

**REGULAR COUNCIL MEETING**  
**MONDAY, APRIL 20, 2020- 7:30 pm**

President Paul Hach called the regular meeting to order at 7:30 PM. City Council convened for a regular meeting in Council Chambers, with the following in attendance in person: Councilpersons Paul Hach, Christine Shoop and Tom Fitzgerald, City Manager Monica Irelan, Clerk of Council Valerie Vargo and the following in attendance by video conference: Councilpersons Katie Jenkins, Jim Fodor, Lori DiNallo, Nick Augustine and Law Director Joe Gurley.

On roll call for attendance, Christine Shoop, Tom Fitzgerald, Lori DiNallo, Katie Jenkins, Nick Augustine, Jim Fodor and Paul Hach were present.

Council President Paul Hach gave the invocation. The Pledge of Allegiance was recited.

Mr. Hach asked for a Motion to approve the agenda as submitted.

Mr. Shoop moved to approve the agenda as submitted seconded by Mrs. Fitzgerald.

Tom Fitzgerald, Lori DiNallo, Katie Jenkins, Nick Augustine, Jim Fodor, Christine Shoop, and Paul Hach were all in favor. Motion carried.

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

- Regular Meeting 4.6.20

Mrs. Shoop motioned to approve the minutes, seconded by Mr. Fitzgerald.

Nick Augustine, Jim Fodor, Christine Shoop, Tom Fitzgerald, Katie Jenkins, Lori DiNallo, and Paul Hach were all in favor by answering "Aye". Motion carried.

Public comments will be read by the Clerk of Council and received by email.

The first comment comes from Joe and Claudine Dobbins, 954 Mentor Ave, "When we first heard of the Painesville City Sidewalk Program we were happy to know that attention was going to be given to some of the City's damaged sidewalks. However after communicating with fellow resident Rose Kuhn-Browning, we were shocked to hear that along with the sidewalk replacement 160 trees (some being of significant age and size) are slated to be removed throughout the city and not replaced.

Mrs. Kuhn-Browning has stated that she would like to see the Sidewalk Program revisit the decision to remove all of these trees. She has done much research and spoken to many experts regarding the care and maintenance of the trees as well as options for repairing some of the sidewalks instead of replacing them. We encourage you to review her research as it could help the City of Painesville save a significant amount of money. She also reminds us of the importance of these large trees to our environment and to the value of our property.

We are the lucky caretakers of one of Painesville's 100+ year old oak trees. We are proud of the stately tree in our front yard. We enjoy the wildlife that it protects and the benefit of it's shade in the summer (and our lower electric bills). Our yard and neighborhood would look very different without our beautiful tree.

We live several doors down from Four Oaks Music at 1042 Mentor Ave where 4 large trees were deceptively removed from the front of that property. While we know that the City was not responsible for the removal of those trees we all can see the negative changes to that property. Those grand trees were a welcoming site at the entrance to Painesville and would take 100+ years to replace. It was a shame to see them come down just as it would be a shame to see other large trees needlessly removed throughout the City.

The Sidewalk Program flyer that is posted on the City's website shows a picture of a tree-lined sidewalk and states that "The program was designed to benefit residents by improving the aesthetics of owner-occupied single-family homes, thus increasing property values and improving neighborhoods." Removing 160 trees seems to be a contradiction to that statement. We support Rose Kuhn-Browning in her request to reexamine the removal of the trees and sidewalks that are part of the Painesville City Sidewalk Program. We hope that many of the

trees can be saved and that the sidewalks can be repaired instead of replaced. Thank you for your consideration.

The second public comment comes from Rose Kuhn-Browning, 741 Oak Street, Hello. My name is Rose Kuhn-Browning from 741 Oak Street in Ward 1. I would like to talk about the City of Painesville Sidewalk Repair Program. As the program has been presented, in the resident letter and pamphlet, the City will be replacing (not repairing--as the program is named) all sidewalk slabs, with any issues, that are near tree lawn trees AND removing said trees as well—in order to do the work. Today, I would like to respectfully request Painesville City Council to re-open and reconsider this program with a street-by-street and tree-by-tree approach. My request comes after extensive research, footwork, meetings and correspondence. I have far too much information to present here so all my research and contacts are available upon request and I will cite a few resources later. The basics... There is no need to remove a tree in order to replace sidewalk slabs or maintain integrity of a sidewalk. There is no need to replace sidewalk slabs that are repairable to the same safety standards. Both actions are wasteful on multiple levels--alone or in tandem.

1. Unnecessary work is a waste of money, time and resources.
2. These specific actions also create waste—concrete rubble, CO and NO2 emissions from gas-powered machinery and abnormal amounts of organic matter.
3. The killing of trees halts their natural waste management work, in the air and soil. Both actions are also considered non-essential business activities right now—which gives us time to think, research, compare notes, re-think and plan. Are City of Painesville sidewalks in need of repair? Yes. Do City of Painesville trees need care and proper pruning? Yes. Does each City of Painesville street have a unique situation? Yes. Painesville, the county seat of Lake County, is a regional heritage city--we have architecture of historic value--which includes historic pavements. It is very difficult and expensive to re-create the look and texture and impossible to achieve the strength of historic concrete, as it hardens with age. How I became involved and why I am before you now... My family has been living in our house, on Oak Street, for 100 years now. I have never heard of any complaints or injuries involving our sidewalks and children are happily running and riding bicycles, scooters and skateboards on them every day. Receiving a letter stating slabs will be replaced and trees will be removed seemed like a dramatic measure to solve a problem none of us thought we had. Severe road damage, noise, vibration and dust from heavy landscaping equipment and supplies going back and forth all day (from the two companies based on residential-zoned Oak Street) and standing storm water in our street and yards are more of a concern (I fear what will happen if 5 trees will no longer be helping soak it up). So I set out to see where the drastic sidewalk issues were. After driving around the City--I observed most sidewalk issues, near trees (and in general), involved intact slabs only slightly raised or settled--making them repairable by slab-jacking or concrete raising. This method costs only \$60 to \$75 per slab and is considered a permanent fix--just like replacement. Concrete grinding can also be considered a permanent fix for slabs displaced under a half-inch. With both these methods--repairs are instant and the sidewalk is available for use as soon as the crew clears their tools. Completely replacing a sidewalk slab is quite labor intensive--making it much more expensive--from \$200 to \$600 each slab (volume-discount price to private resident price). If done correctly, the curing process is also laborious and time consuming. Plus, the new slab should not be used for 1 to 4 weeks--depending on where it is and how it is normally used.

When replacement IS needed--it's needed. There are Painesville streets that have random lengths or blocks of sidewalk missing or slabs that are fractured or chunky but these were not near trees—mostly driveways.

Even when a sidewalk slab is deeply fractured and in need of replacement AND the nearby roots of a healthy tree are a major player--the tree can be left standing by reducing width of or creating a meandering sidewalk, bridging over or excavating beneath the roots, reinforcing the new concrete or placing clean gravel beneath.

Total tree removal (including stump-grinding and disposal) is also expensive--to the tune of \$1,000 to \$4,000 per tree. Even if our City workers can remove smaller trees—there are still man-hours, fuel costs, equipment maintenance and or rental charges and disposal fees. Most of our tree lawn trees are established and healthy—only needing proper pruning.

Since most of our City sidewalk issues, near tree lawn trees, can be repaired and or replaced, utilizing these different methods, then most of the 160 trees slated for removal, can and should be saved as well. To use real examples--11 of the 12 trees, already removed from Williams Street, were healthy and 4 of the 5, to be removed on Oak Street are healthy.

Trees do thousands of dollars of work for us--for free. Trees clean our air and soil, create oxygen, soak up water that would normally add to our overland flow and or runoff (many of our streets do not have storm sewers) and prevent erosion. They provide shade from the sun,

protection from heavy rains, emf radiation and noise pollution. Trees add much value to real estate, attract visitors and provide homes and food for wildlife (birds, bats--of whom also work for us for free and are protected). Trees also lower anxiety and depression and crime rates. These are merely the benefits Painesville already uses and needs, from our trees--the list of the benefits of trees keeps on going.

Northeast Ohio is now 39% BEHIND the rest of the country with our urban tree canopy--latest results were released end of December 2019. Subsequently, in many local municipalities, it is unlawful for a public or private property to remove an existing tree without many sufficient causes as it takes years for newly planted trees to establish, achieve canopy and assume the work of just one mature, healthy tree.

As stated throughout, destroying healthy trees and repairable sidewalks will cost the City hundreds of thousands right now, exacerbate existing issues AND create new problems for the future--both immediate and in just a couple years time.

I confidently believe that if the City would take a little time to reconsider their approach--incorporating all repair methods for the unique issues our sidewalks have--we could save more than enough monies to, let's say...give our in-the-works tree commission a great start--helping staff arborists and urban and community foresters to train our City workers in the best management practices for structural tree care, selection and placement. This knowledge, put to use, would save and generate thousands more down the road.

Thank you for listening to a quick medley of my opinions with excerpts from my research, meetings and correspondence from the following resources: the EPA, USDA, Urban Foresters of the Ohio Department of Natural Resources, Ohio ISA, Western Reserve Land Conservancy, several tree commissions in Lake, Geauga and Cuyahoga Counties, several local arborists and foresters, U.S. Department of Transportation Federal Highway Administration, a national historic pavement expert and consultant and two local concrete companies.

The final public comment is from Mary Jo Williams, 287 S. St. Clair Street, My name is Mary Jo Williams, a lifelong resident of Painesville City. I reside at 287 South Saint Clair Street. Please allow this email to confirm that I do not agree with the City's plan to replace instead of repair the sidewalks earmarked for this plan. I am in total agreement with Rose Kuhn-Browning. The Trees are vital as they add beauty, clean our air, and provide nature a place to perch and nest. The plan to chop and destroy is a drastic solution without thoughtful consideration of the total loss to the city. Trees have always lined out streets in this city. How is it that there is such a problem that necessitates the replace instead of repair. Thoughtful reconsideration is required instead of a post-apocalyptic approach to the landscape of our city. Is there a need to rid the trees from the city or those who may think this is the easy way out? Respectfully submitted.

Moving onto Legislation, President Hach stated if residents had any questions regarding the legislation they may contact their Councilperson or the City Manager if they have not already done so.

**RESOLUTION 12-20 RECOGNIZING THE  
RESPONSIBILITY OF THE CITY OF PAINESVILLE TO  
AFFIRMATIVELY FURTHER FAIR HOUSING, AND  
DECLARING AN EMERGENCY**

was given first read.

Ms. Ireland explained this is an annual piece of legislation.

Mrs. Jenkins moved to suspend, Mrs. Shoop seconded.

On roll call, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo and Mr. Hach. Motion carried.

Mr. Fitzgerald moved to adopt, seconded by Mrs. Shoop.

On roll call, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins and Mr. Hach. **RESOLUTION NO. 12-20 is ADOPTED.**

**RESOLUTION 13-20 AUTHORIZING AND DIRECTION  
THE CITY MANAGER TO APPLY FOR AND ACCEPT**

**FUNDING FROM LAKE COUNTY FY'2020  
COMMUNITY BLOCK GRANT PROGRAM FOR  
VARIOUS PROJECTS AS LISTED BELOW IN PRIORITY  
ORDER, AND DECLARING AN EMERGENCY**

was given first read.

Ms. Ireland explained the order of the importance of the grant money.

Mr. Augustine moved to suspend, seconded by Mrs. Jenkins.

On roll call, Mr. Fodor, Mrs. Shoop Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine and Mr. Hach said "Yes". Motion passed.

Mrs. Shoop moved to adopt, seconded by Mr. Fitzgerald.

On roll call, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor and Mr. Hach said "Yes". **RESOLUTION NO. 13-20 is ADOPTED.**

**RESOLUTION 14-20 AUTHORIZING AND DIRECTION  
THE CITY MANAGER TO ADVERTISE FOR, REQUEST  
FOR PROPOSAL AND ENTER INTO A CONTRACT,  
INCLUDING ANY AND ALL ENSUING CHANGE  
ORDERS, WITH THE LOWEST AND BEST PROPOSAL  
FOR THE INTERSECTION AND LPR CAMERA AND  
APPURTENANCES THERETO, AND DECLARING AN  
EMERGENCY.**

was given first read.

Mr. Fitzgerald moved to suspend, seconded by Mrs. Shoop.

On roll call, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, Mrs. Shoop and Mr. Hach said "Yes".

Mrs. Jenkins moved to adopt, seconded by Mr. Fitzgerald.

On roll call, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald and Mr. Hach said "Yes". **RESOLUTION NO. 14-20 is ADOPTED.**

Under **Unfinished business** None

Under **New Business** Sidewalk Repair Program

Mr. Fodor explained how he became involved with sidewalks and trees again. Mr. Fodor would like there to be options for residents to save their trees from being taken down if they are damaging their sidewalks.

Mrs. DiNallo asked if Rose was given options for her tree.

Ms. Ireland stated that Rose did contact the Engineering department and she was given the opportunity to try mud jacking on the sidewalks that her father had put in place, but was told the tree was still going to be taken down because the tree is in the tree lawn and it is owned by the city.

Mr. Fodor stated the resident was not happy that the tree was going to be coming down as a result.

Mrs. Jenkins brought up the legality of the trees for the city. After previous discussions Council had decided the responsibility falls onto the city. Passes should not be given.

Mr. Fodor asked if we as a city are willing to spend \$50,000 maybe more.

Ms. Ireland explained there have been worksessions where Council went over the pros and cons of the sidewalk program and went over the costs of the trees etc.

Mrs. Shoop stated if something happened down the road and the tree fell the City would be responsible. If the resident was able to repair the sidewalk it doesn't cost the City anything. She is willing to support either side.

Mr. Augustine stated that he supports the outreach from residents. He said that the worksessions were not easy, but they came to the right conclusion because the liability always falls back onto the city.

Mrs. DiNallo asked if anyone else thinks a tree commission is a good idea.

Mrs. Jenkins thinks it might be too late, but they might be able to identify what trees are best in specific areas.

Mrs. DiNallo stated she thinks the sidewalks are a liability.

Mr. Fitzgerald said he agrees with Mr. Augustine and Mrs. DiNallo. They spent a lot of time in worksessions discussing this and they decided they would have to remove trees and get some flack on it. The liability is too much. He stated Painesville is a walking city, it is important that they have safe sidewalks.

Mr. Fodor said he would like to take it off new business.

Under **Department Presentation** None

Under **Administrative Reports** Ms. Irelan shared an estimate of what impact the pandemic is having on the federal level. Some road projects will be delayed. City funds will be impacted. There will be no out of state travel. Painesville is on a hiring freeze.

Under **Clerk's Correspondences** The next regular Council meeting will be held on Monday, May 4, 2020 at 7:30 pm. Tentative opening day for the Farmer's market is June 18<sup>th</sup>. Party on Main, Memorial Day Parade and Earth Day Event have been cancelled.

**Closing Comments**

Mr. Fodor called attention to the Painesville Pride that asked people not to run over fire hoses and to use common sense.

Mrs. DiNallo thanked Valerie for reading the public comments. She encouraged residents to contact the city if they want to discuss their trees. He thanked Mr. Augustine for his comments about the sidewalks.

Mrs. Jenkins informed residents that the Governor has put a halt on garage sales. She thanked the first responders and the Lake County General Health District. She said Ms. Irelan is a superstar during all of this.

Mr. Hach thanked Ms. Irelan.

Mrs. Jenkins moved to adjourn the regular meeting, seconded by Mr. Fitzgerald.

Nick Augustine, Jim Fodor, Christine Shoop, Tom Fitzgerald, Lori DiNallo, Katie Jenkins, and Mr. Hach were all in favor by answering "Aye". Meeting adjourned at 8:38 pm.



Valerie Vargo, CMC  
Clerk of Council



Paul W. Hach II  
President of Council