccination and how Dr. Miriam Weiss, MD. wanted to make a short presentation regarding COVID-19 & Inalienable Rights. Commissioner Plecnik reiterated that county commissioners cannot pass laws and that everyone has the right to choose or refuse healthcare even if it can cost them their life.

Dr. Miriam F. Weiss, MD, MA, FNKF of 3600 Park East Drive, Apt 519, in Beachwood gave a (12) slide PowerPoint presentation as a means of providing a medical foundation for Mr. Wible’s concern regarding the ethics of vaccine mandates.

Mr. Tim O’ Keefe of 38661 Edward Walsh Drive in Willoughby asked the Board to rescind the 2020 emergency declaration regarding COVID. He believes the LCGHD (Lake County General Health District) is continuing to upend the lives of K-12 children as the school districts typically act based upon their recommendations. He believes people who want to mask up should feel free to do so but he also believes it is time for the Health District’s protocols to stop. Commissioner Plecnik responded that everyone has the right to choose their own treatment in regards to health. The county does not have the authority to dictate mask mandates for schools. It is possible that rescinding the earlier declaration of emergency might not be prudent at this time if it would make us ineligible for federal or state funding. They will look into this.

Mr. David Lima of 7774 Litchfield Drive in Mentor indicated he has reviewed the 2019 Lake County Jail Report by IAP and K2M. He is interested in cost estimate comparisons of renovation/expansion vs new construction. The report projects an explosion in the jail population in the future which he finds highly unreliable as it does not take into consideration upcoming bail reform, restorative justice programs, etc. This should reflect a reduction in the future jail population. Also, the cost of demolishing the old jail was not included in the report and there is no estimate of life expectancy for either a renovation or a new build. Commissioner Plecnik believes an addition would be necessary if there is a renovation. The Board cannot put the issue of a new jail on the ballot as we are legally obligated to provide one per the ORC (Ohio Revised Code). Commissioner Hamercheck agreed that a renovation alone is not the best option as we wouldn’t have anywhere to house the inmates temporarily. Commissioner Young stated that, according to the Budget Director, we do not have the money to build a jail right now. He might support a dramatic improvement to the jail but he is not inclined to raise taxes at this time as people are still recuperating from a pandemic.

In regards to the public comment portions of the meetings, Commissioner Plecnik thinks it may be a good idea to balance them out by imposing a time limit for the 1<sup>st</sup> public portion. Some individuals cannot stay for the duration of the entire meeting so this would allow them to leave sooner. That said, he would be ok with no time limits for the 2<sup>nd</sup> public comment portion. Commissioner Young said he is open to that suggestion and believes they should give it some consideration.

Item #11 was moved to the top of the agenda at Commissioner Hamercheck’ s request. Commissioner Young made a motion and it was seconded by Commissioner Plecnik.

RESOLUTIONS:**11. RESOLUTION IN CELEBRATION OF THE SUCCESS OF THE LAKE COUNTY FAIR (20210812\F01)(C-126)**

On a motion by Commissioner Young, seconded by Commissioner Plecnik. Commissioner Plecnik thanked the Fair Board, staff, and kids for a very successful fair season by setting a new record for attendance. He was pleased to have been a Voice of the Fair and also won the auction for the Reserve Champion Goat. Commissioners Hamercheck and Young provided their congratulations as well and reiterated how important a role agriculture plays in our community. Wade Crofoot accepted the certificate and thanked the Board for their support. The foregoing resolution was adopted with the vote follows "AYES": Commissioners: Young, Plecnik and Hamercheck "NAYS": None.

**1. RESOLUTION AWARDING A BID CONTRACT TO RONYAK PAVING, INC. FOR THE BATES ROAD & COUNTY LINE ROAD RECONSTRUCTION PROJECT, AS REQUIRED BY THE LAKE COUNTY ENGINEER IN THE AMOUNT OF \$1,217,598.00; Bates Road OPWC No. TBD; County Line Road OPWC No. TBD; LCE Project No. 2020-012 (20210812\E01)(E-3)**

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.

**2. RESOLUTION INCREASING APPROPRIATIONS AND TRANSFERRING CASH WITHIN LAKE COUNTY DEPARTMENT OF UTILITIES SEWER OPERATING FUND AND PROJECT FUND 596, PROJECT 454-S-ARCOLA CREEK/BENNETT ROAD TRUNK SEWER IMPROVEMENT (20210812\U01)(UT-2)**

On a motion by Commissioner Plecnik, seconded by Commissioner Hamercheck. Randy Rothlisberger explained that this will inter-connect Madison Village with the county. The foregoing resolution was adopted with the vote follows "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

**3. RESOLUTION AUTHORIZING EXECUTION OF AN ENGINEERING AGREEMENT WITH BURGESS & NIPLE FOR THE TRUNK SEWER REHABILITATION PHASE 2 PROJECT 438-S FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (20210812\U02)(UT-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.

**4. RESOLUTION AUTHORIZING EXECUTION OF AN ENGINEERING AGREEMENT WITH CT CONSULTANTS INC. FOR THE MADISON-PERRY MASTER SEWER PLAN UPDATE FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (20210812\U03)(UT-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.

**5. RESOLUTION AUTHORIZING EXECUTION OF AN ENGINEERING AGREEMENT WITH BROWN AND CALDWELL FOR INFLOW AND INFILTRATION IDENTIFICATION AND ABATEMENT PROGRAM FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (20210812\U04)(UT-4)**

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 DECLARING AN EMERGENCY IN LAKE COUNTY, OHIO, TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT(20210812\C01)(106-b)**

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.

**7. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$2,214,874.25 (20210812\BC01)(C-4)**

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 APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$232,413.30 (20210812\BC02)(C-17)**

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.

**9. RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS (20210812\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.

**10. RESOLUTION TRANSFERRING CASH AND APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS (20210812\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.

AUGUST 12, 2021

DEPARTMENTAL REPORTS:

UTILITIES – Randy informed the Board that the Ohio Public Works Commission met and approved a slate of projects to the state. (2) of those would be for our county. There is a total of approx. \$800,000 in grants and loans.

JOB AND FAMILY SERVICES – Susan Casar, Director of JFS, stated that, in regards to OhioMeansJobs, the Workforce Development Board has chosen JFS to be the deliverer of adult and dislocated worker services and the OMJ Center is located right inside the JFS building. Also, the OMJ staff recently hosted an in-person Job Fair at the Mentor Ice Arena and there were (25) employers there with about (60) or so job seekers. It was a great event and some individuals were even hired right on the spot.

COUNTY ADMINISTRATOR – Jason Boyd stated that, in regards to the ARP (American Recovery Program), they are continuing to review projects. No final federal guidelines have been released yet. He will provide more information as it becomes available. Ron Graham, Director of the Lake County Health District, attended the most recent Mayors & Managers Meeting in order to provide the latest COVID-19 update. He wanted to remind everyone that the LCGHD does not mandate vaccines. We are currently the 2<sup>nd</sup> most vaccinated county in the State. Schools are making their own decisions in regards to protocols for the upcoming school season. In regards to LCGHD, masking is optional and not mandated. He said the LCGHD truly cares about the community (many people have been putting in 70-hour weeks which they've been doing for about 18 months now) and they are there for the public if they have any questions. Commissioner Hamercheck added, with information ever-changing, anything relative to the public comes through the Health Dept. They meet approximately (10) times a week with community leaders, police chiefs, the Sheriff's Dept, etc. Pastor Michael Jackson from the Temple of Pentecost announced that he is leading a faith-based project to supply children with school supplies/backpacks, etc. Their goal is 3,000 backpacks as there were 2,914 students in the Painesville City school system in 2020 and 3,044 in 2021. They will be holding a "Back to School Youth on Fire" program on Saturday September 4<sup>th</sup> where they will hand out the backpacks. Anyone interested in helping can reach out to him.

FINANCE – none.

CLERK –Commissioners Clerk, Ms. Jennifer Bell, stated that the next Commissioner's Meeting will be held on Tuesday, August 17, 2021 at 10:00 a.m.

LEGAL – none.

OLD BUSINESS: none.

NEW BUSINESS: Commissioner Plecnik proposed that the Board, along with the County Clerk, devise a time limit policy for the 1<sup>st</sup> public comment portion of meetings. The other Commissioners agreed that would be a good idea.

PUBLIC COMMENT: Commissioner Hamercheck asked if anyone in the audience wished to address the Board. Mr. John Muzik of 45 Coventry Dr. in Painesville agreed with Commissioner Plecnik that money may be better spent on a new jail as opposed to renovating the old one. He also agreed that imposing a time limit on the 1<sup>st</sup> public comments portion of the meetings may be needed. He mentioned that, according to the CCAO Handbook, county elected officials do not have home authority. They can act only as specifically authorized by state law. As a senior himself, he knows that many are on fixed incomes. He reads where our tax money goes and a large part goes to schools, etc. Right now, he is disappointed as he just saw Ohio ranked 30<sup>th</sup> in the U.S. for our school systems. He remembers when we would be #4 or #5. He also read in the CCAO handbook that County Commissioners must be astute and have good business sense. He believes another priority should be law enforcement. We need to do something about that.

EXECUTIVE SESSION: On a motion by Commissioner Young, seconded by Commissioner Plecnik, the Board convened an Executive Session at 11:38 a.m. to discuss Personnel-Collective Bargaining with the vote as follows: "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None  
The Lake County Board of Commissioners adjourned to Executive Session at 11:39 a.m.

ADJOURN: On a motion by Commissioner Plecnik, seconded by Commissioner Young, the Board adjourned the meeting at 11:40 a.m. with the vote as follows: "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

Minutes approved this second day of September, 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