REGULAR COUNCIL MEETING
Monday, May 17, 2021 – 7:30 PM
EXECUTIVE SESSION IMMEDIATELY FOLLOWING

President Paul Hach called the regular meeting to order at 7:30 PM. City Council convened for a regular meeting in the City Hall Conference Room, with the following in attendance in person: Councilperson Paul Hach; City Manager Doug Lewis, 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, Katie Jenkins, and Jim Fodor, 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.

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

Mr. Fitzgerald gave the Invocation. The Pledge of Allegiance was recited.

President Hach asked for a motion to approve the meeting minutes as submitted for:

- Public Hearing "We the People Day" 2021 04.27.21
- Regular Meeting 05.03.21

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

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: None

Committee Report:

Economic Development Committee

Mrs. Jenkins reported that the Economic Development Committee met on Thursday, May 13, 2021. T-Mobile Grant: Cathy Bieterman presented at the meeting that staff has applied for a grant through T-Mobile that would pay for $200,000 in consulting fees and infrastructure. There is one grant that will be awarded. Our proposed Painesville Network Enhancement Project would connect Lake Erie College, through the downtown square to Kiwanians Recreation Park and serve as a hot spot. Some infrastructure exists today at each central location but this would allow for a hotspot archway that overlays between all 3 and provides better access for students, businesses and visitors. DSA Grant at 735 South State Street: Cathy Bieterman provided an update to the project. Remedial activities will include the removal of potentially contaminated soil (PCS) that contains concentrations above the standards. Soil will be excavated from the ground surface to the top of groundwater (about 8 ft – 10 ft). The PCS will be loaded onto trucks and transported for offsite treatment or disposal at an approved facility. After remedial activities are complete, it will demonstrate that the remedial objectives have been met to support the termination of the remedial action plan and there will be a request for No Further Action. Cathy explained there is an agreement that is currently being finalized with Joe Gurley that commits the owner to working with us on this remediation project and returning the site to a viable use. The owner would like to have a small eatery at this site and is hopeful that the remediation can be completed so that he can open Spring of 2022. This project is paid for by a grant through the Ohio Department of Development Services Agency in the amount of $317,480.00. Our grant agreement will be submitted to accept the award once this agreement has been finalized. We were supposed to accept the grant in December, so all Council action was completed at that time. A motion was made to use funds from the Economic Development Fund in the amount of $10,000. These funds will be used for the match required if awarded a Planning Grant through Jobs Ohio Inclusive Project Planning Program for a new business park plan at the 39 acres at the corners of Richmond Street and Richmond Road.

Legislation:

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

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

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

A RESOLUTION RECOGNIZING THE RESPONSIBILITY OF THE CITY OF PAINESVILLE TO AFFIRMATIVELY FURTHER FAIR HOUSING, AND DECLARING AN EMERGENCY.
was given first read.

Doug Lewis stated the City of Painesville will be submitting two (2) grant applications for FY 21' Community Development Block Grant (CDBG) Funding. In order to make application for CDBG funding through the Lake County Planning & Community Development Department, the City of Painesville must pass a Resolution stating that we will work to further Fair Housing efforts in Painesville. The City currently works with Lake County and the Fair Housing Resource Center (FHRC) to assist in meeting these obligations. This is the same resolution that is passed annually. There is no cost to the City. It was recommended that the City Council approve this legislation. Due to being informed late about the CDBG deadline and the fact that staff had to determine which projects to submit for funding, it was being asked that this item be passed tonight on first reading. The grant application is due on May 20, 2021.

Mrs. Jenkins 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.

Mr. Fitzgerald 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 21-21 is ADOPTED.**

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPLY FOR AND ACCEPT FUNDING FROM LAKE COUNTY FY'2021 COMMUNITY BLOCK GRANT PROGRAM FOR VARIOUS PROJECTS AS LISTED BELOW IN PRIORITY ORDER, AND DECLARING AN EMERGENCY.
was given first read.

Cathy Bieterman stated the City of Painesville is eligible to submit projects for funding through the FY21' Community Development Block Grant (CDBG) Program. Each year, staff determines priorities and submit projects and request CDBG Funding through the Lake County Planning & Community Development Department. In order to submit applications, the City of Painesville must pass a Resolution stating that the City Manager has permission to apply for and accept the funds. This year, staff met and determined that we will submit two (2) applications. In priority order, the projects to be submitted are: 1) Commercial Retention and Redevelopment Program ($65,000), and 2) Residential Housing Rehabilitation Program for Vinyl Siding ($50,000). The first priority is the Commercial Retention and Redevelopment Program which consists of Forgivable Façade Loans which can be used on a building's exterior and Forgivable Commercial Loans which can be used for both physical property improvements for both interior and exterior building improvements. There is great need to have a program that meets the needs of both exterior and interior renovation of underutilized and blighted properties. This enables us to focus efforts on improving commercial buildings within the downtown, Richmond Street and the main corridors coming into the City. Staff thought it was important to focus our efforts on

these areas to assist in improving the existing buildings in order to attract new retail and commercial businesses. The Residential Housing Rehabilitation Program will focus specifically on vinyl siding. The Siding Program will be for LMI residents that qualify for the grant and are in violation of the property maintenance code. There would be no cost for the City of Painesville. There will be a local match required for each of the grant programs. It is recommended that the City Council approve this legislation. It was requested that this legislation be passed as an emergency on the first reading, as the grant applications are due May 20, 2021.

Mr. Augustine 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.

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

On roll call Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION 22-21 is ADOPTED.**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AMENDING THE CITY'S STADIUM LEASE AGREEMENT WITH THE PAINESVILLE LOCAL SCHOOL DISTRICT BOARD OF EDUCATION SO AS TO PLACE FURTHER RESTRICTIONS ON THE USE OF THE STADIUM SOUND SYSTEM, AND DECLARING AN EMERGENCY.

was given first read.

Doug Lewis stated the City of Painesville recently entered into a new 20-year agreement with the Board of Education of the Painesville City Local School District ("Board") for use of the Stadium. In addition, the Board entered into a sub-lease with Lake Erie College to utilize the Stadium. However, after it was implemented, the City and the Board continued to receive complaints from the adjacent residential neighborhood regarding various issues including the length of time the stadium sound system was being used prior to the start of an event. As a result, Doug Lewis met with Superintendent Englehart to determine if there should be an amendment to the current agreement to limit the length of time that the stadium sound system is used prior to an event. Superintendent Englehart spoke with Lake Erie College President Brian Posler who had no objection to modifying the language. As a result, Law Director Joe Gurley was asked to draft an addendum to the agreement. The amended to read as follows:

> Use of the stadium sound system shall only be permitted during the duration of sanctioned interscholastic sporting events, intercollegiate sporting events, and other events approved by the Board. The duration of an event begins forty-five (45) minutes before the start of the event (with the exception of sanctioned football games, which may begin ninety (90) minutes before the event) and concludes one-half (1/2) hour after the ending of the event, subject to the following: The Stadium Sound System shall operate only between the hours of 9:00 a.m. and 10:30 p.m. The use of the stadium sound system during practices is prohibited.

There is nothing to be purchase, and this legislation can go three readings.

Mr. Hach stated this would remain on first reading.

Unfinished business: None

New Business:

Electric Committee Appointments

Mr. Hach asked for a motion to appoint the members of the Electric Committee.

Mrs. Shoop motioned to appoint the following individuals to be members of the Electric Committee, seconded by Mrs. DiNallo.

Carrie Dotson	Term: 1 year
Stephan Beahon	Term: 1 year
Jason Popp	Term: 2 year
Mike Sturdevant	Term: 2 year
William Lewins	Term: 3 year

On roll call, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr.

Augustine, and Mr. Hach answered "Yes". Motion carried. Members appointed to the Electric Committee.

Departmental Presentations: None

Administrative Reports:

Joe Gurley had nothing to report at this time.

Doug Lewis reported on the following topics:

CHASE Bank: The City received a confirmation letter from the Ohio Historic Preservation Office that the developers received the Paul Bruhn Historic Grants Program in the amount of $94,330. It is to repair, clean and repoint the masonry. Scheduled a meeting with the developer and architect to determine if adjustments to the floor plan can be made.

Events: Painesville Kid Olympics on Saturday, May 22nd at 10:00 AM; Stadium at Recreation Park; "Mini" Party in the Park on Saturday, May 22nd from noon to midnight at the Painesville Square.

CDBG Grant: An application will be submitted for a Development Improvement Loan/Grant to assist with storefront and internal improvements and a Housing Rehabilitation Grant Program to install vinyl siding on homes in violation of the property maintenance Code.

Sidewalk Program: Administration has received a number of complaints regarding the removal of trees along Historic Bank Street as part of the sidewalk program. City Engineer Exum, Assistant City Manager Feuerstein and City Manager Doug Lewis met with various property owners to discuss tree removal and sidewalk replacement along Bank Street. The decision was reviewed to remove trees and determined that one tree could remain. The other trees were definitely impacting the sidewalks and are scheduled to be removed by Van Curen this coming week.

Story Time with Public Works: Story Time with Public Works in Veteran's Park was well received. Public Works staff brought out four large vehicles for the children to explore after the reading. There was a nice turnout of approximately 30 to 35 children.

Madison Ave.: There was an update for a substantial completion, depending on the weather conditions, will be August 2021.

Bank Street Project: There was an update that Corps of Engineers, along with City Engineer Leanne Exum, had a field visit to evaluate the work that needs to be done on the slope.

Clerk's Correspondences

The next regular Council meeting will be held on Monday, June 7th at 7:30 PM; DPO Virtual Wine and Chocolate Walk on Friday, May 21st at 7:00 PM; Painesville Kid Olympics on May 22nd at 10:00 AM; Stadium at Recreation Park; "Mini" Party in the Park on May 22nd from noon to midnight at the Painesville Square; Car Cruise Friday starting on May 28th from 5:00 – 9:00 PM at the Painesville Square and going through September 24th, as weather permits; All city offices will be closed on Monday, May 31st for observance of the holiday; Memorial Day Ceremony on Monday, May 31st at 10:00 AM at the Evergreen Cemetery; Farmers Market starting on Thursday, June 3rd from noon – 4:00 PM at the Painesville Square going through September 23rd; Kids Fishing Derby on Saturday, June 5th from 9:00 AM – 4:00 PM at the Fishing Pond at Recreation Park., and 2021 Special Collections for Hazardous Waste Collection will be on Saturday, May 5th 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.

Closing Comments:

Mrs. Shoop congratulated the new members of the Electric Committee and thanked all the applicants for their interest in the City.

Mrs. DiNallo expressed the same as Mrs. Shoop.

Mrs. Jenkins congratulated the Harvey High 2021 graduates.

Mr. Fodor expressed about the usage of legislation language "declaring an emergency" and he urges everyone to work together with wearing a mask or not wearing a mask confusion.

Mr. Fitzgerald congratulated the new members of the Electric Committee and thanked everyone involved in the interview process.

Mr. Augustine had no comments at this time.

Mr. Hach congratulated all the valedictorians of Harvey High School and was proud to be able to participate with delivering proclamations to them. He encouraged everyone to attend the Party in the Park on Saturday.

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 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.

All were in favor by answering "Aye". Motion carried to move into Executive Session at 7:58 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 8:25 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 8:26 PM.

Samantha Danielson
Clerk of Council

Paul W. Hach, II
President of Council