

CITY OF PAINESVILLE
REGULAR COUNCIL MEETING
MONDAY, OCTOBER 3, 2016 - 7:30 PM

WITH AN EXECUTIVE SESSION IMMEDIATELY FOLLOWING

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, Tom Fitzgerald, Mike DeLeone; Interim City Manager Doug Lewis; Assistant Law Director James Lyons; 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 Bieterman; Water Pollution Control Director Randy Bruback; and Acting Clerk of Council Tina Pomfrey.

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

Motion by Mrs. Shoop, seconded by Mr. DeLeone to approve the meeting minutes as submitted for the Regular Meeting of 9.6.16 and 9.19.16.

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 no Visitors wishing to be recognized.

RESOLUTION 24-16 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE DONATION OF PROPERTY LOCATED ON SKINNER AVENUE, PERMANENT PARCEL NUMBER 15-D-021-F-00-012-0, PAINESVILLE, OHIO FROM THE LAKE COUNTY LAND REUTILIZATION CORPORATION, AND DECLARING AN EMERGENCY.

was given third reading.

Mr. Lewis stated as previously discussed the City of Painesville was contacted by John Rogers, Executive Director of the Lake County Land Reutilization Corporation (LCLRC), with regards to a donation of property they acquired. The 6.51 acres parcel of land is located adjacent to a 16.858 acres parcel of land the City of Painesville owns along the Grand River. Both parcels of property are located in the flood plain and would be difficult to develop. For this reason, Executive Director Rogers thought it would be beneficial for the City of Painesville to acquire the property through donation and work with the Lake County MetroParks to develop passive access to the Grand River. The Lake County MetroParks Board has approved pursuing a long-term agreement with the City of Painesville to develop it for river access. We will review the proposed agreement once the donation is accepted by Painesville City Council. Mr. Lewis contacted the MetroParks regarding the installation of parking at that site, the response was the area is being utilized for fishing, parking is not an issue, there are no plans to install a parking area, and the area will just be maintained with an easier access point. Mr. Lewis reiterated the property is being donated free and clear of all liens and encumbrances.

President Hach asked if the MetroParks will maintain the paths to the fishing areas. Mr. Lewis stated that if the City enters into an agreement with the MetroParks the area will be maintained by them. The goal is to have a long-term agreement in place for this location to be used for recreation purposes similar to what is done in other communities.

Mrs. DiNallo inquired about access to this property from Skinner. Mr. Lewis responded there is an easement to this property off Skinner Avenue. The Lake County Auditor and the Land Bank have identified the various easements that access the property. The access point for the property will only be off Richmond Street.

Motion by Mr. DeLeone, seconded by Mr. Fodor that **RESOLUTION NO. 24-16** be adopted.

On roll call, Mrs. Shoop, Mr. DeLeone, Mr. Fitzgerald, Mrs. Jenkins, Mrs. DiNallo, Mr. Fodor, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION NO. 24-16** adopted.

RESOLUTION 25-16 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE DONATION OF PROPERTY LOCATED ON NORTH SETTLERS LANE AVENUE, PERMANENT PARCEL NUMBER 35-A-010-A-00-150-0, PAINESVILLE, OHIO FROM THE LAKE COUNTY LAND REUTILIZATION CORPORATION, AND DECLARING AN EMERGENCY.

was given third reading.

Mr. Lewis explained the City of Painesville was contacted by John Rogers, Executive Director of the Lake County Land Reutilization Corporation (LCLRC), with regards to a donation of property they acquired. The vacant lot adjacent to an existing parcel of land off Colonial Drive would allow for the connection from Colonial Drive to North Settlers Lane which was designed to be an emergency fire access lane in Liberty Greens. In addition, there is currently a sidewalk that connects those two streets. He stated that research was done on this property. There is an agreement on this property from when the original development was created. Copies of the agreement were given to Council. The property is not developable by the terms of the agreement. The property would be donated free and clear of all liens and encumbrances. Mr. Lewis indicated that the Liberty Greens HOA would be contacted in regards to the maintenance of the property.

Motion by Mr. DeLeone seconded by Mr. Fodor that **RESOLUTION NO. 25-16** be adopted.

On roll call, Mr. DeLeone, Mr. Fitzgerald, Mrs. Jenkins, Mrs. DiNallo, Mr. Fodor, Mrs. Shoop, and Mr. Hach answered "Yes". **RESOLUTION NO. 25-16** adopted.

RESOLUTION 26-16 AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT, INCLUDING ANY AND ALL ENSUING CHANGE ORDERS, FOR THE CONSTRUCTION OF A BUILDING AND THE PURCHASE OF ELECTRICAL SWITCHGEAR TO REPLACE THE OLDER AND OUTDATED SWITCHGEAR IN THE ELECTRIC PLANT, AND DECLARING AN EMERGENCY.

was given third reading.

Mr. McHugh explained this legislation will allow the Electric Department to continue the process of replacing the outdated 4 kV switchgear. The switchgear they are looking to replace has been in use at the Electric Plant since 1920. Switchgear and breaker representatives have looked at equipment and informed the Electric Department that it was not possible to refurbish or renovate the existing equipment. Staff has developed a plan to replace the equipment with a new building to do the job more reliably, efficiently, and safely. The total cost is estimated at \$1,400,000. It was a budgeted capital item in 2016. Waiving additional reading would enable the Electric Department to advertise for bids so construction could begin this year.

Motion by Mr. DeLeone seconded by Mr. Fodor that **RESOLUTION NO. 26-16** be adopted.

On roll call, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION NO. 26-16** adopted.

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

was given first reading.

Mr. Lewis explained as Council is aware, the City is in the process of updating the Planning and Zoning Code and moving towards a unified Development Code. 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. This item should remain on first reading.

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

was given first 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 and 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 first reading

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

was given first 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 first reading.

Mr. DeLeone inquired about the last Board of Zoning Appeals and a request for a variance regarding a driveway. It was explained that there have been three variance requests before the Board of Zoning Appeals regarding the driveway regulations. Mr. DeLeone asked if this matter should be passed on the first reading since this seems to be an ongoing issue for the residents. It was explained that since the legislation enacts a code change the recommended course of action would be to have the matter go three readings. There are no pending applications for this type of construction. Residents have been informed the code is being modified and it would be best to wait until the change is in place prior to constructing a driveway of this nature.

Mrs. Jenkins requested a visual of sorts to show the recommended driveway dimensions to help with understanding how this would look.

Mr. Fodor inquired about the lot widths of Heisley Park. Mr. DeLeone indicated it does not appear to be an issue with the width of the lots, it is more the setbacks of the lots. Mr. Fodor commented that moving forward the Planning Commission realizes the issues and will no longer approve a development with this type of design. Ms. White indicated that she would bring this information back to the Commission when the Planning and Zoning Code changes are discussed.

Mr. Lewis indicated that the change will benefit all residential properties within the City. Mr. DeLeone commented that he agrees that this should be looked at as a whole for future development projects within the city and with leaving the matter on second reading.

Mrs. Shoop commented that as part of that, the city should look at the roadway design as well to be sure the roads for the developments are constructed to accommodate on-street parking within these types of developments. Mr. DeLeone stated he agrees with this comment.

Mrs. DiNallo stated that she has a concern regarding the twenty foot maximum width of a driveway. She wondered how this would impact the larger lots within the City of Painesville. She asked if someone with a four-car garage would be impacted by this design criteria and would they then have to request a variance. Ms. White explained typically four-car garages are located behind the front setback. It was explained the homes in Heisley Park and Liberty Greens are built at the front setback with the garage in line with the house. Mrs. DiNallo asked if the information was based on data or an opinion. She is concerned that the regulations will hinder other property owners once the change is put in place.

Mr. Lyons commented that a visual representation may help with the understanding of the proposed changes. This should also address Mrs. DiNallo's concerns of the impact on all property owners. Mr. Lyons stated that he is not aware of any driveways that are four-cars in width since this is most seen in commercial areas.

RESOLUTION 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 first reading.

Mr. Lewis referred this matter to City Engineer Leanne Exum. Ms. Exum explain 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.

Mrs. Jenkins stated that this agreement has no cost to the City. Ms. Exum replied that is correct.

Mr. DeLeone 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. Mr. DeLeone indicated that he would like to leave this on first reading.

There was no Unfinished Business.

Under New Business was the matter of Council Procedures was presented by Mr. DeLeone. Mr. DeLeone indicated a revised versions of the procedures was sent to members of council. The only sections 15 & 16 match the charter. If questions, ask. Would like to have them adopted by council.

Mr. Fodor asked for a presentation to be given on the procedures so they are public. Mr. DeLeone stated that could be done.

Also under New Business was the matter of Council Legal Services Budget. Mrs. DiNallo indicated this was placed on new business since there was discussion regarding the matter. Since the matter has been finalized for this budget cycle the matter can be removed from discussion at this point.

Mr. Fodor explained the issue was regarding the Law Director and how the Law Director is appointed. City Council was concerned that the Law Director is not appointed by City Council where there may be a conflict between each other. Options were discussed regarding the legality of the appointment.

Mr. DeLeone commented that the Director of Law is the legal advisor to the Council, to all offices, departments and agencies, and to all officers and employees in matters relating to their official powers and duties. If there is a conflict between the two entities, each would be required to hire their own legal counsel to address the conflict. This is something that should be looked at during the upcoming Charter Review as the Charter sets for the appointment of the Law Director. There was discussion regarding keeping this matter on the agenda to address a possible charter amendment.

Discussion continued regarding the Law Director and how the City operates on a day to day basis with interaction from the Law Director.

Mrs. DiNallo directed the discussion back to the wording from the agenda, Council Legal Services Budget. It was decided to remove the matter from the agenda and revisit this during the next budget cycle to address the inclusion of money for legal services.

Motion by Mrs. DiNallo, seconded by Mr. DeLeone to remove the matter from the agenda.

Under New Business the matter of Everbridge Notification System was presented by Mrs. Jenkins. Ms. Jenkins stated that she requested this matter to be discussed since she received several messages within one day. She inquired about the system and what the intent of the use was to be and the procedures for its use.

Mr. Lewis stated based on that discussion, the policy of the Everbridge Notification System was addressed. The current policy that is in place has been modified to help clarify the usage for City Staff. He explained a limit has been placed on the number of times non-emergency notifications of one-time per week for no more than two weeks in a row. This would be only for non-emergency matters. Mr. Lewis stated the typical message received for non-emergency is for road closures, delays in services.

Mr. Fitzgerald asked about the notification system and the request from the system asking for a response that the message was received. Mr. Lewis indicated this is a built in feature that allows the system to collect data on who receive the message and their location.

Mrs. Jenkins indicated this matter can be removed from New Business. Mr. Fitzgerald agreed. President Hach stated that this matter has been addressed.

There was no Presentation to Council.

Under Administrative Report Assistant Law Director Lyons indicated he had no report.

Mr. Lewis updated City Council on the Auburn Road Water Line. This is a priority project for Concord. City Council may see a transfer request from one project to another to help implement the construction of the waterline for Concord. Mr. Lewis indicated the Victoria Place parking lot (former parking garage site) is nearly completed. A retaining wall is being constructed along the Dworken and Bernstein property. With the grindings that have been put down, there is a need to add some additional pavement so it can be maintained through the winter. This will be at an additional cost. The parking area will be paved early next year.

Under Clerk of Council Correspondences, Mrs. Pomfrey stated the next regular Council meeting will be held on Monday, October 17, 2016 at 7:30 pm. The Farmer's Market is still being held every Thursday in Veterans Park from 12pm – 4 pm. Different Food Truck each week along with fresh produce, meat and eggs, flowers, chocolates, snacks, sauces, dry dips, handmade jewelry and soaps, samples, demonstrations and more... For up to date information visit www.painesville.com and click on the Farmer's Market Truck icon, or like and follow their Facebook page at www.facebook.com/PainesvilleFM. Pride Articles Deadline is this Friday, October 7, 2016 for the November 2016 edition and the Council Corner is to be done by Councilman Tom Fitzgerald. Painesville

Recreation's Annual Fall Fest/Trunk or Treat will be held on Saturday, October 22 at Recreation Park from 3:00 to 8:00 PM. This year's event features Dr. Insecta Bug Lab; Gordon Russ Magic; Costume Contest; Games; Hay Rides; Food; and a Hay Maze. Trick-or-Treat is held on Monday, October 31, 2016 from 6:00 to 8:00 PM.

Closing Comments.

Mr. Fitzgerald did not have any comment.

Mrs. Jenkins thanked the Police Department for providing more visibility in the areas that were of concern. She also thanked the Building Inspection Department for follow up on a property maintenance issues that were addressed in a timely manner.

Mrs. DiNallo commented on the conditions of the city sidewalks. She is concerned about the new sidewalk plows that were recently purchased that may be damaged by the sidewalk conditions throughout the city. She mentioned that a phone call to the Building Department to address the sidewalks can be done. Mr. Lewis commented that this year's budget includes funding for the beginning of the sidewalk program.

Mr. Fodor did not have any comment.

Mr. DeLeone thanked the residents of Ardmore, Nelson and Gillette that welcomed him into their homes to deal with issues. He thanked the Administration for their assistance on the issues. The City provided quick responses to the residents.

Mrs. Shoop made a Motion to Excuse Mr. Cimaglio. She indicated that this is the first time he has not been at the meeting. In all seriousness she hopes Mr. Cimaglio is alright.

Mr. Hach announced this Friday at the Harvey Stadium is Homecoming. He stated for \$6 you can show support of Painesville City Local Schools and the Harvey Football team.

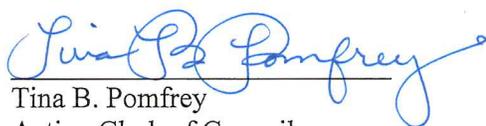
At 8:25 pm, President Hach asked for a motion to move into Executive Session in Courtroom #2. Mrs. Jenkins made a Motion to Adjourn to Executive Session in accordance with the City's Charter Article II, Section 6, Item 1: To Consider The Appointment, Employment, Dismissal, Discipline, Promotion, Demotion Or Compensation Of An Employee Or Official Of The City; seconded by Mrs. Shoop.

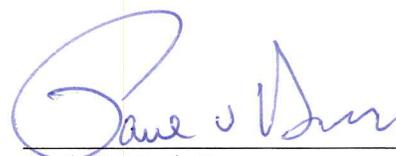
On roll call, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, and Mr. Hach answered "Yes". Motion carried.

At 9:17 p.m., President Hach asked for a Motion to Adjourn from Executive Session and reconvene the special meeting. Motion to Adjourn from Executive Session by Mrs. Shoop, seconded by Mrs. Jenkins.

On roll call, Mr. DeLeone, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, 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 9:18 p.m.


Tina B. Pomfrey
Acting Clerk of Council


Paul W. Hach II
President of Council