

REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 21, 2020- 7:30 pm

President Paul Hach called the regular meeting to order at 7:30 PM. City Council convened for a regular meeting in Council Chambers, with the following in attendance in person: Councilpersons Paul Hach, Christine Shoop, Tom Fitzgerald and Lori DiNallo, City Manager Monica Irelan-Dupee, Law Director Joe Gurley, Economic Development Director Cathy Bieterman, Acting Clerk of Council Amanda Kappel and the following in attendance by video or phone conference: Jim Fodor, and Nick Augustine.

On roll call for attendance, Christine Shoop, Lori DiNallo, Jim Fodor, Tom Fitzgerald, Nick Augustine, and Paul Hach were present.

Mr. Hach asked for a Motion to approve the agenda as submitted.

Mrs. Shoop moved to approve the agenda, seconded by Mrs. DiNallo.

On roll call, Tom Fitzgerald, Lori DiNallo, Nick Augustine, Jim Fodor, Christine Shoop, and Paul Hach were in favor. Motion carried.

Christine Shoop gave the invocation. The Pledge of Allegiance was recited.

Mrs. Shoop motioned to excuse Katie Jenkins, seconded by Mr. Fitzgerald.

Mrs. DiNallo, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald and Paul Hach were all in favor by answering "Aye". Motion carried.

President Hach asked for a motion to approve the meeting minutes as submitted for:

- Regular Meeting 9.8.20

Mrs. Shoop motioned to approve the minutes, seconded by Mr. Fitzgerald.

Mrs. DiNallo, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald and Paul Hach were all in favor by answering "Aye". Motion carried.

Public Comment None

Committee Report

Mrs. Irelan-Dupee gave the Planning Commission report. Planning Commission met on September 10, 2020 with four items on the agenda to discuss. The first was the conditional use permit modification request for 448 Mentor Avenue to have an allowable use added to a bed and breakfast conditional use permit to allow for an assembly use for up to 49 occupants. The Planning Commission gave a favorable recommendation with a 3-2 vote to allow an assembly use up to 49 occupants, with the following conditions: the temporary modification expires in twelve months; the property owner to work with the administration and Council on a text amendment that would allow assembly uses for bed and breakfast uses; A parking agreement shall be approved by the Law Director prior to using the property for an assembly use, and this parking agreement shall provide for the rights of the respective parties to use the parking areas in a manner adequate to accommodate multiple users or to share parking spaces on specific days or at specific times of the day as applicable.

The second item that came before Planning Commission was review of the non-compliance of the design review for the Lake County Employees Federal Credit Union for the proposed wrap for the HVAC unit. The Commission agreed to accept and since there was no formal contract for the installation, the Commission stipulated that the applicant is to provide a status update on the installation of the approved wrap in 3 to 6 months or sooner if available.

The third item was Grand River Baptist Church; they came back for a temporary use permit to allow for use of office space in a zone that is usually not allowed. They permitted another year for the temporary use permit with the following stipulations: No permanent signage shall be placed on the structure by Grand River Baptist Church; Temporary signage at the property or on the facility is permitted during hours the space is being used by the church; Certificate of Compliance shall be required indicating that the building or part thereof, and the

purposed use thereof are in conformity with the provisions of the Building codes, Fire codes and such other chapters as may be applicable. This passed unanimously.

The last item was the temporary structure permit for the YMCA for storage containers. This was unanimously approved.

Mrs. Shoop made a motion to ask for a Public Hearing for 448 Mentor Avenue regarding the conditional use permit modification request. Seconded by Mr. Fitzgerald.

On roll call, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald and Mr. Hach were all in favor by answering "Yes". Mrs. DiNallo abstained. Motion carried.

Mrs. Shoop gave the JEDD Committee Report. The JEDD Board Meeting was held on September 18, 2020; all were present. The departmental and finance reports were reviewed; approval of the records disposal; discussion of Christine Shoops upcoming term expiration. Discussion of insurance contracts; executive session held for pending litigation and economic development. Meeting adjourned at 9:45am.

Legislation

AN ORDINANCE AMENDING SECTION 1349.21 OF THE PAINESVILLE CODE OF 1998, RELATING TO RANK VEGETATION AND LANDSCAPING FEATURES and DECLARING AN EMERGENCY

was given third read.

Mr. Fitzgerald motioned to adopt, seconded by Mrs. Shoop.

On roll call, Mrs. DiNallo, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald and Mr. Hach answered "Yes". **ORDINANCE 15-20 is ADOPTED.**

AN ORDINANCE ENACTING SECTION 1349.211 OF THE PAINESVILLE CODE OF 1998, RELATING TO TREELAWNS and DECLARING AN EMERGENCY

was given third read.

Mr. Augustine motioned to adopt, seconded by Mrs. Shoop

On roll call, Mr. Fitzgerald, Mrs. DiNallo, Mr. Augustine, Mr. Fodor, Mrs. Shoop, and Mr. Hach answered "Yes". **ORDINANCE 16-20 is ADOPTED.**

AN ORDINANCE AMENDING THE SCHEDULE OF FEES FOR REVIEWS, APPROVALS AND OTHER PROCEDURES PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT RELATING TO THE UNIFIED DEVELOPMENT CODE OF THE CITY OF PAINESVILLE AND DECLARING AN EMERGENCY

was given second read.

Mr. Hach stated this will remain on second reading.

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, AND DECLARING AN EMERGENCY.

Mrs. Ireland-Dupee explained that this is an annual piece of legislation the Lake County Auditor's Office requires to be filed with them by October 1, 2020, for the "Resolution Accepting the Amounts and Rates." Lake County tells the City the approximate amount the City will receive in property taxes in 2021, and the City Council has to approve the rates that the County told us we will receive. The City projects to receive approximately \$2,515,000 in property tax revenues in 2021, which includes levy money.

Mr. Fitzgerald motioned to suspend, seconded by Mrs. DiNallo.

On roll call, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, and Mr. Hach answered "Yes".

Mrs. DiNallo motioned to adopt, seconded by Mrs. Shoop.

On roll call, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mr. Augustine, and Mr. Hach answered "Yes". **RESOLUTION 26-20 is ADOPTED.**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE TITLE TO THE PROPERTY LOCATED AT 30 SOUTH PARK PLACE, PAINESVILLE, OHIO FOR THE LIMITED PURPOSES OF SECURING FEDERAL FUNDS FOR ABATEMENT OF AN ENVIRONMENTAL HAZARD CREATED BY THE PRESENCE OF ASBESTOS ON THE PROPERTY, CARRYING OUT THE ASBESTOS ABATEMENT PROCESS, AND CONVEYING TITLE OF THE PROPERTY TO PAINESVILLE TOWER, LLC UPON COMPLETION OF THE ABATEMENT PROCESS FOR THE PURPOSE OF UTILIZATION OF THE PROPERTY IN MANNER APPROVED BY THE CITY WITH ALL TO BE ACCOMPLISHED AT NO COST TO THE CITY AND DECLARING AN EMERGENCY

was given first reading.

Ms. Biertman explained: The City of Painesville has been working for several years to be in a position to remediate the environmental hazard of asbestos within the building and return the building into a viable use. Through the City's USEPA Assessment Grant we have conducted a Phase I, a Limited Phase II, a Pre-Renovation Asbestos Survey and an Asbestos Abatement Specification Report. The detail within these reports has positioned us to be able to seek a USEPA Clean Up Grant. The grants are highly competitive grants. There is a developer for the property that is working with the City on fulfilling the match requirements and associated costs for this grant application, Painesville Tower LLC. If the City is successful in receiving this grant in the amount requested of \$500,000, the grant will help initiate asbestos remediation of the critical asbestos component within the building. By taking title to this building the City will secure the highest possible opportunity to be successful on this grant application. EPA anticipates awarding an estimated 26 Cleanup Grants across the United States for an estimated \$13 million. We are competing within our region as well as nationally for this grant award. We are within USEPA Region 5 which includes: MN, WI, MI, OH, IL, IN. There is no cost for purchase. There will be no cost to the City. The grant match requirement and all costs associated with this Project will be covered by the developer. It is recommended that this legislation move forward before City Council. In an effort to transfer title prior the grant application deadline of October 28th, I am requesting that Council pass legislation by October 5th. There will be opportunities for the public to view the draft application after October 9th. There will also be an upcoming announcement of public meeting.

Mrs. Shoop asked Ms. Biertman what happens with the title if the grant is not approved; Mr. Gurley, Law Director, explained that the title would transfer back to the developer. Mr. Gurley reiterated that it would be no cost to the City; he is proposing that if the grant is unsuccessful, once the title transfers back to the developer, any costs that may occur would be covered by the developer. He stated that he would like to have something in place, such as a

performance bond, where the City can be assured that any costs, such as insurance, would be covered by the developer. It was reiterated that there would be no cost to the City, whether the grant was approved or not. Mr. Gurley and Ms. Bieterman explained that upon grant approval, the total time for the project could be 12-18 months. Ms. Bieterman explained that the grant application is due October 28, 2020 and the award announcement will be in Spring 2021. Mrs. DiNallo asked what would happen if we didn't get the grant application submitted in time; Mr. Gurley explained that we would be in breach of the agreement.

Mr. Hach stated this will remain on the first reading.

Under **Unfinished business** None

Under **New Business** None

Under **Department Presentation** None

Under **Administrative Reports** Mrs. Irelan-Dupee reminded Council to sign the employee handbook acknowledgement.

Under **Clerk's Correspondences** The next regular Council meeting will be held on Monday, October 5 at 7:30 PM. This is the last week for the Thursday Farmers Market and Friday night Car Cruise. Recreation's Fall Fest Activity Bags are on sale for \$5 and scheduled to be delivered the week of October 19. Recreation's Fall Photo Scavenger Hunt started today and will run through October 21. Saturday, October 10 is the second annual Fall Community Clean Up Day; For more information go to painesville.com/cleanup. Wednesday, October 14 is Story Time with the Painesville Police Department in the gazebo at Painesville Square. Trick or Treat is still planned for Saturday, October 31 from 6:00 to 8:00 p.m. Porch light on to participate.

Closing Comments None

Mrs. Shoop moved to adjourn to executive session being held in accordance with ORC 121.22(8) To consider confidential information related to marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance in accordance with section 3735.67 of the Revised Code, seconded by Mr. Fitzgerald.

On roll call, Mrs. DiNallo, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald, and Mr. Hach answered "Yes". Motion carried at 7:54 pm.

Mrs. Shoop moved to adjourn the executive session, seconded by Mr. Fitzgerald.

On roll call, Nick Augustine, Jim Fodor, Christine Shoop, Lori DiNallo, Mr. Fitzgerald and Mr. Hach were all in favor by answering "Aye". Meeting adjourned at 9:10 pm.

Mrs. Shoop moved to adjourn the regular meeting, seconded by Mr. Fitzgerald.

On roll call, Nick Augustine, Jim Fodor, Christine Shoop, Lori DiNallo, Mr. Fitzgerald and Mr. Hach were all in favor by answering "Aye". Meeting adjourned at 9:10 pm.



Amanda Kappel
Acting Clerk of Council



Paul W. Hach II
President of Council