REGULAR COUNCIL MEETING
Tuesday, September 7, 2021 – 7:30 PM
EXECUTIVE SESSION IMMEDIATELY FOLLOWING

President Paul Hach called the Regular Council Meeting to order at 7:30 PM. City Council convened for a regular meeting in the City Hall Conference Room, with the following in attendance in person: Councilpersons Paul Hach, Christine Shoop, Jim Fodor, Katie Jenkins, Lori DiNallo, and Nick Augustine; City Manager Doug Lewis, Assistant City Manager Derek Feuerstein, Law Director Joe Gurley, Recreation and Public Lands Director Michelle LaPuma, Human Resource Director Kris Young, City Engineer Leanne Exum, Fire Chief Thomas Hummel, and Clerk of Council Samantha Danielson.

On roll call for attendance, Mrs. Shoop, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach were present. Mr. Fitzgerald was not able to attend.

Mrs. Shoop made a motion to excuse Mr. Fitzgerald from the Council Meeting, seconded by Mr. Fodor. All were in favor by answering "Aye". Motion carried.

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

Mrs. Shoop made a motion to amend the agenda, to move Departmental Presentation to after Committee Reports, seconded by Mrs. DiNallo. All were in favor by answering "Aye". Motion carried.

Mrs. Shoop made a motion to approve the amended agenda, seconded by Mrs. DiNallo. All were in favor by answering "Aye". Agenda approved.

Mr. Hach gave the Invocation. The Pledge of Allegiance was recited.

President Hach asked for a motion to approve the meeting minutes as submitted for: Regular City Council Meeting 08.16.21

Mrs. Shoop motioned to approve the minutes, seconded by Mr. Augustine. All were in flavor by answering "Aye". Minutes accepted.

Public Comment: None

Committee Report:
BZA

Doug Lewis reported the following item(s) were presented to the Board of Zoning Appeals for consideration during their regularly scheduled meeting on Thursday, August 19, 2021. **OLD BUSINESS/PUBLIC HEARING ITEM(S):** An application was submitted by Christopher and Angela Hill requesting a variance to Section 1119.05 (b)(1)B of the Painesville Unified Development Code to allow the placement of a 4-foot high ornamental fence within the front setback. The property is a corner lot with two front setbacks. By a vote of 5-0 the variance request was approved for a decorative 4 foot fence. **IN RE-APPEAL OF:** In accordance with the Building Code of the City of Painesville, Ohio Section 1339.05, a request has been submitted by Jane Jones of Reisenfeld & Associates LLC on behalf of Sarah McMichael and PennyMac Loan Service, regarding the Violation/Demolition Order dated December 28, 2020. The demolition order is for the unfit and unsafe living conditions located at 448 Liberty Street. The applicant/appellant appealed the decision of the Building Official of Chapter 1339 Unsafe Structure in regards to declaring the property at 448 Liberty Street an unsafe structure. By a vote of 5-0 the decision of the Board of Zoning Appeals denied the appeal of the applicant.

DPO

Mr. Augustine reported the Downtown Painesville Organization Board of Director met on August 25, 2021. The mission is to build a strong future in a diverse community where everyone is welcome. **President's Report:** Mary Jo Miller gave a report stating they will begin to wrap up 2021 and begin to talk about 2022 events/plans. Farm to Table and Art in the Park were great successes but required a lot of man hours. Challenges the organization are currently facing is capacity; they need more volunteers in every committee and need to beef up the board. Mary Jo informed the Board of Directors that she and the ED meet with the City of Painesville

(Doug Lewis, Derek Feuerstein, and Cathy Bieterman) every three weeks. The goal is to coordinate the city's strategic plan with the DPO's. **Treasurer's Report:** Ashely Williston reported that financials were recorded through July 31st 2021. Farm to Table, after expenses, brought in over $20,000! In August, DPO put more money into both savings accounts at each local CU. **Committee Reports:** *Promotions Committee:* Chair, James Blask, reported that Farm to Table was successful and gave a special thank you to all board members who helped him put it together and to Brian Posler for continuing to allow them to have the event at LEC. He reported that Trista Wright and Brian Dunay joined the committee. *Design Committee:* Chair, Ron Robertson, reported that the Daffodil Sale was a success and that he would like to do a poinsettia one as well. He is looking at the logistics of doing this with Pam Morse. The car cruise is also going great and Ron discussed implementing a system to have more than one board member handle and count the funds to assure safety and security of the monies raised. *Economic Vitality Committee:* Chair, Erica Acheson, reported that she and Cyrus Massoudi are working on first after hours event coming up with via DPO Connect. It will be held at FATS at 4:30 PM on September 17th. She thanked Bethany Homrighaus for all her work for the Art in the Park and Farm and Flea's. *Organization/Governance Committee:* Chair, Jennifer Dobrzeniecki, reported that her main focus has been researching onboarding, and recruiting for volunteers and new board members. Jackie Bruner stated she was following up with membership drive invoices. The Awards Luncheon was voted to be virtual. **Executive Director Report:** ED, Joy Severa, reviewed her report on Highlighted Heritage Ohio/City/DPO Paul Bruhn Grant Kick-Off Event walk. Mary Jo asked for any volunteers to contact her or Nick Augustine.

Departmental Presentations:
Life Saver Award Recognition

Fire Chief Thomas Hummel presented Firefighter James Solymosi with a Life Saving Medal and proclamation. Because of Firefighter Solymosi's quick action and use of his Technical Rescue training, the lives of two people were saved on Sunday July 18, 2021 who were floating downstream on pool floats without life preservers. Many family members and friends attended tonight's award presentation to show their support. Lieutenant Earl Mahoney, who was not able to attend, was also given the medal and proclamation for his role in rescuing the two people.

Legislation:

AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CURRENT EXPENSES AND EXPENDITURES OF THE CITY OF PAINESVILLE, STATE OF OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2021 AND ADOPTING THE OPERATING BUDGET, AND DECLARING AN EMERGENCY.

was given first read.

Doug Lewis stated the City is requesting to increase the 2021 budget by $1,041,540, so the City can utilize the funds from the American Rescue Plan Act (ARPA). This is the first distribution of APRA funding provided to the City of Painesville. The second distribution will occur in 2022. City Manager Lewis worked with Department Heads and City Council to identify projects. The list of recommended projects is necessary to move forward the economic development projects which the City is currently working on such as the CHASE Building and the hotel project. It would enable the City to provide support for existing businesses that need to make improvements to their historic buildings, infrastructure projects, a homeless initiative, and home improvement program that meet the ARPA guidelines. The City is recommending a public meeting and presentation be held, so this item can go three readings. Mrs. Jenkins clarified that during that presentation that the specific of what the funding can be used for be stated.

Mr. Hach stated this would go to second read.

AN ORDINANCE AMENDING SECTION 167.071, OF THE PAINESVILLE CODE OF 1998 RELATING TO THE CLASSIFICATION AND COMPENSATION PLAN, AND DECLARING AN EMERGENCY.

was given first read.

Kris Young stated the City's Fraternal Order of Police (FOP) Local #90 Community Service Officers and School Resource Officers contract also expired on March 31, 2021. The City has also been negotiating with the FOP for a new contract and has agreed to contract terms with the union for a three-year deal. This deal includes a reclass of the Community Service Officers from an hourly Grade 10 to an hourly Grade 11 and wage increases effective April 1, 2021, of 3%; effective April 1, 2022, of 3%; and effective April 1, 2023, 2.5%. The Administration believes the terms and wage increases are fair and the City can afford them. Since the City is still in negotiation with other unions with similar, proposed wage increases, we believe it is in the City's best interest to waive the three (3) readings of this legislation and respectfully ask Council to approve this legislation as an emergency to assist with the other union negotiations.

Mrs. Shoop moved to suspend, seconded by Mrs. Jenkins.

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

Mr. Augustine moved to adopt, seconded by Mrs. Jenkins.

On roll call, Mrs. Shoop, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor and Mr. Hach answered "Yes". Motion carried. **ORDINANCE 24-21 is ADOPTED.**

AN ORDINANCE AMENDING SECTION 1107.02 (71) OF THE PAINESVILLE CODE OF 1998, RELATING TO DEFINITION OF DORMITORIES AND STUDENT HOUSING, AND DECLARING AN EMERGENCY.

was given first read.

Doug Lewis stated the City has been in discussion with the new owners of the Chase Bank Building about the potential of turning the building into a dormitory for Lake Erie College. The property is located in the B-3 Central Business District which does not permit the dormitory as a main use. In support of this potential redevelopment, the City is proposing regulation to allow dormitories/student housing within the B-3 Zoning District as a conditional use permit. There are three sections of the code proposed to be amended to permit dormitories/student housing in the B-3 Zoning District. The three pieces of legislation: 1) establish a new definition for dormitories/student housing, 2) designate dormitories/student housing as a conditional use in the B-3 Zoning District, and 3) establish the standards for any such development. This piece of legislation amends Section 1107.02 (71) which is the definition of Dormitories and Student Housing. The proposed change to the definition were presented and approved by the Planning Commission on August 4, 2021. The staff has worked for several months on this proposal and is recommending City Council's approval. This legislation can go three readings. There was discussion on the options of kitchen facilities in individual rooms and a cafeteria, and concerns about future use of the facility.

Mr. Hach stated this would go to second read.

AN ORDINANCE ENACTING SECTION 1115.27 OF THE PAINESVILLE CODE OF 1998, RELATING TO DORMITORIES IN THE B-3 DISTRICT, AND DECLARING AN EMERGENCY.

was given first read.

Doug Lewis stated this second piece of legislation amends Section 1115.27 which proposes the regulations for developing a dormitory in the B-3 Central Business District. As a Conditional Use, the Planning Commission will have all the authority under Section 1111.08 to review and evaluate conditional use permits plus the standards proposed in this new section when evaluating a proposal. The intent of this new section is to permit the use with conditions that maintain the character and quality of the downtown business district while promoting creative re-use and redevelopment of existing buildings. The purpose is to promote more activity in the area which will support and expand business opportunities. The proposed change is to establish regulations for developing a dormitory/student housing in the B-3 Zoning District and was presented and approved by the Planning Commission on August 4, 2021. The staff has worked for several months on this proposal and is recommending City Council's approval. This legislation can go three (3) readings. There was discussion about concerns on other buildings

being used for dormitories, legislation language, and options and requirements for future usage of the building.

Mr. Hach stated this would go to second read.

AN ORDINANCE AMENDING SECTION 1113.06 (d) OF THE PAINESVILLE CODE OF 1998, RELATING TO MAIN USE CATEGORIES, AND DECLARING AN EMERGENCY.

was given first read.

Doug Lewis stated this third piece of legislation amends Section 1113.06 (d), which is the table of Main Uses in each District. The proposed change to include dormitories and student housing in the B-3 Zoning District was presented and approved by the Planning Commission on August 4, 2021. The staff has worked for several months on this proposal and is recommending City Council's approval. This legislation can go three (3) readings.

Mr. Hach stated this would go to second read.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN UPDATED MEMORANDUM OF UNDERSTANDING WITH THE LAKE COUNTY LAND REUTILIZATION CORPORATION, AND DECLARING AN EMERGENCY.

was given third read.

Doug Lewis stated in September of 2014, the City of Painesville entered into a Memorandum of Understanding (MOU) with the Lake County Land Reutilization Corporation. Recently, LCLRC sent a revised version of the MOU and asked that City Council approve it in light of the changes occurring in the administrative and legislative bodies of the various communities over the years. Staff has reviewed the updated MOU and determined that no substantive changes have been made from the originally agreed upon MOU. The Law Director reviewed and had no changes. The purpose of the MOU is two-fold, 1) to outline the steps that may be taken by the LCLR if and when properties become available through the forfeiture process, and 2) it clarifies the LCLRC protocols that will be implemented when the LCLRC takes title to a property in the City of Painesville, Ohio. The City of Painesville has worked with the LCLRC to demolish homes and buildings in the City of Painesville since 2014. There have been no issues with the prior MOU and we do not anticipate any issues with the updated MOU given there are no substantive changes.

Mr. Augustine moved to adopt, seconded by Mrs. Jenkins.

On roll call Mrs. Shoop, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION 32-21 is ADOPTED.**

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO SUBMIT AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION FOR FUNDING FOR INFRASTRUCTURE IMPROVEMENTS FOR THE CHESTER STREET WATERLINE REPLACEMENT AND ASPHALT RESURFACING PROJECT, AND DECLARING AN EMERGENCY.

was given first read.

Leanna Exum stated this is the final application to be submitted to the OPWC. The projected cost is $1.6 million. The City is applying to receive a grant from OPWC for $500,000. The City's portion of the costs are $1.1 million which will be accounted for in the Engineering Capital Budget under the road maintenance and repair fund, and the Water Capital Budget under the water construction fund. Due to deadlines for the application, it is being asked that this resolution be passed on first reading as an emergency.

Mrs. DiNallo moved to suspend, seconded by Mrs. Jenkins.

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

Mrs. DiNallo moved to adopt, seconded by Mrs. Jenkins.

On roll call Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mrs. DiNallo, Mrs. Jenkins, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION 33-21 is ADOPTED.**

A RESOLUTION RESTATING AND REAFFIRMING PARTICIPATION OF THE CITY OF PAINESVILLE IN THE OHIO POLICE AND FIRE PENSION FUND AS IT RELATES TO THE POLICE PATROL AND PROMOTED OFFICERS OF THE CITY OF PAINESVILLE, AND DECLARING AN EMERGENCY.

was given first read.

Kris Young stated the City's Fraternal Order of Police (FOP) Local #90 Patrol and Promoted Officers and the City reached a settlement for new collective bargaining agreements effective April 1, 2021 to March 31, 2024, for each unit. As part of those settlements, both parties agreed to a change in language for the employee's portion paid to the Ohio Police and Fire Pension Fund. OP&F requires such changes to be passed as a Resolution restating and reaffirming the City's participation in the fund. There is no impact on City finances with this legislation. Rather, it outlines how the funds are withheld from participant's payroll. The City's portion of payment to the pension system remains the same. The City is unable to begin taking and remitting funds to the Ohio Police and Fire Pension Fund under this revision until this legislation is passed. However, this legislation can go three (3) readings because the City does not have to begin remitting to the pension system until October 31, 2021.

Mrs. Shoop moved to suspend, seconded by Mrs. Jenkins.

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

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

On roll call Mrs. Shoop, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach answered "Yes". Motion carried. **RESOLUTION 34-21 is ADOPTED.**

Unfinished Business: None

New Business:

Morse Ave. Fee

Mrs. Jenkins inquired about Morse Ave. usage in relation to the cost of the community to utilize the facility. Administration provided data to Council Members on a rental cost study from prior years and comparison chart of rates from surrounding communities. Concerns for the facility not being used such as location of the facility, cost, and adequate advertising were discussed with Council Members and Michelle LaPuma. Further discussion will be held to determine the direction for Council to take.

Administrative Reports:

Joe Gurley had nothing to report at this time.

Doug Lewis commented on the following items. City Communication was recognized by the APEX Awards: In the category of newsletters, Speaking of Painesville redesign of 2020 placed silver and in the category of video marketing, Painesville Hometown video submission to HGTV won gold; Announcement that Norfolk Southern has closed the railroad crossing on Bank Street to do some work on the crossing for three days; An update that the cul-de-sac is being removed; City Administration attended a meeting with Congressmen Joyce and his staff to update them with current city projects; Administration has been meeting with DPO to discuss other types of projects to do collaboratively for the city; Salt Shed is near completion; The Electric Department has started to install the electrical vehicle charging station at Victoria's Place; The Water Plant a several improvement projects occurring to bring the plant up to an acceptable level; The Chili Cook-Off is September 25th in Veteran's Park, Fall Fest is October 16 at Kiwanis Recreation Park, and the Farmers Market is every Thursday.

Clerk's Correspondences:

The next regular Council meeting will be held on Monday, September 20th at 7:30 PM;

Farmers Market is from noon – 4:00 PM at the Painesville Square and will be held every Thursday through September 23rd; Car Cruise Friday is from 5:00 – 9:00 PM at the Painesville Square and goes through September 24th; 9/11 Flags and Ceremony is at 8:30 AM at Veterans Park, Painesville Square held Saturday, September 11th; Farm and Flea will be held Sunday, September 12th from 10:00 AM to 4:00 PM at the JFS parking lot off Main Street; and Party in the Park "Lite" will be held on Saturday, September 18th from 12:00 PM to 11:55 PM at the Painesville Square.

Closing Comments:

Mr. Fodor discussed the importance of the water intake and cost, road repairs and cost, and asked for residents to help keep grass and leaves cleaned around water basins to help reduce flooding, and reminds people to respect others and to be good role models.

Mrs. Jenkins congratulated Firefighter Solymosi and Lieutenant, and the three Painesville's Police Officers, who received award from the Lake County Police Chief, for their role in the rescue of young boy at the pond at Rec. Park. She congratulated all of Painesville Firefighters and Police Officers for all their good work.

Mrs. DiNallo felted privileged to be part of the Life Saving Award recognition and appreciated the work of the firefighters and police officers. She commended the staff for their response to the ARPA projects.

Mrs. Shoop reminded residents to volunteer to help on Community Clean-up day on Saturday, October 9th, and Pizza and Pop with a Cop event was successful. She was impressed with the kids' participation and hopes the City can do more events that involve kids. She thanked Marsita Ferguson, the Police Chief, and everyone involved for having the event.

Mr. Augustine commented there is a DPO Connect Meeting at FATS at 4:30 PM on Thursday, September 17th, and Car Cruises end on the 24th.

Mr. Hach had no comments at this time.

Mr. Hach asked for a motion a move into the Executive Session.

Mrs. Shoop motioned to go in to ***EXECUTIVE SESSION BEING HELD IN ACCORDANCE WITH ARTCLE II, Section 6(3)*** To discuss pending or potential litigation involving the City; Seconded by Mrs. DiNallo.

All were in favor by answering "Aye". Motion carried to move into Executive Session at 8:41 PM.

Mrs. Jenkins moved to adjourn the Executive Session, seconded by Mrs. DiNallo.

On roll call, Mrs. Shoop, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach were all in favor by answering "Aye". Meeting adjourned at 9:22 PM.

Mrs. Jenkins moved to adjourn the Regular Meeting, seconded by Mrs. Shoop.

On roll call, Mrs. Shoop, Mrs. DiNallo, Mrs. Jenkins, Mr. Augustine, Mr. Fodor, and Mr. Hach were all in favor by answering "Aye". Meeting adjourned at 9:22 PM.

Samantha Danielson
Clerk of Council

Christine Shoop
Vice - President of Council