REGULAR COUNCIL MEETING
MONDAY, DECEMBER 21, 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: Councilperson Paul Hach, Interim City Manager Doug Lewis, Law Director Joe Gurley, City Planner Lynn White, Communications Director Kathleen Sullivan, Finance Director Andy Unetic and Clerk of Council Samantha Danielson. The following in attendance by video conference: Councilpersons Christine Shoop, Tom Fitzgerald, Lori DiNallo, Katie Jenkins, Nick Augustine, and Jim Fodor, and Electric Superintendent Jeff McHugh.

On roll call for attendance, Mrs. Shoop, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, and Mr. Fodor, and Mr. Hach were present. Mr. Fitzgerald was present as well.

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

Mr. Augustine moved to approve the agenda as submitted, seconded by Mrs. Jenkins.

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

Katie Jenkins gave the invocation. The Pledge of Allegiance was recited.

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

- Executive Session 12.1.20 and Regular Meeting 12.7.20

Mrs. Jenkins motioned to approve the minutes, seconded by Mrs. Shoop.

On roll call, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, Mrs. Shoop, and Mr. Hach were all in favor by answering "Yes". Minutes accepted.

Public Comment: None

Committee Report:

Planning Commission

Doug Lewis presented the following items which were presented to the Planning Commission for consideration during their regularly scheduled meeting on December 10, 2020. Johnson Funeral Home – Crematory Use - the Public Meeting Presentation for Johnson Funeral Home remains tabled until next month as requested by the applicant.
Review and Extension Request for a Conditional Use Permit (Refusal No. 2111) issued to Glenn Springs Holdings, Inc. (previously Lakeview Bluffs LLC and Tierra Solutions, Inc.) for soil removal at Elm Street with the stipulations that were agreed upon for the original permit and that Condition #18 be invoked so that the applicant provides a progress report to the Planning Commission no later than the December 2021. Motion carried, 5-0. Request for Text Amendment – B-2; General Business District – Music Production Studio for the B-2 General Business District. Motion was given and seconded to prepare language for the Unified Development Code for the addition of a music production studio as a conditional use in the B-2; General Business District. Motion carried, 5-0.

Board of Zoning Appeals (BZA)

Doug Lewis presented the following items which were presented to the Board of Zoning Appeals on Thursday, December 17, 2020. Three items were heard for the Board's decision. Refusal 2357 – consisted of two variance requests submitted by Hallmark Excavating (Todd Harrison) for the R-1; Single Family Residential District for a 19-lot subdivision (Lexington Village No. 2). The Board approved the request for the required lot width to be 60-feet in lieu of the 75-feet by a vote of 4-1; and the Board denied the request for the required minimum square footages for the dwelling units to be 1,400 s.f. in lieu of the 1,600 s.f. by a vote of 2-3; Refusal 2358 – the Board granted the variance request to permit construction of an accessory structure in the rear yard with a 1-foot setback from the east side property line and a 1-foot 7-inch setback from the west side property line at 317 East Erie Street by a vote of 5-0; Refusal 2359 – the

Board granted the variance request of three-feet to permit a 6-foot high solid wood fence in the front yard at 477 Chardon Street by a vote of 5-0.

Legislation

AN ORDINANCE AMENDING CHAPTER 1115 OF THE PAINESVILLE CODE OF 1998, RELATING TO BUSINESS PARK DEVELOPMENT
was given third read.

Doug Lewis referred to comments stated previously at Council Meetings that this is proposed text amendment to Section 1115.24 Business Park Development. It was given favorable recommendations to the Unified Development Code. The proposed text amendment creates Business Park Development as a conditional use within the B-2; General Business zoning district and is subject to the standards noted in Section 1115.19 and 1115.24. Section 1115.19 Industrial Performance Standards for industrial development provides specific conditions that apply to machinery, processes or products and limits certain activities. Section 1115.24 is the new language for Business Park Development which allows for light industrial and research and development uses in a campus like setting and also allows for offices and compatible commercial establishments that would be secondary, but supportive to these permitted uses. The amendment will further the intent of the Unified Development Code and are in harmony with the goals and objectives of the City's Comprehensive Plan. There are a few undeveloped larger commercially zoned properties within the city that the property owners have expressed a desire for a mixed use development. The creation of this type of use will allow the Economic Development Director the ability to work with the property owners to develop the properties in accordance with the Economic Development Strategic Plan.

Mrs. Shoop motioned to adopt, seconded by Mrs. Jenkins.

On roll call, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, and Mr. Hach answered "Yes". Motion carried. **ORDINANCE 18-20 is ADOPTED.**

AN ORDINANCE AMENDING SECTION 1113.06 (d) OF THEPAINESVILLE CODE OF 1998, RELATING TO BUSINESS PARK DEVELOPMENT
was given third read.

Doug Lewis stated this relates to the previously mentioned comments and adds to the commercial uses of the Unified Development Code.

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

On roll call, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, and Mr. Hach answered "Yes". Motion carried. **ORDINANCE 19-20 is ADOPTED.**

AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND EXPENDITURES OF THE CITY OF PAINESVILLE FOR THE FISCAL YEAR OF JANUARY 1, 2021 AND ADOPTING THE OPERATING BUDGET AND DECLARING AN EMERGENCY
was given third read.

Finance Director Andy Unetic was present for any discussion or questions.

Mr. Fodor motioned to adopt, seconded by Mr. Augustine.

On roll call, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, Mrs. Shoop, and Mr. Hach answered "Yes". Motion carried. **ORDINANCE 20-20 is ADOPTED.**

Mr. Fodor made a motion to direct the City Administration, not to start the implementation of the Sidewalk Program until Council has had an opportunity to discuss it further. The request is based on the substantial change of the Program from 2020 to 2021. The appropriation has changed from an increase from 30,000 to 300,000, so therefore he was recommending that it be put on old business for the next regular City Council meeting in 2021; Mrs. Shoop seconded the motion.

On roll call, Mrs. DiNallo, Mr. Augustine, Mr. Fitzgerald, and Mr. Hach answered "No"; Mrs. Jenkins, Mr. Fodor, Mrs. Shoop answered "Yes". Motion not carried.

AN ORDINANCE TO MAKE AMENDED APPROPRIATIONS AND TO AUTHORIZE ADDITIONAL INTER-FUND TRANSFERS AND ADVANCES FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF PAINESVILLE, STATE OF OHIO DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2020, AND AMENDING THE ORIGINAL APPROPRIATIONS FOR THE 2020 OPERATING BUDGET, AND DECLARING AN EMERGENCY

was given first read.

This is an annual piece of legislation that is passed at the end of each year. The legislation is for the 2020 budget adjustments so the City is in compliance with the Ohio Revised Code and the City's Financial Policies. This legislation increases 2020 line items that were over budget and it decreases some 2020 line items that came in significantly under budget. This legislation also includes the year-end transfers that are necessary to pay for next year's capital projects.

Finance Director Andy Unetic was present for discussion or questions.

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

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

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

On roll call, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, and Mr. Hach answered "Yes". Motion carried. **ORDINANCE 21-20 is ADOPTED.**

AN ORDINANCE TO AUTHORIZE ADDITIONAL INTER-FUND TRANSFERS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF PAINESVILLE, STATE OF OHIO DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2020, AND DECLARING AN EMERGENCY

was given first read.

At the end of each year, the City finances the capital projects for the upcoming year, by transferring unencumbered money out of the operating funds and into the capital project funds. This allows the City to pay cash for the majority of our capital projects. The City also has to make some of these transfers so the City is in compliance with the Ohio Revised Code. These transfers are required so the City is in compliance with the Ohio Revised Code and to pay for future capital projects. These transfers were also included in the 2020 Year End budget legislation. The State Auditor's Office requires that these transfers are in a separate piece of legislation.

Finance Director Andy Unetic was present for any discussion or questions.

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

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

Mrs. Shoop motioned to adopt, seconded by Mrs. Jenkins.

On roll call, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach answered "Yes". Motioned carried. **ORDINANCE 22-20 is ADOPTED.**

AN ORDINANCE ENACTING SECTION 929.11 OF THE CODIFIED ORDINANCES TO OFFER A RENEWABLE ENERGY PURCHASING PROGRAM

was given first read.

Electric Superintendent Jeff McHugh was present via Zoom for discussion and questions. Mr. McHugh stated that this is the legislation about Renewable Energy introduced at a previous Council meeting. This is legislation that authorizes the city manager to enter into an agreement to make it part of our master agreement with AMP, to offer this to anyone who wanted to buy, what we would call renewable energy.

The Eco-Smart program allows any of our customers to purchase Renewable Power for their energy needs. They are willing to pay for "green" power, so to speak. The customers in this program agree to pay an extra amount on their power bill (currently, $0.03/kwh) to ensure any power they receive is from renewable sources. AMP does this through the purchase of RECs (Renewable Energy Credits) in the market. It is an efficient way to provide for our customers who are energy and/or environmentally conscientious. There is nothing to purchase on the part of the City. There so financing required on the part of the City.

Questions about the program and further discussion were addressed by Jeff McHugh and Doug Lewis.

Mrs. Jenkins moved to suspend; seconded by Mrs. Shoop.

On roll call, Mr. Fitzgerald, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, Mrs. Shoop, and Mr. Hach answered "Yes". Mrs. DiNallo answered "No". Motion carried.

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

On roll call, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, and Mr. Hach answered "Yes". Mrs. DiNallo answered "No". Motioned carried. **ORDINANCE 23-20 is ADOPTED.**

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND THE TERMINATION DATE OF THE CITY'S 1990 LEASE AGREEMENT WITH THE BOARD OF EDUCATION OF THE PAINESVILLE CITY LOCAL SCHOOL DISTRICT FOR THE STADIUM COMPLEX AT PAINESVILLE KIWANIS RECREATION PARK FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS AND TO FURTHER ENTER INTO A NEW LEASE AGREEMENT WITH THE BOARD FOR SAID PREMISES PURSUANT TO THE SAME OR SIMILAR TERMS AS SET FORTH IN THE PROPOSED 2020 STADIUM LEASE AGREEMENT CURRENTLY ON FILE IN THE CITY MANAGER'S OFFICE AND DECLARING AN EMERGENCY

was given first read.

Doug Lewis stated this Resolution is to extend the lease agreement with the Board of Education of the Painesville City Local School District for the stadium complex at the Painesville Kiwanis Recreation Park and authorizing the City Manager to enter into a new lease agreement.

The City of Painesville entered into a 30-year lease agreement with the Board of Education of the Painesville City Local School District ("Board of Education") in 1990 for use of the Stadium. In addition, the City of Painesville entered into a sub-lease with the Board of Education and Lake Erie College to utilize the Stadium on February 12, 2007. It was subsequently amended twice on July 1, 2008 and December 2, 2015.

Since that time, there have been a number of issues with regards to noise, maintenance, costs and improvements. As a result, former City Manager Monica Irelan, Painesville Schools Superintendent Josh Englehart and Lake Erie College President Brian Posler had been meeting on a regular basis to discuss a new lease agreement that would address these issues. The lease agreement drafted by Law Director Gurley would be for a 20-year period and addresses the specific concerns above. Once each of the parties agrees to the terms, the new lease agreement will be executed between the City of Painesville and the Board of Education. It will enable the Board of Education to enter into a separate sublease with Lake Erie College.

City Council was being asked for approval of the Resolution to extend the current lease agreement by six (6) months and to enter into new lease agreement with the Board of Education of the Painesville Local School District for the Stadium Complex and Painesville Recreation Park. This Resolution is being asked to be passed on first reading as an emergency in order to approve the extension of the current lease agreement before it expires on December 31, 2020 and for the further reason to enter into the new agreement in a timely manner.

Law Director Joe Gurley was present for discussion or questions.

Concerns were brought up for discussion about the previous administration who made promises to the residents, that filed a petition, that there will be three readings of the new contract, which would allowed public input into the terms of the contract, and would have ample time to review it.

Joe Gurley suggested to amend the Resolution.

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND THE TERMINATION DATE OF THE CITY'S 1990 LEASE AGREEMENT WITH THE BOARD OF EDUCATION OF THE PAINESVILLE CITY LOCAL SCHOOL DISTRICT FOR THE STADIUM COMPLEX AT PAINESVILLE KIWANIS RECREATION PARK FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS AND DECLARING AN EMERGENCY

Mrs. Jenkins motioned to amend as recommended by Mr. Gurley, seconded by Mr. Augustine.

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

Mr. Augustine moved to suspend the amended Resolution, seconded by Mrs. Shoop.

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

Mrs. Jenkins motioned to adopt as amended, seconded by Mrs. Shoop.

On roll call, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine and Mr. Hach answered "Yes". Motioned carried. **ORDINANCE 23-20 is ADOPTED.**

A RESOLUTION HIRING 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
was given first read.

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

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

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

On roll call, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, Mrs. Shoop, and Mr. Hach answered "Yes". Motioned carried. **RESOLUTION 30-20 is ADOPTED.**

Unfinished business: None

New Business:

Electric Committee Rules and Regulations

Doug Lewis brought up the discussion of re-evaluating the criteria for the members of this committee due to the difficulties in the past for applicants. He asked for Councils input to modify. Discussion was given about the number of residential and non-residential committee members, education, and the importance of this committee's goals.

Department Presentation: None

Administrative Reports:

Doug Lewis thanked City Council for his appointment to City Manager. He also discussed the Sidewalk Program available to Painesville residents. Information is available on Painesville City website under the Engineering Department.

Clerk's Correspondences:

The next regular Council meeting will be held on Monday, January 4th at 7:30 PM. All City offices will be closed Thursday, December 24th and Friday, December 25th for the Winter Holiday, and Friday, January 1st for New Year's Day.

Closing Comments:

Mrs. DiNallo thanked the Police Department and other local organizations for their support in delivering care packages to local residents who were in need for the holiday season. She also shared from the Firefighters report the importance of having smoke alarms and thanked them. She expressed concerns about the blocked driveways, and if there is a snow ban, with the construction work on Skinner Avenue. She congratulated Doug Lewis on his appointment to City Manager.

Mr. Fodor also welcomed Doug Lewis, and he thanked the Planning Commission and BZA members for their commitment to the city. He wished everyone a Happy Holiday.

Mrs. Jenkins welcomed Doug Lewis and expressed her optimism that 2021 will bring.

Mrs. Shoop welcomed Doug Lewis as their City Manager. She also addressed the driveway concerns on Skinner Ave. She wished everyone a Happy Holiday Season.

Mr. Augustine welcomed Doug Lewis and wished everyone a Happy Holiday.

Mr. Fitzgerald congratulated and welcomed Doug Lewis, and wished a Merry Christmas and Happy Holidays to all of the residents.

Mr. Hach welcomed Doug Lewis as their City Manager, and wished everyone a Happy Holiday.

Mr. Hach asked for a motion to adjourn the meeting.

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

All were in favor to adjourn the meeting by answering "Aye". Meeting adjourned at 8:38 PM.

Samantha Danielson
Clerk of Council

Paul W. Hach II
President of Council