REGULAR COUNCIL MEETING
MONDAY, MARCH 21, 2022 – 7:30 PM
EXECUTIVE SESSION IMMEDIATELY FOLLOWING

President Christine Shoop called the Regular Council Meeting to order at 7:30 PM. City Council convened for a regular meeting in Council Chambers, with the following in attendance: Councilpersons Nick Augustine, Lori DiNallo, Jim Fodor, Paul Hach, and Christine Shoop; in attendance by video conference Katie Jenkins; City Manager Doug Lewis, Assistant City Manager Derek Feuerstein, Law Director Joe Gurley, Assistant Law Director James Lyons, City Engineer Leanne Exum, Economic Development Director Cathy Bieterman, Electric Power Superintendent Jeff McHugh, and Clerk of Council Samantha Danielson.

On roll call for attendance, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, Mrs. Jenkins, and Mrs. Shoop were present. Mr. Abney was not able to attend.

Mrs. Shoop asked for a motion to amend the agenda to move Item #3 Resolution to be read as the first item of legislation; to move Item #4 Resolution to be read as the second item of legislation; to move Item #1 Ordinance to be read as the third item of legislation; and to move Item #2 Ordinance to be read as the fourth item of legislation.

Mr. Augustine moved to amend the agenda, seconded by Mrs. DiNallo.

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

Mrs. Shoop asked for a motion to approve the amended agenda.

Mr. Fodor moved to approve the amended agenda, seconded by Mr. Augustine.

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

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

Mrs. Shoop asked for a motion to approve the meeting minutes as submitted for: Regular Meeting 03.07.22.

Mrs. DiNallo moved to approve the minutes, seconded by Mr. Hach.

Mrs. DiNallo, Mr. Fodor, Mr. Hach, Mrs. Jenkins, and Mrs. Shoop were all in favor by answering "Aye". Minutes accepted. Mr. Augustine abstained for the Regular Meeting minutes.

Mrs. Shoop asked for a motion to approve the meeting minutes as submitted for: Special Meeting 03.14.22.

Mr. Fodor moved to approve the minutes, seconded by Mr. Augustine. All Council Members were all in favor by answering "Aye". Minutes accepted.

Public Comment:

Denise Jedd, of Painesville, addressed the Council Members with concerns about litter throughout the City. She expressed that the litter is being found on private property and cannot be accessed to pick up, and it has been there for years. She hopes that something could be done to keep the City beautiful like post signs or litter fines. Mrs. Shoop stated that Spring Clean-up Day is May 14, 2022 and more details will be available on the website and volunteers are needed.

An email from Elizabeth DiSanto was sent on March 17, 2022. She asked to have her email read since she is not able to attend tonight's meeting. She asked that "Painesville City Litter Control" be an item for discussion. (1) Why do we not have "Please Do Not Litter" signs posted throughout the city and especially on pathways school children are taking? (2) Why do we not have more trash receptacles scattered throughout the city neighborhoods? (3) When will "Painesville" start to clean up all the trash left from winter? She is very concerned about keeping Painesville City beautiful, and she does pick up litter around her radius, which includes about 7 streets that she keeps litter-free each day. Why are drivers and walkers carelessly tossing litter?

Why do we not have more people picking up litter? She thinks these are good questions to be asked and then discussed.

A letter was submitted by Scott Balogh, President and CEO of Mar-Bal Inc., thanking the Council and Administration for the effort and work into improving the City's competitiveness related to electric utility service and the Electric Cost of Service Study. He stated the change will benefit all current E-6 users and future businesses wanting to locate in Painesville, and will make significant difference to their cost structure and bring their cost close to others facilities which will be viewed in a positive manner when evaluating future company investments. He re-emphasized his appreciation for the productive and positive leadership of the Administration; their professionalism, thoughtfulness and willingness to listen; and their willingness to be completely transparent and approachable.

A letter was submitted by Christopher Johnson, Senior Legal Counsel, Americas, for Avery Dennison, who is in support of the passage of Ordinance to amend Chapter 929 of the Painesville Code Electric Service and Rates. The letter stated that a significant factor in their decision to expand their Painesville operations was the commitment made by the City of Painesville to continue to upgrade its infrastructure and provide competitive electricity rates. Passing the ordinance amending Chapter 929 of the Painesville Code of 1998 would support their additional growth and may make Painesville an attractive destination for other companies. As a result, they support the ordinance and respectfully request that the Painesville Council of pass the ordinance.

Committee Report:
Downtown Painesville Organization (DPO)

Mr. Augustine reported for this committee meeting which was held on January 26, 2022. He reported on the following items: President's Report: Jennifer Dobsrzeniecki, President, updated the board on the ED search. The job posting was posted again on 01/26/2022. Jennifer intends on becoming more acquainted with committees, committee duties and developing an updated committee list; Treasurer's Report: Ashley Williston, Treasurer, reported all bills are caught up. Est. $10,000 in the savings and $20,000 in the bank. They are ahead of the game with their finances because they are not paying an ED. The next source of income to come in will most likely be membership. They made about $2,000 from the poinsettia sale; Committee Reports: all committees chairs reported and gave an update for 2022 and outlined who will run which event; Organization: Jennifer D., Chair, gave a brief update. Awards will be presented at Founder's Day Event on April 30th at the Historical Society which donated the barn; New Business; Brian Posler reported that the old Chase Bank building will house 175 student beds, and Cathy B. reported a new ice-cream shop in the square, YUMMY, to open in the old Allstate location, and the board presented Mary Jo with a card and thanked her for her time as the president.

Planning Commission

City Manager Doug Lewis reported for this committee which met on March 10, 2022. The following items were presented to the Planning Commission for consideration: The City of Painesville has received an application from Mark Moore representing SAMI Management Inc. to rezone a 4.1-acre parcel of vacant land located east of Bank Street behind the lots fronting on Bank and north of the Retreat at Rivers Edge from M-1 Light Industrial to R-2 Multi-family. Mr. Moore wishes to expand the Retreat at River's Edge development to construct 12 new single-family homes on the property. Access to the new homes will be from an extension of the existing private streets in the Retreat at River's Edge development. Motion to recommend approval of the request to rezone the parcel to R-2 Multi-family to City Council was approved. This item will be presented to City Council on the agenda tonight; The City of Painesville has received an application from Lisa A. Lewins for a Conditional Use Permit. The applicant is proposing to locate an Event Venue in conjunction with their previously approved Bed and Breakfast at 448 Mentor Avenue. The property is located in the R-1 Single Family Residential District. Section 1113.06(d) and 1115.28 requires a conditional use permit for an Event Center in the R-1 Single Family Residential District when associated with an approved Bed and Breakfast. The Conditional Use Permit for the Bed and Breakfast is also requested to be continued. The proposed Event Venue will be located within the existing buildings of the Candoren Bed and Breakfast. Motion to approve the Conditional Use Permit for an Event Center at 448 Mentor Avenue (Refusal No. 2376) with stipulations was approved; Motion to approve the Conditional Use Permit for a Bed and Breakfast at 448 Mentor Avenue (Refusal 2379) with stipulations was approved; and Cathy Bieterman gave a presentation of Downtown Economic Development Projects.

JEDD

Mrs. Shoop reported for this committee which met on March 11, 2022. The following items were discussed at the meeting: Finance: Revenue and Expense Worksheet: February reflected the

$195,641, which is a little less than the $235,088 last year. They will need an average of $104,167 per month in 2022 to hit their budget of $1.25, 2021 Annual Financial Statement: The annual financial statement shows they had a total tax receipt of $1.2 million, which was a 9% increase over 2021 and 4% over 2019, so they are within budget; Economic Development Committee: Charles Branch of NextSite will be here the week of April 18th, and Rita would like to schedule an Economic Development Committee meeting when he is in town to brainstorm with him about marketing and ICSC in addition to receiving project updates; Old Business: JEDD Membership Recruitment: The JEDD continues to talk to the Marriott people, Sheetz has agreed to join the JEDD, and Cynthia Moore Hardy is retiring from COO of Tri Point Medical Center; ICSC 2022: Attendees: They left the fees paid on an account with ICSC. The people registered to go were Chris Galloway, Doug Lewis, and Morgan McIntosh. All three were re-registered and the money on our account was used. The registration cost has increased, therefore, the amount of money on the account did not cover the entire registration. These attendees will remain the same, and Cathy Bieterman is going to represent the City of Painesville; NextSite Reports: NextSite is working on a report tracking Lucky's Supermarket. They wanted several months of activity before preparing the report. Hopefully the Lucky's report will be available prior to the Economic Development Committee meeting for review and discussion; and Steven Douglas Corp. and Endless Discovery Holdings Update: This business that is going in at Discovery and Capital Parkway. They have acquired an additional parcel (9 acres) for further expansions on the property. There will be additional agreements that will have to be made with Steven Douglas Corp. and Endless Holdings. The JEDD will be sending information to Concord's Trustees and to the City of Painesville in the near future. It will require legislation and the revised agreement will reflect the additional acreage

BZA

City Manager Doug Lewis reported for this committee which met on March 17, 2022. Old Business: 141 E. Jackson Street made an appeal of order to demolish an unsafe structure. This request was withdrawn because the property has been sold, and will be brought up to code; New Business: Refusal No: 2377: An application has been submitted by Michael and Michelle Rebenock, at 420 Heisley Park Lane requesting a variance to Section 1117.01 (a) of the Painesville Unified Development Code to allow the construction of a covered porch that would extend into the required rear setback. Section 1117.01(a) establishes a rear setback of 25 feet for single family structures in the R-2 Zoning district. The applicant is requesting the placement of a covered porch over an existing patio that is approximately 27-feet by 16 feet and attached to the main structure. The porch cover will extend 5 feet into the required rear setback. This was approved; and Refusal No: 2378: An application has been submitted by Anthony Zappitelli requesting variances to Sections 1113.03, 1125.10(b)(1), 1125.03(b)(1), 1119.01(a)(4), 1119.05(b)(2)(B), 1119.12(a) and 1119.07(a) (k) and (l) of the Painesville Unified Development Code to allow the redevelopment of an existing former gas station and commercial storefront into a seasonal ice cream and grille business at 735 S. State Street. Due to the unique shape of the parcel, seven variances were requested to the following sections of the code and were approved.

Legislation:

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 a contract with a previous contractor has been terminated so this legislation is to go back out to bid. It was asked to be passed at tonight's meeting.

Mrs. DiNallo motioned to suspend, seconded by Mr. Augustine.

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

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

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

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPLY FOR AND TO ACCEPT FUNDING THROUGH THE 2022 AARP COMMUNITY CHALLENGE GRANT PROGRAM, AND DECLARING AN EMERGENCY

was given first read.

Derek Feuerstein stated this is a grant opportunity through AARP Community Challenge grant to award communities for events to help 50 year olds or over, and of all ages. The City is in need of updating the bleachers at Kiwanis Recreation Park and believes the AARP Community Challenge would assist in this project. The City is requesting permission to submit an application to purchase ADA accessible bleachers. These bleachers will allow wheelchair seating within the bleacher, rather than being on the side. The City believes this supports the inclusion and equity mission of the AARP Community Challenge Grant as well as helping with civic engagement. The City is requesting $12,000 to purchase ADA accessible bleachers for Kiwanis Recreation Park. The application deadline is March 22, 2022. With this application deadline, the request is to pass on first reading of the resolution.

Mr. Augustine motioned to suspend, seconded by Mr. Fodor.

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

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

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

AN ORDINANCE AMENDING CHAPTER 929 OF THE PAINESVILLE CODE OF 1998 RELATING TO ELECTRIC SERVICE AND RATES

was given first read.

Art Shamakian, of Painesville, addressed the Council members with his concerns about the electric rates and its effect on small business and residents. He stated that the purpose of a municipal utilities like Painesville is to give good service and better market rates to the community. He believes that Painesville provides great service but not with better market rates. He compared his electric bill from Steele Mansion showing a higher cost per kilowatt. He agrees that large corporations deserve a better rate but so do small business and residents. He would like to hear options which were suggested by the Electric Committee to avoid rate increases. City Manager Doug Lewis will gather the information for the next meeting.

Jeff McHugh stated it is recommended this ordinance to adopt the recommendations of the rate consultant from Utility Financial Solutions. He stated that the Council Members had an executive session on this topic, it was presented to the Electric Committee, and there was a public work session held as well. The legislation being presented is recommended from UFS for the different rate structures to make it an equity throughout the classes as well as remove seasonality rates and simplify.

This will go to second read.

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 NUMBER 15-B-015-0-00-042-0 OFF BANK STREET FROM AN M-1 LIGHT INDUSTRIAL TO A R-2; MULTI-FAMILY DISTRICT

was given first read.

Doug Lewis stated at the March 10, 2022, the Planning Commission held a Public Hearing for the proposed rezoning of approximately 4.1 acres of vacant land that was acquired by Mark Moore the developer of the adjacent Retreat at River's Edge after the closure of the Coe Manufacturing operation. The request is to amend the Zoning Map and the zoning classification of the subject property from the existing M-1; Light Industrial District to the proposed R-2; Multi Family District. The property owner proposes to develop the parcel into a 12-unit condominium. Access to the site is proposed by an easement through the Retreat at River's Edge. The developer

will need to work the property owners to obtain that access or find additional access. The Planning Commission by a 3-0 vote recommended approval of the rezoning. City Council will be required to hold a public hearing and provide a 30-day notice of that hearing date. This request to rezone the property from M-1 Light Industrial to R-2 Multi-family 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. Since the recommendation is an amendment to the Zoning Map and the zoning classification of property, this matter is required to be given three readings. A public hearing will be held on third reading.

This will go to second read.

Unfinished Business: None

New Business:

John F. Clair Award

Mrs. Shoop and Cathy Bieterman announced the 2022 John F. Clair Economic Development Award winner. Congratulations to Federico Tire Pro. This award is given to a Painesville City business who demonstrates the value of balancing business and community. Jim Federico Sr. has made a continued commitment and investment in the Painesville community and the City of Painesville since 1978.

Appointment of New Law Director

Mrs. Shoop asked for a motion to approve the appointment of James Lyons to be the new Painesville Law Director. His position will starting on April 1, 2022.

Mr. Augustine moved to approve the appointment, seconded by Mrs. DiNallo.

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

5-Year Fire Levy

Doug Lewis stated the 5-year Fire Levy is due to expire next year. The Safety Committee met to discuss the levy and made a recommendation to review the levy. The City is requesting the Council's approval to place it on the ballot for November 2022. Legislation will be brought to the Council Members, and it will need to go three reads. It is a renewal levy and information will go out to the residents before the general election. Council Members gave the City Manager their approval to proceed.

5-Year Road Levy

Leanne Exum stated it is similar to the Fire Levy. The Road Levy expires next year, and it is a renewal. It is also being asked for Council's approval. Doug Lewis stated information will be presented on how much has been spent of roads over the past ten years, however, there are still areas were roads need to be addressed. Legislation will be brought to the Council Members and, it will need to go three reads. Council Members gave the City Manager their approval to proceed.

Departmental Presentations: None

Administrative Reports:

Law Director Joe Gurley reminisced over his career as Law Director for the City of Painesville. He first started as an At-Large Council Member in 1980 and also served as a Council President for one term. He was then appointed as Law Director in 1988. He has been thankful for being able to continue being the Law Director these many years, but feels it is time to set down. His appointment will end at the end of the month.

Mr. Fodor stated that he will be missed and complimented him on being an unbelievable piece of organizational memory, and appreciated his help with Council over the years that has made a difference.

City Manager Doug Lewis reported on the following items: He thanked Mr. Gurley for working with him and given him good advice over the years; City Updates: Two State Capital Funding applications were submitted for an Amphitheater and Splash Pad at Kiwanis Park. $750,000 is being requested for the Amphitheater/Entertainment District and $150,000 for the Splash Pad; the City received noticed from NOACA that it will receive $375,000 grant award for streetscape improvements in front of Victoria Place. The City will be working with EDG, the

engineering to design the project; The State of the City Address was held and is available on our website; Certified Traffic report from NOACA has ben received for SR44 Interchange and this project will be move forward with construction in 2028-2029; Attended the OCMA Conference in Columbus, OH and wants to implement programs discussed at the conference; Assistant City Manager attended the Lake County General Health District Advisory Committee Meeting to discuss the spraying for mosquitos and asked residents to contact City Hall if there are areas in need of spraying; Notices for closure have been sent to residents for Chestnut Street for replacement of valves and sewer repair before re-pavement begins; Proposals for mowing contracts for various properties are being accepted and requests for qualifications can be picked up at the Community Development Department. The deadline is March 25, 2022; A purchase agreement with Herb Fire Sales has been made for a 2022 Sutphen Fire Engine to replace the 1997 Pierce Quantum Fire Engine which will be delivered in September 2022; the installation of the Camera Project should be completed in the next 60 days; A Partnership Agreement has been signed with the Army Corp of Engineering for design and construction of Bank Street Retaining Wall and should start construction in July; An application has been submitted for Safe Routes to School to apply for a sidewalk along Elm Street from Lighthouse Pointe Drive to just before Elm Elementary; There are job positions available for camp counselors and recreation assistant at the Recreation Department. Those interested should apply; Summer Camp is taking registrations and Spring Break boxes should be delivered March 21st; Painesville Egg Hunt is Saturday, April 9th, Story Time with Public Works is Wednesday, May 11th, and Spring Clean-up is Saturday, May 14th. He encourages residents to clean-up their tree lawn and along the street in front of their property to help make a difference. The sweeping date has been asked to be moved up to help with cleaning the streets; Residential Siding and Roofing Assistance Program is available for eligible residents and is taking applications until April 29th. Contact the Community Development Department or visit our website for more information; and an Economic Development survey will be available to take on the website.

Mrs. Jenkins left the meeting at 8:31 PM.

Clerk's Correspondences:

The next Regular Council Meeting will be held on Monday, April 4th at 7:30 PM.

Closing Comments:

Mr. Augustine thanked and congratulated Law Director Mr. Gurley and welcomed Law Director Mr. Lyons, and congratulated Jim Federico.

Mrs. DiNallo thanked Jim Lyons for attending tonight's meeting and looks forward to working with him. She thanked Mr. Gurley for his service to the community. She is glad the SR 44 Interchange is moving forward. She encourages residents and business owners to help with trash clean-up and to contact the City where areas are in need of clean-up. She thanked Jim Federico for his commitment to the community and his hard work. She shared information from a recent event she attended that invited business leaders to come and grow with the City, and thanked Cathy Bieterman for her presentation at the event.

Mr. Hach congratulated Mr. Gurley on his retirement from Law Director, and congratulated Mr. Federico.

Mr. Fodor looks forward to working with Jim Lyons, and thanked Art Shamakian for coming forward and expressing his concerns on electric rates.

Mrs. Shoop asked for a motion to excuse Mr. Abney from the meeting.

Mr. Fodor moved to excuse Mr. Abney, seconded by Mr. Augustine. All Council Members were in favor by answering "Aye". Motion carried.

Mrs. Shoop thanked Mr. Gurley and appreciated his time served as a Council Member, Council President, and as Law Director. She thanked him for acknowledging her brother-in-law who has passed away, and thanked Jim Federico for all he does for the city. She thanked Mr. Lyons for accepting his new appointment.

Mrs. Shoop asked for a motion to 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; 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 Mr. Hach.

All Council Members were all in favor by answering "Aye". Motion carried to move into Executive Session at 8:48 PM.

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

On roll call, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, and Mrs. Shoop, were all in favor by answering "Yes". Motion carried at 10:59 PM.

Mr. Augustine moved to adjourn the Regular Meeting, seconded by Mr. Hach.

On roll call, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, and Mrs. Shoop, were all in favor by answering "Yes". Motion carried at 11:00 PM.

Meeting adjourned at 11:00 PM.

Samantha Danielson
Clerk of Council

Christine Shoop
President of Council