

SPECIAL CITY COUNCIL MEETING FOR
EXECUTIVE SESSION
MONDAY, MAY 4, 2015 – 6:30 PM

REGULAR COUNCIL MEETING
MONDAY, MAY 4, 2015 - 7:30 PM

President Paul Hach called the special meeting to order in Council Chambers at 6:30 pm. He asked for a motion to convene to Executive Session. Mrs. DiNallo made a Motion to move into Executive Session in Accordance with the City's Charter Article II, Section 6, Item (4): To prepare for, conduct or review negotiations or bargaining sessions with municipal employees concerning their compensation, or other terms of employment, which was seconded by Mr. DeLeone.

Roll call was performed by Clerk of Council Ms. Diehl. On roll call, Mrs. Jenkins was absent, Mr. Fodor, Mr. Flock, Mr. Fitzgerald, Mrs. DiNallo, and Mr. Hach answered, "Yes". Motion carried. Council moved to Courtroom #2.

At 6:32 pm, Mrs. Jenkins arrived and joined the Executive Session.

At 7:30 pm, Council returned to Council Chambers in Courtroom #1. President Hach asked for a Motion to Adjourn from Executive Session and reconvene the regular meeting. Motion to Adjourn from Executive Session was made by Mr. DeLeone seconded by Mr. Fodor.

Roll call was performed by Clerk of Council Ms. Diehl. On roll call, Mr. Flock, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, and Mr. Hach answered, "Yes". Motion carried.

At 7:31 pm, President Hach called the regular meeting to order in Courtroom #1, requested visitors please turn off their cell phones and other electronic devices. Councilman Jim Fodor gave the invocation. The Pledge of Allegiance was recited.

City Council convened in a regular meeting in Council Chambers, with the following in attendance: Paul Hach, Lori DiNallo, Katie Jenkins, Andrew Flock, Jim Fodor, Tom Fitzgerald, Mike DeLeone, City Manager Anthony Carson, Law Director Joseph Gurley, Assistant City Manager Doug Lewis, 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, Parks and Recreation Director Lee Homyock, City Planner Lynn White, City Engineer Leanne Exum, Building Official David Zofko, Economic Development Director Cathy Bieterman, and Clerk of Council Tara Diehl.

A Motion was made by Mr. DeLeone, seconded by Mr. Fitzgerald to approve the regular meeting with Public Hearing minutes for April 20, 2015 as submitted. All members answered "Yes". Motion carried.

Mrs. DiNallo made a motion to Table Legislation Items #2-7 on this evening's Agenda, which was seconded by Mr. DeLeone, until further information can be gathered to make an informed decision.

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

AN ORDINANCE AMENDING SECTION 1303.03 AND 1303.04 OF THE PAINESVILLE CODE OF 1998, RELATING TO PERMITS AND FEES, AND DECLARING AN EMERGENCY.

was Tabled.

AN ORDINANCE AMENDING SECTION 1305.03 OF THE PAINESVILLE CODE OF 1998, RELATING TO ELECTRICAL CONTRACTOR REGISTRATION FEES, AND DECLARING AN EMERGENCY.

was Tabled.

AN ORDINANCE AMENDING SECTION 1306.03 OF THE PAINESVILLE CODE OF 1998, RELATING TO GENERAL CONTRACTOR REGISTRATION FEES, AND DECLARING AN EMERGENCY.

was Tabled.

AN ORDINANCE AMENDING SECTION 1307.02 OF THE PAINESVILLE CODE OF 1998, RELATING TO PLUMBING CONTRACTOR REGISTRATION FEES and DECLARING AN EMERGENCY.

was Tabled.

AN ORDINANCE AMENDING SECTION 1308 OF THE PAINESVILLE CODE OF 1998, RELATING TO SEWER BUILDER CONTRACTOR REGISTRATION FEES and DECLARING AN EMERGENCY.

was Tabled.

AN ORDINANCE AMENDING SECTION 1309 OF THE PAINESVILLE CODE OF 1998, RELATING TO HEATING, VENTILATING AND AIR CONDITIONING CONTRACTOR REGISTRATION FEES, AND DECLARING AN EMERGENCY.

was Tabled.

Mr. Hach stated we will now be recognizing visitors and if there was anyone in the audience who wished to speak to please raise their hands and wait to be called upon. Once called upon, he requested Visitors please use the podium, clearly state their name and address into the microphone, and limit comments to 3 minutes. Any dialogue must be conducted through him as President of Council, although comments or questions can be addressed to Council, the Administration, or both. Four people wished to speak.

Mr. David Denner of 641 Blackbrook Road, Painesville Township discussed the flooding on his property by the Blackbrook Creek due to the ongoing construction by Osborne for the last 15 years. He stated he has had the Lake County Soil and Water Conservation District and the Army Corp. of Engineers look at his property several times and has come to a standstill. Mr. Denner has been told by others to "litigate the situation". He stated he does not want to litigate and is looking for an amicable solution with the City to stop the flooding and erosion on his property.

Mr. Angelo Cimaglio of 477 Owego Street discussed the Waste Management contract. He referred to page 9, item 5 where the Franchise Fee is discussed. He would like to know where the \$48,000 per year goes, why the City is not being transparent and while this may be legal, is it ethical. He also questioned the collection of delinquent fees through the Lake County Auditor and if those matters need to go through Council as well as the streetscape project. Have we lost any money?

Mr. Tom Pesham of 3943 East 364 St., Willoughby, and Vice President of the Western Reserve Railroad Association, thanked Council for their support on the creation of the Historical District. He stated the Lincoln Funeral Train will be stopping in Painesville on June 6th & 7th.

Mr. Barry Usko of 763 North Avenue stated at the last meeting he gave his "old" address, in case the minutes need to be corrected. He discussed the need for police and traffic control during the Lincoln Funeral Train event. Mr Carson informed Mr. Usko that a "Special Event" form was already sent to Mr. Pesham. The form is required before any event can take place in the City.

Moving on to Legislation, President Hach stated if you wish to comment on Legislation Items #1, 8 or 9, you 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 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, remember to clearly state your name and address into the microphone, and limit your comments to 3 minutes.

RESOLUTION NO. 17-15: A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER(S), TO INCLUDE ANY AND ALL ENSUING CHANGE ORDERS, FOR THE PURCHASE AND INSTALLATION OF ALL NECESSARY EQUIPMENT TO REPLACE THE EXISTING 138 KV CIRCUIT BREAKERS AT THE RICHMOND ROAD SUBSTATION, FOR IMPROVEMENTS TO THE CITY OF PAINESVILLE MUNICIPAL ELECTRIC SYSTEM.

was given third reading.

Mr. Carson referred to Mr. McHugh who stated this legislation is being requested as part of our system Improvement plans. The breakers at Richmond Sub now are oil filled and almost 40 years old. The install date was in 1976. The issue with the age is spare parts. The last time we needed spare parts for one of these breakers

we had to go to First Energy. They had the part because they were removing their breakers like this from service. Our move to a newer gas filled breaker helps with environmental concerns with a possible oil leak from the older breaker.

Mr. Flock questioned if our employees will be installing the new breaker. Mr. McHugh responded yes.

Motion by Mr. DeLeone seconded by Mr. Fodor that RESOLUTION NO. 17-15 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. 17-15 adopted.

ORDINANCE NO. 10-15: AN ORDINANCE AMENDING SECTION 167.071, 167.09, 167.11, AND 167.12 OF THE PAINESVILLE CODE OF 1998 RELATING TO THE CLASSIFICATION AND COMPENSATION PLAN, and DECLARING AN EMERGENCY.

was given first reading.

Mr. Carson explained The Operating Engineer union has ratified their negotiated union contract. The Operating Engineers contract calls for a 2.5% rate increase in 2015, a 2.5% rate increase in 2016 and a 1.5% rate increase in 2017. The American Federation of State, County, and Municipal Employees will be voting on their contract soon and their rate increase is the same as the Operating Engineers Contract. This legislation also requests that unclassified positions, non-union salary and hourly rated employees, and administrative class department/division heads and senior supervisors also receive the same rate increase as the Operating Engineers Contract. The Fraternal Order of Police will be voting on their contract soon and their contract calls for a 2% rate increase in 2015, 2016, and 2017. These agreements are retroactive to April 1, 2015. The City is still in negotiations with the International Brotherhood of Electrical Workers and the Painesville City Firefighters, IAFF, Local 434. He then referred to Mr. Unetic for further questions.

Motion to Amend the legislation was made by Mrs. DiNallo seconded by Mrs. Jenkins to remove all language referring to "unclassified positions, non-union salary and hourly rated employees, and administrative class department/division heads and senior supervisors also receive the same rate increase as the Operating Engineers Contract" so it can be discussed at a later time.

Mr. DeLeone expressed his opinion that this matter should have been discussed during Executive Session this evening.

Ms. Diehl reiterated the Motion to Amend and the second on the table. On roll call, Mrs. Jenkins and Mrs. DiNallo answered "yes"; Mr. DeLeone, Mr. Fodor, Mr. Flock, Mr. Fitzgerald, and Mr. Hach answered "No". With a 5-2 vote, Motion FAILED.

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

On roll call, Mr. DeLeone, Mr. Fodor, Mr. Flock, Mr. Fitzgerald, and Mr. Hach answered "Yes". Mrs. DiNallo and Mrs. Jenkins answered "No". With a 5-2 vote, Motion carried.

Motion by Mr. DeLeone seconded by Mr. Fitzgerald that ORDINANCE NO. 10-15 be adopted.

On roll call, Mr. Fodor, Mr. Flock, Mr. Fitzgerald, Mr. DeLeone, and Mr. Hach answered "Yes". Mrs. DiNallo and Mrs. Jenkins answered "No". With a 5-2 vote, Motion carried. ORDINANCE NO. 10-15 adopted.

RESOLUTION NO. 18-15: A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE NORTHEAST OHIO AREA WIDE COORDINATING AGENCY FOR FEDERAL FUNDING FOR INFRASTRUCTURE IMPROVEMENTS OF JACKSON STREET.

was given first reading.

Mr. Carson referred to Ms. Exum who stated the Northeast Ohio Area wide Coordinating Agency (NOACA) has contacted the City of Painesville informing us that the application packet is due June 1, 2015 for the Transportation Improvement Program. For this reason, staff is requesting that 2nd and 3rd reading be waived and it be passed as an emergency tonight.

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

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

Motion by Mrs. Jenkins seconded by Mr. Fitzgerald that RESOLUTION NO. 18-15 be adopted.

On roll call, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, Mr. Flock, and Mr. Hach answered "Yes". Motion carried. RESOLUTION NO. 18-15 adopted.

Under old business was Prairie State Power Plant. Mr. Flock stated he will have information to present at the next Council meeting.

There was no Unfinished or New Business.

The presentation to Council was given by Parks and Recreation Director, Lee Homyock (*See Attachment #1*).

Mr. Carson explained that if the City is going to make a purchase for new sidewalk plows, it will have to be done in early summer to make sure the new equipment is in place by winter. A Council worksession will need to be scheduled in June to discuss any additional revenue that could be allocated for this year. He will also be asking if Council is wanting to continue the sidewalk plowing program, and if so, which option they would like to go with that Mr. Homyock just presented. It would be planned for next year's budget, but would have to be ordered this year.

Mr. Flock asked other than Chardon, what other communities provide the service of plowing sidewalks and if we could make a bulk purchase at a lower price with other communities that may need to purchase this same type of equipment.

Mr. Homyock replied that we are the only one who is doing 100% of sidewalk plowing. Others do main roads and/or around schools only, if at all. We could only make a bulk purchase if buying from the same company.

Mrs. DiNallo questioned the longevity of the new equipment. Mr. Homyock stated if they have routine maintenance and should last at least 15-20 years.

Mr. DeLeone asked how many quotes were obtained and if the equipment was available through State bid. Mr. Homyock was unaware about availability through State Bid, and went with companies that have a known equipment use success rate in local communities and would check to see if the equipment or comparable equipment is available through State bid.

Mrs. Jenkins questioned if the machinery will be equipped with amenities for our staff. Mr. Homyock stated they will have heat and air conditioning.

Mrs. DiNallo asked if the equipment damages the sidewalks. Mr. Homyock stated it is the other way around. The sidewalks sometimes damage the equipment and stop it in its tracks. The new sidewalk plowing equipment will have better visibility and would be more than happy to share a link to a YouTube video so Council can see the equipment in action.

Mr. Gurley did not have an administrative report.

Mr. Carson responded to Mr. Cimaglio's questions and comments from earlier in the visitors' portion of the meeting regarding the streetscape work, Waste Management Contract and leins. He explained the contractor was terminated from the streetscape project and our employees have the capabilities of finishing the work in an expeditious capacity. It is within the funding and we did not lose any money on the project. In regards to Waste Management Contract, this was not hidden, and goes all the way back to the 2014 Budget Hearings held in 2013. We specifically talked about a franchise fee for Waste Management and for towing. It was placed into the 2014 Budget and at that point, Mr. Carson stated he was overly optimistic with the amount we thought we could get. We didn't have a number or talked with Waste Management about a number. The staff should be commended for operating with funding levels from 1999 and for us to come up with innovative ways to bring money to the General Fund, that's what our job is. The Franchise fee of \$48,000.00 in the fund allows us to contribute \$200,000.00 to the roads. If we didn't have the General Fund that has excess revenue, we wouldn't be able to allocate excess money to the roads. Bag service is available with Waste Management and mandated service within a City helps to keep the City clean, and provides less wear and tear on our roads of multiple refuse company trucks for residential service. Before he became City Manager, Waste Management was awarded the competitive bid as the lowest and best bidder of 3 companies. Fees have not been increased as this was a 3 year

contract. The \$48,000.00 was a number negotiated for between the City and Waste Management to be contributed to the City's General Fund. It was excess profit already built into the contract. There was never any consideration of that money being refunded to the residents, or lowering the trash rates. It was the bid price that was put into the contract. As far as leins, it is an administrative action, not a Council action and many other communities within the County do exactly the same thing to recoup the costs incurred against a property. Residents can pay a lower cost for rash, but the level and quality of service would also be lower. Our residents are allowed to place anything out at the road on trash day and it gets picked up. Because the City has a high delinquency rate of non-payment, that is taken into consideration when a company bids on our trash service.

Under Clerk of Council Correspondences, Ms. Diehl stated the next Regular Council Meeting will be held on Monday, May 18, 2015 at 7:30 pm; Farmer's Market begins Thursday, May 14, 2015 with NEW HOURS 12-4pm; Tara will be out of the office Friday, May 15, 2015 – Monday, May 25, 2015 for the International Institute of Municipal Clerks Annual Conference. Tina Pomfrey will be covering the May 18th Council meeting; Economic Development's Business Breakfast is Thursday, May 21, 2015 at 8:00 am at Lake Erie College Dining Hall. RSVP due by May 14, 2015. Tickets are \$15.00; City offices CLOSED Monday, May 25, 2015 in observation of Memorial Day; Memorial Day Parade, Americana Concert and Fallen Heroes Ceremony are all being held Monday, May 25, 2015. Parade has a 10am kickoff at Riverside Cemetery ending in Veteran's Park, Concert is 11:30 am – 1:00 pm, followed by the ceremony; Kick-off to Summer's "Bathtub Race" Friday, May 29, 2015 4:30 – 8:00 pm. DJ, Food Trucks, Raffle and more; Jim Venditti Memorial Youth Fishing Derby is June 6, 2015 9:00 am – 12:00 pm at Kiwanis Recreation Park; Painesville Recreation's Summer Camp begins June 1st – Contact Recreation Dept. for more information; and Pride Articles Deadline is Friday, June 5, 2015 for the JULY 2015 edition and reminded Mrs. DiNallo to submit her Council Corner article.

Closing Comments.

Mr. Fitzgerald and Mr. Flock had no comments this evening.

Mrs. DiNallo congratulated the WRRRA and is excited to have the Lincoln Funeral Train coming to Painesville in June. She thanked the residents for coming out this evening and Mr. Carson for his clarification regarding the Waste Management contract questions.

Mrs. Jenkins commented that she attended the Law Day breakfast along with Mrs. DiNallo and reminded residents that the Lake County Courthouse will be holding an "Open House" on Saturday, May 30, 2015 and encouraged residents to attend.

Mr. Fodor informed residents that he attended Mr. Flock's Town Hall meeting where Waste Management was the guest speaker. He reminded the community to not place empty plastic grocery bags in their recycling, nor food items. They get stuck in or gum up the recycling machinery and need double processing which is double the expense.

Mr. DeLeone thanked Mr. Carson and Ms. Diehl for their assistance in an issue with a resident receiving their copy of the Pride. He reminded residents that we do not have any control of the publishing, printing or distribution of the Pride and extra copies are available at City Hall.

Mr. Hach thanked the residents for coming out and stated "Go Tribe and Go Cavs!"

Motion to Adjourn made by Mr. DeLeone seconded by Mr. Fodor. All members answered "yes". Motion carried. The meeting was adjourned at 8:25 p.m.

Tara Diehl
Clerk of Council

Paul W. Hach II
President of Council

Department of Recreation and Public Lands



ATTACHMENT #4
2015

Major Project Update

- Grand River Conservation Area
- Cemetery Grave Foundations - May 22 Deadline
- City Hall Front Steps – presently working on
- Victoria Place Main Street Entryway – presently working on
- Lathrop Park Fencing – June
- Repairs and Upgrades to Kiwanis Recreation Park
- World Changers Painting Service Project June 21nd – 25th
- Preparation for Little League State Championships – July 25th - August 2nd
- Huntington Park Fence and Picnic Shelter - September-October
- Big Brother Big Sister Tree Planting – September
- Community Wide Health Assessment – implementation Plan May 14th
- Central Lake County Connectivity Plan – (TLCI) August

Recreation Programming

Upcoming Recreation Events

- Memorial Day Parade & Concert, Fallen Hero's Ceremony - May 25th
- Jim Vandetti Memorial Kids Fishing Derby June 6th
- Gazebo Concerts – Wednesdays June 10th – August 12
- Painesville Recreation Summer Camp – June 1st-July 31st
- Sunrise 5 Mile Run 2 Mile Walk July 19th
- PCIC Party in the Park -July 17th- 19th
- Painesville Family Day in the Park - September 12th
- 2nd Annual Color Run – September 13th
- Fall Fest/Trunk or Treat – October 24th
- Spirit of the Season – December 5th
- Event Assistance: Farmers Market, Friday Night Car Cruise, Bathtub Races, Go for the Gold Spring Dog Walk and Vendor Show, Safety Forces National Night Out, Art in the Park, Taste of Painesville, Holiday Open House

Sidewalk Snow Removal Program

- As of this past winter the Department of Recreation and Public Lands snow removal program covered approximately 112 miles of sidewalks in the city and annexed properties.
- This process takes approximately 2 days depending on snow fall.
- Presently there are two (2) unreliable 1991 Holder sidewalk plows that are continually broken down.
- These pieces of equipment are over 24 years old and have been rebuilt at least 2 times.
- Many parts are either not available or need to be shipped from Canada or Germany.
- This past winter the Department investigated what other communities are using and demonstrated several pieces of equipment to complete the task.

1991 Holders

- We have 2 semi operating 24 year old side walk plows plus one which has been scavenged for parts to keep the others operational.
- In 2014-2015 each time there was break down and major repair of at least one.
- Many of the parts if you can obtain them need to be shipped from Germany.



Trackless MT-6



\$142,000.00

The American made comparable to Holder snow removal equipment.



Wacker Neuson WL 30 Articulated Wheel Loader snow removal



Unit 1) \$64,892.03

Unit 2) \$56,277.78



Bobcat



\$37,984.00

Budget Options

- Option 1 – Purchase 2 Wacker Neuson WL 32 @ \$121,169.81
and Bobcat T450 T4 @\$37,984.80 – Total \$159,154.61
less trade in of present Bobcat Skid Loader.
- Option 2 - Purchase 2 Wacker Neuson WL 32 @ \$121,169.81
- Option 3 – Purchase 2 Trackless MT-6 @ \$284,000.00
- Option 4 – Do nothing – knowing that the present 1991 snow
removal equipment will not make it through another
season.

THANK YOU FOR YOUR SUPPORT

QUESTIONS ?