

SPECIAL CITY COUNCIL MEETING FOR  
EXECUTIVE SESSION  
MONDAY, APRIL 20, 2015 – 6:30 PM

REGULAR COUNCIL MEETING  
MONDAY, APRIL 20, 2015 - 7:30 PM

PUBLIC HEARING  
MONDAY, APRIL 20, 2015 - 8:00 PM

President Paul Hach called the regular meeting to order in Council Chambers at 6:30 pm. He asked for a motion to convene to Executive Session. Mr. Fodor made a Motion to move into Executive Session in Accordance with the City's Charter Article II, Section 6, Item (2): To consider the purchase or lease of property for public purposes if premature disclosure of information would be adverse to the public interest, which was seconded by Mrs. DiNallo.

Roll call was performed by Clerk of Council Ms. Diehl. On roll call, Mr. DeLeone was absent, Mrs. Jenkins, Mr. Fodor, Mr. Fitzgerald, Mrs. DiNallo, and Mr. Hach answered, "Yes". Motion carried. Council moved to Courtroom #2.

At 6:55 pm, Mr. DeLeone arrived and joined the Executive Session.

At 7:30 pm, Council returned to Council Chambers in Courtroom #1. President Hach asked for a motion to adjourn from Executive Session and reconvene the regular meeting. Motion to Adjourn from Executive Session was made by Mr. DeLeone seconded by Mrs. DiNallo.

Roll call was performed by Clerk of Council Ms. Diehl. On roll call, Mr. DeLeone, Mr. Fodor, Mr. Flock, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, and Mr. Hach answered, "Yes". Motion carried.

At 7:31 pm, President Hach called the regular meeting to order in Courtroom #1, requested visitors please turn off their cell phones and other electronic devices. Councilman Mike DeLeone gave the invocation. The Pledge of Allegiance was recited.

City Council convened in a regular meeting in Council Chambers, with the following in attendance: Paul Hach, Lori DiNallo, Katie Jenkins, Andrew Flock, Jim Fodor, Tom Fitzgerald, Mike DeLeone, City Manager Anthony Carson, Assistant Law Director James Lyons, Assistant City Manager Doug Lewis, Fire Chief Mark Mlachak, Powalio, Finance Director Andy Unetic, Water Superintendent George Ginnis, Public Works Director Brian Belfiore, Water Pollution Control Plant Superintendent Randy Bruback; Electric Superintendent Jeff McHugh, Parks and Recreation Director Lee Homyock, City Planner Lynn White, City Engineer Leanne Exum, Building Official David Zofko, Economic Development Director Cathy Bieterman, and Clerk of Council Tara Diehl.

A Motion was made by Mr. DeLeone, seconded by Mrs. Jenkins to approve the regular meeting minutes for April 6, 2015 as submitted. All members answered "Yes". Motion carried.

Mr. Hach stated we will now be recognizing visitors and if there was anyone in the audience who wished to speak to please raise their hands and wait to be called upon. Once called upon, he requested Visitors please use the podium, clearly state their name and address into the microphone, and limit comments to 3 minutes. Any dialogue must be conducted through him as President of Council, although comments or questions can be addressed to Council, the Administration, or both. Two people wished to speak.

Mr. Angelo Cimaglio of 477 Owego Street discussed the article published in the Painesville Pride regarding buying or selling a house in Painesville. He felt they were "unwelcoming" by putting stumbling blocks in place such as the Waste Management contract. He asked if we are a collection agency for a private contractor and would like to see Council receive a copy of the current Waste Management contract and take control of the next Waste Management contract.

Mrs. Jenkins confirmed with Mr. Carson that the next contract will go out for bid in June of 2016.

Mr. Tom Pesham of 3943 East 364 St., Willoughby, and Vice President of the Western Reserve Railroad Association, asked for Council's support on the creation of the Historical District.

Moving on to Legislation, President Hach stated at 8pm, there will be a Public Hearing to discuss Items #1-6 of legislation. For those visitors who wish to speak on Items #1-6, you will be given the opportunity during the Public Hearing. He then stated we will begin with Legislation Item #7 and continue through the Agenda until 8pm. If you wish to comment on Legislation Items # 7-17, you 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 me 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.

**RESOLUTION NO. 13-15:** A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT, INCLUDING ANY AND ALL ENSUING CHANGE ORDERS, WITH THE LOWEST AND BEST BIDDER FOR THE RECONSTRUCTION OF LEXINGTON AVENUE, AND DECLARING AN EMERGENCY.

was given third reading.

Mr. Carson referred to Mrs. Exum if Council had any questions.

Motion by Mr. DeLeone seconded by Mrs. Jenkins that RESOLUTION NO. 13-15 be adopted.

On roll call, Mr. Fodor, Mr. Flock, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, and Mr. Hach answered "Yes". Motion carried. RESOLUTION NO. 13-15 adopted.

**RESOLUTION NO. 14-15:** A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT, INCLUDING ANY AND ALL ENSUING CHANGE ORDERS, WITH THE LOWEST AND BEST BIDDER FOR THE RECONSTRUCTION OF WALNUT STREET, AND DECLARING AN EMERGENCY.

was given third reading.

Motion by Mr. DeLeone seconded by Mrs. DiNallo that RESOLUTION NO. 14-15 be adopted.

On roll call, Mr. Flock, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, and Mr. Hach answered "Yes". Motion carried. RESOLUTION NO. 14-15 adopted.

**RESOLUTION NO. 15-15:** A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE, and DECLARING AN EMERGENCY.

was given third reading.

Mr. Carson stated Mr. Belfiore is available for any questions. This is an annual item authorizing the City to participate in the cooperative purchase of Sodium Chloride (rock salt) for the winter of 2015/2016. In the past, this has allowed the City to lock in a better rate by bidding with ODOT than we could have received on our own because of the volume pricing. This legislation is required to be submitted to ODOT by the end of May if we wish to participate in the program.

Mrs. Jenkins asked if there was any surplus left over from this past season, how do we estimate how much salt we will need for the next season, and what contract prices has the City paid in the past pre and post season.

Mr. Belfiore stated we did not have any surplus, we track previous years for a consistent base usage the City paid \$23.87 per ton pre-season for 2013-2014, and \$79.91 per ton pre-season for 2014-2015. A shortage was predicted and we have to commit to a quantity before we go out to bid.

Mr. Fodor asked how we store our salt and what our average salt usage is. Mr. Belfiore stated we have 2 storage sheds that hold approximately 450 tons each and average about 2,000 tons per year. We draw on our salt allowance per storm from ODOT.

Mr. Hach asked how much a new storage dome would cost. Mr. Belfiore estimates \$325,000.00.

Motion by Mr. DeLeone seconded by Mrs. Jenkins that RESOLUTION NO. 15-15 be adopted.

On roll call, Mr. Flock, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, and Mr. Hach answered "Yes". Motion carried. RESOLUTION NO. 15-15 adopted.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER(S), TO INCLUDE ANY AND ALL ENSUING CHANGE ORDERS, FOR THE PURCHASE AND INSTALLATION OF ALL NECESSARY EQUIPMENT TO REPLACE THE EXISTING 138 KV CIRCUIT BREAKERS AT THE RICHMOND ROAD SUBSTATION, FOR IMPROVEMENTS TO THE CITY OF PAINESVILLE MUNICIPAL ELECTRIC SYSTEM.

was given second reading.

Mr. Carson referred to Mr. McHugh who stated this legislation is being requested as part of our system Improvement plans. The breakers at Richmond Sub now are oil filled and almost 40 years old. The install date was in 1976. The issue with the age is spare parts. The last time we needed spare parts for one of these breakers we had to go to First Energy. They had the part because they were removing their breakers like this from service. Our move to a newer gas filled breaker helps with environmental concerns with a possible oil leak from the older breaker.

Mr. Flock requested this be left on second reading.

**RESOLUTION NO. 15-15:** RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPLY FOR AND ACCEPT FINANCIAL ASSISTANCE FROM LAKE COUNTY FY'15 COMMUNITY BLOCK GRANT PROGRAM TO ENHANCE ECONOMIC DEVELOPMENT WITHIN DOWNTOWN PAINESVILLE, AND DECLARING AN EMERGENCY

was given second reading.

Mr. Carson referred to Ms. Bieterman to answer Council's question from the last meeting. She thanked Mr. Flock for his question regarding incorporating the entire City into this grant. She then stated the entire City can be included in this Grant. We will change the format of our program to be more than just historic properties. This does not affect the point structure.

Mr. Angelo Cimaglio of 477 Owego Street referred to the last 8-9 years of meetings we have attended and would like to see the CDBG money put towards residential needs instead of downtown needs.

Mrs. Jenkins asked about past programs for residents. Mr. Lewis stated in the past there were siding programs we applied for and received enough to re-side 26 homes. Now there is Western Reserve Community Development Corporation who can assist residents. This year we have applied for roof replacement which Council just approved at the last meeting. We have also received \$10,000.00 from the County for painting houses which will work in conjunction with the "World Changers" to paint 5-6 houses. World Changers has a 5 year commitment. CDBG fund come earmarked for specific projects, we do not get to choose.

Motion by Mrs. DiNallo seconded by Mrs. Jenkins to suspend the rule requiring the legislation to be read on three different days.

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

Motion by Mrs. DiNallo seconded by Mr. DeLeone that RESOLUTION NO. 15-15 be adopted.

On roll call, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, Mr. Flock, Mr. Fitzgerald, Mrs. DiNallo, and Mr. Hach answered "Yes". Motion carried. RESOLUTION NO. 15-15 adopted.

AN ORDINANCE AMENDING SECTION 1303.03 AND 1303.04 OF THE PAINESVILLE CODE OF 1998, RELATING TO PERMITS AND FEES, AND DECLARING AN EMERGENCY.

was given second reading.

Mr. Carson referred to our new Chief Building Official, David Zofko and to Mr. Lewis who stated the City benefits from Mr. Zofko numerous certifications and P.E. He can perform all in-house inspections and provide excellent customer services.

Mr. Zofko began by stating the proposed legislation addresses a number of needs. First, it requires that requests for extensions for a permit be put in writing and that the cost to extend the permit not exceed \$100.00. The purpose is to ensure that permits extensions are submitted reviewed and approved by the Building Department. The second proposed change is to increase the penalties for contractors or residents that start a project without a permit. We have found that the \$100.00 penalty is not a sufficient to deter them from obtaining a building permit. For this reason, staff is proposing to double the permit fee on the first offense, triple it for the second offense, and quadruple it on the third offense. It is important to understand that contractors or residents will not be impacted if they are obtaining permits and completing the work within the timeframe provided. Staff is requesting that this item be passed as an emergency measure so that it can be implemented should Council choose to approve. This item can go three readings.

Mr. Flock questioned how new contractors would be made aware of these changes. Mr. Zofko would like to see the effective date begin January 1, 2016 for legislation Item's #13-17.

Mrs. Jenkins clarified we should be talking only about the extension of permits legislation, which is Legislation Item #12.

Mr. Zofko redirected back to permits and fees and stated residents are not applying for permits as they should be nor completing their projects in the one-year time frame which creates a burden for the Building Department due to all the outstanding permits without final inspection. This would allow residents to apply for an extension on their permit.

Mrs. Jenkins asked how we will define a 2<sup>nd</sup> and 3<sup>rd</sup> offense. Mr. Zofko stated once this Ordinance is in effect, if they are caught building without a permit, that would be their first offense and we will keep records of that. It could be three times on the same project or three separate projects.

Mrs. DiNallo stated in the years she has been on Council, she has never heard a resident state that the penalty isn't high enough to not apply for a permit. She has heard that residents did not know they needed a permit, the oversight from the City is too intrusive, and the regulations are restrictive. She has also received complaints that a resident has had to tear something out because it did not meet the Code and they didn't get a permit first. How did we come to the determination that residents are not getting permits because the fines are not enough?

Mr. Zofko stated there are a number of reasons. There is an additional Ordinance that will be presented in the future that will help some of the issues. When the City agreed to have a Building Department, Council passed a resolution to follow the Residential Building Code of Ohio. The first Chapter of the Ohio Residential Code reads any work needs a permit. Currently there is work that is in violation of the Code, and work that doesn't require a permit which is contrary to the agreement of following the Code. It needs to be corrected.

At 8:00 p.m. The Clerk of Council interrupted the regular meeting and President Hach called the 1<sup>st</sup> Public Hearing to order. He stated the Public Hearing Section will be divided into 3 separate Public Hearings coinciding with the items of legislation on each topic.

City Planner, Lynn White and Economic Development Director Cathy Bieterman gave 3 separate brief presentations on the Historic District (Legislation Item #1), Code text amendments (Legislation Items #2-5), and Rezoning for Downtown Development District (Legislation Item #7). (*See Attachments #1& 2*).

Mrs. DiNallo questioned vandalism and penalties in the Historic District, Ms. White stated it would be a police matter.

Mr. Fitzgerald and Mrs. Jenkins asked if the District could be broken up into parcels. Ms. White stated it is one parcel with one owner, they are not looking to break up the parcels, but if they did, any new owners would have to follow the regulations for the historic district. Mr. DeLeone clarified the current owner submitted the letter of request to create a historic district.

Mr. Hach opened the floor to the public to speak for or against the district. Mr. Barry Usko of 748 North Avenue stated there are no plans to separate the property, but there are plans to put in a 120 spot parking lot and also hope for a commuter train stop.

Motion to Close the Public Hearing regarding Historic Preservation District made by Mr. DeLeone, seconded by Mr. Fitzgerald. All members answered "Yes". Motion carried.

**ORDINANCE NO. 4-15: AN ORDINANCE AMENDING SECTION 1146.03 OF THE PAINESVILLE CODE OF 1998, RELATING TO HISTORIC PRESERVATION DISTRICT and DECLARING AN EMERGENCY.**

was given third reading.

Motion by Mr. DeLeone seconded by Mrs. Jenkins that ORDINANCE NO. 4-15 be adopted.

On roll call, Mr. DeLeone, Mr. Fodor, Mr. Flock, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, and Mr. Hach answered "Yes". Motion carried. ORDINANCE NO. 4-15 adopted.

Mr. Hach called the 2<sup>nd</sup> Public Hearing to order regarding Code text amendments.

City Planner, Lynn White continued with the 2<sup>nd</sup> Public Hearing regarding Code text amendments (Legislation Items #2-5)

Mr. Hach opened the floor to the Public for Items #2-5. No one wished to speak.

Motion to Close the 2<sup>nd</sup> Public Hearing regarding Code text amendments made by Mr. DeLeone, seconded by Mrs. Jenkins. All members answered "Yes". Motion carried.

**ORDINANCE NO. 5-15:** AN ORDINANCE AMENDING SECTION 1125.04 OF THE PAINESVILLE CODE OF 1998, RELATING TO THE DEFINITION OF DOWNTOWN DEVELOPMENT DISTRICT and DECLARING AN EMERGENCY.

was given third reading.

Motion by Mr. DeLeone seconded by Mrs. Jenkins that ORDINANCE NO. 5-15 be adopted.

On roll call, Mr. Fodor, Mr. Flock, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, and Mr. Hach answered "Yes". Motion carried. ORDINANCE NO. 5-15 adopted.

**ORDINANCE NO. 6-15:** AN ORDINANCE AMENDING SECTIONS 1127.01, 1127.05 AND 1127.06 OF THE PAINESVILLE CODE OF 1998, RELATING TO THE CREATION OF A DOWNTOWN DEVELOPMENT DISTRICT and DECLARING AN EMERGENCY.

was given third reading.

Clerk of Council Ms. Diehl stated there is a typographical text amendment in Zoning language on that needs to be approved changing the district from a R-2 to a D-2.

Motion by Mrs. Jenkins seconded by Mr. DeLeone to amend the legislation to be read district from a R-2 to a B-2 district.

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

Motion by Mr. DeLeone seconded by Mr. Fitzgerald that ORDINANCE NO. 6-15 be adopted as amended.

On roll call, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, Mr. Flock, and Mr. Hach answered "Yes". Motion carried. ORDINANCE NO. 6-15 adopted as amended.

**ORDINANCE NO. 7-15:** AN ORDINANCE AMENDING SECTION 1129.01 OF THE PAINESVILLE CODE OF 1998, RELATING TO HEIGHT, LOT AREA AND MINIMUM FLOOR AREA REQUIREMENTS IN THE DOWNTOWN DEVELOPMENT DISTRICT and DECLARING AN EMERGENCY.

was given third reading.

Motion by Mr. DeLeone seconded by Mrs. Jenkins that ORDINANCE NO. 7-15 be adopted.

On roll call, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, Mr. Flock, Mr. Fitzgerald, and Mr. Hach answered "Yes". Motion carried. ORDINANCE NO. 7-15 adopted.

**ORDINANCE NO. 8-15:** AN ORDINANCE ENACTING CHAPTER 1138 OF THE PAINESVILLE CODE OF 1998, RELATING TO SPECIAL PROVISIONS FOR DOWNTOWN DEVELOPMENT DISTRICT and DECLARING AN EMERGENCY.

was given third reading.

Motion by Mr. DeLeone seconded by Mr. Fitzgerald that ORDINANCE NO. 8-15 be adopted.

On roll call, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, Mr. Flock, Mr. Fitzgerald, Mrs. DiNallo, and Mr. Hach answered "Yes". Motion carried. ORDINANCE NO. 8-15 adopted.

Mr. Hach called the 3<sup>rd</sup> Public Hearing to order regarding Rezoning for Downtown Development District.

City Planner, Lynn White continued with the 3<sup>rd</sup> Public Hearing regarding Rezoning for Downtown Development District (Legislation Items #6). Cathy Bieterman also gave her portion of the *presentation (See Attachment #2)*.

Mr. Hach opened the floor to the Public for Items #6. No one wished to speak.

Motion to Close the 3<sup>rd</sup> Public Hearing regarding Rezoning for Downtown Development District made by Mr. DeLeone, seconded by Mrs. DiNallo. All members answered "Yes". Motion carried.

**ORDINANCE NO. 9-15: AN ORDINANCE AMENDING THE DISTRICT MAP AND THE SETBACK MAP REFERRED TO IN SECTION 1127.02 OF THE PAINESVILLE CODE OF 1998 REZONING TWO (2) PERMANENT PARCELS; 15-B-002-0-00-002 and 15-B-002-0-00-005, BOUND BY LIBERTY STREET, EAST WASHINGTON STREET, EAST SOUTH, AND SOUTH SAINT CLAIR STREETS FROM A B-2 GENERAL BUSINESS DISTRICT and A B-1 BUSINESS/RESIDENTIAL DISTRICT/R-2 MULTI-FAMILY DISTRICT TO A DD DOWNTOWN DEVELOPMENT DISTRICT.**

was given third reading.

Motion by Mr. DeLeone seconded by Mr. Fodor that ORDINANCE NO. 9-15 be adopted.

On roll call, Mr. DeLeone, Mr. Fodor, Mr. Flock, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, and Mr. Hach answered "Yes". Motion carried. ORDINANCE NO. 9-15 adopted.

The Regular meeting reconvened by continuing with Item #12. Mr. DeLeone asked about the unification of all Building Codes through the State. Mr. Zofko stated a City can make things more restrictive than the State Code, not less restrictive. The text amendment for Item #12 is to add "in writing" to be in compliance with the State Code.

Mr. Zofko continued by asking Mr. Flock's question in regards to a "handyman" and regulating improvements. Mr. Zofko referred to a tragedy of a family passing away while the "handyman" was on vacation from an improperly vented furnace in Trumbull County that was not inspected.

Mr. Carson clarified a permit has to be applied by a resident to work on their own home. The rest of the legislation protects the residents from contractors not pulling permits or being bonded.

Mr. DeLeone asked if a resident doesn't apply for permit, how the violation structure will be for a homeowner for enforcement purposes, which enforces Mrs. DiNallo's point earlier in the meeting. Will there be one fine or escalated fines? Mr. Zofko stated it would be based on individual circumstances.

Mr. Fodor asked how a homeowner finds out if a permit is needed. Mr. Zofko stated he just wrote an article for the Pride. Mrs. Jenkins stated the City's website clearly defines what permits are needed as well as list of registered contractors. It is easy to navigate. Mrs. DiNallo would like to see a printed brochure or document in addition to the web. Mr. Zofko and Mr. Lewis stated we do have the form available in the Building Department.

Mr. Zofko would like a resident to easily apply for and afford a permit. Mrs. Jenkins stated the penalty structure is becoming more restrictive, not the application fee.

Mr. DeLeone would like to see a chart of our fines vs. other municipalities in the next packet. Also fines cannot be retroactive. It would begin January 2016. He would like to see these left on for a third reading.

Clerk of Council Diehl asked for permission from President Hach to read straight through the remainder of the legislation. Item #12 was read prior to the Public Hearing.

**AN ORDINANCE AMENDING SECTION 1305.03 OF THE PAINESVILLE CODE OF 1998, RELATING TO ELECTRICAL CONTRACTOR REGISTRATION FEES, AND DECLARING AN EMERGENCY.**

was given second reading.

AN ORDINANCE AMENDING SECTION 1306.03 OF THE PAINESVILLE CODE OF 1998, RELATING TO GENERAL CONTRACTOR REGISTRATION FEES, AND DECLARING AN EMERGENCY.

was given second reading.

AN ORDINANCE AMENDING SECTION 1307.02 OF THE PAINESVILLE CODE OF 1998, RELATING TO PLUMBING CONTRACTOR REGISTRATION FEES and DECLARING AN EMERGENCY.

was given second reading.

AN ORDINANCE AMENDING SECTION 1308 OF THE PAINESVILLE CODE OF 1998, RELATING TO SEWER BUILDER CONTRACTOR REGISTRATION FEES and DECLARING AN EMERGENCY.

was given second reading.

AN ORDINANCE AMENDING SECTION 1309 OF THE PAINESVILLE CODE OF 1998, RELATING TO HEATING, VENTILATING AND AIR CONDITIONING CONTRACTOR REGISTRATION FEES, AND DECLARING AN EMERGENCY.

was given second reading.

Mr. DeLeone and Mr. Zofko stated these registration fees are for Contractors, not residents. Mr. DeLeone is looking forward to the requested additional information to be provided in the next Council packet.

Under old business was Prairie State Power Plant. Mr. Flock read from an article he sent to Council (*See Attachment #3*).

Mrs. DiNallo found a unique feature in the article regarding selling of contracts and relieving the financial burden on those who can afford. Mr. Flock stated they are trying to find path of reconciliation between Prairie State and Municipalities.

Mr. Hach asked Mr. McHugh about Prairie State's efficiency recently. Mr. McHugh stated they are at fairly high levels and continue to operate a high levels. They are in the middle of a planned outage right at the moment. He could not speak to the current rate at the moment and would find out for Mr. Flock for the next meeting.

There was no Unfinished or New Business.

The presentation to Council was given by Assistant City Manager/ Community Development Director Doug Lewis (*See Attachment #4*).

A point of order was called for Councilmembers to wait until after the presentation for questions.

Mr. Zofko pointed out there are numbers off on the graphs, but now that he is here, and from this point forward he will figure out where the error is and will do a better job of proper inspections.

Mr. Flock asked about non-conforming units, is there a way to reduce this number in a more efficient a quick manner? Mr. Lewis stated they sent letters to every property that was non-conforming and they could request to be re-zoned and speak to City Planner Lynn White.

Mrs. DiNallo asked about 239 Mentor Avenue Historic property. Mr. Lewis stated it is bank owned and the bank has not moved forward at this time, will be contacting them and provide more information. Mr. Hach asked about the boarded windows and Mr. Lewis stated someone began to steal the wood floors.

Mr. Lyons did not have an administrative report.

Mr. Carson recognized the employees involved in the new "City Booth" which debuted at Earth Day. It will be featured at all our events for years to come. Thank you to Paul Morton, Michelle LaPuma, Tara Diehl, George Ginnis, Brian Belfiore, Lee Homyock, Cathy Bieterman, and Barb Monacelli.

Under Clerk of Council Correspondences, Ms. Diehl stated the next Regular Council Meeting will be held on Monday, May 4, 2015 at 7:30 pm; she will be out of the office Thursday, April 23rd – Tuesday, April 28<sup>th</sup>; Finance Committee meeting Wednesday, April 29<sup>th</sup> at 5:00 pm 2nd floor conference room at City Hall; DPO – Heritage Ohio Presentation by Jeff Siegler from Heritage Ohio will be presenting on "The Importance of Being a Main Street Community" on Thursday, April 30<sup>th</sup> from 6:00 – 7:30 pm at the MPH Room at Harvey High School; and Pride Articles Deadline is Friday, May 1, 2015 for the JUNE 2015 edition and reminded Mr. Fodor to submit his Council Corner article.

Closing Comments.

Mr. Fitzgerald, Mr. Fodor and Mrs. DiNallo had no comments this evening.

Mrs. Jenkins commented on the sale of properties in the area within a short amount of time. We are on the precipice of change and is excited to see what Painesville is moving towards.

Mr. Flock stated the last Thursday of the month is his Town Hall meeting at Elm Street Elementary at 7:00 pm and Waste Management will be speaking at the meeting. He also asked if Council can be provided a copy of the current Waste Management contract. Mr. Carson stated he will email it to all of Council.

Mr. DeLeone thanked Lee Homyock and Councilman Fodor for supporting the pinwheel ceremony in Veteran's Park for child abuse awareness. He also attend the Foster Parents Reverse Raffle and thanked the supporters and sponsors.

Mr. Hach thanks the residents for coming out and supporting Bernie, the owner of Grande Floral Design, at his fundraiser.

Motion to Adjourn made by Mr. DeLeone seconded by Mrs. Jenkins. All members answered "yes". Motion carried. The meeting was adjourned at 9:08 p.m.

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Tara Diehl  
Clerk of Council

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Paul W. Hach II  
President of Council

Friday, April 10, 2015 - City Council Meeting

Good Evening, my name is Lynn White, City Planner for the City of Painesville. I will be providing information on Legislation Items #1 through #6.

**Item #1** deals with the establishment of a Historic Preservation District. Hopefully you can remember at the January 20<sup>th</sup> City Council Meeting I gave a presentation on Historic Preservation Districts and spoke specifically about the creation of a Railroad Street District.

This matter has gone through all of the steps that are necessary in creating a Historic Preservation district. The Planning Commission held a Public Hearing on March 12<sup>th</sup> to consider the application from the Western Reserve Railroad Association to establish a Historic District on the north side of Railroad Street which encompasses their property. The Commission favorably recommended amending Section 1146.03 to include the property within the Historic Preservation Districts. Section 1146.03 was created to allow the establishment of various areas as Design Review Districts within the City. Due to the historical significance of the Painesville Railroad Depot to the City it should be included as a Historical District. The last step in the process is for City Council to adopt legislation outlining the area.

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The next four items of Legislation are **#2 through 5**. These all deal with the creation of a Downtown Development District. This is for the actual text that will be placed in the Planning and Zoning Code. The text provides regulations that are applicable to all proposed developments of land within the City. The purpose for creating this district text was to allow for development within the Downtown Areas to occur in accordance with the Downtown Master Plan. The process began in December of last year. The staff looked at creating an entirely new section of code by using the Planned Unit Overlay Development along with the Cluster Development sections

as models. After many revisions and discussions the end result was to keep the overall structure of the zoning code the same to avoid creating confusion. The district includes a combination of uses that are currently allowed in the B-2, B-3, and R-2. The intent was to incorporate all of the desirable uses within those three districts. The uses include:

Retail stores (B-2/B-3)	Day care centers (B-2)
Restaurants (B-2/B-3)	Financial institutions (B-2)
Offices (not on ground level) (B-2/B-3)	Personal services (B-3)
Theaters (B-3)	Printing and publishing (B-3)
Bars and Night clubs (B-3)	Professional offices, general or medical (B-1)
Motels and Hotels (B-3)	Residential uses as permitted in B-2 District (B-1)
Barber/beauty shops/similar personal services (B-2/B-3)	Dormitories and Student Housing
Bakery (B-3)	

Also included in the text was a section for special provisions for the Downtown Development District. This section indicates developments that occur in a Downtown Development District shall be permitted on contiguous parcels of not less than 2 acres and no more than 8 acres. The question was asked regarding how the parcel sizes of 2 to 8 acres was determined.

The City of Painesville has some very unique situations. There are currently three sites within the Downtown Master Plan area that have prime developable vacant land. They are the former Hotel site, consisting of 2.01 acres; the former Harvey High School site which consists of 6.44 acres and High Pointe Centre which has a combined area of about 8 acres. By adding this criteria for this district it allows the City to incorporate the adopted Downtown Master Plan with the development of these sites. The purpose and intent of the Downtown Development District is to provide a location for a greater intensity of development which permits a variety of commercial, business, cultural and recreational activities as a focal point of the

community in accordance with the Downtown Master Plan and to encourage flexible zoning guidelines and site design criteria.

The text amendments have gone through the same process as the previous legislation. The Planning Commission held a Public Hearing on March 12th to consider the text amendments for items #2 through #5. The last step in the process is for City Council to adopt the legislation to include this district within the zoning code.

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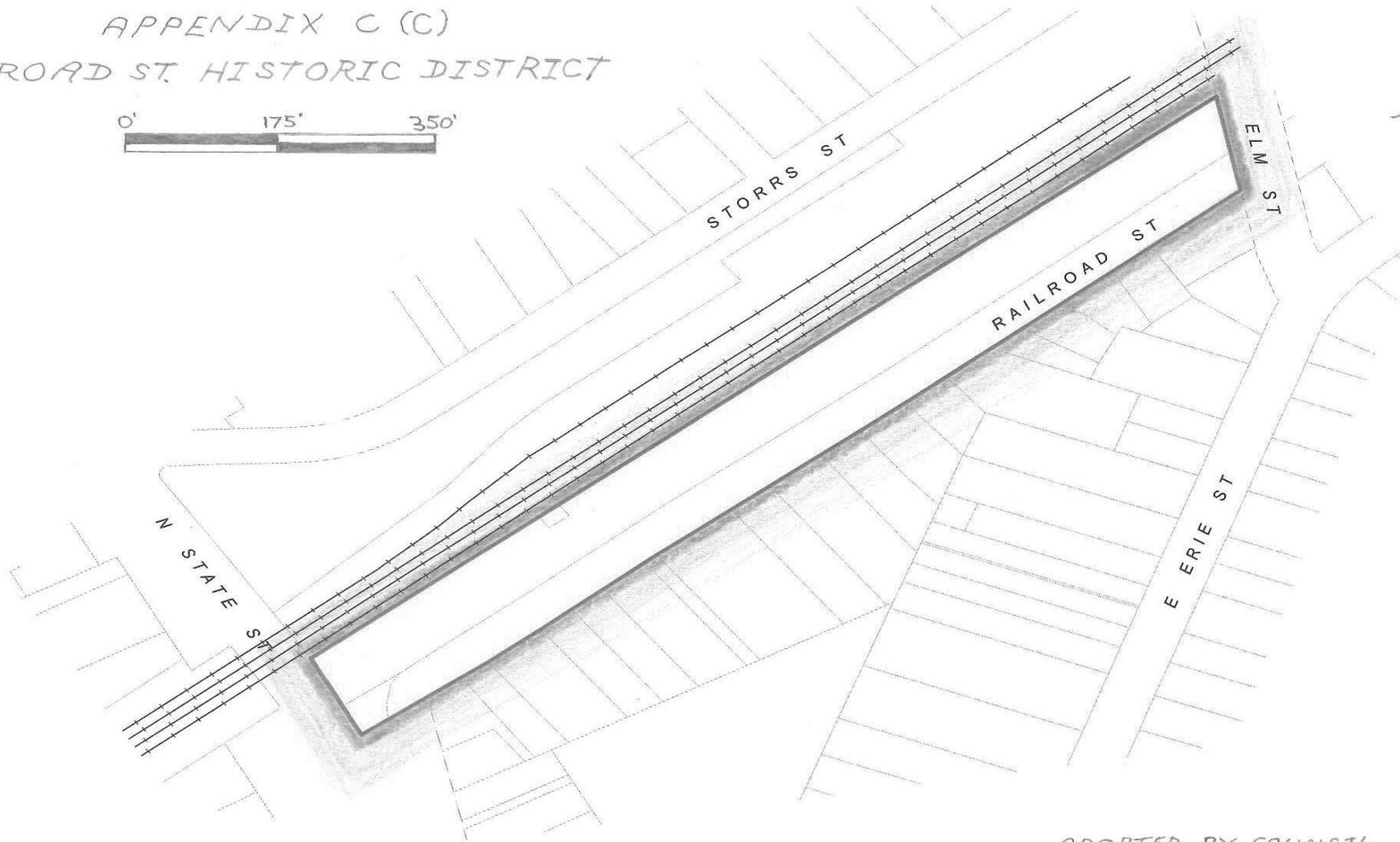
**Item #6** is the rezoning of the City owned property known as High Pointe Centre. This property is located on East Washington Street, Liberty Street, High Street, and St. Clair Street. The request is to change the zoning from its current B-2 General Business, B-1 Business/Residential District and R-2 Multi Family Zoning District to the newly created DD – Downtown Development District. The Planning Commission heard this request at their March 12, 2015 meeting and unanimously recommended approval.

With the current multiple zoning districts located on this property it makes marketing of the site very difficult. By creating a single unified district, the developer can effectively represent the types of uses the City desires for this area and target the types of businesses that would be beneficial to the site.

City Council Meeting  
April 6, 2015

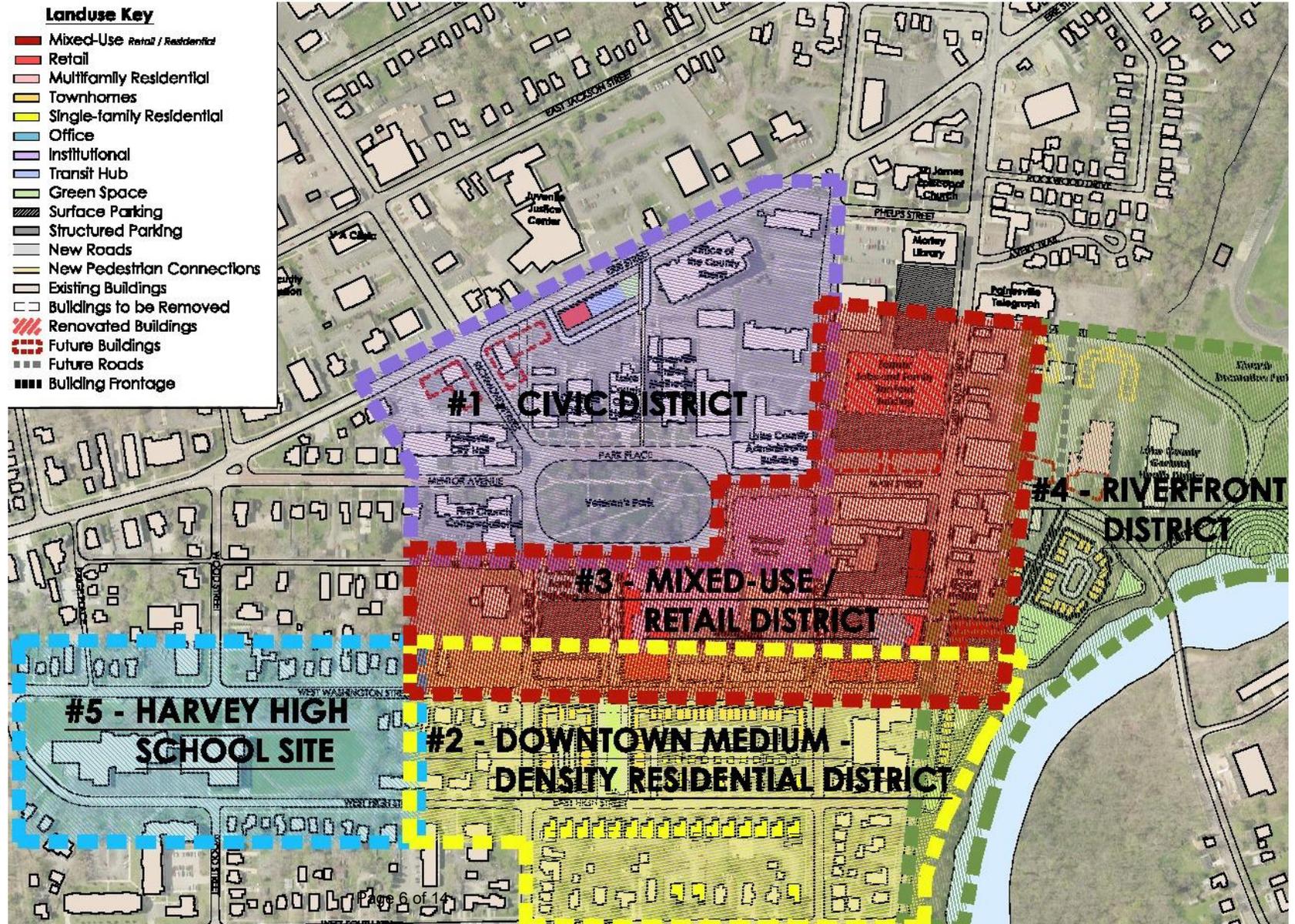


APPENDIX C (C)  
RAILROAD ST. HISTORIC DISTRICT



ADOPTED BY COUNCIL  
EFFECTIVE

# Downtown Master Plan



## Purpose and Intent

- To provide a location for a greater intensity of development which permits a variety of commercial, business, cultural and recreational activities as a focal point of the community in accordance with the Downtown Master Plan and to encourage flexible zoning guidelines and site design criteria.

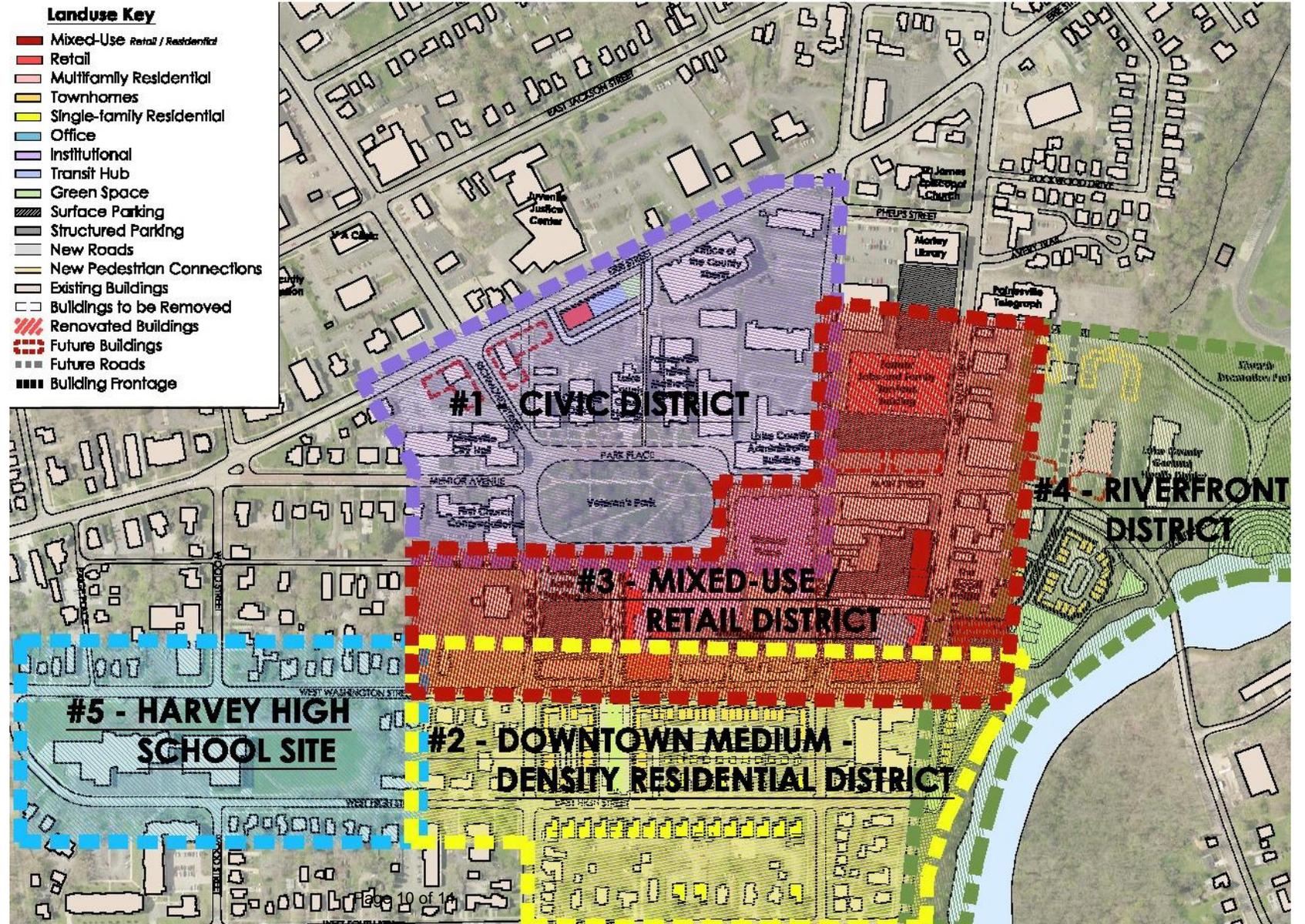
# Permitted Uses

- Retail stores (B-2/B-3)
- Restaurants (B-2/B-3)
- Offices (B-2/B-3)
- Theaters (B-3)
- Bars and Night clubs (B-3)
- Motels and Hotels (B-3)
- Barber/beauty shops/similar personal services (B-2/B-3)
- Bakery (B-3)
- Day care centers (B-2)
- Financial institutions (B-2)
- Personal services (B-3)
- Printing and publishing (B-3)
- Professional offices, general or medical (B-1)
- Residential uses as permitted in R-2 District (B-1)
- Dormitories and Student Housing

# Location

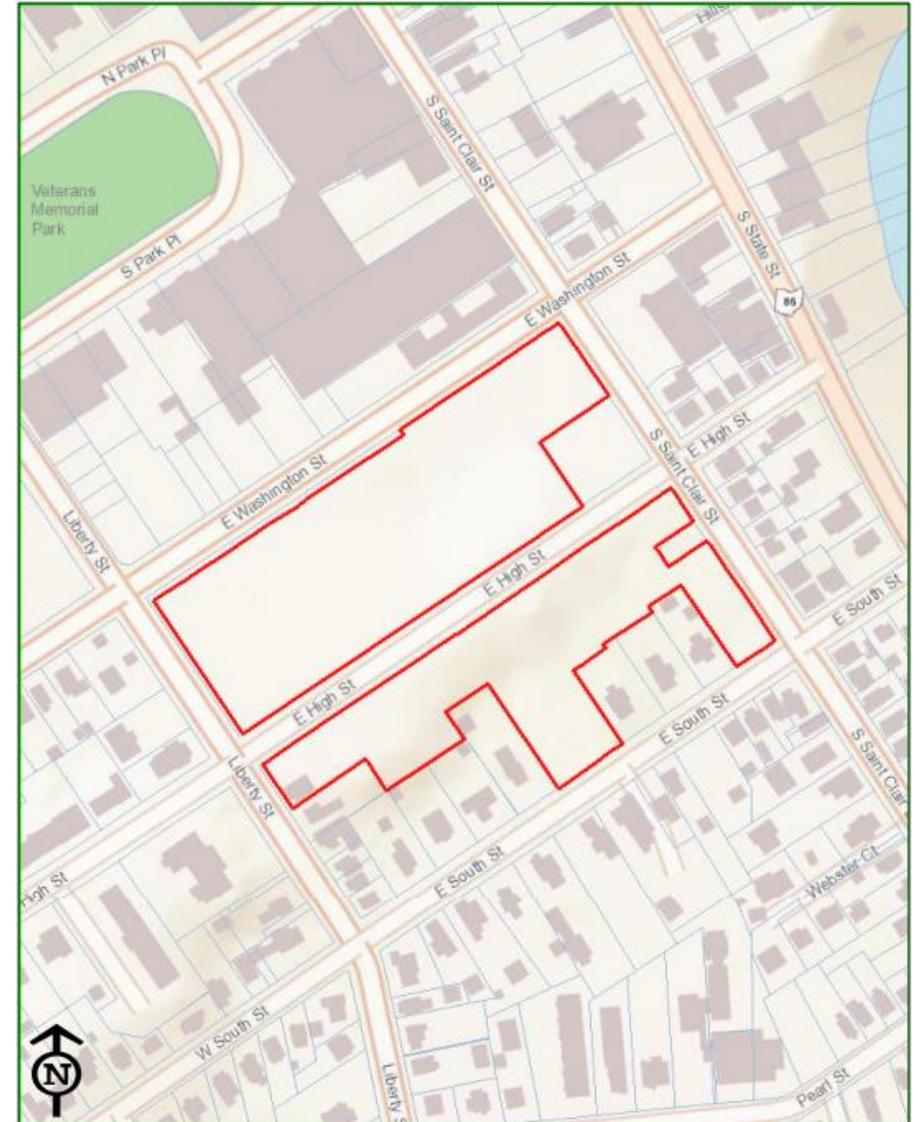
- Developments that occur in a Downtown Development District shall be permitted on contiguous parcels of not less than two (2) acres and no more than eight (8) acres.
  - High Pointe Centre – 3.3122 acres and 4.8491 acres
  - Former Hotel property – 2.01 acres
  - Former Harvey High School site – 6.446 acres
- All three of these sites are specifically listed as a District within the Downtown Master Plan.

# Exhibit from Downtown Master Plan



# Rezoning Application 81-15 High Pointe Centre

- Two Parcels of land:
- 15-B-002-0-00-002 and  
15-B-002-0-00-005
- Location of land to be rezoned.
- Current Zoning of the property.
- Surrounding area uses.



Property lines are graphic representations and are NOT survey accurate.  
Lake County GIS Dept. / Lake County Tax Map Dept., 105 Main Street, Painesville, OH

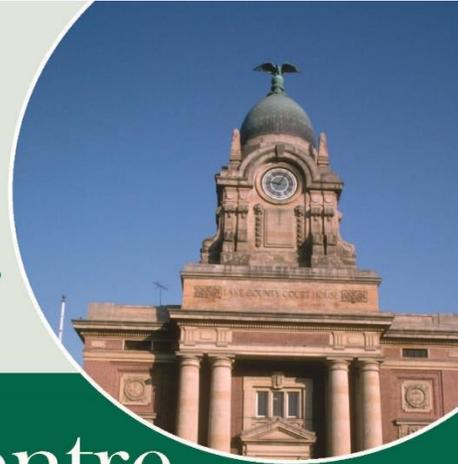
1 inch = 200 feet  
Creation Date: March 12, 2015

# Current Zoning

- B-1 Business/Residential.
  - High Street/Liberty/St. Clair Street
- R-2 Multi-Family Residential District
  - South Street
- B-2 General Business District.
  - Washington Street/High Street/Liberty/St. Clair Street



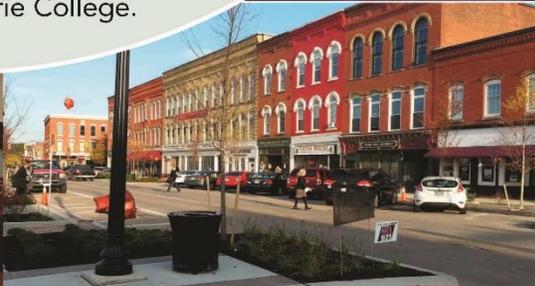
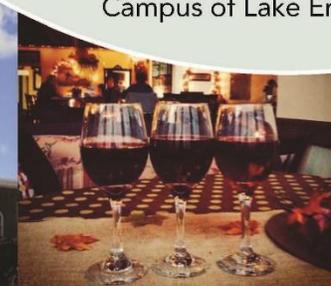
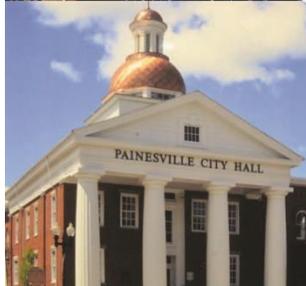
City of Painesville  
**The Center of it All.**



# High Pointe Centre

**Painesville's Newest Premier Downtown Development  
Now Leasing Space**

A mixed-use development linking Painesville's  
Historic Downtown Shopping District, the Civic District,  
the Grand River Front District and the  
Campus of Lake Erie College.



**Featuring: Courtyard, Outdoor Patio's & Dining, Walkways to Veteran's Park  
and the Civic Buildings, Detailed Landscaping and so much more!**

For your Leasing Profile Package and Leasing Information call the  
City of Painesville's Office of Economic Development at 440-392-5795.



Ms. Bieterman stated the overall goal for this site is to have a mixed use development that incorporates retail, restaurants, office, residential housing and student housing that will all lead to creating a destination development or as the developer has called it a mini lifestyle center type development.

All target anchors for this site and subsidiary retail, commercial development will be carefully selected by the developer to ensure long-term sustainability of the development and a continued livable, walkable community-based plan to further connect the communities existing residential housing from the south to the Civic and main districts and into the city's green space areas such as the Greenway Path, Veterans Park and Recreation Park.

The vision that they have for the site is because of its connectivity between the Civic District, the Main Street shopping district and the proximity to Lake Erie College area.

The uses identified through this downtown development district are those that will complement existing retail in the downtown and drive forward additional critical mass which will only enhance the daytime population and therefore the customers that are in the downtown area on a regular basis to support business and commercial growth for the community.

**Andrew Flock**

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**From:** "Sandy Buchanan" <sbuchanan@ieefa.org>  
**Date:** Tuesday, April 14, 2015 9:32 AM  
**To:** <prairiestatetrackers@googlegroups.com>; "ROBERTA WADE" <roberta.wade@sbcglobal.net>  
**Subject:** FW: Report Urges Muni Market to Provide Relief

Hi everyone, here's a story in the Bond Buyer from yesterday (subscription publication) – best, Sandy

## Report Urges Muni Market to Provide Relief to Prairie State Municipalities

BY YVETTE SHIELDS  
 APR 13, 2015 3:48pm ET

CHICAGO - Underwriters and investors in billions of debt sold to finance the Prairie State coal-fired energy plant should come together to discuss relief for local municipalities burdened by the plant's higher energy costs.

That's the position struck by an environmental group that promotes renewable sources of energy and is among the toughest critics of the nearly \$5 billion Illinois-based coal plant. Nine joint power agencies and energy cooperatives purchased an ownership stake in the plant by issuing billions [in debt](#).

Billed as a path to energy ownership and stable rates, the project has sparked controversy for years, starting with cost overruns of nearly 25% that boosted the final price tag. After outages and capacity reductions dragged down its operating performance, operations have been on the rise and rating agencies say the investment remains a good value over the long run.

As the project's costs increased, so did the costs passed along to local governments and utilities. The cost of power is significantly higher than originally expected and nearly double current prices on the open market, according to Fitch Ratings. Local utilities are on the hook due to stringent take or pay contracts to purchase power signed with their participating JPA's, which afford investors strong protections.

"Prairie State was, and is, a crippling deal for the municipalities that signed on. Those who have gained from it—all those Wall Street bankers, high-priced lawyers, well-paid accountants, and insatiable investors—should be compelled to join the public dialogue on finding a solution," according to a four-part report from the Institute for Energy Economics and Financial Analysis.

"The way forward in communities hobbled by Prairie State is to implement a debt-relief plan that requires all parties to contribute and that offers an honest assessment of Prairie State's operational viability," the institute's director of finance Tom Sanzillo and director of resource

### RELATED

**Missouri City Wants Out of Prairie State Obligation**

**Kentucky's Paducah Power Drops Fitch, Adds S&P**

**Report Warns of Fiscal Risks of Prairie State Coal Project**

## ATTACHMENT #3

planning analysis David Schlissel wrote.

The institute argues that investors and underwriters as well as Peabody Energy, the original backer of the project, have the resources to absorb a reduction in their returns, easing the burden of rising costs on the more than 200 towns on the hook.

Local governments that purchased additional unneeded power in hopes of profiting through sales on the open market were hit even harder as prices sank due to low natural gas prices and other factors.

The campus is located in Washington County, Ill., and includes a dual unit, coal-fired power plant and an adjacent mine to supply its coal.

Among local governments, the report says, Paducah, Ky., is among the hardest hit. Last September, Paducah Power's long-time board chairman as well as its manager resigned, and a financial [recovery plan](#) was implemented to stabilize the agency's rates. The institute's report calls the relief "small, temporary, and costly in the long run."

The Kentucky Municipal Power Agency - a JPA formed by the electric boards of Paducah and Princeton - recently refunded \$200 million of its more than \$500 million of Prairie State debt, with most of the savings taken over the first five years, as part of a plan to enhance and improve the financial conditions of its members.

Other agencies with ownership in Missouri, Illinois, and Ohio also refunded some of their Prairie State debt.

The report lays out the soaring bills that have driven some businesses to [close](#) up shop in Paducah, while in Batavia, Ill., the [sales tax](#) was raised to offset the need for too steep of an electric increase.

Recent rating agency reports say that even with the higher costs, the project offers benefits for local utilities over the long run, especially now that plant operations have improved.

In 2014, Prairie State's operating costs were more than \$13 million higher than its owners forecast although costs are expected to ease.

The refinancings, combined with better plant operating performance in early 2015, cut the price of Prairie State electricity in January and February—by about 15 % for American Municipal Power communities, according to the report, which argues the investment is still a negative.

"The market price of power has gone down too, which means Prairie State power is still relatively expensive," it says.

Local governments have struggled with legal remedies. A Kentucky attorney who once called for the Paducah Power System to [file for bankruptcy](#) because of its interest in the troubled Prairie State power plant now says he finds no basis for filing a lawsuit aimed at striking down

## ATTACHMENT #3

the deal.

The city of Hermann, Mo., filed a lawsuit recently suing its Missouri JPA for breach and contract, breach of fiduciary duty, and violations of state law that limit local government debt obligations.

A group of ratepayers in Batavia filed a lawsuit last year seeking compensation for steep energy rate hikes and other taxes they've paid beginning in 2012 due to construction delays and cost overruns.

Several of the JPA's have disclosed the receipt of a Securities and Exchange Commission subpoena issued in 2013 seeking information about the project.

Several JPAs, Peabody, and Prairie State didn't return calls for comment on the report.

Paducah Power dismissed the report, questioned the motives of the organization behind it, and said it stands by its rate relief program as the best means to help its customers. "Without intimate [knowledge](#) of our finances, this anti-coal group continues to tout lawsuits and bankruptcy as avenues to rate relief for our customers," Andrea Underwood, director of community relations and marketing at Paducah Power System, said in an email.

"The goal of that environmental group is to shut down coal plants. Our goal is to find a solution that provides competitive rates for our community for many years, and we find no new information in the IEEFA's opinion pieces that would help us to do that," she added.

*--Shelly Sigo contributed to this story*

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**COMMUNITY DEVELOPMENT DEPARTMENT**  
**April 20, 2015**

# 2014 PROPERTY MAINTENANCE INSPECTIONS

PROPERTY MAINTENANCE/ HOUSING CODE	DECEMBER 2014	DECEMBER 2013	THRU DEC 2014	THRU DEC 2013
PROP. MAINTENANCE (NEW)	48	56	475	395
EXT. REINSPECTION (PMC)	106	28	1114	675
INTERIOR HOUSING (NEW)	4	2	50	43
INT. HOUSING REINSPECT.	0	0	18	83
ZONING - USE DETERMINATION	0	13	9	111
COURT REFERRALS	1	2	10	8
COURT APPEARANCES	6	1	28	60
SIGNS	12	0	216	2
FENCES	0	0	4	4
SWIMMING POOLS	0	0	15	9
VEHICLE	4	0	88	106
WEEDS - NEW	0	0	496	456
WEEDS - REINSPECT	0	0	1822	2859
COMPLAINTS	19	3	427	301
RENTAL REGISTRATION	11	50	691	245
VACANT PROPERTY REG.	54	16	352	165

- Housing Inspector Michael Dobrzeniecki started in March of 2014

# VACANT PROPERTY REGISTRATION ORDINANCE

## REQUIREMENTS OF VACANT PROPERTY REGISTRATION:

- 1) Register within **90 days of becoming vacant**. If it is not registered within 90 days there are penalties for late registration.
- 2) Vacant property **exemptions are granted** for:
  - The building is under active construction/ renovation and has a valid building permit(s)
  - The building is for sale and is listed with a licensed State of Ohio realtor.
  - The building suffered fire damage or damage caused by extreme weather conditions
  - Any owner of a vacant building may request an exemption for other reasons
- 3) The **longer the property remains vacant, the more expensive** the fees.
- 4) **Utilities (water and electric) cannot be transferred** until all Vacant Property Registration Fees have been paid in full.
- 5) Community Development **collected \$133,890 in Vacant Property Registration Fees in 2014.**

# 2014 RANK VEGETATION (WEEDS AND GRASS)

## REQUIREMENTS FOR RANK VEGETATION:

- 1) Rank vegetation" means any growth of weeds or grass to a height of **six inches or higher on any developed, residentially zoned property and twelve inches or higher on all other lands or lots.**
- 2) The City will provide **one notice per year** via certified and regular mail.
- 3) Residents are given **7 days to mow** before the lawn is ordered mowed by the City of Painesville.
- 4) Cost to remove the rank vegetation is the **cost to cut, remove or destruct plus \$75.00 for inspections and administrative costs.**
- 5) If it is not paid within **30 days** of receipt of invoice, it is **assessed to the property owner.**

The City's contracted provider **cut 302 and we billed out \$28,877.50.** The **average cost per mowing was \$95.62.**

## MORAL OF THE STORY:

It is much cheaper for the owner or tenant to maintain the yard than it is to have the City of Painesville maintain it.

# 2014 RESIDENTIAL/COMMERCIAL DEVELOPMENT

<b>RESIDENTIAL BREAKDOWN</b>	<b>DECEMBER 2014</b>	<b>DECEMBER 2013</b>	<b>THRU DEC 2014</b>	<b>THRU DEC 2013</b>
SINGLE FAMILY DWELLING	0	0	21	20
MULTIPLE FAMILY DWELLING	0	0	0	0
TOTAL DWELLING UNITS	0	0	21	20
<b>VALUATION (IN \$)</b>	<b>DECEMBER 2014</b>	<b>DECEMBER 2013</b>	<b>THRU DEC 2014</b>	<b>THRU DEC 2013</b>
RESIDENTIAL IMPROVEMENTS	46,998	25,340	<b>1,022,433</b>	<b>609,847</b>
RES. IMPRMTS - ACC. STRUCTURES	3,500	9,000	231,440	165,042
SINGLE FAMILY - NEW	0	0	3,598,866	3,412,120
MULTIPLE FAMILY - NEW	0	0	0	0
COMMERCIAL IMPROVEMENTS	0	0	<b>922,759</b>	<b>1,314,448</b>
COMM. IMPTS - ACC. STRUCT.	0	0	21,664	0
COMMERCIAL - NEW	0	0	<b>1,000,000</b>	<b>300,000</b>
INDUSTRIAL IMPROVEMENTS	0	0	8,500	30,500
INDUSTRIAL - NEW	0	0	0	0
IND. IMPTS - ACC STRUCTURES	0	0	18,000	0

# 2014 BUILDING INSPECTION REPORT

<b>OHIO BUILDING CODE</b>	<b>DECEMBER 2014</b>	<b>DECEMBER 2013</b>	<b>THRU DEC 2014</b>	<b>THRU DEC 2013</b>
BUILDING	23	11	249	598
ELECTRICAL	14	9	100	478
MECHANICAL	3	11	61	353
PLUMBING	9	9	75	359
FIRE PROTECTION	0	6	34	161

<b>RESIDENTIAL CODE OF OHIO</b>	<b>DECEMBER 2014</b>	<b>DECEMBER 2013</b>	<b>THRU DEC 2014</b>	<b>THRU DEC 2013</b>
BUILDING	44	34	740	499
ELECTRICAL	19	10	197	119
MECHANICAL	1	7	91	74
PLUMBING	8	18	170	120
FIRE PROTECTION	0	1	35	46

# COMMUNITY DEVELOPMENT HIGHLIGHTS FOR 2014

- Addition of new Housing Inspector, Mike Dobrzeniecki
- Addition of part-time Secretary, Diane Melsheimer
- Demolition of 17 properties through Lake County Land Reutilization Corporation
- Retirement of two long-time employees:
  - Russ Schaedlich, City Planner
  - Ed Cox, Building Official
- Oversight of Demolition of the Hotel

# QUESTIONS?

Special Thanks to:

David Zofko, Building Official

Jeff Taylor, Building Inspector

Noell Sivertsen, Housing Inspector

Michael Dobrzeniecki, Housing Inspector

Tina Pomfrey, Support Staff

Diane Melsheimer, Support Staff