

REGULAR COUNCIL MEETING  
MONDAY, DECEMBER 21, 2015 - 7:30 PM  
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: Paul Hach, Lori DiNallo, Katie Jenkins, Andrew Flock, Mike DeLeone, Jim Fodor, Tom Fitzgerald, City Manager Anthony Carson, Assistant City Manager Doug Lewis, Law Director Joseph Gurley, Fire Chief Mark Mlachak, Police Chief Anthony Powalie, Finance Director Andy Unetic, Water Superintendent George Ginnis, Public Works Director Brian Belfiore, Water Pollution Control Plant Superintendent Randy Bruback, Electric Superintendent Jeff McHugh, Economic Development Director Cathy Bieterman, City Planner Lynn White, City Engineer Leanne Exum, Parks and Recreation Director Michelle LaPuma and Clerk of Council, Tara Grimm.

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

Motion by Mrs. DeLeone, seconded by Mr. Fodor to approve the meeting minutes for December 7, 2015 as submitted. All members answered "Yes". Motion carried.

A proclamation and gift were presented to Ward I Councilman Andrew Flock for his 20 years of dedicated service to the City of Painesville.

Motion made by Mr. DeLeone, seconded by Mr. Fodor to appoint members to following Commissions, Boards and Committees with all members answering "Yes". Motion carried.

Mary Hada – Planning Commission

Rene` Aston – Board of Zoning Appeals

Joseph Wilkes – Community Reinvestment Area Council

Ray Sternot - Community Reinvestment Area Council

Mr. 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. Six people wished to speak.

Mr. Art Shamakian of the Steele Mansion congratulated and thanked Mr. Flock

Ms. Schilling, a resident from 284 Rockwood Drive, expressed her concerns on sidewalk cracking and street sweeping.

Mr. Hal Werner recognized Andrew Flock, said he was an inspiration, congratulated him and wished him luck.

Mr. Ray Sternot read from his email to council regarding process issues relative to the vacant property legislation. (*See Attachment #1*)

Mr. Angelo Cimaglio of 477 Owego Street state today is an end of an era, 20 years with a thoughtful man and "The Maverick", Andrew Flock. He is proud to have him as a friend.

Mr. Tony Torre of 158 Sanford Street questioned the paving of Richmond Street.

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. One person wished to speak on Item #1 and #5.

**ORDINANCE NO. 28-15: AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND EXPENDITURES OF THE CITY OF PAINESVILLE, STATE OF OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016 AND ADOPTING THE OPERATING BUDGET, AND DECLARING AN EMERGENCY**

was given third reading.

Mrs. DiNallo submitted several questions by email to the City Manager.

1. Does the administration/finance committee have any plans for relieving the burden put on utility funds over the past few years to supplement lost general fund revenues?

Mr. Carson referred to the general fund expenses decreasing from 2008 to 2014, allocations are based on services, and Mr. Unetic always does a great job with meeting the Auditors requirements.

2. Does administration/ finance committee have any plans for committing any new income resource/revenue to SMC&R? Franchise Fees?

Mr. Carson stated \$365,000 has been allocated to roads. Franchise fees are to raise more revenue. They did not cost the residents any more money.

3. How do the 14 new vehicles requested in capital expenditures support the mission to remain fiscally conservative, particularly vehicles used by employees to move about the city and or travel rather than work vehicles?

Mr. Carson explained all the vehicles are trucks and not for moving employees about the City. Employees need to be in safe and efficient vehicles. Mr. Unetic stated we purchase 12 new vehicles in 2015, and some of the vehicles are lease to own with State bid. There are no new vehicles being purchased this year for travel.

4. Please explain the rational for investing \$269,000 in equipment of riding mowers, trucks and tractor, instead of a new employee for the Recreation Department?

Mr. Carson said the request could have been for both, but with more newer, efficient equipment, the current number of employees will be more efficient.

Mrs. Jenkins asked about the efficiency of the new equipment for the cemetery mowing. Ms. LaPuma stated yes, it will make mowing around headstones much more efficient.

5. What are the strengths and barriers to the development of the hospital site? What needs to change for utility rates to become re-established as a development incentive?

Mr. Carson asked that this be discussed at an Economic Development Committee meeting.

6. What are the plans for getting residents to continue to buy in to the focus of downtown development, and improvements to the North and the South?

Mr. Carson discussed advertising and events in the downtown area will branch out into other areas.

Mrs. DiNallo thanked Mr. Carson for his explanations.

Motion by Mr. DeLeone seconded by Mr. Fodor that ORDINANCE NO. 28-15 be adopted.

On roll call, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, Mr. Flock, Mr. Fitzgerald, and Mr. Hach answered "Yes". Motion CARRIED. ORDINANCE NO. 28-15 adopted.

**ORDINANCE NO. 29-15: AN ORDINANCE TO MAKE AMENDED APPROPRIATIONS AND TO AUTHORIZE ADDITIONAL INTER-FUND TRANSFERS AND ADVANCES FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF PAINESVILLE, STATE OF OHIO DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2015, AND AMENDING THE ORIGINAL APPROPRIATIONS FOR THE 2015 OPERATING BUDGET, AND DECLARING AN EMERGENCY**

was given first reading.

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

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

Motion by Mrs. DiNallo seconded by Mrs. Jenkins that ORDINANCE NO. 29-15 be adopted.

On roll call, Mr. DeLeone, Mr. Fodor, Mr. Flock, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, and Mr. Hach answered "Yes". Motion carried. ORDINANCE NO. 29-15 adopted.

**ORDINANCE NO. 30-15: AN ORDINANCE TO AUTHORIZE ADDITIONAL INTER-FUND TRANSFERS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF PAINESVILLE, STATE OF OHIO DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2015, AND DECLARING AN EMERGENCY**

was given first reading.

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

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

Motion by Mr. DeLeone seconded by Mr. Fodor that ORDINANCE NO. 30-15 be adopted.

On roll call, Mr. Flock, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, and Mr. Hach answered "Yes". Motion carried. ORDINANCE NO. 30-15 adopted.

**RESOLUTION NO. 32-15:** A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO ENTER INTO CONTRACTS WITH THE LOWEST AND BEST BIDDERS FOR FURNISHING MATERIALS, SUPPLIES AND SERVICES TO VARIOUS DEPARTMENTS/DIVISIONS OF THE CITY OF PAINESVILLE, AND DECLARING AN EMERGENCY.

was given first reading.

Motion by Mr. Fodor seconded by Mr. Fitzgerald to suspend the rule requiring the legislation to be read on three different days.

On roll call, Mr. DeLeone answered "No"; Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Fodor, Mr. Flock, and Mr. Hach answered "Yes". Motion carried.

Motion by Mrs. DiNallo seconded by Mrs. Jenkins that RESOLUTION NO. 32-15 be adopted.

On roll call, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, Mr. Flock, Mr. Fitzgerald, and Mr. Hach answered "Yes". Motion carried. RESOLUTION NO. 32-15 adopted.

**RESOLUTION NO. 33-15:** A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT, INCLUDING ANY AND ALL ENSUING CHANGE ORDERS, WITH THE LOWEST AND BEST BIDDER FOR THE RESURFACING OF NORTH STATE STREET, AND DECLARING AN EMERGENCY.

was given first reading.

Mr. Torre stated he was happy to see North State Street getting fixed, but asked what council is going to do about the railroad bridge.

Mr. Gurley reminded Council this has been a 30 year complaint and should be looked into again.

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

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

Motion by Mrs. DiNallo seconded by Mr. DeLeone that RESOLUTION NO. 33-15 be adopted.

On roll call, Mr. DeLeone, Mr. Fodor, Mr. Flock, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, and Mr. Hach answered "Yes". Motion carried. RESOLUTION NO. 33-15 adopted.

Under New Business was Hillside Drive. Mrs. Jenkins stated this can be removed from the Agenda.

Under Unfinished Business were two items: Prairie State Power Plant and Sidewalk Replacement Program. Mr. Flock referred back to the newspaper article he read from at the last Council meeting regarding levelization and hydropower. He will remain concerned regarding the impact it will have on the City's residents.

Mrs. DiNallo did not have any further information to provide on Sidewalk Replacement.

There was no presentation to Council.

Mr. Gurley did not have an Administrative Report. He did congratulate Mr. Flock on his 20 years as Ward1 Councilman and thanked him for the friendship they developed over the years.

Mr. Carson did not have an Administrative Report.

Under Clerk of Council Correspondences, Mrs. Grimm stated the next regular Council meeting will be held on Monday, January 4, 2015 at 7:30 pm, with the organizational meeting of Council taking place at 7:15 pm; City Offices will be closed on December 24th and 25th in observance of the Christmas holiday; Winer Carnival and Chili Cook-off is January 23<sup>rd</sup> from 1-4 in Veterans Park and the Painesville Senior Center; Michael DeLeone will be holding his first Town Hall meeting of the year on February 8, 2016 at 6:00 pm at Chestnut Elementary School. Chief Anthony Powalie will be the guest speaker; and a reminder as the weather gets colder and snow begins to fly, the City's Snow Parking Ban goes into effect when the snow accumulation amounts exceed 2 inches.

Closing Comments.

Mr. Fitzgerald thanked Mr. Flock, will miss his Prairie State updates, and wished everyone Happy Holidays.

Mrs. Jenkins thanked Mr. Flock for his 20 years of service, welcomed Grind Time Café located inside Your Vine or Mine and congratulated them on their Grand Opening, stated that streets are swept on time per year and is happy to see Rockwood Drive will be receiving long overdue attention.

Mrs. DiNallo thanks Mr. Flock for his dedicated service, thanked the Department Heads, Mr. Carson and the Finance Committee for their work on the 2016 Budget and wished everyone Happy Holidays.

Mr. DeLeone had 5 items to highlight: 1. the city's parking garage and the several meetings that have been held regarding its condition; 2. we survived and economic downfall and can now dedicate more general fund monies to road repair; 3. discussed the rules of suspending and adopting Ordinances and Resolutions; 4. Congratulated Tara Grimm on her marriage; and 5. Congratulated Mr. Flock on his 20 years with Council.

Mr. Fodor recognized James DiNallo on his retirement after 28 years on the school board and also congratulated Mr. Flock.

Mr. Hach congratulated and thanked Grind Time Café for becoming part of the City. He also congratulated Mr. Flock, recognized him as a Council junkie and reiterated the word of Shirley Ondersin-Fees, a former Clerk of Council and friend that Mr. Flock is passionate and a maverick.

Mr. Flock invited everyone to join him at Local Tavern's Fish:Bar after the meeting. He closed the meeting with a "good-bye" speech.

At 8:45 p.m., hearing no further business, President Hach asked for a motion to convene to Executive Session. Mrs. Jenkins made a Motion to Adjourn to Executive Session in accordance with the City's Charter Article II, Section 6, Item 1 and 5: (1) To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of an employee or official of the city, and (5) To discuss matters required to be kept confidential by Federal or State laws, seconded by Mr. DeLeone.

On roll call, Mr. Flock answered "No", Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, Mr. Fitzgerald, Mr. and Mr. Hach answered "Yes". Motion carried.

At 9:00 pm, President Hach asked for a Motion to Adjourn from Executive Session and reconvene the Regular meeting. Motion to Adjourn from Executive Session by Mr. DeLeone, seconded by Mr. Fodor.

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

Motion to Adjourn made by Mr. DeLeone seconded by Mr. Fodor. All members answered "yes". Motion carried. The meeting was adjourned at 9:01 p.m.

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Tara Grimm  
Clerk of Council

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Paul W. Hach II  
President of Council

## Comments to Council 12/21/2015

Ray Sternot  
346 Birchwood Ln.  
Painesville, Ohio 44077

I have some what I believe are very simple questions for Council and the Administration.

My first question is will Council and the Administration address the process issues relative to the vacant property legislation? I think we can all agree that something went wrong given the information relative to Barber Bob's unexpected fees for over \$9000. Specifically, I am asking:

1. Will the administration, with Council's oversight, provide a process flow chart as to how the process is supposed to work? That is how are buyers/residents notified of any fee imposed? Who will make that notification? Who has the role and responsibility for notification of fees? (It seemed to be missing in the Barber Bob case! Any others?) Bottom line, is every member of Council aware of how the fee assignment works or seen the documented process flows?
2. Will the administration, with Council's approval, provide to residents information as to what the appeal process is in writing? Has every member of Council seen even this process defined? Does it exist in writing?

A second question that I have is what are Council's and the Administration's plan for the city's downtown Painesville garage? Correct me if I'm wrong but each year we spend about \$60,000 in expenses and yet we only have revenue of about \$15,000? How much longer, given the deteriorating condition of the garage (the vacant property portion), can this revenue deficiency continue to exist? Should the garage be torn down? Repaired? Replaced? Sold? Is the city looking at plan alternatives?

I believe that residents would like to see a response to these questions to ensure that the city has good processes and plans in place.

Ray Sternot