REGULAR COUNCIL MEETING
Monday, February 1, 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, and Clerk of Council Samantha Danielson, and the following in attendance by video conference: Christine Shoop, Lori DiNallo, Katie Jenkins, Nick Augustine, Jim Fodor, City Engineer Leanne Exum, City Planner Lynn White, and Economic Development Director Cathy Bieterman.

On roll call for attendance, Mrs. Shoop, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach were present. Mr. Fitzgerald was not able to attend.

Mrs. Shoop made a motion to excuse Mr. Fitzgerald from the Council Meeting. seconded by Mr. Fodor. On roll call, Mr. Fodor, Mr. Augustine, Mrs. Jenkins, Mrs. DiNallo, Mrs. Shoop, and Mr. Hach were in favor. Motion carried.

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

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

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

Paul Hach 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 01.19.21

Mrs. Jenkins motioned to approve the minutes, seconded by Mr. Augustine.

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

Public Comment:
Sent: Saturday, January 30, 2021 10:44 AM
Subject: Public Comments for Council Meeting on 02.01.21

[PUBLLIC] COMMENT for Council Meeting on February 1, 2021

Dear City Manager Lewis, Law Director Gurley, and Members of Council,

According to the Law Director's response to my questions from 1/19/21 about the 2021 stadium lease, it is evident that the proposed agreement falls short of resolving the largest concerns of neighboring residents, especially regarding my questions numbered 2, 5, and 6. And, of course, with no details provided, it is unclear to myself and my neighbors if the other points are adequately addressed.

Certainly, complaints about noise at the stadium have a long history, but the issue most recently came to a head in Fall 2018 when Lake Erie College athletics made a habit of playing music *whenever* they were using the stadium. In response to our increased complaints, LEC President Posler agreed to three voluntary restrictions:

1) No music during practices – the most impactful change made by LEC.
2) No explicit lyric music, or at least "radio versions" of explicit songs on the amplified system.
3) Intentionally minimizing noise during early-morning and late-night practices; specifically, no group yelling and carefully chosen quieter whistles (and no music).

And then the following season, LEC took further steps to address our continued concerns by adding two more voluntary limitations:

4) Reducing early-morning and late-night practice times to after 6AM and ending by 10PM; previously practices occurred between 5AM-11PM or longer.
5) Limiting music to no more than 1 hour before scheduled game start times. *

* I reiterate that 30 minutes would be notably less disturbing and more respectful of neighbors, while still serving the intendent purpose of "creating a game atmosphere".

All five of these restrictions were already practiced by PCLS, which is the other primary party involved. So, in effect, **all parties have agreed to the above limitations on sound and use.** Clearly both LEC and PCLS understand the importance of adopting these practices in order to be respectful "good neighbors", so why wouldn't these key limitations be written into the lease agreement?

If the City Manager and City Council seek to resolve even just the largest complaints stemming from the excessive use of the stadium, then **the above five voluntary restrictions must be made binding in the new lease so that they can continue to be enforced despite any possible changes in personnel at any of the involved organizations.** The Law Director indicated that modifications of the terms of the 2021 Lease Agreement are a possibility. As the City is meant to represent the interests of residents in this matter, City Council must work to make these changes happen before the lease is finalized.

Also, in reading Law Director Gurley's responses my question #3, it seems that the City continues to dismiss two important points:

i) *Music is not an essential component of sporting events.*
I urge Council to recognize (i) as an underlying current, while reviewing the proposed lease agreement. And please note that none of the neighbors have complained about live marching band music; rather we are expressly concerned with *amplified music.*

ii) *"School -related programs" as specified in Code 539.10 must be more clearly defined if it is used to make blanket exemptions to the noise code.* PCLS is a public, free, primary-secondary school system and was the only "school" in Painesville having large sporting events or access to the stadium at the time when the noise code was adopted and when the original lease was written. In contrast, LEC is a private post-secondary educational institution with a 'new' Division II athletics program. I firmly believe the most accurate interpretation of "school-related programs" in the code is programming from our public school system, and I contend that instead LEC ought to fall under Code 539.07. If City Council disagrees, then I urge council to work to clarify the definition within the code.

Thank you for your time. And I hope you will work diligently to improve the stadium lease, so that our neighborhood can have some assurance that the issue will be at least largely resolved.

Sincerely,
Manon Grugel-Watson

Committee Report:

Economic Development

Mrs. Jenkins reported the Economic Committee met on January 14, 2021. They approved the minutes for October 1, 2020 meeting, and then moved in an executive session.

Finance Committee

Mr. Fodor reported the Finance Committee met on February 1, 2021 to discuss several key points. First, the committee reviewed the City's finances for 2020 and the projection of the budget for 2021. The general fund is operating in the red currently, but the Finance Committee will need a plan to move forward. Another key note was the Cost of Service. The Finance Committee asked for Andy Unetic and Jeff McHugh to make recommendations to the questions, pertaining to the Cost of Service, which were discussed in a previous Council Meeting late last year. Another key point was on utilities bills and direction the City needs to go as related to utility shut-offs and fees. Mrs. Shoop also commented there are funds available for people who need help with utilities and rent due to Covid related reasons. They are to contact 2-1-1 for assistance.

Legislation:

AN ORDINANCE AMENDING CHAPTER 1353 "FLOOD DAMAGE PREVENTION" OF THE PAINESVILLE CODE OF 1998, and DECLARING AN EMERGENCY.

was given first read.

Leann Exum commented the proposed legislation is an update of the City's Flood Damage Regulations based upon the contact and webinar from the Ohio Department of Natural Resources on November 12, 2020. The City was asked to update the regulations to meet the community participation requirements of the National Flood Insurance Program based on updated maps. Doug

Lewis commented that due to the fact this is a text amendment, this matter should be given three readings and remain on first reading.

Mr. Hach stated this would remain on first 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 PURCHASE AND INSTALLATION OF MECHANICAL COMPONENTS TO REPAIR THE WASTE GAS BURNER AT THE WATER POLLUTION CONTROL PLANT, AND DECLARING AN EMERGENCY.

was given second 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 second reading.

A 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 second read.

Doug Lewis explained this is a 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 the Painesville Kiwanis Recreation Park. He asked if there were any questions from Council Members and discussion will continue in Executive Session.

Mr. Hach stated this would remain on second reading. These issues will be discussed during Executive Session.

A RESOLUTION APPROVING THE APPLICATION FOR RENEWAL OF THOMAS V. RAPINI AND DEBORAH TING FOR THE PLACEMENT OF FARMLAND, LOCATED ON ELM STREET AND OAK STREET IN THE CITY OF PAINESVILLE, IN AN AGRICULTURAL DISTRICT, AND DECLARING AN EMERGENCY.

was given first reading.

Lynn White commented this is a renewal application. Fifteen years ago the City authorized the property owned by Thomas Rapini and Deborah Ting to be placed in an agricultural district for purposes of property tax valuation. The property is located on the north side of Oak Street and on the south west side of Elm Street north of Route 2. A map is included indicating the property locations. The Agricultural designation must be renewed every five years. As required by the Ohio Revised Code, a public hearing on this application is scheduled for 8:00 PM on Monday, March 1, 2021. The designation may be awarded to property that is used for agricultural production for the last three years. Mr. Rapini uses the property to grow various trees which he sells. The total acreage must exceed 10 acres and continue to be used for agricultural purposes. A total of 17.6 acres is involved in this request is the same as the request approved ten years ago. This is the third renewal request. There are no immediate plans for development in the area. This item can go three readings. As required by the Ohio Revised Code, a public hearing on this application is scheduled for 8:00 PM on Monday, March 1, 2021.

Mr. Hach stated this would remain on first reading.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ACCEPT FINANCIAL ASSISTANCE FROM THE OHIO DEPARTMENT OF DEVELOPMENT SERVICES AGENCY'S ABANDONED GAS STATION CLEAN UP GRANT PROGRAM AND ENTER INTO AGREEMENT WITH THE PROPERTY OWNER AT 735 SOUTH STATE STREET TO ENHANCE ECONOMIC DEVELOPMENT WITHIN THE CITY OF PAINESVILLE, AND DECLARING AN EMERGENCY.

was given first reading.

Cathy Bieterman commented the City of Painesville Economic Development Office has received a grant through the Ohio Department of Development Services Agency in the amount of $317,480 to clean up the property at 735 South State Street located at the 5 point intersection of Bank Street and State Street. This resolution will authorize the City Manager to accept the grant and enter into an agreement with the property owner for the clean-up and re-use of the site. The City will bid the project based on the grant award from the Department of Development Services Agency. The terms of the grant are outlined in the grant agreement on-file with the City's Office of Economic Development and the Finance Department. The Economic Development Office is asking that this legislation be passed by emergency to allow the City Manager to enter into agreement and accept this $317,480 grant.

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

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

Mrs. Jenkins motioned to adopt, seconded by Mr. Augustine.

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

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL TAX INCENTIVE AGREEMENT WITH EVOLVE CONCEPTS INC., AS AUTHORIZED BY RESOLUTION 7-15 AND PERSUANT TO ORC CHAPTER 718.

was given first reading.

Cathy Bieterman commented the City of Painesville has in place through Resolution 7-15 the authority to issue a Job Creation Tax Credit (JCTC). Evolve Concepts Inc. has planned to expand a portion of the business which could have been located in Wisconsin near their headquarters of to their location here at 1 High Tech Avenue in Painesville, Ohio. The company plans to employ approximately 30 employees with a payroll of $1,800,000 million. This will also result in a $2,900,000 capital project with a purchase of the existing building and new machinery and equipment. This tax credit is a credit of a portion of the company's payroll back to the company on the increased payroll associated with this project in the City of Painesville. By ORC 718.15 a municipal corporation, by ordinance, may grant a refundable or nonrefundable credit against its tax on income to a taxpayer to foster job creation in the municipal corporation. The terms of the credit are outlined in the attached agreement. The Economic Development Office is asking that this legislation be passed by emergency to allow the tax credit approvals to be in place and therefore, the company can begin hiring new employment within the City.

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

On roll call, Mr. Fodor, Mrs. Shoop, 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, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION 03-21 is ADOPTED.**

A RESOLUTION APPOINTING JAMES BEHRENS AS A MEMBER OF THE BOARD OF ZONING APPEALS OF THE CITY OF PAINESVILLE AND DECLARING AN EMERGENCY.

was given first reading.

Doug Lewis commented James Behrens, whose term expired on December 2020, is to be re-appointed as a member of the Board of Zoning Appeals for a period of five years, beginning January 1, 2021. The BZA is asking that this legislation be passed by emergency to fill the vacancy that currently exists within the membership of the Board of Zoning Appeals.

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

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

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

On roll call, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, Mrs. Shoop, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION 04-21 is ADOPTED.**

A RESOLUTION APPOINTING RENE ASTON AS A MEMBER OF THE BOARD OF ZONING APPEALS OF THE CITY OF PAINESVILLE AND DECLARING AN EMERGENCY.

was given first reading.

Doug Lewis commented Rene Aston, whose term expired on December 2020, is to be re-appointed as a member of the Board of Zoning Appeals for a period of five years, beginning January 1, 2021. The BZA is asking that this legislation be passed by emergency to fill the vacancy that currently exists within the membership of the Board of Zoning Appeals.

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

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

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

On roll call, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mrs. DiNallo, Mrs. Jenkins, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION 05-21 is ADOPTED.**

Unfinished business:

Electric Committee

Doug Lewis commented about finalizing the requirements for members of the Electric Committee and asked if there was enough information to move forward with Council's direction to create legislation. Council was in agreement to move forward.

New Business:

CRA Appointment of Michelle Massoudi

Doug Lewis commented on recommending Michelle Massoudi to be appointed the position of General Member of the Community Reinvestment Council (or CRA Committee).

Mrs. Shoop motioned to appoint Michelle Massoudi to the CRA position, seconded by Mrs. Jenkins.

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

Departmental Presentations: None

Administrative Reports:

Joe Gurley had nothing to report at this time.

Doug Lewis commented on the Grand Opening of the Smoothie King and welcomed them to Painesville. Also, turn off notices have been sent and utilities will be turned off starting March 1st. He suggested residents to call 2-1-1 to see if they qualify for assistance. He stated the Planning Commission is scheduled to meet on February 11, 2021. The following items are on the Agenda; New Business-Public Hearing Item: Rezoning Application for Vacant Land off Shamrock Blvd/Jackson Street from R-2; Multifamily Residential to B-2; General Business District. Notices sent out to surrounding property owners within 400-feet and legal advertisement in the News

Herald on February 1st. Other Matters to Properly Come before the Commission: two text amendments will be reviewed by the Commission. The first is the addition of Recording Studio in the B-2 District, the second is adding crematory use as a conditional use permit for established funeral homes. The City is reaching out to area business looking for sponsorships for 2021 Gazebo Concerts. If City Council or any businesses are interested, please contact the Parks and Recreation Department.

Clerk's Correspondences

The next regular Council meeting will be held on Tuesday, February 16th at 7:30 pm, and City Offices will be closed on Monday, February 15, 2021 for Presidents' Day.

Closing Comments:

Mrs. Jenkins thanked James Behrens and Rene Aston on their continued service on the BZA.

Mr. Fodor wanted to remind members to review the strategic plans and how it is directing Council as it pertains to matters of the City. He mentioned about an educational liaison and having discussions with the Superintendent and Board President on how the City and schools can work together to provide better hope in a better life for our residents. He also mentioned about balancing the budget and continue working on that issue.

Mrs. DiNallo thanked James Behrens and Rene Aston on their continued service on the BZA and appreciate their time and effort. She thanked the residents for their comments on the Stadium Lease and that she understood and acknowledged their concerns. She also wanted to urge residents to report criminal activity or behavior in our community, and expressed her appreciation our police force for a fantastic job of responding and investigating to resolve issues.

Mr. Augustine had no comments at this time.

Mrs. Shoop mentioned Starfish and Coffee has re-opened, and she encouraged everyone to stop by.

Mr. Hach no comments at this time.

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 Mr. Augustine.

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

Meeting adjourned at 8:18 pm.

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

On roll call, Mrs. Shoop, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach answered "Yes". Motion carried at 10:16 pm.

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

On roll call, Mrs. Shoop, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach were all in favor by answering "Aye". Meeting adjourned at 10:17 pm.

Samantha Danielson
Samantha Danielson
Clerk of Council

Paul W. Hach II
President of Council