

MAY 30, 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

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(Tape 2019-0530)

CALL TO ORDER: Commissioner Cirino called the Meeting to order at 10:06 a.m. Thursday, May 30, 2019.

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

OPEN TO THE PUBLIC: Commissioner Cirino asked if anyone in the audience wished to address the Board. Ms. Mary Ellen Struze of 10518 Briar Hill Road in Kirtland, respectively stated that as public servants, the Board has an obligation to listen to public opinion. She agrees with the concept to limit the time a public participant may speak but feels that they should not be limited as to subject matter and to only one public participation portion. Ms. Cathy Hewitt of the Lake County Health District, explained that one year ago this week, the City of Wickliffe was the first Lake County community to pass a resolution in support of Tobacco 21. She read a detailed report on the statistics of tobacco use and the many very harmful tobacco products available today.

Mr. David Lima of 7774 Litchfield Drive in Mentor, read a prepared statement regarding limiting public comment (item #10 on today's agenda), stating that he feels 4 of the 7 points in the resolution are too restrictive and unnecessary and encouraged the Board to vote no on the resolution.

Mr. Brian Massie of 8196 Rainbow Drive in Painesville, stated that he agrees with Mr. Lima's statements regarding limiting public comment. He addressed the Board regarding the Port Authority's "Better Flip" Project, stating that the Port Authority Board had stated at one of their Board meetings that they would consider establishing a budget for the Better Flip Project although the project did not have a budget when it began. Commissioner Hamercheck explained to Mr. Massie that Port Authority Executive Director, Mr. Mark Rantala, assured him (Commissioner Hamercheck) in person that there was a budget in place for the Better Flip Project and that was prepared with the assistance of at least two of their Board members. Commissioner Hamercheck also stated that while he has been somewhat critical of the project management side of the Better Flip Project, he feels that involving the students of the Auburn Career Center was a unique idea, that supporting Mayor Regovich and the City of Willowick is important and that this project has merit. Mr. Massie provided to the Commissioners a copy of his public records request to the Port, their response and a copy of the Port Authority Board meeting minutes of December 20, 2017. Commissioner Cirino stated that he does not believe this meeting is the proper forum to discuss Mr. Massie's issues with the Port Authority. He stressed that the Port Authority is a very important organization and instrument for economic development and that there are many projects underway.

Ms. Ellen Chamberlin of Willoughby, also feels that the resolution limiting public comment is too restrictive for a County as diverse as Lake County. She asked that the Board consider amending, reviewing or completely striking point #5 in the resolution.

Mr. John Muzik of 45 Coventry Drive in Painesville Township, also referred to item #10 on the agenda, stating that he does not agree with points # 1, 2, 4 and 5 in the resolution and asked that the Board reconsider voting on this resolution. He stressed the importance of transparency and of input from the public.

Ms. Arzella Melnyk of 10506 Hobart Road, stated that Mr. Lima addressed her concerns on item #10. While she agrees that a time limit would be a good idea she opposes the remainder of the resolution and asked that the Board table this resolution for further review. Commissioner Cirino stressed that it is not the intention of the Board of Commissioners to limit anyone's right to free speech but retain some discretion.

RESOLUTIONS:

1. RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR FAIRWAY PINES SUBDIVISION PHASE 2 IN PAINESVILLE TOWNSHIP (20190530\E01)(SD-432)

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 EXECUTION OF AN AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS AND THE CONCORD TOWNSHIP TRUSTEES FOR THE MAINTENANCE OF A TRAFFIC ROUNDABOUT AT THE INTERSECTION OF AUBURN ROAD AND CAPITAL PARKWAY (20190530\E02)(E-8)

On a motion by Commissioner Hamercheck, seconded by Commissioner Cirino. County Administrator, Mr. Jason Boyd, explained that this is an agreement between the County and Concord Township to address and assist with the maintenance and improvement to the roundabout located at Auburn and Crile Roads. The Concord Township Trustees will also be adopting a resolution in favor of this agreement. Mr. Bruce Landeg, Chief Deputy from the Lake County Engineers Office, stated that the Engineers Office has no objections to this agreement. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Young "NAYS": None

3. RESOLUTION TRANSFERRING APPROPRIATIONS AND TRANSFERRING CASH FROM LAKE COUNTY DEPARTMENT OF UTILITIES PROJECT FUND 595--PROJECT 405-W TO THE WATER OPERATING FUND. THE PROJECT IS COMPLETE AND THE CASH IN THE PROJECT FUND IS REDUCED TO ZERO (20190530\U01)(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

4. RESOLUTION APPROVING FINAL CHANGE ORDER NO. 1 WITH NERONE & SONS, INC. FOR RICHMOND ROAD AND RIVER STREET PUMP STATION REPLACEMENT PROJECT NO 358-S DECREASING THE TOTAL CONTRACT AMOUNT BY \$125,788.34 (20190530\U02)(UT-4)

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

5. RESOLUTION APPROVING PLANS, SPECIFICATIONS AND ESTIMATES OF COST IN THE AMOUNT OF \$557,700.00 FOR GLK AND MADISON WASTEWATER TREATMENT PLANTS INTERIOR RENOVATIONS PROJECT 385-S AND ADVERTISING FOR BIDS FOR SAME (BID OPENING: June 26, 2019)(20190530\U03)(UT-8)

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

6. RESOLUTION CERTIFYING UNPAID SEWER AND WATER SUMS AND ADMINISTRATIVE CHARGES TO THE LAKE COUNTY AUDITOR(20190503\U04)(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

7. RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A SUBGRANT AGREEMENT BETWEEN THE OHIO DEPARTMENT OF JOB AND FAMILY SERVICES AND THE LAKE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES TO ESTABLISH THE TERMS AND CONDITIONS FOR RECEIPT OF FUNDING (20190530\JFS01)(JFS-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

8. RESOLUTION APPROVING LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES VOUCHERS DATE OF WARRANT JUNE 7, 2019, IN THE AMOUNT OF \$214,362.05 (20190530\JFS02)(JFS-14)

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

9. RESOLUTION FOR THE PURPOSE TO RECOMMEND THAT ALL CITY JURISDICTIONS IN LAKE COUNTY RAISE THE MINIMUM LEGAL SALES AGE (MLSA) OF TOBACCO PRODUCTS TO 21 AND CREATE REGULATIONS INVOLVING LICENSING FOR AND SALES OF TOBACCO PRODUCTS (20190530\C01)(C-107)

On a motion by Commissioner Cirino, seconded by Commissioner Hamercheck. Commissioner Young stated that he is very supportive of this resolution and although it does not creating definitive rules or laws that bind jurisdictions, it is important to support. Commissioner Cirino stressed that there is a compelling health interest for the community and that the Board is happy to join in supporting this resolution. Commissioner Hamercheck agreed with Commissioners Young and Cirino and emphasized that the use of electronic type smoking devices ("nicotine delivery systems") is on the rise and very dangerous. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Young "NAYS": None.

10. RESOLUTION ESTABLISHING RULES FOR THE ORDERLY PRESENTATION OF PUBLIC COMMENT DURING LAKE COUNTY COMMISSIONER MEETINGS(20190530\C02)(C-107)

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

11. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$820,834.77(20190530\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.

12. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$130,695.50(20190530\BC02)(C-17)

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 INCREASING APPROPRIATIONS FOR VARIOUS NON-GENERAL FUND ACCOUNTS (20190530\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, Hamercheck, and Young "NAYS": None.

14. RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS (20190530\BC04)(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.

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**15. RESOLUTION PROCLAIMING WORLD ELDER ABUSE AWARENESS DAY IN LAKE COUNTY, OHIO
(20190530\F01)(C-126)**

On a motion by Commissioner Cirino, seconded by Commissioner Young. Director of Job and Family Services, Mr. Matthew Battiato, stated that Job and Family Services is responsible for providing adult protective services to the senior citizens of Lake County. This resolution is to bring an awareness of the elder abuse issue to the community. Job and Family Services, collaboratively with the Council on Aging, will host a panel discussion on this issue on June 12th. Mr. Battiato introduced Assistant Administrator from Job and Family Services, Ms. Ali Tomaselli. Ms. Tomaselli invited anyone interested to attend the Elder Abuse Awareness Day Event being held on June 12th from 2:00 to 4:00 pm at the Fairport Harbor Senior Center. She stated that in Ohio, over 15,000 reports are received annually regarding senior citizens and their care. In 2018, Lake County investigated over 470 cases. Ms. Tomaselli thanked the Board of Commissioners for their continued support of Elder Abuse Awareness and encouraged those available to attend the event on June 12th. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Young "NAYS": None.

DEPARTMENTAL REPORTS:

UTILITIES – none.

JOB AND FAMILY SERVICES – none.

COUNTY ADMINISTRATOR – Mr. Jason Boyd gave an update on the interior study of the Lake County Jail. He will be meeting with the engineering consultant in the next couple of weeks for discussions of the current conditions and long term plan. Commissioner Hamercheck added that the Corrections Board is trying to be as proactive as possible and stay on top of the sensitive budget, staffing and inmate issues.

FINANCE – none.

CLERK – Commissioners Clerk, Ms. Jennifer Bell, stated that there is no Commissioners meeting next week and that the next regular Commissioners Meeting will be held on Thursday, June 13th at 10:00 AM.

LEGAL – none.

OLD BUSINESS: - Commissioner Cirino stated that House Bill 6 passed the Ohio House and that there will most likely be changes as it moves on to the Senate. A summary of the current version of House Bill 6 is available online. Commissioner Cirino thanked Commissioners Hamercheck and Young for their support and for taking the opportunity to testify in Columbus.

Commissioner Hamercheck stated that he was disappointed that solar and wind were backed out of the bill and that our (the Board of Commissioners) number one priority is Lake County and the nuclear power plants. He explained that LEEDCo (the Project Icebreaker) would have been one of the recipients and beneficiaries with national and international recognition. He is still hopeful for a good outcome for the project. Commissioner Cirino discussed the potential savings that would be seen with the passage of House Bill 6.

Commissioner Hamercheck addressed Mr. Massie regarding the Port Authority documents he provided to the Board earlier in the meeting. Commissioner Hamercheck stated that he will look into this further and follow up with Port Authority Executive Director, Mr. Mark Rantala.

Commissioner Hamercheck explained that, although a resolution is placed onto the agenda, it does not necessarily mean it will be adopted. The Board is open to discussion and public opinions on these matters.

NEW BUSINESS: Commissioner Hamercheck discussed Lake County's air quality, the devastating economic impact in the City of Eastlake by the closure of the First Energy Plant and the importance of having zero emissions.

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

Ms. Faith Andrews of 10441 Prouty Road in Concord, thanked the Board for their decision to table item #10 on the agenda. She referred to a prior meeting when Commissioner Hamercheck asked for Assistant Prosecutor David Hackman's opinion regarding oversight of the Port Authority Board. She quoted a portion of 4582.27 of the Ohio Revised Code. She offered her opinion on the Better Flip Project.

Ms. Cathy Hewitt of 6604 Deerhaven in Concord Township, stated that, as the mother of five children, she appreciates that the Board recognizes the importance of raising the legal age to purchase any tobacco products to 21.

Ms. Ellen Chamberlin of Willoughby, spoke of the ongoing challenges that would be faced throughout the County with regard to passage of House Bill 6.

Ms. Mary Ellen Struze of 10518 Briar Hill Drive in Kirtland, thanked the Board for their decision to table item #10 on the agenda and for taking a very proactive approach for adopting the Tobacco 21 resolution.

Ms. Pat Denny of 7465 Mountain Quail in Concord, stated that she has had a hard time hearing what was being discussed by Commissioner Hamercheck regarding LEEDCo. Commissioner Hamercheck stated that he spoke of the importance of the LEEDCo wind project.

She also thanked the Board for their decision to table item #10 on the agenda. She asked what the practices might be for public comment with other Boards of Commissioners. Commissioner Cirino stated that there is no set timeline for Commissioners Meetings. County Administrator, Mr. Boyd, stated that the new Commissioners chambers will have microphones, a podium with a microphone for the public to speak and a projection screen. The new chambers will be much more accommodating to the public. Commissioner Cirino stated that the public is welcome to stay after a regular meeting to speak with them if they do not wish to speak publicly. Commissioner

Young stated that the tabled resolution was modeled from Lorain County. Mr. Boyd added that there are several Counties with timed public portions among other restrictions.

Mr. John Muzik of 45 Coventry Drive in Painesville Township, thanked the Board for their decision to table item #10 on the agenda. He also thanked Mr. Battiato, Ms. Tomaselli and Mr. Tomsick (from Council on Aging) for their dedication to one of Lake County’s most vulnerable citizens; our seniors.

Ms. Arzella Melnyk of 10506 Hobart Road in Kirtland, thanked the Board for their decision to table item #10 on the agenda.

Commissioner Cirino stated that the next regular Commissioner’s Meeting is scheduled for Thursday, May 30, 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 10:56 a.m. to Personnel-Collective Bargaining with the vote as follows: “AYES”: Commissioners: Cirino and Hamercheck. “NAYS”: None

The Lake County Board of Commissioners adjourned to Executive Session at 11:22 a.m.

ADJOURN:

On a motion by Commissioner Cirino, seconded by Commissioner Hamercheck, the Board adjourned the meeting at 11:22 a.m. with the vote as follows: “AYES”: Commissioners: Cirino and Hamercheck. “NAYS”: None

Minutes approved this twenty-seventh day of June, 2019.

BOARD OF LAKE COUNTY COMMISSIONERS

JERRY C. CIRINO, PRESIDENT

JOHN R. HAMERCHECK, COMMISSIONER

RON YOUNG, VICE PRESIDENT

JENNIFER BELL, CLERK