REGULAR COUNCIL MEETING
Monday, July 19, 2021 – 7:30 PM
PUBLIC HEARING – 8:00 PM
EXECUTIVE SESSION IMMEDIATELY FOLLOWING

President Paul Hach called the Regular Council 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: Councilpersons Paul Hach, Christine Shoop, Jim Fodor, Tom Fitzgerald, Katie Jenkins and Nick Augustine; City Manager Doug Lewis, Assistant City Manager Derek Feuerstein, Law Director Joe Gurley, Water Superintendent Orin McMonigle, Economic Development Director Cathy Bieterman, City Engineer Leanna Exum, Human Resource Director Kris Young, and Clerk of Council Samantha Danielson. Lori DiNallo was not able to attend.

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

Mrs. Shoop made a motion to excuse Mrs. DiNallo from the Council Meeting, 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. Jenkins. All were in favor by answering "Aye". Agenda approved.

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: Special City Council Meeting 07.06.21

Mr. Fitzgerald motioned to approve the minutes, seconded by Mrs. Shoop. All were in flavor by answering "Aye". Mrs. Jenkins abstained. Minutes accepted.

Public Comment: None

Committee Report:
Planning Commission

Derek Feuerstein reported the following items were presented to the Planning Commission Meeting on July 9, 2021. There was discussion of Phase 3A of Encore Estates. The Final Plat at Encore Estates at Heisley Park was approved. There was also discussion of the proposal of the infrastructure bill in the U.S. senate and House. Further discussion will take place, if passed, and its implication on the City of Painesville.

Parks and Recreation Commission

Mrs. Shoop reported the following items were presented at the meeting held on July 13, 2021. Kevin Cindric, Recreation Supervisor, shared the details of the successful grand opening of the Futsal Court on July 1st. Benefits of having this amenity in our park was also discussed. Upcoming Events: Movie in the Park – August 28th in Veteran's Park, sponsored by Lubrizol Corporation; Story Time with the Fire Department – September 1st in Veteran's Park; Fall Chili Cook-Off – September 25th in Veteran's Park, sponsored by Lubrizol Corporation, and working with PCIC to offer beer; Story Time with the Police Department – September 29th in Veteran's Park. In the works: Fall Fest – October 16th with trunk or treat, costume contest, hay rides, games, pumpkin painting and more at Recreation Park; Spirit of the Season and Tree Lighting – November 19.

Legislation:

AN ORDINANCE DECLARING THE IMPROVEMENT TO CERTAIN PARCELS IN THE AREA OF 250 CHESTER STREET IN THE CITY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION PURSUANT TO ORC 5709.40(B); PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE PAYMENTS AND SPECIFYING THE PURPOSES FOR WHICH THOSE SERVICE PAYMENTS MAY BE EXPENDED; APPROVING A

SCHOOL COMPENSATION AGREEMENT; AND AUTHORIZING SCHOOL COMPENSATION PAYMENTS.

was given third read.

Cathy Bieterman stated this legislation would allow for creation of a 40B Tax Increment Financing (TIF) District in the area of 250 South State Street for the expansion of Avery Dennison. The defined area shown in the map.

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

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

AN ORDINANCE DECLARING THE IMPROVEMENT TO CERTAIN PARCELS IN THE RICHMOND STREET AREA OF THE CITY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION PURSUANT TO ORC 5709.40(B); PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE PAYMENTS AND SPECIFYING THE PURPOSES FOR WHICH THOSE SERVICE PAYMENTS MAY BE EXPENDED; APPROVING A SCHOOL COMPENSATION AGREEMENT; AND AUTHORIZING SCHOOL COMPENSATION PAYMENTS.

was given third read.

Cathy Bieterman stated this legislation would allow for the creation of a 40B Tax Increment Financing (TIF) District in the Richmond Street Area. The defined area shown in the map.

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

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

AN ORDINANCE DECLARING THE IMPROVEMENT TO CERTAIN PARCELS IN THE DOWNTOWN AREA OF THE CITY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION PURSUANT TO ORC 5709.40(B); PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE PAYMENTS AND SPECIFYING THE PURPOSES FOR WHICH THOSE SERVICE PAYMENTS MAY BE EXPENDED; APPROVING A SCHOOL COMPENSATION AGREEMENT; AND AUTHORIZING SCHOOL COMPENSATION PAYMENTS.

was given third read.

Cathy Bieterman stated this legislation would allow for the creation of a 40B Tax Increment Financing (TIF) District in the Downtown Area. The defined area shown in the map.

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

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

AN ORDINANCE AMENDING SECTION 167.071, OF THE PAINESVILLE CODE OF 1998 RELATING TO THE CLASSIFICATION AND COMPENSATION PLAN, AND DECLARING AN EMERGENCY.

was given first read.

Kris Young reported the City's Fraternal Order of Police (FOP) Local #90 Patrol and Promoted contracts expired on March 31, 2021. The City has been negotiating with FOP for a new contracts and has agreed to contract terms for a three year deal with the following wage increases: effective April 1, 2021, 3%; effective April 1, 2022, 3%; and effective April 1, 2023, 2.5%. The Administration believes these wage increases are fair and the City can afford them. Due to the fact that the City is still in negotiation with other unions with similar, proposed wage increases, we believe it is in the City's best interest to waive the three (3) readings of this

legislation and approve this legislation as an emergency to assist with the other union negotiations.

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

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

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

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

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPLY FOR AND ACCEPT A GRANT THROUGH THE JOBS OHIO INCLUSIVE PROJECT PLANNING PROGRAM, AND DECLARING AN EMERGENCY.

was given second read.

Cathy Bieterman stated the City of Painesville has been seeking new land opportunities for commercial and industrial development. This 39-acre property located at the intersection of Richmond Street and Richmond Road is zoned B-2 and qualifies for the Business Park zoning designation. To maximize the development potential of this site the City of Painesville is applying for a grant to help pay for site due diligence and a business park site concept plan. If awarded, the City will enter into contract with an engineering firm to complete the necessary work to qualify it as site ready under the Jobs Ohio Program. The City has requested $20,000 to assist with development of a site plan and to certify the site for Jobs Ohio. As a part of this legislation, there is a 50% match requirement which will be paid for either through the Economic Development Incentive Fund or using ARPA funding. This legislation can be passed under three readings.

Mr. Hach stated this would go to third read.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT, INCLUDING ANY AND ALL ENSUING CHANGE ORDERS, WITH THE LOWEST AND BEST BIDDER FOR THE REMOVAL AND ENVIRONMENTAL CLEAN UP OF SOILS AT THE PROPERTY AT 735 SOUTH STATE STREET, AND DECLARING AN EMERGENCY.

was given second read.

Cathy Bieterman stated the City of Painesville was awarded a grant through the Ohio Department of Development Services Agency in the amount of $317,450. This legislation will enable us to go out to bid and award the clean-up and removal of environmental issues pertaining to the soils on the property at 735 South State Street. The owner has an agreement with the City that a small eatery will be located at this once it has been cleaned. This project will go out to bid with bid specifications that are prepared by our Environmental Consultant Partners Environmental. The cost associated with this project are within the grant award through the Ohio Department of Development Services Agency Abandoned Gas Station Grant Program. This legislation can go two readings, and request that it be passed at the July 19, 2021 City Council Meeting. Discussion about zoning, and resident's interest or concerns were addressed.

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

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

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

On roll call Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. Jenkins, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION 29-21 is ADOPTED.**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN UPDATED MEMORANDUM OF UNDERSTANDING WITH THE LAKE COUNTY LAND REUTILIZATION CORPORATION, AND DECLARING AN EMERGENCY.

was given first read.

Doug Lewis stated in September of 2014, the City of Painesville entered into a Memorandum of Understanding (MOU) with the Lake County Land Reutilization Corporation. Recently, LCLRC sent a revised version of the MOU and asked that City Council approve it in light of the changes occurring in the administrative and legislative bodies of the various communities over the years. Staff has reviewed the updated MOU and determined that no substantive changes have been made from the originally agreed upon MOU. The Law Director reviewed and had no changes. The purpose of the MOU is two-fold, 1) to outline the steps that may be taken by the LCLR if and when properties become available through the forfeiture process, and 2) it clarifies the LCLRC protocols that will be implemented when the LCLRC takes title to a property in the City of Painesville, Ohio. There is nothing to purchase or to finance. This legislation can go three readings.

Mr. Hach stated this would go to second read.

Unfinished Business:

Sidewalk Non-Compliance Discussion

Leanne Exum reported that Ward 1 violation letters were sent to residents, and they have until October 31, 2021 to be compliant and fix the sidewalk violations. The Council Members are being asked to give direction to the City on how to proceed for those residents who have not complicated by the October 31st date. Options were discussed, according to Painesville City Code, and the pros and cons were discussed. It was asked that further discussion of this topic be addressed during an August Executive Session. This was left on unfinished business.

Mr. Hach moved into the Public Hearing at 8:00 PM.

UNIFIED DEVELOPMENT CODE MODIFICATION: Proposed Text Amendment: Section 1115.25 (j) Funeral Home with Crematory Facility.

No one from the public was available to speak for it or against it.

Mr. Hach closed out of the Public Hearing at 8:01 PM.

AN ORDINANCE AMENDING SECTION 1115.25 (j) OF THE PAINESVILLE CODE OF 1998, RELATING TO FUNERAL HOME WITH CREMATORY FACILITY, AND DECLARING AN EMERGENCY.

was given third read.

Doug Lewis stated the Planning Commission and City Council recently enacted new regulations that would permit a crematory in a funeral home facility as a Conditional Use in an R-1 Zoning District. In addition to the standards in Section 1111.08 related to granting of a conditional use, the new regulation established Section 1115.25 creating various specific standards and condition under which the crematory facility may be permitted. Recently, an application was received to request a Conditional Use for adding a crematory to Johnson Funeral Home on Mentor Avenue. Upon review of the proposed use and site plan, it was determined that the proposed location of the crematory facility did not meet the standards establish in section 1115.25 (j). Specifically, the building would be only 3 feet off the rear property line which is a residential line. Therefore, it would not meet the 50-foot minimum setback from the rear residential property line. Staff reviewed Section 1115.25 (j) and proposed new language that would allow the applicant to move forward with the request for a Conditional Use to install a Crematory. The Planning Commission met on Thursday, June 10, 2021 and approved a language change from residential line to residential use. In order to constitute a residential use, the adjacent parcel would be required to have a residential use on it. In this case, the affected adjacent property is being used as an institutional use and is currently vacant. Therefore, the 150-foot requirement would not apply and the applicant can request a Conditional Use. A Public Hearing was required, and it is being asked for approval.

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

On roll call Mrs. Jenkins, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, and Mr. Hach answered "Yes". Motion carried. **ORDINANCE 23-21 is ADOPTED.**

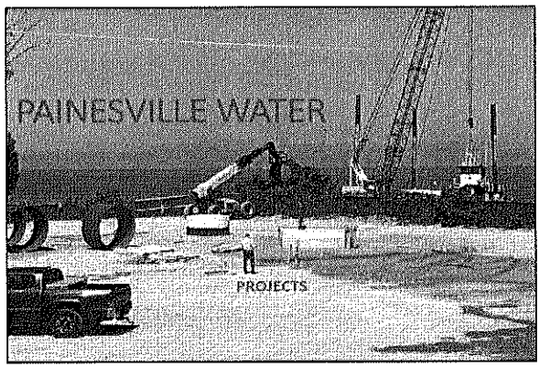
New Business:

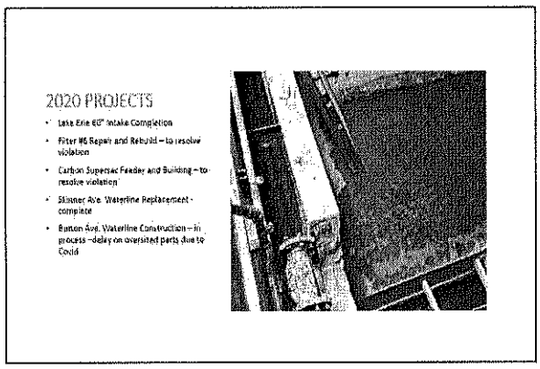
Overview of Other Municipalities' Garden and Vegetation Policies

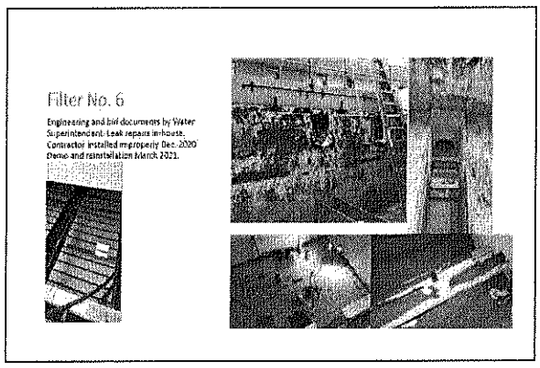
Mrs. Jenkins reported that a resident contacted Council Members with a concern of having installed raised beds with the intention of growing crops and not being able to grow the types of vegetation in the front yard. Discussion was brought forth about the definition of a front yard, vacant lots adjacent to houses, gardening allowance in the front yard, nearby cities' restrictions on this matter, and current code enforcement. According to Section 1119.01 (b2) Gardens and the raising of crops for the personal use of the residents, tenants, or property owner, may be grown in any yard except the front yard, without a permit. Legislation will be left as is and enforced.

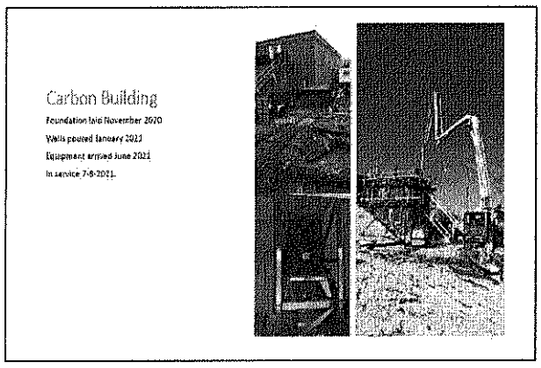
Departmental Presentations: Water Division

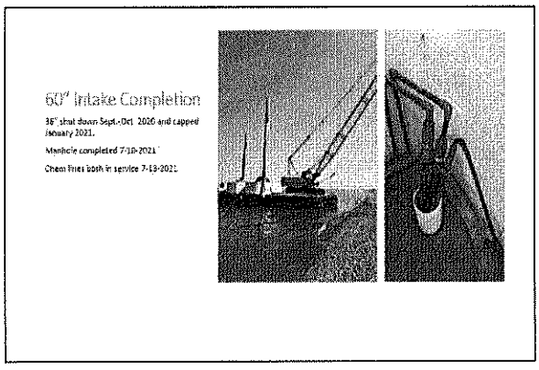
Water Superintendent, Orin McMonigle gave a presentation for the Water Division. He was available to answer any concerns or questions from the Council Members.

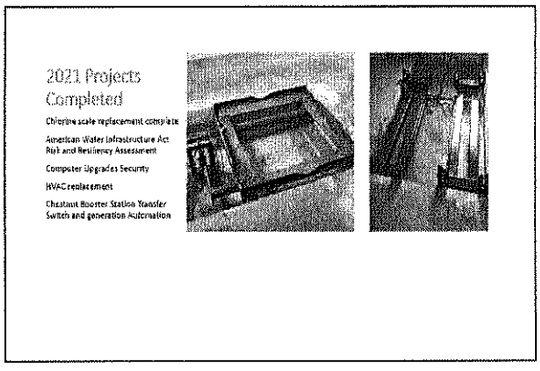


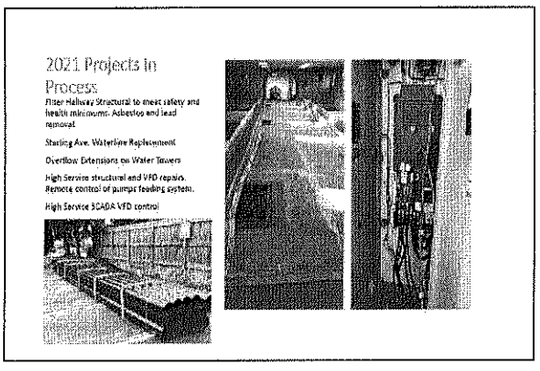


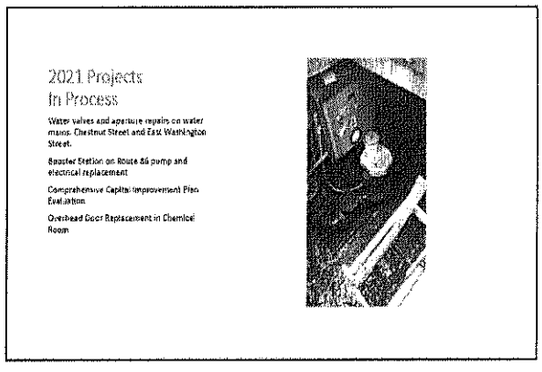


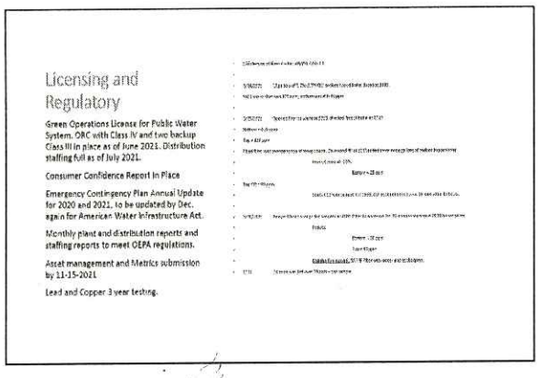












Licensing and Regulatory

Green Operations License for Public Water System. OIC with Class IV and two backup Class III in place as of June 2021. Distribution staffing full as of July 2021.

Consumer Confidence Report in Place

Emergency Contingency Plan Annual Update for 2020 and 2021, to be updated by Dec. 2021 for American Water Infrastructure Act.

Monthly plant and distribution reports and staffing reports to meet OEPA regulations.

Asset management and Metrics submission by 11-15-2021

Lead and Copper 3 year testing.

Administrative Reports:

Joe Gurley had nothing to report at this time.

Doug Lewis thanked the Water Division for the variety of improvement projects and bringing the plant into compliance with the EPA. He also commended the Fire Department for their response to several river rescues. The City received notice of a large pothole on State Route 20, and its closure. Detour information was discussed.

Clerk's Correspondences:

The next Regular Council Meeting will be held on Monday, August 16th at 7:30 PM; Concerts in the Park are from 6:00 – 8:00 PM at the Painesville Square and will be held every Wednesday through August 4th; Farmers Market is from noon – 4:00 PM at the Painesville Square and will be held every Thursday through September 23rd; Car Cruise Friday is from 5:00 – 9:00 PM at the Painesville Square and goes through September 24th; Lake County Fair starts Tuesday, July 27th and goes to Sunday, August 1st; Farm and Flea will be held Sunday, August 8th from 10:00 AM to 4:00 PM at the JFS parking lot off Main Street; Party in the Park "Lite" will be held on Saturday, August 14th from 12:00 PM to 11:55 PM at the Painesville Square, and Lake County Electronics and TV Collection on August 14th from 8:00 AM to 2:00 PM at 1301 Mentor Ave. See the Lake County Department of Utilities website for more information.

Closing Comments:

Mr. Fodor had no comments at this time.

Mrs. Jenkins commented on returning to Council Meeting in-person and thanked Samantha Danielson for making sure technology was appropriate.

Mr. Fitzgerald had no comments at this time.

Mr. Augustine had no comments at this time.

Mrs. Shoop commented the Party in the Park was fun, but wet, and encouraged residents to attend, rain or shine.

Mr. Hach commented that he will be reporting on the Electric Committee in August, and residents enjoying the Party in the Park despite the weather.

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

Mr. Augustine 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 Mrs. Shoop.

All were in favor by answering "Aye". Motion carried to move into Executive Session at 8:40 PM.

Mr. Augustine moved to adjourn the Executive Session, seconded by Mrs. Jenkins.

On roll call, Mrs. Shoop, Mr. Fitzgerald, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach were all in favor by answering "Aye". Meeting adjourned at 8:56 PM.

Mrs. Jenkins moved to adjourn the Regular Meeting, seconded by Mrs. Shoop.

On roll call, Mrs. Shoop, Mr. Fitzgerald, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach were all in favor by answering "Aye". Meeting adjourned at 8:56 PM.

Samantha Danielson
Samantha Danielson
Clerk of Council

Paul W. Hach II
President of Council