

FEBRUARY 21, 2019

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

(Tape 2019-0221)

CALL TO ORDER: Commissioner Cirino called the Meeting to order at 10:00 a.m. Thursday, February 21, 2019.

ROLL CALL: Upon roll being called, Commissioners Cirino and Hamercheck were present. Commissioner Young was absent.

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 Concord, spoke of the meeting recently held between the Board of Commissioners and the Visitors Bureau. Mr. Massie stated that he was in attendance at this meeting and was asked to leave. He referred to the Open Meetings Act and questioned the reasons he was not permitted to stay. Assistant Prosecutor, Mr. David Hackman, was present and explained that a public meeting is a meeting that takes place with a quorum where decisions may be made. With regard to other meetings, including the meeting with the Visitor's Bureau, the Board is permitted to have "informational meetings" which is what the Visitors Bureau meeting was. It was held to update the Board on the past year and outline their plans for 2019. No deliberations or decisions were going to be made. Mr. Hackman stated that this was not a public meeting. He also stated that the Board has traditionally gone above and beyond to comply with public openness and he is very confident that they have always complied with the Sunshine Laws. There was no secrecy concerning the meeting and no decisions were made. Mr. Hackman acknowledged Mr. Massie and that of the public's right to attend open meetings, have public portions if the Board wishes, and Mr. Massie's has a right to place whatever information is provided on his blog to keep citizens updated. Although he has not seen the blog, he has heard about the information posted and he hopes that there would be a level of decorum. Commissioner Hamercheck explained that this meeting was requested by the Executive Director of the Visitor's Bureau, it was not a Board of Commissioners Meeting, and that no formal actions were taken. Mr. Hackman reiterated that the Board was in absolute compliance with the Sunshine Law. Commissioner Cirino concurred that the Board has gone out of their way to be open and that public comment during Commissioner Meetings is not required but they choose to allow it. He addressed Mr. Massie's blog stating that he would appreciate a level of decorum and appropriateness reflected there and that name calling is unnecessary.

Ms. Connie Mismus of Eastlake, discussed the findings of a lawsuit involving Senator Uecker. She explained that the lawsuit pertained to the Senator's choice to block a person (or people) from making public comments on his official political Facebook page and she asked Assistant Prosecutor, Mr. Hackman for his opinion on the matter. She also asked several questions regarding blocking someone from an official politicians Facebook page. Mr. Hackman stated he was not familiar with the case involving Senator Uecker. Ms. Mismus provided some details and asked Mr. Hackman to look into it further. Mr. Hackman asked if Commissioner Cirino's Facebook page was searchable from the Lake County website. Commissioner Cirino stated that his Facebook page is a campaign page and it is not listed or linked anywhere on the Lake County website. He stated that he has blocked some people for certain actions or inappropriate language.

Ms. Carol Pred of Mentor, stated that if the Facebook page is an official public campaign page, she feels that they do not have the right to block people.

RESOLUTIONS:

1. RESOLUTION INCREASING APPROPRIATIONS, DECREASING APPROPRIATIONS AND TRANSFERRING CASH IN LAKE COUNTY DEPARTMENT OF UTILITIES WATER AND SEWER OPERATING FUNDS AND PROJECT FUND 271-W (20190221\U01)(UT-2)

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

2. RESOLUTION CERTIFYING UNPAID SEWER AND WATER SUMS AND ADMINISTRATIVE CHARGES TO THE LAKE COUNTY AUDITOR (20190221\U02)(UT-7)

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

3. RESOLUTION APPROVING PLANS, SPECIFICATIONS AND ESTIMATES OF COST IN THE AMOUNT OF \$555,000.00 FOR WALDMER DRIVE WATERLINE REPLACEMENT PROJECT NO. 410-W, AND ADVERTISING FOR BIDS FOR SAME (Bid Opening: March 20, 2019) (20190221\U03)(UT-8)

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

4. RESOLUTION ACCEPTING SUMS FROM A PROPERTY OWNER IN THE LAKE COUNTY WATER DISTRICT (20190221\U04)(UT-14)

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

5. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$575,816.91(20190221\BC01)(C-4)

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

6. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$670,988.11 (20190221\BC02)(C-17)

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

7. RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS(20190221\BC03)(C-111)

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

**8. RESOLUTION TRANSFERRING CASH WITHIN VARIOUS NON-GENERAL FUND ACCOUNTS
(20190221\BC04)(C-111)**

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

DEPARTMENTAL REPORTS:

UTILITIES – Sanitary Engineer, Mr. Randy Rothlisberger, stated the Department held a bid opening for the Glyco II Forcemain Replacement Project in Grand River (which is a part of their Capital Improvement Plan). The estimate for the project was \$987,000; 5 bids were received, most near \$1 million however, one bid was received in the amount of \$659,000. This apparent low bidder is a contractor they have worked with many times in the past. The savings on this project may allow for an extra project this year.

JOB AND FAMILY SERVICES – none.

COUNTY ADMINISTRATOR –none.

FINANCE – none.

CLERK –Commissioners Clerk, Ms. Jennifer Bell, reported that there are openings on the Senior Advisory Panel Board and the LakeTran Board. Anyone interested can find more information and the instructions to apply on the Commissioners website. She stated that the next regular Commissioners Meeting will be held on Thursday, February 28th at 10:00 AM.

LEGAL – none.

OLD BUSINESS: - Commissioner Cirino announced that the Federal Court has accepted the Amicus Brief regarding redistricting. He explained that the Court has found enough merit in the case (the Amicus Brief) for them to accept it. Mr. Hackman stated that the Court will take the brief into consideration. Commissioner Cirino thanked the attorney's for their hard work and thoroughness in preparing the brief.

Commissioner Cirino addressed Sanitary Engineer, Mr. Randy Rothlisberger, regarding the findings of the Painesville Township odor issue. Mr. Rothlisberger stated that they have received a preliminary report from the experts which addressed some mitigation solutions pertaining to the methane gas smell at the landfill. He stressed that the study found the landfill to be operating properly. He gave a detailed report of the operation of the landfill, the 35 current wells. There are plans for 4 future wells to be placed at the landfill. The wells are used to capture and destroy the methane gas. Methane gas is created from the more than 800 tons of trash coming into the landfill daily. Commissioner Cirino clarified with Mr. Rothlisberger that there are no health hazards whatsoever regarding the odor. Mr. Rothlisberger stated that Commissioner Cirino is correct, that the odor is just a bothersome smell.

NEW BUSINESS: Commissioner Hamercheck complimented the Telecommunications Department for a job well done. He explained that a recent telephone system upgrade caused an internal shutdown of the County phone system and telecom department handled the issue in a timely and efficient manner. Mr. Boyd added that the 9-1-1 system was never impacted by this issue only the internal phone system.

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

Mrs. Ellen Chamberlin, referred to and read a portion of an article in today's Plain Dealer relating to First Energy's \$981 million net profit. She stressed the importance of being prepared in the event of the Perry Nuclear Power Plant closure and she would hope that the Board of Commissioners is closely monitoring the bankruptcy case. Commissioner Cirino responded to Mrs. Chamberlin, explaining that the Nuclear Regulatory Commission has very strict requirements for monies that need to be set aside by power plants for their closure. The Board of Commissioners has no control over that but will be keeping up with the bankruptcy process.

Mr. Muzik of 45 Coventry Drive in Painesville, clarified that it is not just the County landfill causing the odor issues in Painesville Township. Commissioner Cirino discussed a class action lawsuit that had recently been settled involving area residents and the Hardy Plastic Manufacturing. The lawsuit was filed due to the odors being produced. He stated that both Hardy and Omega Fish Foods have been investigated by the EPA and are in compliance.

Ms. Connie Mismus of Eastlake, asked if Ashtabula County was a part of the Amicus Brief filing.

Assistant Prosecutor, Mr. David Hackman, explained that each of the three County Boards of Commissioners (Lake, Geauga, and Ashtabula) passed individual resolutions and that Lake County filed the Amicus Brief on behalf of Lake and Geauga County only. Commissioner Cirino added that the Ashtabula County Prosecutor made the decision to not take part in the filing of the Amicus Brief.

Commissioner Cirino stated that the next regular Commissioner's Meeting is scheduled for Thursday, February 28, 2019 at 10:00 a.m.

ADJOURN:

On a motion by Commissioner Hamercheck, seconded by Commissioner Cirino, the Board adjourned the meeting at 12:30 p.m. with the vote as follows: "AYES": Commissioners: Cirino and Hamercheck. "NAYS": None

Minutes approved this fourteenth day of March, 2019.

BOARD OF LAKE COUNTY COMMISSIONERS

FEBRUARY 21, 2019

RON YOUNG, VICE PRESIDENT

JENNIFER BELL, CLERK