

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 2018-0802)

CALL TO ORDER: Commissioner Hamercheck called the Meeting to order at 10:03 a.m. Thursday, August 2, 2018.

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

APPROVAL OF MINUTES: Upon a motion by Commissioner Troy, seconded by Commissioner Cirino, the minutes of the regular meetings of June 21, June 28, July 5, July 10, July 19, 2018 and the worksession of July 26, 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. Brian Massie of 8196 Rainbow Drive, reported that he has recently been reviewing the financial statements of libraries located in Lake County, and he asked if any County entity reviewed library finances? Commissioner Troy replied that the Auditor of State reviews library finances. The Commissioners are the gatekeepers for placing a county library levy on the ballot.

Mr. Matas further explained that the County Budget Commission, consisting of the Treasurer, Prosecutor and Auditor, reviews the amount to be levied on an annual basis for the tax budget.

Ms. Lois Osborn, 334 S. St. Clair in Painesville, stated that she is concerned with inappropriate language in proposed Resolution #8 supporting Immigration and Customs Enforcement (ICE). She also thought that the facts in the resolution should be cited. She stated that there are some actions of ICE she does not support as do many others. Commissioner Troy stated that three resolutions were proposed; one by each Commissioner, but only two of those are on the agenda. Resolution #8 was crafted by Commissioner Hamercheck and Resolution #9 was crafted by Commissioner Troy. He agrees that the facts should be checked in the resolutions and suggested that the resolutions be tabled.

Ms. Patricia Denny, 7465 Mountain Quail Pl. in Concord, stated that Catholic teaching supports immigrants worldwide and is baffled why the Commissioners want to support ICE so urgently. She encouraged the Commissioners to visit a website called "Strangers No Longer: Together on the Journey of Hope". She stated that this issue is very complex and these immigrants are our neighbors and friends. She opposes any measure in the name of Lake County to facilitate the ways ICE has been commissioned to act toward immigrants.

Mr. Dave Lima, 7774 Litchfield Dr. in Mentor, stated that recently he was asked if he was a United States Citizen and if he loved his Country. When he saw item #8 on the agenda, it further concerned him. He thought that Item #8 should be stricken from the agenda. He also thought that if this passed, then one should be created supporting the FBI and copies sent to the FBI Director, Attorney General and President of the United States.

Mr. Rob Loftus, 533 Humiston Drive, Bay Village, stated that he is speaking from a purely humanitarian point of view. He finds the policies of ICE atrocious. Families are being broken up in Ohio. Many of the people that ICE are going after are vital to our economy. The death rate for children under 5 in ICE custody is not good. The idea that a local government would voice support for policies under the current administration he believes are cruelly implemented and it is distressing to him.

Ms. Ellen Struze, 10518 Briar Hill in Kirtland, stated that she was disappointed to see Resolutions Items #8 and #9 on the agenda and urged the Commissioners to table and remove them from the agenda. She thinks that the Commissioners do not have any business entering into the political fury of this extremely divisive and emotional topic.

Ms. Kathy Dingethal, 24 New Concord in Concord, stated that she is a mental health practitioner and asked why this issue is coming up now in Lake County. There are no other counties in the Country that she knows of that are adopting this type of resolution. In the Omnibus Bill, there was \$6.4 billion allocated to ICE, which is a half billion more than the previous year. She thought that those resources could have been used to help people in other ways. Mr. Brian Rice, 46 Tanners Farm Drive in Painesville Township, stated that he lives and has a business in the Painesville area and thinks that the current President and Administration has inflamed relations with immigrants in this Country, and to blindly support the ICE agency is not right. He stated that the President's aggressive policies toward immigration and contempt for immigrants in ICE is running rampant. He does not understand why local public officials want to support that effort.

Mr. Mark Gilson, 2160 Evergreen Road in North Perry, stated that he owns a nursery and nurseries oppose illegal immigration but there is a leaking system. Nursery growers support the Commissioners and local law enforcement but he thinks that the Commissioners are getting into something that is not necessary. He stated that many people equate ICE with fear and this resolution will not help the situation. He stated that most of our local crime is drug-related. He does not think it is a good idea for the Commissioners to wade into a national issue.

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Mr. John Muzik, 45 Coventry Drive in Painesville Township, spoke about the use of the term "illegal alien" and asked what does that person look like? He stated that it is not what you look like but what you do. He stated that over 50% of children who come into the United States illegally do not pass DNA tests with their supposed parents. Mr. Muzik stated that we are a Country of laws and if people do not like them, then they can change them. He stated that laws do not break up families but people who break the laws break up families.

Mr. Jim Weber of Painesville, stated that he is in support of Resolution #8 and he hopes that the Commissioners pass the resolution.

Ms. Carol Pred, 6901 Stratford Cr., Mentor, stated that she hopes that Resolution #8 does not pass. She stated that she understands that ICE is necessary but under the current Administration, it has become overzealous. She indicated that both Ohio Senators Portman and Brown could not do anything with regard to ICE and she thought that this resolution was inappropriate and wrong.

Ms. Arzella Melnyk, 10506 Hobart Road in Kirtland, stated that she supports Resolution #8 and questioned Resolution #9, and stated that the Constitution requires that ICE conduct due process and she asked if the Commissioners were ever approached by anyone claiming they did not receive due process?

Commissioner Troy stated that Resolution #9 was crafted by him and he does not think ICE should be abolished but believes there should be immigration reform. He does not think this issue should be in the Commissioner's purview. There are some provisions of the constitution that possibly were not followed.

Ms. Melnyk stated that the Commissioners passed a resolution endorsing the matricula card. She feels that was dipping toes in the water as far as the immigration issue. She felt that employers should also be held accountable because illegal immigrants should not be able to work here. She supports the ICE resolutions.

Mr. Massie stated that he supports Resolution #8 but unfortunately it is an issue that has severely divided the Country. No borders equal no sovereignty equals no country.

Ms. Kathleen Baka, 9174 Regency Woods Drive in Kirtland, stated that she thinks that Commissioner Troy makes the most sense. She does not understand why the Commissioners should have a public opinion about this one way or another and she thought that putting a resolution out there may open up the County to liability. The resolutions should be made public. This is not what the Commissioners are here for; to voice their opinions about federal law. Commissioner Cirino asked if she disagrees with local and state entities calling for ICE to be abolished. Commissioner Troy stated that calls for the abolition of ICE are mostly coming from a few federal officials and that the majority of people do not agree with those sentiments.

Commissioner Cirino stated that there are also State officials who are calling for the abolition of ICE and a lot of people believe it should be locally discouraged. It may not be administered locally but it is an issue that impacts us locally.

Ms. Connie Mismas, 205 St. Lawrence in Eastlake, stated that she reviewed the resolution and saw all the reasons why ICE is important but nothing in the resolution mentioned Lake County specifically. It is not speaking to what is happening in our County.

Ms. Kathy Flora of Cleveland Heights, stated that she is a volunteer at St. Mary's Church in Painesville and stated that laws are about power even though her great-grandmother was a 50-year member of an anti-immigration group, she said our County was created by immigrants. She thought that the laws need to be changed and that we need compassion.

Commissioner Troy stated that he questioned why this resolution is on the agenda and suspected that it has to do with the upcoming election. He stated that ICE was formed after the 9/11 attacks to address terrorists, gang issues and immigration and there are strong opinions. He suggested that a forum be created for public dialogue. He respects everyone's differing opinions, and we need to talk about compromise and reaching common ground.

Commissioner Cirino stated that it was a great discussion. He stated that it is not an immigrant issue. He is the son of an immigrant and knows that immigrants have contributed greatly to society. Compromise at the federal level for immigration reform is necessary. Commissioner Cirino explained that he proposed a resolution supporting ICE because he is tired of hearing about elimination of ICE. He stated that those in Lake County support law enforcement and safety in our community. It is irresponsible to suggest that ICE be abolished. No other country has a border like we do in the South and our sovereignty is not being respected.

As for children being separated at the border, he would be the last one to harm children but those who break the law get separated. Mr. Matt Battiato, Job & Family Services Director, was asked if he ever had to separate children because of incarcerated parents and he answered "yes". Mr. Battiato was asked if he received outrage from the community about that and, he said "no." Commissioner Cirino challenged residents to think about children in all circumstances. He stated that his family has been directly impacted by a person that ICE did not detain when the person was stopped by the Sheriff's Department a week earlier. This person went on to brutally murder a member of his family. He stated that we need to clean up the guest worker process. He is not anti-immigration but for changing the laws.

Commissioner Hamercheck stated that he is very pleased with the degrees of consistency.

The Clerk read Resolution #8 in its entirety as requested by Commissioners Hamercheck and Cirino.

RESOLUTIONS:**1. RESOLUTION INCREASING APPROPRIATIONS AND TRANSFERRING CASH FROM LAKE COUNTY DEPARTMENT OF UTILITIES SEWER OPERATING FUND TO SEWER PROJECT FUND 336-S MENTOR MARSH SANITARY SEWER INTERCEPTOR (20180802\U01)(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

2. RESOLUTION APPROVING LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES VOUCHERS DATE OF WARRANT AUGUST 10, 2018, IN THE AMOUNT OF \$184,195.73(20180802\JFS01)(JFS-14)

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

3. RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE LAKE COUNTY SHERIFF'S - CENTRAL COMMUNICATIONS DEPARTMENT AND THE VILLAGE OF KIRTLAND HILLS FOR CENTRAL DISPATCH AND COMMUNICATION SERVICES FOR KIRTLAND HILLS VILLAGE AND ITS FIRE AND POLICE SERVICES (20180802\C01)(501-c)

On a motion by Commissioner Troy, seconded by Commissioner Cirino, the foregoing resolution title was amended from "Fire and Police Departments" to "Fire and Police Services" with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None

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 EXECUTION OF AN AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE LAKE COUNTY SHERIFF'S - CENTRAL COMMUNICATIONS DEPARTMENT AND THE VILLAGE OF NORTH PERRY FOR CENTRAL DISPATCH AND COMMUNICATION SERVICES (20180802\C02)(501-c)

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

5. RESOLUTION DESIGNATING ELIGIBLE INSTITUTIONS AS PUBLIC DEPOSITORIES FOR ACTIVE MONIES OF LAKE COUNTY, OHIO FOR THE PERIOD COMMENCING AUGUST 23, 2018, AND ENDING AUGUST 22, 2022 (20180802\C03)(C-18)

On a motion by Commissioner Cirino, seconded by Commissioner Troy. Commissioner Troy stated that this is a requirement of the Ohio Revised Code that is done every four years for the Treasurer's Office. There are 8 institutions on the resolution; JP Morgan Chase Bank, TriState Capital Bank, PNC Bank, Charter One Bank, Home Savings Bank, First National Bank, Huntington Bank and Erie Bank. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None

6. RESOLUTION AUTHORIZING THE LAKE COUNTY STORMWATER MANAGEMENT DEPARTMENT TO FILE AN APPLICATION FOR THE WATER RESOURCES RESTORATION SPONSOR PROGRAM (WRRSP) AS PART OF THE 2019 WATER POLLUTION CONTROL LOAN FUND (WPCLF) PROGRAM MANAGEMENT PLAN FOR BRIGHTWOOD LAKE DAM REMOVAL AND STREAM RESTORATION (20180802\C04)(UT-46)

On a motion by Commissioner Troy, seconded by Commissioner Cirino. Mr. Tim Miller, Stormwater Management Director, reported that adoption of this resolution will allow the Stormwater Department to apply for an Ohio EPA grant. This project has been on the Department's radar since 2003 and it is now eligible for grant funding. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None

7. RESOLUTION AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT BY AND BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS AND PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD (20180802\C05)(504-T)

On a motion by Commissioner Cirino, seconded by Commissioner Troy. Mr. Jason Boyd, County Administrator, stated that this is a component of the EOC's issue from November 2016 and finalizes the agreement with Petroleum Underground. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None

8. RESOLUTION IN SUPPORT OF THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE), A COMPONENT OF THE DEPARTMENT OF HOMELAND SECURITY, BY LAKE COUNTY, OHIO (20180802\C06)(C-107)

On a motion by Commissioner Cirino, seconded by Commissioner Hamercheck. Commissioner Troy stated that there are strong opinions on both sides and he wanted the public to have more opportunity to weigh in on the subject. He stated that the County normally does not do resolutions like this. Commissioner Cirino stated that, based on the feedback today, he does not see many people changing their minds on either side of it, so postponing it is no different than dealing with it today. Commissioner Troy stated that there may be language changes in the resolutions in an attempt to reach common ground. Commissioner Troy moved, and Commissioner Hamercheck seconded, that the resolution be laid upon the table until the August 16, 2018 Commissioners Meeting at 10:00 a.m. The motion to table was approved with the vote as follows: "AYES": Commissioners: Hamercheck and Troy "NAYS": Commissioner Cirino

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9. RESOLUTION URGING THE UNITED STATES CONGRESS TO ENACT COMPREHENSIVE IMMIGRATION REFORM LEGISLATION TO ADDRESS NATIONAL CONCERNS, INCLUDING THE ROLE OF THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) AGENCY (20180802\C07)(C-107)

On a motion by Commissioner Troy, seconded by Commissioner Hamercheck. Commissioner Troy stated that, in the spirit of the fact that we are taking a second look at Resolution #8, he asked that this resolution be tabled for immigration reform be tabled. Commissioner Troy moved, and Commissioner Hamercheck seconded, that the resolution be laid upon the table until the August 16, 2018 Commissioners Meeting at 10:00 a.m. The motion to table was approved with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck and Troy "NAYS": None

10. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$830,813.57 (20180802\BC01)(C-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 APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$330,850.60 (20180802\BC02)(C-17)

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

12. RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS NON-GENERAL FUND ACCOUNTS (20180802\BC03)(C-111)

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 TRANSFERRING CASH AND APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS(20180802\BC04)(C-111)

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 – none.

CLERK –none.

LEGAL – none.

OLD BUSINESS: - none.

NEW BUSINESS: - Commissioner Troy reported that the Governor signed the elections machinery bill to replace county's aging election equipment. He is on the Commission's Advisory Board and they are meeting next in August and will be discussing having the equipment ready for the 2019 elections. He also showed the 2018 Candidates Briefing Guide that CCAO created to meet and discuss with the gubernatorial candidates. It received good press throughout the State and if any of the media in Lake County would like to step up to the plate that would be appreciated.

Commissioner Cirino presented an update on the Perry Power Nuclear Plant. He is expecting potential action by the Energy Department to invoke Section 202c of the Federal Energy Act which would give the Energy Secretary the ability to stop plants from closing until a 2-year study period is conducted to study the impact on the grid and potential security risk. This is a short-term solution. The long-term solution is to await what happens in Columbus with a new Governor and different members of the legislature.

Commissioner Troy asked if the ability for the Energy Secretary to call for a non-closure is a power enacted by law through Congress? Commissioner Cirino stated it is in the Federal Energy Act.

Commissioner Troy stated that it is important to get together on the issue and reach common ground on the ICE resolutions. We all are descendants of immigrants, but we also do not want our borders to be porous.

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

Ms. Kathy Dingethal, 24 New Concord in Concord, asked what is the point of waiting to act on Resolution #8 for two weeks if the outcome will be the same?

Commissioner Troy stated that the resolution can be the same or it could be amended, altered or changed.

Ms. Lois Osborn, 334 S. St. Clair in Painesville, thanked the Commissioners for tabling Resolution #8 and stated that she hopes that changes are made to the resolutions by the next meeting.

Commissioner Cirino stated that there are opinions on both sides of this issue and encouraged residents to call or email the Commissioners their thoughts. He indicated to Ms. Osborn that any meeting of the community should be organized jointly by the people on both sides of the issue and that the Commissioners may attend; it was agreed the Commissioners schedules would be checked in advance of scheduling such meeting.

Ms. Carol Pred, 6901 Stratford Cr., Mentor, thanked the Commissioners for tabling the resolution.

Mr. David Lima of 7774 Litchfield in Mentor, stated that the County could potentially face liability for detaining people longer than their release time and for residents of Lake County having to pay for that. There was some discussion on holding a public forum by the audience and inviting the Commissioners to attend. The forum should be moderated and represented by both sides of the issue.

ADJOURN:

On a motion by Commissioner Troy, seconded by Commissioner Cirino, the Board adjourned the meeting at 12:30 p.m., with the vote as follows: "AYES": Commissioners: Cirino, Hamercheck, and Troy "NAYS": None
Minutes approved this thirtieth day of August, 2018.

BOARD OF LAKE COUNTY COMMISSIONERS

JOHN R. HAMERCHECK, PRESIDENT

JERRY C. CIRINO, COMMISSIONER

DANIEL P. TROY, COMMISSIONER

JENNIFER BELL, CLERK