REGULAR COUNCIL MEETING
TUESDAY, JANUARY 16, 2024 – 7:00 PM
EXECUTIVE SESSION IMMEDIATELY FOLLOWING

CALL TO ORDER

President Jim Fodor called the Regular Council Meeting to order at 7:00 PM. City Council convened for a regular meeting in Council Chambers – Courtroom #1.

ROLL CALL FOR ATTENDANCE

Councilpersons Derrick Abney, Nick Augustine, Lori DiNallo, Christine Shoop, and Jim Fodor were present. Mario Rodriguez arrived at 7:11 PM. Paul Hach was not able to attend.

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

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

Other City Staff in attendance: City Manager Doug Lewis, Assistant City Manager Tony Zampedro, Assistant Law Director Joe Gurley, Economic Development Director Susan Crotty, Administrative Lieutenant Toby Burgett, City Engineer Leanne Exum and Clerk of Council Samantha Danielson

APPROVE AGENDA AS SUBMITTED

Mr. Fodor asked for a motion to approve the agenda.

Mrs. DiNallo moved to approve the agenda, seconded by Mrs. Shoop. All Council Members were in favor by answering "Aye". Motion carried. Agenda approved.

SWEARING-IN: Nick Augustine (Ward III)

Nick Augustine was sworn in as Ward III Councilman, effective January 1, 2024 to December 31, 2027, by the Assistant City Manager Tony Zampedro, with Mr. Augustine's wife, Vanita Augustine, holding the Bible.

INVOCATION was given by Councilperson Nick Augustine.

PLEDGE OF ALLEGIANCE was recited.

MINUTES: Special Meeting-Executive Session 01.02.24 and Regular Meeting 01.02.24

Mr. Fodor asked for a motion to approve the minutes from the Special Meeting-Executive Session on January 2, 2024 and Regular Meeting on January 2, 2024.

Mr. Abney moved to approve the minutes from the Special Meeting-Executive Session on January 2, 2024 and Regular Meeting on January 2, 2024, seconded by Mrs. Shoop. Mr. Abney, Mrs. Shoop, and Mr. Fodor were in favor by answering "Aye". Mrs. DiNallo and Mr. Augustine abstained. Motion carried. Minutes approved.

PUBLIC COMMENTS: None

COMMITTEE REPORT: Parks and Recreation Commission, Planning Commission

Parks and Recreation Commission

Mr. Augustine gave a report on this committee which was held on January 9, 2024. The following items were discussed: Public Lands and Recreation Director, Michelle LaPuma, ask Recreation Supervisor, Justin Gollin, to update the Commission on the upcoming 2024 Events. Justin handed out rack cards with the 2024 City Events listed and explained the department was working to get sponsorships for the 2024 events. Communication Coordinator, Kathleen Sullivan, had developed new Event Sponsorship Forms that are available on the City Website. The first event of 2024 will be the Egg Hunt in Veteran's Park, on March 23rd at 10:00 a.m. They are also collaborating and in the early planning stages with Lake Erie College on a Solar Eclipse Event to be held on the LEC campus on Monday, April 8. More information on this event will be available as the date gets closer. The Commission Members were updated on the status of the Splash Pad and Dog Park at Kiwanis Recreation Park. The contractor has begun installation of the plumbing connections for the Splash Pad. The Grand Opening will be on Memorial Day Weekend. They are currently getting quotes for the fencing needed for the Dog Park with hopes of having this project completed early spring. With the completion of the Dog Park, the Recreation Department is looking to apply for the 2024 NatureWorks Grant to add a zipline and other adventure play activities at Kiwanis Recreation Park.

Planning Commission

City Manager Doug Lewis gave a report on this committee which was held on January 11, 2024. The following items were discussed: The City of Painesville has received an application from Rajeshkumar Patel requesting to waive the applicable appearance standards from Section 1117.10 Appearance Standards for Nonresidential Uses in the B-1 and B-2 Districts. The property has been vacant for an extended period of time and is considered a non-conforming site. The applicant was seeking to re-establish business occupancy at this location and therefore must first establish conformity with such district the property is located in, being the B-2 General Business District and the Richmond Street Design Review Overlay District. By a vote of 4-0 the waiver request was tabled to allow the applicant time to re-submit a site plan that is compliant with the code. A Special Meeting will be held on January 23, 2024 for a Conditional Use Permit to allow Residential in the Downtown Development District for the Payne and Payne Development.

LEGISLATION:

ITEM #1 ORDINANCE

2nd Reading* – An Ordinance amending Section 167.071(A), of the Painesville Code of 1998 relating to the Classification and Compensation plan, and declaring an emergency. (*1st Reading 01.02.24)

Assistant City Manager Tony Zampedro spoke on this piece of legislation. He stated the Administration arrived at a tentative collective bargaining agreement with the Fire Union which was subsequently ratified by that union in December. He explained the wage package is outlaid in the agreement, as well as, an adjustment to the paramedic pay and holiday pay. This is a three-year agreement. It was being asked to be adopted at tonight's meeting so the City can begin honoring the terms of the new agreement which was to start January 1, 2024. The percentage increases are as follows: *Wages: 5%, 3%, and 3% for the three contract years January 1, 2024 through December 31, 2026; Paramedic Pay: Modified from $2,500.00 annually to an annual amount equal to 5% of base wage but not to exceed $4,500.00 annually; and Holiday Pay: Employees who are not regularly scheduled to work on a holiday and are later required to work on a holiday currently receive the same premium pay as those regularly scheduled on a holiday at the rate of 1.5 times regular rate. The new contract provides that such rate for these individuals will increase to 2 times regular rate if they are called in to cover a shift on a holiday.*

Mr. Fodor thanked the Administration for working on this and having conversations that concluded satisfactory results for both groups. Mr. Zampedro also recognized the negotiating team for the firefighter's unit was extremely positive and good to work with. He commented that they do a good job for our citizens and wanted to acknowledge them.

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

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

Mrs. DiNallo moved to adopt, seconded by Mrs. Shoop.

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

ORDINANCE 01-24 is ADOPTED.

ITEM #2 ORDINANCE

2nd Reading* – An Ordinance amending Section 167.071, of the Painesville Code of 1998 relating to the Classification and Compensation Plan, and declaring an emergency. (*1st Reading 01.02.24)

City Manager Doug Lewis spoke on this piece of legislation. He stated full and permanent part-time employees are required to reach a total of 2,080 hours worked before they are eligible for an increase in wages. Upon the request of City Council, the permanent part-time City of Painesville Clerk of Council's hours were evaluated, and it has been determined that the required 2,080 have been met. It is City Council's desire to increase the Clerk's hourly rate from $21.50 per hour to $23.42 per hour retroactively to October 26, 2023. Staff is asking that this item be passed on first reading. Otherwise, the Clerk of Council will not be paid the increased rate for her services performed until its passage. There was clarification that the date was incorrect. It should be October 23, 2023. Mr. Fodor thanked Mrs. Shoop for the time and effort she put into this, and thanked Mrs. Danielson for the time and energy she puts into her job.

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

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

Mrs. Shoop moved to adopt, seconded by Mrs. DiNallo.

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

ORDINANCE 02-24 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 2024 Asphalt Resurfacing of Various Roads Project, and declaring an emergency. (*1st Reading 01.02.24*)**

City Engineer Leanne Exum spoke on this piece of legislation. She stated this resolution is for the paving of East Washington Street and Roosevelt Drive. It was being asked to be passed at tonight's meeting so to advertise as soon as possible. This project will go out to bid with an engineer's estimate of $466,000.00 for both roads and the same contractor. Mr. Lewis clarified there are other streets to be completed in 2024. Liberty Street will be done in partnership with NOACA and ODOT.

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

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

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

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

RESOLUTION 01-24 is ADOPTED.

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 for the 2024 Sidewalk Repair and Replacement Program, and declaring an emergency. (*1st Reading 01.02.24*)**

City Engineer Leanne Exum spoke on this piece of legislation. She stated this resolution is to advertise for the sidewalks that are the city's responsibility in Ward 4 and the streets in Ward 4 are community are: Community Lane, Button Avenue, Stage Avenue, Michael Court, Jefferson Street, Morse Avenue, Axtell Avenue, Kerr Avenue, Carmody, Hayes Street, Richmond Street, Chestnut Street, Mentor Avenue, Green Court, West Jackson Street, and Grant Street. West Eagle Street was on the list but is being removed because it requires a reconstruction and waterline, and the sidewalks will be completed after those projects are completed. Residents who don't have sidewalks in front of their house will not be required to place sidewalk where there is not sidewalk. A concern about liability and who is responsible for an injury that occurs was brought forth. Mr. Gurley clarified that liability could fall on the resident because maintenance and responsibility would be on the adjacent property owner per city ordinance. It was being asked to be passed at tonight's meeting so to advertise as soon as possible. Mr. Fodor thanked the city employees for handling these challenging and stressful situations regarding the sidewalk program. Mrs. DiNallo commented that the City has worked to support residents who financially cannot afford it and thanked the Administration for making the efforts to help. 18 residents have been cited for not complying and had to appear in court. A plan is being implemented to have the residents comply, hoping to work with the residents and obtain voluntary compliance. Mr. Lewis thanked the residents who are cooperating. Grant funding has been made available to qualifying residents. He thanked the Engineering Department for overseeing and administrating the program. Bulk price quotes should be available soon for residents to receive support for fixing their sidewalks before they are actually given notice.

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

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

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

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

RESOLUTION 02-24 is ADOPTED.

ITEM #5 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 Streetscape Improvements Project, and declaring an emergency. (*1st Reading 01.02.24*)**

City Engineer Leanne Exum spoke on this piece of legislation. She stated this resolution is for the streetscape project along Main Street to the intersection with South Park Place. This project starts the Streetscape at the intersection of Liberty Street and South Park Place and continues along South Park Place ending at Main Street. Lake Erie College is now leasing the Chase Bank Building on South Park Place. The City would like to continue the streetscape around the south side of Veteran's Park along South Park Place. The cost associated with this project is accounted for in the 2023 Capital budget under the following accounts: NOACA TLCI $375,000.00, ARPA Funding $650,000.00, Electric Budget $300,000.00, Stormwater Fund $233,000.00, CDBG $60,000.00, and possibly Federal Earmark $500,000.00 and Lake County Commissioners ARPA $430,000.00. It was being asked to be passed at tonight's meeting so to advertise as soon as possible. Concerns were expressed about where funding would come from if the City does not receive the all the funding. It was clarified by Mr. Lewis that the City will obtain the monies or complete the project in phases.

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

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

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

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

RESOLUTION 03-24 is ADOPTED.

ITEM #6 RESOLUTION

***2nd Reading* – A Resolution to retain Douglas L. Lewis as City Manager and authorizing the City Council to enter into an agreement which establishes the terms of employment, and declaring an emergency. (*1st Reading 01.02.24*)**

Mr. Fodor acknowledged Mrs. Shoop's work on the contract and this contract is for another three more years. He expressed the Council's appreciated and accolades for Mr. Lewis' hard work and dedication he has for the city.

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

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

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

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

RESOLUTION 04-24 is ADOPTED.

ITEM #7 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 Police Towing Contract, and declaring an emergency.**

Administrative Lieutenant Toby Burgett spoke on this piece of legislation. He stated the police towing contract is ending on March 31, 2024. They would like to advertise, having a bid meeting, and select the lowest and best bidder and enter into a contract before the contract expires. It is being asked to be passed at tonight's meeting. It is a one-year contract with two additional one-year extensions if the police department chooses. The current contractor is Bob's Towing.

Mrs. DiNallo moved to suspend, seconded by Mrs. Shoop.

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

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

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

RESOLUTION 05-24 is ADOPTED.

UNFINISHED BUSINESS: None

NEW BUSINESS: Goose Droppings at Recreation Park

Mr. Augustine gave an update on this issue stating after a resident had expressed concerns regarding goose control and maintenance at Rec Park. This was brought up at the Parks and Rec meeting as well, but council members were asked to provide direction on how to handle the situation. Discussion ensued about a similar problem at Lakeland College and how they are handling the situation. Council Members agreed to have the City Manager contact the company, Ohio Geese Control, to gather further information and other options like wildlife natural resources.

DEPARTMENTAL PRESENTATIONS: None

ADMINISTRATIVE REPORTS: Law Director and City Manager

Assistant Law Director Joe Gurley had no report at this time.

City Manager Doug Lewis reported on the following items: He thanked City Council for the renewal of his contract and looks forward to the next three years and the progress in the City. He is very excited for what is happening in the community and working with staff and City Council to move the City forward; The City did transfer the property to Payne and Payne. They looked at the construction of the building they will be putting on the site; and there are a variety of groundbreakings events taking place in the near future, and a tour, for staff and Council, of the Towers of Lake Erie College will be scheduled soon.

CORRESPONDENCE: Clerk of Council

The next regular Council Meeting will be held on Monday, February 5th at 7:00 PM.

CLOSING COMMENTS: Members of Council

Mr. Abney had no comments at this time.

Mrs. DiNallo stated she appreciated how Mr. Zampedro recognized the firefighters and their ability to work well with administration, and the important role they play in our community. She expressed appreciation to Mr. Lewis for his innovative solutions to projects and his diligent hard work in moving the City forward. She applauded and thanked him for his ability to build and maintain relationships with other professionals.

Mrs. Shoop acknowledged Mr. Gurley for coming in for Mr. Lyons tonight. She stated she was glad Mr. Lewis was staying and that the city staff are a truly phenomenal and an excellent team.

Mr. Augustine stated he appreciated his family for attending tonight's meeting and for Mr. Zampedro for swearing him in for another 4 years. He expressed how excited he is to be on Council and to have been nominated to be vice-president. He thanked Mrs. Shoop for all the work she did and looks forward to working on Painesville together. Mr. Fodor reiterated that this is what a community is about, where the younger generation interacts with the older generation to share moments together. This is the difference between a city and a community, and this is what we are trying to build.

Mr. Rodriguez thanked all who attended and watched tonight's meeting. He mentioned how well and amazing the MLK Day Celebration went at Lake Erie College. He also commented about the power outage and that he appreciated the staff who worked on restoring it quickly and thanked the staff for picking up tree branches/limbs from the storm. He congratulated Mr. Lewis.

Mr. Fodor mentioned the passing of Joe Mucciarone who was a Painesville's educator and superintendent. He was a resident of Painesville who cared for Painesville, which makes a difference between a city and a community. He clarified some "housekeeping" notes: committee assignments, apparel and form, notification of attending conferences or vacations. Mr. Fodor and Mr. Augustine recognized and presented the perfect attendance award for 2023 to the following Council Members: Mrs. DiNallo and Mr. Abney. He, himself, also had perfect attendance in 2023. He thanked the Clerk of Council, Samantha Danielson, and her elementary school background for making the certificates and working with Council. Mrs. DiNallo thanked Mrs. Danielson as well.

EXECUTIVE SESSION

Mr. Fodor asked for a motion to move into the Executive Session.

Mr. Augustine motioned to move into the Executive Session BEING HELD IN ACCORDANCE WITH ARTICLE II, Section 6(2) To consider the purchase or lease of property for public purposes if premature disclosure of information would be adverse to the public interest, and 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. Shoop.

All Council Members were in favor by answering "Aye". Motion carried to move into the Executive Session at 7:58 PM.

Mr. Fodor asked for a motion to adjourn the Executive Session.

Mrs. DiNallo moved to adjourn the Executive Session, seconded by Mr. Rodriguez. All Council Members were in favor by answering "Aye". Motion carried to adjourn the Executive Session at 8:53 PM.

ADJOURNMENT

Mr. Fodor asked for a motion to adjourn the Regular Meeting.

Mrs. DiNallo moved to adjourn the Regular Meeting, seconded by Mr. Rodriguez. All Council Members were in favor by answering "Aye". Motion carried to adjourn the Regular Meeting at 8:54 PM.

Meeting adjourned at 8:55 PM.

Samantha Danielson
Clerk of Council

Jim Fodor
President of Council