REGULAR COUNCIL MEETING
Monday, March 15, 2021 – 7:30 pm
PUBLIC HEARING – 8:00 pm
EXECUTIVE SESSION IMMEDIATELY FOLLOWING

President Paul Hach called the regular meeting to order at 7:31 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, City Planner Lynn White, and Clerk of Council Samantha Danielson, and the following in attendance by video conference: Councilpersons Christine Shoop, Tom Fitzgerald, Lori DiNallo, Katie Jenkins, Nick Augustine, Jim Fodor; City Engineer Leanne Exum, Finance Director Andy Unetic, Economic Development Director Cathy Bieterman, and Water Pollution Control Superintendent Kevin Aiken.

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. Jenkins motioned to amend the minutes to remove the JEDD Committee Report, seconded by Mrs. DiNallo.

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

Mrs. Shoop motioned to adopt the agenda as amended, seconded by Mr. Fitzgerald.

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

Mr. Augustine 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 03.01.21

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

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

Public Comment: None

Committee Report: Planning Commission

Lynn White stated the Planning Commission met on March 11, 2021. The following items appeared on the Agenda; New Business-Public Hearing Items: Unified Development Code Text Amendments for the addition of Funeral Homes with Crematoriums as a conditional use in the S-,1, R-1, and B-1 Districts; Recording Studios to be conditional use in the B-2 General Business District; additional language included in the Conditional Use Section of the code to allow for Planning Commission review for modifications of existing conditional uses; and the addition of Agricultural Uses to permitted uses in the S-1 and R-1 Zoning Districts. The Commission gave a favorable recommendation on the proposed text amendments. The legislation for all of the items will be prepared and sent to City Council for the first reading on April 5, 2021. Administrative Report: The Preliminary Plat of Lexington Village No. 2 for 19 single family lots located off Community Lane was approved by the Commission. A resolution for this Plat is on the City Council Agenda for March 15, 2021.

Legislation:

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 third read.

Mr. Hach announced this would be heard during the Public Hearing at 8:00 pm.

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 ASPHALT RESURFACING OF NORTH STATE STREET, AND DECLARING AN EMERGENCY.
was given second read.

Leanne Exum stated the City has received a grant from OPWC for $444,000.00, and the City's portion of the costs are $444,000.00 with a total project cost of $888,000.00 to resurface North State Street.

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

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

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

On roll call, Mr. Augustine, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION 11-21 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 2021 ASPHALT RESURFACING OF VARIOUS ROADS, AND DECLARING AN EMERGENCY.
was given first read.

Leanne Exum stated the OPWC funding for North State Street allows the opportunity to pave additional roads, including: Sterling Avenue from Paige Place to Wood Street and from Wood to pavement change; Nottingham Place; Stonehaven Drive; Elm Street from East Erie Street to the railroad tracks, and North St. Clair Street from Skinner Avenue to the bridge.

Mr. Augustine motioned 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. DiNallo moved to adopt, 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. **RESOLUTION 12-21 is ADOPTED.**

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A PROJECT PARTNERSHIP AGREEMENT WITH THE DEPARTMENT OF THE ARMY FOR SECTION 14 GRAND RIVER/BANK STREET STREAMBANK AND SHORELINE EROSION PROJECT, AND DECLARING AN EMERGENCY.
was given first read.

Leanne Exum stated the proposed legislation is to enter into a Project Partnership Agreement with the Army Corps of Engineers. This agreement moves the project forward for design and construction of the Bank Street Retaining Wall. The design is schedule for 2021, the construction is anticipated for 2022, and the project wrapped up in 2023.

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

On roll call, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION 13-21 is ADOPTED.**

A RESOLUTION APPROVING THE PRELIMINARY PLAT OF LEXINGTON VILLAGE NO. 2 SUBDIVISION AND DECLARING AN EMERGENCY.
was given first read.

Lynn White stated the Planning Commission recommended approval of Lexington Village No. 2 Subdivision with stipulations at their meeting held March 11, 2021. The subdivision consists of nineteen (19) single family lots located on approximately 6.7 acres of land off Newell Street and Community Lane. The development received variances for the lot widths from the Board of Zoning Appeals in December 2020. The submitted plat is consistent with the approvals that were granted from the Board. Approval of the Preliminary Plat by City Council is a requirement of the City's Code per the following section; Section 1111.05 (6) Approval of Preliminary Plat E. When a preliminary plat has been approved by the Planning Commission it shall then go to Council for approval. If it is approved, one copy shall be signed and returned to the applicant for compliance with final approval requirements.

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

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

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

On roll call, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION 14-21 is ADOPTED.**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CREATE AND UTILIZE AN ECONOMIC DEVELOPMENT INCENTIVE PROGRAM, AND DECLARING AN EMERGENCY.
was given first read.

Doug Lewis stated as a result of the projected budget deficit in 2021, it is more important than ever to be able to attract new economic development in order to create new jobs and investment in the City of Painesville. By attracting new development, the resulting job creation will generate additional income tax for the General Fund. The Painesville City Council recognizes the need to promote economic development and the need to create innovative incentives to attract new investment. The Administration is proposing that City Council create an Economic Development Incentive Program that enables us to provide a grant or low interest loans to property owners looking to make commercial and industrial investment within the City of Painesville. The Economic Development Incentive Program will provide the Economic Development Office the ability to offer strategic investments to support economic development, foster job creation, and attract private investments. The funding will be in the form of a grant or low interest loan. It will support construction, non-construction, technical assistance and the implementation of low interest loans through a revolving loan fund. Projects will leverage existing assets to implement economic development strategies that advance new ideas and creative approaches to advance economic prosperity and increase income tax with the City of Painesville. Grants and/or low interest loans will be limited to $10,000 or less. Grants or loans being offered will require approval of the Economic Development Committee. The Finance Department will need to create an Economic Development Fund and transfer $50,000 from the General Fund Reserves to fund the new program. Legislation is currently before the City Council to create the fund and to transfer the $50,000. Unless we are able to increase General Fund revenues, this program will not be funded in the future. It was recommended this legislation be approved on 2nd reading on April 5, 2021 prior to the passage of the transfer and creation of the Economic Development Fund.

Mr. Hach stated this would remain on first reading.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO COMMIT CITY FUNDS TO LAKE ERIE COLLEGE'S PAINESVILLE PROMISE PROGRAM, AND DECLARING AN EMERGENCY.

was given second read.

Doug Lewis stated this legislation will direct the City Manager to commit city funds to a partnership to help advance the mutual goals of the City of Painesville, Painesville City Local School District and Lake Erie College, as discussed at a previous Council Meeting. It is recommended to go to three readings.

Mr. Hach stated this would remain on second 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 second read.

Andy Unetic stated this is to increase to the budget for the creation of two new funds, one for the Lake Erie College Tuition and the other one for an Economic Development funds. $140,000 will be taken out the General Fund Reserve to pay for the Lake Erie College Tuition Program and $50,000 will be taken out of the General Fund Reserve to pay for the Economic Development Incentive Program. This can through three reads.

Mr. Hach stated this would remain on second reading.

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, 2021, AND DECLARING AN EMERGENCY.

was given second read.

Andy Unetic stated, in a previous piece of legislation of the 2021 budget adjustment, there was increase to the budgets to transfer money out, but State Auditor's Office requires these transfers are in a separate piece of legislation. $140,000 will be taken out the General Fund Reserve to pay for the Lake Erie College Tuition Program and $50,000 will be taken out of the General Fund Reserve to pay for the Economic Development Incentive Program. This can through three reads.

Mr. Hach stated this would remain on second reading.

A RESOLUTION APPROVING THE CREATION OF THE LAKE ERIE COLLEGE TUITION ASSISTANCE FUND AND THE ECONOMIC DEVELOPMENT FUND FOR THE 2021 OPERATING BUDGET, AND DECLARING AN EMERGENCY.

was given second read.

Andy Unetic stated this is for the creation of two new funds, one for the Lake Erie College Tuition and the other one for an Economic Development funds. This will go through reads.

Mr. Hach stated this would remain on second reading.

Unfinished business: None

New Business: None

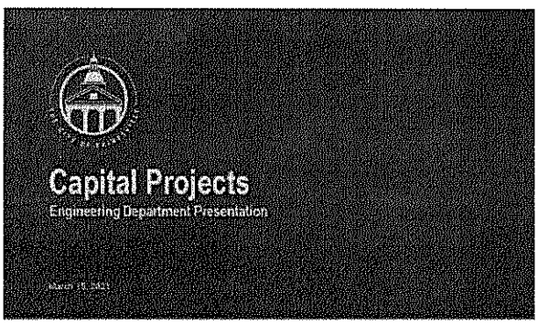
Departmental Presentations: Engineering

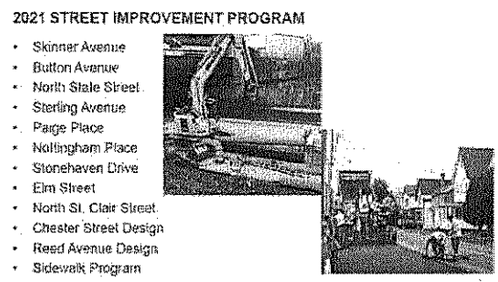
Leanne Exum gave a presentation for the Engineering Department. She discussed the following items:

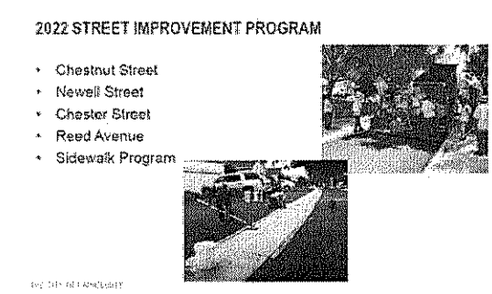
The 2021 Street Improvement Program: Skinner Avenue is a continuation of the 2020 project. This project includes a replacement of the water lines, as well as, the resurfacing of the roadway. Button Avenue is also a continuation of the 2020 projects. This project, includes a replacement of the water lines, as well as, the resurfacing of the roadway. North State Street will be resurfaced from Chester Street to the end near the Water Pollution Control Plant. Since receiving the OPWC funding for North State Street, some smaller roads are being added to the 2021 Street Improvement Program include Sterling Avenue, Paige Place, Nottingham Place Stonehaven Drive, Elm Street, and North St. Clair Street. They are currently working on the design for Chester Street for the waterline replacement and street resurfacing that will be completed in 2022. Reed Avenue Design is also out for requests for proposals, and those are due April 9. This project includes the possible installation of a storm sewer curbs and the resurfacing of the roadway. The 2021 Sidewalk Program will be done in a few phases. Quotes have been received and awarded to Lake County Landscape, for the remainder of the city sidewalks in Ward 1 East. The next phase of sidewalks will be the city sidewalks in Ward 2 North. A list is currently being worked on to go out for quotes. A homeowner violations for Ward 1 East will need to be repaired by October 31, 2021. The first round of violations for homeowners in Ward 2 North will be sent out on March 19. The remainder of Word 2 North will be sent out by mid-June, and the homeowners have until October 31, 2022 for Word 2 North to repair these violations.

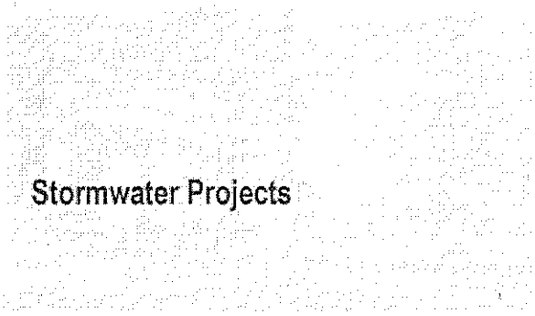
The 2022 Street Improvement Program: Chestnut Street Design is being completed by the Lake County Engineer's Office, except for the curb ramps. Chestnut Street is a resurfacing project, and the project limits are from Mentor Avenue to State Route 84 in conjunction with the county. Newell Street Design is also being completed by the Lake County Engineer's Office, except for the curb ramps. Newell Street is resurfacing project, and the project limits are from West Jackson Street to Blackbrook Road in conjunction with the county. The Chester Street Project includes the replacement of the water lines, as well as, the resurfacing of the road way. Reed Avenue Project includes the possible installation of a storm sewer curbs, and the resurfacing of the roadway. The Sidewalk Program, for the city for 2022, will include the tree removal and replacement of the city responsible sidewalks for Ward 3 North. Ward 3 resident violations will be sent out in 2022 with the repair date of October 31, 2023.

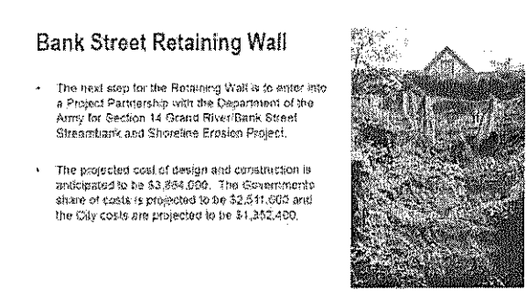
The next step for the Retaining Wall is to enter into a Project Partnership agreement with the Department of the Army for the Section 14 Grand River/ Bank Street Streambank and Shoreline Erosion Project. The projected cost of design and construction is anticipated to be a little over 3.8 million. The Government share of the cost is projected to be a little over two and a half million, and the City costs are projected to be 1.3 to 1.4 millions.













Mr. Hach asked for a motion to open the Public Hearing. The owner, George Davis, was present via Zoom.

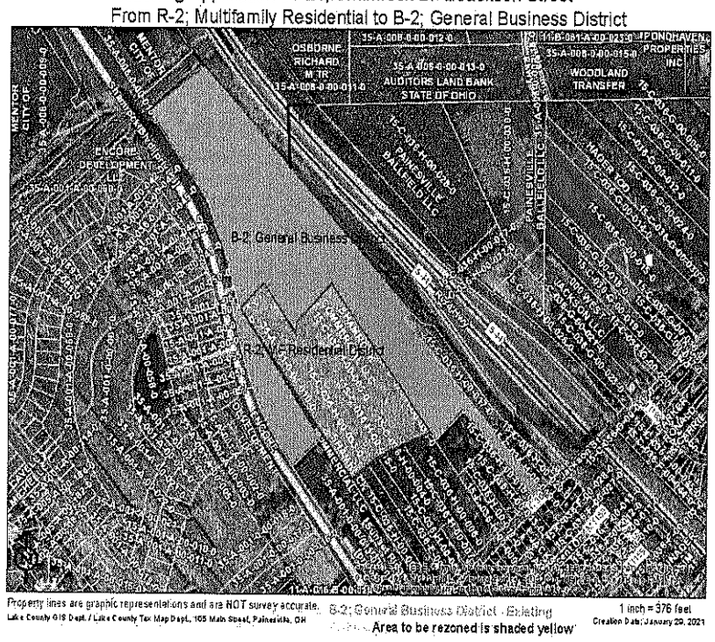
Mrs. Jenkins motioned to move in to the Public Hearing, seconded by Mrs. Shoop.

All were in favor by answering "Aye". Motion carried at 8:00 pm for the Public Hearing.

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.

Lynn White stated at the February 11, 2021 the Planning Commission received a favorable recommendation for the proposed rezoning of approximately ±9.48-acres of land, consisting of seven (7) parcels of land. The request is to amend the Zoning Map and the zoning classification of the subject property from the existing R-2; Multifamily Residential District to the proposed B-2; General Business District. 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.

Rezoning Application 91-21; Shamrock Blvd/Jackson Street
From R-2; Multifamily Residential to B-2; General Business District



Mr. Hach asked for Public Comments regarding the subject matter. None were submitted.

Mr. Hach asked for a motion to adjourn the public hearing.

Mrs. Jenkins motioned to adjourn the public hearing, seconded by Mrs. Shoop. All were in favor by answering "Aye". Motion carried.

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.

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. **ORDINANCE 06-21 is ADOPTED.**

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, April 5th at 7:30 PM. Spring Break Camp in a Box Sign Ups will be delivered on March 15th -19th. Bunny Drive-Thru Sign Ups; parents must register before the event. Registration deadline is March 22nd. Free for Painesville kids ages 0-10. This will be held on Saturday, March 27th from 10:00 to 12:00 pm at Recreation Park.

Closing Comments:

Mrs. DiNallo commented she was glad that things have been improving health wise and events are starting to take place.

Mr. Augustine had no comments at this time.

Mr. Fodor commented that yard waste pick-up starts April 1st and the City is working on something for the old hospital area that is best for the City. He also stated that the Economic Development has been working hard with current companies and trying to have more job opportunities for the Painesville people and to attract people to Painesville. He reminded everyone to stay the course with Covid.

Mrs. Shoop had no comments at this time.

Mrs. Jenkins had no comments at this time.

Mr. Fitzgerald had no comments at this time.

Mr. Hach had no comments at this time.

Mr. Hach asked for a motion to move into Executive Session.

Mrs. Shoop motioned to move into ***EXECUTIVE SESSION BEING HELD IN ACCORDANCE WITH ARTCLE II, Section 6(3)*** To discuss pending or potential litigation involving the City, and ***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.

All were in favor by answering "Aye". Motion carried.

Meeting adjourned at 8:14 pm.

Mrs. Jenkins 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 9:20 pm.

Mrs. Jenkins moved to adjourn the regular meeting, 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 9:20 pm.

Samantha Danielson
Clerk of Council

Paul W. Hach, II
President of Council