

CITY OF PAINESVILLE  
**REGULAR COUNCIL MEETING**  
MONDAY, NOVEMBER 7, 2016 - 7:30 pm

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, Christine Shoop, Tom Fitzgerald Katie Jenkins, Mike DeLeone, Jim Fodor; Interim City Manager Doug Lewis; Law Director Joseph Gurley; Police Chief Anthony Powalie; Electric Superintendent Jeff McHugh; City Engineer Leanne Exum; Economic Development Director Cathy Bieterman; City Planner Lynn White, and Acting Clerk of Council Tina Pomfrey. Councilperson Lori DiNallo was absent.

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

Councilwoman Shoop asked for a moment of silence in honor of Robert "Bob" Fountain who passed away on October 26<sup>th</sup>.

President Hach read the following information regarding Mr. Fountain. Robert Henry Fountain, age 69, of Painesville, passed away October 26, 2016 at his residence with his family by his side. He was born May 3, 1947 in Omaha, NE. Mr. Fountain had worked as an insurance agent for Allstate and Banker's Life. He had been a councilman for the City of Painesville from 1996-2011. Mr. Fountain enjoyed running. He was a veteran of the U.S. Marine Corps, having served in the Vietnam War and received a Purple Heart. Survivors include his wife of 29 years, Sharon (Moss) Fountain; son, Dominick (Dawn) Ringold-Fountain; daughter, Yolanda Fountain of Lancaster, CA; grandchildren, Adriel, Kalea and Cadence and Jayde Haylee and James Howard Scott; sister, Rowana Fountain-Woods; brother, Charles (Lena) Johnson and other loving family. He was preceded in death by his parents, Robert Fontaine and Naomi Fountain. A memorial service will be held 5 p.m. Saturday, November 12, 2016 at Brunner Sanden Deitrick Funeral Home & Cremation Center, 8466 Mentor Ave., Mentor, OH 44060. Family will receive friends from 3 to 5 p.m. Saturday at the funeral home. Inurnment will be in Ohio Western Reserve National Cemetery, Rittman, OH, at a later date.

President Hach asked for a motion to approve the meeting minutes as submitted for:

- 10.02.16 Special Meeting for Work Session;
- 10.03.16 Regular Meeting & Executive Session;
- 10.10.16 Special Meeting for Work Session;
- 10.10.16 Special Meeting for Executive Session;
- 10.17.16 Special Meeting for Executive Session;
- 10.17.16 Regular Meeting & Executive Session;
- 10.19.16 Special Meeting for Executive Session;
- 10.24.16 Special Meeting;
- 11.02.16 Special Meeting for Executive Session.

Motion by Mr. DeLeone, seconded by Mrs. Shoop to approve the meeting minutes as submitted.

All members present answered "Aye" to approve the minutes. Motion carried.

President Hach stated we will now recognize **Visitors** and to please raise your hand if you wish to speak. When called upon, please use the podium, clearly state your name and address into the microphone, and limit your comments to 3 minutes." 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. No one wished to speak.

Mr. Cimaglio, 477 Owego Street, stated that he was troubled at the last City Council Meeting. Legislation was passed for additional money to be spent on the new office and storage facility interior buildout includes the electrical, mechanical, and plumbing for the new facility. He stated that in February City Council passed legislation for \$900,000 to be used for the construction of this facility. The recent legislation adds an additional \$600,000 to this project bringing the total cost to 1.5 million. This matter was only debated at the meeting for approximately two minutes. Mr. Cimaglio asked who the contract was awarded to. He also commented about the waterline improvements costs going from 9 million up to 15 million. There needs to be more interest in why these projects are costing more. He stated is it not City Council's responsibility to look over the finances for the City. He stated that more explanation needs to be given when these items are presented at the meetings.

Councilwoman Katie Jenkins commented that the two minutes spent at the last council meeting is not the only time spent on these types of issues. In this particular instance, there were many hours of discussion regarding the project and the need for more money. The decision of increasing the costs for

the construction of the new office and storage facility on Storrs Street was based on the fact there were many errors regarding the initial project costs.

Law Director Joseph Gurley clarified that the statement made by Councilwoman Jenkins regarding the amount of time spent on determining the increase in the budget was done from a personal deliberation and not as a whole of City Council.

Interim City Manager Douglas Lewis commented that City Council is made aware of the issues when they occur and City Council is given direction on what the issues are and the best options to correct the issues and move forward.

Councilman Michael DeLeone added that the matters regarding additional moneys to be budgeted towards a project are discussed at City Council's Finance Committee in detail.

Mr. Sternot, 346 Birchwood Drive, commented that he was glad to see Mr. Cimaglio's questions were addressed. Mr. Sternot stated that he would like to take this moment to thank Doug Lewis and Brian Belfiore for finally performing routine maintenance on Elizabeth this past week. It only took what, 15 years for routine maintenance to be done? I will admit it is a start and a possible good sign? But, I continue to have concerns! So, let me ask this: Who on council doesn't like to have a good plan? Who on council doesn't like to have data to make an informed decision? Who on council doesn't believe in transparency? Who on council doesn't believe in routinely maintaining their automobiles? And finally, who on council doesn't think routine road maintenance isn't the right thing to do?

Mr. Sternot commented that he would hope all would agree to the about points and make having a good plan for routine maintenance an objective. But, the proof is in the data and follow-through! Is there a plan for road replacements? Yes! Here it is! And, I would think there will be a need in the future for another road levy. But, before I, and I believe other Painesville residents, can support spending more money on road replacements, I would like to know whether there is a plan for routine road maintenance? Can residents see it? Is the plan published? I've personally been asking that question for some time now, even prior to Mr. Carson's hiring! And, yet even when Mr. Carson was here, he said he had a plan, but residents have never seen it.

Mr. Sternot stated that he is asking Mr. Hach as his Ward IV councilman when will the rest of the roads in Ward IV will be scheduled for routine maintenance? Where's the plan? What's the schedule, weather permitting this year (and next)? His street went in 2007. No routine maintenance in the 9 years since I've been here. Does that sound like a good plan? We've all heard the movie quote, "Where's the money?" So, Mr. Hach, please ask the administration to show Ward IV and other ward residents the Money (Plan)! Talk is cheap! So please remember that there is a probable road levy and a council elections coming in the future and residents want results! Results are what matter in my opinion!

President Hach stated that the City is currently working on the main arteries going into the City. He commented that with the weather changing it limits the amount of work that can be done on the streets. President Hach indicated that the residents will be made aware of the plans for next year once the budget is discussed for money to be used for roads.

Mr. Sternot asked if that means a schedule for maintenance will be published for the resident to view for the roads to provide transparency.

Interim City Manager Douglas Lewis stated it is not that easy. There are a lot of factors that go into creating a plan. There is limited staff and resources to put into this operation. The City does the best in trying to create a schedule however there are emergencies that occur that take precedence, like a sewer repair. A general schedule has been created and submitted to City Council. The schedule is not always followed due to other matters that need to be addressed. The main arterial roads are crack sealed first and then the neighborhood areas are secondary.

Mr. Sternot responded that a general schedule for the routine maintenance that is posted for the residents would be a great help.

Mr. Anthony Torre, 158 Sanford Street, stated that he would like to remind everyone that tomorrow is Election Day and stressed the importance of going out to the polls to vote.

Moving on to Legislation, President Hach stated if visitors wish to comment on Legislation, they 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.

**ORDINANCE 14-16 AMENDING SECTION 1137.03 OF "PARKING AND LOADING" OF THE PAINESVILLE CODE OF 1998, AND DECLARING AN EMERGENCY.**

was given third reading.

City Planner Lynn White explained that 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 side by side in a driveway at one time.

Motion by Mr. DeLeone, seconded by Mrs. Jenkins that **ORDINANCE NO. 14-16** be adopted.

On roll call, Mrs. Jenkins, Mr. Fodor, Mr. DeLeone, Mrs. Shoop, Mr. Fitzgerald, and Mr. Hach answered "Yes". Motion carried. **ORDINANCE NO. 14-16** adopted.

**ORDINANCE 15-16 AMENDING SECTION 1137.07 OF "PARKING AND LOADING" OF THE PAINESVILLE CODE OF 1998, AND DECLARING AN EMERGENCY.**

was given third reading.

Ms. White explained that 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.

Motion by Mrs. Jenkins, seconded by Mr. DeLeone that **ORDINANCE NO. 15-16** be adopted.

On roll call, Mr. DeLeone, Mrs. Shoop, Mr. Fodor, Mr. Fitzgerald, Mrs. Jenkins, and Mr. Hach answered "Yes". Motion carried. **ORDINANCE NO. 15-16** adopted.

**ORDINANCE 16-16 AMENDING SECTION 1137.12 OF "PARKING AND LOADING" OF THE PAINESVILLE CODE OF 1998, AND DECLARING AN EMERGENCY.**

was given third reading.

Ms. White explained that 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.

Motion by Mr. DeLeone, seconded by Mrs. Jenkins that **ORDINANCE NO. 16-16** be adopted.

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

**AN ORDINANCE AMENDING THE DISTRICT MAP AND THE SETBACK MAP REFERRED TO IN SECTION 1127.02 OF THE PAINESVILLE CODIFIED ORDINANCES REZONING CERTAIN LANDS IN THE CITY OF PAINESVILLE FROM M-2 INDUSTRIAL DISTRICT TO B-2 GENERAL BUSINESS DISTRICT and DECLARING AN EMERGENCY.**

was given second reading.

Ms. White explained that 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 December 5, 2016 at 8:00 pm. This item should be placed on second reading.

Mr. Cimaglio, 477 Owego, stated that he is not speaking in opposition of this request. He stated that he sent an email to City Council regarding having a public hearing on 265 North State Street what is known as the HOLA Building. He indicated his question is, Tony's Subway Inn has been closed for over 2-years meaning that it reverted back to the original zoning. 265 north state been empty for 12-years. Why didn't this revert back to its original R-1 zoning? He stated this area has always been a residential street. Mr. Cimaglio indicated that he would like the same process that Tony's is going through to be applied to 265 North State Street. He stated that for some reason it seems to be a hurry to get this property through so that people can have their way.

Interim City Manager Douglas Lewis commented that the zoning along State Street was slated to be rezoned to a residential zoning district due to the amount of residential uses in that area. This area is zoned B-2 General Business and created a nonconforming status for the residential uses in that area. The request for 265 North State Street is not a rezoning request, it is a conditional use permit request. The request for 265 North State Street is to allow for a similar use designation. This is not the same as a rezoning request. Tony's Subway Inn is zoned M-1 which does not allow for a business use either as a permitted use or a conditional use.

Councilwoman Jenkins questioned the surrounding zoning being B-2 and not residential. Mr. Lewis stated that is correct. A few years ago the City initiated the rezoning of a number of houses that were zoned B-2 on this street. The property owners of this area chose to not rezone the properties knowing that their use of the area was a nonconforming use.

This matter was left on Second Reading.

**A RESOLUTION ACCEPTING THE PETITION OF LANDOWNER SEEKING TO BE INCLUDED IN THE CONCORD TOWNSHIP-CITY OF PAINESVILLE JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT (JEDD) FILED BY PETITIONER IP VISTA SPRINGS CONCORD PROPCO LLC, (PPN:08-A-020-A-00-011-0) FILED ON OCTOBER 20, 2016, AND DECLARING AN EMERGENCY.**

was given first reading.

Interim City Manager Douglas Lewis explained IP Vista Springs Concord Propco LLC, the owner of 0.82 acres of property located at 7930 Auburn Road, Concord Township, has petitioned to be included in the JEDD. This does not need to be passed this evening. All documents are on file in the Office of the Clerk of Council for public viewing. A Public Hearing is scheduled to be held on Monday, December 5, 2016 at 8:00 pm on this matter.

This matter was left on First Reading.

**A RESOLUTION ACCEPTING THE PETITION OF LANDOWNER SEEKING TO BE INCLUDED IN THE CONCORD TOWNSHIP-CITY OF PAINESVILLE JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT (JEDD) FILED BY PETITIONER CONCORD TOWNSHIP BOARD OF TRUSTEES, (PPN:08-A-020-A-00-014-0) FILED ON OCTOBER 20, 2016, AND DECLARING AN EMERGENCY.**

was given first reading.

Interim City Manager Douglas Lewis explained Concord Township Board of Trustees, the owner of 7-acres of property located on Auburn Road, Concord Township, has petitioned to be included in the JEDD. This does not need to be passed this evening. All documents are on file in the Office of the Clerk of Council for public viewing. A Public Hearing is scheduled to be held on Monday, December 5, 2016 at 8:00 pm on this matter.

This matter was left on First Reading.

**CAPITAL IMPROVEMENT PROJECT UPDATES** were given by City Engineer Leanne Exum.

Mrs. Exum stated:

- 2016 Road Paving Program: Phase 2 of the paving program which includes Williams Street, Wood Street, Hillside Drive and Levan Drive is complete. The adjustments are to be done to the castings at the end of the week.

- Cedarbrook Basin: The project has been completed. A punch list is being put together for any outstanding items. Once this is created and signed the contract will be finalized.
- Maplewood Basin: This project is still on hold. The City is still waiting on the Railroad Permit.
- Parking Garage: The parking lot has been paved and the spaces have been striped.
- Heisley Park: Thornwood Drive has been paved. The last phase of Heisley Park should be started soon weather permitting.

Councilman Fodor asked when the asphalt plant closes. Ms. Exum replied typically it is around November 17<sup>th</sup>, however, it can stay open longer if the weather is good. Mr. Fodor asked about the Route 44 bridge to Route 2 and if the construction of that project is close to being finished. Ms. Exum indicated that she did not know the answer and would contact ODOT for an update.

Councilman DeLeone stated that he has had conversations with City Engineer Leanne Exum regarding the storm water on Cedarbrook where the stress cuts were not made to the new drains. He inquired as to whether or not that has been made and inspected. Ms. Exum responded on those particular basins there is not outstanding work to be done. The department is watching the performance of a couple within that project. The contractor is aware of this and if they crack over the winter they will be repaired.

Councilman DeLeone inquired if there was any movement for the Maplewood Basin. City Engineer Exum stated they are waiting on the railroad and for level three communications to relocate their line.

Councilwoman Jenkins asked about work being done on Cedarbrook near Chestnut Street and if that issue was corrected. Ms. Exum stated that it has been repaired by the contractor JTO last week.

Interim City Manager Douglas Lewis asked Ms. Exum to explain the discussion of replacing that section of roadway. Ms. Exum replied that the City did review the possibility of doing that however, the cost for replacement was too high to budget for this year. The timing for replacement of these areas was not good due to the end of the season. The repairs were done knowing that a complete replacement would not be completed before the weather changed. Ms. Exum stated that this area does need a new waterline.

Interim City Manager Douglas Lewis explained that Mr. Ginnis was not able to attend tonight's meeting due to an emergency. He asked to update City Council on the Water Intake Project. The contractor and the consultant met with the EPA last week to discuss some of the proposed changes which will help reduce the costs. Mr. Lewis stated that basically the City needs the EPA's blessing prior to moving forward on this project. The EPA will need to accept the proposed modifications and we anticipate hearing back from them soon. Councilman Fodor asked if that meant this would start in the spring. Mr. Lewis replied that work can be done before then.

Unfinished Business-Council procedures – Michael DeLeone stated that by now everyone should have reviewed the proposed Council procedures. In speaking with Gurley a motion and vote is acceptable to adopt the revised procedures. Motion by Ms. Jenkins, seconded by Mr. Fitzgerald to approve the Council Procedures as amended. On roll call, Mrs. Shoop, Mr. Fitzgerald, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor and Mr. Hach answered "Yes". Motion carried

There was no **New Business**.

There was no **Presentation to City Council**.

Under **Administrative Reports** Law Director Joseph Gurley stated that he sat next to Mr. Fountain for many years. Mr. Fountain was three months his senior and he always made a point that he was the younger of the two. Mr. Gurley stated that even though he was younger, he looked up to Mr. Fountain, he was one of the best individuals he has ever come across. He knows of no better council person over the years. Mr. Fountain was a humble man, he was a great man. Everyone in this room who knew Mr. Fountain can attest to those qualities that he mentioned.

Interim City Manager Douglas Lewis reminded people that Republic Waste will be collecting leaves until December 15<sup>th</sup>.

Under **Clerk of Council Correspondences**, Ms. Pomfrey reminded Council the next regular Council meeting will be held on Monday, November 21, 2016 at 7:30 pm. She continued by stating City Offices will be closed on Friday, November 11th in honor of Veterans Day. The DPO's Holiday Open House/All Around the City will be held on November 15th from 4:30 to 8 PM. Check out the Downtown Painesville Organization's Facebook page for more information. The City of Painesville in cooperation with the Painesville City Improvement Corporation will be holding the Annual Spirit of the Season on December 3rd from Noon to 4:00 PM at Painesville United Methodist Church. Enjoy cookie decorating, craft projects, games, letters to Santa, Lolly the Trolley rides around historic Painesville, and more! All for FREE! Wreaths Across America will be at Evergreen Cemetery on December 17 with a ceremony beginning at 12:00 PM. Pride Articles Deadline is Friday, December 2, 2016 for the January 2017 edition.

**Closing Comments.**

Motion to Excuse Vice President DiNallo from tonight's meeting made by Mrs. Jenkins, seconded by Mrs. Shoop. All members answered "Yes." Motion carried.

Mr. Fitzgerald reminded everyone to go out and vote tomorrow. Every vote counts.

Mrs. Jenkins offered her condolences to the Fountain family. She also reminded everyone to get out and vote. Mrs. Jenkins asked that residents take care of their leaves and be neighborly and help out those who might not be able to take care of their leaves.

Mr. Fodor reiterated that residents should take care of their leaves. It can seem like a never ending battle. He indicated that in the upcoming 2017 Budget City Council has indicated the desire for a Strategic Plan to help set goals and policies for the City. Mr. Fodor reminded residents that Republic Waste will pick up couches and mattresses however these items need to be wrapped for the safety of the drivers. Please remember to vote.

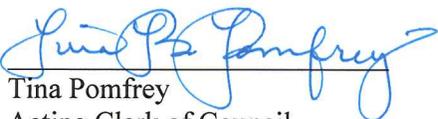
Mr. DeLeone commented on the couches and mattresses and stated that if residents could consider donating these types of items to Purple Heart. Items like these will be picked up from your home at no cost so before sending those to the landfill consider a donation. Mr. DeLeone also offered condolences to the Fountain family. He stated that Mr. Fountain was a mentor and a good friend.

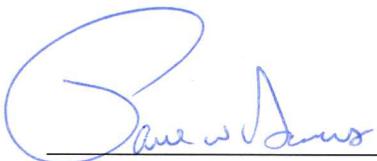
Mrs. Shoop offered her condolences to the Fountain family as well. She reiterated that everyone should go out and vote tomorrow.

President Hach indicated that he worked closely over the weekend with the Painesville Township Fire Department and was impressed by the operations of their Department. Mr. Hach offered his condolences to the Fountain family and stated that Mr. Fountain was an upstanding citizen.

President Hach asked for a Motion to Adjourn the Meeting. Motion by Mr. DeLeone, seconded by Mrs. Jenkins to adjourn the Meeting.

On roll call, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, and Mr. Hach answered "Yes". The meeting was adjourned at 5:10 p.m.

  
Tina Pomfrey  
Acting Clerk of Council

  
Paul W. Hach II  
President of Council