REGULAR COUNCIL MEETING
Tuesday, January 19, 2021- 7:30 pm
EXECUTIVE SESSION IMMEDIATELY FOLLOWING

President Paul Hach called the regular meeting to order at 7:30 PM. City Council convened for a regular meeting in the City Hall Conference Room, with the following in attendance in person: Councilperson Paul Hach, City Manager Doug Lewis, Law Director Joe Gurley, Communications Director Kathleen Sullivan, and Clerk of Council Samantha Danielson, and the following in attendance by video conference: Christine Shoop, Tom Fitzgerald, Lori DiNallo, Katie Jenkins, Nick Augustine, Jim Fodor, Finance Director Andy Unetic, and Economic Development Director Cathy Bieterman.

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

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

Mrs. DiNallo moved to approve the agenda, seconded by Mrs. Shoop.

On roll call, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, Mrs. Shoop, and Mr. Hach were in favor. Motion carried.

Christine Shoop gave the Invocation. The Pledge of Allegiance was recited.

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

- Regular Meeting 01.04.21

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

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

Public Comment:
From: Manon Grugel
Sent: Monday, January 18, 2021 7:46 PM
Subject: Re: Renewal of Stadium Lease Agreement

Dear Ms. Danielson,

I appreciate the message from City Manager Lewis informing myself and my neighbors that the new stadium lease agreement is up for renewal and coming before City Council. My neighbors and I have previously communicated with the City, as well as Painesville City Local Schools and Lake Erie College, about the problems our neighborhood faces and what sort of restrictions we would hope to see included in a new lease agreement. Councilmember Katie Jenkins has worked to ensure that affected residents be informed of how the new lease addresses our previous complaints. However, we have no specific feedback regarding how the lease will alleviate our frequent disturbances and permit us to enjoy our properties.

Please communicate the following to City Manager Lewis and include these questions and concerns in the public comment section of the City Council meeting on 1/19/21:

My specific questions regarding the new stadium lease are:

1) Is the proposed 2021 Stadium Lease Agreement available for review by affected neighboring residents – at least portions that deal with noise and use restrictions? If yes, then how do we get a copy?
2) Does the lease include provisions for extreme limitations on noise and use outside of the city's "[quite] hours" (from 9PM-7AM according to Painesville's noise code)? If yes, how so specifically?
3) Does the lease limit the number of events per week? And does the lease require that the City Manager explicitly and regularly review the number & duration of events to which residents are subjected before granting exemptions to the noise code?

4) Does the lease require that the complete schedule for the stadium be available to adjacent residents, so that they can know when they might be able to enjoy being in their yards? Are we guaranteed quietude on any day of the week?
5) Is use of the sound system restricted to official events (i.e. games), with no music during practices and no explicit lyric music on any amplified speakers?
6) Is the duration of music during pre-game limited? If so, what are the specifics?
7) Are there restrictions on who can access the sound system and the maximum volume? If so, what are the specific restrictions?
8) Are there substantial consequences for any individual or group who violates the lease agreement? If yes, what specifically?
9) It appeared that Council extended the current stadium lease on 12/21/20 as an emergency resolution *for six additional months*, so why is the resolution before council on 1/19/21 considered an "emergency measure", stating an end date of 2/28/21 for the current lease?

And I have three additional comments/concerns:

1) The lease (and interested parties) should acknowledge that **music is not an essential part of sporting events**. LEC and HHS baseball diamonds do not have the same sort of powerful sound system, and they are able to host functional sporting events. It seems LEC baseball does not play music for so long during games or that sound system is configured such that sound does not disturb residents on Rockwood Drive.
2) **The stadium sound system is the root of most frustrations for neighbors**. The system is very clear and powerful. Although speakers have been aimed downward, they do still face the nearest residential properties, and we hear more than is necessary. Whenever the current system is update, all responsible parties must do their due diligence to ensure that the next system minimizes sound reaching residents. It would not be difficult to rent a portable speaker system and experiment with what positions and orientations result in more or less sound reaching adjacent residences.
3) **Use of one facility for all practices and games for all field sports from both a division II college and a high school is highly unusual** and results in the stadium being used daily and for long hours – beyond the city's quiet hours. I cannot find any other facility in Ohio that has this level of use and is not an enclosed space or otherwise isolated from residential properties. Our situation would be improved if LEC had a separate practice field and/or their own stadium.

We hope that the City Manager's office and City Council recognize that, although we were not designated as interested parties in the writing of the lease, the details of the lease will have very substantial and real impacts on the daily lives of neighboring residents, and in this way, we have a vested interest in the details of the lease. And we want nothing more than for the lease to adequately address our complaints and concerns so that this is not an issue going forward.

Sincerely,
Manon Grugel-Watson

Law Director Joe Gurley asked that these issues be discussed during executive session.

Committee Report:

Planning Committee

Doug Lewis stated the following items were presented to the Planning Commission for consideration during their regularly scheduled meeting on January 14, 2021. Johnson Funeral Home – Crematory Use - the Public Meeting Presentation for Johnson Funeral Home remains tabled until next month as requested by the applicant. Motion to remove the presentation by Johnson Funeral Home from the table to allow for public comment. Motion carried, 5-0. The Administration was being asked to prepare a text amendment for consideration by the Planning Commission that would allow a crematory use as a conditional use permit in the Unified Development Code. Motion carried, 5-0. A presentation by Environmental Design Group – Complete Street and Connectivity Plan was provided as a summary of the Downtown Signage & Wayfinding Plan. It was explained that the creation of this plan is to improve vehicular and multi-modal circulation throughout downtown, along key corridors, and to major destinations. The plan will be used as a guide to help develop these specific areas, particularly when new development is proposed. It is beneficial for the Planning Commission to have a good understanding of this plan for all new applications that may require Planning Commission action. There was a request for Text Amendment – B-2; General Business District – Music Production Studio. An update was

given to the Commission on this proposed amendment. Due to the schedule after the holidays the text amendment has not been completed. It is anticipated the amendment will be heard at the February 11, 2021 Planning Commission Meeting.

Legislation:

AN ORDINANCE TO APPROVE AND ADOPT THE 2020-B CODIFIED ORDINANCES INCLUDING NEW MATTER CONTAINED THEREIN, AND DECLARING AN EMERGENCY.

was given first read.

Samantha Danielson stated that the Codified Ordinances have been reviewed and approved by Department Heads and are ready to be added to the Charter.

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

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

Mrs. DiNallo 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 01-21 is ADOPTED.**

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.

Andy Unetic stated this is legislation for additional 2020 budget adjustments so the City is in compliance with the Ohio Revised Code and the City's Financial Policies. The administration recommends that the 3 readings are waived so this legislation is passed tonight, and the City is in compliance with the Ohio Revised Code.

Mr. Augustine moved to suspend; seconded by Mr. Fodor.

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 Mr. Fodor.

On roll call, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach answered "Yes". Motion carried. **ORDINANCE 02-21 is ADOPTED.**

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 PURCHASE AND INSTALLATION OF MECHANICAL COMPONENTS TO REPAIR THE WASTE GAS BURNER AT THE WATER POLLUTION CONTROL PLANT, AND DECLARING AN EMERGENCY.

was given first read.

Doug Lewis explained that the existing waste gas burner mechanical components have deteriorated due to age and corrosion, and require replacement. The estimated cost of the project is $80,000. The $80,000.00 has been budgeted in the 2021 Water Pollution Control Plant Capital Improvement Budget, which was approved by the City Council. The $80,000 is located in the Sewer Fund. This item can go three readings. Staff is in the process of working with a consultant to design and develop the request for proposal.

Mr. Hach stated this would remain on first reading.

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW LEASE AGREEMENT WITH THE BOARD OF EDUCATION OF THE PAINESVILLE CITY LOCAL SCHOOL DISTRICT FOR THE STADIUM COMPLEX AT PAINESVILLE KIWANIS RECREATION PARK PURSUANT TO THE SAME OR SIMILAR TERMS AS SET FORTH IN THE PROPOSED 2021 STADIUM LEASE AGREEMENT CURRENTLY ON FILE IN THE CITY MANAGER'S OFFICE AND DECLARING AN EMERGENCY.

was given first read.

Doug Lewis explained this is a resolution authorizing the City Manager or enter into a new lease agreement with the Board of Education of the Painesville City Local School District for the Stadium Complex at the Painesville Kiwanis Recreation Park.

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.

We are asking that this Resolution go three (3) readings in order for the City Council and residents to address any prior concerns mentioned above.

Mr. Hach stated this would remain on first reading. These issues will be discussed during executive session.

Unfinished business: None

New Business: None

Departmental Presentations: None

Administrative Reports: None

Clerk's Correspondences

The next regular Council meeting will be held on Monday, February 1st at 7:30 pm.

Closing Comments:

Mrs. Shoop had no comments at this time.

Mrs. DiNallo had no comments at this time.

Mr. Fodor stated he participated in a webinar on homeless and what the city can do to prevent this. He talked about grants available and went on to say the city needs to look at how it can help individuals and businesses who are behind on their rent or utilities. He would like to look into ways to help. He also stated there is a Budget Meeting on February 1st. Finally, he talked about the parking and set-back of houses issues, and would like to discuss this further with the Planning Commission.

Mr. Augustine had no comments at this time.

Mrs. Jenkins had no comments at this time.

Mr. Fitzgerald had no comments at this time.

Mr. Hach stated he had heard from residents about letters they received in their utility bill. Doug Lewis commented that those letters have been corrected and apologized to those residents who received them. There were letters sent to residents in January with updated information, and will received updated information again in February. He stated there is financial assistance to contacting 211 to help with utilities bills or rent, or to contact the utility department to make arrangements.

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

Mrs. Shoop motioned to move into ***EXECUTIVE SESSION 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. Jenkins.

On roll call for attendance, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach were all in favor by answering "Yes". Motion carried.

Meeting adjourned at 8:02 pm.

Mrs. Shoop moved to adjourn from executive session, seconded by Mr. Fodor.

On roll call, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach answered "Yes". Motion carried at 9:25 pm.

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

On roll call, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach were all in favor by answering "Aye". Meeting adjourned at 9:26 pm.

Samantha Danielson
Clerk of Council

Paul W. Hach II
President of Council