

## LAKE COUNTY COMMISSIONERS' MEETING MINUTES

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

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(Tape 2019-0129)

CALL TO ORDER: Commissioner Cirino called the Meeting to order at 2:07 p.m. Tuesday, January 29, 2019.

ROLL CALL: Upon the roll being called, all were present.

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

Mr. Brian Massie of 8196 Rainbow Drive in Painesville Township, expressed his displeasure with the Port Authority and the Board regarding a matter involving Rider's Inn and an outstanding invoice with the Port Authority. Mr. Massie reviewed a timeline that included several emails pertaining to the Port Authority's decision to cancel several previously scheduled meetings that were to be held at the Rider's Inn. He stated that Rider's Inn had sent an invoice for the December, 2018 cancellation to the Port Authority and also Commissioner Young. Mr. Massie also had an invoice from them in the amount of \$3,600. He further explained that at a recent Port Authority meeting, Commissioner Hamercheck asked Mr. Rantala for the status of the Rider's Inn issue. Mr. Massie stated that Mr. Rantala responded that it had been taken care of. Mr. Massie indicated that the issue had not been taken care of and he asked the Board to look into the matter. Commissioner Cirino stated that the issue would be looked into further and that he had not heard from the owner of Riders and was unaware that the issue had not been handled yet. He explained that Ms. Crane (the owner of Rider's Inn) does have other remedies to explore for payment. Commissioner Young asked if Mr. Massie had a copy of the contract and he replied he did not.

Mr. John Milgram, owner and CEO of the Excel Corporation in Mentor, was present and gave a brief background of his company. Mr. Milgram stated that the company has been in Lake County for 56 years and has a \$3 million payroll with 40 employees (50% of those employees being residents of Lake County). He explained that the company manufactures specialty paints and coatings and that they produce approximately 1.4 million gallons annually. Sherwin Williams is one of their top clients and he explained the specialty work they are doing for them. Their specialized paints are used for highway markings and also safety paints for parking lots, traffic lanes, etc.

RESOLUTIONS:

**1. RESOLUTION AUTHORIZING ADVERTISING FOR BIDS FOR THE CARTER ROAD ARCH CULVERT REPAIR 2019 PROJECT, CONCORD TOWNSHIP, OHIO – LCE PROJECT NO. 2019-001 (BID OPENING: February 20, 2019)(20190129\E01)(E-2)**

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

**2. RESOLUTION AUTHORIZING ADVERTISING FOR BIDS FOR THE GIRDLED ROAD AND MORLEY ROAD RESURFACING PROJECT, CONCORD TOWNSHIP, OHIO – LCE PROJECT NO. 2018-016 (BID OPENING: February 20, 2019)(20190129\E02)(E-2)**

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

**3. RESOLUTION INCREASING APPROPRIATIONS IN THE LAKE COUNTY DEPARTMENT OF UTILITIES SEWER OPERATING ACCOUNT 51000761-761 REFUNDS & REIMBURSEMENTS (20190129\U01)(UT-2)**

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

**4. RESOLUTION INCREASING APPROPRIATIONS IN THE LAKE COUNTY DEPARTMENT OF UTILITIES SOLID WASTE OPERATING FUND(20190129\U02)(UT-2)**

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

**5. RESOLUTION ESTABLISHING ACCOUNTS WITHIN LAKE COUNTY DEPARTMENT OF UTILITIES SOLID WASTE PROJECT FUND 597 TO BE KNOWN AS CELL C4 EXPANSION-PHASE 6 PROJECT 421-L(20190129\U03)(UT-2)**

On a motion by Commissioner Hamercheck, seconded by Commissioner Cirino. Commissioner Young asked why there is a need for the establishment of a new account. Budget Director, Mr. Michael Matas, explained that every project in the Utilities Department is given a new account to easily track expenditures and revenues. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Young "NAYS": None

**6. RESOLUTION INCREASING APPROPRIATIONS AND TRANSFERRING CASH WITHIN LAKE COUNTY DEPARTMENT OF UTILITIES WATER FUND FOR PROJECT 420-W MAPLE STREET WATERLINE REPLACEMENT, A JOINT PROJECT WITH THE CITY OF WICKLIFFE (20190129\U04)(UT-2)**

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

**7. RESOLUTION CERTIFYING UNPAID SEWER AND WATER SUMS AND ADMINISTRATIVE CHARGES TO THE LAKE COUNTY AUDITOR(20190129\U05)(UT-7)**

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

**8. RESOLUTION ADOPTING INDIVIDUALS TO THE LAKE COUNTY WORKFORCE DEVELOPMENT BOARD AND THE LAKE COUNTY YOUTH COMMITTEE (20190129\JFS01)(B-24)**

On a motion by Commissioner Cirino, seconded by Commissioner Hamercheck, to amend the caption of the resolution to read "appointing" and strike "adopting". The resolution was amended with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Young "NAYS": None.

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

**9. RESOLUTION DECLARING THE OFFICE OF THE LAKE COUNTY AUDITOR VACANT AS OF JANUARY 31, 2019, AND APPOINTING MICHELE PENNELL, AS ACTING AUDITOR UNTIL THE OFFICER APPOINTED BY THE REPUBLICAN CENTRAL COMMITTEE, PURSUANT TO OHIO REVISED CODE 305.02(F), QUALIFIES AND TAKES THE OFFICE TO SERVE THE REMAINDER OF THE AUDITOR'S CURRENT TERM ENDING ON MARCH 10, 2019 (20190129\C01)(C-2)**

On a motion by Commissioner Hamercheck, seconded by Commissioner Cirino. Commissioner Cirino stated that, on behalf of the Board, he would like to thank Ms. Pennell for keeping things in order. Ms. Pennell thanked the Board for the opportunity and also her staff for all of their hard work. Ms. Pennell introduced her staff to the Board. Mr. Brian Massie stated that he has worked with the Auditor's office for a couple years and that they are very knowledgeable, helpful and great to work with. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Young "NAYS": None

**10. RESOLUTION APPOINTING LAKE COUNTY COMMISSIONER JOHN R. HAMERCHECK TO SERVE ON THE OHIO PUBLIC WORKS COMMISSION DISTRICT 7 INTEGRATING COMMITTEE AND DESIGNATING AN ALTERNATE TO SERVE ON HIS BEHALF TO COMPLETE THE REMAINDER OF A TERM EXPIRING MAY 22, 2021 (20190129\C02)(C-146)**

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

**11. RESOLUTION APPROVING FINAL APPLICATION #12 (RELEASE OF RETAINAGE) IN THE AMOUNT OF \$89,314.14 WITH TOWN CENTER CONSTRUCTION, LLC. FOR LAKE COUNTY BUILDINGS AND GROUNDS/TELECOMMUNICATIONS FACILITY (LAKE 2017-01 BGTC) (20190129\C03)(C-7e)**

On a motion by Commissioner Cirino, seconded by Commissioner Young. County Administrator, Mr. Jason Boyd, stated that this is the final step for the construction administration of the Building and Grounds/Telecommunications facility. He explained that there is a certain portion of retainage withheld until the completion and County's satisfaction of the project. This resolution is the release of the retainage. Commissioner Hamercheck explained that the only deficiency with this project was the timeline. Mr. Boyd agreed that the timeline was off due to steel production and several prefabricated items but he added that this project came in \$18,000 under budget. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Young "NAYS": None

**12. RESOLUTION REQUESTING THE PROSECUTING ATTORNEY TO FILE FOR LEAVE TO FILE AN AMICUS BRIEF ON BEHALF OF LAKE COUNTY IN THE PENDING ACTION IN FEDERAL COURT CHALLENGING OHIO'S CURRENT CONGRESSIONAL DISTRICT BOUNDARIES**

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

**13. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$563,971.15 (20190129\BC01)(C-4)**

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

**14. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$833,786.54(20190129\BC02)(C-17)**

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

**15. RESOLUTION INCREASING AN APPROPRIATION FOR A GENERAL FUND ACCOUNT(20190129\BC03)(C-111)**

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

DEPARTMENTAL REPORTS:

UTILITIES– Sanitary Engineer, Mr. Randy Rothlisberger, explained that the Department is anticipating issues with water systems and water main breaks due to the extreme cold weather that has been predicted and that they are prepared with people out in the field.

JOB AND FAMILY SERVICES – Jobs and Family Services Director, Mr. Matthew Battiato, gave a brief update on how the Food Assistance Program was affected by the Federal shut-down. He explained that their clients received the mid-February distribution in mid-January. Their efforts were focused on explaining to their clients that this early disbursement was not a bonus and it must last them until their next allotment. They have also reached out to the Salvation Army, United Way and several other agencies that might be able to assist their clients if the need arises.

COUNTY ADMINISTRATOR –Mr. Boyd stated that County offices falling under the Board of Commissioners will be open tomorrow (Wednesday) and Thursday. The Common Pleas Courts made the decision to close their offices due to the forecasted extreme cold weather.

FINANCE – Budget Director, Mr. Michael Matas, stated that they are in the final stages of setting up the Budget Hearings and the dates will be available on the website.

CLERK –Commissioners Clerk, Ms. Jennifer Bell, reported that the next regular Commissioners Meeting will be held on Thursday, February 7<sup>th</sup> at 10:00 AM.

LEGAL – none.

OLD BUSINESS: - none.

NEW BUSINESS: none.

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

Ms. Lori Godic of 6215 Melshore in Mentor, asked for clarification of item #12 on the agenda. Commissioner Cirino responded that Lake, Geauga and Ashtabula Counties are working together to file the amicus brief. The purpose of this filing is to petition the three Judges of the Court to allow explanation of the potential issues the redistricting would have on these three counties. There will be a press conference held tomorrow at 1:30 PM to explain that details.

Ms. Connie Mismus of Eastlake questioned the ACLU lawsuit and how it reflects on what the people have voted on. Commissioner Cirino explained the details of the proposed redistricting changes. Ohio voters approved Issue 1 by 70% and by 76% in Lake County. He explained that the League of Women Voters promoted Issue 1 to address gerrymandering in the upcoming census and that State legislators voted to place the issue on the ballot.

With regards to the Riders Inn issue, Mr. Massie read a section of then Supreme Court case Board of Commissioners (Wabaunsee County, Kansas) vs. Umbehr, which prohibits the termination of government contracts in retaliation of one's political free speech.

Commissioner Cirino stated that the next regular Commissioner's Meeting is scheduled for Thursday, February 7, 2019 at 10:00 a.m.

EXECUTIVE SESSION: On a motion by Commissioner Hamercheck, seconded by Commissioner Cirino, the Board convened an Executive Session at 2:40 p.m. to discuss Personnel-collective bargaining with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Young "NAYS": None

The Lake County Board of Commissioners adjourned to Executive Session at 3:30 p.m.

ADJOURN:

On a motion by Commissioner Cirino, seconded by Commissioner Young, the Board adjourned the meeting at 3:30 p.m. with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Young "NAYS": None  
Minutes approved this fourteenth day of February, 2019.

## **BOARD OF LAKE COUNTY COMMISSIONERS**

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JERRY C. CIRINO, PRESIDENT

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JOHN R. HAMERCHECK, COMMISSIONER

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RON YOUNG, VICE PRESIDENT

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JENNIFER BELL, CLERK