

LAKE COUNTY COMMISSIONERS' SPECIAL MEETING MINUTES

JUDY MORAN, PRESIDENT	JASON W. BOYD, ADMINISTRATOR
DANIEL P. TROY, VICE PRESIDENT	LEGAL COUNSEL
KEVIN D. MALECEK, COMMISSIONER	MIKE MATAS, BUDGET DIRECTOR
JENNIFER BELL, CLERK	NEWS MEDIA

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(Tape 2016-0826)

CALL TO ORDER: Commissioner Moran called the special meeting to order at 11:05 a.m., August 26, 2016.

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

RESOLUTIONS:

- RESOLUTION TO DISAPPROVE THE CREATION OF THE PAINESVILLE TOWNSHIP/GRAND RIVER JOINT ECONOMIC DEVELOPMENT DISTRICT FILED WITH THE BOARD OF COMMISSIONERS ON AUGUST 1, 2016, PURSUANT TO REVISED CODE SECTION 715.76**

On a motion by Commissioner Troy, seconded by Commissioner Malecek. Commissioner Troy stated that the Revised Code allows the Board of County Commissioners to act on these matters to either approve or disapprove the proposed Joint Economic Development District submitted. Disapproval of a JEDD may be contingent upon the belief that the creation of such an entity as this in Painesville Township and Grand River is not in compliance with the law. He stated in this resolution, it has been determined that the submitted paperwork was carefully crafted to show bare majority of property owners in favor of the JEDD. The definition of some listed properties is of concern for the Board of Commissioners as the definition of business property appears to be a little grey and doesn't meet the spirit of the law. He explained that if you are going to impose taxation on those business properties and the employees of those businesses, the make-up of that particular majority to get to that majority should include any entities that would be directly impacted by that policy of taxation. For those reasons, the Lake County Commissioners oppose the JEDD but would not rule out the development of a JEDD in the future. Commissioner Malecek stated in this entire process, regardless of how the Board of Commissioners and public feel about how the JEDD was constituted, the Commissioners have a duty to be sure that the process was followed properly. He explained that with the testimony heard, correspondence received, and review by the Commissioners' Office and the Prosecutor that enough doubt has been injected regarding the definition of a business that would require this resolution of disapproval be passed. The duties of the Commissioners' office is to be sure the procedures are followed properly. Commissioner Malecek continued that perhaps another authority beyond the Commissioners table could examine whether the appropriate process was followed. Commissioner Moran stated, although it has been stated by several attorneys that this JEDD is perfectly legal and not out of the norm to create, she questions whether it is the right thing to do and whether it was handled properly. She explained that she is in agreement with her colleagues that there is enough doubt present and that the resolution of disapproval should be passed. Commissioner Troy added that through his past experience serving in the legislature, the application of taxation should be applied as uniformly, fairly and as evenly as possible. It is his feeling that the JEDD does not address the aforementioned application of taxation and therefore should be disapproved. At this time, Commissioner Moran opened the floor to receive comment from the public.

Mr. Michael Lucas whose business address is 37265 Euclid Avenue in Willoughby, is representing Painesville Township. Mr. Lucas and Commissioner Troy briefly discussed the definition of a business property. Mr. Jim Lyons whose business address is 270 E. Main Street in Painesville, is representing Grand River and requested a copy of the resolution. Commissioner Moran supplied Mr. Lyons and Mr. Lucas with a copy of the resolution for their review. Mr. Lyons and Mr. Lucas expressed their thoughts on the Commissioners process. Commissioner Troy explained the work session and the fact findings process. Lake County Prosecutor, Mr. Charles Coulson, was present and stated that he and his office have reviewed the documents and it is the opinion of the Prosecutors office that the Board of Commissioners are correct to disapprove the proposed JEDD at this time. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Moran, Troy and Malecek "NAYS": None

Commissioner Moran stated that the next Regular Commissioners' Meeting is scheduled for Tuesday, August 30, 2016 at 2:00 P.M.

ADJOURN: On a motion by Commissioner Troy, seconded by Commissioner Malecek, the Board adjourned the special meeting at 11:30 a.m., with the vote as follows: "AYES": Commissioners: Moran, Troy and Malecek "NAYS": None

Minutes approved this eighth day of September, 2016.

BOARD OF LAKE COUNTY COMMISSIONERS

JUDY MORAN, PRESIDENT

KEVIN D. MALECEK, COMMISSIONER

DANIEL P. TROY, VICE PRESIDENT

JENNIFER BELL, CLERK