

REGULAR COUNCIL MEETING
MONDAY, DECEMBER 7, 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 Diehl.

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. DiNallo, seconded by Mr. DeLeone to approve the meeting minutes for November 16, 2015 as submitted. All members answered "Yes". Motion carried.

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 expressed his opinion on adding signage for visitors to navigate their way around the City.

Mr. John Murphy of Chestnut Street questioned the budget and the 1% income tax.

Mr. Angelo Cimaglio of 477 Owego Street discussed an article he read titled "Dream House purchase becomes a nightmare" and feels there are different rules for businesses vs. residents.

Mr. Richard Tibbets of 190 Liberty Street expressed his opinion on the income tax Ordinance and feels Council should repeal the law regarding fines and vacant property, and re-implement what was trying to be done in the first place.

Mr. Hach and Mr. Lewis stated that the Ordinance was modeled after three other local communities.

Ms. Randy Turner of 251 W. Walnut Street, Tropical Village Apartments, provided the Clerk of Council with a copy of the Landlord Rental Property Information Form the City currently uses, reworked by her, to eliminate duplicity. (*See Attachment #1*)

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 #3.

**ORDINANCE NO. 27-15: AN ORDINANCE AMENDING SECTION 191 OF THE
PAINESVILLE CODE OF 1998 RELATING TO INCOME TAX, AND DECLARING AN
EMERGENCY**

was given third reading.

Mr. Unetic re-explained House Bill 5, which deals with income tax collections, was adopted by the Ohio House and Senate at the end of 2014 and goes into effect January 1, 2016. In order for the City to be in compliance with HB5, the City has to amend the City Code dealing with income taxes and it has to be approved no later than December 7, 2015. If this ordinance is not approved then the City will be in violation of HB5 and it can negatively affect the City's income tax collections. Also with this are two attachments that explain some of the differences with this ordinance and why the City should also include the part about the landlords in this ordinance as well.

Mr. Unetic also explained to Mr. Flock that RITA does not have the man power to send someone here to hold a seminar and that no one submitted questions to him per Mr. Flocks request at the last Council meeting.

Mrs. DiNallo stated Council was not given answers to their questions until this afternoon via email.

Mr. DeLeone stated the legal opinion with sound advice for Council was also received via email this afternoon.

Mr. Gurley stated that the City has the right to ask for tenant social security numbers, but there is no law in place that requires they be provided.

Ms. Randy Turner and Mr. Cimaglio both asked for Section 192.23 to be reconsidered until more information can be obtained.

Mr. Fodor would like to see the Housing Task Force discuss this item and report back to Council.

Motion to Amend Ordinance No. 27-15 to eliminate Section 192.23 in its entirety by Mr. DeLeone, seconded by Mr. Flock.

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

Motion by Mr. DeLeone seconded by Mr. Flock that ORDINANCE NO. 27-15 be adopted as amended.

On roll call, Mr. Fodor, Mr. Flock, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, and Mr. Hach answered "Yes". Motion CARRIED. ORDINANCE NO. 27-15 adopted.

ORDINANCE: 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 second reading.

Mr. Carson referred to Mr. Unetic who explained this legislation incorporates the 2016 Budget as presented at the Budget Hearing Worksession on November 12th. This item can go three readings.

Mrs. Jenkins referred to Mr. Murphy's comments from the last Council meeting. Mr. Unetic clarified that the \$7.2 – \$7.4 million police and fire budget had been in effect since 1981 and come from the General Fund expenses. We have an \$11 million Budget with 2% income tax and 100% reciprocity.

Mrs. DiNallo asked Mr. Carson to highlight the valuable point of the budget. Mr. Carson discussed the roads, road levy, leveraging and our parks and cemeteries. Mrs. DiNallo thanked Mr. Carson and stated that she has heard many positive comments on what a pleasure it is for people to come into the City.

Mr. Fodor asked about page 34 in the draft of the budget and that Salaries are 80% of the budget. Mr. Unetic replied if it wasn't 80 %, we would be laying off police and fire employees.

Mr. DeLeone would like to see us go back to mini-presentations of the budget at next year's Council meetings and for this Ordinance to be left on Second Reading. Mr. Flock agreed with Mr. DeLeone.

Mr. Angelo Cimaglio of 477 Owego Street stated there were 2 things he does not understand the City's contributions to the Downtown Painesville Organization and the Painesville Senior Center. Mr. Unetic clarified that \$22,000 is given to the Downtown Painesville Organization, and \$25,000 is given to the Senior Center, but this year they will receive an additional \$1,200 per month to cover rent costs provided they stay within the City limits after May 2016.

Under New Business was Hillside Drive. Mr. Carson referred to Ms. Exum to update Ms. Jenkins on the traffic counter that was placed on Hillside Drive. Ms. Exum stated Hillside Drive will be listed as an alternate road for the 2016 paving projects, but the width of the road is not acceptable for 2-way traffic. Mr. Hach stated there have never been any accidents at the intersection. Mrs. Exum stated the Hillside will be a one-way from Main Street to State Street with a "Do Not Enter" sign. Mr. Fodor asked about placement of a stop sign and Ms. Exum stated legally there is nowhere to put the stop sign. Mrs. DiNallo and Mrs. Jenkins asked about delivery truck access. Mr. Fitzgerald asked what the legal width of a road needs to be. Mrs. Exum stated 20 feet need to be paved with a 50 foot right of way. Currently there is only 15 feet of pavement and 15 feet of right away. There are other city roads that are non-compliant such as Sterling and Paige.

Under Unfinished Business were two items: Prairie State Power Plant and Sidewalk Replacement Program. Mr. Flock read from and email attachment from Sandy Buchanan on the longevity of the coal mine and cost of the hydro plant. (*See Attachment #2*).

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

There was no presentation to Council.

Mr. Gurley and Mr. Carson did not have an Administrative Report.

Under Clerk of Council Correspondences, Ms. Diehl stated the next regular Council meeting will be held on Monday, December 21, 2015 at 7:30 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 23rd; 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; Councilman DeLeone's 1st quarterly Town Hall meeting will be held February 8th at 6:00 pm at Chestnut Elementary. Pictures were also shown on the both the Holiday Business Walk and the Thanksgiving Basket Giveaway events.

Closing Comments.

Mr. Fitzgerald & Mrs. Jenkins did not have any comments.

Mrs. DiNallo asked if Administration could look into the free freeway directional signage available. She also thanked Erin Baur for her fundraising efforts.

Mr. Flock expressed his concerns from the comments made by Bob the Barber and Mr. Cimaglio at the last Council meeting. He would like the underlying issues looked into from the newspaper article on the dream house purchase. He stated Painesville is the capital of Lake County and would like to see the housing issue solved and allow the City to be attractive.

Mr. Fodor did not disagree with Mr. Flock and reminded residents that they can call Mr. Lewis to discuss their property concerns so the process can be followed all the way through.

Mr. DeLeone reminded residents we have sound practices in place and are making great strides to increase property value by improving infrastructure.

Mr. Hach reminded residents of the Painesville Community Improvement Corporations "Holiday Lighting Contest" on Monday, December 14th from 6-8 pm and to make sure your lights are on.

At 8:35 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. Fitzgerald.

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.

Mr. Flock excuse himself early from Executive Session.

At 10:13 pm, President Hach asked for a Motion to Adjourn from Executive Session and reconvene the Regular meeting. Motion to Adjourn from Executive Session by Mrs. Jenkins, seconded by Mr. DeLeone.

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

Motion to Adjourn made by Mr. DeLeone seconded by Mr. Fitzgerald. All members answered "yes". Mr. Flock was absent. Motion carried. The meeting was adjourned at 10:14 p.m.