

CITY OF PAINESVILLE  
*SPECIAL COUNCIL MEETING FOR*  
AN EXECUTIVE SESSION  
MONDAY, OCTOBER 17, 2016 - 6:00 PM

REGULAR COUNCIL MEETING  
WITH AN EXECUTIVE SESSION IMMEDIATELY FOLLOWING  
MONDAY, OCTOBER 17, 2016 - 7:30 PM

President Paul Hach called the Special Meeting to order at 6:00 p.m. City Council convened in a Special Meeting in Council Chambers, Courtroom #1, with the following in attendance: Lori DiNallo, Christine Shoop, Katie Jenkins, Tom Fitzgerald, Jim Fodor, and Mike DeLeone.

President Hach asked for a motion to move into Executive Session in Courtroom #2. Mr. Fitzgerald made a Motion to Adjourn to Executive Session in accordance with the City's Charter Article II, Section 6, Item 1: (1) To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of an employee or official of the City; seconded by Mrs. Shoop.

On roll call, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, and Mr. Hach answered "Yes". Motion carried.

At 7:29 p.m., Council returned from Courtroom #2. President Hach asked for a Motion to Adjourn from Executive Session and reconvene the special meeting. Motion to Adjourn from Executive Session by Mrs. Jenkins, seconded by Mrs. Shoop.

On roll call, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. Jenkins, Mrs. DiNallo, and Mr. Hach answered "Yes". Motion carried. Mr. DeLeone was absent.

At 7:30 p.m., President Paul Hach called the regular meeting to order. City Council convened in a regular meeting in Council Chambers, with the following in attendance: Councilpersons Paul Hach, Lori DiNallo, Christine Shoop, Katie Jenkins, Jim Fodor, and Tom Fitzgerald. Absent was Mike DeLeone. Also present were Interim City Manager Doug Lewis; Law Director Joseph Gurley; Police Chief Anthony Powalie; Fire Chief Mark Mlachak; Finance Director Andy Unetic; Water Superintendent George Ginnis; Public Works Director Brian Belfiore; Electric Supervisor Jeff McHugh; City Planner Lynn White; City Engineer Leanne Exum; Parks and Recreation Director Michelle LaPuma; Economic Development Director Cathy Biertman; Water Pollution Control Director Randy Bruback; and Acting Clerk of Council Tina Pomfrey. Mike DeLeone was absent.

President Hach requested visitors please turn off their cell phones and other electronic devices. Councilman Jim Fodor gave the invocation. The Pledge of Allegiance was recited.

President Hach stated "we will now recognize Visitors and to please raise your hand if you wish to speak. Any dialogue must be conducted through me as President of Council, although your comments or questions can be addressed to Council, the Administration, or both. When called upon, please use the podium, clearly state your name and address into the microphone, and limit your comments to 3 minutes."

There were two Visitors wishing to be recognized.

Mr. Ray Sternot, 346 Birchwood, thanked City Council members for agreeing at the recent PCA Work Session to undertake updating the 25-year-old electric rate study involving both fixed and variable (PCA) costs. He stated that he believes all Painesville residents will be interested in knowing whether the projected customer revenues and current electric plant funds (operational and capital) will meet or exceed plant operational and capital expense projections over the new study period and by how much in order to achieve an updated power rate. Given that some of the operational fixed costs (plant personnel) requirements have gone down over the last 25 years and in fact current personnel are being used to support other departments, this study should address resident's (plant owner's) concerns that the KWH/hour fixed rate might be too high. Mr. Sternot thanked council for being willing to address this apparent review oversight as Utility Commissioners. Hopefully, this proposed study once completed will be reviewed in a timelier and more regularly scheduled basis going forward and that all of the study information/data will be shared with the plant owners in a transparent manner.

Mr. Angelo Cimaglio, 477 Owego Street, thanked City Council and Administration for the transparency they have shown as far as the city manager's contract and the garbage contract. He indicated as someone who attended the work session for the electric rates, all we heard about is the record heat over the summer. Mr. Cimaglio stated the contracts with AMP Ohio was not brought up as a point of discussion. He is concerned about the power contracts; the hydropower is at \$142 megawatt, and Prairie State is not a bargain. These three high rate contracts are a concern of his. He stated that in the last 10-years there has been a lot of work done on the electric plant facility with upgrades to the equipment and at the same time made the plant obsolete. He is trying to figure out what direction the city wants to go with the future of the plant. Mr. Cimaglio indicated he attended the Planning Commission meeting last

Thursday. The use of the building at 265 North State Street was discussed as it has been vacant for many years. Mr. Cimaglio stated that he feels City Council should have a public hearing on this request to find out exactly why the building has to be open 24/7, 365 days a year. He stated there were a lot of questions brought up at the meeting and Mr. Lyons was confused at the meeting. Mr. Cimaglio urged City Council to have a public hearing on this matter.

Moving on to Legislation, President Hach stated any Visitors wishing to comment on items of Legislation must request to do so at this time. Those making such requests will then be called upon after the reading. Any dialogue must be conducted through him as President of Council, although your comments or questions can be addressed to Council, the Administration, or both. When called upon, please use the podium, remember to clearly state your name and address into the microphone, and limit your comments to 3 minutes. Three people wished to speak.

**ORDINANCE AMENDING SECTION 1137.03 OF "PARKING AND LOADING" OF THE PAINESVILLE CODE OF 1998, AND DECLARING AN EMERGENCY.**

was given second reading.

Mr. Lewis referred the next three Ordinances to City Planner Lynn White. Ms. White explained that the Planning Commission held their Work Session on September 22, 2016 to continue the updates to the City's Planning and Zoning Code. As part of the review process, code language had been identified that needed to be addressed to insure compliance with current construction practices. Chapter 1137 of the Zoning Code regulates parking and loading requirements within the City. The sections that are being amended deal strictly with the residential parking regulations.

The Planning Commission has recommended changes to the Zoning Code as a result of the Board of Zoning Appeal's request to review the parking and loading regulations. The amendments to Section 1137.03 addresses the permitted design of a driveway with regards to the width at the public right of way and the maximum width for driveways to be 20-feet. This allows a single family residential use the ability to have three cars parked in a driveway at one time. Visual examples of the recommended modifications to the code sections were presented to Council to provide a better explanation of the changes. This item should remain on second reading.

**ORDINANCE AMENDING SECTION 1137.07 OF "PARKING AND LOADING" OF THE PAINESVILLE CODE OF 1998, AND DECLARING AN EMERGENCY.**

was given second reading.

This legislation is similar to the previous matter, however it deals with Section 1137.07. The amendments to Section 1137.07 addresses the setbacks for single family residential driveways. The amendment moves the current language from 1137.12 into this section where setbacks are addressed and provides a setback on the lot where the driveway is to be installed. The setback provides an adequate buffer for storm water runoff that may occur. The other matter addressed is the location of a driveway in relation to intersecting streets. The distance is 20-feet to allow adequate distance for traffic purposes. This item should remain on second reading.

**ORDINANCE AMENDING SECTION 1137.12 OF "PARKING AND LOADING" OF THE PAINESVILLE CODE OF 1998, AND DECLARING AN EMERGENCY.**

was given second reading.

This legislation moves current language out of Section 1137.12 and into 1137.07. The amendment is being done to help clarify where the appropriate language should be placed within the zoning code. This item should remain on second reading.

**RESOLUTION NO. 27-16 AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER IN AN AGREEMENT WITH ODOT TO PERFORM BRIDGE INSPECTION PROGRAM SERVICES, AND DECLARING AN EMERGENCY.**

was given second reading.

Mr. Lewis referred this matter to City Engineer Leanne Exum. Ms. Exum explained this legislation authorizes an agreement for bridge inspection services. The current bridge inspection program will end in December 2016. ODOT is in the process of renewing this program for three more years. This legislation is for the bridge inspections to be done in 2017, 2018, and 2019. This legislation will renew the agreement between ODOT and the City of Painesville. The signed legislation is due back to ODOT in November.

Mr. Fodor asked when this legislation needed to be passed. Ms. Exum stated that the legislation is due some time in November. The matter will be sent out for bid in December. Inspections are to begin in January.

Motion by Mrs. Jenkins, seconded by Mrs. Shoop to suspend the rule requiring the legislation to be read on three different days.

On roll call, Mrs. DiNallo, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. Jenkins, and Mr. Hach answered "Yes". Motion carried.

Motion by Mrs. Jenkins, seconded by Mrs. Shoop that **RESOLUTION NO. 27-16** be adopted.

On roll call, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. Jenkins, Mrs. DiNallo, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION NO. 27-16** adopted.

**ORDINANCE NO. 13-16 AMENDING APPROPRIATIONS FOR CURRENT EXPENSES AND EXPENDITURES OF THE CITY OF PAINESVILLE, STATE OF OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016 AND AMENDING THE ORIGINAL APPROPRIATIONS FOR THE 2016 OPERATING BUDGET, AND DECLARING AN EMERGENCY.**

was given first reading.

This legislation increases the total 2016 appropriations by \$681,000. \$600,000 of this increase will be to complete the new Storrs Street building (Fund 732 will be increased by \$450,000 and Fund 430 will be increased by \$150,000). \$81,000 of this increase will be for purchasing an overhead crane at the new Storrs Street Building, which will increase Fund 430 as well. According to the construction management consultant, hired by the City, this crane must be installed before the building is completed. Due to construction deadlines and to keep the Storrs Street building project going, this budget amendment must be approved this reading

Motion by Mrs. DiNallo, seconded by Mrs. Jenkins to suspend the rule requiring the legislation to be read on three different days.

On roll call, Mrs. Shoop, Mr. Fitzgerald, Mrs. Jenkins, Mrs. DiNallo, Mr. Fodor, and Mr. Hach answered "Yes". Motion carried.

Motion by Mrs. Jenkins, seconded by Mrs. DiNallo that **ORDINANCE NO. 13-16** be adopted.

On roll call, Mr. Fitzgerald, Mrs. Jenkins, Mrs. DiNallo, Mr. Fodor, Mrs. Shoop, and Mr. Hach answered "Yes". Motion carried. **ORDINANCE NO. 13-16** adopted.

**ORDINANCE AMENDING THE DISTRICT MAP AND THE SETBACK MAP REFERRED TO IN SECTION 1127.02 OF THE PAINESVILLE CODE OF 1998 REZONING PROPERTY ON NORTH STATE STREET.**

was given first reading.

At the October 13th Planning Commission meeting it was recommended that parcel number 15-A-013-0-00-038-0 located on the north side of Canfield Drive, south of the CSX Railroad be rezoned from M-2 Industrial to B-2 General Business District. This parcel of land is the location of Tony's Subway Inn. The property has been purchased with the intent to continue the commercial use at that location. The adjacent property south of Canfield Drive is zoned B-2 General Business. The commercial use on this property is currently non-conforming under the M-2 Industrial Zoning District. The property has been zoned industrial since 1927. The business use has been at this location for over 50-years. Being nonconforming under the M-2 zoning category puts the property at risk for being unused and becoming a blight on the neighborhood. Rezoning to B-2, General Business, opens this location up to potential uses in the future that are of a smaller scale and intensity of use than what was originally intended for the location. This smaller scale and intensity of use should not have a detrimental effect on the residential character of the area. The B-2 zoning category permits the reestablishment of the previous use. A public hearing is scheduled for November 21, 2016 at 8:00 pm. This item should be left on first reading.

Under Unfinished Business – Council Procedures – Michael DeLeone is absent so this matter will remain until the next regularly scheduled meeting.

The Presentation to Council was given by Public Service Director Brian Belfiore. (See Attachment #1).

Law Director Gurley did not have an Administrative Report.

Mr. Lewis updated City Council regarding letters sent out to residents from Republic Waste Services. The letters indicate an interruption in service. Anyone who received the letter should contact Republic Waste directly. Mr. Lewis also update City Council on the 2016 Water Line Replacement Project. He stated the project is complete. William Street, Wood Street, Levan Drive, and Hillside Drive

all received new waterlines on the street and the taps have all been established. The paving program will be completed now that the waterlines have been installed. This should be done by the time snow arrives.

Closing Comments.

Mrs. Shoop did not have any comment.

Mr. Fodor motioned to excuse Mr. DeLeone from the Council Meeting. All members present voted in favor by stating "aye"; Motion carried. Mr. Fodor did not have any other comments.

Mr. Fitzgerald congratulated Police Chief Anthony Powalie and President Paul Hach for their recognition at the Downtown Painesville Organization's Annual Luncheon. He thanked them both for their dedication and hard work in Painesville City.

Mrs. Jenkins also congratulated President Hach and Chief Powalie on their accomplishment. She included that Chief Powalie was recognized at the NAACP Awards Dinner for his service to the City of Painesville. Mrs. Jenkins thanked the Public Works Department for providing the Departmental update and stated that the roads have improved greatly over the past couple of years.

Mrs. DiNallo did not have any comment.

Mr. Hach wished Mrs. DiNallo a Happy Birthday.

At 8:20 pm, President Hach asked for a motion to move into Executive Session in Courtroom #2. Mrs. Shoop made a Motion to Adjourn to Executive Session in accordance with the City's Charter Article II, Section 6, Item 1: To Consider The Appointment, Employment, Dismissal, Discipline, Promotion, Demotion Or Compensation Of An Employee Or Official Of The City; seconded by Mrs. Jenkins.

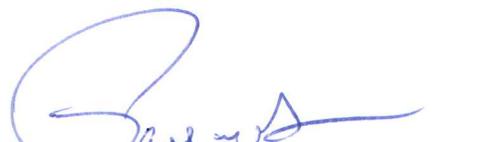
On roll call, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Fodor, Mrs. Shoop, and Mr. Hach answered "Yes". Motion carried.

At 8:45 p.m., President Hach asked for a Motion to Adjourn from Executive Session and reconvene the regular meeting. Motion to Adjourn from Executive Session by Mr. Fitzgerald, seconded by Mrs. Shoop.

On roll call, Mrs. DiNallo, Mrs. Jenkins, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, and Mr. Hach answered "Yes". Motion carried.

Motion to Adjourn made by Mrs. Shoop seconded by Mrs. Jenkins. All members answered "yes". Motion carried. The meeting was adjourned at 8:46 p.m.

  
Tina B. Pomfrey  
Acting Clerk of Council

  
Paul W. Hach II  
President of Council