REGULAR COUNCIL MEETING
Monday, April 5, 2021 – 7:30 pm

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, City Planner Lynn White, and Clerk of Council Samantha Danielson, and the following in attendance by video conference: Councilpersons Christine Shoop, Lori DiNallo, Katie Jenkins, Nick Augustine, Jim Fodor; Finance Director Andy Unetic, Economic Development Director Cathy Bieterman, Water Pollution Control Superintendent Kevin Aiken, Electric Power Superintendent Jeff McHugh, and Public Works Supervisor Ryan Tiedman.

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

Mr. Hach asked for a motion to excuse Mr. Fitzgerald from tonight's meeting.

Mrs. Shoop motioned to excuse Mr. Fitzgerald; seconded by Mr. Augustine.

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

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

Mr. Augustine 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.

Mr. Fodor 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 03.15.21

Mrs. Shoop 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: The following two emails were read at the meeting.

From: rsternot
Subject: Comments - Agenda for City Council Meeting 04.05.21
Date: Thursday, April 1, 2021 2:48:37 PM

Comments to Council
April 5, 2021

Mr. President,

I am writing/commenting today on the following resolutions in the April 5, 2021 City Council Agenda.

1. RESOLUTION 2nd Reading – A Resolution authorizing the City Manager to create and utilize an Economic Development Incentive Program and declaring an emergency. (1st Reading 03.15.21)
2. RESOLUTION 3rd Reading – A Resolution authorizing and directing the City Manager to commit city funds to Lake Erie College's Painesville Promise, and declaring an emergency. (1st Reading 03.01.21, 2nd Reading 03.15.21)

These items on the surface seem reasonable to undertake in a good economy. However, we are in a pandemic and to my knowledge not in sound economic condition. In fact, based on the CM report, "Neither of these items were budgeted for in 2021. The City will be transferring $140,000 out of the General Fund Reserve to pay for the college tuition assistance program. The City will

be transferring and additional $50,000 out of the General Fund Reserve to set aside money for the Economic Development Fund."

This seems to be a risky funding approach! To my knowledge there has been no discussion about the state of the General Fund Reserve or the trend of the anticipated revenues for next year that would provide information on whether transferring these funds at this time is prudent or not! The last I heard there was talk by Council about the need to possibly raise taxes because of the economic conditions during this pandemic and downward revenue trends.

But I guess if Council can state as part of these resolutions for sure that there will be no tax increase this coming year to make up for these Reserve Fund transfers or further deterioration of the General Fund, I am OK with supporting these items! But, if that is not the case, then I feel these two items should be postponed until more conventional funding becomes available.

I also have a comment relative to process. I am concerned why item 2 needed to have a second reading at a special council meeting on March 15th during this pandemic where there already is in my mind a concern about transparency and government sunshine laws being observed during this pandemic. I have been on the zoom calls where you cannot really hear or comment on any legislation. So, to me it is not incredibly open for comments. And, in the case of the March 15th meeting, I am not sure an agenda was sufficiently published or distributed. There seems or at least it appears to look like that there is a rush to pass this legislation with minimum exposure to or the ability of residents to comment on the legislation. Even the March 15th meeting minutes are not available to view currently.

Respectfully,
Ray Sternot

Mrs. Jenkins made a point of order to state that the March 15th meeting was a regularly scheduled Council Meeting. Doug Lewis also stated that, for item 2 as mentioned in the email, was read on March 1st and 15th. There were no special meetings. Mrs. Shoop confirmed that agendas were published. Doug Lewis also stated there hasn't been any discussion on increasing taxes.

From: Hannah Gonzalez
Subject: City Council Meeting Question
Date: Monday, April 5, 2021 9:10:33 AM

Hello, my name is Hannah Gonzalez and my family has been residents of Painesville for about 25 years in the same house. For many years we have filed complaints about traffic flow through our neighborhood. We are a neighborhood that has many kids that run and play. But we are a cut through for people who want to miss lights on [C]hestnut and [M]entor, so they fly down our road. The past year alone we have had multiple street races down Hartshorn, one that has resulted in a car crashing into a pole and totaling their car. On Halloween there was a police chase that almost took our [truck/trick] or treaters. Among many people speeding and running the stop sign, almost taking out children. In February we had someone take the Hartshorn corner too fast and drive through our yard (I have photos of the tracks if you'd like them). The only way to semi slow down traffic is to [Street Park], but we fear our cars will get damaged. In the past we have tried to get more stop signs and speed bumps placed but we have been rejected each time. The only thing done [we/was] some of our street parking on Belmont was taken away, almost completely until after we petitioned and fought to get it back fast. We fear our kids will get hit. This is a major safety issue that has been ignored by the city for well over 15 years. What solutions do you have? We are tired of living in fear.

Mrs. DiNallo commented this is a very concerning issue and this would be appropriate to refer the situation to the Safety Committee. Several Council members agreed. Doug Lewis also stated this concern has been brought to the attention of Police Chief Waterman and City Engineer Leanne Exum.

Committee Report:

JEDD

Mrs. Shoop reported the JEDD Meeting was on March 19, 2021. During their meeting several items were discussed: Finance: Revenue and Expense - the revenues for 2021 were up for this year, and they were substantially better than previous years, and the 2020 Annual Financial Statement - JEDD Administrator has filed the 2020 Annual Financial Statement with the state;

Economic Development Committee: the Economic Committee met to discuss proposals to present to the Concord Trustees, and the administrator presented some plans to them. Morgan McIntosh, a board member, said that the plans for the Township are in very early development, and it's going to be a bit of time before the Concord Trustees come to some agreement. Economic Committee met to discuss proposals to present to the Concord Trustees, and they were also having an economic development meeting later that night. Old Business: JEDD Membership Recruitment - there was some discussion on further recruitment for the JEDD membership; NextSite Regional Trade Area Reports: a presentation made by Charles Branch for a software program that helps with economic development; New Business - Concord has changed their insurance to the PEP insurance plan; Next Meeting Dates - the next meeting dates are June 11th, September 10th, and December 10th .

BZA

Doug Lewis reported the BZA met on March 18, 2021. An application has been submitted by Ken Baxter Sr. requesting a variance to Section 1121.04 of the Painesville Unified Development Code to allow the expansion of the existing building at 81 Elevator Avenue to exceed 110% of the existing footprint. In June of 2020 a variance was granted permitting a 1,800 square foot addition. Mr. Baxter has modified the design of the propose addition to include an additional 218 sq. ft. A variance to allow the construction of the revision to the proposed addition is required. This was approved.

Finance Committee

Mr. Fodor reported the Finance Committee met on March 29, 2021. There were several topics to discuss: Revenues and Fund Balance through February 2021 - the income tax this year is down from last year, but will need to have to wait six months or nine months to actually get a true read of how we are doing on collecting of income tax; with revenues, the Finance Department has been working with people that have had their utilities cut off, set up payment plans, and direct them in the right areas for some help from local agencies around the area. The Finance Committee will be updating Council in the next few months; Salt Shed – there was discussion about the salt shed at Storrs Street. It is in need of repair, but staff has been asked to seek further information before proceeding with repairs; Sidley Sanitary Sewer and review of Revenues – there was some discussion about the Red Creek Project and the sewage, and further discussion will be needed.

Legislation:

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

was given second 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.

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

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

Mrs. Shoop moved 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 15-21 is ADOPTED.**

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 third read.

Doug Lewis stated the City of Painesville was approached by Lake Erie College to create a public-private partnership to help advance the mutual goals of the City of Painesville, Painesville City Local School District and Lake Erie College. The City of Painesville has long encouraged high school students residing in the City to further their formal education. The strategic partnership would allow these well-prepared students of modest means to be able to attend Lake Erie College for four years without paying any out of pocket costs and without taking a loan to pay their tuition and fees. The goal of the program is to increase the educational attainment in the City, and further grow the partnership between the City, the local schools, and Lake Erie College. This initiative could also serve as an incentive for students to remain in and serve their community. After discussion with the City Council, it was determined that the City of Painesville would commit City funds for 20 students up to $2,000 for each of the four (4) years as long as they meet the criteria established to participate in the program. The program will begin with the Fall 2021 academic year. After the first year, the City of Painesville, Lake Erie College and Painesville City Local School District will work together to obtain funding from outside sources (grants, foundation, sponsors) to substitute those funds being provided by the City of Painesville. In order to fund the Painesville Promise, Finance Director Andy Unetic is required to create a new fund, amend appropriations for 2021 and transfer funds. The legislation to follow this Resolution is for this purpose. Staff has worked with Lake Erie College to develop Standard Operating Procedures for the Painesville Promise that are attached in Exhibit A of the legislation. The amount to be transferred to fund the Painesville Promise is $140,000. The funding will be transferred from the General Fund Reserve and a new fund will be created. The $140,000 is less than what is required due to the fact that some students will not meet future edibility requirement, transfers, etc. It was asked to pass tonight.

Mrs. Jenkins stated that Council has taken time to discuss and evaluate this legislation, and recognizes the concern expressed in the Public Comments. Mrs. Shoop recognized that this is a trial-run and an excellent way to move forward. Brian Posler and Mike Brown were available for comments and further discussion. Brian Posler stated he was grateful for the relationship between the city and college, as well as, with our local schools, and was grateful that the Council is willing to consider these innovative partnerships. Mr. Fodor clarified that the $140,000 is over a four year period, and it's a nice collaboration between the College and the City.

Mrs. DiNallo also stated this is important by giving our young people an incentive to stay in their community and about the economic development opportunity. She also commented that Council has taken the time to deliberate, discuss, and provide input.

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

On roll call, Mr. Fodor, Mrs. Shoop, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION 16-21 is ADOPTED.**

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 third read.

Andy Unetic stated this legislation is to create two new funds, one for the Economic Development and the other one for the Lake Erie Tuition Program. The State Auditors requires to have separate funds, so they could track everything individually.

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

On roll call, Mrs. Shoop, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION 17-21 is ADOPTED.**

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 third 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.

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

On roll call, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mrs. DiNallo, and Mr. Hach answered "Yes". Motion carried. **ORDINANCE 07-21 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, 2021, AND DECLARING AN EMERGENCY.

was given third read.

Andy Unetic stated an amendment is needed in the legislation. The legislation should read $140,000 being transferred out of the General Fund Reserves to the Lake Erie Tuition Program and then 50,000 being transferred out and going to the Economic Development Fund.

Mrs. Shoop motioned to amend the legislation to reflect the correct amounts, seconded by Mrs. Jenkins.

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

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

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

AN ORDINANCE AMENDING SECTION 1111.08 OF THE PAINESVILLE CODE OF 1998, RELATING TO MODIFICATIONS OF CONDITIONAL USE PERMITS and DECLARING AN EMERGENCY.

was given first read.

Lynn White stated this is a Conditional Use Permits, a new subsection (i) has been created to address modifications of a conditional use permit. The UDC language provided guidance for continuations, limitations, and revocations of conditional use permits, however it was not clear how to handle a modification. The language included allows a modification to be approved by the Administrator as long as it does not alter the essential character of the area for which it was granted. All other modifications are treated like a new conditional use permit and must go through the Planning Commission/City Council process for approval.

Mr. Hach stated this would remain on first reading.

AN ORDINANCE AMENDING SECTION 1113.06 (d) OF THE PAINESVILLE CODE OF 1998, RELATING TO MAIN USE CATEGORIES and DECLARING AN EMERGENCY.

was given first read.

Lynn White stated several changes are included: **a**. Agricultural Uses were mistakenly removed from the Code during the adoption of the UDC. This text amendment places this use into the appropriate category and allows agriculture, not less than five (5) acres to be permitted in the S-1 and R-1 Districts. There is one instance of a property owner who currently uses acreage for agricultural purposes and has expressed a desire to continue this use; **b**. Funeral Home, with crematory facility is added as a conditional use in the S-1, R-1, and B-1 Districts; and **c**. Recording Studio is added as a conditional use in the B-2 District.

Mr. Hach stated this would remain on first reading.

AN ORDINANCE ENACTING SECTION 1115.25 OF THE PAINESVILLE CODE OF 1998, RELATING TO FUNERAL HOME WITH CREMATORY FACILITY and DECLARING AN EMERGENCY.

was given first read.

Lynn White stated Funeral Home with Crematory Facility - New language created which applies to the specific use and the regulations noted shall be satisfied in order to obtain approval for a conditional use for this type of facility.

Mr. Hach stated this would remain on first reading.

AN ORDINANCE ENACTING SECTION 1115.26 OF THE PAINESVILLE CODE OF 1998, RELATING TO RECORDING STUDIOS and DECLARING AN EMERGENCY.

was given first read.

Lynn White stated Recording Studio - New language created which applies to the specific use and the regulations noted shall be satisfied in order to obtain approval for a conditional use for this type of facility.

Mr. Hach stated this would remain on first reading.

AN ORDINANCE AMENDING SECTION 1119.02 OF THE PAINESVILLE CODE OF 1998, RELATING TO INCIDENTAL RETAIL SALES and DECLARING AN EMERGENCY.

was given first read.

Lynn White stated Addition of Incidental Retail Sales to be permitted as an accessory use in the B-1, B-2, B-3, and DD Districts.

Mr. Hach stated this would remain on first reading.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE, AND DECLARING AN EMERGENCY.

was given first read.

Ryan Tiedman stated this allows the City of Painesville to participate in contracts with the Ohio Department of Transportation (ODOT) for the purchase of road salt. Public Service estimates that we will need to purchase approximately 2600 tons of road salt for the 2021-2022 winter season.

Mrs. Jenkins moved to suspend, seconded by Mr. Fodor.

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

Mrs. Jenkins motioned to approve, seconded by Mr. Fodor.

On roll call, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mrs. DiNallo, Mrs. Jenkins, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION 18-21 is ADOPTED.**

Unfinished business: None

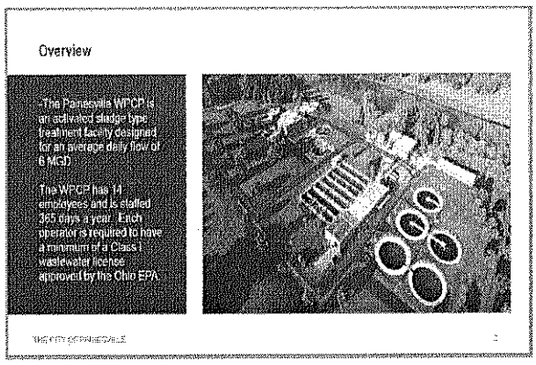
New Business: John F. Clair Award

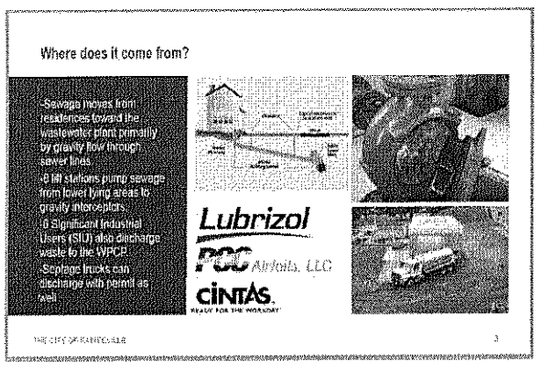
Mr. Hach and Doug Lewis announced the 2021 John F. Clair Economic Development award winner! Congratulations to Ohio Associated Enterprises (Meritec). This award is given to a Painesville City business who demonstrates the value of balancing business and community. In 2020, Ohio Associated Enterprises announced plans to relocate a portion of their business from Chino, California to Painesville. They have been a proud member of the Painesville community for over 50 years and often sponsor community events and activities.

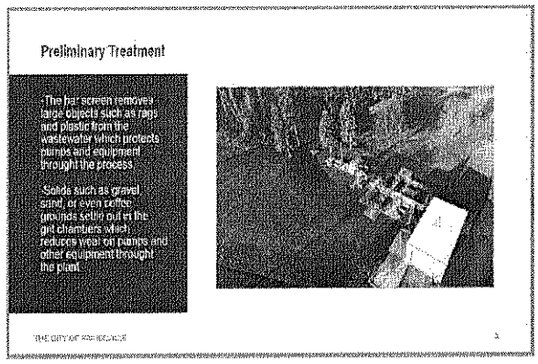
Departmental Presentations: Water Pollution Control Plant

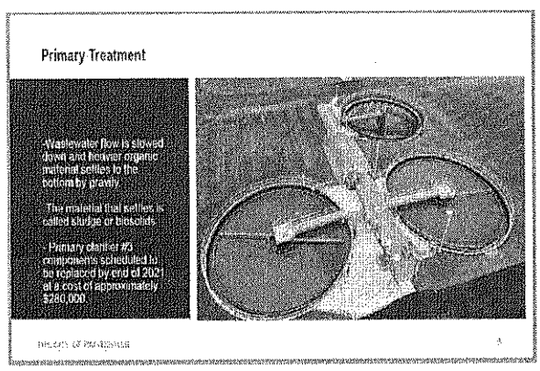
Kevin Aiken gave a presentation for the Water Pollution Control Plant.

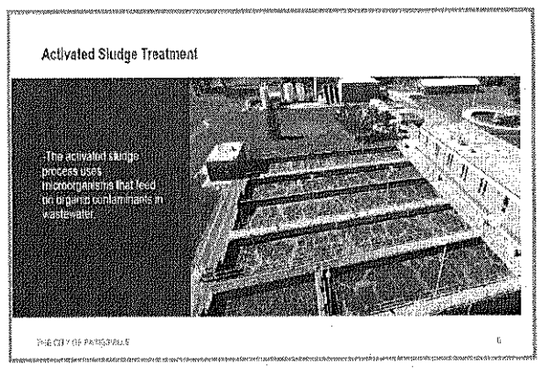


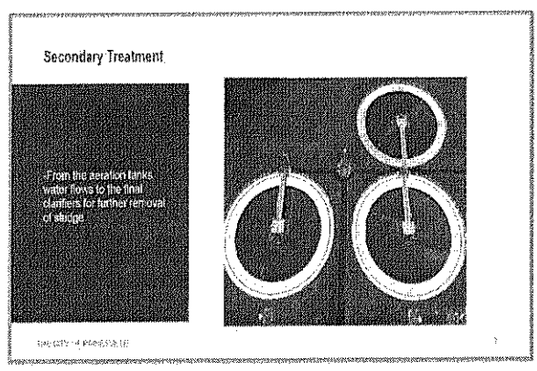


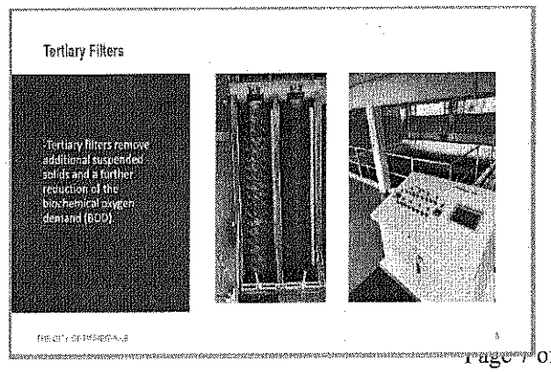


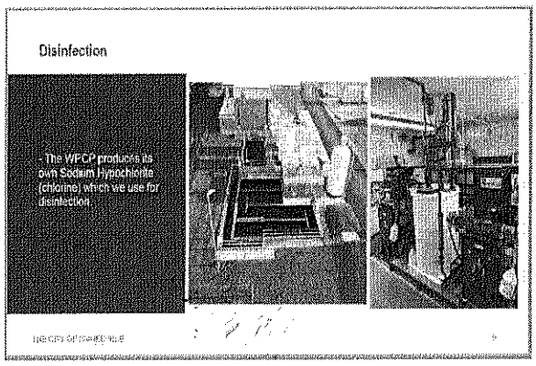


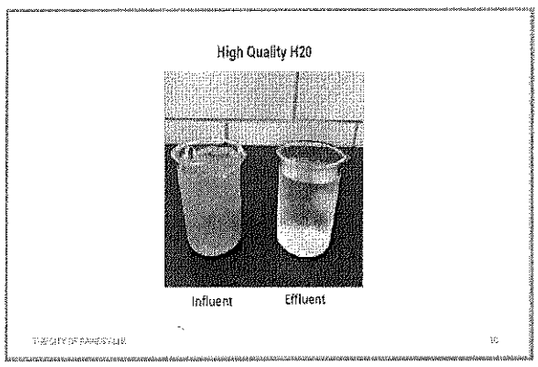


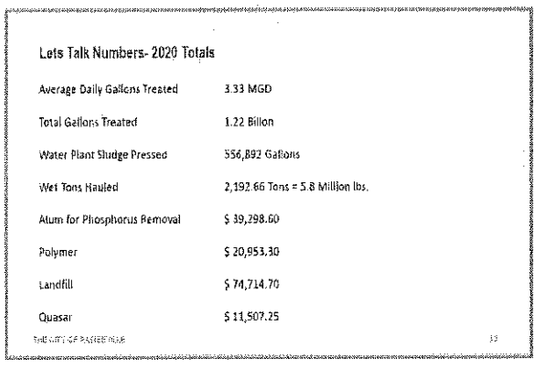


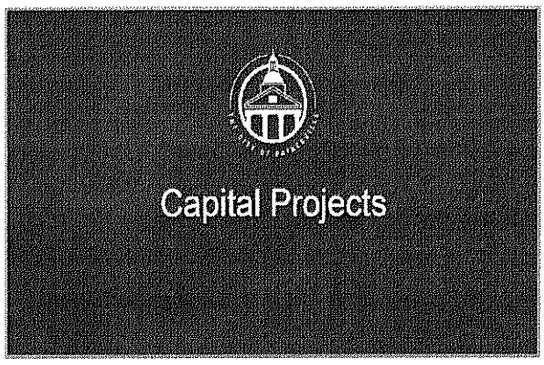


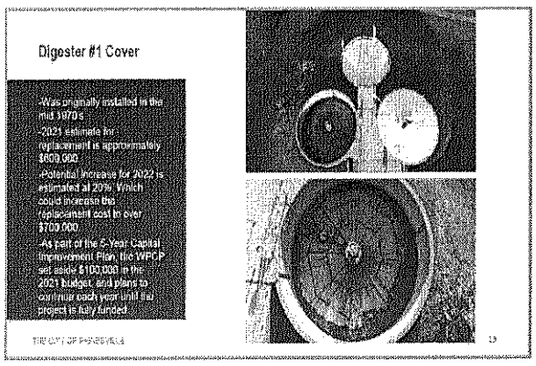


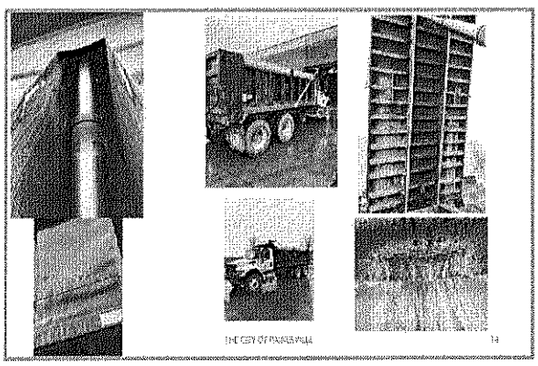


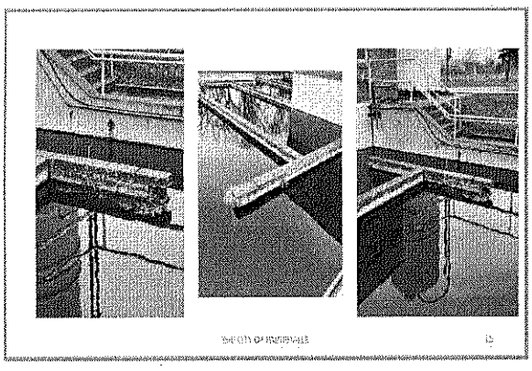














Kevin Aiken answered Council Members questions about repairs to the trucks and concrete around the plant.

Administrative Reports:

Joe Gurley had nothing to report at this time.

Doug Lewis commented on several topics:

Assistant City Manager: Derek Feuerstein has been hired as the Assistant City Manager and is scheduled to start on Monday, April 12, 2021. Derek comes from the City of Elyria and has previous experience in the cities of Rittman and Lorain. He holds a Master's Degree from the University of Akron and is PHR certified (Profession in Human Resources).

Lithium-Ion Battery Project: the Electric Department has been working on a Lithium-Ion Battery Storage Project with Convergent Energy and Power. The proposed project would include a 10 and a 7 megawatt battery that would be installed at the Electric Plant and the North Ridge substation. The batteries would be used for peaking power. Electric Superintendent Jeff

McHugh is going to make a presentation to City Council before proceeding at a Special Work Session for Monday, April 12, 2021.

Department Tours: Doug has met with most of the Departments to give them an overview of what projects are going on with the City.

Party in the Park: Due to COVID precautions, the Painesville Community Improvement Corporation (PCIC) is proposing to host four "mini" Party in the Park events on various Saturdays throughout the summer. The events will feature live music, a limited number of food trucks, local vendors, adult beverages and more. The events are contingent upon approval of the LCGHD. The tentative dates include: May 22, July 17, August 14, and September 18 from 12:00 noon to 12:00 midnight.

Federal Earmarks: Representative David Joyce's Office sent an e-mail regarding earmarks. Doug reviewed the information and is working with staff to identify projects to submit.

Cemetery Offering: Staff has worked with Flowers on Main to offer families who have loved ones in the cemeteries the ability to have flowers placed on their graves three times a year. In addition, as a new offering, cemeteries will be offering the option to install an in-ground cemetery vase.

State of the City Address: the 2020 State of the City Address was filmed.

COVID Vaccination Clinic: The City of Painesville and Lake County General Health District (LCGHD), the NAACP, HOLA and Lake Health will be conducting a follow-up vaccination clinic at Storrs Street Facility on Saturday, April 10, 2021. This will be the 2nd shot for individuals vaccinated at clinic we held in March.

Demolition – 436 Richmond Street residence, shed and sign taken down, and 720 Mentor Avenue scheduled to start on 4/12/21.

Skinner Avenue Water Line: Completing punch list items and will move on to resurfacing of the road when weather permits.

Carbon Feed Building: The contractor informed the City that they are having difficulty getting the equipment necessary to complete the project. Due to COVID, they are not expected to receive the equipment until May 1, 2021 or later. An extension will need to be requested.

Water Filter #3: This has been completed, and a notice has been provided to EPA.

Bank Street Retaining Wall: Army Corps has informed us that the feasibility study has been approved and signed by the Commanding Officer. The next step will be to enter into an agreement with them for the design and construction of the wall. The design is scheduled to be completed in the fall/early winter of 2021 and the project is scheduled to be bid out in late winter of 2022 with construction anticipated to start late spring/early summer of 2022.

Clerk's Correspondences

The next regular Council meeting will be held on Monday, April 19th at 7:30 PM.

Closing Comments:

Mrs. Shoop had no comments at this time.

Mrs. DiNallo had no comments at this time.

Mrs. Jenkins had no comments at this time.

Mr. Augustine congratulated the John F. Clair Award winners, and thanked Kevin Aiken's presentation.

Mr. Fodor thanked Dr. Posler for attending the meeting tonight, and asked residents to help clean up the area.

Mr. Hach had no comments at this time.

Mr. Hach asked for a motion to adjourn the Regular Council Meeting.

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

All were in favor by answering "Aye". Motion carried at 8:55 pm.

Samantha Danielson
Clerk of Council

Paul W. Hach, II
President of Council