

CITY OF PAINESVILLE
REGULAR COUNCIL MEETING
WITH AN EXECUTIVE SESSION IMMEDIATELY FOLLOWING
MONDAY, NOVEMBER 21, 2016 - 7:30 PM

President Paul Hach called the regular meeting to order at 7:30 p.m. City Council convened in a regular meeting in Council Chambers, with the following in attendance: Councilpersons Paul Hach, Lori DiNallo, Christine Shoop, Mike DeLeone, Katie Jenkins, Thomas Fitzgerald, Jim Fodor; Acting City Manager/Finance Director Andy Unetic; Law Director Joseph Gurley; Police Chief Anthony Powalie; Fire Chief Mark Mlachak; Water Superintendent George Ginnis; Public Works Director Brian Belfiore; Electric Supervisor Jeff McHugh; City Planner Lynn White; Parks and Recreation Director Michelle LaPuma; Economic Development Director Cathy Bieterman; and Acting Clerk of Council Tina Pomfrey.

Council President Hach requested visitors please turn off their cell phones and other electronic devices. Councilman Thomas Fitzgerald gave the invocation. The Pledge of Allegiance was recited.

Motion by Mrs. Jenkins, seconded by Mr. DeLeone to approve the meeting minutes as submitted for:

- 11.7.16 Regular City Council Meeting
- 11.9.16 Special City Council Meeting for Executive Session

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

Mr. Hach stated "we will now recognize **Visitors** and to please raise your hand if you wish to speak. When called upon, please use the podium, clearly state your name and address into the microphone, and limit your comments to 3 minutes. Any dialogue must be conducted through me as President of Council, although your comments or questions can be addressed to Council, the Administration, or both." No visitors asked to be recognized.

Moving on to **Legislation**, President Hach stated any Visitors wishing to comment on items of Legislation must request to do so at this time. Those making such requests will then be called upon after the reading. Any dialogue must be conducted through him as President of Council, although your comments or questions can be addressed to Council, the Administration, or both. When called upon, please use the podium, remember to clearly state your name and address into the microphone, and limit your comments to 3 minutes. No one wished to speak.

ORDINANCE AMENDING THE DISTRICT MAP AND THE SETBACK MAP REFERRED TO IN SECTION 1127.02 OF THE PAINESVILLE CODIFIED ORDINANCES REZONING CERTAIN LANDS IN THE CITY OF PAINESVILLE FROM M-2 INDUSTRIAL DISTRICT TO B-2 GENERAL and DECLARING AN EMERGENCY.

was given third reading.

Acting City Manager Andy Unetic stated City Planner Lynn White would give a brief presentation on the proposed rezoning.

City Planner Lynn White gave a presentation outlining the proposed rezoning of Permanent Parcel Number 15-A-013-0-00-038-0; Exhibit A. It was explained that this matter is scheduled for a Public Hearing on December 5th and the matter should remain on third reading.

Motion by Mrs. Jenkins, seconded by Mr. DeLeone to table the proposed Ordinance to allow for the Public Hearing to be held on December 5, 2016.

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

RESOLUTION ACCEPTING THE PETITION OF LANDOWNER SEEKING TO BE INCLUDED IN THE CONCORD TOWNSHIP-CITY OF PAINESVILLE JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT (JEDD) FILED BY PETITIONER IP VISTA SPRINGS CONCORD PROPCO LLC, (PPN:08-A-020-A-00-011-0) FILED ON OCTOBER 20, 2016, and DECLARING AN EMERGENCY.

was given second reading.

Acting City Manager Andy Unetic explained that IP Vista Springs Concord Propco LLC, the owner of 0.82 acres of property located at 7930 Auburn Road, Concord Township, has petitioned to be included in the JEDD. This does not need to be passed this evening. All documents are on file in the Office of the Clerk of

Council for public viewing. A Public Hearing is scheduled to be held on Monday, December 5, 2016 at 8:00 pm on this matter. This matter should be left on second reading.

RESOLUTION ACCEPTING THE PETITION OF LANDOWNER SEEKING TO BE INCLUDED IN THE CONCORD TOWNSHIP-CITY OF PAINESVILLE JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT (JEDD) FILED BY PETITIONER CONCORD TOWNSHIP BOARD OF TRUSTEES, (PPN:08-A-020-A-00-014-0) FILED ON OCTOBER 20, 2016, and DECLARING AN EMERGENCY.

was given second reading.

Acting City Manager Andy Unetic explained that Concord Township Board of Trustees, the owner of 7-acres of property located on Auburn Road, Concord Township, has petitioned to be included in the JEDD. This does not need to be passed this evening. All documents are on file in the Office of the Clerk of Council for public viewing. A Public Hearing is scheduled to be held on Monday, December 5, 2016 at 8:00 pm on this matter. This matter should also be left on second reading.

ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND EXPENDITURES OF THE CITY OF PAINESVILLE, STATE OF OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017 AND ADOPTING THE OPERATING BUDGET, and DECLARING AN EMERGENCY

was given first reading.

Acting City Manager Andy Unetic explained this legislation incorporates the 2017 Budget as presented at the Budget Hearing Work session. Mr. Unetic gave a brief presentation; Exhibit B. He stated this legislation recommends \$73,037,072 budget expenditure for FY 2017 across all funds. This budget amount represents a 2.6% decrease from the 2016 original budget. Total revenues across all funds are estimated at \$70,400,688 or a 4% decrease. The decrease in both expenditures and revenues is driven by spending less on capital projects in 2017 and receiving less in bond proceeds. This budget includes several significant capital projects which represent over \$14.6 million of the \$73 million budget. For 2017, the City is budgeting to spend almost \$2 million on paving roads, which is an increase of \$1 million from 2016. Also included in the 2017 capital projects is \$8.4 million for the continuation of the construction of the water intake project that was originally approved by Council in the 2016 budget.

Out of the major funds, the General, Sewer, and Electric Funds have a balanced budget. The SCM&R, Water, and Stormwater Funds will need to use carryover to balance their budget. Council was given the detailed 2017 budget, along with an analysis of the budget, in late October 2016. The administration gave the 2017 budget presentation to Council on November 17, 2017. This is the first reading.

There was no **Presentation to Council**.

There was no **New Business**.

Mr. Gurley did not have an **Administrative Report**.

Acting City Manager Andy Unetic did not have an **Administrative Report**.

Under **Clerk of Council Correspondences**, Mrs. Pomfrey reminded Council the next regular Council meeting will be held on Monday, December 5, 2016 at 7:30 pm. The City of Painesville in cooperation with the Painesville City Improvement Corporation will be holding the Annual Spirit of the Season on December 3rd from Noon to 4:00 PM at Painesville United Methodist Church. Enjoy cookie decorating, craft projects, games, letters to Santa, Lolly the Trolley rides around historic Painesville, and more! All for FREE! Wreaths Across America will be at Evergreen Cemetery on December 17 with a ceremony beginning at 12:00 PM. Pride Articles Deadline is Friday, December 2, 2016 for the January 2017 edition with Mr. Fodor for Council Corner.

Closing Comments.

Mrs. DiNallo and Mrs. Jenkins had no comments.

Mr. Fitzgerald wished everyone a Happy Thanksgiving.

Mrs. Shoop commented about the DPO's Holiday Open House/All Around the City held last week. She thanked all of the individuals that helped to make the event such a success.

Mr. DeLeone reminded everyone of the upcoming Town Hall Meeting that he is hosting with Mrs. Shoop on Monday, November 28th. The Topic is the Power Cost Adjustment. As always the meeting is open for any and all questions. Mr. DeLeone thanked Mr. Lewis, Mr. Unetic, and Mr. McHugh for agreeing to participate in this meeting. He wished everyone a Happy Thanksgiving.

Mr. Fodor indicated the Town Hall Meeting will be held in Courtroom Number 1 at 6:00 PM.

At 7:54 pm, President Hach asked for a motion to move into Executive Session in Courtroom #2. Mrs. Shoop made a Motion to Adjourn to Executive Session in accordance with the City's Charter Article II, Section 6, Item 1 & 2: (1) To Consider The Appointment, Employment, Dismissal, Discipline, Promotion, Demotion Or Compensation Of An Employee Or Official Of The City, seconded by Mr. Fitzgerald.

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

At 8:31 p.m., President Hach asked for a Motion to Adjourn from Executive Session and reconvene the regular meeting. Motion to Adjourn from Executive Session by Mrs. Shoop, seconded by Mr. Fodor.

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

Motion to Adjourn made by Mrs. Shoop seconded by Mr. DeLeone. All members answered "yes". Motion carried. The meeting was adjourned at 8:32 p.m.

Tina Pomfrey
Acting Clerk of Council

Paul W. Hach II
President of Council

PUBLIC HEARING REZONING NO. 85-16

367 NORTH STATE STREET

PP# 15-A-013-0-00-038-0

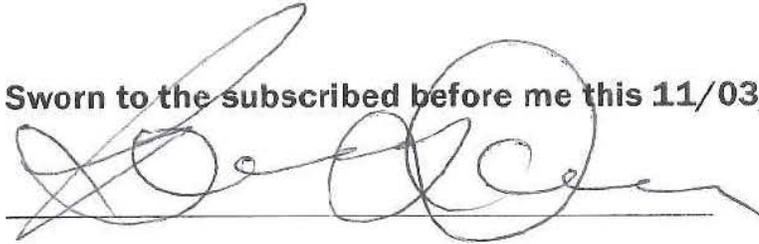
LEGAL NOTICE - APPLICATION

CITY OF PAINESVILLE

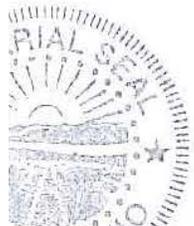
Published in the following edition(s):

The News-Herald Daily OH 11/03/16
newsherald.com 11/03/16

Sworn to the subscribed before me this 11/03/16.



**Notary Public, State of Ohio
Acting in Lake County**



Beverly Dever
Notary Public, STATE OF OHIO
My Commission Expires 11-13-19
Recorded in Lake County, Ohio

LEGAL NOTICE OF A PUBLIC HEARING

Notice is hereby given that the Painesville City Council of Lake County, Ohio will conduct a Public Hearing on Monday, December 5, 2016 at 8:00 p.m. in Courtroom #1, Council Chambers, Painesville City Hall, at 7 Richmond Street to hear the following request:

REZONING APPLICATION NO. 85-16

Location: 367 North State Street

Parcel Numbers: 15-A-013-0-00-038-0

From: M-2 Industrial to B-2 General Business

An application has been received from the owners of 367 North State Street, Permanent Parcel No. 15-A-013-0-00-038-0, requesting the rezoning of Permanent Parcel Number 15-A-013-0-00-038-0. The request is to change the zoning classification from an M-2 Industrial District to a B-2 General Business District. The current industrial zoning does not allow for commercial business.

All interested residents are encouraged to attend the meeting or respond in writing to Tina Pomfrey or telephone 440/392-5931 if you have any questions.

Tina B. Pomfrey, Acting Clerk Painesville City Council
1171789/November 3, 2016

Ordinance

1127.02 CLASSIFICATION OF MAPS.

The boundaries of the districts are shown upon the map dated January 4, 1993 which is made part of this Zoning Ordinance, and designated as the District Map.

ORDINANCE NO.

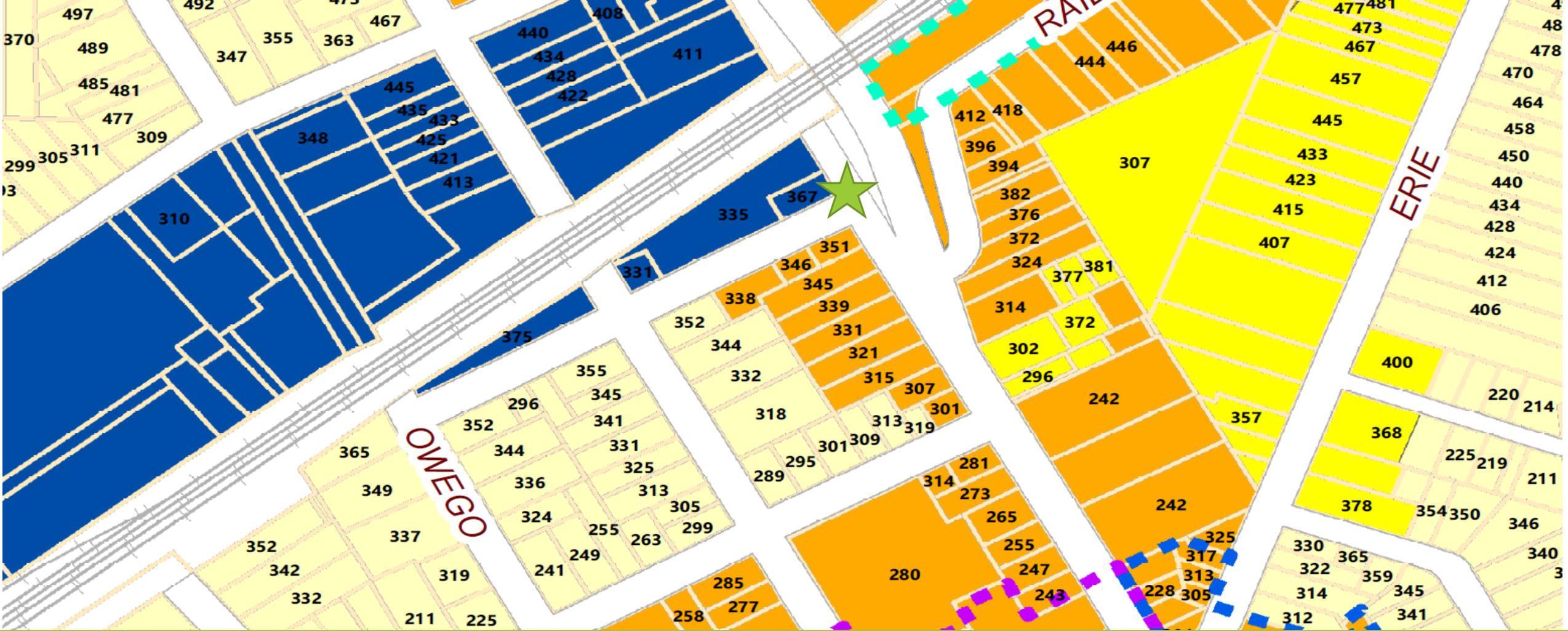
AN ORDINANCE AMENDING THE DISTRICT MAP AND THE SETBACK MAP REFERRED TO IN SECTION 1127.02 OF THE PAINESVILLE CODIFIED ORDINANCES REZONING CERTAIN LANDS IN THE CITY OF PAINESVILLE FROM M-2 INDUSTRIAL DISTRICT TO B-2 GENERAL BUSINESS DISTRICT and DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL of the City of Painesville, Lake County, Ohio:

Section I. That the District Map referred to in Section 1127.02 of the Painesville Codified Ordinances is hereby amended to rezone Permanent Parcel Number 15-A-013-0-00-038-0 located on North State Street, north of Canfield Drive and south of the Consolidated Rail line, as shown on Exhibit A from an M-2 Industrial District to a B-2 General Business District.

Section II. That this Ordinance is passed and adopted for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the proposed change is necessary to provide the highest and best use of land described and therefore, this Ordinance shall be effective at the earliest date allowed by law.

PASSED:



Rezoning Application No. 85-16

367 North State Street

PP# 15-A-013-0-00-038-0

M-2 HEAVY MANUFACTURING

PURPOSE: To provide locations for uses that may have a significant impact on the surrounding uses of property and may require special performance standards in addition to those generally applicable in the M-1 district.

PERMITTED USES:

Uses listed as permitted uses in the M-1 district

Listed here:

Uses which involve the transformation of materials to create a finished product.

Assembly uses

Auto repair and body work

Contractors shops

Packaging facilities

Offices

Wholesale

Warehousing and storage

Testing and research

Animal boarding and kennels

Truck terminal facilities

CONDITIONAL USES:

Public Use

Commercial/Organizational recreation uses

Manufacturing uses which involve potentially hazardous, explosive or flammable materials

Similar uses as approved by the Planning Commission

B-2 GENERAL BUSINESS

PURPOSE: The purpose of this district is to provide areas for commercial, service and business uses in a manner adequately served by transportation and utilities and to have minimal impact on other districts.

PERMITTED USES:

Retail stores

Auto repair, not including body work

Service Station

Offices

Hospitals

Restaurants, private clubs and bars

Drive-in and drive-thru restaurants

Financial institutions

Dry cleaners

Barber and beauty salon

Printing and publishing

Contractor shops without storage yards

Day care centers

Game rooms and pool halls

Wholesale and warehousing

Radio, television and cable transmission or receiving studio and associated appurtenances

Animal hospitals, veterinary clinics without outdoor runs.

CONDITIONAL USES:

Residential use when accessory to a permitted commercial use

Commercial recreational uses

Car wash

Public Use

Similar uses as approved by the Planning Commission

REZONING NO. 85-16

Background:

When zoning was instituted by the City in 1927, the property was zoned U-4, Industrial.

The zoning of the property remains Industrial, with an M-2 Industrial classification.

The current building on the property was built in 1900.

The building department records from 1963 show the use of the property as a commercial use for a restaurant/bar.

Compatible Re-Use:

The previous commercial use is considered a pre-existing nonconforming use. The continuation of this type of use requires a Zoning Amendment. The lot is not large enough to be sold for an industrial use.

Surrounding Zoning:

The surrounding zoning is B-2 General Business District.

Comprehensive Plan:

The 2006 Comprehensive Plan Update discusses and provides recommendations on business attraction and retention.

1147.02 PROCEDURE FOR CHANGE IN ZONING DISTRICT.

(D) ACTION OF THE COUNCIL.

- (1) The recommendation of the Commission along with any development plans submitted by the applicant shall be forwarded to City Council for their review. After receiving their recommendation and before the adoption of any such amendments, Council shall hold a public hearing thereon, at least thirty (30) days after the notice of the time and place has been given by publication in a newspaper of general circulation in the City.
- (2) The Council shall consider the Commissions recommendation and vote on the amendment after holding the public hearing. No ordinance which violates, differs from or departs from the plan or report submitted by the Commission shall take effect unless approved by not less than three-fourths of the membership of Council. No ordinance which is in accordance with the recommendation, plan or report submitted by the Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the members of Council.
- (3) When the Planning Commissions recommendation includes a development plan, the City Council may adopt there recommendation with reference to the plan or any portion thereof. Amendments to such plans may be filed with Council before final action and shall be considered by Council.

When Council has approved the plan and the applicant has entered into a written contract with the City agreeing to use the property only in accordance with the development plan as approved by Council, the petition for zoning change shall be set for hearing provided by law. If the property is then rezoned, it shall be developed only in accordance with the contract. No building permit or certificate of compliance shall be issued in connection with the use of the property rezoned if there is any default in the performance of the provision of such contract. No change or variance to such contract can be authorized except by Council. This section does not apply to zoning changes initiated by the Planning Commission or City Council.





Proposed Budget

Fiscal Year 2017

Summary of Revenues by Source

(Pg. 13)

	2017	2017	2016		
	%	Budget	Budget	Change \$	%
Taxes	18.52%	\$ 13,041,400	\$ 12,441,950	\$ 599,450	4.82%
Intergovernmental	14.30%	10,065,613	9,154,698	910,915	9.95%
Charges for Services	0.96%	673,080	598,280	74,800	12.50%
User Fees	54.95%	38,690,600	39,407,313	(716,713)	-1.82%
Licenses & Permits	0.56%	390,100	367,600	22,500	6.12%
Fines & Forfeitures	2.03%	1,427,500	1,397,200	30,300	2.17%
Miscellaneous Revenues	2.10%	1,476,895	1,563,545	(86,650)	-5.54%
Financing Sources	4.59%	3,236,500	6,654,800	(3,418,300)	-51.37%
Transfer-In-All Funds	1.99%	1,399,000	1,369,000	30,000	2.19%
	100.00%	\$ 70,400,688	\$ 72,954,386	\$ (2,553,698)	-3.50%

Summary of Expenditures by Cost Center

(Pg. 15)

	2017 %	2017 Budget	2016 Budget	Change \$	%
Personnel Services	38.37%	\$ 28,021,994	\$ 27,442,545	\$ 579,449	2.11%
Materials & Supplies	3.09%	2,257,795	2,636,771	(378,976)	-14.37%
Services & Charges	7.33%	5,352,589	5,562,090	(209,501)	-3.77%
Utilities	20.52%	14,988,125	15,564,537	(576,412)	-3.70%
Operating Charges	2.58%	1,887,966	1,752,143	135,823	7.75%
Capital Outlay	20.04%	14,638,735	16,350,800	(1,712,065)	-10.47%
Debt Service	5.56%	4,060,118	4,657,583	(597,465)	-12.83%
Nonoperating Charges	1.21%	880,750	944,100	(63,350)	-6.71%
Operating Transfers/Reserves	1.30%	949,000	729,000	220,000	30.18%
Total	100.00%	\$ 73,037,072	\$ 75,639,569	\$ (2,602,497)	-3.44%

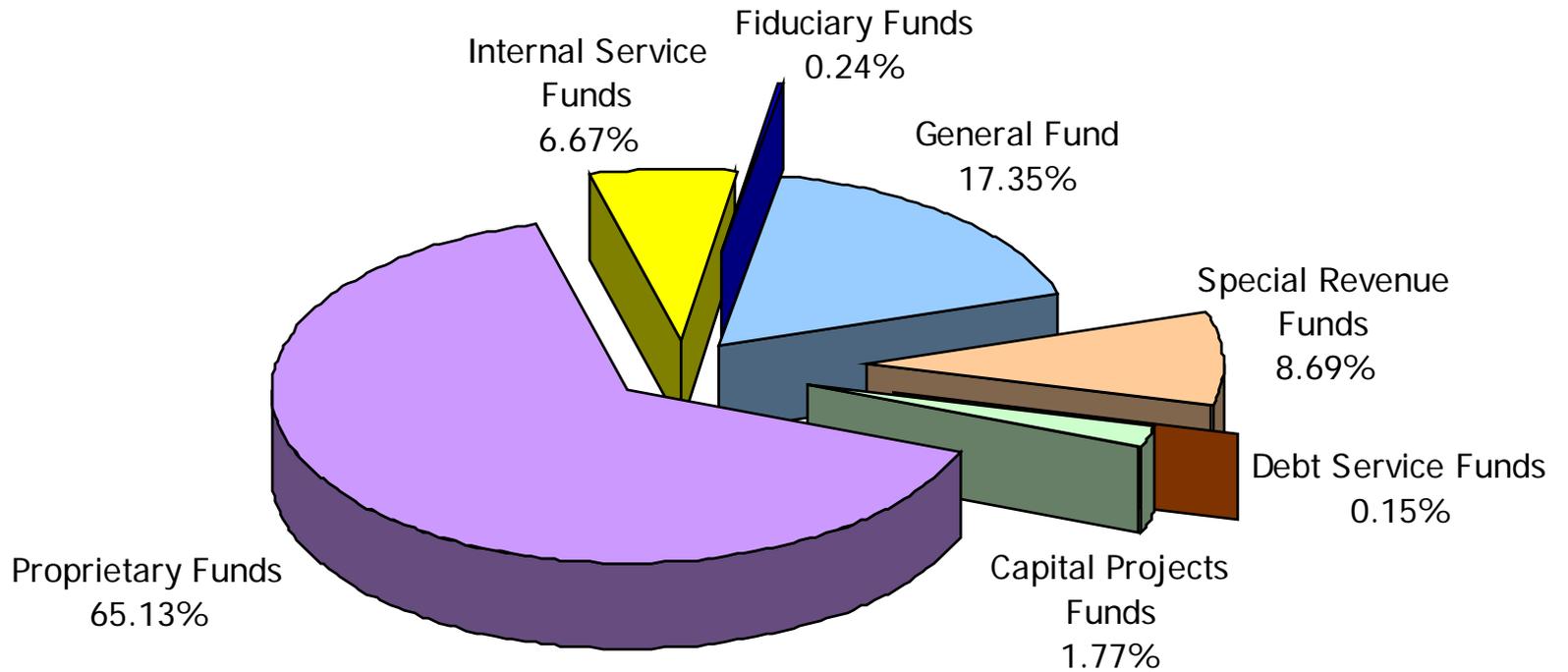
Personnel Services includes: wages, benefits, hospitalization & workers comp.

Budget Issues

- 2017 General Fund Budget will have a budget surplus for the 4th year in a row
- General, Sewer, & Electric Funds are balanced
- In the main funds the majority of expenses are for salaries
- Proposing \$14.6 million in Capital Projects in 2017
 - \$2 million on Paving Roads
 - Continuation of the Water Intake Construction Project

Expenditures by Fund Group

(Pg. 16)



General Fund



General Fund 2017 Budget

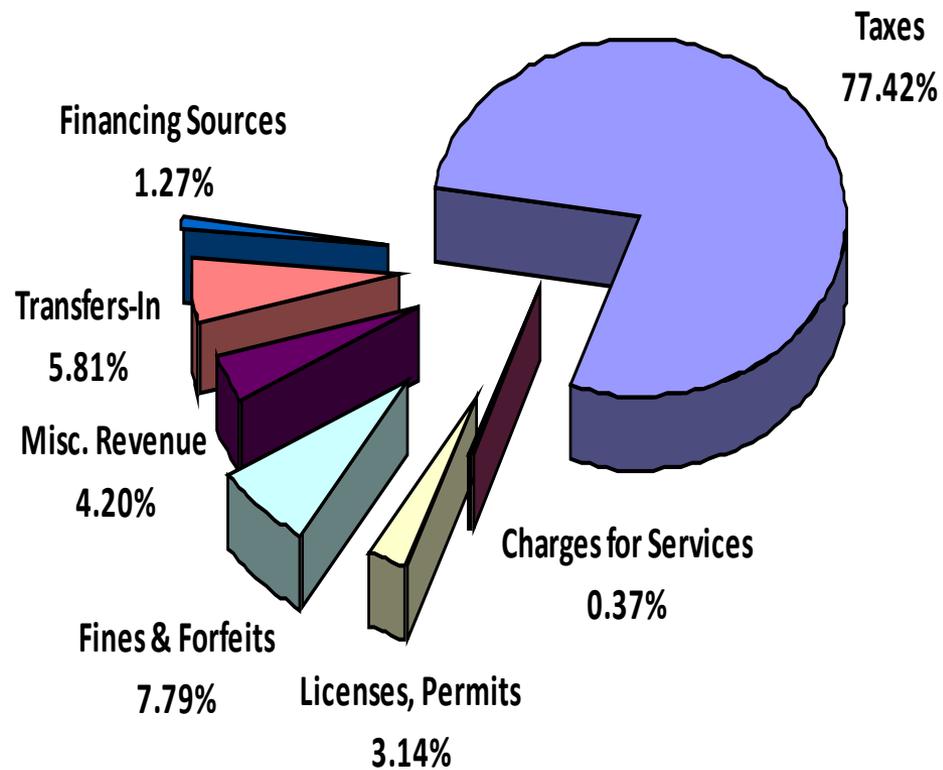
(Pg. 31)

- Revenues = \$12,394,550
- Expenditures = \$12,374,535

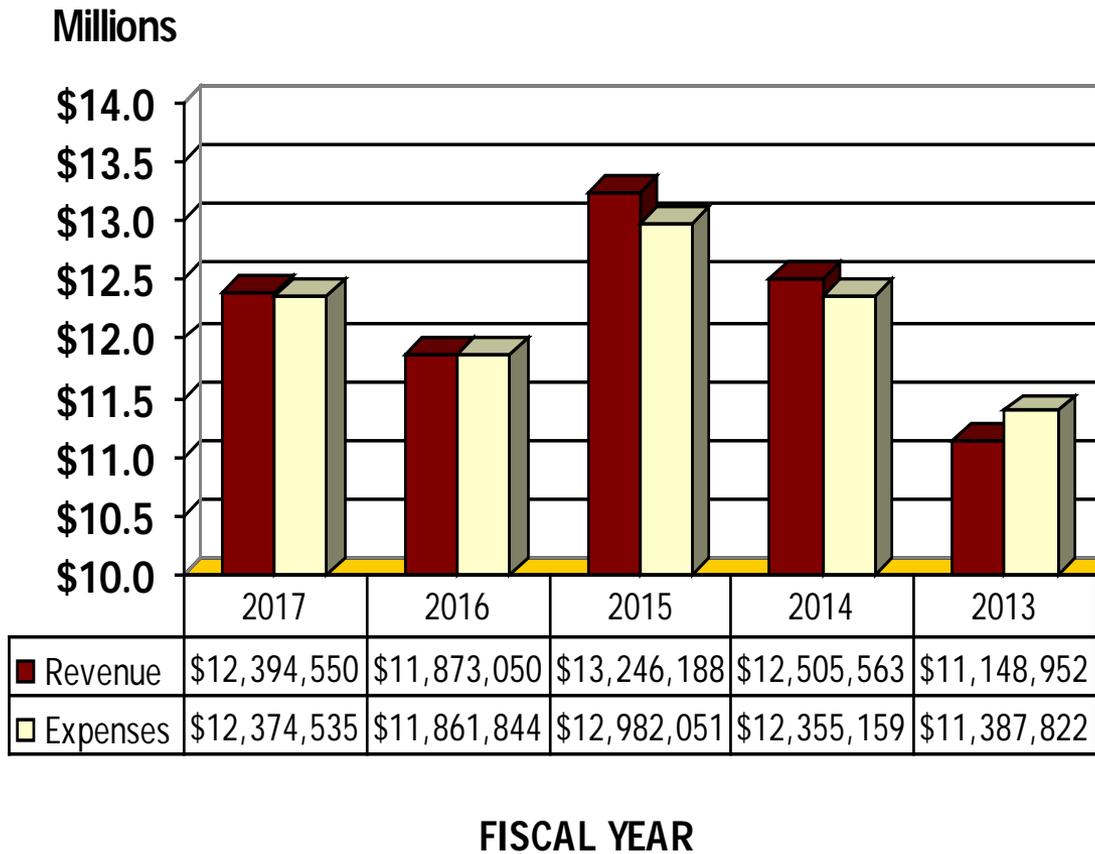
- 2017 GF Revenues are 4% more than 2016
- 3rd Year in a row the GF revenues have increased from the prior year
- 2017 GF Expenses are 4% more than 2016
- General Fund will transfer \$377,000 to other funds so those funds can remain solvent
- Budget surplus of \$20,015

Breakdown of General Fund Revenue

(Pg. 32)

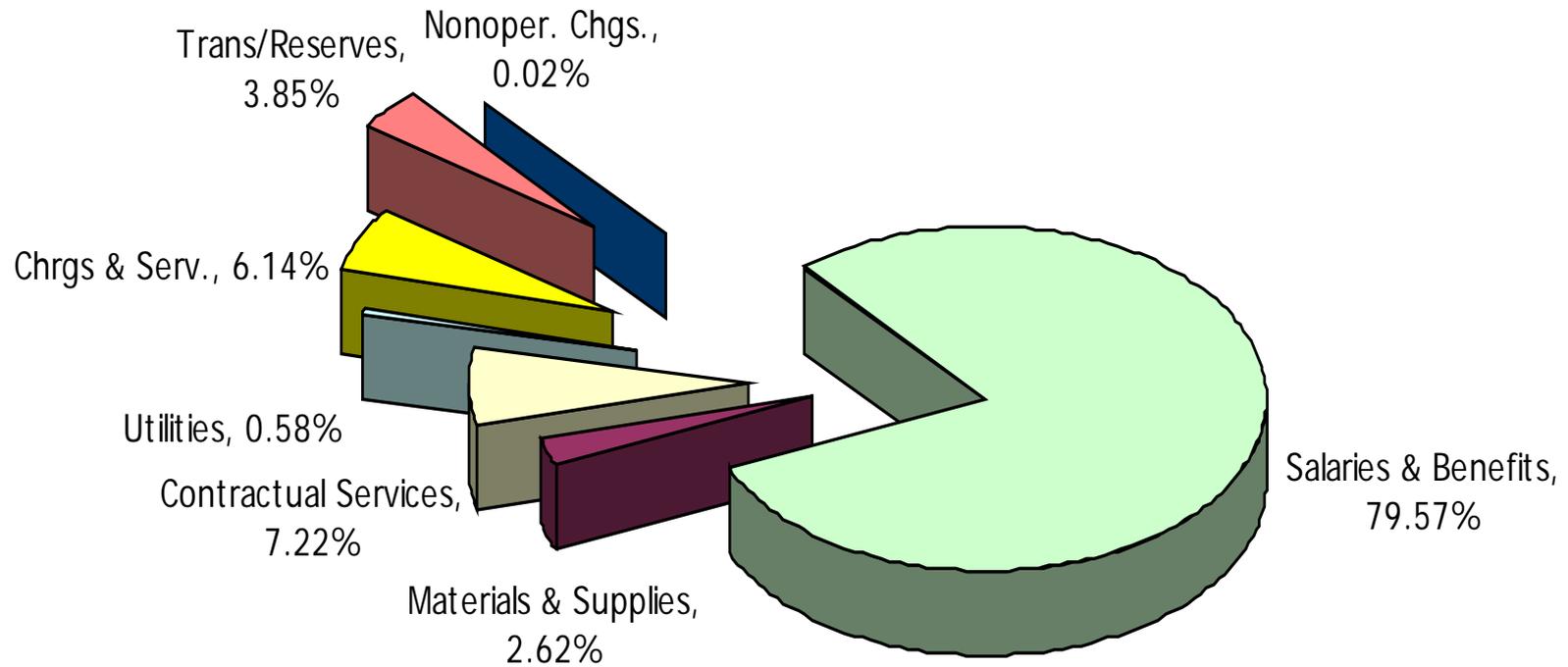


General Fund Analysis (Pg. 36)



Expenditure by Cost Category

(Pg. 35)



**PERSONNEL SUMMARY
FISCAL YEARS 2013 - 2017**

(Pg. 10)

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Total Legislative	8	8	8	8	8
Total Judicial	25	24	24	24	24
Total City Manager's Office	7	7	7	7	7
Total Human Resources	2	2	3	2	3
Total Finance	23	22	22	22	20
Total Public Services	20	20	20	20	20
Total Police	42	42	42	42	44
Total Fire	29	29	29	29	29
Total Recreation & Public Lands	14	14	14	14	15
Total Community Development	10	12	12	12	13
Total Water	20	20	21	21	21
Total Water Pollution Control Service	17	16	16	16	15
Total Electric Services	59	51	50	50	47
Total Personnel Summary	<u>276</u>	<u>267</u>	<u>268</u>	<u>267</u>	<u>266</u>

GENERAL FUND DEPARTMENTAL EXPENDITURES

FUND	DEPT./DIV.	SAL/WAGES BENEFITS	OPERATING EXPENSES	DEBT	CAPITAL	TRANFERS	TOTAL
<u>GENERAL (101)</u>	Council	20,829	11,765	-	-	-	32,594
	City Manager	54,782	41,988	-	-	-	96,770
	Economic Development	25,152	14,819	-	-	-	39,971
	Planning	32,474	7,994	-	-	-	40,468
	Community Development	61,401	33,992	-	-	-	95,393
	Finance	96,288	285,610	-	-	-	381,898
	Human Resources	33,633	14,999	-	-	-	48,632
	Fire	2,253,192	82,695	-	-	-	2,335,887
	Law	31,754	925	-	-	-	32,679
	Engineering	67,517	3,350	-	-	-	70,867
	Muni Court	1,012,085	19,975	-	-	-	1,032,060
	Police	3,431,993	711,056	-	-	-	4,143,049
	Public Works	412,959	286,290	-	-	-	699,249
	Rec. & PL	482,670	232,337	-	-	-	715,007
	Non-Departmental	1,830,127	302,884	-	-	477,000	2,610,011
	Total General	9,846,856	2,050,679	-	-	477,000	12,374,535
	Percent of Total	79.57%	16.57%	0.00%	0.00%	3.85%	