# REGULAR COUNCIL MEETING
# TUESDAY, SEPTEMBER 5, 2023 – 7:30 PM
# EXECUTIVE SESSION IMMEDIATELY FOLLOWING

**CALL TO ORDER**

Vice-President Jim Fodor 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, Lori DiNallo, and Jim Fodor were present. Mario Rodriguez arrived at 7:41 PM.

Mr. Fodor asked for a motion to excuse Christine Shoop and Paul Hach from the Council Meeting.

Mr. Augustine moved to excuse Christine Shoop and Paul Hach from the Council Meeting, seconded by Mrs. DiNallo. All Council Members were in favor by answering "Aye". Motion carried.

Other City Staff in attendance: City Manager Doug Lewis, Law Director Jim Lyons, Economic Development Director Susan Crotty, Finance Director Bill Parkinson, City Engineer Leanne Exum, and Clerk of Council Samantha Danielson.

**APPROVE AGENDA AS SUBMITTED**

Mr. Fodor asked for a motion to approve the agenda.

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

**INVOCATION** was given by Councilperson Derrick Abney.

**PLEDGE OF ALLEGIANCE** was recited.

**MINUTES:** Regular Meeting 08.21.23

Mr. Fodor asked for a motion to approve the minutes from the Regular Meeting on August 21, 2023.

Mrs. DiNallo moved to approve the minutes from the Regular Meeting on August 21, 2023, seconded by Mr. Augustine. All Council Members were in favor by answering "Aye". Motion carried. Minutes approved.

**PUBLIC COMMENTS:** None

**COMMITTEE REPORT:** None

**LEGISLATION:**

**ITEM #1 ORDINANCE**

***1st Reading* – An Ordinance amending Chapter 909 "Sidewalks" of the Painesville Code of 1998, and declaring an emergency.**

City Engineer Leanne Exum spoke on this piece of legislation. She explained that a few items in the current legislation text of Chapter 909 "Sidewalks" needed to be amended. A question on the violation penalty was brought forth and minor misdemeanor terms, charges and procedures were explained by Mr. Lyons.

This will go to second read.

**ITEM #2 ORDINANCE**

***1st Reading* – An Ordinance amending Section 107.03 of the Painesville Code of 1998 relating to Meeting Dates of Council, and declaring an emergency.**

City Manager Doug Lewis spoke on this piece of legislation. He stated per the City Council's request, this legislation that would change the time of the City Council Meetings from 7:30 PM to 7:00 PM on the 1st and 3rd Monday of the month and the day after a holiday should it

occur on the 1st and 3rd Monday of the month. Due to the fact this is a text amendment, this matter should be given three readings.

This will go to second read.

**ITEM #3 ORDINANCE**
***1st Reading* – An Ordinance amending Ordinance 929.06 – Applicable Riders, and declaring an emergency.**

Finance Director Bill Parkinson spoke on this piece of legislation. He stated this piece of legislation has to do with the utility billing. The current ordinance has the discount applied to consumption, and it makes it difficult with the new software conversion calculation. It is being asked to change the language from consumption to the total bill. This would make the calculation easier. A question on the rationale of the 2% discount was brought forth. Mr. Parkinson will bring further information to the next meeting.

This will go to second read.

**ITEM #4 RESOLUTION**
***1st Reading* – A Resolution authorizing and directing the City Manager to submit an application and enter into an agreement with the Ohio Public Works Commission for funding for the West Eagle Street Water Line Replacement, and declaring an emergency.**

City Engineer Leanne Exum spoke on this piece of legislation. She stated the City applied for OPWC grant for the replacement of the waterlines and will receive the funding. West Eagle Street's reconstruction is scheduled to be start 2025. The application is due in October.

This will go to second read.

**ITEM #5 RESOLUTION**
***1st Reading* – A Resolution authorizing the City Manager to sign a Storm Water Easement Agreement with Grand River Walk, LLC for a storm water easement on City owner property known as Permanent Parcel No. 15-A-012-0-00-002-0, and declaring an emergency.**

City Manager Doug Lewis spoke on this piece of legislation. He stated The City of Painesville entered into a Development Agreement with Grand River Walk to develop the former Hotel Site located off Main Street in the City of Painesville. As a result of the development, Grand River Walk, LLC required off site stormwater detention to complete their project. It will require the parking lot to be removed and a dry stormwater basin to be installed in order to meet their requirements for stormwater retention. Staff has been working with Grand River Walk to reduce the size of the detention basin. There will be two other easements for a driveway and the retaining wall that will be brought forth at the next City Council meeting. Mr. Lewis explained the size and depth of the basin and who is responsible for the maintenance of the basin. Leanne Exum and Mr. Lewis explained the construction of the stormwater system and how it works.

This will go to second read.

**UNFINISHED BUSINESS:** Establishment of Painesville Community Entertainment District (CED) 1

City Manager Doug Lewis stated that Council was presented with a presentation and provided information on establishing an entertainment district. The City has been exploring the procedures for establishing a Community Entertainment District, or CED, to increase the number of available liquor permits in Painesville, especially in targeted revitalization areas. Based on feedback obtained from City officials, a revised map of the proposed area has been prepared that includes downtown Painesville as well as an area including HOLA Community Center and Railroad Street. The total acreage is approximately 230 acres to be included in the Community Entertainment District. The City can define a geographic area within which additional "D-type" liquor permits which would result in the availability of 15 additional "D-type" liquor permits in the designated area. There is a process required of which the City Manager makes the recommendation to create the CED. Once approved by the City Manager, Council must act on

the application within 75 days. A resolution will be brought to Council for consideration and a public hearing will need to be scheduled. Economic Development Director explained the types of liquor licenses/permits and what further research and actions will need to be taken. Law Director explained the process of the application and timeline. This will need to go the three readings and a public hearing will be scheduled on the third reading date to meet the 75 days application deadline.

Upon advice of the law director, Mrs. DiNallo moved to have the Clerk of Council publish a notice in the newspaper of general circulation for two consecutive weeks announcing a public hearing on the Community Entertainment District for October 16, 2023 and the application, filed by the City, is available in the office of the Clerk of Council for public inspection, seconded by Mr. Augustine.

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

**NEW BUSINESS:** None

**DEPARTMENTAL PRESENTATIONS:** None

**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: Administration has been meeting with Department Heads and preparing the 2024 Budget for City Council's consideration; Sheetz had their grand opening and thanked they for their investment in the community and a pleasure to work with; Story Walk, at Kiwanis Park, had a ribbon cutting on August 30th, and he thanked all involved that made this project possible; Information has been submitted to Council on grants, state capital funding, and federal appropriations. The City of Painesville received approximately $3.4 million in grants, state capital funding and federal appropriations funding in 2022 and 2023. Our grant consultant and lobbyist has been a help with pursuing grants for the City and are still working to obtain more funding for projects; Zapp's Custard and Mustard is continuing to move forward and trees and grass will be planted soon; Applications will be accepted for 2024 CDBG funding for the siding and roofing program and will be available on-line in the near future; Bank Street retaining wall has been completed and the Army Corps of Engineers inspected the wall. Mr. Lewis thanked them, the engineering department, and contractors for all the work they did and for doing an excellent job on this project. A new grant funding was made available for disadvantage communities to reconstruct additional sections of the wall. The application for this grant has been submitted; On August 29th, the valve was opened to provide water to Fairport Harbor. However, due to high water pressure in their system, minor modifications were needed. They were not able to connect to the City of Painesville at that time. Improvements have been completed, and the City will be working with them to schedule a new time to test and receive the proper pressure within their system; A door hanger for tree trimming and tress that were being removed will be provided to the residents; The Holiday Shop and Stroll will be November 16th; Business Appreciation Night will be November 2nd; Economic Development is looking for business sponsorships for the Shop and Stroll and for the Business Appreciation Night; Lake County Development Council is sponsoring an economic development forum that will be held on September 19th from 7:30 to 9:30; The City did receive the site plan for the hotel off of Brookstone Blvd. and will be working with them to review the site plan; and The City has a new Code Enforcement Inspector who will be starting on September 5th.

**CORRESPONDENCE:** Clerk of Council

The next regular Council meeting will be held on Monday, September 18th at 7:30 PM; Painesville Farmers Market is from 12:00 – 4:00 PM in the Square. This will be every Thursday until September 21st; Car Cruise Friday from 5:00 to 8:00 PM at the Square. This will be every Friday until September 15th; 9/11 Ceremony will be Monday, September 11 starting at 8:30 AM at Veterans Park; Fall Chili Cook Off will be Saturday, September 23rd from 1:00 – 3:00 PM at the Painesville Square; and Story Time with the Police will be Wednesday, September 27th at 6:00 PM at the Painesville Gazebo.

**CLOSING COMMENTS:** Members of Council

Mr. Abney thanked all the staff for attended tonight's meeting and wished all the colleagues who were not here tonight to be safe. He announced there will be a "Meet Your Candidates' Night" for the ward candidates on Tuesday, September 26th from 6:30-8:00 PM and on Tuesday, October 24th from 6:30-8:00 PM at the Harvey High School Boardroom. He thanked the City workers for all the work they do, and sees a strong, high morale.

Mrs. DiNallo commented on the Story Walk event. She expressed how special it was and thanked those involved with it and attended this event. She hopes residents will get out and use it because it is a gift to the community.

Mr. Augustine commented that he received a call from a resident in regards to financial assistance that the City offers for sidewalks. The information on how to apply is available on the City website. He congratulated Sheetz for their grand opening and thanked the Administration and Council Members who attended this event.

Mr. Rodriguez thanked all who attended and watched tonight's meeting.

Mr. Fodor had no comments at this time.

Mr. Augustine motioned to move into our 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 Mrs. DiNallo.

On roll call, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Rodriguez and Mr. Fodor were in favor by answering "Yes". Motion carried to move into the Executive Session at 8:30 PM.

Mr. Fodor asked for motion to adjourn the Executive Session.

Mr. Abney moved to adjourn the Executive Session, seconded by Mr. Augustine. All Council Members were in favor by answering "Aye". Motion carried to adjourn the Executive Session at 9:03 PM.

Mr. Fodor asked for motion to adjourn the Regular Meeting.

Mr. Abney moved to adjourn the Regular Meeting, seconded by Mrs. DiNallo. All Council Members were in favor by answering "Aye". Motion carried to adjourn the Regular Meeting at 9:04 PM.

Meeting adjourned at 9:04 PM.

Samantha Danielson
Clerk of Council

Jim Fodor
Vice-President of Council