ORDINANCE NO. _____-24

ORDINANCE AMENDING THE DISTRICT MAP AND THE SETBACK MAP REFERRED TO IN SECTION 1113.03 OF THE PAINESVILLE CODE OF 1998 REZONING PERMANENT PARCELS NUMBER 15-D-001-0-00-030-0, 15-D-001-0-00-031-0, AND 15-D-001-0-00-032-0, LOCATED AT 178 FIRST STREET FROM R-2, MULTI-FAMILY DISTRICT TO B-2, GENERAL BUSINESS DISTRICT, AND DECLARING AN EMERGENCY

WHEREAS, an application has been received from the City of Painesville, on behalf of property owners, Phillip Harford and Patrick Harford to rezone the property at 178 First Street from R-2 Multi-Family District to B-2, General Business District; and

WHEREAS, a public hearing was held by the Planning Commission on August 8, 2024, to hear the application for rezoning; and

WHEREAS, the Planning Commission made a favorable recommendation to City Council to rezone the property on parcels 15-D-001-0-00-030-0 and 15-D-001-0-00-031-0 by a vote of 5-0, and apply deed restrictions identified in Exhibit A for all three parcels 15-D-001-0-00-030-0, 15-D-001-0-00-031-0, and 15-D-001-0-00-032-0; and

WHEREAS, Section 1111.11 of the Unified Development Code requires City Council to consider the Planning Commission's recommendation and vote on the amendment after holding a public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY OHIO:

SECTION I. That the District Map referred to in Section 1113.03 of the Painesville Code of 1998 is hereby amended to rezone the property located at 178 First Street, Permanent Parcel Numbers, 15-D-001-0-00-030-0, and 15-D-001-0-00-031-0, From R-2, Multi-Family District To B-2, General Business District, and that the recommended deed restrictions in Exhibit A be recorded on parcels 15-D-001-0-00-030-0, 15-D-001-0-00-031-0, and 15-D-001-0-00-032-0.

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 necessity being to provide the highest and best use of the land described herein, and; therefore, this Ordinance shall be effective at the earliest date allowed by law.

PASSED:

EFFECTIVE DATE:

_____

Jim Fodor
President of Council

ATTEST:

_____

Samantha Danielson
Clerk of Council

EXHIBIT “A”

The recommended deed restrictions approved by the Planning Commission for all three parcels at 178 First Street (15-D-001-0-00-030-0, 15-D-001-0-00-031-0, and 15-D-001-0-00-032-0), include the following:

1) No outdoor storage is permitted.

2) No sales allowed – Retail sales of parts ok.

3) Vehicles with trailers must be able to pull into the facility and turn around to unload from trailers on site. First Street cannot be utilized for unloading golf carts.

4) A vinyl fence should be installed to provide visual screening of all sides of the property visible from the street and adjacent residential properties.

5) Provide evergreen screening and an earth berm on parcel (15D0010000320) for a buffer between the commercial and residential uses on the adjacent parcels to the northeast on Jefferson Street.

6) No storage of inoperable vehicles unless being repaired.

7) Parking on site must be inside the fenced area and according to the required number of spaces for vehicle repair in Section 1125.04 of the Unified Development Code.

8) Combine the two parcels that contain the existing building (15D0010000300 and 15D0010000310) with a lot combination plat and legal description recorded with the County Auditor.

ORDINANCE NO. ___-24

AN ORDINANCE TO APPROVE AND ADOPT THE 2024A CODIFIED ORDINANCES INCLUDING NEW MATTER CONTAINED THEREIN, AND DECLARING AN EMERGENCY.

WHEREAS, the City has previously determined that it would be in its best interest to revise and reprint the City Code; and

WHEREAS, the City has heretofore entered into a contract with the American Legal Publishing Corporation to prepare and publish such recodification; and

WHEREAS, the recodification of such ordinances together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council, now, therefore:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That the ordinances of the City of Painesville, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2024A Codified Ordinances of the City of Painesville, Ohio, are hereby approved and adopted.

SECTION II. That the editing, arrangement and numbering or renumbering of the following ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

Ord. No.	Date	C.O. Section
01-24	1-16-24	167.071
02-24	1-16-24	167.09
03-24	2-5-24	167.07
06-24	3-18-24	518.01, 518.03, 518.04, 518.05, 518.07, 518.10
11-24	4-15-24	1107.02, 1113.06, 1115.31
12-24	5-6-24	167.071
15-24	5-6-24	167.07
16-24	5-6-24	167.071
17-24	5-6-24	167.09
21-24	6-3-24	1107.02, 1113.06, 1115.32
22-24	6-3-24	167.071
25-24	6-20-24	167.071

SECTION III. That the provisions of this Ordinance, including all provisions of the 2024A Codified Ordinances, shall be in full force and effect as provided in Section VI. All ordinances and resolutions or parts thereof, enacted prior to December 18, 2023 which are in conflict or inconsistent with any provision of the 2024A Codified Ordinances, are hereby repealed as of the effective date of this Ordinance except as follows: the enactment of the 2024A Codified Ordinances shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provisions, nor to affect an indictment or prosecution thereof. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and recodification.

SECTION IV. That any section of the 2024A Codified Ordinances without a legislative history at the end thereof indicates that such section contains new matter enacted by this Adopting Ordinance. The publication of this Ordinance in the manner provided by the City Charter shall constitute sufficient publication of all new matter contained therein.

SECTION V. The following sections of the Traffic and General Offenses Codes were amended in the manner respectively indicated to comply with current State law:

512.07 Open container prohibited; exception.
524.18 Adult use cannabis control; limitations on conduct by individuals.

SECTION VI. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to adopt a new City Code to facilitate the administration and daily operation of City government and avoid practical and legal entanglements, and therefore, this ordinance shall become effective immediately upon its passage.

PASSED:

EFFECTIVE:

_____
Jim Fodor
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

ORDINANCE NO. _____- 24

AN ORDINANCE AMENDING SECTION 167.09 OF THE PAINESVILLE CODE OF 1998 RELATING TO THE CLASSIFICATION AND COMPENSATION PLAN, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION 1. That Section 167.09 is hereby amended to read as follows:

SECTION 167.09 UNCLASSIFIED POSITIONS AND COMPENSATION

THE FOLLOWING SHALL COMPRISE THE UNCLASSIFIED POSITIONS OF THE CITY, WITH SUCH CHANGES AS MAY BE MADE FROM TIME TO TIME BY CITY COUNCIL, BY AMENDMENT TO THIS SECTION, ALONG WITH THE RATE OF PAY FOR SUCH OFFICIALS AND EMPLOYEES:

ELECTIVE OFFICIALS

PRESIDENT OF COUNCIL ..... $**983.34** ~~666.67~~ MONTHLY (Effective ~~2020~~ **2025**)**(3)**
COUNCIL MEMBERS ..... $**833.34** ~~583.33~~ MONTHLY (Effective ~~2020~~ **2025**) **(3)**

ADMINISTRATIVE OFFICIALS

CITY MANAGER
- Effective April 1, 2024 ..... $5,665.05 BI-WEEKLY (1) (3) (6)*
- Effective April 1, 2025 ..... $5,835.00 BI-WEEKLY (1)
- Effective April 1, 2026 ..... $6,010.05 BI-WEEKLY (1)

DIRECTOR OF LAW
- Effective April 1, 2024 ..... $3,674.39 BI-WEEKLY (1) (3)
- Effective April 1, 2025 ..... $3,784.62 BI-WEEKLY (1)
- Effective April 1, 2026 ..... $3,898.16 BI-WEEKLY (1)

ASSISTANT LAW DIRECTOR/PROSECUTOR
- Effective April 1, 2024 ..... $1,837.16 BI-WEEKLY (1) (3)
- Effective April 1, 2025 ..... $1,892.27 BI-WEEKLY (1)
- Effective April 1, 2026 ..... $1,949.04 BI-WEEKLY (1)

ASSISTANT LAW DIRECTOR
- Effective April 1, 2024 ..... $1,013.53 BI-WEEKLY (1) (3)
- Effective April 1, 2025 ..... $1,043.94 BI-WEEKLY (1)
- Effective April 1, 2026 ..... $1,075.26 BI-WEEKLY (1)

ASSISTANT PROSECUTOR A ..... $1,148.22 BI-WEEKLY (1) (5) **(6)**
ASSISTANT PROSECUTOR B ..... $ 723.88 BI-WEEKLY (1) (5) **(6)**
ASSISTANT PROSECUTOR C ..... $ 624.03 BI-WEEKLY (1) (5) **(6)**

CLERK OF COURT –
- Effective April 1, 2024 - City portion of Court Journal Entry Dated July 5, 2024 and any thereafter shall be 60% of wages.

CLERK OF COUNCIL
- Effective April 1, 2024 ..... $ 24.59 HOURLY (1) **(4)**
- Effective April 1, 2025 ..... $ 25.33 HOURLY (1)
- Effective April 1, 2026 ..... $ 26.09 HOURLY (1)

*SUBJECT TO DEFERRED COMPENSATION AS DETERMINED BY CITY COUNCIL

OTHER POSITIONS

SCHOOL CROSSING GUARD ..... (2)
RECREATION ASSISTANT ..... (2)
CAMP COUNSELOR ..... (2)
SENIOR LEADER ..... (2)
RECREATION SPECIALIST ..... (2)
SENIOR (SEASONAL) ..... (2)
CO-OP STUDENT TRAINEE ..... (2)
CLERK TYPIST (SEASONAL/PART-TIME) ..... (2)
JUNIOR (SEASONAL) ..... (2)
PARKING ENFORCEMENT OFFICER ..... (2) (1)
PROBATION OFFICER ..... (2) (1)

(1) WHICH SHALL BE ADJUSTED BY INTERNAL REVENUE SERVICE (I.R.S.) APPROVED PUBLIC EMPLOYEES RETIREMENT SYSTEM (P.E.R.S.) EMPLOYER "PICK-UP" PLAN.

(2) AS DETERMINED BY THE CITY MANAGER.

(3) PER OHIO REVISED CODE 731.07, THE SALARY OF A COUNCILPERSON SHALL NOT BE INCREASED DURING THE TERM FOR WHICH HE/SHE WAS ELECTED OR APPOINTED.

~~(3)~~**(4)** 5% COLA RETROACTIVE TO APRIL 1, 2024

~~(4)~~**(5)** ~~RETROACTIVE TO JUNE 1, 2022.~~ FUNDS SHALL BE REIMBURSED BY LAKE COUNTY TO THE CITY OF PAINESVILLE.

ASSISTANT PROSECUTOR A – PRIMARY RESPONSIBILITY LAKE COUNTY SHERIFF'S DEPARTMENT CASES AND ALL STATE AGENCY CASES SUCH AS ODNR.

ASSISTANT PROSECUTOR B – PRIMARY RESPONSIBILITY OHIO STATE PATROL CASES.

ASSISTANT PROSECUTOR C – PRIMARY RESPONSIBILITY MADISON TOWNSHIP CASES.

~~(5)~~**(6)** 10% COLA RETROACTIVE TO JANUARY 1, 2024

~~(6)~~**(7)** ELIGIBLE FOR ANNUAL LONGEVITY PAYMENT ON ANNIVERSAY FOR 2023 AND 2024

VOLUNTEER POSITIONS

VOLUNTEERS ARE NOT REGULAR EMPLOYEES OF THE CITY BUT PERFORM SERVICES FOR THE CITY ON AN "ON CALL", "AS AVAILABLE" BASIS.

AUXILIARY POLICE OFFICER

ENTRANCE	$19.00 PER HOUR
AFTER ONE (1) YEAR	$20.00 PER HOUR
AFTER THREE (3) YEARS	$22.00 PER HOUR

PART-TIME FIREFIGHTER – EMT

ENTRANCE	$16.00 PER HOUR
AFTER ONE (1) YEAR	$17.00 PER HOUR
AFTER THREE (3) YEARS	$18.00 PER HOUR

PART-TIME FIREFIGHTER PARAMEDIC

ENTRANCE	$19.00 PER HOUR
AFTER ONE (1) YEAR	$20.00 PER HOUR
AFTER THREE (3) YEARS	$22.00 PER HOUR

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to amend the Classification and Compensation Plan for the affected employees, and therefore, this Ordinance shall be effective immediately.

PASSED:

EFFECTIVE:

_____

Jim Fodor
President of Council

ATTEST:

_____

Samantha Danielson
Clerk of Council

ORDINANCE NO. _____- 24

AN ORDINANCE AMENDING SECTION 1113.06(d), AND SECTION 1115.33, OF THE PAINESVILLE CODE OF 1998, RELATING TO LOCATION OF MEDICAL MARIJUANA DISPENSARY AND CULTIVATION AND PROCESSING FACILITIES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Painesville has provided a Text Amendment change to the Unified Development Code Sections 1113.06(d) and 1115.33, regarding location of Medical Marijuana Dispensary and Cultivation and Processing Facilities; and

WHEREAS, the City of Painesville desires to limit the location and standards for medical marijuana dispensaries as a conditional use in the B-2 District, and medical marijuana cultivation and processing facilities as conditional uses in the M-1 and M-2 Districts; and

WHEREAS, the Planning Commission reviewed the proposed Text Amendment on September 12, 2024; and

WHEREAS, the Planning Commission made a favorable recommendation to City Council to amend Sections 1113.06(d) and 1115.33; and

WHEREAS, Section 1111.11 of the Unified Development Code requires City Council to consider the Planning Commission's recommendation and vote on the amendment after holding a public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I: The Text Amendment changes to the Unified Development Code in Section 1113.06(d) and Section 1115.33 are hereby adopted:

Main Use Category	S-1	R-1	R1-60	R-2	B-1	B-2	B-3	DD	M-1	M-2	
Medical Marijuana Dispensary						C					1115.33
Medical Marijuana Cultivation Facility									C	C	1115.33
Medical Marijuana Processing Facility									C	C	1115.33

Add Section 1115.33 (new) Location of Medical Marijuana Dispensaries and Cultivation and Processing Facilities.
Definitions:

- Medical Marijuana - Medical marijuana shall have the same meaning as in O.R.C. 3796.01.
- Medical Marijuana Dispensary shall have the same meaning as in O.R.C. 3796.20.
- Medical Marijuana Cultivation and Processing shall have the same meaning as in O.R.C. 3796.18 and 3796.19.

(a) Medical marijuana dispensaries may be located only in a B-2 Zoning District as a conditionally permitted use, and medical marijuana cultivation and processing facilities may be located in the M-1 and M-2 Districts as a conditionally permitted use pursuant to Chapter 1111.08 and in accordance with the restrictions contained in this section.

(b) No medical marijuana dispensaries, and cultivation and processing facilities may be established or operated within 500 feet of a school, church, public library, public playground, or public park in the City.
(c) No medical marijuana dispensary and cultivation and processing facilities may be established, operated or enlarged within 1 mile of another medical marijuana dispensary or cultivation and processing facility.
(d) For the purpose of divisions (b) and (c) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a medical marijuana dispensary or cultivation and processing facility is conducted, to the nearest property line of the premises of a medical marijuana dispensary or a school, church, public library, public playground, or public park.
(e) No more than one medical marijuana dispensary or cultivation and processing facility shall be permitted within the city for every one square mile of the city.
(f) Applicants must verify that they are in compliance with all requirements of the State of Ohio for licensing when submitting for a conditional use permit.
(g) If approved as a Conditional Use and prior to opening the facility the owner shall provide a security plan to the Police Department, name address and contact information for the facility manager, and a floor plan for the facility.
(h) Applicant shall maintain a valid State of Ohio License for a Medical Marijuana Dispensary.
(i) Conditional Use permits are not transferable.

SECTION II: That this Ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, and/or safety and for the welfare of the citizens of the City of Painesville and for further reason find that is necessary that this measure becomes effective, and; therefore, this Ordinance shall be in full force and effect immediately upon passage by the City Council.

PASSED:

EFFECTIVE:

_____
Jim Fodor
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

ORDINANCE NO. _____- 24

AN ORDINANCE AMENDING SECTION 1113.06(d), AND SECTION 1115.34, OF THE PAINESVILLE CODE OF 1998, RELATING TO LOCATION OF ADULT USE CANNABIS (MARIJUANA) CULTIVATION FACILITIES, DISPENSARIES, PROCESSING FACILITIES, AND TESTING LABS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Painesville has provided a Text Amendment change to the Unified Development Code Sections 1113.06(d) and 1115.34, regarding location of Adult Use Cannabis (Marijuana) Cultivation Facilities, Dispensaries, Processing Facilities, and Testing Labs; and

WHEREAS, the City of Painesville desires to limit the location and standards for adult use cannabis (marijuana) dispensaries as a conditional use in the B-2 District, adult use cannabis (marijuana) cultivation facilities and processing facilities as conditional uses in the M-1 and M-2 Districts; and adult use cannabis (marijuana) testing laboratories as a conditional use in the M-1 and M-2 Districts; and

WHEREAS, the Planning Commission reviewed the proposed Text Amendment on September 12, 2024; and

WHEREAS, the Planning Commission made a favorable recommendation to City Council to amend Sections 1113.06(d) and 1115.34; and

WHEREAS, Section 1111.11 of the Unified Development Code requires City Council to consider the Planning Commission's recommendation and vote on the amendment after holding a public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I: The Text Amendment changes to the Unified Development Code in Section 1113.06(d) and Section 1115.34 are hereby adopted:

Main Use Category	S-1	R-1	R1-60	R-2	B-1	B-2	B-3	DD	M-1	M-2	
Adult Use Cannabis (marijuana) Dispensary						C					1115.34
Adult Use Cannabis (marijuana) Cultivation Facility									C	C	1115.34
Adult Use Cannabis (marijuana) Processing Facility									C	C	1115.34
Adult Use Cannabis (marijuana) Testing Lab									C	C	1115.34

Add Section 1115.34 (new) Adult Use Cannabis (Marijuana) Cultivation Facilities, Dispensaries, Processing Facilities, and Testing Labs.

Definitions:

- Area, Cultivation – Cultivation Area shall have the same meaning as O.R.C. Section 3780.01;
- Cultivator, Adult Use – Adult Use Cultivator shall have the same meaning as O.R.C. Section 3780.01 and includes the following licenses;
    - Level 1 Adult Use Cultivator as defined in O.R.C. Section 3780.01;
    - Level 2 Adult Use Cultivator as defined in O.R.C. Section 3780.01;
    - Level 3 Adult Use Cultivator as defined in O.R.C. Section 3780.01;
- Dispensary, Adult Use – Adult Use Dispensary shall have the same meaning as O.R.C. Section 3780.01 and operate according to O.R.C. Section 3780.15;
- Dispensary – Dispensary shall have the same meaning as O.R.C. 3780.01 and Chapter 3796 of the O.R.C.;
- Facility, Cultivation – Cultivation Facility shall have the same meaning as O.R.C. Section 3780.01;
- Facility, Prohibited – Prohibited Facility shall have the same meaning as O.R.C. Section 3796.30;
- Laboratory, Adult Use Testing – Adult Use Testing Laboratory shall have the same meaning as O.R.C. Section 3780.01;
- License– License shall have the same meaning as O.R.C. Chapter 3780;
- Operator, Adult Use Cannabis– Adult Use Cannabis Operator shall have the same meaning as O.R.C. Section 3780.01;
- Processor, Adult Use– Adult Use Processor shall have the same meaning as O.R.C. Section 3780.01;

(a) Adult use cannabis (marijuana) dispensaries may be located only in a B-2 Zoning District as a conditionally permitted use pursuant to Chapter 1111.08 and in accordance with the restrictions contained in this section.

(b) Adult use cannabis (marijuana) cultivation facilities may be located only in a M-1 or M-2 District as a conditionally permitted use pursuant to Chapter 1111.08 and in accordance with the restrictions contained in this section.

(c) Adult use cannabis (marijuana) testing laboratories may be located only in a M-1 or M-2 District as a conditionally permitted use pursuant to Chapter 1111.08 and in accordance with the restrictions contained in this section.

(d) Adult use cannabis (marijuana) processing facility may be located only in a M-1 or M-2 District as a conditionally permitted use pursuant to Chapter 1111.08 and in accordance with the restrictions contained in this section.

(e) No adult use cannabis (marijuana) cultivation facilities, dispensaries, processing facilities or testing laboratories may be established or operated within 500 feet of a prohibited facility, which includes a school, church, public library, public playground, or public park in the City.

(f) For the purpose of division (d) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where an adult use cannabis (marijuana) cultivation facility, dispensary, or testing laboratory is conducted, to the nearest property line of the premises of an adult use cannabis (marijuana), cultivation facility, dispensary, or testing laboratory, or a school, church, public library, public playground, or public park.

(g) No more than one adult use cannabis (marijuana) cultivation facility, dispensary, processing facility or testing laboratory shall be permitted within the city for every two square miles of the city.

(h) Applicants must verify that they are in compliance with all requirements of the State of Ohio for licensing when submitting for a conditional use permit.

(i) If approved as a Conditional Use and prior to opening the facility the owner shall provide a security plan to the Police Department, including name address and contact information for the facility manager, and a floor plan for the facility.

(j) Applicant shall maintain a valid State of Ohio License for an Adult Use Cannabis (Marijuana) cultivation facility, dispensary, or testing laboratory.

(k) Conditional Use permits are not transferable.

SECTION II: That this Ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, and/or safety and for the welfare of the citizens of the City of Painesville and further reason that it is necessary that this measure becomes effective, and; therefore, this Ordinance shall be in full force and effect immediately upon passage by the City Council.

PASSED:

EFFECTIVE:

_____
Jim Fodor
President Of Council

ATTEST:

_____
Samantha Danielson
Clerk Of Council

ORDINANCE NO. _____- 24.

AN ORDINANCE AMENDING SECTION 1113.06(d), AND SECTION 1115.35, OF THE PAINESVILLE CODE OF 1998, RELATING TO SMALL BOX DISCOUNT STORES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Painesville has provided a Text Amendment change to the Unified Development Code Sections 1113.06(d) and 1115.35, regarding Small Box Discount Stores; and

WHEREAS, the City of Painesville desires to limit the location and appearance of small box discount stores in the B-2 District; and

WHEREAS, the Planning Commission reviewed the proposed Text Amendment on September 12, 2024; and

WHEREAS, the Planning Commission made a favorable recommendation to City Council to amend Sections 1113.06(d) and 1115.35; and

WHEREAS, Section 1111.11 of the Unified Development Code requires City Council to consider the Planning Commission's recommendation and vote on the amendment after holding a public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I: The Text Amendment changes to the Unified Development Code in Section 1113.06(d) and Section 1115.35 are hereby adopted:

Main Use Category	S-1	R-1	R1-60	R-2	B-1	B-2	B-3	DD	M-1	M-2	
Small Box Discount Store						P					1115.35

Add Section 1115.35 (new) SMALL BOX DISCOUNT STORE
Definition: Small Box Discount Store - "Small Box Discount Store" means a retail, variety, or discount store up to 15,000 square feet that sells at retail, directly to the consumer, a limited assortment of physical goods and other consumer products, including food or beverages for off premises consumption, that generally cost less than ten dollars or cost 20% - 40% lower than the same type of good, products or merchandise sold at grocery or drug stores.

Small box discount stores must comply with the following specific standards and conditions:

a. No more than one store within a circumference of 1 mile of each other.
b. Current stores in the City are grandfathered. If a store chooses to move locations, it must comply with distance requirements.
c. Nonresidential uses in the B-2 District shall be required to meet the standards of any applicable Design Review District and shall also be required to meet the design elements from Section 1117.10.

SECTION II: That this Ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, and/or safety and for the welfare of the citizens of the City of Painesville and for further reason find that is necessary that this measure becomes effective, and; therefore, this Ordinance shall be in full force and effect immediately upon passage by the City Council.

PASSED:

EFFECTIVE:

Jim Fodor
President of Council

ATTEST:

Samantha Danielson
Clerk of Council

ORDINANCE NO. _____- 24

AN ORDINANCE AMENDING SECTION 1113.06(d), AND SECTION 1115.36, OF THE PAINESVILLE CODE OF 1998, RELATING TO VAPE/E-CIGARETTE STORES AND DECLARING AN EMERGENCY.

WHEREAS, the City of Painesville has provided a Text Amendment change to the Unified Development Code Sections 1113.06(d) and 1115.36, regarding Vape/E-Cigarette Stores; and

WHEREAS, the City of Painesville desires to limit the location and appearance of vape/e-cigarette stores as a conditional use in the B-2 District; and

WHEREAS, the Planning Commission reviewed the proposed Text Amendment on September 12, 2024; and

WHEREAS, the Planning Commission made a favorable recommendation to City Council to amend Sections 1113.06(d) and 1115.36; and

WHEREAS, Section 1111.11 of the Unified Development Code requires City Council to consider the Planning Commission's recommendation and vote on the amendment after holding a public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I: The Text Amendment changes to the Unified Development Code in Section 1113.06(d) and Section 1115.36 are hereby adopted:

Main Use Category	S-1	R-1	R1-60	R-2	B-1	B-2	B-3	DD	M-1	M-2	
Vape/E-Cigarette Store						C					1115.36

Add Section 1115.36 (new) VAPE/E-CIGARETTE STORE
Definition: Vape/E-Cigarette Store - establishments that sell or otherwise distribute electronic smoking devices and/or vapor products as defined in section 2927.02 of the Ohio Revised Code

In addition to the conditional use requirements set forth in section 1111.08, vape/e-cigarette stores shall comply with the following specific standards and conditions:

a. Not permitted within 500 feet as measured from property lines from another facility selling vape/e-cigarette products, schools, churches, and parks
b. New facilities are limited to selling no more than 20% of product sales as vape/e-cigarette devices and products
c. Current stores in the City selling vape/e-cigarette devices and products are grandfathered and must register with the City identifying their business as a location of vape/e-cigarette sales. Businesses must register with the city within 30 days of notification of the requirement. If a store chooses to move locations, it must comply with all requirements of Section 1115.36.
d. Business is not allowed in a standalone building, and only permitted within a plaza mall or multi-tenant building.
e. The business is to have limited hours of operation as determined by the Planning Commission.
f. No flashing or electronic lights to be used to advertise vape/e-cigarette products
g. Signage in front windows must comply with requirements of Chapter 1127 Signs in the Unified Development Code

h. Nonresidential uses in the B-2 District shall be required to meet the standards of any applicable Design Review District and shall also be required to meet the design elements from Section 1117.10.

SECTION II: That this Ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, and/or safety and for the welfare of the citizens of the City of Painesville and for further reason find that is necessary that this measure becomes effective, and; therefore, this Ordinance shall be in full force and effect immediately upon passage by the City Council.

PASSED:

EFFECTIVE:

_____
Jim Fodor
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

ORDINANCE NO. _____-24

AN ORDINANCE TO VACATE TURNEY COURT CONTAINING APPROXIMATELY 0.07 ACRES, AND DECLARING AN EMERGENCY.

WHEREAS, the Lake County Board of Commissioners, owners of the property adjacent to Turney Court located off of North St. Clair Street to the northwest of the intersection with East Erie Street hereinafter described, requested that Turney Court be vacated in order to build their new Public Safety Center/County Jail; and

WHEREAS, after receiving the request, City Council was satisfied that there is good cause for such vacation and that it will not be detrimental to the general interest and is no longer needed for municipal purposes; and

WHEREAS, the request was submitted to the Painesville City Planning Commission and approved by that body on the 12th day of September 2024, by a vote of 5-0; and

WHEREAS, the vacation of Turney Court must be approved by the Painesville City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO THAT:

SECTION I: That Turney Court containing 0.07 acres in area located off of North St. Clair Street to the northwest of the intersection with East Erie Street is vacated as outlined on the plat identified as the Vacation Plat of Turney Court.

SECTION II: That this Ordinance is adopted as an emergency measure necessary for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being that unnecessary delay will adversely affect the proper and effective development of the area of the City of Painesville, and therefore, this Ordinance shall become effective immediately upon its passage.

PASSED:

EFFECTIVE:

_____
Jim Fodor
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

ORDINANCE NO. _____-24

AN ORDINANCE AMENDING APPROPRIATIONS AND TO AUTHORIZE ADDITIONAL INTER-FUND TRANSFERS AND ADVANCES THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF PAINESVILLE, STATE OF OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024 AND ADOPTING THE OPERATING BUDGET, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That there be appropriated from the SEWER CONSTRUCTION FUND, FUND NO. 722:

		3rd Amended	Supplements	Amended
WPCP COLLECTIONS:				
FUNCTION NO. 7240:				
CAPITAL OUTLAY	$ 435,000.00	$ 314,000.00	**469,649.00**	**$ 783,649.00**
TOTAL - SEWER CONSTRUCTION FUND	$ 1,147,290.00	$ 1,026,290.00	**$ 469,649.00**	**$ 1,495,939.00**
***GRAND TOTAL - ALL FUNDS	$ 97,907,000.00	$ 111,390,331.00	**$ 469,649.00**	**$ 111,859,980.00**

SECTION II. That this ordinance is hereby declared to be and is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the emergency being that it is necessary that an appropriations ordinance be immediately passed in order to maintain the finances of said City, and therefore, this ordinance shall become effective immediately upon its passage.

PASSED:

EFFECTIVE:

_____
Jim Foder
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

ORDINANCE NO. _____-24

AN ORDINANCE TO AUTHORIZE THE PROVISION OF A REAL PROPERTY TAX ABATEMENT FOR A PROJECT LOCATED AT 70 RICHMOND STREET WITHIN THE COMMUNITY REINVESTMENT AREA #5 FOR THE PURPOSE OF ENCOURAGING THE CREATION OF NEW JOBS WITHIN THE CITY AND AUTHORIZING THE EXECUTION OF THE RELATED COMMUNITY REINVESTMENT AREA AGREEMENT, AND DECLARING AN EMERGENCY

WHEREAS, this Council, by its Resolution No. 42-18 (the "CRA Ordinance"), as amended, created the Community Reinvestment Area #5 (the "CRA"); and,

WHEREAS, 70 Richmond Road, LLC, a Domestic Limited Liability Company (including its successors, assigns, or designees, the "Company") desires to invest approximately $600,000 in improvements to the real property located at 70 Richmond Street within the CRA by renovating an existing 1,920 square foot building for use as a restaurant (the "Project"); and,

WHEREAS, the completion of the Project is expected to create approximately 21 full-time equivalent permanent employment opportunities within the City with an anticipated payroll of $435,000; and,

WHEREAS, in order to facilitate the completion of the Project and the creation of the related employment opportunities, this Council desires to grant to the Company a 10-year, 75% real property tax exemption for the Project (the "CRA Exemption"); and,

WHEREAS, this Council desires to provide for the execution and delivery of a Community Reinvestment Area Agreement with the Company (the "CRA Agreement") to provide for the CRA Exemption; and,

WHEREAS, notice of this proposed Ordinance has been delivered to the Boards of Education of the Painesville Local City School District and of the Auburn Career Center in accordance with and within the time periods prescribed in ORC 5709.83.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, STATE OF OHIO, THAT:

SECTION I. The City, assuming continuing compliance by the Company or its successors with the CRA Agreement (as described below), grants the CRA Exemption for real property improvements made to the Project site pursuant to ORC 3735.67 which exemption shall be in the amount of 75% for the period of 10 years commencing in the first year for which the Project would first be taxable were that property not exempted from taxation. This Council finds and determines that the foregoing abatement terms are consistent with the requirements of the CRA Ordinance.

SECTION II. The CRA Agreement in the form presently on file with the Clerk of Council, providing for, among other things, the provision of the real property tax exemption for the Project is hereby approved and authorized with changes therein and completions and amendments thereto not inconsistent with this Ordinance and not substantially adverse to the City and which shall be approved by the City Manager. The City Manager, for and in the name of this City, is hereby authorized to execute and deliver that CRA Agreement and any amendments thereto, provided further that the approval of changes and completions or amendments thereto by that official, and their character as not being substantially adverse to the City, shall be evidenced conclusively by the City Manager's execution thereof. This Council further hereby authorizes the City Manager, the Director of Finance, the Director of Law, and other appropriate officers of the City, to sign those instruments and make those arrangements as are necessary to carry out the purposes of this Ordinance.

SECTION III. The Director of Economic Development is authorized and directed to forward an executed copy of the CRA Agreement to the Director of the Ohio Department of Development within 15 days following the execution of the CRA Agreement.

SECTION IV. This Council hereby authorizes and directs the City Manager, the Director of Finance, the Director of Law, the Clerk of Council or other appropriate officers of the City to prepare and sign all documents and instruments and to take any other actions as may be appropriate to implement this Ordinance.

SECTION V. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including ORC Section 121.22.

SECTION VI. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to approve the CRA prior to the start of the construction by 70 Richmond Road, LLC, and; therefore, the Ordinance shall be effective immediately upon its passage.

PASSED:

EFFECTIVE:

_____
Jim Fodor
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

COMMUNITY REINVESTMENT AREA AGREEMENT

This Agreement (the "Agreement") is made and entered into on _____, 2024, by and between the City of Painesville, Ohio (the "City"), an Ohio municipal corporation, with offices located at 7 Richmond Street, Painesville Ohio 44077 and 70 Richmond Road, LLC (the "Company"), a Limited Liability Corporation with offices located at 3723 Pearl Road, Suite 200, Cleveland, OH 44109. The City and Company are collectively referred to herein as the "Parties."

WITNESSETH:

WHEREAS, the City has encouraged the development of real property and the acquisition of personal property located in the area designated as the Community Reinvestment Area #5; and

WHEREAS, Company plans to renovate an approximately One Thousand, Nine Hundred and Twenty (1,920) square foot commercial building to accommodate the location of a new restaurant in the City, hereinafter referred to as the "Project," within the boundaries of the aforementioned Community Reinvestment Area, provided that the appropriate development incentives are available to support the economic viability of said Project; and

WHEREAS, the City Council by Resolution No. 42-18 adopted on November 19, 2018 (and amended by Resolution No. 40-24 adopted on July 15, 2024), designated the Community Reinvestment Area #5 pursuant Chapter 3735 of the Ohio Revised Code; and

WHEREAS, City, having the appropriate authority for the stated type of project, is desirous of providing Company with incentives available for the development of the Project in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, Company has submitted a proposed agreement application, herein attached as Exhibit A, to the City said application hereinafter referred to as the "Application"; and

WHEREAS, the City Manager of the City has investigated the Application of Company and has recommended the same to the City Council on the basis that Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Community Reinvestment Area and improve the economic climate of City; and

WHEREAS, all required notices to school districts have been delivered or waived in accordance with Sections 3735.671 and 5709.83 of the Ohio Revised Code; and

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree to the foregoing and as follows:

SECTION 1. PROJECT

1. Company shall renovate an approximately 1,920 square foot commercial building in the City (as further depicted on Exhibit B). The Project will involve a total investment by Company of approximately $600,000 of hard costs as described in the Application attached hereto and made a part thereof. In addition, Company will purchase and locate within the Project machinery, equipment, furniture and fixtures in the approximate amount of $350,000. No machinery, equipment, furniture and fixtures will be relocated from another facility within the State of Ohio (the "State"). The parties recognize that costs do not necessarily equal taxable value.

2. The Project is estimated to begin on or before October 15, 2024, and all acquisition, construction and installation is estimated to be completed by March 1, 2025.

SECTION 2. EMPLOYMENT AND PAYROLL

1. Company expects to create at the Project, according to the schedule below, the equivalent of twenty-one (21) new full-time permanent job opportunities within six (6) months after the completion of construction of the Project. In terms of job opportunities, the word "new" as used in this Agreement means "new to the City."

   The estimated schedule for hiring is as follows: create twenty-one (21) new full-time permanent employees within six (6) months of completion. Company currently has no full-time employees at the Project site.

   The increase in the number of employees in City as a result of the Project is expected to result in an increase in payroll of approximately $435,000 per year. The payroll expected to be retained as a result of this Agreement is $0.

   Only employees of Company (a) whose assigned place of work is located at the Project site (b), who pay income taxes to the City and (c) with respect to who the Company provides job, payroll and withholding reporting as requested by City are eligible to be counted toward compliance with the foregoing job and payroll requirements.

SECTION 3. PROGRAM COMPLIANCE

1. City hereby grants Company a 75% real property tax exemption pursuant to Section 3735.67 of the Ohio Revised Code for a 10-year period for the Project. The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after tax year 2025/collection year 2026, nor extend beyond tax year 2035/collection year 2036 (10-year exemption period). The Company must file appropriate tax forms to effect and maintain the exemptions covered in this Agreement.

2. The Company shall maintain a membership in the Painesville Chamber of Commerce and the Downtown Painesville Organization.

3. Company shall pay such real and tangible personal property taxes as are not exempted under this Agreement and are charged against such property and shall file all tax reports and returns as required by law. If Company fails to pay such taxes or file such returns and reports, all incentives granted under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.

4. Company hereby certifies that at the time this Agreement is executed, Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which Company is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, Company is currently paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against Company. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.

5. City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

6. If for any reason City revokes the designation of the Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless Company materially fails to fulfill its obligations under this Agreement and City terminates or modifies the exemptions from taxation granted under this Agreement.

7. If Company materially fails to fulfill its obligations under this Agreement, or if City determines that the certification as to the delinquent taxes required by Agreement is fraudulent, City may terminate or modify the exemptions from taxation granted under this Agreement and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this Agreement; provided, however, that no such repayment may be required for failure by Company to fulfill its obligations for the first two years of the exemption nor for any year in which Company fulfills its obligations under this Agreement.

8. Company shall provide to the proper Tax Incentive Review Council any information reasonably required by the Council to evaluate Company compliance with this Agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code if requested by the Council. Company shall also provide such information to City upon request.

9. This Agreement is not transferable or assignable without the express, written approval of City, which approval shall not be unreasonably delayed, conditioned or denied. City agrees to approve assignments to an entity controlled by or under common control with Company in connection with the transfer of the Project to that entity, provided the transferee entity execute

and deliver to City an instrument confirming all representations and warranties and agreeing to be bound by all covenants of Company hereunder.

10. Exemptions from taxation granted under this Agreement shall be revoked if it is determined that Company, any successor to that person, or any related member (as those terms are defined in division (E) of section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this Agreement under division (E) of section 3735.671 or section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

11. Company and City acknowledge that this Agreement must be approved by formal action of the City Council as a condition for this Agreement to take effect. This Agreement takes effect upon such approval.

12. Company affirmatively covenants that it has made no false statements to the State or City in the process of obtaining approval for Community Reinvestment Area incentives. If any representative of Company has knowingly made a false statement to the State or City to obtain Community Reinvestment Area incentives, Company shall be required immediately to return all benefits received under this Agreement pursuant to Ohio Revised Code Section 9.66 (C)(2) and shall be ineligible for any future economic development assistance from the State, any State agency or a political subdivision pursuant to Ohio Revised Code Section 9.66 (c)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13, which is punishable by a fine of not more than $1,000 and/or a term of imprisonment of not more than six months.

13. This Agreement may be executed in one or more counterparts, each of which constitutes an original agreement and all of which constitute one and the same original agreement. Delivery of an executed counterpart hereof by facsimile or in electronic format shall be effective as manual delivery of such counterpart.

14. If any provision of this Agreement is held to be illegal, invalid or unenforceable, said provision is fully severable. This Agreement will be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part of this Agreement and the remaining provisions of this Agreement will remain in full force and effect and will not be affected by the illegal, invalid or unenforceable provision or by its severance from this Agreement.

[Signatures on the Next Page.]

IN WITNESS WHEREOF, City, by Douglas L. Lewis, City Manager, and pursuant to Ordinance No. ___-24, has caused this instrument to be executed this _____day of_____, 2024, and Company, by its duly authorized signor, has caused this instrument to be executed on this ____ day of_____, 2024.

Company:

70 Richmond Road, LLC

By: _____

Name: _____

Title: _____

CITY:

City of Painesville, Ohio

By_____
Douglas L. Lewis, City Manager

Approved as to form:

_____
James Lyons, Law Director

EXHIBIT A

CRA APPLICATION

(ATTACHED)

COMMUNITY REINVESTMENT AREA TAX ABATEMENT PROGRAM

What is the "Community Reinvestment Area" (CRA) Tax Exemption Program?
The City of Painesville offers a tax incentive to owners and developers who wish to upgrade their properties, by either renovation or new construction, in certain targeted areas of the City.

Who is Eligible for the CRA Tax Exemption?
Owners of property within the five (5) designated "Community Reinvestment Areas (CRAs)" of the City of Painesville (*see attached map*) may be granted real property tax abatement on the increase in property valuation resulting from new construction or remodeling of existing structures. This may include residential, commercial, or industrial facilities.

If, after viewing the map, you are uncertain as to whether or not your property is within one of the five (5) CRAs, please call the City of Painesville Economic Development Department (440-392-5795) for clarification.

When Can I Apply for a CRA Tax Exemption?
For projects in Areas 1-4 and for residential projects in Area 5, you may apply for CRA tax abatement at the completion of the construction or remodeling project. It is important to keep copies of all documents detailing expenditures associated with your construction or remodeling project, as this information must be submitted with your application.

To receive the full benefit of your abatement, you are encouraged to file for the abatement *before the cost of the improvement or new structure is reflected on the Lake County tax role.* **You must file by October 1 in the year the construction is completed to be exempt for the following year.**

For commercial and industrial projects in Area 5, you must apply and enter into an agreement with the City of Painesville prior to construction start. Please contact the Economic Development Department before beginning construction.

How Do I Apply for a CRA Tax Exemption?

1. Obtain an "Application for Community Reinvestment Area Tax Exemption." You may pick up an application at Economic Development Department located on the second floor of Painesville City Hall, 7 Richmond St., Painesville, call (440-392-5795) to request that an application be mailed to you, or download the application from our website at www.painesville.com.
2. Determine if your property is located within one of the five (5) Community Reinvestment Areas shown on the map on the back of the CRA tax exemption application.
3. Complete the appropriate application for the CRA in which the property is located and mail it, with a legal description of the property and documentation verifying the costs associated with the project, to:

City of Painesville
Economic Development
7 Richmond Street
Painesville, OH 44077

When your completed application is received by the City of Painesville, it is reviewed for completeness, and the allowable abatement term is determined.

For certain commercial and industrial projects, your application must be forwarded to the school districts within the jurisdiction of the CRA for their review. During this time the school district may provide comments or concerns. After the approved school district review period the application is sent to the Lake County Auditor's Office Real Estate Division for certification.

When Does the Tax Abatement Begin?
The tax abatement begins in the year following the calendar year in which the certification is made to the Lake County Auditor. (*i.e., if you have applied for, and been awarded, an abatement during the 2020 calendar year, your abatement will be applied to your tax bill in the Year 2021, payable in Year 2022)*

How is My Tax Abatement Calculated and How Long Will It Last?
The amount and length of tax abatements are determined by the property classification, location, and the value and use of the property, taking into account the increase in property value, as determined by appraisal of the Lake County Auditor.

How Much is My Tax Abatement and What Are the Terms of My Tax Abatement?
In CRA areas one, two, three and four (1, 2, 3, 4) the terms of the abatement are defined in Table 1. In CRA area number 5, the terms for residential are defined in Table 2 and the terms for commercial are all negotiable. To better understand the commercial abatement terms please call the Economic Development Department.

What is the Process for a Commercial CRA Area #5 Abatement?
CRA Area # 5 is a post-1994 CRA and therefore the regulations pertaining to this CRA are outlined in City of Painesville Resolution Number 42-18 passed on November 19th, 2018 and City of Painesville passed resolution 22-19 passed on June 17th, 2019.

This process is also outlined in ORC Chapter 725. or 1728., sections 3735.65 to 3735.70 (*including 3735.671*), 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88.

How do I Apply for a CRA Tax Abatement?

For CRA Area 1 through CRA Area 4, and for ***RESIDENTIAL CONSTRUCTION ONLY*** in Area 5, complete the **APPLICATION FOR CRA AREA #1 through #4, and *RESIDENTIAL ONLY* for Area 5.**

For ***COMMERCIAL/INDUSTRIAL/BUSINESS CONSTRUCTION*** in CRA Area 5, use Table 2 and complete **APPLICATION FOR CRA AREA #5.**

Submit your applications to:

The City of Painesville
Office of Economic Development
Attn: Director of Economic Development
7 Richmond Street
Painesville, Ohio 44077

Table 2
Terms for Community Reinvestment Area 5

Type of Structure	Type of Construction/Improvement	Minimum Cost of Remodeling/New Construction Required to Qualify for an Abatement	Abatement Term*
New Residential Not more than (1) one housing unit	New Construction	n/a	100%, 10 % declining each year thereafter (10 years)
Remodeling Residential Not more than (1) one housing unit	Remodel of Residential	$2,500	100%, 10 % declining each year thereafter (10 years)
New Residential More than (1) one housing unit but not more than (2) two	New Construction	n/a	50%, 10 % declining each year thereafter (5 years)
Remodeling Residential More than (1) one housing unit but not more than (2) two	Remodel of Residential	$5,000	50%, 10 % declining each year thereafter (5 years)
New Residential More than (2) two housing unit but not more than (17) seventeen housing units	New Construction	n/a	50%, 10 % declining each year thereafter (5 years)
Remodeling Residential More than (2) two housing unit but not more than (17) seventeen housing units	Remodel of Residential	$5,000	50%, 10 % declining each year thereafter (5 years)
Commercial Projects (All commercial projects are required to comply with the state application fee requirements of ORC Section 3735.672 © and the local annual monitoring fee of Five Hundred Dollars ($500) unless waived. (See Table 3 below - Annual Report)			
New Construction / Remodel of Commercial	New Construction / Remodel of Commercial	n/a	Negotiable (not to exceed 100% or 10 years)

APPLICATION FOR CRA AREA #5
Community Reinvestment Area Tax Abatement Application

Note: This information entering into this application must be in accordance with the information required in the ORC Section 3735.671 referenced here in Table 3.

Proposed Agreement for Community Reinvestment Tax Abatement Incentive between the City of Painesville,

located in Lake County, Ohio, and Shridhar Patel.
(Property Owner)

Name of the property owner, mailing address, contact person, telephone number and e-mail (attach additional pages if multiple business participants)

Shridhar Patel	Shridhar Patel
Property Owner	Contact Person
70 Richmond St.	Painesville, OH 44077
Address	City, State Zip
216-337-8230	shripatel11@gmail.com
Phone	E-mail

Project Site

70 Richmond St. Painesville, OH 44077	99-2462190
Address	Permanent Parcel # or Tax ID #

Describe the name of the proposed commercial activity to be conducted at the site.
Building a Wingstop Restaurant

A description of the remodeling or construction (See Table 3, Section B2 for information necessary to include):
Totally remoldeling the whole interior. Gutting the whole interior. Brand new Electrical and brand new plumbing.

Scheduled Starting and Completion Dates (See Table 3, Section B3 for information necessary to include):
Start: October 2024 Complete: February 2025

List primary 6-digit North American Industry Classification System (NAICS Code): 722513

List other relevant NAICS numbers: _____

Form of business of enterprise (corporation, partnership, proprietorship or other): LLC

Name principal owner(s) (25% or more) or officers of the business: Shridhar Patel 100%

Businesses current employment level at the project site (as of date of the application): 15

Will the project involve the rejection of employees or assets from another Ohio location to this site? ___Y _x_ N

If yes, identify the location from which employees or assets will be relocated: _____

Business current employment level at site or site(s) to be relocated (itemized for full and part-time and permanent and temporary employees): n/a

Business's current assets at site or site(s) to be relocated: n/a

What is the project impact of the relocation in terms of income and property tax loss? n/a

Does the property owner owe:

1) Any delinquent taxes to the State of Ohio of political subdivision of the state?
   a. ____ Y _x_ N
2) Any moneys to the State or a state agency for the administration enforcement of any environmental lays of the State?
   a. ____ Y _x_ N
3) Any other moneys to the State, a state agency or political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?
   a. ____ Y _x_ N
4) If any of the above, please provide detail of each instance including but not limited to the location, amounts, and/or case identification numbers (add additional sheets).

Project Description: _____

Estimate the number of new employees that will be created at the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary) (See Table 3, Section B4 for information necessary to include):
25 employees. 17 Full-Time employees, 8 part-time employees. All are permanent employees and no temporary employees

Projected time frame for project hiring: Within 6 months

Projected schedule for hiring (itemize by full and part-time and permanent and temporary employees):
Within 6 months

Estimate the annual payroll for new employees at project completion $435,000 (new annual payroll must be itemized by full and part-time and permanent and temporary new employees) (See Table 3, Section B5 for information necessary to include.)

Estimate the amount of existing annual payroll that will be retained from the project: $435,000
(See Table 3, Section B5 for information necessary to include.)

An estimate of the amount to be invested by the enterprise to establish expands, renovate or occupy a facility:

A.	Acquisition of Land/Building:	$ 500,000
B.	Addition/New Construction:	$ 350,000
C.	Improvements to Existing Building	$ 250,000
D.	Machinery and Equipment:	$ 225,000
E.	Furniture & Fixtures:	$ 125,000
F.	Inventory:	$ 35,000
	Total New Project Investment:	$ 1,485,000

Most recent real estate tax bill (attach copy with proof of payment).

Business reason for requesting tax incentives (be quantitatively specific as possible)

Contributing to the revitalization of downtown Painesville, bolstering the local economy, and generating new employment opportunities for the city.

Does this project involve a structure of historic and/or architectural significance? ____Y x___N

If yes, attach certification from the Lake County Historical Society, Ohio Historical Society, or National Register of Historic Places.

Submission of this application expressly authorizes the City of Painesville to contact the Ohio Environmental Protection Agency to confirm statement contained within this application to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver from allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request. The applicant agrees to supply additional information upon request.

The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66 and 2921.13 penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than $1,000 and/or a term of imprisonment of not more than six (6) months.

Shridhar Patel — Name of Property Owner

7/24/2024 — Date

Signature

Shridhar Patel Owner — Print Name and Title

A copy of this application will be forwarded to the City of Painesville Finance Department and Painesville City School Board along with a 45 day review period and notification will be given fourteen (14) days prior to any City Council Meeting.

The final agreements will be attached as Exhibit A. Please note that copies of this agreement must be included in the finalized community reinvestment area agreement and be forwarded to the Ohio Department of Taxation and the Ohio Department of Development Services within (15) days of final approval.

Table 3
ORC Code Section 3735.671

3735.671 Written agreement where commercial or industrial property is to be exempted.

Effective:
April 3, 2023
Latest Legislation:
Senate Bill 33 - 134th General Assembly
PDF:
Download Authenticated PDF

(A) If construction or remodeling of commercial or industrial property is to be exempted from taxation pursuant to section 3735.67 of the Revised Code, the legislative authority and the owner of the property, prior to the commencement of construction or remodeling, shall enter into a written agreement, binding on both parties for a period of time that does not end prior to the end of the period of the exemption, that includes all of the information and statements described in divisions (B)(1) to (8) of this section. Agreements may include terms not described in those divisions or otherwise prescribed by the model agreement adopted by the director of development under division (B) of this section, but such terms shall in no way derogate from the information and statements described in divisions (B)(1) to (8) of this section.

(1) Except as otherwise provided in division (A)(2) or (3) of this section, an agreement entered into under this section shall not be approved by the legislative authority unless the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves the agreement. For the purpose of obtaining such approval, the legislative authority shall certify a copy of the agreement to the board of education not later than forty-five days prior to approving the agreement, excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code. The board of education, by resolution adopted by a majority of the board, shall approve or disapprove the agreement and certify a copy of the resolution to the legislative authority not later than fourteen days prior to the date stipulated by the legislative authority as the date upon which approval of the agreement is to be formally considered by the legislative authority. The board of education may include in the resolution conditions under which the board would approve the agreement. The legislative authority may approve an agreement at any time after the board of education certifies its resolution approving the agreement to the legislative authority, or, if the board approves the agreement conditionally, at any time after the conditions are agreed to by the board and the legislative authority.

(2) Approval of an agreement by the board of education is not required under division (A)(1) of this section if, for each tax year the real property is exempted from taxation, the sum of the following quantities, as estimated at or prior to the time the agreement is formally approved by the legislative authority, equals or exceeds twenty-five per cent of the amount of taxes, as estimated at or prior to that time, that would have been charged and payable that year upon the real property had that property not been exempted from taxation:

(a) The amount of taxes charged and payable on any portion of the assessed valuation of the new structure or of the increased assessed valuation of an existing structure after remodeling began that will not be exempted from taxation under the agreement;

(b) The amount of taxes charged and payable on tangible personal property located on the premises of the new structure or of the structure to be remodeled under the agreement, whether payable by the owner of the structure or by a related member, as defined in section 5733.042 of the Revised Code without regard to division (B) of that section.

(c) The amount of any cash payment by the owner of the new structure or structure to be remodeled to the school district, the dollar value, as mutually agreed to by the owner and the board of education, of any property or services provided by the owner of the property to the school district, whether by gift, loan, or otherwise, and any payment by the legislative authority to the school district pursuant to section 5709.82 of the Revised Code.
The estimates of quantities used for purposes of division (A)(2) of this section shall be estimated by the legislative authority. The legislative authority shall certify to the board of education that the estimates have been made in good faith. Departures of the actual quantities from the estimates subsequent to approval of the agreement by the board of education do not invalidate the agreement.

(3) If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board is not required under division (A)(1) of this section. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under this division fewer than forty-five business days prior to the legislative authority's execution of the agreement, the legislative authority shall deliver the notice to the board not later than the number of days prior to such execution as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(4) If the owner of the property or the legislative authority agree to make any payment to the school district as described in division (A)(2)(c) of this section, the owner or legislative authority shall agree to make payments to the joint vocational school district within which the property is located at the same rate or amount and under the same terms received by the city, local, or exempted village school district.

(B) The director of development shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing the form of a model agreement that a legislative authority may, in its discretion, use as the basis for an agreement to be executed under this section. The model agreement may include any term necessary for the administration and enforcement of such agreements by the director and legislative authority, but must include all of the following:

(1) A space to include the description of real property to be exempted from taxation under the agreement and to identify the property's owners;

(2) A space to denote the percentage of the assessed valuation of real property exempted from taxation and the period for which the exemption is granted;

(3) A statement requiring the owner to pay real property taxes not exempted under the agreement, as required by law, and requiring rescission of the agreement if the owner fails to pay those taxes beginning in and after the year any such taxes are charged;

(4) A statement that the owner certifies, at the time the agreement is executed, that the owner does not owe any delinquent property taxes or taxes for which the owner is liable under Chapter 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, that the owner is paying the delinquent taxes pursuant to an undertaking enforceable by the state or an agent or instrumentality thereof, has filed a petition in bankruptcy, or has had a bankruptcy petition filed against the owner;

(5) A statement requiring the owner to provide to the property tax incentive review council any information reasonably required by the council to evaluate the applicant's compliance with the agreement;

(6) A statement that the agreement is not transferable or assignable without the approval of the local authority;

(7) A statement describing the circumstances under which an agreement may be revoked by the local authority for noncompliance and the manner by which already-received benefits may be recovered;

(8) A statement requiring the owner to provide an estimate of the following for each agreement:

(a) The number of employment opportunities created due to the remodeling or construction, as well as the payroll attributable to those opportunities;

(b) The number of employment opportunities retained due to the remodeling or construction, as well as the payroll attributable to those opportunities.

Once the director adopts rules prescribing a model agreement under this division, the model agreement may not be changed unless the director adopts, amends, or rescinds those rules in accordance with Chapter 119. of the Revised Code.

(C) If any person that is party to an agreement granting an exemption from taxation discontinues operations at the structure to which that exemption applies prior to the expiration of the term of the agreement, that person, any successor to that person, and any related member shall not enter into an agreement under this section or section 5709.62, 5709.63, or 5709.632 of the Revised Code, and no legislative authority shall enter into such an agreement with such a person, successor, or related member prior to the expiration of three years after the person's discontinuation of operations. As used in this division, "successor" means a person to which the assets or equity of another person has been transferred, which transfer resulted in the full or partial nonrecognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner. "Related member" has the same meaning as defined in section 5733.042 of the Revised Code without regard to division (B) of that section.

The director of development shall review all agreements submitted to the director under section 3735.672 of the Revised Code for the purpose of enforcing this division. If the director determines there has been a violation of this division, the director shall notify the legislative authority of such violation, and the legislative authority immediately shall revoke the exemption granted under the agreement.

Last updated February 8, 2023 at 3:26 PM

3735.672 Annual report.

Effective:
April 3, 2023
Latest Legislation:
Senate Bill 33 - 134th General Assembly
PDF:
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(A) On or before the thirty-first day of March each year, a legislative authority that has entered into an agreement with a party under section 3735.671 of the Revised Code shall submit to the director of development a report on all such agreements in effect during the preceding calendar year. The report shall include the following:

(1) The total number of community reinvestment areas designated by the political subdivision, and the total population of each area according to the most recent data available;

(2) The total number of agreements within each area;

(3) The number of agreements approved and executed during the calendar year for which the report is submitted, the total number of agreements in effect on the thirty-first day of December of the preceding calendar year, the number of agreements that expired during the calendar year for which the report is submitted, and the number of agreements scheduled to expire during the calendar year in which the report is submitted. For each agreement that expired during the calendar year for which the report is submitted, the legislative authority shall include the amount of taxes exempted under the agreement.

(4) The number of agreements the terms of which a party has failed to comply with, indicating separately for each such agreement the value of the real property exempted pursuant to the agreement and a comparison of the estimated and actual amounts described in division (B)(8) of section 3735.671 of the Revised Code;

(5) Any changes to zoning restrictions in any part of a community reinvestment area, including a map of the area indicating the new zoning restrictions in the area;

(6) A copy of any agreement approved and executed or amended during the calendar year for which the report is submitted.

(B) Upon the failure of a political subdivision to comply with division (A) of this section:

(1) Beginning on the first day of April of the calendar year in which the political subdivision fails to comply with that division, the political subdivision shall not enter into any agreements under section 3735.671 of the Revised Code until the political subdivision has complied with division (A) of this section.

(2) On the first day of each ensuing calendar month until the political subdivision complies with that division, the director of development shall either order the proper county auditor to deduct from the next succeeding payment of taxes to the political subdivision under section 321.31, 321.32, 321.33, or 321.34 of the Revised Code an amount equal to five hundred dollars for each calendar month the political subdivision fails to comply with that division, or order the county auditor to deduct such an amount from the next succeeding payment to the political subdivision from the undivided local government fund under section 5747.51 of the Revised Code. At the time such a payment is made, the county auditor shall comply with the director's order by issuing a warrant, drawn on the fund from which such money would have been paid, to the director of development, who shall deposit the warrant into the tax incentives operating fund created by section 122.174 of the Revised Code.

(C) The department of development shall publish on its web site a list of all community reinvestment areas within the state, with an accompanying display of their geographical boundaries within each political subdivision. The list shall also include, for each community reinvestment area, a copy of the resolution governing that area and any agreement entered into under section 3735.671 of the Revised Code for any commercial or industrial property within the area. This list shall be updated annually.

Last updated February 8, 2023 at 3:27 PM

EXHIBIT B

PROJECT SITE

(DEPICTION ATTACHED)

THE PROJECT AREA IS OUTLINED IN YELLOW

70 Richmond Street

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 = 47 feet

Creation Date: August 27, 2024

RESOLUTION NO. _____-24

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 TRANSPORTATION FOR LIVABLE COMMUNITIES INITATIVE PLANNING GRANT APPLICATION FOR SOUTH ST. CLAIR STREET STREETSCAPE AND SAFETY IMPROVEMENTS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Painesville is submitting an application to the Northeast Ohio Areawide Coordinating Agency (NOACA) for funding through the Transportation for Livable Communities Initiative (TLCI); and

WHEREAS, the TLCI Program provides federal funds for projects that integrate transportation and land use planning, increase transportation options, promote livability, and advocate the goals of NOACA's Strategic Plan for northeast Ohio; and

WHEREAS, the TLCI program is paid on a reimbursement basis, requiring the reimbursement basis, requiring the applicant to first expend funds (if matched) and then request reimbursement from NOACA; and

WHEREAS, the City of Painesville agrees to abide by all federal requirements as a sub-recipient of federal transportation funds, including Title VI of the Civil Rights Act of 1964 and the American with Disabilities Act, and including all applicable federal procurement requirements; and

WHEREAS, the City of Painesville agrees to be responsible for managing any and all sub-contracting agencies, organizations, or consultants; and

WHEREAS, the City of Painesville agrees to complete the agreed upon scope of services or will forfeit current and future TLCI awards; and

WHEREAS, the City of Painesville is authorized to execute a contract with the Ohio Department of Transportation (ODOT) and NOACA if selected for the TLCI Program; and

WHEREAS, with the assistance of the TLCI Planning Grant, the City of Painesville worked with local stakeholders and the community to develop a comprehensive streetscape and transportation plan of the downtown area to address the needs of the community by making the identified infrastructure and aesthetic improvements; and

WHEREAS, the City of Painesville identified an opportunity to improve access as well as implement streetscape, pedestrian and transportation improvements on South St. Clair Street from Washington Street to Main Street

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That this Council of the City of Painesville does hereby support the TLCI application and commits the appropriate funding to fund the project should it be selected for funding.

SECTION II. That the City Manager is hereby authorized to execute such forms and contracts as may be required to properly secure said funding.

SECTION III. That this Resolution shall be entered upon the permanent record of the City of Painesville and a certified copy hereof shall be forwarded to NOACA to be included in the application.

SECTION IV. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION V. That this Resolution is hereby declared to be and is passed as an emergency measure for the immediate preservation of the public peace, health and/or safety and for the welfare of the citizens of the City of Painesville, the emergency being that the immediate passage is necessary so as to meet filing deadlines, and therefore, this resolution shall be effective immediately upon its passage by the City Council.

PASSED:

EFFECTIVE

_____
Jim Fodor
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

RESOLUTION NO. _____-24

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A COOPERATIVE COMMERCIAL LEASE AGREEMENT WITH PAINESVILLE CITY LOCAL SCHOOLS FOR PARTIAL USE OF THE FRONT BUILDING LOCATED AT 348 CHESTER STREET, AND DECLARING AN EMERGENCY

WHEREAS, Painesville City Local Schools (PCLS) approached the City of Painesville to assist them in locating a building to offer their growing Construction Program; and

WHEREAS, PCLS inquired if the City-owned building located at 348 Chester Street would be available for such use; and

WHEREAS, staff met with representatives of PCLS to show them the building and it was determined that the three middle bays could accommodate the Construction Program; and

WHEREAS, in exchange for a Cooperative Commercial Lease Agreement, which is attached as Exhibit A, PCLS students in the Construction Program will make the necessary repairs to the building, and

WHEREAS, PCLS has started school and is requesting the use of the building to train the growing number of students enrolled in the Construction Program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, STATE OF OHIO, THAT:

SECTION I. The City Council authorizes and directs the City Manager to enter into a cooperative commercial lease agreement with Painesville City Local Schools for partial use of the front building located at 348 Chester Street, Painesville, Ohio.

SECTION II. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including ORC Section 121.22.

SECTION III. That this Resolution is passed as an emergency measure for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to work cooperatively with the schools to provide a building that enables them to offer a Construction Program, and; therefore, the Resolution shall be effective immediately upon its passage.

PASSED:

EFFECTIVE:

_____
Jim Fodor
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

COOPERATIVE COMMERCIAL LEASE AGREEMENT

1. **THE PARTIES**. This Commercial Lease Agreement (“Agreement”) is made on September _____, 2024, by and between:

Landlord: City of Painesville, with a mailing address of 7 Richmond Street, Painesville, Ohio 44077 ("Landlord" or “City” or “Lessor”), who agrees to lease the Premises to:

Tenant: Painesville City Local Schools, with a mailing address of 58 Jefferson Street, Painesville, Ohio 44077 ("Tenant" or “Lessee”), who agrees to rent the Premises under the following terms:

Landlord and Tenant are each referred to herein as a “Party” and, collectively, as the "Parties." Each of the Parties are Ohio Political Subdivisions and currently the City of Painesville does not have a current need for the property that is to be leased.

2. **LEASED PREMISES**. The Landlord agrees to lease to the Tenant the following described space:

Street Address: 348 Chester Avenue
Type of Space: Industrial Building
Description of Premises: The Building that is depicted in the Map and the area surrounding the Building that is attached hereto as Exhibit A. The tenant agrees to the three middle bays of the Building and Tenant will close off the two side bays for use by the Landlord. The Tenant shall also have a non-exclusive access to the Premises as shown on the Map that is attached hereto.

Hereinafter known as the "Premises."

USE: The Premises shall only be used for the Tenant’s school related purposes and for no other purposes. The students who use the Premises either be bussed to the Premises by the Tenant or if they drive, they shall park in parking places that are designated by the City. The students and staff of the Tenant shall only access the Premises on the driveway access that is depicted on the Map and the Tenant and its staff and its students do not have the right to use any other part of 348 Chester Avenue except those areas depicted on the Map. The Tenant agrees that it will not permit, authorize or
allow any other person, organization or other entity, whether private or public, to use the Premises for any purpose whatsoever without first obtaining the City’s written permission.

3. **TERM**. This Agreement shall be considered a:

Fixed Lease. The Tenant shall be allowed to occupy the Premises starting on September 17, 2024 and ending on September 17, 2025.

Hereinafter known as the “Initial Term.”

Prior to signing this Lease, the Tenant shall inspect the Building, including the electrical system for the Building to determine if the Building is suitable for its use. If the Tenant determines that the Building is suitable for its use, it shall sign and deliver to the City a document that states that the Tenant has inspected the Building and that it is suitable for its use. When that occurs, both parties can then sign the Lease.

The Tenant shall also perform any and all environmental studies they believe should be conducted to ensure the safety of students and staff utilizing the building.

4. **PAYMENT**. Tenant shall pay the Landlord the Rent amount of $1.00 for the Initial Term and for each subsequent year of the Lease, if any

5. **RENEWAL PERIODS**. The Tenant shall have:

The lease shall be effective for a term of one year and the Lease is automatically renewed for a 2nd year unless either Party provides 3 months advanced notice that the Lease will not be renewed for a second year. If the Lease is renewed, the lease expires after the 2nd year unless both parties agree in writing to renew the Lease upon terms that must be agreed to in writing

6. **LIABILITY INSURANCE**. The Tenant is:

Required to Obtain Liability Insurance. The Tenant is required to obtain general liability insurance. Beginning with the commencement of this Lease and continuing thereafter during the term of this' lease, or any renewal or continuation hereof, the Tenant shall keep in full force and effect Public liability Insurance, naming the City of Painesville as an additional insured, with a minimum combined single limit of One Million Dollars ($1,000,000) on account of bodily Injuries to or death of one or more persons as a result of anyone accident or disaster and on account of damage to property, and shall deposit a copy of the policy, or policies, of such insurance, or certificates thereof with the City.

Mutual Waiver of Subrogation. To the extent permitted by law and provided the same does not invalidate or diminish any insurance required to be carried

hereunder, City and Tenant each agree to cause to be included in their respective policies of fire and extended coverage insurance the agreement of the insurer thereof that said policies shall not be invalidated by a waiver of claim by the inured against Lessor or Lessee, as the case may be, and each will furnish evidence there to the other. In addition to any other waiver herein Lessor and Lessee each hereby waive any claim against the other for any property loss resulting from any cause, including negligence of the other, to the extent of the insurance proceeds available therefor. All property insurance policies carried by either party covering the Premises, Including but not limited to, contents, fire, and casualty insurance shall to the extent permitted by law expressly waive any right on the part of the insurer against the other party. The parties hereby agree that their policies will include such waiver clause or endorsement so long as the same shall be obtainable without extra cost, or if extra cost shall be charged
therefore, so long as the Lessee pays such extra cost for all policies whether Lessor's or Lessee's. if cost shall be chargeable therefor on behalf of the Lessor's policy or policies, the Lessor shall notify lessee of the cost and the Lessee shall pay same. The failure of any insurance policy to include such waiver clause or endorsement shall not affect the validity of this Lease.

7. **DELIVERY OF PREMISES**. The Landlord agrees to deliver the Premises on the Initial Term in the following condition:

As-Is. The Tenant agrees to accept delivery of the Premises in its current condition. The tenant agrees to the three middle bays of the property and will close off the two side bays for use by the Landlord.

8. **LEASEHOLD IMPROVEMENTS**. The Tenant at its cost shall be responsible for making all modifications and improvements to the Building provided that no structural changes, additions, or remodeling of the Premises shall be made by the Tenant except with the prior written consent of the City. In the event of any proposed additions, remodeling or repairs which are to be made to the Building the Tenant shall provide the City with the plans and specifications for same and no work shall commence until such time as such plans and specifications are approved by the City in writing. Time is of the essence with regard to the City providing approval for improvements proposed by the Tenant.

All fixtures and improvements of every kind installed by the District shall remain the property of the District, who may remove them upon the termination of this Agreement, provided, that such removal shall be done in such a manner as not to injure or damage the Premises; and provided, further that should the District fail to remove the buildings, fixtures or improvements as above provided, the City at its option may require the District to remove them. The Tenant shall be responsible for performing all necessary repairs and maintenance to keep the premises in a good, safe, and operable condition. All repairs will be carried out

in compliance with applicable laws, codes, and regulations. The Tenant shall install a fence at the locations specified by the City within 60 days of the Tenant occupying the Premises, unless otherwise extended by the City.

It is the intention of this provision to totally and completely relieve the City of any and all responsibility for the cost or the undertaking of any and all repairs or replacements for these Premises. All environmental or other health hazards which may exist at these Premises shall be removed by the Tenant at its sole cost and expense, unless such hazard arises after the Tenant's initial attestation that the Premises are suitable for use and is caused by the City's actions or negligence. In addition, during the term of this lease Agreement or any renewals or continuations thereof, the Tenant at Its sole cost and expense shall perform such work as may be necessary to comply with any order of any governmental entity relative to these premises for any lawful reason whatsoever. The Tenant additionally agrees to pay any fees, fines, penalties or other monetary imposition levied or imposed upon these Premises by any governmental entity for whatever lawful reason resulting from any action or inaction of the Tenant.

9. **LICENSES AND PERMITS**. The Tenant shall obtain all necessary permits for any modifications, repairs or maintenance and the Tenant shall keep all necessary local, state, and federal permits on-site and present them to the Landlord, their agents, or government officials upon their request.

The City by its duly authorized representatives, shall have the right to enter the Premises after usual business hours or during usual business hours in the case of an emergency, for the purpose of inspecting it and the operations therein and for the purpose of making repairs which may be necessary by reason of the Tenant's failure to perform any such act required of it hereunder, provided that to the extent practicable any such work shall be scheduled so as to minimize interference with normal Building operations.

10. **OBLIGATIONS OF TENANT**. The Tenant is responsible for maintaining the entranceway, minor repairs, waste removal, snow and ice removal from walkways and parking areas for the Tenant and overall cleanliness of the Premises. The Tenant must comply with all laws and avoid keeping hazardous materials on the Premises. Also, utilities for the building will be paid for by tenant, including water, sewer, electric and gas. The City will determine the method for allocating those costs to the Tenant and the decision of the City for this allocation is final

The Lessee shall not permit any mechanic's, materialmen's, service or similar liens or attested accounts or claims against public funds to remain upon the leased Premises for labor or material furnished to Lessee or claimed to have been furnished to Lessee in connection with work of any character performed or claimed to have been performed on the leased Premises or at the direction or with the consent of the Lessee whether such work was performed or materials

furnished after the commencement of the term of this lease. The Lessee may, however, contest the validity of any such lien or claim, provided lessee shall give the City reasonable security or take other action in accordance with Chapter 13 of the Ohio Revised Code, to insure payment and to prevent any sale, foreclosure or forfeiture of the leased Premises by reason of such non-payment, if required by City. Upon a final determination of the validity of any such lien or claim, Lessee shall immediately pay any judgment of decree rendered against Lessee or City with all proper costs and charges and shall cause such lien to be released of record without any cost to City.

11. **INDEMNIFICATION**. The Tenant must indemnify the Landlord against all liabilities arising from their use of the Premises, including any defects whether known or unknown to the Landlord, to the extent permitted by Ohio law. The Tenant shall be responsible for any tax implications of any kind with respect to this Lease and any tax financial effect on the City and the Tenant shall indemnity and hold the City harmless from any such tax consequence.

12. **HOLDOVER AND REDELIVERY OF THE PREMISES**. If the Tenant stays in the premises after the lease ends without a new agreement, it creates a month-to-month tenancy, terminable with 30 days' notice by either party and at the option of the City, the City may elect to charge rent in the amount of $2,000.00 per month.

At the expiration of the term of this lease or of any renewal or continuation thereof, the Lessee will surrender and deliver up to the City the demised Premises in good repair and condition, subject only to ordinary wear and tear.

13. **GOVERNING LAW**. This Agreement shall be governed by the laws of the State where the Premises is located.

14. **NOTICES**. Payments and notices shall be addressed to the following:

Landlord

Name: Douglas Lewis, Painesville City Manager
Phone: [PHONE] 440=392-5801
Address: [ADDRESS] 7 Richmond Street, Painesville, Ohio 44077
E-Mail: dlewis@Painesville.com

Tenant

Name: Painesville City Local Schools
Phone: 440-392-5060
Address: 58 Jefferson Street
E-Mail: ivan.salgado@pcls.net

15. **AMENDMENT**. No amendment of this Agreement shall be effective unless reduced to writing and subscribed by the Parties with all the formality of the original.

16. **BINDING EFFECT**. This Agreement and any amendments thereto shall be binding upon the Landlord and the Tenants and/or their respective successors, heirs, assigns, executors, and administrators.

Landlord's Signature: _____ Date: _____
Print Name: _____

Tenant's Signature: _____ Date: _____
Print Name: _____

RESOLUTION NO. _____-24

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 CHLORINE ROOM FOUNDATION, STRUCTURAL, AND STORAGE TANKS, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That the City Manager be and is hereby authorized and directed to advertise for bids and enter into a contract, including any and all ensuing change orders with the lowest bidder for chlorine room foundation, structural, and storage tanks, in accordance with specifications in the chlorine room foundation, structural, and storage tank engineering plans.

SECTION II. That this Resolution is hereby declared to be and is passed as an emergency measure for the immediate preservation of the public peace, health, safety and general welfare of the citizens of the City of Painesville, the emergency being that the immediate passage is necessary to meet bidding deadlines, and; therefore, this Resolution shall become effective immediately upon its passage.

PASSED:

EFFECTIVE:

_____
Jim Fodor
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

RESOLUTION NO._____-24

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPLY FOR AND ACCEPT AN OCJS OHIO VIOLENT CRIMES GRANT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Painesville Police Department wants to expand their intersection crime camera system; and

WHEREAS, the Painesville Police Department in order to do this needs to purchase intersection cameras, a data storage server, fiber optic cable, power boxes, related equipment and installation costs to expand the Painesville Intersection Crime Camera System for the Department; and

WHEREAS, the Painesville Police Department applied for an OCJS Ohio Violent Crime Reduction Grant and was awarded $145,624.77 in reimbursement funding to purchase intersection crime cameras and related equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO, THAT:

SECTION I. That the City Council hereby directs the City Manager to apply for and accept grant funding from OCJS Ohio Violent Crime Reduction Grant for the purchase of intersection crime cameras and related equipment.

SECTION II. If the City of Painesville is awarded the Grant, the City Manager is authorized to enter into a contract and execute any and all documents necessary to obtain the funding for the intersection cameras and related equipment so that the terms of the Grant can be implemented.

SECTION III. That this Resolution is hereby declared to be an emergency measure necessary for the protection and preservation of peace, health, safety, and welfare of the inhabitants of the City of Painesville to improve safety for our residents, and; therefore, this Resolution shall be effective immediately upon its passage.

PASSED:

EFFECTIVE:

_____
Jim Fodor
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council