

AUGUST 4, 2022

LAKE COUNTY COMMISSIONERS' MEETING MINUTES

JOHN R HAMERCHECK, COMMISSIONER	JASON W. BOYD, ADMINISTRATOR
JOHN PLECNIK, COMMISSIONER	LEGAL COUNSEL
MARK A. TYLER, COMMISSIONER	MIKE MATAS, BUDGET DIRECTOR
KATHLEEN RUSSO, ASSISTANT CLERK	NEWS MEDIA

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(Tape 2022-0804)

CALL TO ORDER: Commissioner Hamercheck called the Meeting to order at 10:12 a.m. Thursday, August 4, 2022.

ROLL CALL: Upon roll being called, Commissioners: Plecnik, Tyler and Hamercheck were present.

OPEN TO THE PUBLIC: Commissioner Hamercheck asked if anyone in the audience wished, to address the Board. Prosecutor Charles Coulson and Jamie Covell, Office Administrator for the Lake County Prosecutor's Office, stated that there is a crisis in the Prosecutor's Office and for law enforcement because they cannot find people to hire in the Office. The Board of Commissioners authorized the hiring of two additional prosecuting attorney's eight months ago and to date they have not received any applications. This is not an uncommon occurrence and is happening in many counties. Many counties are offering \$60,000 a year to start and \$70,000 with experience. Cuyahoga County recently increased their starting salary by \$15,000 with continued increases in the near future. Prosecutor Coulson stated that recently one of Lake County's talented Assistant Prosecuting Attorney's who works in the Appellate Division, was immediately offered a position with Cuyahoga County. If this attorney leaves there will not be anyone to replace the position. Something needs to be done because he does not want to lose the talent and experience in the Office. Prosecutor Coulson requested an additional \$600,000 be added to his budget because the safety of Lake County will end up suffering.

Mr. Adam Downing, Lake County Assistant Prosecuting Attorney, explained his background and expertise. He stated that he has worked in the Lake County Prosecutor's Office for five years. He joined the Lake County team because of his commitment to the residents of Lake County, public service and justice.

Mr. Eric Foisel, Juvenile Division Supervising Attorney, explained that the work done in the Prosecuting Attorney's Office is a selfless job. The attorney's put in many long hours each day and night. He was born and raised in Willowick and he also serves the community on various community boards. He explained that salaries are a stark reality because of inflation and raising a family. The Prosecutor's Office has always put family first and there becomes a point where it is irresponsible to not consider other offers of a higher salary in order to adequately provide for his family.

Ms. Jenny Azouri, Assistant Prosecuting Attorney, stated that she has worked for the Lake County Prosecutor's Office for 16 years, she is a mother of two, and Cuyahoga County resident. She commutes 45 minutes to work every day because she loves working for Lake County and for justice. She feels good about what she does. When she hears that she could be making \$20,000-\$30,000 more a year it does give her pause. When she first began her career with the County there were one or two murder cases per year and today there are around seven. These are cases that need an experienced and dedicated attorney, and this County and taxpayers cannot afford to lose them. It is the attorney's job to keep them safe.

Ms. Kristi Winner, Assistant Prosecuting Attorney, stated that she is the attorney who was recently offered a position at Cuyahoga County. This is a very personal decision for her because she loves working for Lake County, the residents, and her colleagues, who are her best friends and mentors. They are there to serve others. This is why they all work for the Lake County Prosecutor's Office. She feels great guilt because she knows what challenges the office will face if she takes Cuyahoga County's offer. She does feel unappreciated and knows that no one can understand what it takes to do this job unless you do the job. She would just like to be paid what she is worth and she wishes that she did not have to make this difficult decision.

Mr. Jason Shachner, Assistant Prosecuting Attorney, stated that he has been with Lake County for seven years and drives 72 miles every day because he likes working in the Prosecutor's Office and he like his job where he does the right thing. He has worked with all of the divisions in the Office and he has also seen the increase in case load from seven years ago. The job is constantly changing and the attorney's have to keep up and have expertise in many different areas from child deaths to drug interactions, computer forensics, and firearms. He stated that when defendants are picked up in Lake County they are upset because they know that their cases will not be dropped. The Prosecutor's Office is highly invested in each case. He works with some of the best people he has ever met, and Ms. Winner is very modest because she was law review at Case Western. They all want Lake County to be a place where people want to live.

Mr. John Muzik, 45 Coventry Drive in Painesville Township, stated that he has said before that law enforcement in Lake County is a top priority. Law enforcement consists of the Sheriff's Office, Prosecutor's Office and the Judges to enforce the laws and administer justice. They all need the tools to do the job. He asked the Board of Commissioners to find the money some way to take care of this problem and for law enforcement to do the jobs that the citizens asked them to do.

Mr. Ron Graham, Lake County Health Commissioner, spoke as someone who also protects the community and explained how the Prosecutor's Office has assisted the Health District many times. He stated that without a doubt they have been a great team. It is important to keep the talent and reduce turnover. He understands the challenge

because he faces a similar situation with nursing. People make the difference and he asked the Board to please consider the Prosecutor's Office situation.

Mr. Rocco DiPierro, Assistant Prosecuting Attorney, explained that he has worked for the Lake County Prosecutor's Office for 16 years and before that he worked three years for the Cuyahoga County Prosecutor's Office. He stated that retention of talent is important and valuable. If not that they will have to reinvent the wheel when new prosecuting attorneys are hired. He stated that there needs to be experienced attorneys to take on the shark attorneys. He stated that when Prosecutor Coulson uses the term "crisis" it is a striking and alarming word and we would not want crime to not be prosecuted because of lack of attorneys. Prosecutor Coulson brought to the Office his ideal and has created an Office culture around that ideal that is learned by the Assistant Prosecuting Attorney's. Mr. DiPierro stated that crime has not only increased in Lake County but it has become more serious and the experience of those handling the cases will affect residents. He stated that the crime of "flee and allude" happens all over Lake County every day and people are needed to handle these cases.

Mr. Adam Litke, Lake County Health District Administrator, stated that he has worked closely with Mr. Hackman and Mr. DeLeone from the Prosecuting Attorney's Office and thanked them for all of their assistance. The experience that they bring to the table is important. It may be time to rethink how things work.

Mr. Litke thanked the Board of Commissioners and the whole County team for supporting the Health District at the recent Lake County Fair.

Commissioner Hamercheck stated that justice builds bridges and he understands that the severity of crime in Lake County has increased over the years. The people of Lake County are generous but there are limits. He explained that sales tax is a consumption tax that could possibly be increased. He stated that there needs to be a real discussion about this issue without the political rhetoric. He stated that a half percent would bring in about \$16 million. The Prosecutor's Office is requesting \$600,000. Lake County's justice system is one of the best and the Board is respectful of that. The question is how will this be paid. He stated that a lot of criminal activity is not from Lake County but coming into Lake County from elsewhere. He stated that there needs to be a candid conversation. He appreciated the Prosecutor's Office coming to the meeting and making their concerns known.

Lake County Sheriff Frank Leonbruno, stated that many employees talk about their salaries and jobs and know that they can make more money elsewhere, but they love Lake County. He stated that the criminal justice system is made up of the Police, Prosecutor's and Courts and if one of those are weak it becomes a problematic matter for the citizens of Lake County. Lake County will arrest someone from Cuyahoga County who will often say that they do not get arrested for whatever it is they are doing in Cuyahoga County. If we want to see people brought to justice, we need all three parts to be in good order. We have to fund the criminal justice system. If not, then we will become like the communities we see that are crime ridden.

Prosecutor Coulson stated that he would support whatever needs to be done but stressed that something needs to be done to stop the bleeding from the Prosecutor's Office. If it is a tax increase than he will support it. He asked the Board of Commissioners to make a commitment to support the Prosecutor's Office.

Commissioner Hamercheck replied that the Prosecutor's Office has his support.

Commissioner Tyler stated that he is supportive of the Prosecutor's Office and would like to find a way to make this happen. He thanked the staff of the Prosecutor's Office for attending the meeting and making their experiences and views known. We need to retain the talent.

Commissioner Plecnik stated that each of the Commissioners have to review the new proposal from the Prosecutor's Office. In principle, he supports the Prosecutor's Office, and hopefully something will be placed on the agenda to act appropriately. He stated that he needs to see exactly what he will be voting on. In response to the President's thoughts on tax increases, he stated that the Prosecutor's need is immediate and he stated that we can accommodate him within the budget. It would be wrong to delay or conflate the issue because of a separate debate about how we will ultimately pay for government. This issue is not going to go away in Lake County Government. A tax increase will raise concerns for the residents.

Prosecutor Coulson stated that he would have a proposal to the Commissioners as soon as possible because this cannot be delayed. If they lose more staff, it will affect everyone and they will not be able to prosecute in the County.

Commissioner Hamercheck stated that conflate is not the case the Board needs to look at sustainability. He does not want to see a situation where the Prosecutor's Office has to lay off staff and we do not want to lose confidence in Lake County's justice system. He does not wish to move forward within current revenues. He appreciates the immediate threat to the Office.

Commissioner Tyler stated that we are afraid of Cuyahoga County poaching our talent.

Commissioner Plecnik stated that there is enough money that can be added to the budget. The Commissioners will do the best that they can to support the Prosecutor's Office. The Commissioners have heard the Prosecutor's Office and their concerns will be addressed. It is the Commissioners job to balance the budget.

Commissioner Hamercheck stated that this needs to be looked at this as a complete package for the criminal justice system. He is not a fan of raising taxes but we need to support law enforcement. To think of this in any other manner

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is bordering on rhetoric. We can't fix one problem without the ripple effect going through entire system. We need to have difficult conversations. We can have all different departments coming into the meeting. Realistically we have to address the revenue issue immediately.

Commissioner Plecnik stated there is enough money with surplus that it can be added to the budget. He stated that he is thinking about the senior citizens of Lake County and the Board is going to make sure they are safe with an excellent justice system and building a new safety center. He stated that the seniors will not be forgotten. He encouraged the County to raise more revenue through economic development, which means bringing more businesses to the County and more jobs.

Commissioner Hamercheck stated he understands Commissioner Plecnik is saying that under no circumstances will he consider revenue enhancement.

Commissioner Plecnik stated that he encourages the County to raise more revenue through economic development, which means bringing more businesses to the County and more jobs. He stated that if the Commissioners are doing their jobs we won't have to raise taxes.

Mr. Wade Crofoot, President of the Lake County Fair Board, reported on the success of the 2022 Lake County Fair. It was the second largest fair on record. He thanked the Commissioners for all of their support this year as well as many Lake County Townships. The Commissioners assisted with funds for many capital improvement projects at the fairgrounds to keep the property clean and safe. Mr. Crofoot stated that Sunday was a record-breaking day for attendance at the Fair. The Demolition Derby and Motocross also had record-breaking success in attendance. Fair memberships increased this year. The 4-H Livestock Auction set a record earning \$349,000, and the baked goods auction set a record as well. He thanked Sheriff Leonbruno for their presence at the Fair and stated that everyone felt safe. He also thanked those who funded the Military Service Memorial.

Commissioner Plecnik stated that he attended the fair every day and Sunday was the biggest day, which was wonderful celebration of Latino culture. He stated that he won the Grand Champion Ducks from the 4-H Auction from Marissa Muntain.

Commissioner Tyler stated that he and his wife, Sandy, attended the Fair and had a blast. He shared the "Voice of the Fair" with Commissioner Plecnik. He appreciated the Sheriff's Office being at the fair.

#### RESOLUTIONS:

#### **1.RESOLUTION PROCLAIMING AUGUST 2022 CHILD SUPPORT AWARENESS MONTH IN LAKE COUNTY, OHIO(20220804\F01)(C-126)**

On a motion by Commissioner Plecnik, seconded by Commissioner Tyler. Lake County Department of Job and Family Services Director, Ms. Suzanne Casar explained that child support services address another need of the County. Child support is vital and an opportunity to support both parents. It is critical for the needs of children. Child Support Administrator, Ms. Cheryl Baibak reported that many services are offered to families regardless of income. They enforce child support order and administrative orders and conduct genetic testing free of charge at the agency. They also assist with interstate enforcement. There are 10,667 open support cases in Lake County. In 2021, they collected \$34.9 million for the cases and programs. The foregoing resolution was adopted with the vote follows: "AYES": Commissioners: Plecnik, Tyler and Hamercheck "NAYS": None.

#### **2.RESOLUTION AWARDDING A BID CONTRACT IN THE AMOUNT OF \$821,153.00 TO J.S. BOVA EXCAVATING FOR DIVISION/BANK/ATWATER WATERLINE REPLACEMENT PROJECT 446-W(20220804\U01)(UT-4)**

On a motion by Commissioner Tyler, seconded by Commissioner Plecnik. Sanitary Engineer Randy Rothlisberger explained that this part of their 2022 Capital Improvement Projects. He explained that \$250,000 is being funded by an OPWC grant and \$450,000 is being funded through the Infrastructure Bill. The foregoing resolution was adopted with the vote follows: "AYES": Commissioners: Plecnik, Tyler and Hamercheck "NAYS": None.

#### **3.RESOLUTION TRANSFERRING APPROPRIATIONS AND TRANSFERRING CASH FROM LAKE COUNTY DEPARTMENT OF UTILITIES PROJECT FUND 595 TO THE WATER OPERATING FUND(20220804\U02)(UT-2)**

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

#### **4.RESOLUTION INCREASING APPROPRIATIONS AND TRANSFERRING CASH WITHIN LAKE COUNTY DEPARTMENT OF UTILITIES SEWER OPERATING FUND AND PROJECT FUND 596, KIRTLAND-OLD TOWN SANITARY SEWER IMPROVEMENT PROJECT 445-S(20220804\U03)(UT-2)**

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

#### **5.RESOLUTION AUTHORIZING EXECUTION OF AN ENGINEERING AGREEMENT WITH BURGESS & NIPLE INC. FOR THE BELLFLOWER SANITARY SEWER LINING PROJECT 403-S FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES(20220804\U04)(UT-4)**

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

#### **6.RESOLUTION CERTIFYING UNPAID WATER AND SEWER SUMS AND ADMINISTRATIVE CHARGES TO THE LAKE COUNTY AUDITOR(20220804\U05)(UT-7)**

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

**7.RESOLUTION AWARDING A BID CONTRACT TO TOWN CENTER CONSTRUCTION, LLC FOR THE LAKE COUNTY SHERIFF'S OFFICE TRAINING FACILITY IN THE AMOUNT OF \$787,799.00(20220804\C01)(CT-10A)**

On a motion by Commissioner Tyler, seconded by Commissioner Plecnik. Sheriff Leonbruno explained this project is for very important real time training for law enforcement in the field. These are not stationary targets but they move for realistic training. The building will provide "Shoot, Don't Shoot" scenarios for tactical training with moveable walls. This is critical training and will be provided to all Lake County Police Departments. The Sheriff's Office will manage the building. The foregoing resolution was adopted with the vote follows: "AYES": Commissioners: Plecnik, Tyler and Hamercheck "NAYS": None.

Commissioner Tyler stated that he would like a tour when the building is completed.

Commissioner Plecnik thanked the Sheriff for bringing this to the Commissioners attention. Many Police Departments have to travel outside of the County for this type of training and they will not have to because of this project.

Sheriff Leonbruno replied that the credit should be with the Board of Commissioners.

**8.RESOLUTION SETTING THE DATE, TIME, AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED VACATION OF A PORTION OF LOVELAND ROAD, ALSO KNOWN AS EAST LOVELAND ROAD, IN MADISON TOWNSHIP (Hearing: Tuesday, August 30, 2022 at 10:00 a.m. in the Commissioners' Chambers, 5th Floor, Building A, 105 Main Street, Painesville, OH 44077)(20220804\C02)(C-88)**

On a motion by Commissioner Plecnik, seconded by Commissioner Tyler. Commissioner Plecnik stated that he believes that most of the concerns have been addressed regarding this road vacation. Commissioner Hamercheck stated that he was not so sure. Director of Planning Mr. David Radachy, explained that Madison Township adopted a resolution for this vacation, and by law, the Board of County Commissioners must schedule a public hearing. During the hearing people will have the opportunity to bring up any issues and that they will be discussed. A copy of this resolution and the public hearing notice will be given to the neighbors so they know what is happening. The foregoing resolution was adopted with the vote follows: "AYES": Commissioners: Plecnik, Tyler and Hamercheck "NAYS": None.

**9.RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$1,263,094.50(20220804\BC01)(C-4)**

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

**10. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$1,266,719.50(20220804\BC02)(C-17)**

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

**11.RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS (20220804\BC03)(C-111)**

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

**12. RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON-GENERAL FUND ACCOUNTS(20220804\BC04)(C-111)**

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

DEPARTMENTAL REPORTS:

UTILITIES – none.

JOB AND FAMILY SERVICES – none.

COUNTY ADMINISTRATOR – Mr. Boyd stated in light of this meeting's previous conversation Lake County is still a phenomenal place to live and have a business and we will continue to do the best that we can.

Commissioner Tyler thanked Mr. Boyd for taking him on visits throughout the County. Recently he had the opportunity to visit the Planning and Community Development Department and its Director Dave Radachy, CDBG Director Rhea Benton, and with Finance Director Mike Matas. Next week he will be visiting a few more County Departments.

FINANCE – none.

CLERK – Commissioners Assistant Clerk, Ms. Kathleen Russo, stated that the next Commissioners Meeting will be held on Thursday, August 11, 2022 at 10:00 a.m.

LEGAL – Assistant Prosecuting Attorney Dave Hackman stated that he his proud of his co-workers and the jobs that they do and he personally thanked Ms. Jamie Covell, Office Administrator, for all of her hard work because she goes above and beyond every day.

OLD BUSINESS: - none.

NEW BUSINESS: Commissioner Hamercheck showed a video of he and Commissioner Plecnik shooting some hoops while attending the Legacy Academy Ribbon Cutting Event held recently in Painesville. Legacy Academy is a faith-based organization helping the youth of Painesville succeed.

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Commissioner Plecnik stated he recently attended the groundbreaking ceremony of the Mentor Lagoons Boardwalk. He stated that they are continuing to improve the area and it will be a great benefit to the community. He also attended Painesville's Night Out event and reported that it was the best attended one they ever had.

Commissioner Tyler stated that he recently participated in the EMA's tabletop exercise and it was good to have the practice before the real drill in the fall.

PUBLIC COMMENT: Commissioner Hamercheck asked if anyone in the audience wished to address the Board. Mr. Brian Massie of 8196 Rainbow Drive in Painesville, stated that he received a copy of the County's investment portfolio and the total was \$436 million, which is more than he expected. The Lake County Treasurer explained that the number will be significantly lower in 30 days after payments are made. He also stated that Judge Lucci responded back to him regarding the use of private selling overs versus the Sheriff's Office for foreclosures. He also stated that he has not heard back regarding the question he had about the Corrections Board Meeting and the Open Meetings Act.

Prosecutor Coulson responded that the Corrections Board is a public body and there subject to the Open Meetings Act. It is his understanding that the Corrections Board has never sent out notices of their meetings since its inception, which is a violation of the law. Now that this came to their attention, they will begin to send out notices.

Mr. Massie stated that he recently toured Project Hope and that they operate on a shoe string budget He stated that he would assist however he can with donations for them. He also complimented the Lake County Council on Aging. He reported on a public records request sent to the Budget Commission regarding the Crime Lab Levy of 2018 and a 2013 Courtview contract for the Clerk of Court's Office.

Prosecutor Coulson responded that the Courtview document in Mr. Massie's possession is not a contract but a quote and replied that the contract was destroyed in accordance with the County's records retention schedule. The bottom line is the Courts and Clerk of Courts purchased the system and got what they wanted and paid for it and it is done. There is not reason to suspect any wrong doing. As for the Crime Lab Levy, that was by a vote of the people, and the statue stated if it is outside the 10 mill and approved by the voters than the levy cannot be changed. Some Budget Commissions have improperly done that but they do not have that authority.

Mr. John Muzik stated that law enforcement is the number one priority but he appreciates Commissioner Plecnik looking out for the seniors.

ADJOURN: On a motion by Commissioner Tyler seconded by Commissioner Plecnik, the Board adjourned the meeting at 1:14 p.m. with the vote as follows: "AYES": Commissioners: Plecnik, Tyler and Hamercheck. "NAYS": None.

Minutes approved this twenty-fifth day of August, 2022.

**BOARD OF LAKE COUNTY COMMISSIONERS**

\_\_\_\_\_  
JOHN R. HAMERCHECK, PRESIDENT

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JOHN PLECNIK, VICE PRESIDENT

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MARK A. TYLER, COMMISSIONER

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KATHLEEN RUSSO, ASSISTANT CLERK