REGULAR COUNCIL MEETING
Monday, May 3, 2021 – 7:30 PM
PUBLIC HEARING – 8:00 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 and Katie Jenkins; City Manager Doug Lewis, Assistant City Manager Derek Feuerstein, Law Director Joe Gurley, and Clerk of Council Samantha Danielson, and the following in attendance by video conference: Councilpersons Christine Shoop, Tom Fitzgerald, Lori DiNallo, Nick Augustine, and Jim Fodor; Finance Director Andy Unetic, Electric Power Superintendent Jeff McHugh, Public Works Supervisor Ryan Tiedman, 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.

Mr. Augustine moved to approve the agenda, seconded by Mrs. Jenkins. All were in favor by answering "Aye". Agenda approved.

Mrs. 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 04.19.21

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

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

Public Comment: The following email was read at the meeting.

From: Disanto, Elizabeth
Subject: Is it appropriate to address the sidewalk situation in Painesville City?
Date: Monday, May 3, 2021 8:26:37 AM

> Hello Samantha,
> Why is the City [is] holding owners responsible for fixing City sidewalks? It seems to me, the City should advise owners that their sidewalks are getting replaced and then have all sidewalks evenly/consistently repaired, so there are no gaps. The City can then send a 'bill' to the owner to pay or add that amount onto their property taxes. It seems the City will get a better price than the owners. I'd also want to know/make sure the City puts out an RFQ and receives at least 5 bids. I'd like to know what the bids entail and the company (of course). I also firmly believe one company should not be awarded the 'job'. Two companies should be awarded and can compete with each other completing separate sections. Project will move much quicker to obtain the goal of restoring our City. Can we get this subject brought up and then be a devoted topic to an upcoming City Council meeting? Thank you for your kind consideration and I hope you have a wonderful day.
> Kind regards,
> Elizabeth DiSanto

Committee Report:

Citizen's Safety Committee

Mrs. Jenkins reported the Citizen's Safety Committee met on Wednesday, April 21, 2021. The Fire and Police Departments have been recruiting new candidates for each department, but need for more people to become firefighters and police officers. They also discussed the pros and cons of the part-time firefighter's program. The police provided an update on the intersection cameras and the timeline for completion. The mental health of the police and fire department was discussed. Over all, morale is good, but additional support is being provided by the Chiefs, if need, during this time.

Finance Committee

Mrs. Shoop reported that the items from the Finance Committee meeting held on Wednesday, April 28, 2021 were going to be presented again when Legislation #8 was being discussed, and Ryan Tiedman was going to give a presentation on the Salt Shed Proposal.

Legislation:

Mr. Hach stated that Ordinances #1 through #5 were going to be discussed during the Public Hearing session of the meeting.

AN ORDINANCE TO APPROVE AND ADOPT THE 2021 CODIFIED ORDINANCES INCLUDING NEW MATTER CONTAINED THEREIN, AND DECLARING AN EMERGENCY.

was given second read.

Samantha Danielson stated these are the Codified Ordinances which have been reviewed and approved by the Department Heads and are ready to be added to the Charter. It can go three reads.

Mr. Hach stated this would remain on second reading.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EXCLUSIVE MARKETING AGREEMENT WITH GLOBAL REAL ESTATE ADVISORS, INC. FOR THE SALE OF LAND IN RENAISSANCE BUSINESS PARK, AND DECLARING AN EMERGENCY.

was given second read.

Doug Lewis stated the City of Painesville currently owns two parcels of property that totals 11.646 acres of land in the Renaissance Business Park west of Newell Street. The parcel north of Renaissance Parkway totals 5.844 acres. This is the main parcel being recommended be listed with Neil Sawicki of Global Real Estate Advisors. There are only about 3.5 acres that can be developed because there are approximately 2.3 acres of wetlands. The parcel to the south of Renaissance Parkway totals 5.802 acres and Mar Bal Corporation currently has a pending option to purchase the property if they move forward with their plans to expand. Should Mar-Bal choose not to exercise their option, the City would like the authority to list this parcel along with the other. Again, the 5.802 parcel will not be listed until we determine whether or not Mal Bal Corporation decides excise their pending option to purchase the property. There are no upfront costs. A commission of 10% will be deducted from the sale of the property. There are no additional marketing charges. The plan is to list the property at $43,000 per acre. Prior property along Renaissance Parkway has sold for approximately $30,000 - $33,000 per area. It is recommended listing the property at this amount to be flexible with offers. The more jobs the company brings the lower offer we can accept. Sale of the land will need to be approved by City Council through legislation. The staff recommends that the City Council approves the legislation on the second reading.

Mrs. Shoop motioned 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.

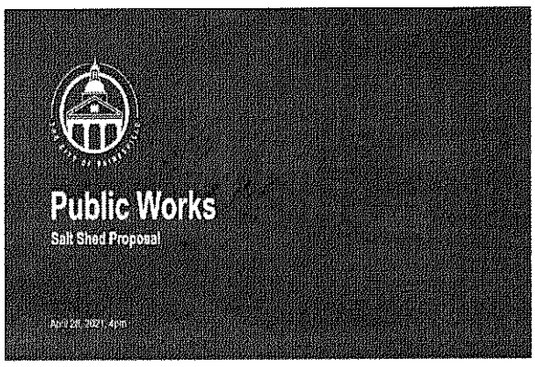
Mr. Fitzgerald moved to adopt, seconded by Mrs. Shoop.

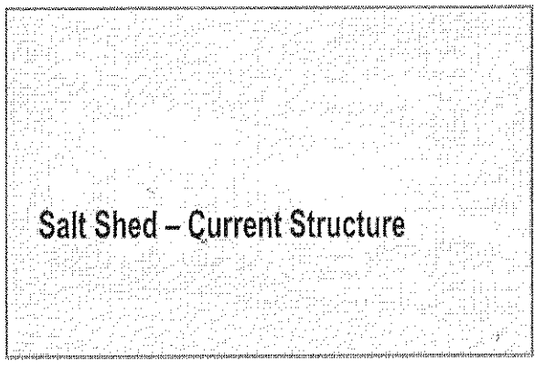
On roll call Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION 19-21 is ADOPTED.**

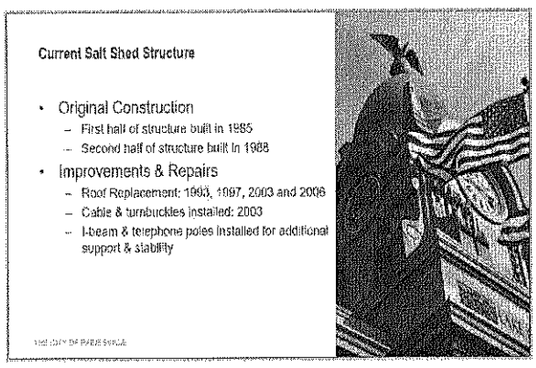
A RESOLUTION AUTHORIZING THE CITY MANAGER ENTER INTO A CONTRACT WITH ACCEL BUILDING SYSTEMS, LLC, INCLUDING ANY AND ALL ENSUING CHANGE ORDERS, FOR TIIE AWARDING OF THE CONSTRUCTION OF A NEW SALT SHED STORAGE FACILITY, NOT EXCEEDING $200,000, AND DECLARING AN EMERGENCY.

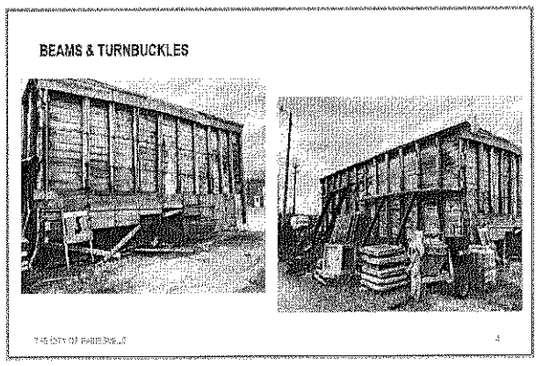
was given first read.

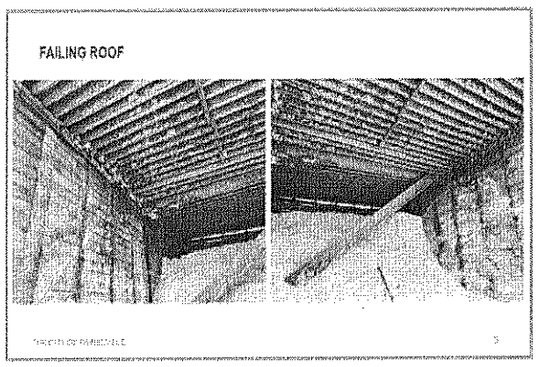
Ryan Tiedman gave a PowerPoint presentation on the Salt Shed Proposal which was previously presented at the Finance Committee meeting on Wednesday, April 28, 2021. See Presentation slides below:

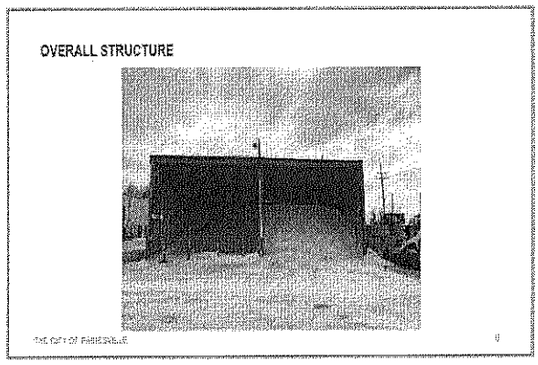


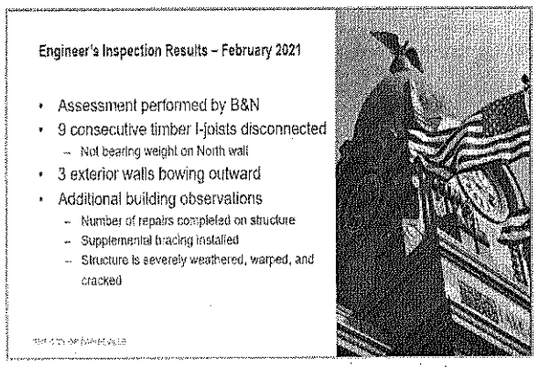


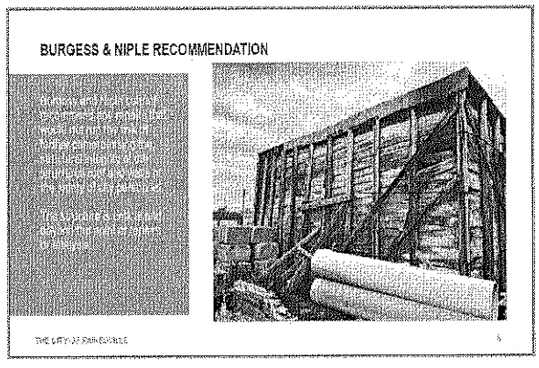


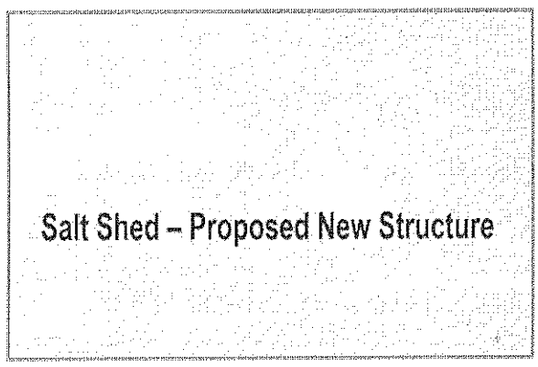


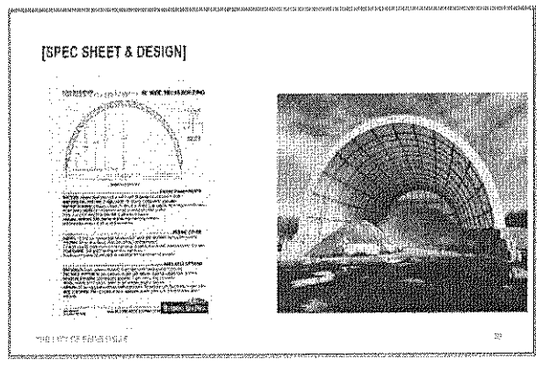


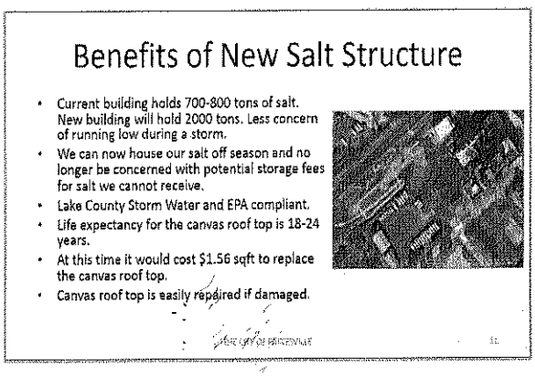


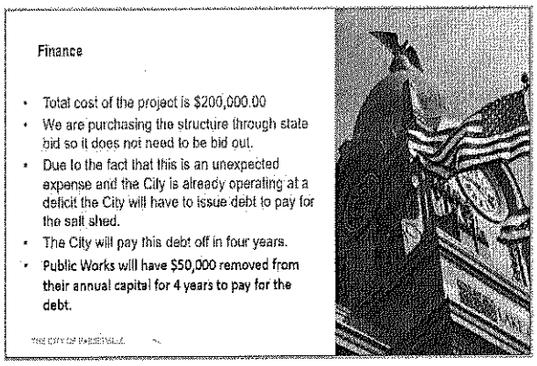














Mrs. Shoop motioned to suspend; seconded by Mr. Augustine.

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

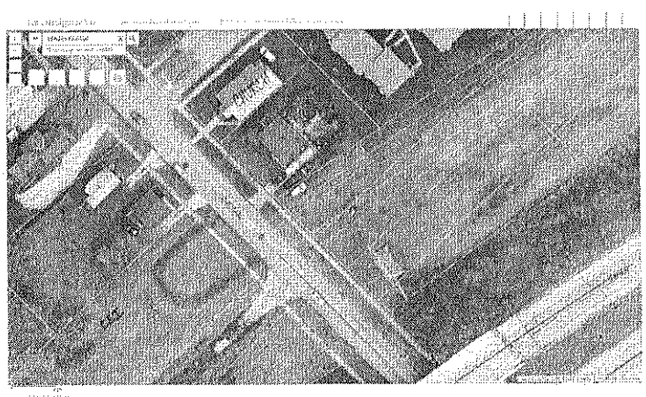
Mrs. Shoop moved to adopt, seconded by Mrs. Jenkins.

On roll call, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION 20-21 is ADOPTED.**

Unfinished business:

Lynch Avenue

Mrs. Shoop made an apology to Pastor Jackson and the congregation of the Temple of Pentecost for an error in her comments that she made at the April 19th City Council Meeting. An update on the parking concerns and their options were addressed by Doug Lewis. See picture below:



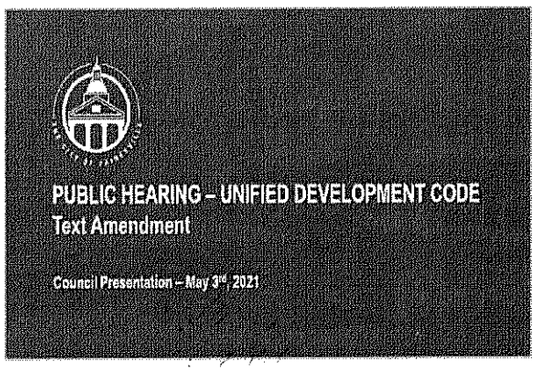
Mr. Hach asked for a motion to open the Public Hearing.

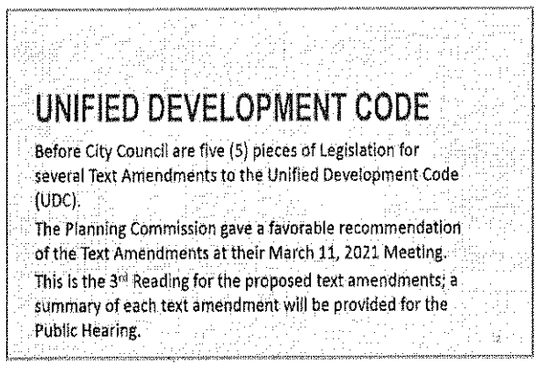
Mrs. Jenkins motioned to move in to the Public Hearing, seconded by Mrs. Shoop.

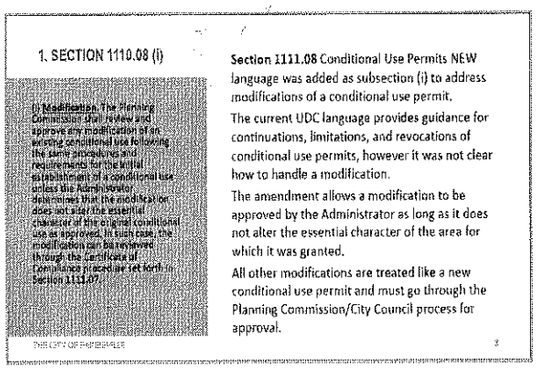
All were in favor by answering "Aye". Motion carried at 8:00 pm for the Public Hearing.

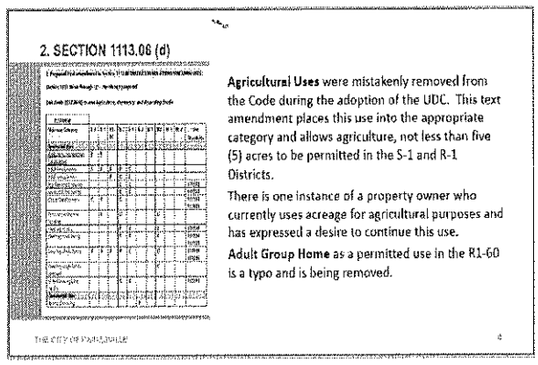
A text amendment PowerPoint presentation was given by Doug Lewis as follows:

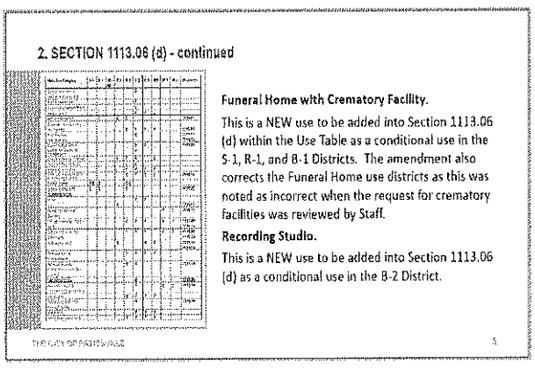
Charlie Jonson was present via Zoom to to answer the concerns and questions of the Council Members on the structure of the building, usage, appearance, and regulations.

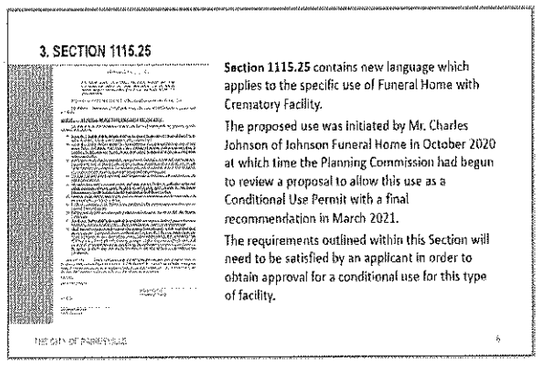


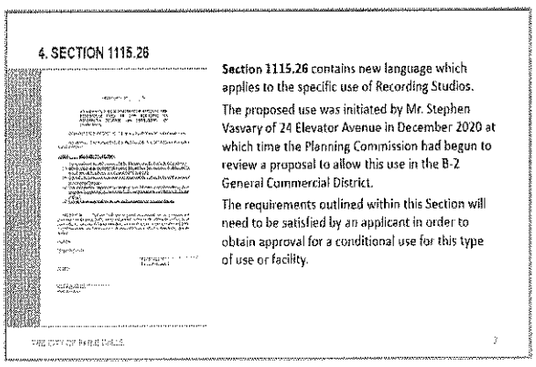


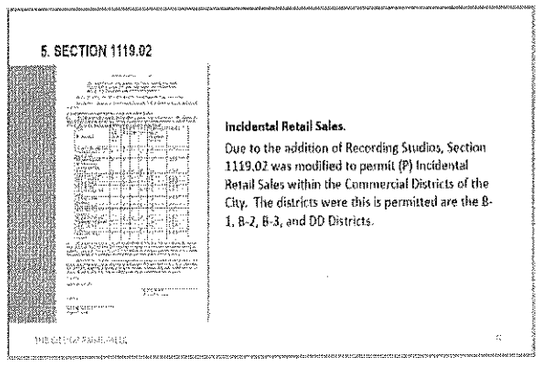


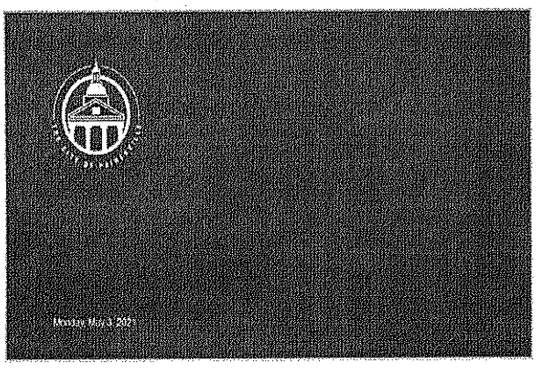












Mr. Hach asked for a motion to close the public hearing.

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

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

Mrs. Shoop motioned to move back to the Regular Council Meeting, seconded by Mr. Augustine.

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

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 third read.

Doug Lewis 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 asked for a motion to adopt.

Mr. Augustine moved to adopt, 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. **ORDINANCE 09-21 is ADOPTED.**

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

Doug Lewis 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 asked for a motion to adopt.

Mr. Fitzgerald moved 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. **ORDINANCE 10-21 is ADOPTED.**

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 third read.

Doug Lewis 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 asked for a motion to adopt.

Mr. Augustine moved to adopt, seconded by Mr. Fodor.

On roll call, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, Mrs. Shoop, and Mr. Hach answered "Yes". Motion carried. **ORDINANCE 11-21 is ADOPTED.**

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

was given third read.

Doug Lewis 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 asked for a motion to adopt.

Mrs. Shoop moved to adopt, 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. **ORDINANCE 12-21 is ADOPTED.**

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

was given third read.

Doug Lewis 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 asked for a motion to adopt.

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

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

Unfinished business: Continued

Stadium Lease

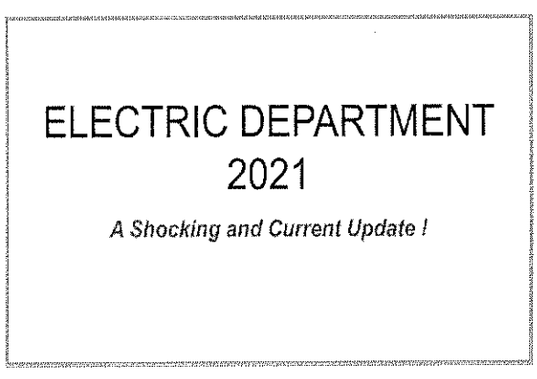
Doug Lewis stated there was a concern from a resident about the sound system at the stadium. He talked to Superintendent Englehart, Lake Erie College President Posler, and Law Director Joe Gurley on regards for what was being requested. An addendum was discussed and changes to the language on the limitations to the amount of music. Doug Lewis asked Council Members to give direction to bring this forward to legislation. Four of the Council Members agreed to have this move forward.

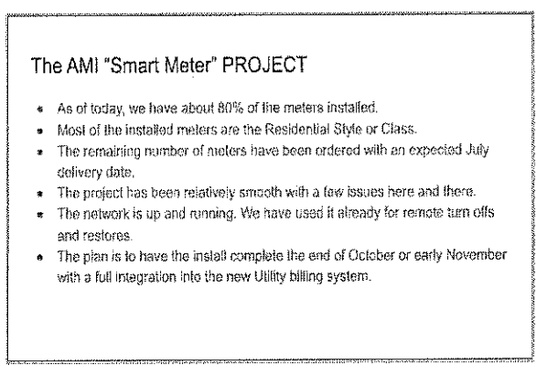
New Business: None

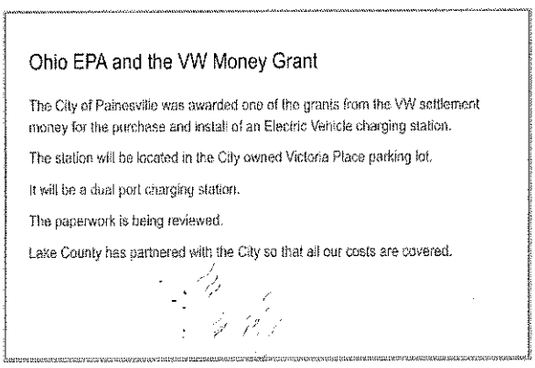
Departmental Presentations: Electric Department

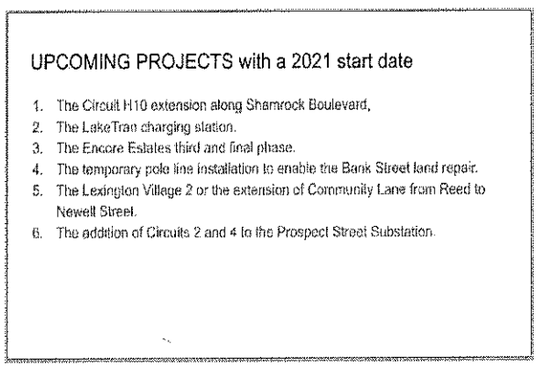
Jeff McHugh gave a presentation for the Electric Department. See presentations slides below:

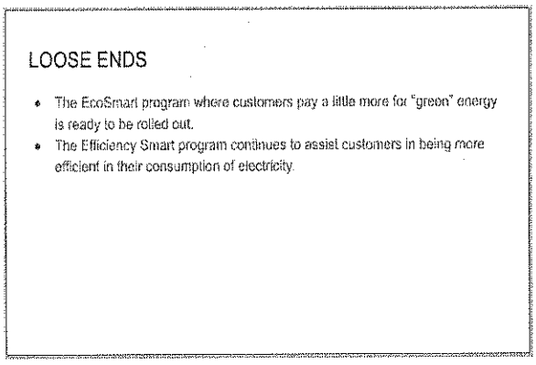
Questions and concerns from Council Members were answered by Jeff McHugh.

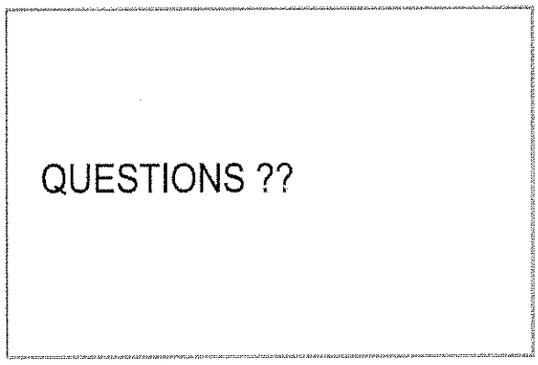












Administrative Reports:

Joe Gurley had nothing to report at this time.

Doug Lewis reported the City held the "We the People Day" on Tuesday, April 27, 2021, and he wanted to thank all the residents who attended the meeting virtually and participated.

Clerk's Correspondences

The next regular Council meeting will be held on Monday, May 17th at 7:30 PM; 2021 Special Collections for Televisions will be on Saturday, May 8th from 8:00 AM – 2:00 PM at 1301 Mentor Ave: Lake County Fairgrounds. Please see Lake County Department of Utilities for more information of restrictions and fees; Farm and Flea Sunday will be held at JFS Parking Lot off Main Street on Sunday, May 9th from 10:00 AM – 4:00 PM, and Story Time with Public Works will be held at Painesville Square on Wednesday, May 12th from 6:00 – 7:00 PM. The books read will be construction-themed, and there will be construction vehicles on-site.

Closing Comments:

Mrs. DiNallo thanked the Painesville City Schools for trying to improve things with the residents and Jeff McHugh for his presentation. She stated her appreciation for the innovation of the electric charging station.

Mrs. Jenkins had no comments at this time.

Mr. Fodor commented on his concern about the language of the resolutions and the usage of "declaring an emergency", and gave a shout out to fire, police and electric workers. He reminds residents about yard waste and keeping our neighborhoods looking nice.

Mr. Augustine thanked Jeff McHugh for his presentation and appreciated the Planning Commission and Administration for updating the Unified Development Code.

Mrs. Shoop had no comments at this time.

Mr. Fitzgerald had no comments at this time.

Mr. Hach asked Doug Lewis to follow up with the resident whose email was read during the Public Comment session.

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

Mrs. Shoop motioned to go in to ***EXECUTIVE SESSION BEING HELD IN ACCORDANCE WITH ARTCLE II, Section 6(1)*** To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of an employee or official of the City. Seconded by Mr. Augustine.

On roll call, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach answered "Yes". Motion carried at 8:56 PM.

Mrs. Jenkins moved to adjourn the Executive Session, 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 10:25 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 10:26 PM.

Samantha Danielson
Samantha Danielson
Clerk of Council

Paul W. Hach, II
President of Council