REGULAR COUNCIL MEETING
MONDAY, OCTOBER 17, 2022 – 7:30 PM
PUBLIC HEARING – 8:00 PM

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, Paul Hach, Mario Rodriguez, and Christine Shoop; City Manager Doug Lewis, Law Director James Lyons, Director of Planning Phoenikx Buathier, City Planner Consultant Rita McMahon, Electric Superintendent Jeff McHugh, and Clerk of Council Samantha Danielson.

On roll call for attendance, Mr. Abney, Mr. Augustine, Mr. Fodor, Mrs. DiNallo, Mr. Hach, Mr. Rodriguez, and Mrs. Shoop were present.

Mrs. Shoop asked for a motion to approve the agenda as submitted.
Mrs. DiNallo moved to approve the agenda, seconded by Mr. Rodriguez. All Council Members were in favor by answering "Aye". Motion carried. Agenda approved.

Mrs. DiNallo 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 10.03.22.
Mr. Augustine moved to approve the minutes, seconded by Mr. Hach.
On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, and Mr. Rodriguez, were in favor by answering "Aye". Mrs. Shoop abstained. Minutes accepted.

Public Comment:
Joe Tomsick, of Mentor, Chief Executive Officer for Lake County Council on Aging/President of the Lake County Senior Services Coalition, asked for the opportunity to speak at tonight's council meeting. The purpose is to educate Painesville's residents on the importance of the Senior Services Levy, Issue 5, and asked for their support to pass this levy.

Committee Report:
Parks and Recreation Commission
Mr. Hach reported on the following items for this meeting which was held on October 4, 2022. An update on Fall Fest and other future events was given, and staffing issues were discussed. Mr. Hach thanked everyone who supported and helped at the Fall Fest. The next meeting will be January 10, 2023.

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 NUMBERS 15-C-036-J-00-005-0, 15-C-036-J-00-006-0 & 15-C-036-J-00-007-0, LOCATED AT 987 & 1009 MENTOR AVENUE FROM R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO B-1, BUSINESS/ RESIDENTIAL DISTRICT.

This piece of legislation will be addressed during the public hearing.

AN ORDINANCE AMENDING SECTION 1113.06(d) AND SECTION 1115.28 OF THE PAINESVILLE CODE OF 1998, RELATING TO EVENT CENTERS IN THE B-1, BUSINESS/RESIDENTIAL DISTRICTS AND DECLARING AN EMERGENCY.

This piece of legislation will be addressed during the public hearing.

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF MUNICIPAL AND ECONOMIC DEVELOPMENT REVENUE NOTES OF THE CITY UNDER SECTION 13, ARTICLE VIII OF THE OHIO CONSTITUTION AND CHAPTER 165 OF THE OHIO REVISED CODE TO PAY COSTS OF A "PROJECT" AS DEFINED IN SECTION 165.01 OF THE OHIO REVISED CODE, FOR THE PURPOSE OF CREATING OR PRESERVING JOBS AND EMPLOYMENT OPPORTUNITIES AND IMPROVING THE ECONOMIC WELFARE OF THE CITY AND ITS

RESIDENTS AND THE STATE OF OHIO; PROVIDING FOR THE PLEDGE FOR THAT PURPOSE OF CERTAIN NONTAX REVENUES; ESTABLISHING CERTAIN FUNDS OF THE CITY; APPROVING RELATED DOCUMENTS, AND DECLARING AN EMERGENCY

was given second read.

Mr. Fodor motioned to amend the interest rate in section 2(c) from 5.5% to 5.75%, seconded by Mr. Hach.

On roll call, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, and Mrs. Shoop, were in favor by answering "Yes". Motion carried.

City Manager Doug Lewis spoke on this piece of legislation. Due to the condition of the Electric Distribution Building and the Water Distribution Building located at Storrs Street, the City of Painesville hired a consultant, R.E. Warner, to assist with developing a facility that would fit on the site and accommodate the needs of each of the Divisions. After providing input on their needs, R.E. Warner came back with a preliminary design that totaled approximately $9 million. After determining that a new build was not feasible from a cost perspective, the City began to look at other options. In February of 2022, we learned that Concord Road Equipment has been bought out by Buyer's Products in Mentor and Jeff Warfield, President and CEO of Concord Road Equipment and JSW Properties, LLC, inquired if the City of Painesville would be interested in purchasing the buildings and property. After taking a tour of the buildings and property on site, we determined that the buildings to the east of St. Clair Street would be a suitable location for Water Distribution and the buildings to the west of St. Clair Street would be suitable for Electric Distribution. However, since that time, Electric Distribution has determined it would be best to stay at their current location off Storrs Street. Staff has been working with Key Bank and Squires Patton Boggs to determine if we could issue notes for the purchase of the property over a 20-year period in order to lower the cost that the Water Distribution Division would have to pay out each year. At 20 years, the note payment would be approximately $200,000 per year and still allow for approximately $800,000-$1,000,000 in capital improvements. This also includes an additional $500,000 for improvements to the buildings. Since the City of Painesville cannot build a building for this cost, we are recommending moving forward with the purchase of the buildings. Law Director Jim Lyons prepared a sales agreement that includes contingencies for financing, completion of necessary environmental studies, etc. We will not move forward with the purchase unless all contingencies are met and we have a signed agreement by both parties. The total cost to purchase the property is $2,325,000 and we have included an additional $500,000 for improvements to the existing buildings. We will be issuing the notes for $2.9 million. The City of Painesville will have to issue notes for the entire amount of the project and improvements totaling not more than $2.9 million. If the City of Painesville sells off a portion of the property and buildings, we will reduce the amount needed to be financed in future years. Note payments will be approximately $200,000 a year for 20 years. As a result, we are asking that City Council approve the purchase of the buildings and land and the accompanying legislation to issue the notes. We are requesting that both pieces of legislation be approved on 2nd reading. This will enable us to work with Key Bank and Squires Patton Boggs to issue the notes for the purchase of the property in November of 2022 and the sale would be finalized in early December.

Mrs. DiNallo asked about what were the Administration's opinions or thoughts on this matter regarding the best interest of the city and its residents. Mr. Lewis explained if the City can identify another user for the property and sell the property, and the electric division remains at their current location, that would be in the best interest. Mrs. Shoop clarified the cost associated with the electric division and the usage of the current buildings in regards to this piece of legislation. She further clarified the need to purchase the land and move forward with who will occupy it.

Mr. Augustine made a motion to suspend, seconded by Mr. Hach.

On roll call, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mr. Fodor, Mr. Hach, and Mrs. Shoop answered "Yes". Mrs. DiNallo answered "No". Motion carried.

Mr. Augustine made a motion to adopt, seconded by Mr. Hach.

On roll call, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mr. Fodor, Mr. Hach, and Mrs. Shoop answered "Yes". Mrs. DiNallo answered "No". Motion carried. **ORDINANCE 20-22 is ADOPTED.**

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR A LAND PURCHASE WITH NECESSARY NOTES, MORTGAGES AND OTHER SUPPORTING DOCUMENTS WITH CONCORD ROAD EQUIPMENT MANUFACTURING, INC. AND JSW

PROPERTIES LLC FOR THE PURCHASE OF PROPERTY IN THE CITY OF PAINESVILLE, AND DECLARING AN EMERGENCY

was given second read.

City Manager Doug Lewis spoke on this piece of legislation. He stated this is the contract to purchase the property. It is being asked to pass on second reading.

Mr. Augustine made a motion to suspend, seconded by Mr. Hach.

On roll call, Mr. Abney, Mr. Augustine, Mr. Fodor, Mr. Hach, Mr. Rodriguez, and Mrs. Shoop answered "Yes". Mrs. DiNallo answered "No". Motion carried.

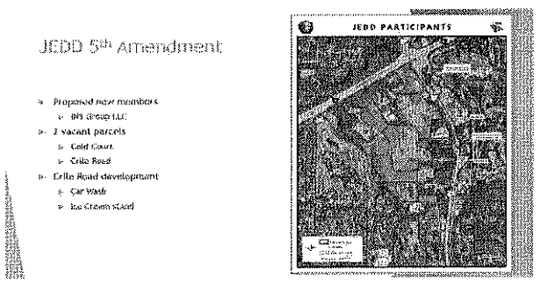
Mr. Augustine made a motion to adopt, seconded by Mr. Rodriguez.

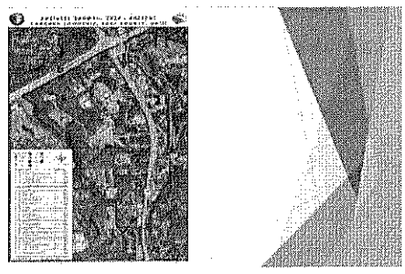
On roll call, Mr. Abney, Mr. Augustine, Mr. Fodor, Mr. Hach, Mr. Rodriguez, and Mrs. Shoop answered "Yes". Mrs. DiNallo answered "No". Motion carried. **RESOLUTION 55-22 is ADOPTED.**

A RESOLUTION ACCEPTING THE PETITION OF LANDOWNERS SEEKING TO BE INCLUDED IN THE CONCORD TOWNSHIP-CITY OF PAINESVILLE JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT (JEDD) FILED BY PETITIONERS IN9 GROUP. LLC, OWNER OF PERMANENT PARCEL NUMBER 08-A-020-B-00-002-0 LOCATED ON GOLD COURT AND 08-A-020-0-00-048-0 LOCATED ON CRILE ROAD LOCATED IN CONCORD TOWNSHIP, AMENDING THE JEDD CONTRACT, AND DECLARING AN EMERGENCY

was given first read.

Rita McMahon, the Administrator for the JEDD, spoke on this piece of legislation. She stated The City of Painesville and Concord Township entered into a contract to establish the Concord-Painesville Joint Economic Development District (JEDD) in 2008. The Agreement established the boundaries of the District and provided for the addition of properties within that boundary to become participating members of the JEDD. The JEDD began with 4 original members and has since increased to 19 properties over the last 14 years. Each expansion of the JEDD requires that the City and Concord Township amend the original contract to reflect the additional properties. This is the fifth amendment and reflects the petition signed by IN9 Group, LLC to include two parcels of property they own, one on Gold Court, the second on Crile Road to be included in the JEDD. The expansion of the JEDD will increase the potential for income tax revenue that may be generated by development on the Crile Road and Gold Court parcels. Approval of the Resolution for the expansion of the JEDD participating members. This legislation must go three readings and a public hearing will be held on Monday, November 21, 2022.





This will go to second read.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE, TAKE BIDS, AND AWARD A CONTRACT FOR THE CONSTRUCTION AND RELOCATION OF THE OVERHEAD LINES LOCATED ALONG STATE ROUTE 20 FOR THE ODOT HIGHWAY IMPROVEMENT PROGRAM FROM TOWNLINE ROAD TO THE STATE ROUTE 2 AND STATE ROUTE 20 MERGE, AND DECLARING AN EMERGENCY

was given first read.

Jeff McHugh spoke on this piece of legislation. He stated as part of ODOT improvement of infrastructure. ODOT is widening the roadway from Madison to the merge of SR2 and SR20. This will affect our lines from Townline Road to the merge. ODOT has told the Painesville Electric Department that we are responsible for the costs of doing the relocation of our lines. The costs have

been estimated to be $2,700,000.00. It was being asked that this item be passed on first reading so it can be bid out and awarded to a contractor.

Mr. Hach made a motion to suspend, seconded by Mrs. DiNallo.
On roll call, Mrs. DiNallo, Mr. Fodor, Mr. Hach, Mr. Rodriguez, Mr. Abney, Mr. Augustine, and Mrs. Shoop answered "Yes". Motion carried.

Mr. Hach moved to adopt, seconded by Mrs. DiNallo.
On roll call, Mrs. DiNallo, Mr. Fodor, Mr. Hach, Mr. Rodriguez, Mr. Abney, Mr. Augustine, and Mrs. Shoop answered "Yes". Motion carried. **RESOLUTION 56-22 is ADOPTED.**

PUBLIC HEARING

Mrs. Shoop asked for a motion to adjourn the Regular Meeting for the Public Hearing.
Mr. Hach moved to adjourn from the Regular Meeting for the Public Hearing, seconded by Mr. Augustine. All Council Members were in favor by answering "Aye". Motion carried. Motion carried at 8:00 PM.

Mrs. Shoop asked for a motion to move into the Public Hearing.
Mr. Hach to move into the Public Hearing, seconded by Mr. Augustine. All Council Members were in favor by answering "Aye". Motion carried. Motion carried at 8:00 PM.

Phoenikx Buathier presented information about this piece of legislation (Item #1) regarding the rezoning application. See attached slide presentation.

Mrs. Shoop opened the Public Hearing up to public comments for Item #1 Ordinance.
Marc F. Burr, of Painesville, spoke for this legislation and the benefits of changing the zoning from R-1 to B-1 and having events at his new location (former Knights of Columbus building). Mr. Burr clarified that all three parcels are going to remain as three parcels. No one from the public spoke against this legislation.

Phoenikx Buathier presented information about this piece of legislation (Item #2) regarding the text amendment. See attached slide presentation.

Marc F. Burr, of Painesville, spoke for this piece of legislation. He clarified this allows for various events at this facility with conditional use and stipulations. No one from the public spoke against this legislation.

Mrs. Shoop asked for a motion to adjourn the Public Hearing.
Mr. Hach moved to adjourn the Public Hearing, seconded by Mrs. DiNallo. All Council Members were in favor by answering "Aye". Motion carried. Motion carried at 8:11 PM.

Mrs. Shoop asked for a motion to return to the Regular Meeting.
Mr. Hach moved to return to the Regular Meeting, seconded by Mrs. DiNallo. All Council Members were in favor by answering "Aye". Motion carried. Motion carried at 8:11 PM.

REGULAR MEETING

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 NUMBERS 15-C-036-J-00-005-0, 15-C-036-J-00-006-0 & 15-C-036-J-00-007-0, LOCATED AT 987 & 1009 MENTOR AVENUE FROM R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO B-1, BUSINESS/ RESIDENTIAL DISTRICT

was given third reading.

Mrs. DiNallo moved to adopt, seconded by Mr. Hach.
On roll call, Mr. Fodor, Mr. Hach, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mrs. DiNallo, and Mrs. Shoop answered "Yes". Motion carried. **ORDINANCE 21-22 is ADOPTED.**

AN ORDINANCE AMENDING SECTION 1113.06(d) AND SECTION 1115.28 OF THE PAINESVILLE CODE OF 1998, RELATING TO EVENT CENTERS IN THE B-1, BUSINESS/RESIDENTIAL DISTRICTS AND DECLARING AN EMERGENCY

was given third reading.

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

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

Unfinished Business: None

New Business: City Ward Maps

City Manager Doug Lewis stated the city ward maps were in need to be updated for the purpose to ensure that the City has an equal number of voters within each ward. There were two proposed options to choose in which Mr. Lewis clarified the differences. There was a vote and discussion for either Option #1 or Option #2 Ward map. Option #1 was favored by Council Members.

Mr. Hach motion to approve Option #1, seconded by Mr. Rodriguez.

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

Departmental Presentations: None

Administrative Reports:

Law Director Jim Lyons had no comments at this time.

City Manager Doug Lewis commented on the following items. The City has two levies on the ballot – the Road and Fire Levy, which are both renewals. The City is in possession of a new fire engine, and there will be an invite to see the new engine when it is completely equipped. The Fall Fest was a huge success and well attended by the residents. Mr. Lewis thanked the Park and Recreation Department and all the vendors and sponsors who participated.

Clerk's Correspondences:

The next regular Council meeting will be held on Monday, November 7th at 7:30 PM. Trick or Treating is Monday, October 31st from 6:00 to 8:00 PM. If participating, please have a porch light on.

Closing Comments:

Mrs. DiNallo gave a congratulatory shout out to the 6th anniversary of Starfish Coffee, and reminded residents to vote.

Mr. Rodriguez commented about Fall Fest and the residents' attendance. He thanked the residents who watched and attended tonight's meeting. He also encouraged residents to vote.

Mr. Fodor dittoed on the Fall Fest, and reminded residents about leaves and cleaning so not to clog the sewer system. He gave a shout out to the fire and police department regarding the fire on Jackson Street.

Mr. Abney dittoed on the Fall Fest. He thanked everyone who attended and watched tonight's meeting. He mentioned the Town Hall Meeting on December 22nd at Morrison Avenue community Center at 6:00 PM.

Mr. Hach dittoed on the previous Council Members' comments.

Mr. Augustine also commented on how well the Fall Fest went and thanked everyone who participated.

Mrs. Shoop also commented on how phenomenal the Fall Fest went, and thanked Mr. Rodriguez's daughter who helped.

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

Mrs. DiNallo moved to adjourn the Regular Meeting, seconded by Mr. Hach. All Council Members were all in favor by answering "Aye". Motion carried at 8:26 PM.

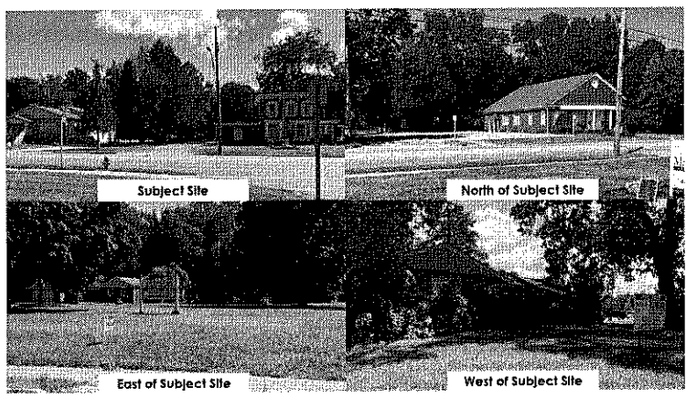
Meeting adjourned at 8:26 PM.

Samantha Danielson
Samantha Danielson
Clerk of Council

Christine Shoop
Christine Shoop
President of Council

City of Painesville City Council

SEPTEMBER 8, 2022



Rezoning No. 95-22
Applicant: Marc F. Burr
Owner: Marc F. Burr for HDGV Limited
Location: 987 & 1009 Mentor Avenue, 15-C-036-J-00-005-0, 15-C-036-J-00-006-0 & 15-C-036-J-00-007-0
Zoning District: R-1, Single-Family Residential District to B-1, Business/Residential District

- The property is located at 987 & 1009 Mentor Avenue
- Current land use is a Funeral Home and Vacant Assembly



Rezoning No. 95-22
Applicant: Marc F. Burr
Owner: Marc F. Burr for HDGV Limited
Location: 987 & 1009 Mentor Avenue, 15-C-036-J-00-005-0, 15-C-036-J-00-006-0 & 15-C-036-J-00-007-0
Zoning District: R-1, Single-Family Residential District to B-1, Business/Residential District

Administrative Comments:

- Has a past history of commercial land uses
- Site is surrounded by Business Zoning
- The Comprehensive Plan's Land Use Map identifies these parcels as "Future Commercial"
- Consistent and orderly development and will not have significant impacts to the natural environment
- Not adversely impact the surrounding properties
- In accordance with the intended and purposed regulations of the Unified Development Code and the Comprehensive Plan

Staff Recommends: Approval

Planning Commission: Approval 5-0

Rezoning No. 95-22
Applicant: Marc F. Burr
Owner: Marc F. Burr for HDGV Limited
Location: 987 & 1009 Mentor Avenue, 15-C-036-J-00-005-0, 15-C-036-J-00-006-0 & 15-C-036-J-00-007-0
Zoning District: R-1, Single-Family Residential District to B-1, Business/Residential District

Surrounding Land Use		Surrounding Zoning	
North Side	Single-Family Residential / Funeral Home	**North Side**	R-1, Single-Family Residential
South Side	Vacant Land	**South Side**	B-2, General Business
East Side	Vacant Land	**East Side**	B-1, Business/Residential
West Side	Single-Family Residential	**West Side**	B-2, General Business

Unified Development Code Changes to "Event Center" – Sections 1113.06(d) and 1115.28

Applicant: Marc F. Burr

- Section 1113.06(d)
  - Proposed

1113.06(d)

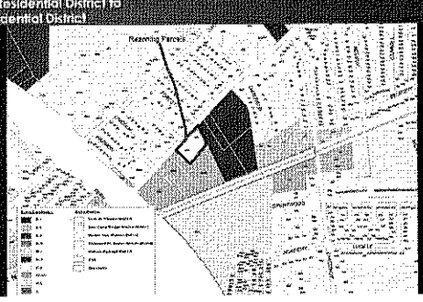
Main Use Category	S-1	R-1	R1-60	R-2	B-1	B-2	B-3	DD	M-1	M-2	Use Standards
Day Care Facility, Children				C	C	P		P			
Day Care Facility, Adult					C	C					
Event Center		C		C	C		C				1115.28
Financial Institution					P	P	P	P			

  - Existing

Main Use Category	S-1	R-1	R1-60	R-2	B-1	B-2	B-3	DD	M-1	M-2	Use Standards
Day Care Facility, Children				C	C	P		P			
Day Care Facility, Adult					C	C					
Event Center		C		C			C				1115.28
Financial Institution					P	P	P	P			

Rezoning No. 95-22
Applicant: Marc F. Burr
Owner: Marc F. Burr for HDGV Limited
Location: 987 & 1009 Mentor Avenue, 15-C-036-J-00-005-0, 15-C-036-J-00-006-0 & 15-C-036-J-00-007-0
Zoning District: R-1, Single-Family Residential District to B-1, Business/Residential District

- Proposed Rezoning Location and Adjacent Zoning



Unified Development Code Changes to "Event Center" – Sections 1113.06(d) and 1115.28

- Section 1115.28
  - To add as a permitted Land Use in the B-1, Business/ Residential District
  - To change the Minimum Lot Area
    - R-1 & R-2:
      - 1 acre
    - B-3 & B-1:
      - 0.75 acres

(b) STANDARDS

All Event Centers shall comply with the following specific standards and conditions.

(1) Apply for and receive a conditional use permit as outlined in Section 1113.06 of the Unified Development Code. In addition to the information outlined for the Conditional Use Permit application in section 1113.06 (d) the applicant shall submit a security plan for all events, a parking plan, a general layout of where events will be held if outdoors, indicate how food preparation will be managed, the anticipated maximum number of events per month and any other information necessary to meet the standards of this section.

(2) Locations. That the proposed Event Center is located along the following designated streets and in the R-1 and R-2 Zoning Districts must be accessory to an approved conditional use for a Bed and Breakfast and/or as has:

A. Mentor Avenue - Western corporation line to Liberty Street.
B. Washington Street - Mentor Avenue to Liberty Street.
C. Erie Street - Walnut Street to eastern corporation line.
D. Liberty Street - Washington Street to Walnut Street.

(3) Is located within the B-3 Central Business District or B-1 District.

(4) Area Requirements. Shall meet the minimum standards:

A. The minimum lot area for the establishment of an event center shall be a minimum of one (1) acre in the R-1 and R-2 Zoning Districts.

B. The minimum lot area in the B-3 Central Business District or B-1 District shall be three quarters (.75) of one acre.

(5) Alterations/Additions. In the event any exterior changes are made, such changes shall match or be compatible with the existing structure and in compliance with zoning requirements and design review standards, if any.