

REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 8, 2015 - 7:30 PM
EXECUTIVE SESSION IMMEDIATELY FOLLOWING

President Paul Hach called the Regular Meeting to order in Courtroom #1 at 7:30 pm. He 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, Tom Fitzgerald, Jim Fodor, Mike DeLeone, City Manager Anthony Carson, Law Director Joseph Gurley, Assistant City Manager Doug Lewis, Fire Chief Mark Mlachak, Finance Director Andy Unetic, Water Superintendent George Ginnis, Public Works Director Brian Belfiore, Water Pollution Control Plant Superintendent Randy Bruback; Electric Superintendent Jeff McHugh, City Planner Lynn White, City Engineer Leanne Exum, and Acting Clerk Tina Pomfrey. Andrew Flock was absent.

Mr. Hach stated we will now recognize Visitors. For those visitors who wish to speak, please raise your hand. 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. Eight (8) people wished to speak.

Mr. Angelo Cimaglio of 477 Owego Street stated there is a serious situation occurring at Heritage Middle School. He would like to see an SRO officer placed at Heritage the same way one is placed at the high school. It would be good for the students and show them the role of the police officers and law enforcement. He challenged Council to act on this as, in his opinion, this situation needs to be addressed.

Mr. Anthony Torre of 158 Sanford Street stated that the telephone books that have been delivered recently are not being delivered to the residences, but the middle of the street. Additionally, the State Street railroad bridge is in terrible condition and the Railroad should be forced to make improvements to it, as well as the Richmond Street bridge, as it too is starting to show deterioration.

Mr. Ray Sternot, 346 Birchwood commented that he does not believe the residents of Painesville’s Ward 4 are being adequately represented. He stated the City has recently passed legislation regarding snow removal yet the children of Heisley Park cannot safely walk to the bus stop. He listed several areas that he believed the Heisley Park residents are being under-represented, such as snow removal in Heisley Park, as well as the lack of a park in the development that been promised for 14 years. He stated the roads in Ward 4 do not have scheduled road maintenance and Council does not have a way to gauge performance results (from the City departments) nor do they seem to be interested in doing so. Additionally, the some residents of Heisley Park requested an evaluation of storm water capacity after flooding this year, yet the City responded that it approved the initial design, and the residents of Heisley Park will have to fund it themselves if they would like another done. Mr. Sternot said that the Ward 4 Councilman (Mr. Hach) should speak up on behalf of the residents and members of Council must be more engaged.

President Hach replied that the City Manager lives in Heisley Park and just a phone call away. Mr. Hach stated that he also speaks with the City Manager and then gets back to residents with their concerns in a timely manner. With regard to the park in Heisley Park, the Law Director Joseph Gurley stated that the City is in negotiation with the developer concerning the park and the HOA has become involved in the negotiations but nothing has been finalized just yet.

Mrs. Carolyn Senedak, 1818 Spruce Lane. She commented that a City park is being foisted on her neighborhood when she was told that a double cul-de-sac would be developed behind her property, and chose her lot because of that fact. She stated that it is shameful that it has taken over 13 years to build a park, all the while the developer was profiting because more sold lots means more revenue. The City and the developer owe it to the residents of Heisley Park to make the park happen and owe it to the residents who are losing their privacy because of the park’s location. She prefers a location to the east. Additionally, she stated she emailed every member of Council over two weeks ago and has not received one response. Mrs. Jenkins replied that Council member’s e-mail accounts were not working??? Because of a transition to the County server. Mr. Fodor suggested that sometimes e-mails can be difficult, so calling council members may be the better option since calls are generally returned within 24 hours. Mr. DeLeone stated that the server upgrades have been on Council’s Agenda for the last few months and he personally has mentioned during the meetings that he hasn’t always been getting e-mails.

Ms. Amy Claire of 1893 Spruce Lane indicated that she is concerned with the proposed location of the park. It would be in her front yard. She stated she was told there would be houses across the street. Ms. Claire stated that she would rather see the park located to the east or closer to Elizabeth Boulevard.

Mr. Fodor asked if those residents who dissent to having a park in their neighborhood would call him personally to discuss why they feel so, he would appreciate the feed-back.

Mr. Frank Dingle, 446 Fernwood Court, was present in support of neighbors who are concerned about the location of the park. He stated it is not fair to force a park upon those that picked their lots because of the location. The residents deserve a park but should be located in an area that benefits everyone.

Bob Kuhn of 1838 Spruce Lane stated he recently built in Heisley Park and was told there would be houses behind him. He said if he had known where the park was to be located he would have chosen a different lot in which to build his house.

Ken Baxter of Ken's Drive-thru Beverage commented on the construction on West Walnut Avenue. He said he is happy about the work being done, however, he stated his facility, Ken's Drive-thru Beverage, was being used as a public roadway. Mr. Baxter stated there were no flaggers present from the road crew to stop it from happening. He indicated that an incident occurred where he stopped a motorist from using his property as a road. He stated the City Engineer had visited the property and apologized for the situation however, the Painesville Police Department charged him with criminal damage and falsifying a statement. The Police Department instigated this because they instructed the public to use his property as a road. Mr. Baxter said he has operated his business in the City for thirty years and the Police Department should be investigated for the way they disrespected him and his wife.

Mrs. Jenkins asked what role the HOA plays regarding Heisley Park and the location of the park. The Law Director Joseph Gurley replied that the Homeowners Association By-Laws dictate what they do and there has been discussion regarding the HOA securing the land as a park rather than a City park. Mrs. Jenkins asked if the residents of Heisley Park could take their complaints (regarding the location) to the HOA. Mr. Gurley replied that he believes the residents could use their Homeowners Association as a conduit to address their concerns about the park.

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. Please raise your hand to be recognized at this time.

RESOLUTION No. 26-15: 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 third reading.

This legislation authorizes the bidding of the Resurfacing of North State Street. This project is funded thirty six percent by the Northeast Ohio Areawide Coordinating Agency (NOACA). The project includes resurfacing of North State Street from the intersection with Mentor Avenue north through the intersection with Chester Street. This project will consist of the planing of existing asphalt concrete, and the overlaying of asphalt concrete and pavement markings.

The City Engineer Leanne Exum stated that unfortunately the City was unable to use the grant this year, however, the final plans are being submitted to ODOT by the end of this week. The bid will be put out in January or February for new construction.

Mr. Fodor asked when the construction would begin. Ms. Exum replied probably April or May at the earliest. Mr. DeLeone stated that bidding in January brings in lower prices because the contractors are not working in the middle of the winter. Ms. Exum said yes, at that time they give the best price because they are looking to secure jobs. She also explained that some of the jobs are going forward because OBWC is not available until July 1st of the following year that you are awarded the money. Unfortunately, everything else gets pushed back so construction usually does not start till mid or the end of July. The contractors are then to forced to work longer hours and more days to fulfil the contractors.

Mrs. DiNallo asked if there is any benefit to get the bridge that Mr. Torre spoke of repaired prior to the construction of the roadway. Ms. Exum replied that it depends on the cooperation of the Railroad. She stated she can send letters requesting the Railroad maintain the bridge, however, that has been done in the past and the requests generally fall on deaf ears. Ms. Exum said she will try again.

Motion by Mr. DeLeone, seconded by Mrs. Jenkins that RESOLUTION NO. 26-15 be adopted.

On roll call, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor and President Hach answered "Yes". Motion carried. RESOLUTION NO. 26-15 adopted.

RESOLUTION No. 27-15: APPROVING THE PRELIMINARY PLAT OF LEXINGTON VILLAGE RESIDENTIAL SUBDIVISION NO. 2 AND DECLARING AN EMERGENCY

was given third reading.

The City Planner, Lynn White stated that this item was reviewed by the Planning Commission and recommended approval with stipulations. Lexington Village Residential Subdivision No. 2 is a continuation of the Lexington Village residential development located between Newell Street and Lexington Avenue and includes the extension of Community Lane. The new subdivision includes 19 single family lots. The layout is based on a 60' frontage lot which received a variance as approved by the BZA on June 18, 2015 to permit this development. The proposed stipulations for the subdivision are technical details on the plat and will all be addressed in the improvement plans along with the inclusion of an HOA to serve the new subdivision

President Hach asked if the new subdivision will match what is existing. Ms. White replied yes, exactly. Mrs. Jenkins asked if the new development will be part of the existing HOA. Ms. White indicated that the current HOA and the developer are in the process of negotiation at this time.

Mrs. DiNallo said she had the opportunity to speak to the president of the VNA today and they were concerned as a neighborhood organization about flooding and water issues in the area. Mrs. DiNallo stated she is aware the City made some improvements in that area and said the City must continue to be conscientious of that issue for those residents.

Mr. Angelo Cimaglio, 477 Owego Street, asked if the water tables were going to be upset because of more construction and where will the water go. He asked if the Lake County Stormwater organization looks at these plans. Discussion ensued regarding where the water ends up.

Ms. Exum stated that the developer follows the City Code so Lake County Stormwater Agency does not need to review the plans. Mrs. DiNallo asked she was confident the City Code will address these types of issues. Ms. Exum stated yes, and she is in the process of updating the Code with the City Planner. She also stated that this is a very flat area and there are already detention basins and storm sewers in place.

Mr. DeLeone asked if there were crossings of the watersheds. Discussion ensued regarding the 4 watersheds this will affect. Ms. Exum stated that all the calculations have been submitted and reviewed and she is confident in the plan.

Motion by Mrs. DiNallo, seconded by Mr. DeLeone that RESOLUTION NO. 27-15 be adopted.

On roll call, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, Mr. Fitzgerald, and President Hach answered "Yes". Motion carried. RESOLUTION NO. 27-15 adopted.

RESOLUTION No. 28-15: AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR FUNDING FOR INFRASTRUCTURE IMPROVEMENTS OF RICHMOND ROAD IN THE CITY OF PAINESVILLE, AND DECLARING AN EMERGENCY.

was given first reading.

Mr. Carson asked the City Engineer, Leanne Exum, to explain the legislation. The City Engineer explained that the State of Ohio identified the need to resurface Richmond Road (SR- 283) from the west corporation line to SR-535 in the City of Painesville and Painesville Township. This work is part of a larger project to resurface SR-283 in Painesville Township, the Village of Grand River, and the City of Painesville. The City of Painesville will only be responsible for installation of curb ramps at the intersection. The entire resurfacing of Richmond Road will in the City of Painesville will be funded by ODOT. The cost the City will incur is only about \$8,000. The State asked that the City pass this legislation today so they may begin soliciting a contractor and securing the funding.

Discussion ensued regarding the exact location of the project. Ms. Exum identified the location of the work as where Richmond Road branches off from Richmond Street. The location begins at Richmond Street and continues into the village of Grand River. The road is also called SR 283 or Lakeshore Boulevard.

Mrs. Jenkins questioned the language regarding costs incurred by the City. Ms. Exum explained that the only costs the City will be responsible for is the curb ramps. Mr. DeLeone stated that, if there is a change order done regarding the road construction, ODOT will be responsible for the costs incurred and not the City. Ms. Exum affirmed that as correct. Ms. Exum stated that this is an ODOT project; ODOT led and ODOT inspected. ODOT is the LPA, or "local public authority" on the project.

Motion by Mr. Fodor, 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. Fitzgerald, Mrs. DiNallo, Mr. DeLeone and Mr. Hach answered "Yes." Motion carried.

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

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

RESOLUTION No. 29-15: ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, AND DECLARING AN EMERGENCY.

was given first reading.

Mr. Unetic explained this is an annual piece of legislation that is the result of the City's submission to the tax budget for FY 2016 to the Lake County Auditor's Office. This legislation is for the tax revenues that the City will receive in 2016. The total amount the taxes the City will receive from the County in 2016 will be \$1,664,202. The County established these rates and City Council has to approve these by September 30, 2015.

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

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

Motion by Mr. Fodor, seconded Mrs. Jenkins that RESOLUTION NO.29-15 be adopted.

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

Tabled Legislation:

Mr. DeLeone questioned whether to move forward without Mr. Flock. Mrs. DiNallo stated that she was comfortable moving forward without Mr. Flock.

The Law Director, Joseph Gurley, suggested taking each matter from the table individually. Mr. Gurley explained once all the tabled legislation has been removed from the table, the Clerk of Council may read the legislation into the record, individually, and then it may be discussed together.

Mr. Jenkins asked Mrs. DiNallo what she would like to amend in the ordinances.

ORDINANCE No. 19-15: AN ORDINANCE AMENDING SECTION 1303.03 AND 1303.04 OF THE PAINESVILLE CODE OF 1998, RELATING TO PERMITS AND FEES, AND DECLARING AN EMERGENCY.

The proposed legislation addresses a number of needs as identified by the new Building Inspector, David Zofko, and the Painesville Building Department. First, it requires that requests for extensions for a permit be put in writing and that the cost to extend the permit not exceed \$100.00 (existing). The purpose is to ensure that permit extensions are submitted, reviewed and approved by the Building Department. The second proposed change is to increase the penalties for contractors or residents that start a project without a permit. We have found that the \$100.00 penalty is not sufficient to deter them from obtaining a building permit. For this reason, staff is proposing to double the permit fee on the first offense (existing), triple it for the second offense, and quadruple it on the third offense. It is important to understand that contractors or residents will not be impacted if they are obtaining permits and completing the work within the timeframe provided. Staff is requesting that this item be passed as an emergency measure so that it can be implemented should Council choose to approve.

Mrs. DiNallo encouraged Council to consider all the information that was provided. Her main concern was the increased fees to the residents in case of violation. Mrs. DiNallo stated that she did not believe there was enough rationale provided by the Administration to justify the increased penalties. She would like to amend the language. Mr. DeLeone stated that he had similar thoughts on amending. He specifically noted Exhibit F, page 119 of the July packet, which gives comparisons between different communities, looking at our fees and proposals. Mr.

DeLeone stated he felt uncomfortable with the proposed increase in penalties.

Discussion ensued regarding reviewing the tabled ordinances. Mr. DeLeone stated that it is difficult to talk about this separately as they are meant to be interwoven. The Law Director then suggested that removing all the legislation from the table at once and then discussing them together would be the best course of action.

Mrs. DiNallo moved to amend the Ordinance No. 19-15 to read that the fees would remain the same on the first offense, doubled on the second offense and any offense afterward. The \$100 penalty is established but the fee would not be doubled until the second offense and any offense thereafter. In addition, the triple and quadruple would be struck from the language. Mr. DeLeone seconded the motion.

More discussion ensued. Mr. DeLeone stated that comparatively, going back to the July packet, Exhibit A & A-1, only the City of Willoughby doubled the fees and no other community tripled or quadrupled the fees according to the information provided.

Mr. Carson asked Mr. Lewis to explain what is currently in place. Mr. Lewis stated currently, there is \$100 penalty and a doubling of penalties for the first offense.

Mr. Carson stated that Council could just vote against this and the ordinance would remain the same. Mr. Lewis stated that this new legislation also has the extension request in writing.

Mrs. Jenkins stated that it is valuable to keep the language for asking for an extension, however, strike the increase in fees.

Mrs. DiNallo explained that she believes there needs to be a one-time forgiveness for ignorance. The purpose of charging the fees is to cover the cost to the City for doing the work relating to issuing the permit. She said if a permit was never issued, there is not the rationale for doubling fees for the City because work was never done (by the City) in the first place. In addition, she added that the resident who does not get the permit may have to spend extra money in order to become compliant with the City, like tearing things out that have already been installed. Discussion ensued regarding people doing work after hours without permits and the time the City invests in these cases. Mrs. DiNallo said her intention is not to protect the habitual offender but to protect the young, new homeowners who make a mistake because they don't know any better. The ones that consistently violate will be addressed by the \$100 penalty for the first offense in addition to doubling the permit fees for any offense after that. Is the City doing what it needs to do to get the information regarding permits into the hands of our residents.

Mr. Carson asked Mr. Lewis to explain the purpose of the proposed legislation. Mr. Lewis stated the majority of the offenders are contractors, 80%, who are aware that permits are needed to do work within the City. It creates a considerable amount of the work for the staff.

Discussion ensued regarding who does the work on a property. Mrs. DiNallo articulated that homeowners are not required to hire contractors and may pull their own permits. They still are required to procure permits. Mr. Lewis agreed that is the case, however, in his opinion, if you have the expertise to perform the work, you should be experienced enough to know that permits are required. If it is a minor issue, the City tries to work with the individuals to evaluate the situation on a case-by-case basis. Mrs. DiNallo disagreed that it is not always so easy. She stated that she wants the residents to improve their homes and to not be penalized if they make an error in judgement. She stated that she also believes that the contractors should be held to a higher standard and that is why she was not asking to amend anything beyond this resolution.

Mr. Carson stated that Mr. Lewis already recounted that the City has a problem, even with the current legislation in place. What Mrs. DiNallo is proposing is to remove penalties, so what will the affect be if the language is removed? Mrs. DiNallo responded that if there is a problem, perhaps it is the City's fault and perhaps is not doing enough to educate the homeowners. Mr. Fodor stated that the City indicated that 80% of the offenders are contractors, so should the City be educating the contractor as well? Mrs. DiNallo replied that she addressed that with the doubling of fees.

Discussion ensued. Mr. DeLeone stated that he does not see language in the current legislation that allows fees to be imposed or waived on a case-by-case basis. Mr. Fodor replied it is a judgement call for the City. He stated that one size does not fit all and the City must have some latitude or discretion when enforcing code. Mrs. Jenkins asked if steps could be enacted within the legislation that differ for homeowners and for contractors. Mr. Gurley, the Law Director stated that there is a rational basis for distinguishing private property owners from contractors, however, the City must enact legislation that treats all property owners the same and all contractors the same when drawn for the protection of the community. This leads to another fundamental issue of the homeowner pulling permits for a contractor. More discussion ensued.

Mrs. DiNallo stated that she wants her amended language to stand. Mr. Carson asked the Clerk to read the motion. The Clerk stated that Mrs. DiNallo moved to amend Section 1303 and 1304 to read "work for which a

permit is required for the City Building Code is started prior to obtaining such permit, in addition to a \$100 penalty, the fees required by the permit should be doubled on the second offense and any offense thereafter.” The Clerk stated that Mr. DeLeone seconded the motion.

On roll call, Mrs. Jenkins answered “No”, Mr. DeLeone answered “Yes”, Mr. Fodor answered “Yes”, Mr. Fitzgerald answered “No”, Mrs. DiNallo answered “Yes” and Mr. Hach answered “No”. Motion FAILED and the amendment to Ordinance No. 19-15 was defeated.

Motion by Mrs. Jenkins, seconded Mr. Fitzgerald that ORDINANCE NO.19-15 be adopted as written.

On roll call, Mr. DeLeone and Mrs. DiNallo answered “No”, Mr. Fodor, Mr. Fitzgerald, Mrs. Jenkins and Mr. Hach answered “Yes”. Motion carried, ORDINANCE NO. 19-15 adopted.

The Clerk re-read the ORDINANCE NO 20-15.

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

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

The Clerk re-read ORDINANCE No. 20-15.

ORDINANCE No. 20-15: AN ORDINANCE AMENDING SECTION 1305.03 OF THE PAINESVILLE CODE OF 1998, RELATING TO ELECTRICAL CONTRACTOR REGISTRATION FEES, AND DECLARING AN EMERGENCY.

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

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

Mr. Lewis explained the next five pieces of legislation are basically the same. The registration fees are being changed to accommodate contractors who register later in the year. If a contractor registers early in the year, the fee is \$100, the middle of the year, which is the Building Department’s busy season, the fee increases to \$150, and the later end of the year, the fee decreases to \$75. The language also addresses if a contractor begins work without the benefit of permits. The registration fees will be doubled for that time of the year that they are registering.

Mr. DeLeone questioned the language of the registration dates. He said it should be clarified to read that if a contractor registers February 1 through August 31, the fee will be \$150.

Mr. DeLeone moved to amend the legislation to read that the date for registration should read “February 1st through August 31st, the fee is \$150. Mr. Fodor seconded the motion.

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

Mr. DeLeone moved to adopt. Mrs. Jenkins seconded. On roll call, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor and Mr. Hach answered “Yes”. Motion carried, Ordinance No. 20-15 adopted.

The Clerk re-read ORDINANCE No. 21-15.

ORDINANCE No. 21-15: AN ORDINANCE AMENDING SECTION 1306.03 OF THE PAINESVILLE CODE OF 1998, RELATING TO GENERAL CONTRACTOR REGISTRATION FEES, AND DECLARING AN EMERGENCY.

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

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

Mr. DeLeone indicated this language should be changed to read as the previous resolution.

Mr. DeLeone moved to amend the legislation to read that the date for registration should read “February 1st through August 31st, the fee is \$150. Mr. Fodor seconded the motion.

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

Mr. DeLeone moved to adopt. Mrs. Jenkins seconded. On roll call, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, Mr. Fitzgerald, Mrs. DiNallo and Mr. Hach answered “Yes”. Motion carried, Ordinance No. 21-15 adopted.

The Clerk re-read ORDINANCE No. 22-15.

ORDINANCE No. 22-15: AN ORDINANCE AMENDING SECTION 1307.02 OF THE PAINESVILLE CODE OF 1998, RELATING TO PLUMBING CONTRACTOR REGISTRATION FEES and DECLARING AN EMERGENCY.

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

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

Mr. DeLeone moved to amend the legislation to read that the date for registration should read “February 1st through August 31st, the fee is \$150. Mr. Fodor seconded the motion.

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

Mr. DeLeone moved to adopt. Mrs. Jenkins seconded. On roll call, Mr. Fodor , Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone and Mr. Hach answered “Yes”. Motion carried, Ordinance No. 22-15 adopted.

The Clerk re-read ORDINANCE No. 23-15.

ORDINANCE No. 23-15: AN ORDINANCE AMENDING SECTION 1308 OF THE PAINESVILLE CODE OF 1998, RELATING TO SEWER BUILDER CONTRACTOR REGISTRATION FEES and DECLARING AN EMERGENCY.

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

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

Mr. DeLeone moved to amend the legislation to read that the date for registration should read “February 1st through August 31st, the fee is \$150. Mr. Fitzgerald seconded the motion.

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

Mr. Fodor moved to adopt. Mr. DeLeone seconded. On roll call, Ms. DiNallo Mr. Jenkins, Mr. DeLeone Mr. Fodor, Mr. Fitzgerald, and Mr. Hach answered “Yes”. Motion carried, Ordinance No. 23-15 adopted.

The Clerk re-read ORDINANCE No. 24-15.

ORDINANCE No. 24-15: 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.

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

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

Mr. DeLeone moved to amend the legislation to read that the date for registration should read “February 1st through August 31st, the fee is \$150. Mr. Fodor seconded the motion.

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

Mr. DeLeone moved to adopt. Mr. Fodor seconded. On roll call, Mr. DeLeone, Mr. Fodor, Mr. Fitzgerald, Mrs. DiNallo Mrs. Jenkins and Mr. Hach answered "Yes". Motion carried, Ordinance No. 24-15 adopted.

Unfinished Business

Prairie State Power Plant – Mr. Flock was absent.

Refuse Collection – Mrs. Jenkins asked Mr. Carson the procedure for collecting on unpaid refuse bills. Mr. Carson said that the City really does not have a collection procedure and asked Mr. Gurley to explain this because it deals with the City's Ordinance. Mr. Gurley stated that the refuse contractor is responsible for collecting fees up to 90 days past-due. Once an account becomes 90 days past due, the City begins a collection process. The City makes an effort to collect for a 30 day period. This then will be turned over to the Service Director, who the City is in the middle of looking to fill that position for, will be responsible for adopting policy for rapid activity on these accounts that are 120 days past due.

Mrs. Jenkins stated once trash collection is discontinued for non-payment, the City in the same predicament (of someone not having trash pickup). Mr. Gurley replied that according to the ordinances, you must have trash pick-up or you are in violation of the City's ordinance. Criminal charges can be pursued in Court, however Mr. Gurley stated that he argued with the County about certifying this charge to the taxes for abatement of a nuisance, which the County will not allow to be done anymore. However if a person creates a nuisance, the City can contract to have the refuse removed from the property and then certify it to the taxes. Mr. Gurley indicated that this leads him to believe that his original argument is valid. Mr. Gurley indicated that the tools that we have are criminal charges for not having a service that is needed and certification to abate the refuse from the property.

Mr. Jenkins asked how Waste Management bills the customer. Mr. Carson stated there are three separate notices. After the 90 days, the first is a delinquency note, then a termination notice and then a final billing.

Mrs. Jenkins stated this may be removed from new business.

Computer Server Upgrades - Mr. DeLeone indicated that Council is waiting for the Clerk of Council to come back from leave. Additionally, the whole City is in the middle of transitions to new software programs and hardware upgrades with the County's IT Department.

Comprehensive Zoning – Mr. DeLeone asked for cost projections from the City. The City Planner, Lynn White, stated the City has selected a consultant to examine the current code and develop a unified document that combines the development and zoning portion of the Code together as a comprehensive document. This was suggested by the Planning Commission through the Comprehensive Plan. Once the code is properly addressed, the consultant will appear before the Planning Commission and ultimately the new language will be presented to Council for adoption. Mr. DeLeone asked how this will affect the 700 to 800 nonconforming homes. Ms. White replied that once the consultant examines the language, she hopes it will have a positive effect on those properties. Mr. DeLeone asked the time frame for these changes. Ms. White replied that the consultant is comfortable that this will be done in about a year's time. Mr. DeLeone stated he is comfortable taking this off new business and revisiting this in June of next year, or the half-way mark.

New Sidewalk Installation along Elm Street – Mr. Flock was absent.

Fence Installation Around Retention Pond at old Huntington School – Mr. Flock was absent.

New Business

Sidewalk Replacement Program – Mrs. DiNallo commented that she would remind Council of the importance of a walkable community and the necessity for sidewalks in good condition. She asked Council to have the Administration to work on a proposal for sidewalk replacement, perhaps at the same time the roads are upgraded in the community. She said she is aware in many cases that the costs of upgrades would be a cost to the homeowner. Mr. Fodor stated other communities should be examined to see what kind of programs they have. Discussion ensued. Mr. DeLeone stated that he does not want to de-track from the road repairs. Mr. Carson stated that the City could attempt to develop a formula that would estimate a dollar amount for repair of sidewalks in addition to road repairs. Mrs. DiNallo stated she is speaking of sidewalks that are already there. She said we do our residents a disservice by not addressing the sidewalks when they need to be addressed. Mr. Fodor stated that we need to look at this further, maybe getting grant dollars or perhaps addressing this through point of sale inspection. More discussion ensued. Mrs. DiNallo would like to have something developed by next spring, bringing something to council by January.

Presentation to Council was given by Mark Mlachak, Fire Chief. (*See Attachment #1*)

Mr. Gurley and Mr. Carson did not have administrative reports.

Under Clerk of Council Correspondences, Ms. Pomfrey stated that the next regular Council meeting will be held on Monday, September 20, 2015; City Offices will be Closed Monday, September 7, 2015 in observance of Labor Day; Farmer's Market every Thursday from 12-4pm in Veteran's Park through September 24th. Check out our new vendors, giveaways, special guests and monthly food trucks; and Friday Night Car Cruises, sponsored by the Downtown Painesville Organization in Veteran's Park from 5-9 pm through September 25th.

Closing Comments.

Mr. Fitzgerald had no comments.

Mrs. Jenkins wanted to thank the residents for passing the Fire levy.

Mrs. DiNallo wanted to thank the Painesville residents for coming out tonight, and apologized to Mrs. Senedak on the unresponsiveness of Council to her e-mail. Also a congratulations to Mr. Lee Homyock on his new appointment with the Lake Farm parks.

Mr. DeLeone asked if the Administration could meet with him to speak about Mr. Baxter's concerns regarding the Walnut Avenue project. He would also like to thank everyone for coming out for the Taste of Painesville and First Fridays. Also he would like to thank the City Manager, Assistant City Manager and the City Engineer and road crew regarding the road repairs and patching and the responsiveness of the Engineering Department regarding the storm water program.

Mr. Fodor asked to excuse Mr. Flock from the meeting.

Mr. Hach asked that a pamphlet be developed for homeowners with instructions on how to address repairs to their property with regards to permits.

At 9:39 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: To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of an employee or official of the city, seconded by Mr. Fitzgerald.

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

At 11:19 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 Mrs. Jenkins.

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

Motion to Adjourn made by Mrs. Jenkins seconded by Mr. Fodor. All members answered "yes". Motion carried. The meeting was adjourned at 11:20 p.m.

Tina Pomfrey
Acting Clerk of Council

Paul W. Hach II
President of Council



PAINESVILLE CITY FIRE DEPARTMENT

Up date on fire levy 2013



PAINESVILLE CITY FIRE DEPARTMENT

- Revenue
 - 2014 \$311,076
 - 2015 \$298,118
 - Total \$609,194
- Original estimate was \$320,000 annually



PAINESVILLE CITY FIRE DEPARTMENT

- Expenditures 2014

- \$79,365

- Auditor's fees \$9,067
 - Hydraulic rescue tools \$35,298
 - Computers and accessories \$35,000

- COG air truck (pending @ \$60,000)



PAINESVILLE CITY FIRE DEPARTMENT

- Expenditures 2015 \$404,100 (budgeted)
 - Auditor's fee \$11,000
 - Ambulance \$140,000
 - Chase vehicle \$40,000 (on order)
 - Utility vehicle \$45,000 (on order)
 - Defibrillator \$20,390
 - Two (2) thermal cameras \$11,975
 - Hazmat meters \$7,092
 - Other \$126,850**
 - Total \$402,307



PAINESVILLE CITY FIRE DEPARTMENT



Life Line Victory Liner
Delivered - July 24, 2015



PAINESVILLE CITY FIRE DEPARTMENT





PAINESVILLE CITY FIRE DEPARTMENT

- Expenses vs revenues

Year	From last year	Revenue	Expenses	Carry over
2014		\$311,076	\$139,365	\$171,711
2015	\$171,711	\$298,118	\$403,240	\$66,589
2016 (est.)	\$66,589	\$315,000*	\$197,950	\$183,639
2017 (est.)	\$183,639	\$315,000	\$299,050	\$199,589
2018 (est.)	\$199,589	\$315,000	\$188,750	\$325,839



PAINESVILLE CITY FIRE DEPARTMENT

The levy saves the general fund
\$90,200 annually

- Uniforms and Turn out gear \$22,000
- Data processing (RMS) \$ 3,200
- Vehicle maintenance \$65,000



PAINESVILLE CITY FIRE DEPARTMENT

