REGULAR COUNCIL MEETING
MONDAY, JULY 18, 2022 – 7:30 PM
PUBLIC HEARING AT 8:00 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 Derrick Abney, Nick Augustine, Lori DiNallo, Jim Fodor, Katie Jenkins, and Christine Shoop; City Manager Doug Lewis, Assistant City Manager Derek Feuerstein, Law Director James Lyons, City Planner Consultant Rita McMahon, Economic Development Director Cathy Bieterman, and Clerk of Council Samantha Danielson.

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

Mrs. Shoop asked for a motion to excuse Mr. Hach from the meeting.
Mr. Augustine moved to excuse Mr. Hach, seconded by Mr. Fodor. All Council Members were in favor by answering "Aye". Motion carried.

Mrs. Shoop asked for a motion to amend the agenda to add an Executive Session.

Mr. Fodor moved to add the Executive Session for the purpose of Executive Session being held in accordance with Article 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, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mrs. Jenkins, Mr. Abney, and Mrs. Shoop were in favor by answering "Yes". Motioned carried.

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

Mr. Augustine moved to approve the amended agenda, seconded by Mrs. DiNallo. All Council Members were in favor by answering "Aye". Motion carried. Amended agenda approved.

Mrs. Jenkins gave the Invocation. The Pledge of Allegiance was recited.

Mrs. Shoop asked for a motion to approve the meeting minutes as submitted for: Special Meeting – Executive Session 06.20.22.
Mr. Augustine moved to approve the minutes, seconded by Mr. Fodor.
Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, and Mrs. Jenkins were in favor by answering "Aye". Minutes accepted. Mrs. Shoop abstained.

Mrs. Shoop asked for a motion to approve the meeting minutes as submitted for: Budget Hearing and Regular 06.20.22.
Mr. Augustine moved to approve the minutes, seconded by Mr. Fodor.
Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, and Mrs. Jenkins were in favor by answering "Aye". Minutes accepted. Mrs. Shoop abstained.

Mrs. Shoop asked for a motion to approve the meeting minutes as submitted for: Special Meeting 06.27.22.
Mr. Augustine moved to approve the minutes, seconded by Mr. Fodor.
Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, and Mrs. Shoop were in favor by answering "Aye". Minutes accepted. Mrs. Jenkins abstained.

Mrs. Shoop asked for a motion to approve the meeting minutes as submitted for: Special Meeting 07.11.22.
Mrs. DiNallo moved to approve the minutes, seconded by Mr. Fodor.
Mr. Abney, Mrs. DiNallo, Mr. Fodor, Mrs. Jenkins, and Mrs. Shoop were in favor by answering "Aye". Minutes accepted. Mr. Augustine abstained.

Public Comment:
Nicholas Uszko, of North Ave., Painesville, addressed Council Members with the idea of a city flag and presented a design of a flag. He thought a flag would be a way to bring people together, be used for events and help move the city forward and rally the community. Discussion

was brought forth as to if the city already had a flag and believe there is a flag already in existence. Further discussion was to perhaps ask the residents to respond on their thought about a flag, updating it, and a city flag contest to engage youth and students of the community to show design and ingenuity was suggested. It was asked by Council for the Administration to research and look into this matter.

An email from Elizabeth DiSanto, read by Clerk of Council, Samantha Danielson.
Hello Samantha. What is the City doing about all the garbage/litter that is steadily getting worse in our streets and lawns? Why do we not have more 'corner' city receptacles? What about "Do Not Litter" signs? It is very disheartening to see all the litter. I don't see this amount of litter in Downtown Willoughby or in Fairport Harbor. Kind regards.

Committee Report: None

Legislation:

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-D-018-0-00-017-0 LOCATED AT 439 RICHMOND STREET FROM M-2 INDUSTRIAL TO A B-2 GENERAL BUSINESS DISTRICT

The reading of this Ordinance will be read after the Public Hearing at 8:00 PM.

A RESOLUTION DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS TO BE INSUFFICIENT, AND DECLARING THE NECESSITY TO RENEW A 1.47 MILL TAX IN EXCESS OF THE TEN (10) MILL LIMITATION FOR THE PURPOSE OF MAINTAINING FIRE APPARATUS, APPLIANCES, BUILDINGS, OR SITES THEREFORE, OR SOURCES OF WATER SUPPLY AND MATERIALS THEREFORE, OR THE ESTABLISHMENT AND MAINTENANCES OF LINES OF FIRE ALARM TELEGRAPH, OR THE PURCHASE OF AMBULANCE EQUIPMENT, OR THE PROVISION OF AMBULANCE PARAMEDIC, OR OTHER EMERGENCY MEDICAL SERVICES OPERATED BY A FIRE DEPARTMENT FOR THE CITY OF PAINESVILLE, REPEALING RESOLUTION NO. 34-22, AND DECLARING AN EMERGENCY
was given first read.

Mr. Augustine moved to suspend, seconded by Mrs. Jenkins.
On roll call, Mr. Fodor, Mrs. Jenkins, Mr. Abney, Mr. Augustine, Mrs. DiNallo, and Mrs. Shoop, answered "Yes". Motion carried.

Mr. Augustine moved to adopt, seconded by Mrs. Jenkins
On roll call, Mr. Fodor, Mrs. Jenkins, Mr. Abney, Mr. Augustine, Mrs. DiNallo, and Mrs. Shoop, answered "Yes". Motion carried. **RESOLUTION 45-22 is ADOPTED.**

A RESOLUTION DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS TO BE INSUFFICIENT, AND DECLARING THE NECESSITY TO RENEW A THREE (3.0) MILL TAX IN EXCESS OF THE TEN (10) MILL LIMITATION FOR THE PURPOSE OF GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF STREET, ROADS, BRIDGES AND APPURTENANCES THERETO, REPEALING RESOLUTION NO. 35-22, AND DECLARING AN EMERGENCY.
was given first read.

Mr. Augustine moved to suspend, seconded by Mr. Fodor.
On roll call, Mrs. Jenkins, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, and Mrs. Shoop, answered "Yes". Motion carried.

Mr. Augustine moved to adopt, seconded by Mrs. Jenkins.
On roll call, Mr. Fodor, Mrs. Jenkins, Mr. Abney, Mr. Augustine, Mrs. DiNallo, and Mrs. Shoop, answered "Yes". Motion carried. **RESOLUTION 46-22 is ADOPTED.**

RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS AND AUTHORIZE THE AWARD OF CONTRACT WITH THE LOWEST AND BEST BIDDERS FOR AN ENVIRONMENTAL ASSESMENT AND CLEAN UP AT 257 EAST MAIN STREET FOR THE PURPOSES OF ECONOMIC DEVELOPMENT WITHIN THE CITY OF PAINESVILLE, AND DECLARING AN EMERGENCY
was given first read.

Economic Development Director Cathy Bieterman stated the Economic Development Department has a Brownfield Grant from the Ohio Department of Development (ODOD) that allows the City to move forward with Brownfield environmental assessment and cleanup at 257 East Main Street. This legislation will enable the City Manager to seek bids and authorize the award of contract to move forward with the removal of environmental hazards at the site. The City anticipates this cleanup project will result in a letter of No Further Action and a Covenant Not to Sue. The contract for this project will be within the funding approved by the ODOD with an existing grant award of $613,113. The Economic Development Office will be using the ODOD Brownfield Grant resources for environmental assessment, remediation, cleanup and other such activities necessary to return this site into a clean site prepared for new mixed-use development. The work completed under this grant through ODOD will have contract values limited to the amount of funds approved by ODOD. It was requested that this legislation be passed by emergency. Ms. Bieterman explained after she was asked to elaborate on the cost of this project and the process of spending the funds. Further discussion was on environmental assessment on the property and removal process.

Mrs. Jenkins moved to suspend, seconded by Mr. Augustine.
On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mrs. Jenkins and Mrs. Shoop, answered "Yes". Motion carried.

Mr. Augustine moved to adopt, seconded by Mrs. Jenkins
On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mrs. Jenkins and Mrs. Shoop, answered "Yes". Motion carried. **RESOLUTION 47-22 is ADOPTED.**

Unfinished Business: Senior Engagement
Mr. Fodor spoke on this issue. He commented that he has been interacting with the seniors of Painesville for many years. At a recent picnic for seniors hosted, by the City, to get ideas what the seniors were looking for from the City since the senior group wasn't providing services to seniors in Painesville. One item that was brought forth was engagement in social, interactive activities. Mr. Fodor, Mrs. Shoop, and Mr. Abney are wanting to plan several dates to invite Painesville seniors to come to Morrison Ave. Community Center for a discussion of their needs and activities. It will be presented to Council for budget appropriations at a later date. Mr. Abney commented they want to open the center up and use that as a platform to get questions and feedback. Then, a course of action. Some seniors have been made aware and are encouraged to participate. Further information will be posted on social media. Mrs. Shoop clarified that the Council are fact finding at this time to see how much interest there is as well as interest in location of Morse Ave. to make sure seniors feel the City is hearing their needs. A suggestion was to reach seniors via mail as well as ask seniors as to what kind of activities are they already engaged in. Mrs. Shoop stated they would need to brainstorm questions to make sure the right questions were being asked.

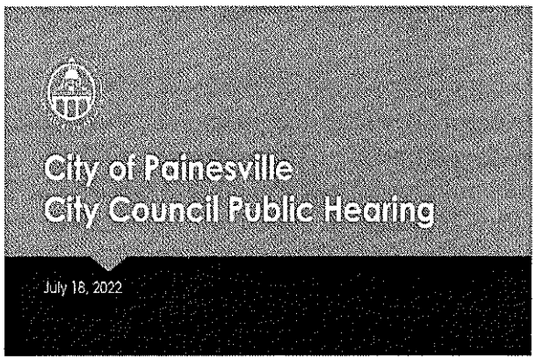
Mrs. Shoop asked for a motion to adjourn our Regular Meeting for the Public Hearing.

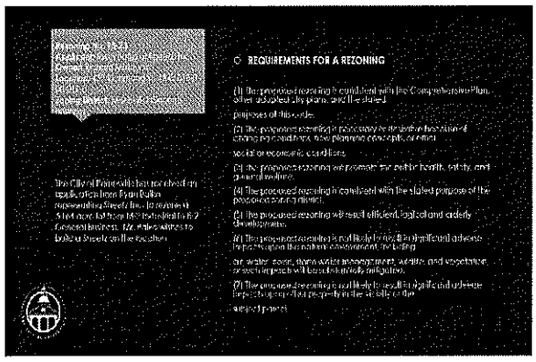
Mrs. Jenkins moved to adjourn from the Regular Meeting for the Public Hearing, seconded by Mr. Augustine.
On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mrs. Jenkins, and Mrs. Shoop, answered "Yes". Motion carried at 8:00 PM.

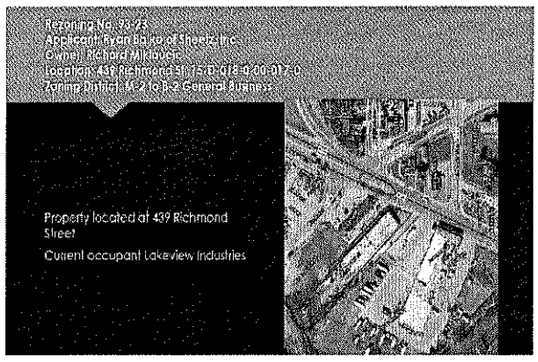
Mrs. Shoop asked for a motion to move into the Public Hearing.

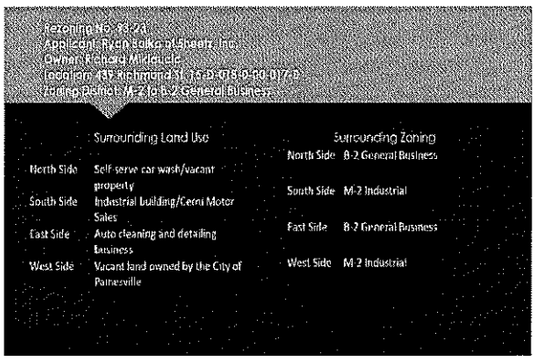
Mrs. Jenkins moved to move into the Public Hearing, seconded by Mr. Augustine.
On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mrs. Jenkins, and Mrs. Shoop, answered "Yes". Motion carried at 8:00 PM.

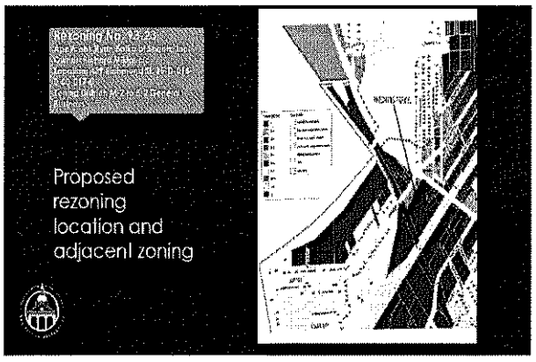
Mrs. Shoop turned the Public Hearing over to City Planner Consultant Rita McMahon. Ms. Mahon presented information on an application from Ryan Balko representing Sheetz Inc. to rezone a .9164 acre lot from M-2 Industrial to B-2 General Business. Mr. Balko wishes to build a Sheetz on the location. See presentation slides.

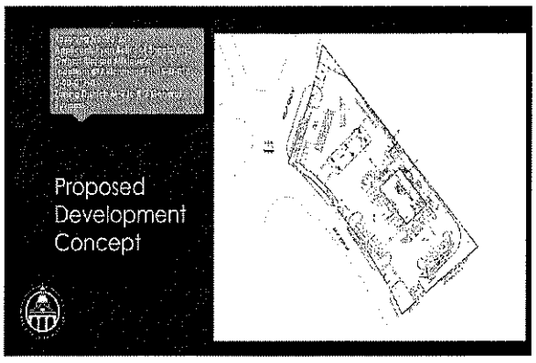


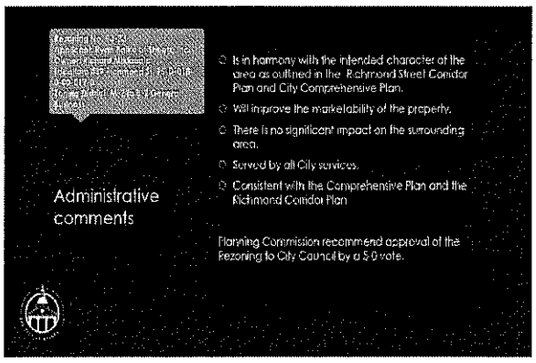












Mrs. Shoop opened the Public Hearing up to public comments.

Ellen Selle, the Project Manager of Sheetz, spoke in favor of this matter. She stated she has been working with Rita McMahon with the initial layout. She explained Sheetz concept: a 24 hour convenience and fuel and the size of the store and parking lot. She stated there are three parcels involved with this property – one that needs rezoned and 2 adjacent which is about two acres. A proposed plan is being reviewed and moving forward with this site.

A time frame for completion was asked, and construction may start early next year and open around during the summer. Clarification about relativity no "negative" impact on the surrounding businesses was asked. Ms. Selle stated that rezoning the one parcel to match the adjacent parcels which are zoned as business will not negatively impact the other parcels.

Ms. McMahon stated the standard is the businesses in the immediate jurisdiction, the 400 to 500 feet around that parcel. She continued to state that customers/clients will shuffle around but the planning Commission looked at the effect on traffic, types of spillovers activities, noise,

lighting and other things that may have a detrimental impact on the surrounding area, and based on the Planning Commission's evaluation there was not any. Discussion about location to the freeway exit and how it may be seen to attract people was brought forth. Freeway signage will have to be decided at a later time, if any.

Tom Falcone, local Painesville business owner, spoke against this matter. He addressed the Council Members with several concerns. He asked if a traffic study was done for that intersection, stating that intersection is already extremely busy. He also has concern for the impact on the other small businesses and how it will hurt their business. He felt is not fair to the small businesses in Painesville and asked Council to think about the small businesses that employ people in Painesville.

Mrs. Jenkins asked for clarification of the next steps if zoning is approved. Ms. McMahon outlined the procedure: Sheetz will need to purchase the property, lots will be consolidated, and demolition of all the properties will occur. Planning Commission will be working with them on the site plan and a traffic study was completed, with minor adjustments but no other negative impacts to the actual intersection itself. The site plan will be approved and go through design review for approval. Zoning and engineering permits will need to be issued, then Sheetz will need to obtain the building permits from the Lake County Building Department before proceeding with construction. Expenses will be part of Sheetz's requirement and responsibility.

Mrs. Shoop asked for a motion to adjourn the Public Hearing.

Mr. Augustine moved to adjourn the Public Hearing, seconded by Mrs. Jenkins.
On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mrs. Jenkins, and Mrs. Shoop, answered "Yes". Motion carried at 8:20 PM.

Mrs. Shoop asked for a motion to return to the Regular Meeting.

Mrs. Jenkins moved to return to the Regular Meeting, seconded by Mr. Augustine.
On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mrs. Jenkins, and Mrs. Shoop, answered "Yes". Motion carried at 8:21 PM.

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-D-018-0-00-017-0 LOCATED AT 439 RICHMOND STREET FROM M-2 INDUSTRIAL TO A B-2 GENERAL BUSINESS DISTRICT
was given third read.

Mr. Augustine moved to adopt, seconded by Mrs. Jenkins
On roll call, Mrs. DiNallo, Mr. Fodor, Mrs. Jenkins Mr. Abney, Mr. Augustine, and Mrs. Shoop, answered "Yes". Motion carried. **ORDINANCE 12-22 is ADOPTED.**

New Business: None

Departmental Presentations: None

Administrative Reports:
Law Director Jim Lyons wanted to give Nick Yuzko a shout-out because his father was involved in the railroad museum and wondered why he didn't incorporate a train tracks on the flag design.

City Manager Doug Lewis spoke on several items: Farm to Table, sponsored by the DPO, was attended well and recommends attending it; Party in the Park was great and these events provide the residents with something to do; He thanked Mr. Abney for helping with clean-up; National Night –Out will be on August 2nd from 6-8 PM ,located in the Painesville Square; Bank Street Update: The project will start on August 31st; He congratulated Andy Unetic and thanked the finance department for receiving the Auditor State Award with Distinction for the 11th consecutive year; Fire Department received a $10,000 grant from the Ohio State's Fire Marshall office for new turn-out gear and hose dryer and are continuing to pursue other grants; Police Department received a grant for $136,482 from the Ohio Office of Criminal Justice Services for additional cameras that will be posted in various intersections in the City; and Chester Street bid opened on June 15th and one bid was received. The project is approximately $1.9 million to replace the water line and resurfacing the road. A contract has been signed and should be starting soon.

Clerk's Correspondences:

The next regular Council meeting will be held on Monday, August 15th at 7:30 PM; Car Cruise Friday Nights continues through September 16th from 5:00 to 8:00 PM; Painesville Farmers Market is on Thursday from 12:00 to 4:00 PM and continues until September 22nd; Concerts in the Park will start on Wednesday, June 15th from 6:00 to 8:00 PM and continues through August 10th.

Closing Comments:

Mr. Abney thanked everyone who helped with Party in the Park. He looks forward to the Senior Citizen's Program and has been talking to people about applying for the various City jobs. On August 25th, there is another Town Hall Meeting at Morse Ave. at 6:00 PM and he encourages residents to attend.

Mr. Augustine thanked all involved with the grants that the City has been receiving and all the economic development would bring more people to the City.

Mrs. DiNallo qualified that businesses can come and go and the City can't pick and choose which businesses to support as it comes to zoning and whether or not to allow a zoning change. She also doesn't want other business leaders, especially the small business leaders, feel the City doesn't care about them or value them or don't want to help enhance their business. The City's goal is to bring more people into the City and make our downtown area and corridor coming into the City vibrant and engaging, not a mess or hard to get through or more irritating. That is why the City does it due diligence through the Planning Commission and she appreciates all the hard work that goes into those things and the informative presentations. Shae thanked the PCIC and all the volunteers and departments that help with Party in the Park. She congratulated the DPO for their successful Farm to Table event. She received an invitation to participate in the meeting for COG Disillusionment and will be attending.

Mr. Fodor dittoed on everything said by others. He reminded residents to be considerate of your neighbors when having an event, cutting grass, or having a backyard fire.

Mrs. Shoop thanked Mrs. Jenkins for her service, appreciating everything and is going to be missed by all. She thanked everyone who attended tonight's meeting.

Mr. Jenkins shared she is not the City but is stepping down due to going back to school and starting a new job. It was a very hard for her to come to this decision. She reminisced about her experience to becoming a Councilperson and expressed her appreciation for all the Councilpersons who has served with her. She thanked the residents who gave her the opportunity to serve and thanked the Administration for their support.

Mrs. Shoop asked for a motion to move into the Executive Session.

Mr. Fodor 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. Jenkins.

On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mrs. Jenkins, and Mrs. Shoop, were all in favor by answering "Yes". Motion carried to move into Executive Session at 8:37 PM.

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

On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mrs. Jenkins, and Mrs. Shoop, were all in favor by answering "Yes". Motion carried at 9:23 PM.

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

On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mrs. Jenkins, and Mrs. Shoop, were all in favor by answering "Yes". Motion carried at 9:24 PM.

Meeting adjourned at 9:24 PM.

Samantha Danielson
Samantha Danielson
Clerk of Council

Christine Shoop
Christine Shoop
President of Council