

LAKE COUNTY COMMISSIONERS' MEETING MINUTES

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

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(Tape 2018-0201)

CALL TO ORDER: Commissioner Hamercheck called the Meeting to order at 10:05 a.m. Thursday, February 1, 2018.

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

APPROVAL OF MINUTES: Upon a motion by Commissioner Cirino, seconded by Commissioner Hamercheck, the minutes of the regular meetings December 28, 2017, January 4, 2018, January 8, 2018, Organizational Meeting and January 8, 2018 Regular Meeting, And January 16, 2018 were approved as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None

OPEN TO THE PUBLIC: Commissioner Hamercheck asked if anyone in the audience wished to address the Board. Mr. Walter Siegel, of 4525 White Angel Drive, Perry, apologized for not being present at the recent meetings. He stated that he has no understanding why there is a continued issue regarding a potential conflict of interest to appoint him to the Port Authority Board. The Prosecutor’s Office has reviewed this issue and determined there is no conflict. He explained that he has over 25 years of experience in economic development, he has overseen the construction of many projects and many grant projects, he has the support of many elected and local officials, and he was recently elected as chairperson of the Planning Commission. He has recently retired as the Perry Township Administrator and he looks forward to serving on the Port Authority.

RESOLUTIONS:

**1. RESOLUTION APPROVING THE AMENDMENT TO THE OHIO DEPARTMENT OF TRANSPORTATION STATE FUNDS EXCHANGE AGREEMENT NO. 28035 FOR LAK-HOPKINS ROAD BRIDGE REPLACEMENT PROJECT IN THE CITY OF MENTOR, PID NO. 93498 (20180201\E01)(E-3)**

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

**2. RESOLUTION AUTHORIZING ADVERTISING FOR BIDS FOR THE IMPROVEMENT OF VARIOUS COUNTY ROADS WITH THE CHIP SEAL PROJECT (BID OPENING: February 21, 2018)(20180201\E02)(E-2)**

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

**3. RESOLUTION AUTHORIZING ADVERTISING FOR BIDS FOR ROADWAY MATERIALS FOR THE LAKE COUNTY ENGINEER’S ROAD DEPARTMENT FOR THE YEAR 2018, PROJECT NO. 2018-01 (Bid Opening: February 28, 2018)(20180201\E03)(E-2)**

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

**4. RESOLUTION AUTHORIZING THE LAKE COUNTY ENGINEER TO PURCHASE \$236,363.64 IN FEDERAL CREDIT BRIDGE CREDITS FROM THE ALLEN COUNTY ENGINEER FOR USE AS LOCAL MATCH FOR ELIGIBLE FEDERAL BRIDGE PROJECTS FOR A TOTAL COST OF \$130,000.00 (20180201\E04)(E-3)**

On a motion by Commissioner Troy, seconded by Commissioner Cirino. Lake County Engineer, Mr. James Gills, was present and explained that the Allen County engineer found he could not use the federal bridge credits his office had purchased and are permitted to be offered to other counties. Allen County offered them to other Ohio counties at approximately fifty-five cents on the dollar. If approved, the County will be receiving more than \$236,000 worth of federal bridge credits from Allen County for \$130,000. The credits can be used for up to 75 percent of the local cost of a project. Mr. Gills further explained the details of the federal bridge credit process and stated that the County has three federal bridge projects planned over the next few years: the Hopkins Road Bridge in Mentor, the Waite Hill Road Bridge and the Markell Road Bridge in Kirtland. Commissioner Cirino asked if it was necessary for Allen County to adopt a resolution permitting the sale. Mr. Gills responded that they have adopted a resolution and there will be a formal agreement for Mr. Gills to sign. Commissioner Troy stated that he will thank Allen County Commissioner Noonan for the partnership. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None

**5. RESOLUTION AUTHORIZING ADVERTISING FOR BIDS FOR LIMESTONE/SAND FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (Bid Opening: February 21, 2018)(20180201\U01)(UT-8)**

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

**6. RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH MANNIK & SMITH GROUP, INC. FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (20180201\U02)(UT-4)**

On a motion by Commissioner Troy, seconded by Commissioner Cirino. Commissioner Troy stated that the Utilities Department has been using the Mannik and Smith Group for quite some time for professional and technical assistance to ensure the proper operation of the County’s landfill. He explained that the County landfill is

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regulated by the Ohio EPA. The foregoing resolution was adopted with the vote as follows: "AYES":  
Commissioners: Cirino, Hamercheck, and Troy "NAYS": None

**7. RESOLUTION INCREASING APPROPRIATIONS WITHIN THE LAKE COUNTY DEPARTMENT OF UTILITIES WATER PROJECT FUND 595 FOR MCMACKIN ROAD WATERLINE REPLACEMENT PROJECT 388-W AND MAIN STREET AND NARROWS ROAD WATERLINE REPLACEMENT PROJECT 389-W (20180201\U03)(UT-2)**

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

**8. RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN LAKE COUNTY DEPARTMENT OF UTILITIES SEWER PROJECT FUND 596, DEERFIELD RELIEF SEWER PROJECT 366-S (20180201\U04)(UT-2)**

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

**9. RESOLUTION AWARDED A BID CONTRACT IN THE AMOUNT OF \$285,850.00 TO MONTE CONSTRUCTION COMPANY, INC. FOR MAIN STREET AND NARROWS WATERLINE REPLACEMENT PROJECT 389-W (20180201\U05)(UT-4)**

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

**10. RESOLUTION AWARDED A BID CONTRACT IN THE AMOUNT OF \$642,660.00 TO J.S. BOVA EXCAVATING, LLC FOR DEERFIELD RELIEF SEWER CEDAR GLEN AND CRESTWOOD PROJECT 366-S (20180201\U06)(UT-4)**

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

**11. RESOLUTION AWARDED A BID CONTRACT IN THE AMOUNT OF \$307,000.00 TO D.B. BENTLEY, INC. FOR MCMACKIN ROAD WATER MAIN EXTENSION PROJECT 388-W (20180201\U07)(UT-2)**

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

**12. RESOLUTION CERTIFYING UNPAID SEWER AND WATER SUMS AND ADMINISTRATIVE CHARGES TO THE LAKE COUNTY AUDITOR (20180201\U08)(UT-7)**

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

**13. RESOLUTION APPOINTING WALTER R. SIEGEL TO THE LAKE COUNTY OHIO PORT AND ECONOMIC DEVELOPMENT AUTHORITY BOARD OF DIRECTORS TO COMPLETE THE REMAINDER OF A TERM EXPIRING DECEMBER 31, 2020 (20180201\C01)(B-192)TABLED 1/16/18**

On a motion by Commissioner Cirino to remove the resolution from the table. There was not a second to Commissioner Cirino's motion, therefore the resolution remains tabled.

**14. A RESOLUTION TO PLACE AN ADDITIONAL TAX LEVY OF FOUR-TENTHS OF ONE MILL (.4 OF 1 MILL) ON REAL ESTATE WITHIN LAKE COUNTY FOR NECESSARY REQUIREMENTS FOR PROVIDING AND MAINTAINING POLICE EQUIPMENT AND PERSONNEL FOR THE LAKE COUNTY CRIME LABORATORY, AS PROVIDED FOR IN SECTION 5705.19(J) OF THE OHIO REVISED CODE, ON THE BALLOT AT THE MAY 8, 2018 PRIMARY ELECTION (20180201\C02)(C-5)**

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 Troy "NAYS": None

**15. RESOLUTION APPOINTING POLICE CHIEF JOHN P. GIELINK AS A MEMBER OF THE LAKE COUNTY NARCOTICS EXECUTIVE BOARD TO COMPLETE THE REMAINDER OF AN UNEXPIRED TERM ENDING DECEMBER 31, 2019 (20180201\C03)(B-17)**

On a motion by Commissioner Troy, seconded by Commissioner Hamercheck. Commissioner Troy explained that there are seven members on the Narcotics Board, five of which are appointed by the Board of Commissioners. This appointment is to complete the term of retiring Kirtland Police Chief Baumgart. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None

**16. RESOLUTION AUTHORIZING THE LAKE COUNTY BOARD OF COMMISSIONERS TO ENTER INTO A FEDERAL EQUITABLE SHARING AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE AND THE UNITED STATES DEPARTMENT OF THE TREASURY ON BEHALF OF THE LAKE COUNTY PROSECUTING ATTORNEY'S OFFICE TO RECEIVE FEDERALLY FORFEITED PROPERTY AND/OR FUNDS (20180201\C04)(CT-8con)**

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

**17. RESOLUTION AUTHORIZING THE LAKE COUNTY BOARD OF COMMISSIONERS TO ENTER INTO A FEDERAL EQUITABLE SHARING AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE AND THE UNITED STATES DEPARTMENT OF THE TREASURY ON BEHALF OF THE LAKE COUNTY SHERIFF'S OFFICE TO RECEIVE FEDERALLY FORFEITED PROPERTY AND/OR FUNDS (20180201\C05)(CT-10a)**

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

**18. RESOLUTION AUTHORIZING THE LAKE COUNTY BOARD OF COMMISSIONERS TO ENTER INTO A FEDERAL EQUITABLE SHARING AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE AND THE UNITED STATES DEPARTMENT OF THE TREASURY ON BEHALF OF THE LAKE COUNTY NARCOTICS AGENCY TO RECEIVE FEDERALLY FORFEITED PROPERTY AND/OR FUNDS (20180201\C06)(CT-17a)**

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

**19. RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS(20180201\BC01)(C-4)**

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

DEPARTMENTAL REPORTS:

UTILITIES – none.

JOB AND FAMILY SERVICES – none.

COUNTY ADMINISTRATOR – none.

FINANCE – Commissioner Troy stated that final payouts from the MCO sales tax changes have been made. He explained that the final payout was \$50 million from the State and we will receive \$425,000 as our share of the money distributed to the 88 counties and 8 transit agencies with the possibility of an additional \$30 million to the state's eighty-eight counties and eight transit authority agencies. The County will lose an estimated \$1.7 million annually beginning in 2019 and thereafter. Budget Director Mr. Michael Matas, stated that the funds have been received and deposited in the amount of \$425,000.

CLERK –none.

LEGAL – none.

OLD BUSINESS: - Commissioner Cirino expressed his frustration regarding the continuous tabling of the resolution pertaining to Mr. Siegel's appointment to the Port Authority Board. He stated that it has been determined that no conflict of interest exists and there is no gender issue. He stated that Mr. Siegel is a very qualified candidate for this Board position and that Mr. Siegel took the time to personally speak to the Board today. Commissioner Troy commented that, in his opinion, out of the four candidates interviewed, one female had superior qualifications for appointment to the Port Authority Board. He stated that he has no issues with Mr. Siegel, and he has supported and reappointed him several times to serve on the Planning Commission Board. Commissioner Troy feels that there is another candidate with the desired qualifications to bring a new approach and innovative ideas to the Board. Commissioner Cirino stated that he has no issue with the candidate Commissioner Troy is referring to but she does not have any municipal or political subdivision experience. Gender notwithstanding, appointments should be based on the most highly qualified candidates. Commissioner Hamercheck stated that after conferring with legal counsel, the goal is to appoint a person who would be the most compatible with the Board and he would prefer to wait until legal counsel of the Port has had an opportunity to weigh in on this matter.

NEW BUSINESS: - From the table, Commissioner Troy offered a resolution urging First Energy to continue the operation of the Perry Nuclear Power Plant through the investigation and implementation of all possible options for the Board's consideration and he read the resolution in its entirety. He explained that this is a Board type government and this Board has not officially weighed in on this issue. He feels that it is time to do so and he has no doubt that all three Board members are supportive of this resolution. Of course, the final decision is up to First Energy but the Board is asking First Energy to redouble their efforts and review and investigate the many options still available. Commissioner Troy moved for adoption of this resolution. Commissioner Cirino stated there is no doubt he is in support of a resolution of this nature but there has not been an opportunity or sufficient time to review it. Commissioner Cirino explained there are several missing components from it and he would like further review before passing the resolution.

Commissioner Troy stated that this resolution is an opportunity to show a united front from Lake County and urges that all options be investigated. The Board continued to discuss the resolution and the importance of taking a united approach to this matter. They discussed the serious economic impact it would have not only on Lake County but the employees of the Perry Plant should it close.

Commissioner Hamercheck clarified that the resolution is appropriate but the Board would like an opportunity to take a closer look at its content and possibly place some additional wording into it before taking a vote.

Commissioner Hamercheck explained that the signature file is a serving tray that documents are put in for the Commissioners to review and a signature by a Commissioner simply acknowledges that they have read it and is not necessarily an endorsement of the legislation.

PUBLIC COMMENT: Commissioner Hamercheck asked if anyone in the audience wished to address the Board. Mr. Larry Reichard of 2828 Antioch Road, stated that he understands the Board wanting to do their due diligence before making a Board appointment and he believes that has been done. He questioned why there was not a second to Commissioner Cirino's motion to remove the resolution appointing Mr. Siegel to the Port Authority Board from the table so this issue could be resolved. Mr. Reichard believes that Mr. Siegel is a very qualified candidate and gender should not be a determining factor. He also spoke on the Perry Power Plant issue.

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Mr. Ken Gauntner of 6039 Meadowood Drive, urged the Board to take action on the Port Authority appointment. In his role as a Madison Township Trustee, he has had many opportunities to work with Mr. Siegel. He supports the appointment of Mr. Siegel and believes he is more than qualified to serve on the Board.

Mr. John Muzic of 45 Coventry Drive in Painesville Township, stated that he had an opportunity to take a tour of the Lake County Crime Lab, and he encouraged residents to do the same. He stated that he fully supports the Crime Lab levy and all of the hard work that they do.

Lake County Prosecutor, Mr. Charles Coulson, thanked the Board for their unanimous support of the Crime Lab Levy and appreciates their support.

Mr. Joey Tomsick, Lake County Council on Aging, stated that they are taking nominations for the "Council on Aging Hall of Fame". He explained the qualifications for nominating an individual or couple.

Commissioner Troy said that he appreciated the positive comments regarding the Crime Lab.

EXECUTIVE SESSION: On a motion Commissioner Troy, seconded by Commissioner Cirino, the Board convened an Executive Session at 11:07 a.m. to discuss Legal – imminent litigation, Legal – litigation update (opioid) and Personnel – pending litigation with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None

ADJOURN: On a motion by Commissioner Troy, seconded by Commissioner Hamercheck, the Board adjourned the meeting at 12:00 p.m., with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None

Minutes approved this first day of March, 2018.

**BOARD OF LAKE COUNTY COMMISSIONERS**

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JOHN R. HAMERCHECK, PRESIDENT

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JERRY C. CIRINO, COMMISSIONER

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DANIEL P. TROY, COMMISSIONER

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JENNIFER BELL, CLERK