

SEPTEMBER 16, 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

.....  
(Tape 2021-0916)

CALL TO ORDER: Commissioner Hamercheck called the Meeting to order at 10:10 a.m., Thursday, September 16, 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 6, 2021, May 20, 2021, August 26, 2021 and September 2, 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.

County Treasurer, Michael Zuren, explained how his office has been working on the surplus funds account. In the past 2 weeks, they have credited overpayments of 65 parcels and returned \$1,083 to a Mentor resident from a 2018 overpayment. He thanked his staff for their diligence and determination in rectifying this issue. The Board of Commissioners commended Mr. Zuren and his staff.

David Lima of 7774 of Litchfield Drive in Mentor referenced a \$48,800 contract the Board signed in May with Project Management Consultants where Jeff Applebaum from PMC would assist in the selection of a Design Professional to develop a Master Plan and detailed drawings for a new jail. The contract states it should be completed in 4 months and Mr. Lima believes the Board may be moving too quickly on this. He outlined some of Mr. Appelbaum's work with Cuyahoga County and Mr. Lima believes that serious consideration of his comments is warranted. He feels that a renovation (without any additional beds) remains the most sensible alternative. He also feels the residents of Lake County need to be an integral part of this decision via the use of public forums and on a ballot at an upcoming election.

John Muzik of 45 Coventry Drive in Painesville commended Mr. Zuren and his staff on their work in the Treasurer's Office.

Commissioner Plecnik stated that he enjoys hearing from Mr. Lima as he is thoughtful and considerate and always comes prepared when he speaks. That said, if he could, he would build a new jail ASAP. He believes the need has increased exponentially and becomes greater with each passing year. He trusts the opinions of our Sheriff, his staff, and of the outside recommendations. Mr. Appelbaum provides an additional perspective as he is an internationally recognized expert on large scale construction projects as well as a Lake County taxpayer. If we wait, the costs of materials and labor will just continue to increase. A possible reduction in size for the new jail is just one of the many reasons they have enlisted the aid of Mr. Appelbaum and his company.

RESOLUTIONS:

**1. RESOLUTION APPROVING PLANS, SPECIFICATIONS AND ESTIMATES OF COST IN THE AMOUNT OF \$725,620.50 FOR HULETT & JENNISON WATERLINE REPLACEMENT PROJECT NO 434-W, AND ADVERTISING FOR BIDS FOR SAME (BID Opening October 13, 2021)(20210916\U01)(UT-8)**

On a motion by Commissioner Young, seconded by Commissioner Plecnik. Commissioner Plecnik asked Gary Fedak, Director of Operations, if they have been successful in finding labor and Gary said they have but a challenge still remains regarding the cost of materials. 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 \$59,631.00 FOR SANITARY SEWERS FOR PEBBLE BROOK ESTATES SUBDIVISION IN THE VILLAGE OF GRAND RIVER (JOB NO. 21-21)(20210916\U02)(UT-9)**

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.

**3. RESOLUTION APPROVING PLANS, SPECIFICATIONS AND ESTIMATES OF COST IN THE AMOUNT OF \$120,052.57 FOR SANITARY SEWERS FOR BOOTH FARMS SUBDIVISION IN PERRY VILLAGE (JOB NO. 21-12)(20210916\U03)(UT-9)**

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 APPROVING PLANS, SPECIFICATIONS AND ESTIMATES OF COST IN THE AMOUNT OF \$92,807.00 FOR A WATERLINE FOR BOOTH FARMS SUBDIVISION IN PERRY VILLAGE (JOB NO. 21-11)(20210916\U04)(UT-9)**

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.

**5. RESOLUTION APPROVING CHANGE ORDER NO. 1 WITH X-PRESS UNDERGROUND FOR DEERFIELD RELIEF SEWER PHASE 2 IMPROVEMENT PROJECT 366-S INCREASING THE TOTAL CONTRACT AMOUNT BY \$67,295.78 (20210916\U05)(UT-4)**

On a motion by Commissioner Young, seconded by Commissioner Plecnik. Gary stated this is a capitol project that is closing out of the construction phase. The increase is due to the escalated cost of materials that occurred after the project was awarded. The foregoing resolution was adopted with the vote follows "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

**6. RESOLUTION TRANSFERRING APPROPRIATION IN LAKE COUNTY DEPARTMENT OF UTILITIES SEWER OPERATING FUND (20210916\U06)(UT-2)**

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.

**7. RESOLUTION AUTHORIZING EXECUTION OF AN ENGINEERING AGREEMENT WITH CT CONSULTANTS FOR THE ARCOLA CREEK/BENNET ROAD SEWERAGE IMPROVEMENT PROJECT 454-S FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES(20210916\U07)(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.

**8. RESOLUTION CERTIFYING UNPAID WATER SUMS AND ADMINISTRATIVE CHARGES TO THE LAKE COUNTY AUDITOR (20210916\U08)(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.

**9. RESOLUTION CERTIFYING UNPAID WATER AND SEWER SUMS AND ADMINISTRATIVE CHARGES TO THE LAKE COUNTY AUDITOR (20210916\U09)(UT-7)**

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 AUTHORIZING THE EXECUTION OF A WORKFORCE SUBGRANT AGREEMENT BETWEEN THE OHIO DEPARTMENT OF JOB AND FAMILY SERVICES AND LOCAL WORKFORCE DEVELOPMENT AREA 5 AND THE BOARD OF LAKE COUNTY COMMISSIONERS (20210916\JFS01)(JFS-2)**

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.

**11. RESOLUTION APPROVING LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES VOUCHERS DATE OF WARRANT SEPTEMBER 24, 2021, IN THE AMOUNT OF \$568,761.84 (20210916\JFS02)(JFS-14)**

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 PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISING FOR BIDS FOR THE PARADISE ROAD DRAINAGE IMPROVEMENTS PROJECT – 2021 IN PAINESVILLE TOWNSHIP, OHIO (BID OPENING: October 6, 2021)(20210916\C01)(UT-46)**

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 REAPPOINTING TIMOTHY A. MILLER TO THE POSITION OF DIRECTOR OF THE LAKE COUNTY STORMWATER MANAGEMENT DEPARTMENT, EFFECTIVE OCTOBER 4, 2021 (20210916\C02)(UT-46)**

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 ESTABLISHING RULES FOR THE ORDERLY PRESENTATION OF PUBLIC COMMENT DURING LAKE COUNTY COMMISSIONER MEETINGS (20210916\C03)(C-107)**

On a motion by Commissioner Plecnik, seconded by Commissioner Young. Commissioner Plecnik recognizes that when meetings last 3-4 hours, it inhibits some of the department heads who are present from attending to things they need to get done. That said, he also understands that some people with public comments have longer and more involved topics they want to discuss. He feels this resolution, by limiting public comment to 5 minutes in the 1<sup>st</sup> portion and allowing unlimited time in the 2<sup>nd</sup>, is a great compromise and he praised Jen Bell, the County Clerk, for her assistance in this resolution. The foregoing resolution was adopted with the vote follows "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

**15. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$3,491,752.75 (20210916\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.

**16. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$1,003,471.01 (20210916\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.

SEPTEMBER 16, 2021

**17. RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS (20210916\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.

**18. RESOLUTION TRANSFERRING CASH AND APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS (20210916\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.

DEPARTMENTAL REPORTS:

UTILITIES – Gary stated that there are 3 different divisions that make up the Utilities Dept; Water, Sewer, and the Landfill. They have been trying to budget as accurately as they can but are still experiencing some challenges. For example, he cited how the cost of chemicals continues to increase, fuel is still pretty high, and a lot of repair parts are either backordered or have long lead times. The cost to put on the Special Recycling Collections we hold for Lake County residents is rising and the purchasing of vehicles/heavy equipment is still posing some challenges. On a positive note, in an effort to overcome these challenges, they are sourcing pricing from a number of different vendors, using contingency/reserved funds if needed, ordering as much material as they can at a time, sharing resources between the 3 divisions, trying to lock in long-term pricing when it is available, and are looking at other alternatives for some of the materials; all while continuing to maintain a high level of service. The Board thanked Mr. Fedak and the staff of the Utilities Department for all their hard work.

JOB AND FAMILY SERVICES – Ms. Suzanne Casar, Director of Job and Family Services, reminded the Board that JFS owns and operates the Emma Caley Receiving Home which provides temporary care to children between the ages of 7 to 18 who have been abused or adjudicated. They have been pursuing accreditation for quite a few years and she is happy to report that they have finally received survey dates in mid-October which is another step in meeting the standards needed to receive that accreditation.

COUNTY ADMINISTRATOR – Jason Boyd stated that he attended the NOACA (Northeast Ohio Areawide Coordinating Agency) meeting last week along with Commissioners Hamercheck and Plecnik. In the Executive Director's slideshow presentation, there were numerous slides touting Lake County achievements. The FTA Administrator under President Biden was a speaker and at the end, there was a Q&A facilitated by Ben Capelle, CEO of Laketran, and Grace Gallucci, NOACA's ED. Still no final rules on ARP (American Rescue Plan) but we can proceed under some interim rules. Although he is hesitant to proceed right away, as not all of it is quite black and white yet, he is hoping to present a few projects in the near future that he knows are 100% eligible. We should receive more guidance in late fall but we are currently still in limbo. The ARP Advisory Panel, who will make recommendations to the BOC, will meet on a weekly or bi-weekly basis.

FINANCE – none.

CLERK –Commissioners Clerk, Ms. Jennifer Bell, stated that the next Commissioner's Meeting will be held on Thursday, September 23, 2021 at 10:00 a.m.

LEGAL – Commissioner Hamercheck mentioned that, at the recent Painesville Township Board Meeting, some disparaging comments were made about the Sheriff and the Board of Commissioners. Chuck Hillier, Vice Chairman of the Board, referenced the definition of "keeping the peace". Mr. Hillier believes the Sheriff and the Board of Commissioners are not acting in compliance with the ORC (Ohio Revised Code). Commissioner Hamercheck noted that a 911 call does not always represent an emergency. Mr. Hackman stated that the law under Title 3 regarding maintaining and preserving peace has been litigated in our Court of Appeals and elsewhere. He cited an Ohio Supreme Court case from the 1930's stating that the Sheriff is not required to patrol a county nor act as a detective per se. The Sheriff's Department is not required to respond to every 911 call (for example, they might receive a call complaining their neighbor threw trash in their yard); their obligation is to respond when a true emergency exists (for example, someone is breaking into a home). Townships can enter into a contract with the Sheriff's Department for patrolling. Commissioner Hamercheck has asked Legal Counsel in previous meetings if the Sheriff and Board of Commissioners are in full compliance and Mr. Hackman again reiterated that they are. He is happy to sit down with any Law Director to answer any questions and explain further if needed. Commissioner Hamercheck may invite the Sheriff and Prosecutor Coulson to a future meeting to explain if necessary. Mr. Hamercheck will notify Mr. Coulson of this request. Commissioner Plecnik said that, in regards to the law, we must meet our legal obligations under the ORC and we are absolutely in compliance and in respect to fairness, every community is responsible for their own deputies, policing, etc. Residents in each municipality pay taxes for things of just this nature. He feels the county has stepped up in an enormous way that they honestly did not have to. We have gone well beyond satisfying the law. Each municipality is welcome to have their own police department vs. contracting with the Sheriff's office. This is a local decision that must be made; not a county decision.

OLD BUSINESS:

Commissioner Hamercheck mentioned that he was invited to speak at the Freedom Flag Ceremony at Broadmoor. They are proud to be the first school in Ohio to display a piece of steel from Tower One of the World Trade Center. He outlined some of the topics that were discussed at the ceremony and was honored to be there.

Commissioner Plecnik referenced some 9-11 ceremonies he attended; one was at Veterans Park here in Painesville and another was with Mayor Morley of Eastlake at the Boulevard of 500 Flags. He also attended the Annual Gala put on by the Andy Nowacki Foundation to honor Andy who lost his life in 2005 during Operation Iraqi Freedom.

NEW BUSINESS:  
none.

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

Dave Lima of 7774 Litchfield Drive in Mentor announced that he supports the resolution amending public comment. In reference to the Caley Home, he conducted group therapy there from 1966-1968 as a staff member of the Lake County Mental Health Clinic. He is currently a member of the Cuyahoga County Mental Health Response Advisory Committee. They are looking at diversionary programs for people with mental health concerns who come into contact with the police. They have evaluated 911 calls from Cuyahoga and approximately 60% of them are non-police related. He summarized views from the Lake County Jail Coalition Action Team; a group that he helped organize and he provided a list of (11) points regarding renovating or building a new jail that were read into the record. Commissioner Hamercheck responded that all of the jail renovation discussions have included an addition and offered a reminder that the jail inspection reports discussed in previous meetings are not a recommendation nor an indication that our current jail is adequate. He believes the building was obsolete the day the county took possession of it. He worked for the county at the time and believes it was grossly mismanaged and poorly designed/constructed. It was designed simply for incarceration with nothing addressed in regards to ADA compliance and no flexibility for future needs.

John Muzik of 45 Coventry Drive in Painesville also supports the change of public comments. He reiterated that priorities should be police/fire/roads and how each municipality should be responsible for their own police protection.

Commissioner Young also appreciates the revision of public comments and believes the meetings will operate more efficiently. He is hopeful this change could go into effect next week. He told Mr. Lima he always has interesting information to report and he would like to know more about some of the models he was referencing, how they could relate to Lake County, and exactly how jail costs could be reduced.

Mr. Lima wanted to clarify that when he says to “put this on a ballot”, he means as a tax levy to pay for a new jail or renovation. He also referenced “Oriana House”; an example of a diversionary program where non-violent, homeless, and/or people suffering with addictions or mental health issues would be transported to in lieu of jail. He will continue to provide more information on similar programs in other counties as they provide an alternative to jail. He reminded everyone how the poor, homeless, and people with mental health concerns, etc. typically do not have the ability to make bail so they are housed in jail awaiting their court dates.

ADJOURN: On a motion by Commissioner Young, seconded by Commissioner Plecnik, the Board adjourned the meeting at 11:51 a.m. with the vote as follows "AYES": Commissioners: Plecnik, Young and Hamercheck "NAYS": None.

Minutes approved this twenty-third day of September, 2021.

**BOARD OF LAKE COUNTY COMMISSIONERS**

\_\_\_\_\_  
JOHN R. HAMERCHECK, PRESIDENT

\_\_\_\_\_  
RON YOUNG, COMMISSIONER

\_\_\_\_\_  
JOHN PLECNIK, COMMISSIONER

\_\_\_\_\_  
JENNIFER BELL, CLERK