

EXECUTIVE SESSION
MONDAY, APRIL 6, 2015 – 6:30 PM

REGULAR COUNCIL MEETING
MONDAY, APRIL 6, 2015 - 7:30 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. Vice-President DiNallo made a Motion to move into Executive Session in Accordance with the City's Charter Article II, Section 6, Item (1): To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of an employee or official of the City, which was seconded by Ms. Jenkins.

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

At 6:40 pm, Mr. DeLeone arrived and joined the Executive Session.

At 7:05 pm, Mr. Flock arrived and joined the Executive Session.

At 7:29 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 Mrs. Jenkins seconded by Mr. Fitzgerald.

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

At 7:30 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 Andrew Flock 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, Finance Director Andy Unetic, Water Superintendent George Ginnis, Water Pollution Control Plant Superintendent Randy Bruback; Electric Superintendent Jeff McHugh, City Planner Lynn White, City Engineer Leanne Exum, Economic Development Director Cathy Bieterman, and Clerk of Council Tara Diehl.

A Motion was made by Mrs. DiNallo, seconded by Mr. Fitzgerald to approve the regular meeting minutes for March 16, 2015 and Public Hearing minutes of March 23, 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. Only one person wished to speak.

Mr. Anthony Torre of 158 Sanford Street asked again that a leaflet be created about the history of the City of Painesville. He gave copies of 2 publications to the Clerk of Council to be processed and handed out to Council.

Moving on to Legislation, President Hach asked if there was anyone who wished to speak on the twenty (20) items of legislation on the agenda this evening and reminded the audience 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. Only one person wished to speak. Only one person wished to speak of several items of the legislation, but chose to withhold comments until the next meeting.

Mr. Hach stated Items #1-6 of the Agenda will be left on 2nd Reading for the Public Hearing being held on Monday, April 20th at 8:00pm. There will be a brief presentation by the City Planner later in this meeting in regards to items #1-6. Prior to reading the next 6 items of legislation, Ms. Diehl asked President Hach for permission to read straight through the 6 items.

AN ORDINANCE AMENDING SECTION 1146.03 OF THE PAINESVILLE CODE OF 1998, RELATING TO HISTORIC PRESERVATION DISTRICT and DECLARING AN EMERGENCY.

was given second reading.

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 second reading.

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 second reading.

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 second reading.

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 second reading.

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 second reading.

Mr. Carson stated the 6 items deal with the creation of a new zoning district within the Planning and Zoning Code. In reviewing the current zoning code while marketing High Pointe Centre, staff realized that the zoning code would need to be modified. The intent of the modifications is to provide a flexible zoning district that would work in harmony with the adopted Downtown Master Plan. The legislation includes requesting text amendments and modifications along with a rezoning of the City owned property. The text amendments will need to be adopted prior to the rezoning of the property. The proposed changes to the zoning code text are necessary for the Downtown Development District. All four items were reviewed and approved by a 5-0 vote of the Planning Commission at their meeting held on March 12th. Additionally, all four items require a public hearing which has been scheduled prior to 3rd reading on April 20th meeting.

City Planner, Lynn White and Economic Development Director Cathy Bieterman gave a brief presentation. (*See Attachments #1& 2*)

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 second reading.

Mr. Carson referred to Mrs. Exum who stated this legislation authorizes the bidding of the Reconstruction of Lexington Avenue. This project is funded fifty percent by the Ohio Public Works Commission. The project includes the entire length of Lexington Avenue from Newell Street to Stage Avenue. This project will consist of the full reconstruction of the roadway including cement stabilization, asphalt pavement, and any necessary drainage improvements.

Mr. Fodor asked if the manhole covers are going to be at pavement level. Ms. Exum stated they are supposed to be at the same level.

Mr. DeLeone requested this be left on second reading.

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 second reading.

Mr. Carson referred to Mrs. Exum who stated this legislation authorizes the bidding of the Reconstruction of Walnut Street. This project is funded fifty percent by the Ohio Public Works Commission. The specific portion of Walnut Street included in this project extends south-west from the Liberty Street intersection to the Lake Metropark bike path which crosses Walnut Street approximately 200 feet west of Marion Avenue. This project will consist of the full reconstruction of the roadway including cement stabilization, concrete pavement and curbs, and any necessary drainage improvements.

Mr. DeLeone requested this be left on second reading.

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 second reading.

Mr. Carson stated 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.

Mr. DeLeone requested this be left on second reading.

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 first 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. DeLeone requested this be left on first reading.

RESOLUTION NO. 10-15: A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY FOR FUNDING FOR INFRASTRUCTURE IMPROVEMENTS OF NORTH STATE STREET, AND DECLARING AN EMERGENCY.

was given first reading.

Mr. Carson referred to Ms. Exum who stated The Northeast Ohio Area wide Coordinating Agency has contacted the City of Painesville informing us that additional funding has become available through the Surface Transportation Program. The application deadline was March 30, 2015 and a letter from Council President was submitted with the application stating the commitment from Council to pass the legislation on April 6, 2015. For this reason, she is requesting that 2nd and 3rd reading be waived and it be passed as an emergency tonight.

Mrs. Jenkins clarified that the letter was written with the majority consent of Council.

Mr. Fodor asked what the time frame is for receiving and utilizing the money if our application is accepted. Ms. Exum stated as soon as this summer but before July 31, 2016.

Motion by Mrs. DiNallo seconded by Mr. DeLeone 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. 10-15 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. 10-15 adopted.

RESOLUTION NO. 11-15: RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPLY FOR AND ACCEPT FINANCIAL ASSISTANCE FROM LAKE COUNTY FY'15 COMMUNITY BLOCK GRANT PROGRAM TO IMPROVE THE HOUSING STOCK BY ASSISTING RESIDENTS REPLACE DILAPIDATED OR LEAKING ROOFS IN THE CITY OF PAINESVILLE, AND DECLARING AN EMERGENCY

was given first reading.

Mr. Carson referred to Mr. Lewis who stated the Community Development Department has identified the need to replace roofs as a major housing need within Painesville. This coincides with Lake County's program goals of improving the housing stock within Lake County. The City of Painesville will be requesting \$40,000 and anticipates that we will be able to tear off and replace approximately 6-8 roofs, depending on size and how many layers of shingles. We plan to provide materials and work with World Changers to increase the number of roofs that could be completed with the \$40,000. This will be the priority project we will be submitting for CDBG funding. Staff is requesting that this item be passed as an emergency measure so that it can be submitted with the CDBG application prior to the May 18, 2015 deadline. This item can go three readings.

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

Motion by Mrs. DiNallo seconded by Mr. Fodor that RESOLUTION NO. 11-15 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. 11-15 adopted.

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 first reading.

Mr. Carson referred to Ms. Biertman who stated the Painesville Storefront Improvement Program is a key component to the revitalization of downtown Painesville. The existing storefronts within the commercial district need further investment to support the interests of small business owners and retail establishments. This program is designed to provide architectural assistance, design and renovation of between 5 and 15 retail and commercial storefronts. The program will award up to \$7,500 per building with a required 30% match. The City of Painesville will be requesting \$50,000. Staff is requesting that this item be passed as an emergency measure so that it can be submitted with the CDBG application prior to the May 18, 2015 deadline. This item can go three readings. With this legislation she plans to make application for \$50,000 in storefront improvement funds from CDGB. Some of the target buildings that we would like to see this grant funding used for this include the former Dollar Bank Building, China House and FATS Restaurant.

Mr. DeLeone would like to see this passed this evening.

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

Mr. Flock questioned what happens if a business is not directly downtown. Ms. Bieterman stated it would have to meet certain census codes that are a high equivalent of low to moderate income families.

Ms. Bieterman stated she could make application for a larger scope of census codes if Council desires, but it would bring our scores down. Separate applications would probably not be considered. She would have to look at the scoring.

Ms. Diehl reiterated there is a Motion by Mrs. Jenkins seconded by Mrs. DiNallo to suspend the rule requiring the legislation to be read on three different days.

On roll call, Mr. Flock, Mr. Fitzgerald, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, and Mr. Hach answered "No". Motion FAILED.

RESOLUTION NO. 12-15: RESOLUTION RECOGNIZING THE RESPONSIBILITY OF THE CITY OF PAINESVILLE TO AFFIRMATIVELY FURTHER FAIR HOUSING, AND DECLARING AN EMERGENCY

was given first reading.

Mr. Carson referred to Mr. Lewis who stated In order to make application for CDBG funding through the Lake County Grants Office, the City of Painesville must pass a Resolution stating that we will work to further Fair Housing efforts in Painesville. The City currently works with Lake County and the Fair Housing Resource Center (FHRC) to assist in meeting these obligations. Staff is requesting that this item be passed as an emergency measure so that it can be submitted with the CDBG application prior to the May 18, 2015 deadline. This item can go three readings.

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

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

Motion by Mr. DeLeone seconded by Mr. Fodor that RESOLUTION NO. 12-15 be adopted.

On roll call, Mrs. DiNallo, Mrs. Jenkins, Mr. DeLeone, Mr. Fodor, Mr. Flock, Mr. Fitzgerald, and Mr. Hach answered "Yes". Motion carried. RESOLUTION NO. 12-15 adopted.

Mr. Hach and Mr. Carson stated Legislation Items #15 – 20 will be left on first reading. Prior to reading the last 6 items of legislation, Ms. Diehl asked President Hach for permission to read straight through the last 6 items.

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 first reading.

Mr. Carson stated the Building Official, David Zofko will be giving a presentation at the next meeting regarding the next 6 items of legislation. He then referred to Mr. Lewis who stated the proposed legislation addresses a number of needs as identified by new Building Inspector, David Zofko, and the Painesville Building Department. 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.

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

was given first 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 first 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 first 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 first 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 first reading.

Under old business, there were two items: Prairie State Power Plant. Mr. Flock referred to an article sent to Council (*See Attachment #3*).

There was no Unfinished Business.

Mr. Unetic gave a brief update on the Utility Billing software. New software is hundreds of thousands of dollars with a 6-12 month transition. The monthly PCA will be printed at the bottom of every utility bill and the City's website will also have an ongoing spreadsheet which will be implemented immediately.

Mr. Flock asked if the Pride article on PCA has been published yet. Clerk Diehl stated the article will be published in the next issue of the Pride

Mr. Lyons and Mr. Carson did not have administrative reports.

Under Clerk of Council Correspondences, Ms. Diehl stated the next Regular Council Meeting will be held on Monday, April 20, 2015 at 7:30 pm with a Public Hearing at 8:00 pm regarding the Historic and Downtown Development Districts; Child Abuse Awareness Pinwheel Ceremony sponsored by the LCDJFS will be held on April 8th at noon in Veteran's Park; Earth Day and Repurposed Craft Fair is Saturday, April 18, 2015 from 1-4 pm in Veteran's Park; Finance Committee Meeting is Wednesday, April 29, 2015 at 5:00 pm in the 2nd floor conference room at City Hall; Pride Articles Deadline is Friday, May 1, 2015 for the JUNE 2015 edition and reminded Mr. Fodor to submit his Council Corner article and Mr. McHugh to submit the PCA article Mr. Flock requested.

Closing Comments.

Mr. DeLeone sends his condolences on the passing of former City Councilwoman Lillian Kerestman and asked the community to attend the pinwheel ceremony in Veteran's Park on April 8th at noon to help end child abuse.

Mr. Fodor asked residents to drive slowly and watch for children in and near the streets; and to keep the storm sewer grates clear in front of their homes and on their property.

Mr. Flock sends his condolences on the passing of former Ward I City Councilwoman Lillian Kerestman. He will also be holding a Town Hall meeting at Elm Street Elementary the last Thursday in April where Waste Management is scheduled to speak.

Mrs. DiNallo sends her condolences on the passing of former City Councilwoman Lillian Kerestman and appreciates our first responders to the child abuse calls while referencing the pinwheels in Veteran's Park.

Mr. Fitzgerald and Mrs. Jenkins did not have any comments.

Mr. Hach reminded residents about the block watch at Morse Avenue starting back up on the 2nd Monday of the month

Motion to Adjourn made by Mr. DeLeone seconded by Mrs. DiNallo. All members answered "yes". Motion carried. The meeting was adjourned at 8:28 p.m.

Tara Diehl
Clerk of Council

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 20th 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 12th 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.

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.

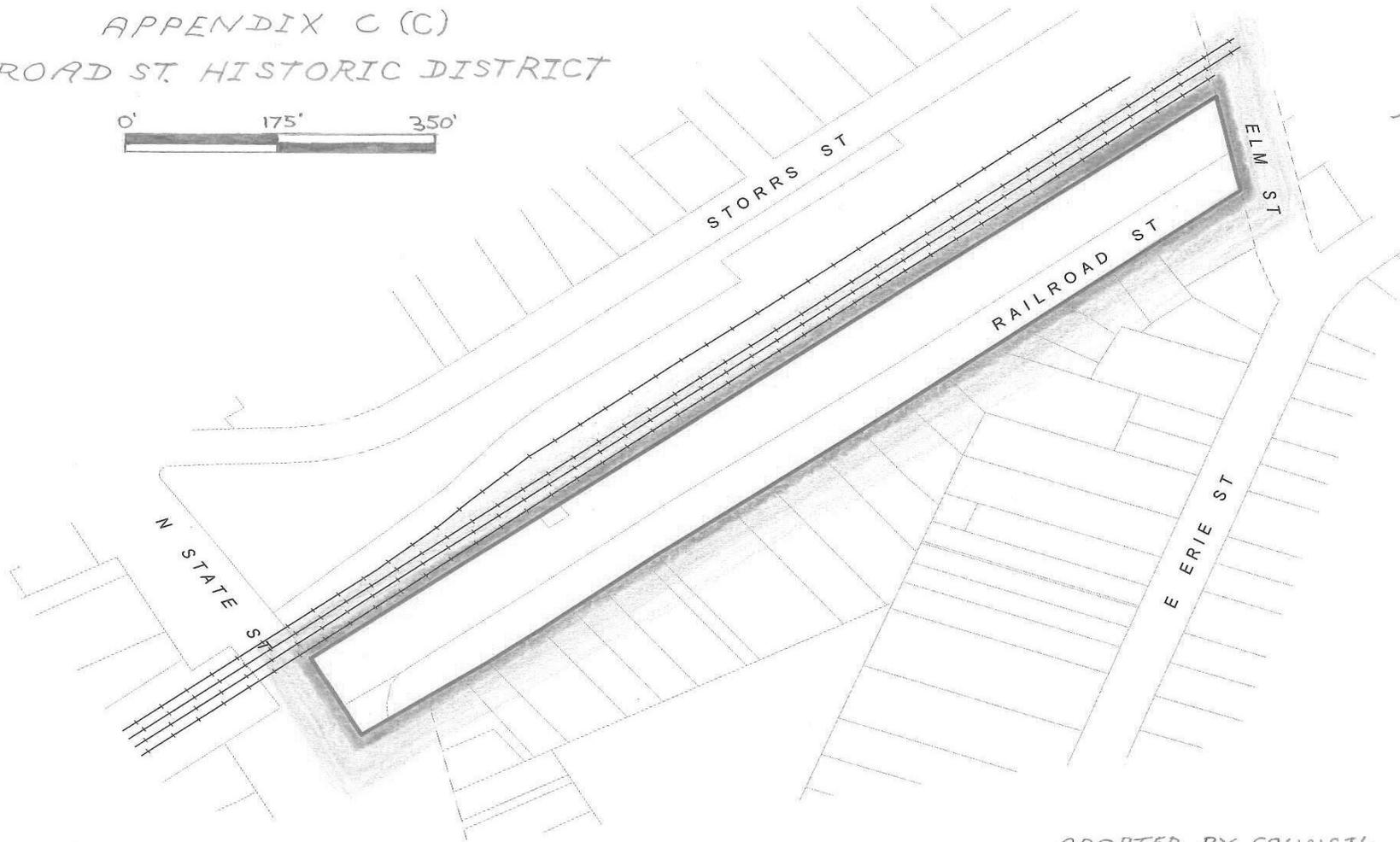
Item #6 is the rezoning of the City owned property known as High Pointe Centre. This property is located on East Washington Street, Liberty Street, High Street, and St. Clair Street. The request is to change the zoning from its current B-2 General Business, B-1 Business/Residential District and R-2 Multi 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

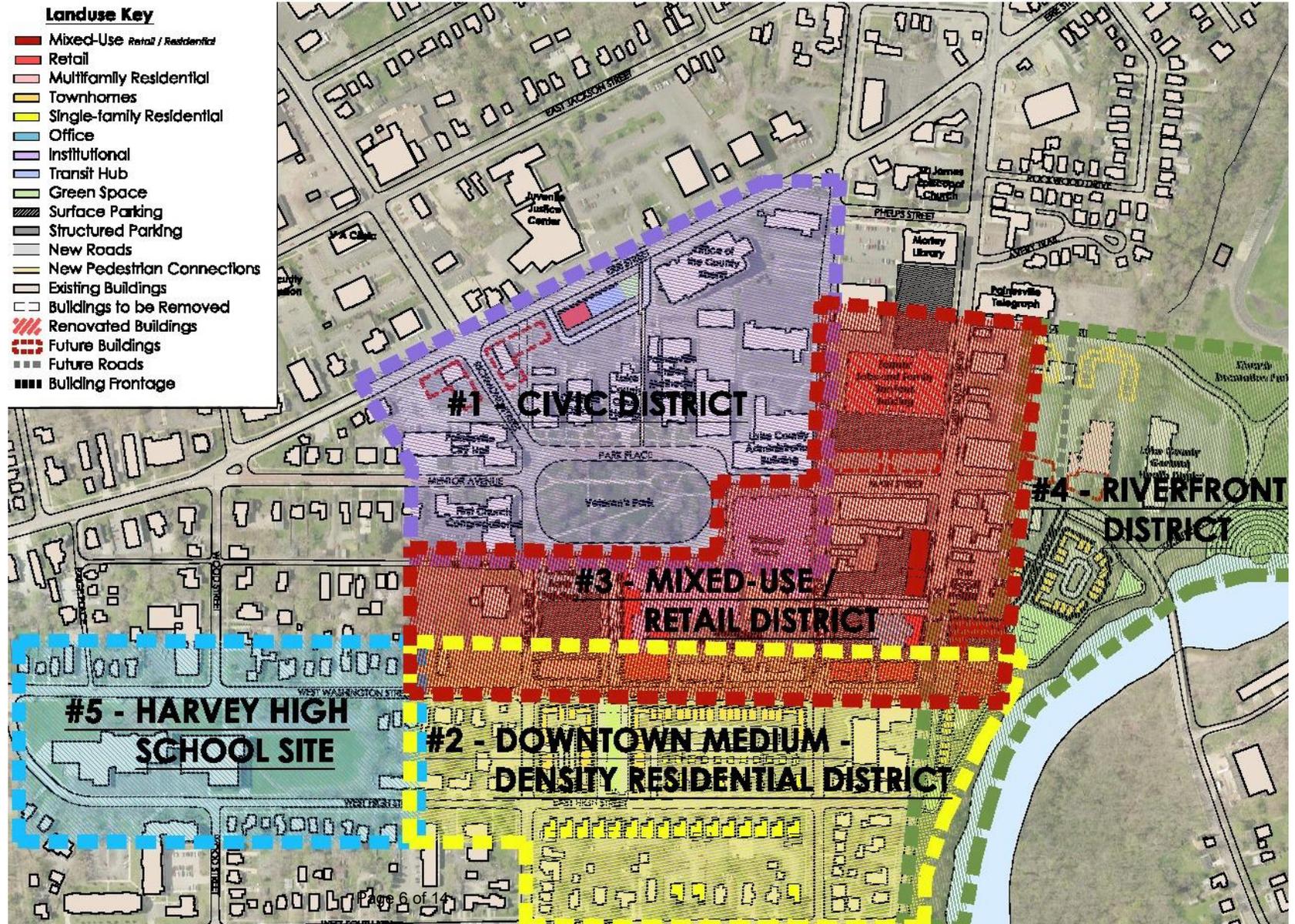


APPENDIX C (C)
RAILROAD ST. HISTORIC DISTRICT



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.

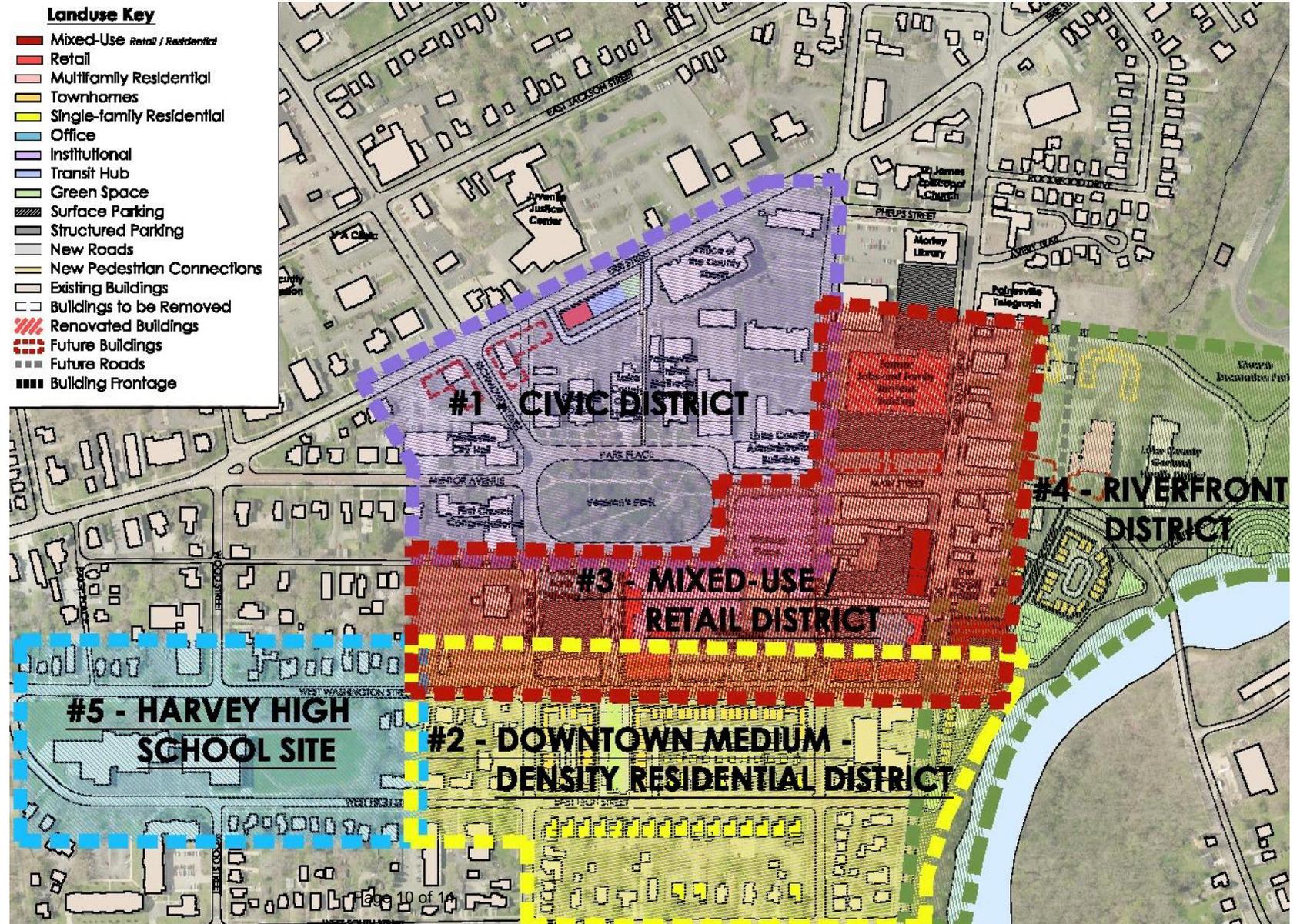
Permitted Uses

- 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 B-2 District (B-1)
- Dormitories and Student Housing

Location

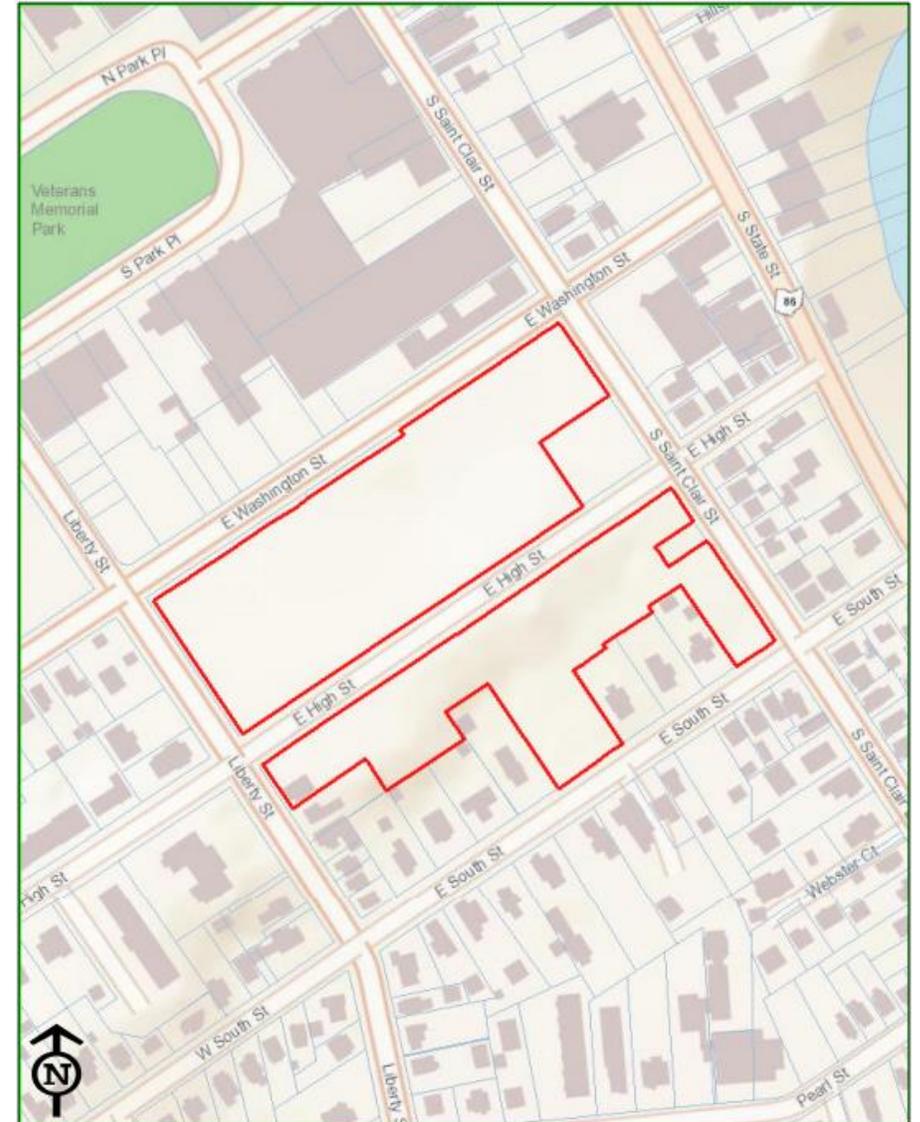
- Developments that occur in a Downtown Development District shall be permitted on contiguous parcels of not less than two (2) acres and no more than eight (8) acres.
 - High Pointe Centre – 3.3122 acres and 4.8491 acres
 - Former Hotel property – 2.01 acres
 - Former Harvey High School site – 6.446 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

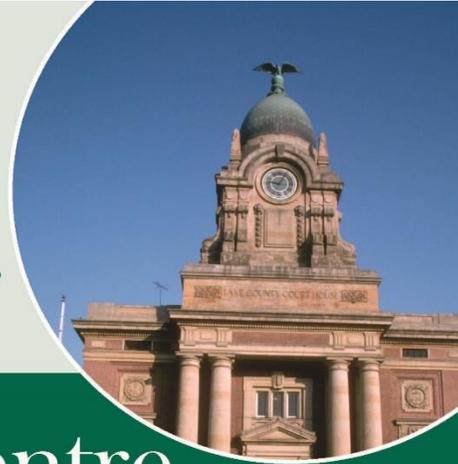
1 inch = 200 feet
Creation Date: March 12, 2015

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



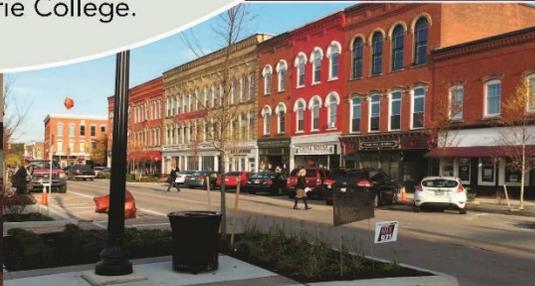
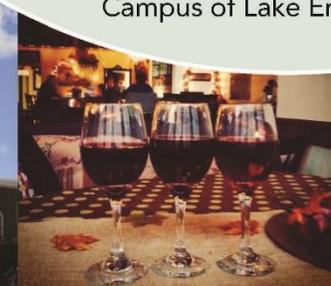
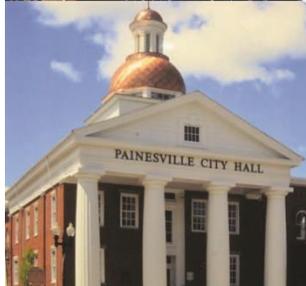
City of Painesville
The Center of it All.



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.



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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.

Hermann, Mo., sues power commissions over Prairie State coal plant



MARCH 30, 2015 6:45 PM • BY JACOB BARKER

Known for wineries and bed and breakfasts along a peaceful Missouri River landscape, the tourist destination of Hermann is the latest city to tussle with state utility groups that a decade ago sold dozens of communities on a Southern Illinois coal plant.

Electricity costs have come in much higher than promised when the Prairie State Energy Campus was first pitched to smaller towns across the Midwest, and now they're

“strangling” business in the town of 2,500, Hermann Mayor Tom Shabel said.

This month, Hermann sued the Missouri Joint Municipal Electric Utility Commission and the Missouri Public Energy Pool, affiliated entities that buy power on behalf of municipalities around the state.

The goal, Shabel said, is to get out of its long-term contract to buy power from Prairie State, and it's prepared to go all the way to the Missouri Supreme Court if that's what it takes.

“We tried to negotiate with them,” Shabel said. “It was destroying the city, this relationship. We've lost close to \$1 million in the last year. ... The only way you can negotiate with MoPEP or MJMEUC is to have some sort of club over their head.”

Hermann isn't the first to complain of electricity prices that turned out to be much higher than what was pitched.

By the time construction started in 2007, the price tag for the power plant just north of Sparta, Ill., more than doubled to some \$5 billion. Mechanical problems were also an issue shortly after the plant opened in 2012, reducing its output.

Originally pitched by St. Louis-based Peabody Energy, the coal company has since reduced its stake in the power plant and adjacent mine complex to 5 percent. The rest is owned by public power agencies, including those in Missouri and Illinois, whose members are on the hook for power purchases.

Peabody and the other backers argue that over the long term, power costs from Prairie State will stabilize and become competitive. Shabel, who was elected last year, after the deal was signed, is skeptical.

ATTACHMENT #3

“I don’t believe that anybody with an IQ above their shoe size believes that for a New York minute,” he said.

Tom Sanzillo, director of finance at the Institute for Energy Economics and Financial Analysis, said other energy sources had hurt the plant’s competitiveness.

“The only way the plant really improves is if the price of natural gas goes up,” said Sanzillo, whose group is often critical of the Prairie State plant.

Hermann’s lawsuit, among other things, alleges that its share of some \$1.5 billion in debt issued by Missouri’s public power agencies to finance the plant violates the state constitution. Hermann’s share, \$37.5 million, is more than three times its annual operating revenue, the suit claims, which is above a constitutional cap.

In a statement, the Missouri Public Utility Alliance said, “management has noted numerous misstatements or inaccuracies in Hermann’s filing.”

A representative from the group declined to elaborate or discuss the lawsuit further.

Last year, the Chicago suburb of Batavia filed a lawsuit against Indiana’s public power agency. Another troubled city, Marceline, Mo., was able to get out of its contract with the Missouri public power agencies in 2013 without resorting to litigation.

Hermann’s attorney, Lee Curtis, also represented Marceline in its negotiations. This may be the first time a city has sued to get out of the power-buying pool, he said. “In this case, we were simply not able to reach agreement.”