REGULAR COUNCIL MEETING
TUESDAY, JANUARY 3, 2023 – 7:30 PM

CALL TO ORDER

President Christine Shoop called the Regular Council Meeting to order at 7:30 PM. City Council convened for a regular meeting in Council Chambers – Courtroom #1.

ROLL CALL FOR ATTENDANCE

Councilpersons Derrick Abney, Nick Augustine, Lori DiNallo, Jim Fodor, Paul Hach, Mario Rodriguez, and Christine Shoop were present.

Other City Staff in Attendance: City Manager Doug Lewis, Law Director Jim Lyons, Police Lieutenant/Supervisor of Community Development Larry Armstrong, and Clerk of Council Samantha Danielson.

APPROVE AGENDA AS SUBMITTED

Mrs. Shoop asked for a motion to approve the agenda as submitted.

Mr. Hach moved to approve the agenda, seconded by Mr. Fodor. All Council Members were in favor by answering "Aye". Motion carried. Agenda approved.

INVOCATION was given by President Christine Shoop.

PLEDGE OF ALLEGIANCE was recited.

MINUTES: Regular Meeting 12.19.22 and Special Meeting 12.21.22

Mrs. Shoop asked for a motion to approve the minutes for the Regular Meeting on December 19, 2022.

Mrs. DiNallo moved to approve the minutes for the Regular Meeting on December 19, 2022, seconded by Mr. Fodor.

Mr. Abney, Mr. Fodor, Mr. Hach, Mr. Rodriguez, and Mrs. Shoop were in favor by answering "Aye". Mr. Augustine and Mrs. DiNallo abstained. Motion carried. Minutes accepted.

Mrs. Shoop asked for a motion to approve the minutes for the Special Meeting on December 21, 2022.

Mr. Hach moved to approve the minutes for the Special Meeting on December 21, 2022, seconded by Mr. Augustine.

Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, and Mrs. Shoop were in favor by answering "Aye". Mr. Rodriguez abstained. Motion carried. Minutes accepted.

PUBLIC COMMENTS: None

COMMITTEE REPORT: None

LEGISLATION:

ITEM #1 ORDINANCE

3rd Reading* – An Ordinance amending Section 1373.04 of the Painesville Code of 1998, relating to Registration of Rental Dwellings Required, and declaring an emergency. *(1st Reading 12.05.22, 2nd Reading 12.19.22)

Lieutenant Larry Armstrong spoke on this piece of legislation. He gave an update that an article with the information will be in the Painesville Pride, and will send another email to those affected by the change. He stated people who were re-registering were being asked to wait until after the legislation was decided upon, and he has not received any negative comments about this matter. It was asked on why people can't do this online. It was explained that the current software does not allow for that to happen, and an online payment option is not available. Mrs. DiNallo was concerned about this being cost effective for rental owners and being a price increase. In the future, Community Development will look into software programs to use. Mr. Lewis stated with some of the rental owners, there is an issue with complete and correct

information on applications which makes it difficult to contact individuals when there is a problem.

Mr. Hach moved to adopt, seconded by Mr. Augustine.

On roll call, Mr. Fodor, Mr. Hach, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mrs. DiNallo, and Mrs. Shoop answered "Yes". Motioned carried 7-0.

ORDINANCE 01-23 is ADOPTED.

ITEM #2 ORDINANCE

***1st Reading* – An Ordinance approving a modified School Compensation Agreement; and authorizing School Compensation payments, and declaring an emergency.**

City Manager Doug Lewis spoke on this piece of legislation. He stated, on July 19, 2021, the Painesville City Local School District and City of Painesville entered into a School Compensation Agreement. The Current Agreement provides School District consent and approval to all TIFs in the downtown area of the City, provided the City pay 20% of all service payments collected by the City to the School District. The proposed developers of 100 South Park Place and 257 East Main Street have requested the City grant 100% TIFs for those projects, because without the support from the TIF the projects are not viable. The School District, pursuant to the Current Agreement has already consented to the TIFs, provided the City pay 20% of the service payments collect by the City to the School District. The Developers are requesting to make no service payments for the first 15 years of the TIF and be reimbursed from a portion of the service payments in years 16-30. The City is requesting to modify the Current Agreement given the specific facts of this project. The City is proposing the parties amend Current Agreement to provide that the School District receive 80% of the service payments collected by the City and not required to be paid to the Developers to support the project. This would result in the schools receiving the same amount of money they would have received under the original School Compensation Agreement. The City of Painesville will receive a portion of the funding in years 15 to 30 that will enable us to make infrastructure improvements within the TIF district. Such improvements can include roadway improvements, park improvements, streetscape improvements, sanitary and water improvements, improvements to the Amphitheater, etc. Staff will be meeting with the School Board of the Painesville City Local School District on Monday, January 10, 2023 in the hopes of obtaining their approval. This item can go three readings. Discussion ensued about the service payment and clarification of the payment allocations, and timing and distribution of the payments.

This will go to second read.

ITEM #3 RESOLUTION

***2nd Reading* – A Resolution appointing John Bradley Deane as a member of the Planning Commission of the City of Painesville, and declaring an emergency. (*1st Reading 12.19.22*)**

City Manager Doug Lewis spoke on this piece of legislation. He stated Mr. Deane is being appointed to fill a current unexpired term of the Planning Commission for a period of one year beginning January 1, 2023 and ending December 31, 2023.

Mr. Hach moved to suspend, seconded by Mr. Augustine.

On roll call, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, and Mrs. Shoop answered "Yes". Motioned carried.

Mr. Hach moved to adopt, seconded by Mr. Augustine.

On roll call, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, and Mrs. Shoop answered "Yes". Motioned carried 7-0.

RESOLUTION 01-23 is ADOPTED.

ITEM #4 RESOLUTION

***2nd Reading* – A Resolution appointing Michael Williams as a member of the Board of Zoning Appeals of the City of Painesville, and declaring an emergency. (*1st Reading 12.19.22*)**

City Manager Doug Lewis spoke on this piece of legislation. He stated Mr. Williams will fill an expired term and be a newly appointed member of the BZA for a period of five years beginning January 1, 2023.

Mr. Hach moved to suspend, seconded by Mr. Augustine.

On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, Mr. Rodriguez, and Mrs. Shoop answered "Yes". Motioned carried.

Mr. Hach moved to adopt, seconded by Mr. Rodriguez.

On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, Mr. Rodriguez, and Mrs. Shoop answered "Yes". Motioned carried 7-0.

RESOLUTION 02-23 is ADOPTED.

ITEM #5 RESOLUTION

2nd Reading* – A Resolution appointing Ryan Briggs as a member of the Board of Zoning Appeals of the City of Painesville, and declaring an emergency. (*1st Reading 12.19.22)

Mr. Augustine moved to suspend, seconded by Mr. Rodriguez.

On roll call, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, Mr. Rodriguez, Mr. Abney, and Mrs. Shoop answered "Yes". Motioned carried.

Mr. Hach moved to adopt, seconded by Mr. Augustine.

On roll call, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, Mr. Rodriguez, Mr. Abney, and Mrs. Shoop answered "Yes". Motioned carried 7-0.

RESOLUTION 03-23 is ADOPTED.

ITEM #6 RESOLUTION

2nd Reading* – A Resolution authorizing and directing the City Manager to enter into an agreement with Browning-Ferris Industries of Ohio, Inc. D/B/A Allied Waste Service of Cleveland/Republic Services of Cleveland (Browning-Ferris) to exercise a three year option for refuse, yard waste and recycling pick-up, and declaring an emergency. (*1st Reading 12.19.22)

City Manager Doug Lewis spoke on this piece of legislation. He stated this legislation would extend an option for refuse, yard waste, and recycling for an additional three years at the cost quoted in the 2016 Agreement. Our current Agreement with Browning-Ferris ends on June 31, 2023. Even though the costs of gasoline and materials have increased significantly, Browning-Ferris has agreed to extend the same services at the prices quoted in the May 24, 2016 Agreement. It will have an increase for yard waste of $1.54 and an increase for recycling of $0.23 over the three year period. In order to provide residents with an opportunity to comment on the City's proposal to extend the option, this resolution can go three readings.

This will go to third read.

ITEM #7 RESOLUTION

***1st Reading* – A Resolution authorizing and directing the City Manager to apply for, accept, and enter into a Water Pollution Control Fund (WPCLF) Agreement for $1,600,000 on behalf of the City of Painesville for planning, design, and/or construction of wastewater facilities; and designating a dedicated repayment source for the loan.**

City Manager Doug Lewis spoke on this piece of legislation. He stated the City of Painesville is eligible to apply for funding through the Ohio Water Pollution Control Fund (WPCLF) for repairs to the #1 anaerobic digester cover, waste gas burner, and enlarging the Recreation Park pump station wet well. In order to submit a loan application, the City of Painesville must pass a Resolution stating that the City Manager has permission to apply for and accept the funds. This is a low interest loan from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for planning, design and/or construction of wastewater facilities We are requesting a loan from the WPCLF that would total $1,600,000.00. While we have received approval for $1.1 million, we need authority to add the enlargement of the Recreation Park wet well at a cost of approximately $500,000. Staff recommends this legislation be approved on first reading. This will enable the City to line up the funding prior to bidding out the projects. The wet well is necessary for increased development at the hotel site, possibility of adding additional homes in the Sidley subdivision, and for the Splash Park.

Mr. Hach moved to suspend, seconded by Mr. Augustine.

On roll call, Mr. Fodor, Mr. Hach, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mrs. DiNallo, and Mrs. Shoop answered "Yes". Motioned carried.

Mr. Hach moved to adopt, seconded by Mr. Rodriguez.

On roll call, Mr. Fodor, Mr. Hach, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mrs. DiNallo, and Mrs. Shoop answered "Yes". Motioned carried 7-0.

RESOLUTION 04-23 is ADOPTED.

ITEM #8 RESOLUTION

***1st Reading* – A Resolution authorizing and directing the City Manager to advertise for bids and to enter into contracts with the lowest and best bidders for furnishing materials, supplies and services to various departments/divisions of the City of Painesville, and declaring an emergency.**

City Manager Doug Lewis spoke on this piece of legislation. He stated this is the annual item of legislation that authorizes the bidding of various services or supplies that are necessary for the daily operation of the city government or our utilities. Generally, items such as chemicals; materials for the electric, water, sewer, or street operations; insurance; fuel; uniforms; and janitorial services, are some of the items identified in this legislation. These items are bid out throughout the year as may be need. Each department has already budgeted for these expenses in their 2023 budget. To maintain City operations, it was requested that this is passed on the first reading.

Mr. Hach moved to suspend, seconded by Mr. Augustine.

On roll call, Mr. Hach, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, and Mrs. Shoop answered "Yes". Motioned carried.

Mrs. DiNallo moved to adopt, seconded by Mr. Augustine.

On roll call, Mr. Hach, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, and Mrs. Shoop answered "Yes". Motioned carried 7-0.

RESOLUTION 05-23 is ADOPTED.

ITEM #9 RESOLUTION

***1st Reading* – 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 replacement of 300-500 feet of sanitary sewer needed for the development project located at 257 East Main Street, and declaring an emergency.**

City Manager Doug Lewis spoke on this piece of legislation. He stated when the City of Painesville was working on the project on the former Hotel Site with Marous Development, we televised the sanitary and storm sewer lines to determine if any repairs needed to be made and/or the sanitary line would need to be moved. As a result, it was determined that a 300-500 foot section of sanitary sewer that ran from the hotel property to the main off Mill Street had collapsed and needed to be replaced. Since that time, Public Service has been maintaining the line by jetting it on a regular basis. In order to provide sanitary service to the proposed Marous Development and the merchants along South State Street, this sanitary sewer line will need replaced. According to B&N, the estimated cost for design and engineering and to replace the line is approximately $370,000. Since the City of Painesville received a Brownfield Mitigation Grant from the ODOD in the amount of $613,000, the City will be submitting a letter to ODOD requesting to use $400,000 of the funding to replace the sanitary sewer. We have had preliminary discussions with the project manager at ODOD and believe that this is a legitimate expense, even though it is off site. The expense is necessary to make the site ready for development. In addition to the Brownfield Mitigation Grant, City Council approved using $200,000 in APRA funding for preparation of the site – specifically for sanitary sewer or storm sewer replacement. Thus, we anticipate funding will be available for this project. This project must be completed by June, 2023. It will require that the project be bid out. As stated above, the estimated cost of the project is approximately $375,000 which includes engineering and design and replacement of the sanitary sewer. We anticipate using $325,000 of the remaining funds from the Brownfield Mitigation Grant and we have an additional $200,000 in ARPA funding for this purpose. This item can go three readings as we need to complete the design and engineering for the project. Discussion ensued and clarification of the allocations of funds and the possibility of other funding.

This will go to second read.

ITEM #10 RESOLUTION

***1st Reading* – 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 to enlarge the wet well at Recreation Park, and declaring an emergency.**

City Manager Doug Lewis spoke on this piece of legislation. He stated the wet well was discussed under Item #7 Resolution, asking for additional funding through the Ohio Water Pollution Control Fund. This legislation will allow the City to bid out for the project and currently is being designed and engineered by B&N. This will allow the City to move forward once it receives the funding of $500,000. This item can go three readings.

This will go to second read.

UNFINISHED BUSINESS: None

NEW BUSINESS: Appointment of Director of Finance

City Manager Doug Lewis stated after an extensive search, he was pleased to advise City Council that he have chosen William Parkinson to fill the position of Director of Finance. Mr. Parkinson has over twenty-five years' experience working for various school districts as the Treasurer, thus he has the fund accounting experience we were looking for in a Finance Director. He has also been through two software conversions throughout the years. Mr. Parkinson holds a Bachelor of Science degree in Accounting/Finance from Miami University. He also holds a School Treasurer License from the State of Ohio and has served in leadership roles on numerous boards and committees. Mr. Lewis believes his extensive experience will provide a solid background for this position. If confirmed by the City Council, Mr. Parkinson will start on January 9, 2023. His starting salary will be $110,000. Mr. Parkinson was present at the meeting. Mr. Lewis, therefore, submitted for Council's concurrence William Parkinson for the position of Director of Finance as required by Article II, Section 3 of the City of Painesville Charter. He respectfully requested City Council's confirmation.

Mrs. Shoop asked for a motion to appoint William Parkinson as Director of Finance.

Mr. Hach moved to appoint William Parkinson as Director of Finance, seconded by Mrs. DiNallo.

On roll call, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, Mr. Rodriguez, Mr. Abney, and Mrs. Shoop answered "Yes". Motioned carried 7-0.

DEPARTMENTAL PRESENTATIONS: None

ADMINISTRATIVE REPORTS: Law Director and City Manager

Law Director Jim Lyons had nothing to report at this time.

City Manager Doug Lewis reported on the following items: The City closed on the Concord Road Equipment property today that required an extensive amount of work. A tour of the property, for Council Members, will need to be scheduled in the near future. He continued to comment this is a benefit for our water distribution division because of current building conditions, and they will be moving in the future. Contractors are ready to begin improvements. The City has filed the ESID with the Lake County Auditors so Renew Partners can receive PACE funding and to close on their loan. This will allow them to move forward with the dormitories at the Chase Bank building. Demolition and removal of asbestos continues within the building, and then the construction company will begin. The City is currently working with Marous Brothers with regards to transfer of the hotel property. Agreements have been reviewed, and a revised agreement has been submitted to them. This will come before City Council at the next council meeting. The City will be asking for the property be transferred over to Marous Brothers. Chester Street is under construction and is currently in the process of replacing the waterline and then it will be repaved. It will remain a one-way street for the rest of the winter.

CORRESPONDENCE: Clerk of Council

The next regular Council meeting will be held on Tuesday, January 17th at 7:30 PM; City Offices will be closed Monday, January 16th for Martin Luther King Jr. Day and there is a MLK Jr. Celebration of Life at Lake Erie College from 5:30 to 6:30 PM.

CLOSING COMMENTS: Members of Council

Mr. Rodriguez thanked everyone who attended and watched tonight's meeting. He congratulated Mr. Parkinson, Mr. Deane, Mr. Williams, and Mr. Briggs.

Mr. Augustine welcomed everyone on board.

Mrs. DiNallo congratulated our commissioners and Judge Lucci. She commented about the importance of our EMT responding to emergencies and their bravery. She wished everyone a Happy New Year and welcomed committee members and thanked the individuals who serve on the committees.

Mr. Hach dittoed Mrs. DiNallo comments and wished everyone a Happy New Year. He told Council that he will not be at the next council meeting.

Mr. Abney wished everyone a Happy New Year and welcomed everyone on board. He thanked the various departments for their work during the holiday time.

Mr. Fodor echoed Mr. Abney's comments about the employees working during the inclement weather conditions and the great job they did to keep the city going. He welcomed everyone on board. He reminded and encouraged residents not to flush disposable wipes down the drain, portable heater safety, and watch out for the neighbors. He asked Mr. Lewis for an update on the building at Five Points. He welcomed Mr. Parkinson.

Mrs. Shoop welcomed Mr. Parkinson, and thanked Mr. Deane, Mr. Williams, and Mr. Briggs for their commitment to our Planning Commission and BZA. She asked Mr. Lewis to provide Council with an overview and timeline for the Charter Review Committee. She wished everyone a Happy New Year.

Mrs. Shoop asked for a motion to adjourn the Regular Meeting.

Mr. Hach moved to adjourn the Regular Meeting, seconded by Mr. Augustine. All Council Members were in favor by answering "Aye". Motion carried at 8:27 PM.

Meeting adjourned at 8:27 PM.

Samantha Danielson
Clerk of Council

Christine Shoop
President of Council