

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 2018-1025)

CALL TO ORDER: Commissioner Hamercheck called the Meeting to order at 10:05 a.m. Thursday, October 25, 2018.

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

OPEN TO THE PUBLIC: Commissioner Hamercheck asked if anyone in the audience wished to address the Board. Mr. Danny Tharp of 7323 Ravenna Road, offered his opinion on the Alliance to Save the Perry Nuclear Plant and the issues he has with the Plant. He feels that First Energy has had 30 years to set aside funding for this problem and it shows a lack of planning on their part. He referred to a recent newspaper article, read a quote made by Commissioner Cirino and expressed his issues with a bail out for Perry.

Ms. Lois Osborn of 334 S. St. Clair in Painesville, stated that while everyone should enjoy freedom of speech, she feels that public employees, elected officials in particular, should temper their words when posting on a social media outlet. Ms. Osborn asked if the Commissioners receive a paycheck. Commissioner Hamercheck responded that they do. Ms. Osborn stated that they should then be considered employees and have certain obligations and responsibilities to taxpayers. Ms. Osborn referred to the County's Social Media Policy, which was adopted on July 6, 2016 by Commissioners Malecek, Moran and Troy. She read several bullet points pertaining to emails and social media and offered copies to any audience members that might be interested. Ms. Osborn asked whether the Board of Commissioners are considered employees and subject to this policy. Assistant Prosecutor, Mr. David Hackman, responded that according to Title 3, the Board of Commissioners (as are other County elected officials) are a creature of State legislature, and as such, are not considered employees. Discussion continued with the Board, Mr. Hackman and Ms. Osborn with regard to social media.

Mr. Brian Massie, 8196 Rainbow Drive, gave a follow-up to the information he received regarding the Lake County Governance and Educational Fund and stated that Commissioner Hamercheck inferred that he had answers to his request for distribution of the funds. Commissioner Hamercheck stated that was an erroneous assumption and clarified that he had pointed out the identification number for the state registration of the statutory agent not for the fund. He added that there was never any intention to provide Mr. Massie with any information that he does not and could not have access to. Mr. Massie explained several items he had found online regarding the Fund and asked that Commissioner Troy provide his group (Lobbyists for Citizens) with a report of distributions of the Funds money. Commissioner Troy replied that he had previously explained he has no role in the decisions made by the Lake County Governance and Educational Fund. He stated that the treasurer of the Lake County Governance and Educational Fund is quite upset at the inferences being made by Mr. Massie. He again explained that they are in full compliance with the IRS and the Ohio Secretary of State and that he is not a principal and therefore has no control over the Fund. Commissioner Hamercheck suggested that Mr. Massie arrange to speak with Commissioner Troy privately if he wishes to discuss this matter further. Commissioner Hamercheck clarified again with Commissioner Troy that he is not a principal and has no control or knowledge of the distribution of funds by the Lake County Governance and Educational Fund. Commissioner Troy stated that is correct.

Sanitary Engineer, Mr. Randy Rothlisberger, announced that Mr. Jim Berg, Water Distribution Superintendent; Mr. Doug Breach, Maintenance Supervisor; Mr. Phil Spencer, Assistant Superintendent; and Ms. Melanie Warren, Laboratory Technician II have dedicated 25 years of service to the County. The Commissioners presented them with their service awards and a commemorative watch. Mr. Gary Fedak, Director of Technical Operations, gave a brief background on each talented recipient. Sanitary Engineer, Mr. Randy Rothlisberger, stated that they are very hard working, dedicated and loyal employees and expressed his gratitude to them. The Commissioners congratulated them on their years of service and dedication to the Lake County Department of Utilities.

RESOLUTIONS:

14. RESOLUTION PROCLAIMING NOVEMBER 2018 NATIONAL ADOPTION AWARENESS MONTH IN LAKE COUNTY, OHIO(20181025\F01)(C-126)

On a motion by Commissioner Troy, seconded by Commissioner Hamercheck. Commissioner Troy read the resolution in its entirety and thanked Job and Family Services and the Probate Court on their collaboration. Job and Family Services Director, Mr. Matthew Battiato, stated that this resolution is to recognize and appreciate those families and individuals that make a commitment to adopt children that would otherwise remain the custody of Job and Family Services. Mr. Battiato introduced Mr. Gene Tetrick, supervisor of Job and Family Services Foster Care and Adoption Team. Mr. Tetrick thanked the Board for recognizing November as National Adoption Awareness Month. He gave several statistics on Lake County. Currently, there are 45 licensed adoptive homes; 42 of which are dually licensed (as foster and adoptive parents). He stated that there have been 16 adoptions so far in 2018 with a couple more taking place next month. Lake County Probate Judge, Mark Bartolotta, was present and formally thanked the Lake County Job and Family Services Department for the tremendous work they do and emphasized the need for foster and adoptive parents. He invited the Board to attend this year's special event being held on Friday, November 2, 2018 beginning at 9:00 a.m. at the Lake County Probate Court. Commissioner Troy offered his thanks and appreciation to the taxpayers of Lake County in passing the 2017 Children's Services Levy. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Hamercheck and Troy "NAYS": None

OCTOBER 25, 2018

1. RESOLUTION AUTHORIZING THE LAKE COUNTY ENGINEER TO PREPARE AND SUBMIT AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), AND TO EXECUTE AN OPWC AGREEMENT FOR CARTER ROAD WIDENING AND SAFETY PROJECT, PHASE TWO, IN CONCORD AND LEROY TOWNSHIPS (20181025\E01)(E-3)

On a motion by Commissioner Troy, seconded by Commissioner Hamercheck. Commissioner Troy stated that this and the following resolution permit the Engineer's office to submit an application for OPWC funding. These state funds provide much needed assistance in making repairs to the infrastructure needs of the County and that the final decision of how to best spend the money is made by local officials. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Hamercheck and Troy "NAYS": None

2. RESOLUTION AUTHORIZING THE LAKE COUNTY ENGINEER TO PREPARE AND SUBMIT AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), AND TO EXECUTE AN OPWC AGREEMENT FOR DAYTON ROAD RECONSTRUCTION PROJECT, PHASE TWO, IN MADISON TOWNSHIP (20181025\E02)(E-3)

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

3. RESOLUTION AWARDED A BID CONTRACT TO CINTAS CORPORATION FOR THE PURCHASE OF UNIFORM SERVICE FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (20181025\U01)(UT-4)

On a motion by Commissioner Troy, seconded by Commissioner Hamercheck. Mr. Fedak explained that there were two bidders for the uniform service. He has been corresponding with Unifirst and has provided all the requested information on the bidders to them. Mr. Fedak added that there has also been a legal review of the bidder's submissions and which concurs with the decision of the Utilities Department that the Cintas Corporation is the lowest and best bidder. Mr. Fedak explained that this service contract is less than \$50,000 a year so it was not necessary to go out to bid. In good faith and transparency, the Utilities Department prefers to go out for sealed public bid. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Hamercheck and Troy "NAYS": None

4. RESOLUTION TRANSFERRING APPROPRIATIONS AND TRANSFERRING CASH FROM LAKE COUNTY DEPARTMENT OF UTILITIES PROJECT FUND 595 PROJECT 393-W –WEST TUTTLE & SHORE WATERLINE REPLACEMENT PROJECT TO THE WATER OPERATING FUND. THE PROJECT IS COMPLETE AND THE CASH IN THE PROJECT FUND IS REDUCED TO ZERO(20181025\U02)(UT-2)

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

5. RESOLUTION ESTABLISHING ACCOUNTS WITHIN LAKE COUNTY DEPARTMENT OF UTILITIES SEWER PROJECT FUND 596 TO BE KNOWN AS 419-S ORCHARD ROAD SANITARY SEWER REHABILITATION(20181025\U03)(UT-2)

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

6. RESOLUTION TO DELETE A SEWER SUM CERTIFIED TO THE LAKE COUNTY AUDITOR (20181025\U04)(UT-7)

On a motion by Commissioner Troy, seconded by Commissioner Hamercheck. Mr. Rothlisberger stated that this certification was done in error and this resolution will take care of that error. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Hamercheck and Troy "NAYS": None

7. RESOLUTION APPROVING PLANS, SPECIFICATIONS AND ESTIMATES OF COST IN THE AMOUNT OF \$400,612.00 FOR MAPLE STREET WATERMAIN IMPROVEMENT PROJECT 420-W (20181025\U05)(UT-9)

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

8. RESOLUTION REAPPOINTING AARON J. HEAVNER TO THE NORTHEAST OHIO COMMUNITY ALTERNATIVE PROGRAM FACILITY GOVERNING BOARD FOR A THREE-YEAR TERM EXPIRING NOVEMBER 9, 2021(20181025\C01)(B-14)

On a motion by Commissioner Troy, seconded by Commissioner Hamercheck. Commissioner Troy stated that Mr. Heavner currently serves on the NEOCAP Board and has requested to be reappointed for another term. He explained that this appointment must be approved by the five counties within the NEOCAP district. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Hamercheck and Troy "NAYS": None

9. RESOLUTION OPPOSING THE PROPOSED AMENDMENT TO THE OHIO CONSTITUTION KNOWN AS ISSUE ONE (20181025\C02)(C-107)

On a motion by Commissioner Troy, seconded by Commissioner Hamercheck. Commissioner Troy explained that State Issue One is on the ballot for November 7th and that CCAO has taken a position in opposition of it. Judicial and Law Enforcement Agencies have also taken a position in opposition of its passage. He explained that a constitutional amendment would make Ohio bound to every word of the amendment. CCAO agrees that something must be done but there is a need to be flexible. Commissioner Hamercheck stated that this resolution was requested by the Sheriff's Department and crafted by the Prosecutors Office. The foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Hamercheck and Troy "NAYS": None

10. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$2,607,198.06(20181025\BC01)(C-4)

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

11. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$794,647.93(20181025\BC02)(C-17)

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

12. RESOLUTION INCREASING AND DECREASING APPROPRIATIONS FOR VARIOUS NON-GENERAL FUND ACCOUNTS(20181025\BC03)(C-111)

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

13. RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS(20181025\BC04)(C-111)

On a motion by Commissioner Troy, seconded by Commissioner Hamercheck, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: 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 all of the CCAO committee chairpersons have been working to put together a platform for where County government needs to interact with the State in 2019, and will be addressed to the new Governor and General Assembly. He explained that their goal is to highlight funding cuts that have been made and are now the responsibility of the local governments including indigent defense. They will also be asking for the restoration of funds. County governments across the state are losing approximately \$351 million in revenue a year due to cuts in the local government fund, the elimination of the tangible property tax and the loss of the MCO Managed Sales Tax.

PUBLIC COMMENT: Commissioner Hamercheck asked if anyone in the audience wished to address the Board. Mr. David Lima of 7774 Litchfield in Mentor, stated that he ran the Free Clinic from 1970 to 1980 and that the laws and war on drugs has been a terrific failure. He is in favor of State Issue 1 as he believes it will take a more humane approach to dealing with the addicted. He does not agree with the Commissioners and their opposition of State Issue 1. He also expressed his appreciation for the hard work that Job and Family Services does and the excellent services that they provide to children in need.

Ms. Lois Osborn of 334 S. St. Clair in Painesville, commended Job and Family Services for working within their budget even though they experienced funding cuts of nearly 50% since 2001.

Mr. Augie Landsman of 1100 Madison Avenue, thanked the Board for their opposition to State Issue 1. He stated that Law Enforcement Officers put their lives on the line every day to protect the citizens. He feels that a solution to assist addicted individuals is longer incarceration times with rehabilitation services being offered in the jail. Commissioner Troy addressed Mr. Lima explaining that he understands his thoughts and does not disagree with him but changes need to be made through legislation and not to the Ohio Constitution. Commissioner Troy explained that Lake County is in the lower 1/3 of the State for sales tax. The County chose to increase the sales tax in 2012 but gave back the largest property tax decrease in Lake County's history.

Commissioner Hamercheck explained that Lake County has foregone 1.1 inside mills and that Budget Director, Mr. Michael Matas, and his staff have done an exceptional job educating the elected officials on the County budget. He stated that the County must keep within its budgetary restraints.

Ms. Mary Abel of Painesville Township, stated that there was discussion at a Stormwater Board Meeting of placing recycle bins at the entrance of the landfill and she asked if there is an update on when that might occur. Mr. Rothlisberger explained that Stormwater Manager, Mr. Tim Miller, is currently working with the provider, Rumpke, on a contract to present to the Board for their approval and he anticipates a November start-up.

Mr. John Muzik, 45 Coventry Drive in Painesville Township, stated that the bottom line is that entities must stay within their budgets and that he does not agree with continuous levies.

Mr. David Lima stated that the war on drugs has been the longest and least successful war that will not be won until major changes are made to the drug laws. He feels fortunate to live in Ohio as it is 1 out of 11 or 12 states in the United States that permits their voters to override the legislature.

Commissioner Hamercheck stated that the next regular Commissioner's Meeting is scheduled for Wednesday, October 31, 2018 at 10:00 a.m.

EXECUTIVE SESSION:

On a motion Commissioner Troy, seconded by Commissioner Hamercheck, the Board convened an Executive Session at 11:28 a.m. to discuss Personnel – Employment, Real Estate - Disposition and Legal- Pending Litigation with the vote as follows: "AYES": Commissioners: Hamercheck and Troy "NAYS": None

OCTOBER 25, 2018

The Lake County Board of Commissioners adjourned to Executive Session at 11:30 a.m.

ADJOURN:

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

Minutes approved this fourth day of December, 2018.

BOARD OF LAKE COUNTY COMMISSIONERS

JOHN R. HAMERCHECK, PRESIDENT

JERRY C. CIRINO, COMMISSIONER

DANIEL P. TROY, COMMISSIONER

JENNIFER BELL, CLERK