SPECIAL COUNCIL MEETING
MONDAY, MARCH 31, 2025 – 7:00 PM

CALL TO ORDER

President Jim Fodor called the Special Council Meeting to order at 7:00 PM. City Council convened for a special 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: Assistant City Manager Tony Zampedro, Law Director Jim Lyons, Economic Development Director Susan Crotty, Police Chief Dan Waterman, City Engineer Leanne Exum, Public Service Director Jarod McCrone, Director of Planning Sarah Sitterle, Recreation & Public Lands Director Michelle LaPuma, and Clerk of Council Samantha Danielson.

APPROVE AGENDA AS SUBMITTED

Mrs. Shoop made a motion to approve the agenda, seconded by Mr. Hach. All Council Members were in favor by answering "Aye". Motion carried. Agenda approved.

ITEM #1 ORDINANCE

2nd Reading* – An Ordinance amending Chapter 943 "Illicit Discharge and Illegal Connection Control" of the Painesville Code of 1998, and declaring an emergency. *(1st Reading 03.17.25)

City Engineer Leanne Exum spoke on this piece of legislation. She stated this legislation is being updated because EPA did an audit on our stormwater and found that the City was in violation due to our ordinances were not up to date. They want a more general ordinance that points everybody to their general construction permits for the GCP. The deadline was extended to the end of May.

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

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

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

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

ORDINANCE 10-25 is ADOPTED.

ITEM #2 ORDINANCE

2nd Reading* – An Ordinance amending Chapter 941 "Storm Water Utility and Storm Water Management" of the Painesville Code of 1998, and declaring an emergency. *(1st Reading 03.17.25)

City Engineer Leanne Exum spoke on this piece of legislation. She stated the explanation is the same as she previous mentioned, as well as the next resolution.

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

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

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

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

ORDINANCE 11-25 is ADOPTED.

ITEM #3 ORDINANCE

2nd Reading* – An Ordinance amending Chapter 1143 "Erosion and Sediment Control" of the Painesville Code of 1998, and declaring an emergency. *(1st Reading 03.17.25)

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

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

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

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

ORDINANCE 12-25 is ADOPTED.

ITEM #4 ORDINANCE

2nd Reading* – An Ordinance amending Chapter 909 – Sidewalks by repealing Ordinance 909.07 – Prosecution of Violations and also amending Ordinance 1349.231 – Sidewalks, and declaring an emergency.** ***(1st Reading 03.17.25)

City Engineer Leanne Exum spoke on this piece of legislation. She stated this was brought to the City's attention at a meeting regarding sidewalks violations and remove the criminal portion/charges of the ordinance. It will be handled as civil charges. The city has not received any residents' correspondence regarding this legislation; several landlords' expressed concerns with the way it was written. It was clarified that this will correct this issue for them. Mrs. Exum stated once this is passed, the city can recite those owners to let them know that the city will go through the civil process with assessment. The ORC does not allow sidewalk violations to be prosecuted in a criminal fashion, but it does allow cities to enact remedial type legislation. It does not directly have a misdemeanor citation for not fixing the sidewalk.

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

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

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

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

ORDINANCE 13-25 is ADOPTED.

ITEM #5 RESOLUTION

2nd Reading* – A Resolution authorizing and directing the City Manager to approve advertising for bid the purchase of two (2) 4x4 electric utility trucks for Painesville Electric Distribution and the City of Painesville, Ohio, and declaring an emergency.** ***(1st Reading 03.17.25)

Assistant City Manager Tony Zampedro spoke on this piece of legislation. He stated Mr. Price explained the rationale for the need this at our last meeting. The cost was budgeted for 2025. The bidding process has started, per Council approval at the March 17, 2025 meeting.

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

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

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

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

RESOLUTION 21-25 is ADOPTED.

ITEM #6 RESOLUTION

2nd Reading* – A Resolution authorizing and directing the City Manager to sign the amended Subgrant between the City of Painesville and Cuyahoga County, and declaring an emergency.** ***(1st Reading 03.17.25)

Assistant City Manager Tony Zampedro spoke on this piece of legislation. He stated as per direction this was discussed at the Utility Committee. Mr. Hach who attended the meeting stated the committee was in agreement with council. It was recommended that council should approve the language as submitted. The committee members also wondered how long it would take for the county to reimburse the city, and regulations require a reimbursement must be with 30 days of submittal. Mrs. DiNallo mentioned an email sent by a resident, Dan Plagman, regarding the current US Administration does not support the renewable energy, and the $80

million dollar grant is in doubt. He wondered if our electric plants still a value resource. She reminded members that if council did not approve the legislation the "deal" would be off the table. Mr. Zampedro did follow up our state senator and representatives do support and is committed to this project. The expenditures will be phased in as the project proceeds. Mrs. Shoop reiterated that expenses would come before council for approval and concern about loan repayment if the grant fails. Mr. Zampedro explained that our coal plant is well beyond its life expectancy and capacity, and would be quite costly to update. He reassured that the city is not going to sign for loans unless there are some reassurances. He stated that funding is available and Cuyahoga County is moving forward. The decommissioning of the plant will be in the near future. Once the batteries are in, they will allow the city to meet peak needs.

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

On roll call, Mr. Augustine, Mrs. DiNallo, Mr. Hach, 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, Mr. Hach, Mr. Rodriguez, Mrs. Shoop, Mr. Abney, and Mr. Fodor answered "Yes". Mrs. DiNallo answered "No". Motion carried 6-1.

RESOLUTION 22-25 is ADOPTED.

ITEM #7 RESOLUTION

***1st Reading* – A Resolution authorizing and directing the City Manager to enter into a contract with the Ohio Department of Transportation for the purchase of sodium chloride, and declaring an emergency.**

Public Service Director Jarod McCrone spoke on this piece of legislation. He stated this is an annual piece of legislation to enter into a contract with ODOT for salt purchase. The city's supply has been depleted due to the recent winter conditions. This is to purchase approximately 3300 tons of salt with a cost of $56.00 per ton. This is to renew the contract.

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

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

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

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

RESOLUTION 23-25 is ADOPTED.

ITEM #8 RESOLUTION

***1st Reading* – A Resolution authorizing and directing the City Manager to enter into an agreement with the Painesville Area Little League ("Agreement") to provide concession services at Kiwanis Recreation Park within the City of Painesville, and declaring an emergency.**

Recreation & Public Lands Director Michelle LaPuma spoke on this piece of legislation. She stated the agreement has been discussed with the president of the Little League and a board member, and they are in agreement with the concession stand to purchase inventory and prepare to open by mid-April. Significant provisions contained therein are: In recent discussion with Little League, it is currently intended to have regular hours from 4 p.m. – 8:00 p.m. weekdays and 9:00 a.m. – 1:00 p.m. on Saturdays. Based upon actual demand these hours may become longer or shorter; utilities are separately metered and will be paid for by the Concessionaire during the season; there will be no fee to the Concessionaire during the term of this contract for the provision of the service or use of the building; and their property items belonging to Little League were outlined. A report will be provided to the city at the end of the year evidencing sales activity. The contract ends on August 15, 2025.

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

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

Law Director Jim Lyons suggested amending the resolution and adding language that indicates that the City Manager is authorized to sign a substantially similar form.

Mrs. Shoop clarified what Mr. Lyons stated and made a motion to amend Item #8 to include that the City Manager would be able to enter into an agreement in a form substantially similar to the attached agreement (SECTION I of the Resolution), seconded by Mr. Augustine.

(It was brought to councils' attention the adoption of the amended legislation was overlooked and had to reconvene the meeting at 7:58 PM to complete the adoption of the resolution.)

ITEM #9 RESOLUTION

***1st Reading* – A Resolution authorizing and directing the City Manager to enter into a third amended Development Agreement with Grand River Walk, LLC for the purposes of development at 257 East Main Street, and declaring an emergency.**

Two representatives, Jon Sines and Michael Vidmar from Grand River Walk, LLC spoke on this legislation. This request is for another amendment to the Development Agreement in order to issue bonds they will need to complete the project. This is the last step to closing the loan and moving forward, and was being asked to pass tonight. Mr. Sines explained that the changes are from Huntington Bank and their process, and other lenders' negotiate terms and adjustment of the project. A letter from Huntington Bank was submitted to Council. Terms would change, as the process of closing occurred. Once the loan is closed, the project can move forward. It is anticipated this will be the final time needed to amend the Development Agreement and start the project. Mr. Lyons explained the process and language in the resolution regarding the revisionary clause and the penalty.

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

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

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

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

RESOLUTION 25-25 is ADOPTED.

ADJOURNMENT

Mr. Fodor asked for a motion to adjourn the Special Council Meeting.

Mrs. Shoop moved to adjourn the Special Council Meeting, seconded by Mr. Rodriguez.

On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Hach, Mr. Rodriguez, Mrs. Shoop, and Mr. Fodor answered "Yes". Motion carried at 7:54 PM.

**Meeting was reconvened at 7:58 PM to complete Item 8 Resolution adoption.*

Roll call was taken.

Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Rodriguez, Mrs. Shoop, and Mr. Fodor were present. Mr. Hach left at 7:54 PM.

Mrs. Shoop moved to suspend amended Item #8 Resolution, seconded by Mr. Augustine.

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

Mrs. Shoop moved to adopt amended Item #8 Resolution, seconded by Mr. Rodriguez.

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

RESOLUTION 24-25 is ADOPTED.

Mr. Fodor asked for a motion to adjourn the Special Council Meeting.

All Council Members were in favor by answering "Aye". Motion carried to adjourn the Special Council Meeting at 8:02 PM.

Special Meeting adjourned at 8:02 PM.

Samantha Danielson
Clerk of Council

Jim Fodor
President of Council