REGULAR COUNCIL MEETING
Tuesday, February 16, 2021- 7:30 pm

President Paul Hach called the regular meeting to order at 7:32 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 Planner Lynn White, and Finance Director Andy Unetic.

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. Shoop made a motion to amend the agenda to remove the ***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. Fitzgerald.

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

Mrs. Jenkins motioned to approve the amended agenda, seconded by Mrs. Shoop.

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

Tom Fitzgerald 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 02.01.21

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

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

Public Comment: None

Committee Report:

Planning Commission

Doug Lewis stated that the Planning Commission met on February 11, 2021. An application has been received from Shamrock Commercial LLC requesting the rezoning of vacant land located off Shamrock Boulevard and Jackson Street. The request is to change the zoning classification from the existing R-2; Multifamily Residential District to the proposed B-2; General Business District. A motion was favorably recommended Rezoning Application No. 91-21 as proposed. Motion was carried, 5-0. There were no new Design Review Applications to review. There was a proposed text amendment for Funeral Home with Crematory Facility and Recording Studio. A motion was recommended for the proposed text amendments as modified be placed on the next agenda for a Public Hearing before the Commission.

Legislation:

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

was given second read.

Doug Lewis 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. The City Engineer is still the Flood Plain Administrator. The updated regulation provides the Engineer with additional standards to make interpretations in the mapping where data may be limited. The underlined text is the replacement language that was provided to us by FEMA. Lewis commented that due to the fact this is a text amendment, this matter should be given three readings and remain on second reading.

Mr. Hach stated this would remain on second reading.

AN ORDINANCE AMENDING THE DISTRICT MAP AND THE SETBACK MAP REFERRED TO IN SECTION 1113.03 OF THE PAINESVILLE CODE OF 1998 REZONING PERMANENT PARCEL NUMBERS 15-C-036-H-00-005-0, 15-C-036-H-00-032-0, 15-C-036-H-00-033-0, 15-C-036-H-00-034-0, 15-C-036-H-00-035-0, 15-C-036-H-00-036-0, and 35-A-001-0-00-010-0 LOCATED OFF SHAMROCK BOULEVARD AND JACKSON STREET FROM AN R-2; MULTI-FAMILY RESIDENTIAL TO A B-2; GENERAL BUSINESS DISTRICT.

was given first read.

Lynn White commented at the February 11, 2021 the Planning Commission will hold a Public Hearing for the proposed rezoning of seven (7) parcels of land. The property owner proposes to join this property with the adjacent lands currently zoned B-2; General Business District consisting of 21.72-acres creating a 30± acre parcel to marketing the property for a Business Park Development. This request to rezone the property from R-2; Multifamily Residential District to B-2; General Business District is reasonable and in accordance with the purpose and intent of the Unified Development Code, the Economic Development Strategic Plan, and several aspects of the 2006 Comprehensive Plan Update. The property owner has worked closely with the City to come up with a concept plan that is acceptable for the site. The Commission will be considering a stipulation that the rezoning include a development agreement so the development of the property is consistent with the Concept Plan presented and to ensure the site is to be developed as a Business Park Development use. Since the recommendation is an amendment to the Zoning Map and the zoning classification of property, this matter is required to be given three readings. The Public Hearing before City Council will occur on the third reading which has been set for 8:00 PM on Monday, March 15, 2021. Additionally the legal advertisement will be sent to the News Herald for publication for Monday, February 15th in order to meet the 30-day notice requirement. This is the first reading and should go three reads to allow for public comments. Letters will be send out to residents prior to the Public Hearing as a reminder.

Mr. Hach stated this would remain on first reading.

AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CURRENT EXPENSES AND EXPENDITURES OF THE CITY OF PAINESVILLE, STATE OF OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2021 AND ADOPTING THE OPERATING BUDGET, AND DECLARING AN EMERGENCY.

was given first read.

Andy Unetic stated in the original 2021 budget, the Administration requested a total $900,000 for paving roads. All of this $900,000 was for paving North State Street. At the time of the original budget was passed, the Administration had applied to receive a grant through OPWC for paving North State but did not know if we were going to get the grant yet. Recently the Administration was informed that the City would receive $432,500 in OPWC monies to pave North State Street. The total cost of paving North State Street will be $865,000, with OPWC paying $432,500 and the City paying for $432,500. Due to the City receiving these OPWC monies, the City will be able to do spend an additional $432,500 on paving additional roads in 2021. This legislation increases the amount of money that will be spent on paving the roads in 2021. The total amount of money that will be spent on paving roads in 2021 is $1,332,500, which is up from the original $900,000. The administration recommends that the three readings are waived so this legislation is passed tonight, and the City is in compliance with the Ohio Revised Code, and we can begin the process for paving the roads.

2021 Street Improvement Program

- North State Street Resurfacing (Chester to Skinner)
  $432,500 OPWC, $432,500 Levy

- Elm Street (Erie Street to RR tracks) $52,000 Levy
- Sterling Avenue (End of concrete to Wood Street) $50,000 Levy
- Sterling Avenue (Wood Street to Paige Place) $30,000 Levy
- Paige Place $42,000 Levy
- Nottingham Place $40,000 Levy
- Stonehaven Drive $45,000 Levy
- Dedication Plat Mill and Latimore $16,000 Levy
- Reed Avenue Design $75,000 Levy
- Chester Street Design $50,000 Levy
- North St. Clair Street (Skinner to Bridge) $67,500 Levy

Mr. Fodor wanted to remind Council that part of Marshall Street needed to be resurfaced and perhaps that it could be included.

Mrs. DiNallo asked what the rationale for how the streets were chosen. Doug Lewis replied the roads that were in very poor conditions and if funding would be available.

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

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

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

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

AN ORDINANCE ESTABLISHING AN ELECTRIC COMMITTEE AND DECLARING AN EMERGENCY.

was given first read.

Doug Lewis explained the City Council has requested that the City Manager review the information previously presented with regards to the establishment of an Electric Committee and make revisions to the legislation and Rules and Regulations. After further review, the City Council directed the City Manager to modify the following items: Establish language to clearly define the staggered terms; Define that the appointees of the Electric Committee shall be end users; and Revise the requirements to be appointed to the Electric Committee.

Mr. Fodor moved to suspend; 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.

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

On roll call, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, and Mr. Hach answered "Yes". Motion carried. **ORDINANCE 04-21 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 third 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 has gone three readings and was asked to be passed.

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

On roll call, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION 06-21 is ADOPTED.**

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 third read.

Doug Lewis explained 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. The updated agreement addressed prior concerns mentioned previously. He discussed those changes to Council.

Mrs. Jenkins 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. **RESOLUTION 07-21 is ADOPTED.**

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 second read.

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. As required by the Ohio Revised Code, a public hearing on this application is scheduled for 8:00 PM on Monday, March 1, 2021. This item can go three readings.

Mr. Hach stated this would remain on second reading.

A RESOLUTION REQUESTING THE COUNTY AUDITOR TO MAKE ADVANCE PAYMENTS OF TAXES, AND DECLARING AN EMERGENCY.
was given first read.

Andy Unetic stated this is a required piece of legislation, by the Ohio Revised Code, that allows the City to receive advancements of the City's property tax settlements. This allows the City to receive some of the City's property tax revenues in advance which allows the City to continue to pay for our expenses. The administration recommends this legislation gets approved as an emergency and on the 1st reading, to be in compliance with the Ohio Revised Code.

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

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. DiNallo.

On roll call, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION 08-21 is ADOPTED.**

Unfinished business: None

New Business: None

Departmental Presentations: None

Administrative Reports:

Joe Gurley had nothing to report at this time.

Doug Lewis had nothing to report at this time.

Clerk's Correspondences

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

Closing Comments:

Mr. Fodor commented that February is Black History Month and beside some national figures which have done a lot for the United States, we also have local residents that have contributed to our community.

Mrs. DiNallo agreed with Mr. Fodor on their importance to the community. She also expressed for everyone to stay warm and to check on neighbors and offer support. If not sure of the situation, please call 2-1-1 for what resources are available.

Mrs. Shoop had nothing to comment at this time.

Mr. Augustine had nothing to comment at this time.

Mrs. Jenkins commended the City on the work with the roads and all their hard work. She also mentioned a letter that commended one of our firefighters, Lt. Young, who helped Mrs. John Webb mow her lawn on the day her husband passed away from a cardiac arrest. Mrs. Webb sent a card and thank you note. This demonstrated the commitment that our safety services workers and the employees have for the community. She thanked Firefighter Young for his service.

Mr. Fitzgerald thanked Mrs. Jenkins for bringing this up.

Mr. Hach commented that his wife has donated a quilt, which she made, for a virtual fundraiser at Harvey High School.

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

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

All were in favor by answering "Aye".

Meeting adjourned at 8:22 pm.

Samantha Danielson
Samantha Danielson
Clerk of Council

Paul W. Hach II
President of Council