REGULAR COUNCIL MEETING
TUESDAY, JANUARY 17, 2023 – 7:30 PM
EXECUTIVE SESSION IMMEDIATELY FOLLOWING

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, Mario Rodriguez, and Christine Shoop were present. Mr. Hach was not able to attend.

Mrs. Shoop asked for a motion to excuse Mr. Hach from tonight's Council Meeting.

Mr. Augustine moved to excuse Mr. Hach, seconded by Mr. Rodriguez. All Council Members were in favor by answering "Aye". Motion carried.

Other City Staff in Attendance: City Manager Doug Lewis, Law Director Jim Lyons, Assistant City Manager Tony Zampedro, Economic Development Director Susan Crotty, and Clerk of Council Samantha Danielson.

APPROVE AGENDA - AMENDED

Mrs. Shoop asked for a motion to amend the agenda to add an additional Executive Session to tonight's meeting.

Mr. Fodor made a motion to add an additional Executive Session to tonight's meeting being held in accordance with ORC. 121.22(8), seconded by Mrs. DiNallo. All Council Members were in favor by answering "Aye". Motion carried.

Mrs. Shoop asked for motion to amend Item #1 Ordinance by substituting a modified agreement for the agreement that was originally attached to the original ordinance from January 3, 2023.

Mr. Fodor made a motion to amend Item #1 Ordinance by substituting a modified agreement for the agreement that was originally attached to the original ordinance from January 3, 2023, which includes changes on Page 2, and update the date from 2022 to 2023, and Exhibit B, seconded by Mr. Augustine. All Council Members were in favor by answering "Aye". Motion carried.

Mrs. Shoop asked for a motion to approve the amended agenda.

Mr. Augustine moved to approve the amended agenda, seconded by Mrs. DiNallo. All Council Members were in favor by answering "Aye". Motion carried. Amended agenda approved.

INVOCATION was given by Councilperson Derrick Abney.

PLEDGE OF ALLEGIANCE was recited.

MINUTES: Regular Meeting 01.03.23

Mrs. Shoop asked for a motion to approve the minutes for the Regular Meeting on January 3, 2023.

Mr. Augustine moved to approve the minutes for the Regular Meeting on January 3, 2023, seconded by Mr. Rodriguez. All Council Members were in favor by answering "Aye". Motion carried. Minutes accepted.

PUBLIC COMMENTS: None

COMMITTEE REPORT: Parks and Recreation Committee

Mr. Abney reported for this committee which was held on January 10, 2023. The following items were discussed: Kevin Cindric shared the 2023 Events Calendar with the

Commission. He gave an update on the success of our Fall/Winter 2022 Events - the Spirit of the Season event was well attended despite the bitter cold temperatures. In all, our Santa handed out over 850 gift bags to the children that came to visit at Spirit of the Season and the three weekends leading up to Christmas. There are two Commission Members whose terms expired as of December 31st. They never responded to email correspondence asking if they would like to continue to be on the Commission. It was decided the positions will be posted for two new members. Kevin shared our Sponsorship Packet with Commission Members. This packet is being sent to area businesses to obtain financial support for our events and programs. Nick Augustine complimented Kevin and Kathleen Sullivan on the excellent job they did with the packet. Our first event for 2023 will be our annual Egg Hunt in Veteran's Park on Saturday, April 1st. The Recreation Department fills over 9,000 eggs and gives away over 60 filled baskets to participants. The next meeting will be held on April 11, 2023 – 4:30 p.m.

LEGISLATION:
ITEM #1 ORDINANCE - AMENDED
2nd Reading* – An Ordinance approving a modified School Compensation Agreement; and authorizing School Compensation payments, and declaring an emergency. (*1st Reading 01.03.23)

City Manager Doug Lewis spoke on this piece of legislation. He stated this legislation is to adopt a modified school compensation agreement. After the January 3rd Council Meeting, Mrs. DiNallo inquired about the percentage to be paid to the schools in the last 15 years of the agreement and felt that it should be more evenly split. After talking to with additional council members, it was agreed and recommended to schedule a meeting with the president and vice president of the Painesville City Local School Board. Mr. Fodor, Mrs. DiNallo, Mr. Zampedro, and Mr. Lewis met on January 10, 2023 to discuss the split. As a result of that discussion, the City is substitute legislation that reflects the agreement. The City is proposing the parties amend the current agreement to provide that the School District receive 50% of the service payments collected by the City and not required to be paid to the project owners to support the project. This will enable the City of Painesville to receive 50% of the funding in years 15 to 30 that will enable us to make infrastructure improvements within the general area. In addition to the modifications to the legislation, Council received an appendix/exhibit B explaining some of the improvements which could be made in the district. The funds are allowed to be used for the following: roadways, water/sewer, environmental/health, utilities, stormwater, demolition, parks, and streetscape/landscape. He explained the changes of the modified agreement, on file at the Clerk of Council's office, to be changed to 50% of the service payments in lieu of taxes and a new paragraph was added as follows: WHEREAS, the School District agrees to receive 50% of the service payments in lieu of taxes that are not provided to the Project owner as described above and under the condition that the City uses its portion of funding on infrastructure improvement to benefit the area in and around Kiwanis's Recreation Park as defined in Exhibit B. This funding will be earmarked by the City into a dedicated fund exclusive to those funds. An activity report for this fund will be provided upon request from the School District. It was recommended that this legislation to go third reading.

Mr. Lyons commented that the ordinance presented at the last meeting referred to Exhibit A which is the modified agreement. Council is now being asked to modify or amend that attachment that was part of the ordinance, so the ordinance is needed to be amended in order to reflect the changes that in terms discussed by Mr. Lewis.

Mrs. DiNallo made a motion to amend the modified agreement to the current/new modified agreement which includes the 50% split and funding being earmark for improvements, seconded by Mr. Augustine.

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

This will go to third read.

ITEM #2 RESOLUTION
3rd 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, 2nd Reading 01.03.23)

City Manager Doug Lewis spoke on this piece of legislation. He stated in October 2022, Browning-Ferris/Republic Services approached the City of Painesville to determine if the City would be interested in extending the option for refuse, yard waste and recycling for an additional three years at the costs 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. The agreement was attached for review. If approved, it will extend the contract from July 1, 2023 to June 31, 2026. The fees would be as follows for refuse, yard waste and recycling. Refuse/ Yard Waste: contract option year eight: $18.86/month, year nine: $19.61/month, and year ten: $20.40/month. Recycling: contract option year eight: $2.82, year nine: $2.93, and year ten: $3.05. Mr. Lewis stated under the City's contract recycling is an optional service but is recommended. There are not any additional fees for the City of Painesville, and will still receive the bulk pickup. It was clarified about the amount of waste pickup stating that the City will do an unlimited amount on the resident's garbage day. There are stipulations about furniture and fiber items. There is an additional charge for a second can. Discussion ensued about plastic grocery bags and residents complaints about garbage that is left around the community. The Administration has had a discussion with Republic about the issue, and feels there has been improvement. If there is a problem, contact the City. Residents can sign up to receive notifications from Republic Services about changes in schedules.

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

On roll call, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, and Mrs. Shoop answered "Yes". Motioned carried 6-0.

RESOLUTION 06-23 is ADOPTED.

ITEM #3 RESOLUTION

2nd 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. (*1st Reading 01.03.23)

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, 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. This legislation will allow the City to bid out that project. The estimated cost for design and engineering and to replace the line is approximately $370,000. The City hopes to use funding from Brownfield Mitigation Grant to make repairs. This item can go three readings.

This will go to third read.

ITEM #4 RESOLUTION

2nd 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. (*1st Reading 01.03.23)

City Manager Doug Lewis spoke on this piece of legislation. He stated while working on the Hotel Project and looking at the Splash Park Project and potential future development at the Sidley property, the City determined the wet well was undersized and would need to be enlarged. The City would lie to bid out the project out prior to the installation of the Splash Park. The estimated cost is $500,000 and the Water Pollution Control Department is looking at a low interest loan from Ohio Water Pollution Control Fund which was approved by Council. This would be the additional funding to use to fund this project. It would be estimated to be $60,000 a year for the next 20 years. This item can go three readings. The funding requested includes three projects.

This will go to third read.

UNFINISHED BUSINESS: None

NEW BUSINESS: Charter Review Committee Update

Assistant City Manager Tony Zampedro spoke on this matter. He stated that Council has been provided with a short memorandum which outlines the Charter Review Committee. The City is in the 10 year cycle, per Article XIII, Section 2. The last one was conducted in 2013. At this time, per charter, Council is to select nine qualified electors of the city to serve on the Charter Review Committee. The Administration has reached out to some of the past applicants of 10 years ago and posted on social media to advertise to submit a letter of interest, to the Clerk of Council, who would like to serve on the committee. There may be a special meeting needed this month to appoint the members and to make sure the body is empaneled. Prior to this cycle, an organizational meeting was held in February 2013 to decided how to approach the task, setting monthly meeting dates from April through June, with July tentatively scheduled, and reviewed the various charter articles sequentially. Input from the public, administration, council, and charter members was solicited by setting a two week proposal or amendment deadline before each meeting in regards to what needs to be discussed and potentially addressed in a charter amendment. There was a support staff for that body included the Clerk of Council, Law Director, a representative from the City Manager's Office, Finance Director, and one member of Council to serve as a liaison. The filing deadline for this year is August 9th at 4:00 PM. The Charter Review Committee will make the recommendations and submit it to council for submittal to the Board of Elections. Discussion ensued about having the committee's recommendations go three reads before council but explained that council is obligated to put on the ballot what the committee prepared with no adjustments, modification or amendment to their proposal. The question was ensued about giving the public the opportunity to hear it for three reads. Law Director Jim Lyons clarified the question about passing the ordinance and that it is a ministerial act that Council has to accomplish, and a deadline in which the recommendation needs to accomplished. Extensive education would be provided to the public on the changes to the charter and the meetings will be opened to the public to attend.

DEPARTMENTAL PRESENTATIONS: None

ADMINISTRATIVE REPORTS: Law Director and City Manager

Law Director Jim Lyons encouraged residents to apply for the Charter Review Committee.

City Manager Doug Lewis reported on the following items: He stated the City is seeking nine city residents to be members of the 2023 Charter Review Committee, information is posted on the website and a letter of interest must be submitted by Monday, January 23rd. In regards to the rental registration changes, the Community Development Department has sent out 492 emails with the rental registration applications. Applications are due March 15th. The City will be meeting with Renew Partners to discuss the Victoria Place Project to address any issues which needs to be completed. The streetscape improvement in front of the Chase Bank building is moving forward with the final project design. The project will be bid out in March and construction will occur throughout the summer. Construction of the building should be in the next two to three months, and the project is moving forward. An update for the property at five points was given. A restaurant will be developed on this location by Anthony Zapatelli and internal construction will start within the next two months. In regards to the Bank Street Property, Nerone and Sons have put the sheet piling material in place for the project. Tree clearing has been completed. No additional work will be completed until late February. The City is waiting on an updated schedule from the Contractor and Army Corps of Engineers. Ward 1 East violations have until October 31st this year to complete. The City sent out 118 reminder letters to the residents. The City has reviewed Ward 1 and 97 residents are still non-compliant with a total of 483 sidewalk blocks. The estimated cost is approximately $210,000.00. The City will be sending out additional letters to the residents in a couple of weeks for their plan and when they plan to correct the violation. The goal is to obtain voluntary compliance and work with the property owners as much as possible. Construction of the water line on Chester Street has started and is moving forward. Repaving the road will begin after the water line has been completed. The City received a 50% award from OPWC for Reed Avenue and will be bid out after July 1st. Susan Crotty, the new Economic Development Director, and Bill Parkinson, the new Finance Director, started on February 9th. Nominations are being received for the John F. Clair Award. Nomination period is open until January 31st, if residents would like to nominate a local business. The next BZA meeting is Thursday, January 19th. The Recreation Department is preparing for sponsors for various events. Interested sponsors can contact the Recreation Department. They are also working on summer camp and job notices for summer camps. Individuals were encouraged to apply for those positions. The Martin Luther King celebration at Lake Erie College was a nice event to attend.

CORRESPONDENCE: Clerk of Council

The next regular Council meeting will be held on Monday, February 6th at 7:30 PM.

CLOSING COMMENTS: Members of Council

Mr. Fodor commented about Council's financial disclosure for 2022 and reminded the other council members to complete it. He encouraged residents to apply for the Charter Review Committee. He thanked the individuals from the school board who met with several of the Administrators and Mrs. DiNallo and himself and looks forward to working with the school board to try to improve the quality of life for the residents.

Mr. Abney thanked the Parks and Recreation Committee for all the various projects throughout 2022. He echoed Mr. Lewis' sentiments about the Dr. King's event and other events that took place that weekend. He thanked the school board and our leaders for their discussion about moving Painesville forward and how the community can work together.

Mrs. DiNallo had not comments at this time.

Mr. Augustine commented about the sidewalks in Ward 3. Letters were mailed in October and thanked Mr. Lewis and Leanne Exum for answering the residents questions on this matter. He reminded residents that the City has information available about tree planting guide that are acceptable to be on the tree lawn.

Mr. Rodriguez thanked residents attending and watching tonight's meeting. He also commented on nice the Martin Luther King Jr. event was to attend. He thanked the individuals who put the event together and for hosting the Harvey Choir.

Mrs. Shoop echoed what everyone said and asked Administration about the poor condition of the sidewalks under the overpasses on St. Clair Street and State Street. Mr. Lewis will be checking into this matter. She thanked everyone who attended tonight's meeting.

Mrs. Shoop asked for a motion to move into the Executive Session.

Mr. Fodor motioned to move into EXECUTIVE SESSION BEING HELD IN ACCORDANCE WITH ARTCLE II, Section 6(1) To consider the appointment employment, dismissal, discipline, promotion, demotion or compensation of an employee or official of the City, and BEING HELD IN ACCORDANCE WITH ORC. 121.22(8) To consider confidential information related to marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance in accordance with section 3735.67 of the Revised Code, seconded by Mrs. DiNallo.

All Council Members were in favor by answering "Aye". Motion carried to move into Executive Session at 8:30 PM.

Mrs. DiNallo moved to adjourn the Executive Session, seconded by Mr. Augustine.

On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Rodriguez, and Mrs. Shoop, were all in favor by answering "Yes". Motion carried at 10:33 PM.

Mr. Rodriguez moved to adjourn the Regular Meeting, seconded by Mr. Augustine.

On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Rodriguez, and Mrs. Shoop, were all in favor by answering "Yes". Motion carried at 10:35 PM.

Meeting adjourned at 10:35 PM.

Samantha Danielson
Clerk of Council

Christine Shoop
President of Council