REGULAR COUNCIL MEETING
MONDAY, MAY 15, 2023 – 7:30 PM
PUBLIC HEARING – 8:00 PM

CALL TO ORDER

President Christine Shoop called the Regular Council Meeting to order at 7:30 PM. City Council convened for a regular meeting in Council Chambers – Courtroom #1.

ROLL CALL FOR ATTENDANCE

Councilpersons Derrick Abney, Nick Augustine, Jim Fodor, Paul Hach, Mario Rodriguez and Christine Shoop were present. Lori DiNallo arrived at 7:34 PM.

Other City Staff in attendance: City Manager Doug Lewis, Assistant City Manager Tony Zampedro, Law Director Jim Lyons, Economic Development Director Susan Crotty, Finance Director Bill Parkinson, Director of Planning Sarah Sitterle, Public Lands and Recreation Director Michelle LaPuma, Fire Chief Tom Hummel, Police Administrative Lieutenant Toby Burgett, and Clerk of Council Samantha Danielson.

APPROVE AGENDA AS SUBMITTED

Mrs. Shoop asked for a motion to approve the agenda as submitted.

Mr. Fodor made a motion to approve the agenda as submitted, seconded by Mr. Hach. All Council Members were in favor by answering "Aye". Motion carried. Agenda approved.

INVOCATION was given by Councilperson Jim Fodor.

PLEDGE OF ALLEGIANCE was recited.

MINUTES: Special Meeting – Work Session 04.27.23 and Regular Meeting 05.01.23

Mrs. Shoop asked for a motion to approve the minutes from the Special Meeting – Work Session on April 27, 2023.

Mr. Augustine moved to approve the minutes from the Special Meeting – Work Session on April 27, 2023, seconded by Mr. Rodriguez. All Council Members were in favor by answering "Aye". Motion carried. Minutes approved.

Mrs. Shoop asked for a motion to approve the minutes from the Regular Meeting on May 1, 2023.

Mr. Augustine moved to approve the minutes from the Regular Meeting on May 1, 2023, seconded by Mr. Hach. All Council Members were in favor by answering "Aye". Motion carried. Minutes approved.

PUBLIC COMMENTS:

Steven Ford, of W. South Street, addressed Council with concerns about his mother's sidewalk condition. He stated he was at tonight's meeting on behalf of a letter that was sent to his mother concerning a sidewalk repair and asked about the requirements and at what level does a sidewalk get replaced. Mr. Lewis explained the process and stated that the City has a brochure and information on-line explaining the criteria, process, and forms. Mr. Ford continued to explain the condition of his mother's sidewalk and feels this is unfair that she has to pay when the city-owned sidewalks are in worst disrepair than his mother's. Mrs. Shoop explained that the City has a sidewalk program that goes by quarter wards and the City goes ward by ward fixing the sidewalks. Mr. Ford requested to have another inspection of his mother's sidewalk. Mr. Lewis stated the City will do another inspection and also clarified that funding may be available through the Community Development Block Grant Program for low to moderate income residents to help with the cost. Mr. Fodor encouraged resident to contact the person (Dan Joyave, Engineering Inspector) who sent the letter to set up a re-inspection and go over the issue with him to help alleviate the frustration of the process.

COMMITTEE REPORT: Planning Commission, Charter Review Committee, BZA

Planning Commission

Sarah Sitterle reported for this committee which was held on May 4, 2023. She reported on the following items: A rezoning 97-23, B-3 Central Business to DD downtown Development of 100 S. Park Place and 66 S. St. Clair. The Vic Place LLC and the City of Painesville have submitted an application to rezone 3.15 acres of property in Downtown Painesville from B-3 Central Business District to DD Downtown Development District. The property owner and City wish to rezone to the DD Downtown Development District to promote and facilitate the

development of the former Victoria Place property for a mixed use development. The request for rezoning to the DD, Downtown Development District with the proposed Covenants, Conditions, and Restrictions was approved. Public Hearing will be scheduled for this item on June 20, 2023.

Charter Review Committee

Mr. Zampedro reported for this committee which was held on May 8, 2023. He reported on the following items: One item was discussed which was the civil service provision. There was deliberation about the fact that it requires the administration to go through internal candidates solely unless there are no internal candidates which the City Manager would be able to go with external candidates. Upon discussion, it was decided by the committee to put it on the ballot regarding to the chiefs of police and fire that so long as there are at least two candidates, internally, that process would continue. However, if there is only one or none, it would be opened up to external candidates to make the process competitive. Currently, there are three items for the ballot. The next meeting is June 12th to discuss the Articles 13 – Amendments and 14 - Succession in Government. Proposal deadline is Monday, May 29th.

BZA

Sarah Sitterle reported for this committee which was held on May 11, 2023. She reported on the following items: An application has been submitted by Marie Cipolletta of Signarama requesting a variance to Section 1127.11(a)(1) for 431 Richmond Street. The applicant wishes to replace a permanent wall sign on the secondary building frontage with a new sign that is 101.9" wide, 50" high, and 19' above grade. The sign would be a total of 35.58 square feet. The variance request is to allow a fourth sign on the secondary building frontage. A variance for 3 wall signs on the secondary building frontage was previously approved in November 2022. With the new sign, the total sign area is 162.64 square feet where 164 square feet is allowed. By a vote of 5-0 the variance request was approved as requested; An application has been submitted by Juan Munoz of 777 Oak Street requesting a variance to Section 1119.04(b). The applicant wishes to install a 60x100x14 foot storage building, the Painesville Unified Development Code states that one accessory structure shall not exceed 768 square feet and the other structure shall not exceed 300 square feet. There is an existing 32' x 24' detached garage on the property. A variance of 5,700 square feet is requested. By a vote of 5-0 the variance request was denied; An application has been submitted by Ivan Salgado of Painesville City Schools, 301 Latimore Street, requesting a variance to Section 1119.04(a), where a maximum of two accessory structures are permitted on residential and commercial properties, and 1119.04 (b) that identifies a maximum of 768 square feet for one accessory structure and 300 square feet for a second accessory structure. The applicant wishes to install a 24x30 storage building on the site to store sports equipment. By a vote of 4-0 the variance request was approved with the stipulation that the School Board get permission from the City for an addendum to the lease agreement; An application has been submitted by Adrian Javier Gamino Flores of 407 Elm Street requesting a variance to Section 1119.05 (b) (1) (B). The applicant wishes to install a 6 foot tall chain link fence on his property within the front setback areas on Elm Street and Railroad Street to prevent encroachment on private property. By a vote of 4-1 the variance request was approved with the stipulation that they are allowed a 5 foot fence; and an application has been submitted by Alexandra Shockey of 360 Roberta Drive requesting a variance to Section 1119.14(e). The applicant wishes to install a 572.56 square foot swimming pool, the Painesville Unified Development Code states that an above ground pool shall not exceed 512 square feet. A variance of 60.56 square feet is requested. By a vote of 5-0 the variance request was approved as requested.

LEGISLATION:

ITEM #1 ORDINANCE

***1st Reading* – An Ordinance amending Chapter 1507 of the Codified Ordinances of the City of Painesville, Ohio, titled, "General Provisions", and declaring an emergency.**

Fire Chief Tom Hummel spoke on this piece of legislation. He stated the purpose of this legislation is to add to the Codified Ordinances of the City of Painesville, specific terms, regulating the use of electrical vehicles charging stations. Due to the increased use of electrical vehicles and how they charge, there has been an increase in the number of fires, which are difficult to put out. This legislation is prohibiting charging stations, Level 2 and Level 3 chargers, inside commercial parking structures due to the potential of causing a fire. It would be catastrophic inside an enclosed structure. Level 1 chargers are 110 volt outlet like in home garages, whereas, Level 2 and 3 use more voltage, charge faster and tend to create fires. This legislation does not prohibit residents from installing a charger in their home or in a residential

structure. Other surrounding communities are also bringing forth this kind of legislation. It was asked for the Fire Chief to provide more information /data at the next meeting.

This will go to second reading.

ITEM #2 ORDINANCE

***1st Reading* – 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 15C-001-0-00-001-0 & 15C-001-0-00-026-0, located at 100 S. Park Place and 66 S. St. Clair Street, respectively, from B-3, Central Business District to DD, Downtown Development District, and declaring an emergency.**

Director of Planning Sarah Sitterle spoke on this piece of legislation. She stated this legislation is for the Victoria Place building which was constructed as part of the Urban Renewal program in the late 1960's to early 1970's. It was originally constructed as the New Market Mall and occupied by various retailers. The building has been used for offices since the previous mall use was discontinued. The City's parking lot was previously a parking garage that supported various businesses. Since 2019, the concept plan has been set for the site at 100 South Park Place, the Victoria Place office building, to secure a mixed-use development. In 2021, Vic Place, LLC received a $1,000,000 grant from Jobs Ohio. Since that time, there have been concurrent discussions with Renew Partners about an urban redevelopment project and the City entered into a Memorandum of Understanding with Vic Place, LLC in June 2022 to draft a development agreement. Concept plans have been developed, and covenants, conditions and restrictions have been drafted. The City is working on a development agreement with Vic Place, LLC. The City's parking lot property is included in the application to meet the 2-acre minimum required for the Downtown Development District zoning. This is a transformational mixed-use development including a mixed-use commercial office, multifamily, retail, and restaurant development building that will be a catalyst alongside the previous pieces of legislation for other future investments downtown. The Victoria Place site redevelopment is consistent with the City's adopted Downtown Master Plan and the Comprehensive Plan. An aspect of the City's vision for a mixed-use development was to provide flexibility within the zoning to permit the developer options in designing the site that would meet the market demand. To facilitate future mixed-use developments, the City proposed changes to the DD, Downtown Development District to encourage developments but provide the City and the Planning Commission the level of control that is necessary to support a high-quality design and investment for any property zoned or rezoned to the DD District. The code changes to the DD District were presented and approved by City Council in June 2022. The Downtown Master Plan recommends this area is used to improve the pedestrian experience, reinforce the historic fabric with complimentary development, concentrate shopping and entertainment activity, and encourage mixed-use development to establish a living environment within the downtown core. Staff is of the opinion that rezoning to the DD, Downtown Development District to allow this development would achieve all of the direct objectives of the Downtown Master Plan. This rezoning would also be reasonable and in accordance with the purpose and intent of the Unified Development Code and the Comprehensive Plan. Staff recommends approval of the requested rezoning of B-3, Central Business District to DD, Downtown Development District. This Ordinance can go three readings. A Public Hearing has been scheduled for June 20, 2023.

This will go to second reading.

ITEM #3 ORDINANCE

***1st Reading* – An Ordinance amending appropriations and to authorize additional inter-fund transfers for the current expenses and expenditures of the City of Painesville, State of Ohio for the fiscal year beginning January 1, 2023 and adopting the operating budget, and declaring an emergency.**

Finance Director Bill Parkinson spoke on this piece of legislation. He stated the requests and explanations for the adjustment of the 2023 Budget for $653,767.00 are for the following items: An additional $3,000 for medical services for year-end physicals for the Fire Department; The Amphitheater Project for Geotechnical, Design and Engineering services is nearly $30,000; Due to inflation, the Electric Department is experiencing high costs of materials and repairs and for AMP Lineman Training is $220,000; Increase maintenance cost for the postage meter and copier repair service is $1,500; Additional services for accounting and auditing services is $50,000; Municipal Court – cost of living increase is $4,000; The National Opioid Settlement, a grant, is $16,000. This is being offset by grant revenues that the City is receiving; New position

of Assistant Finance Director is $73,000; Another position – a Planner is $56,000; Part-time secretary is $15,000; Professional services for Economic Development and Planning is $50,000; Supplies and materials for events is $17,000 which is being offset by additional revenues that is above expectations from the original budget; The CDBG Sidewalk Program is $80,000. The cost will be offset with grant revenue; and additional engineering for wet well is $28,000. Mr. Lewis stated that some of these items will not be able to move forward if this legislation is not passed at tonight's meeting.

Mr. Hach moved to suspend, seconded by Mr. Fodor.

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

Mr. Hach moved to adopt, seconded by Mr. Fodor.

On roll call, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, and Mrs. Shoop answered "Yes". Motion carried 7-0.

ORDINANCE 09-23 is ADOPTED.

PUBLIC HEARING

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

Mr. Abney moved to adjourn from the Regular Meeting for the Public Hearing, seconded by Mr. Fodor.

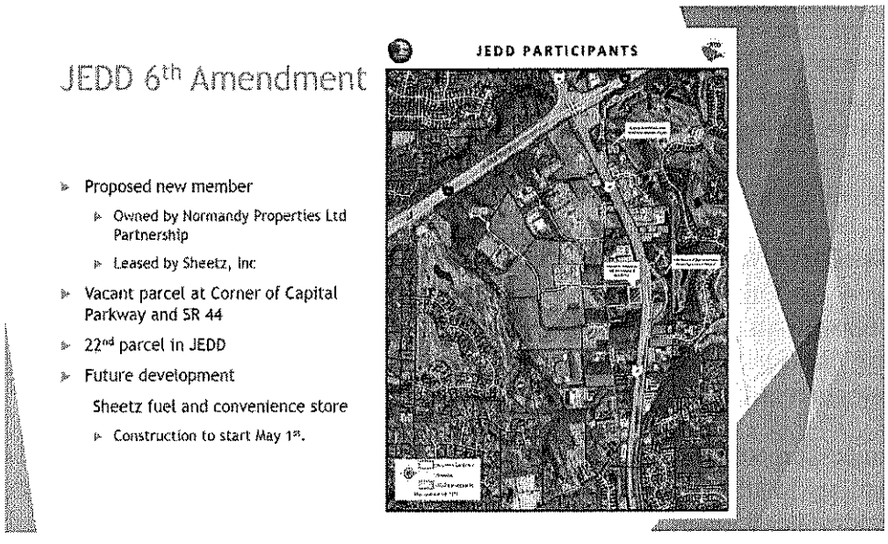
On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, Mr. Rodriguez, and Mrs. Shoop answered "Yes". Motion carried at 8:01 PM.

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

Mr. Hach moved to move into the Public Hearing, seconded by Mr. Rodriguez.

On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, Mr. Rodriguez, and Mrs. Shoop answered "Yes". Motion carried at 8:02 PM.

Rita McMahon, the Administrator for the Concord-Painesville JEDD, presented information about this piece of legislation (Item #7) regarding the Petition of Landowner and Business Owner seeking to be included in the Concord Township – City of Painesville JEDD. She stated this is the sixth amendment to the JEDD contract since it was approved in 2008. This parcel is located at the corner of Capital Parkway and SR 44. It is for the Sheetz gas station, which will be the 22nd parcel in the JEDD. According to the map, the areas outlined in red are current properties within the JEDD. The goal is to continue to grow the corridor as well as grow the income tax which is shared between the City and the Township. She continued to state this property is unique because of the petition from both the property owner, Normandy Properties Partnership and from Sheetz has been signed.



Mrs. Shoop opened the Public Hearing up to public comments for Item #7 Resolution. No one from the public spoke for or against this matter.

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

Mr. Hach moved to adjourn the Public Hearing, seconded by Mr. Augustine.
On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, Mr. Rodriguez, and Mrs. Shoop answered "Yes". Motion carried at 8:06 PM.

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

Mrs. DiNallo moved to return to the Regular Meeting, seconded by Mr. Hach.
On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, Mr. Rodriguez, and Mrs. Shoop answered "Yes". Motion carried at 8:06 PM.

REGULAR MEETING

ITEM #4 ORDINANCE
***1st Reading* – An Ordinance declaring the improvement to certain parcels of real property within the city to be a public purpose and exempt from taxation pursuant to ORC Section 5709.41; providing for the collection and deposit of service payments; specifying the purposes for which those service payments may be expended; and authorizing school compensation payments.**

City Manager Doug Lewis spoke on this piece of legislation. He stated this legislation would establish a TIF for Victoria Place. The City has gone through the process of obtaining a development agreement. There is a Memorandum of Understanding as to Proposed Development Agreement dated July 2, 2022 between the City and Vic Place LLC for the urban redevelopment of the real property at the former Victoria Place. The developers were approved to construct a mixed-use residential and commercial project consisting of no less than seventy (70) and no more than eighty (80) residential apartment units, approximately sixty-eight thousand, seven hundred and fifty (68,750) square feet of commercial space, and approximately five thousand, seven hundred and ninety-eight 5,798 square feet of restaurant space. Pursuant to the Development Agreement, the City agreed to provide tax increment financing for the Project in order to enable the redevelopment of this parcel. The school district has approved the legislation in the past in the form of Modified School Compensation Agreement dated February 13, 2023. Due to changes in the market, the developer is asking to be able to monetize the TIF. This will require this to go back to the school district on June 12, 2023 to obtain a Modified School Compensation Agreement which would allow them to finance their project. This legislation needs to go three readings so the school has the opportunity to approve the agreement. The school has be notified and explained of the process again due to the result of interest rates changing. The project will be bonded out to receive a much lower interest rate. The agreement and distributions will stay exactly the same.

This will go to second reading.

ITEM #5 ORDINANCE
***1st Reading* – An Ordinance declaring the improvement to certain parcels of real property within the city to be a public purpose and exempt from taxation pursuant to ORC Section 5709.41; providing for the collection and deposit of service payments; specifying the purposes for which those service payments may be expended; and authorizing school compensation payments.**

City Manager Doug Lewis spoke on this piece of legislation. He stated this is like the last piece of legislation except it is for Grand River Walk, LLC.

This will go to second reading.

ITEM #6 ORDINANCE
***1st Reading* – 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.**

Finance Director Bill Parkinson was available to answer any questions on this piece of legislation. It was Administration's preference this would be waived the three reads and approved so to be able to move forward in issuing the notes.

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

Mr. Augustine moved to adopt, seconded by Mr. Hach.
On roll call, Mr. Fodor, Mr. Hach, Mr. Rodriguez, Mr. Abney, Mr. Augustine, and Mrs. Shoop answered "Yes". Mrs. DiNallo answered "No". Motion carried. 6-1.
ORDINANCE 10-23 is ADOPTED.

ITEM #7 RESOLUTION (PUBLIC HEARING ITEM)
3rd Reading* – A Resolution accepting the petition of landowner and business owner seeking to be included in the Concord Township-City of Painesville Joint Economic Development District Contract (JEDD) filed by petitioners Normandy Properties Limited Partnership, owner of Permanent Parcel Number 08-A-020-0-00-053-0 and Sheetz, Inc. business to be located on Capital Parkway located in Concord Township, amending the JEDD Contract, and declaring an emergency.** ***(1st Reading 04.17.23, 2nd Reading 05.01.23)

City Manager Doug Lewis spoke on this piece of legislation. He stated this would allow Sheetz to be brought into the JEDD for income tax purposes. It is recommended it to be passed on third reading at tonight's meeting.

Mrs. DiNallo moved to adopt, seconded by Mr. Augustine.
On roll call, Mr. Fodor, Mr. Hach, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mrs. DiNallo, and Mrs. Shoop answered "Yes". Motion carried. 7-0.
RESOLUTION 32-23 is ADOPTED.

ITEM #8 RESOLUTION
***1st Reading* – A Resolution authorizing and directing the City Manager to apply for and accept financial assistance from the Ohio Department of Natural Resources Nature Works Grant to be used towards the installation of fencing for a dog park, and declaring an emergency.**

Public Lands and Recreation Director Michelle LaPuma spoke on this piece of legislation. She stated this legislation is to apply for a Nature Works Grant for fencing to complete the renovation of Diamond Six into a dog park in Kiwanis Recreation Park. It does not require any funds from the City if we receive the grant because the City has a commitment from PCIC to provide $10,000 towards the fencing which would be more than our 25% match.

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

Mr. Hach moved to adopt, seconded by Mrs. DiNallo.
On roll call, Mr. Hach, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mrs. DiNallo, and Mrs. Shoop answered "Yes". Mr. Fodor answered "No". Motion carried. 6-1.
RESOLUTION 33-23 is ADOPTED.

ITEM #9 RESOLUTION
***1st Reading* – A Resolution declaring it necessary to renew an existing 2.5 mill tax levy in excess of the ten (10) mill limitation for the purpose of hiring new officers, police capital expenses, police operating expenses, and police wages and benefits used directly in the operation of a police department, pursuant to Sections 5705.03 and 5705.19 of the Revised Code, and asking the Lake County Auditor to certify the total current tax valuation of the City and the dollar amount of revenue that would be generated by said levy, and declaring an emergency.**

Finance Director Bill Parkinson spoke on this piece of legislation. He stated this legislation is for the police levy. It is a 2.5 mill levy that generates approximately $509,000 for the City. It is placed in a fund outside the general fund. There are two resolutions which are necessary for a levy to get on to the ballot for the voters to vote on. This one is the resolution of necessity, and the next resolution will actually place the question on the ballot. If this is approve,

it would go to the Lake County Auditor's office to certify the valuation and the number of dollars that would be collected on the 2.5 mill. The deadline to file is August 10, 2023 in order to be on the November ballot. This is being asked to be passed at tonight's meeting. This levy is a five-year renewal.

Mr. Hach moved to suspend, seconded by Mr. Fodor.

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

Mr. Hach moved to adopt, seconded by Mr. Augustine.

On roll call, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, and Mrs. Shoop answered "Yes". Motion carried 7-0.

RESOLUTION 34-23 is ADOPTED.

Upon Law Director Jim Lyons recommendation, the City should not do a first reading where the amount is not established in the legislation. This legislation should be tabled until the City has the valuation certified from the Lake County Auditor's office.

Mrs. Shoop asked for a motion to table this piece of legislation.

Mr. Fodor moved to table Item #10 Resolution, seconded by Mr. Hach.

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

ITEM #10 RESOLUTION – TABLED

***1st Reading* – A Resolution declaring the amount of taxes that may be raised by a levy at the maximum rate authorized by law without a vote of the electors to be insufficient, and declaring the necessity to renew a 2.5 mill levy tax in excess of the ten (10) mill limitation for the purpose of hiring new officers, police capital expenses, police operating expenses, and police wages and benefits used directly in the operation of a police department for the City of Painesville, and declaring an emergency.**

This item was tabled.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

DEPARTMENTAL PRESENTATIONS: Economic Development: Entertainment District

A presentation was given by Economic Development Director Susan Crotty on the entertainment district. She explained what a Community Entertainment District (CED) is and why form a CED, other cities that have a CED, the key provisions of CEDs, what a CED is not, the application and approval process, how the City can dissolve the CED, proposed boundaries and the next steps to move forward. Discussion ensued about liquor license requirements and the number of licenses availability, concerns for any negativity or nuisances to the community, and possible boundary expansion. See attached slides of presentation.

ADMINISTRATIVE REPORTS: Law Director and City Manager

Law Director Jim Lyons had no comments at this time.

City Manager Doug Lewis commented on the following items: Mr. Tomlin requested a letter of support from the City Council and Administration prepared a letter supporting his request for financing of six new single family residential units in the north end. The letter will be provided to Mr. Tomblin once he submits some additional information to the City; Staff from the Engineering Department and Administration met with representatives of Encore Estates including the HOA President Terry Myers and Mr. Cory Moehring and the developers of Ryan Homes. This was regarding the path that will be removed by a landscaping company, at no cost, upon obtaining the necessary signatures and 75% approval from the HOA and approval from Planning Commission to change the plot. In regards to the storm sewer sinking, the developer agreed to address the issue. The playground will remain in its current location and has been re-seeded; In accordance with Section 7 of the agreement, Mr. Lewis provided a letter to the Painesville City Local School District to build a 24x30 storage building which was approved by the BZA. An addendum to the agreement will need to be developed. The schools need to complete the project by the end of the month for grant funding requirements. The City has worked with the schools to determine an acceptable location for the building and it was approved

through the Design Review Process. In accordance with the contract, the City has the right to remove the building at the end of the lease, if the City would require to do so. The building will be used to store sports equipment and is consistent with the use of the property; Mr. Lewis and the Economic Development Director will be attending the ICSC (International Association of Shopping Centers) Conference. They will be recruiting for retail projects in both Concord and Painesville. Assistant City Manager Tony Zampedro will be Acting City Manager; Final stages of Streetscape Design along South Park Place has been developed and plan to be bid the project out in June; and the City had its Clean-up Day last weekend. It was a great success in that nearly 200 people signed up to help pick up garbage.

CORRESPONDENCE: Clerk of Council

The next regular Council meeting will be held on Monday, June 5th at 7:30 PM; Teen Futsal Clinic will be on Wednesday, May 17th at 6:00 pm at Kiwanis Rec Park; Car Cruise Friday starts this Friday at 5:00 to 8:00 PM at the Square. This will be every Friday until September 15th; Spring Block Party will be on Saturday, May 20th from 5:00 – 11:00 PM in the Square; City Offices will be closed on Monday, May 29th for Memorial Day; Memorial Day Parade will be on Monday, May 29th at 10:00 AM starting at Riverside Cemetery to Evergreen Cemetery; Painesville Farmers Market will be Thursday, June 1st from 12 – 4 PM in the Square. This will be every Thursday until September 21st; Youth Fishing Derby will be Saturday, June 3rd starting at 9:00 AM at Recreation Park Pond. This event is open to kids ages 5-15; Summer Reading Kickoff at Morley Library will be Saturday, June 3rd; and Charter Review Committee Meeting will be held on Monday, June 12th at 6:00 PM in Courtroom #1 to review Articles 13-14 of the City Charter. Deadline to submit charter proposal changes for Article 13-14 is Monday, May 29th.

CLOSING COMMENTS: Members of Council

Mr. Fodor gave a shout-out to the city employees who helped with the Cinco de Mayo event; He thanked Helen Petersburg, Tony Zampedro and Kathleen Sullivan for their assistance in organizing the Clean-up Day event and for everyone showing community effort and camaraderie. He also thanked the Painesville Teacher's Association for the donuts and coffee; and he encouraged residents to read the publication "Speaking of Painesville" and the wealth of information it contains.

Mr. Abney wished a Happy Belated Mother's Day to all the mothers.

Mr. Hach also thanked the volunteers for the Clean-up Day.

Mrs. DiNallo also thanked the volunteers and commented how the positive energy makes a huge impact on the community. She was excited about the Spring Block Party and to be able to see everyone attending the event. She reminded Administration about the condition and maintenance at the Burger King property.

Mr. Augustine had no comments at this time.

Mr. Rodriguez thanked those who attended and watched tonight's meeting. He thanked the city workers for all their work and dedication they will be doing over the summer. He reminded resident about purchasing the LED bulbs, and he thanked Council Members who attended and commented about the two ribbon cutting ceremonies that occurred recently and the great things that occur in the City.

Mrs. Shoop had no comments at this time.

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

Mr. Abney moved to adjourn the Regular Meeting, seconded by Mr. Fodor. All Council Members were in favor by answering "Aye". Motion carried to adjourn the Regular Meeting at 9:02 PM.

Meeting adjourned at 9:02 PM.

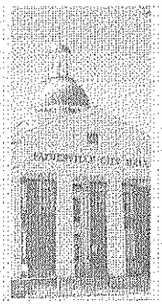
Samantha Danielson
Samantha Danielson
Clerk of Council

Christine Shoop
Christine Shoop
President of Council

Community Entertainment Districts

Presentation for: Painesville City Council

May 15, 2023



What other cities have CEDs?

Existing CEDs

- There are currently 141 CEDs in the State of Ohio, located in 22 counties



What is a Community Entertainment District (CED)?

Ohio Revised Code Definition (Section 4301.80)

a bounded area that includes or will include a combination of entertainment, retail, educational, sporting, social, cultural, or arts establishments within close proximity to some or all of the following types of establishments within the district, or other types of establishments similar to these:

- Hotels
- Restaurants
- Retail sales establishments
- Enclosed shopping centers
- Museums
- Performing arts theaters
- Motion picture theaters
- Night clubs
- Convention facilities
- Sports facilities
- Entertainment facilities or complexes
- Any combination of the establishments described in division (A)(1) to (11) of this section that provide similar services to the community.

Within such an area established as a CED, availability of liquor permits is increased.

What other cities have CEDs?

Examples of existing CEDs

- Cuyahoga County has 11
  - The Flats
  - Ohio City
  - Playhouse Square
  - Legacy Village
  - Cleveland Hopkins International Airport
- Hamilton County has 35, with most in Cincinnati (3 in Over the Rhine)
- Franklin County has 16, with 3 in Easton and 3 in Canal Winchester
- The only one listed in Lake County is in Mentor

Why form a CED?

Ohio's Liquor Permit Quota System

- Ohio law limits the number of liquor permits allowed within a jurisdiction (by type of permit) based on the population of the jurisdiction
- The type of permit most often used by retail food establishments that wish to serve beer, wine, and mixed drinks is known as a D-5 permit
- The quota for D-5 permits is 1 per 2,000 residents
- The current D-5 permit quota for Painesville is 11
- The cost and availability of permits can become an impediment to the establishment of new restaurants



Key Provisions for CEDs

A CED must have a MINIMUM area of **20 acres**

A CED may have up to 1 permit for every 2 acres, **maximum of 25 permits** (must also have a district area of 75 acres)

Currently the City of Painesville's each CED must have a MINIMUM of **$50 million** in planned public and private development project investment

Other considerations:

- *Permits can be transferred but ONLY within CED boundaries*
- *A D-5j permit holder has the same privileges and is under the same restrictions as the holder of a D-5 permit*
- *The City controls creation of the CED, but the Ohio Division of Liquor Control still controls the issuance of the permits*

Why form a CED?

A CED increases the City's quota of D-5 – type permits

- Establishing a CED creates a new, geographically-limited allocation of permits that are comparable to the D-5 permit
- This additional allocation of permits (known as D-5j permits) is to help facilitate the development or revitalization of mixed-use areas



Key Provisions for CEDs

Painesville can meet the minimum development investment threshold of $50 million now

Current projects in the City of Painesville

- Marous Grand River Walk = $28 million
- Vic Place = $30 million
- Lake Erie College Student Housing = $16 million
- Amphitheater = $1,950,000



What a CED is not

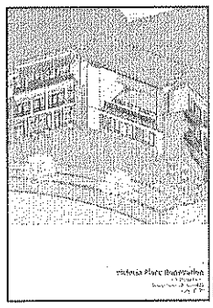
A CED is not...

- An Open Container Law
  - Sub H.B. 47 authorizes municipal corporations to create outdoor refreshment areas in which individuals are permitted to carry open containers of alcohol
- A CED does not limit the City's normal land use, zoning, and other regulatory oversights
- A CED does not exempt establishments from any of the other State requirements and operational controls that apply to liquor serving establishments



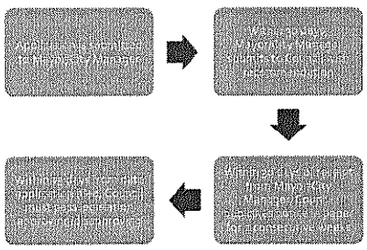
Conclusion

- The CED designation does not impact the City's normal zoning and regulatory land use controls
- The State of Ohio Department of Commerce Division of Liquor Control issues and oversees the permit process as it does with other D-5 permits
- ***Creation of a CED in Painesville must occur when not less than $50 million will be invested in development and construction in the CED's area***



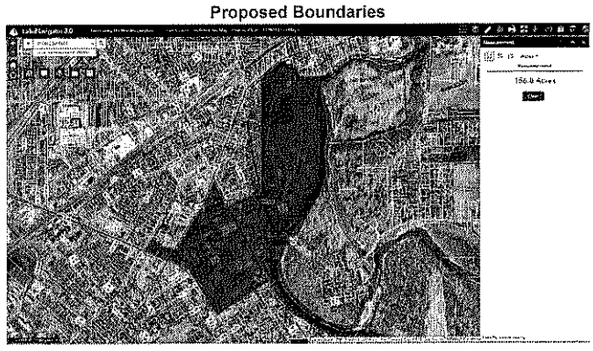
Application & Approval Process

O.R.C. 4301.80 (C)



Application can be submitted by the City or any property owner in the City

Proposed Boundaries



How does a CED lose its designation?

The City may dissolve all or part of a CED

- City Council may pass an ordinance or resolution dissolving all or part of a CED provided proper notice is given to the public
- Once that legislation is passed, the CED ceases to exist
- The State must be notified
- Upon receipt of the dissolution notice, the State revokes ALL D-5j permits issued within the dissolved area



Conclusion

Next Steps

- Determine boundaries of district
- Prepare application
- Prepare resolution authorizing the creation of a CED for Council's consideration



Conclusion



- CEDs are created to promote business growth, encourage mixed-use environments, and create affordable opportunities for new retail food business development
- CEDs improve the availability of liquor permits for retail food establishments
- Formation of a CED is consistent with the City's vision for creating a vibrant mixed-use environment and helps ensure there is a readily available supply of permits for restaurants planning to locate in Painesville