REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 6, 2023 – 7:30 PM
EXECUTIVE SESSION IMMEDIATELY FOLLOWING

CALL TO ORDER

President Christine Shoop called the Regular Council Meeting to order at 7:30 PM. City Council convened for a regular meeting in Council Chambers – Courtroom #1.

ROLL CALL FOR ATTENDANCE

Councilpersons Derrick Abney, Nick Augustine, Lori DiNallo, Jim Fodor, Paul Hach, Mario Rodriguez and Christine Shoop were present.

Other City Staff in attendance: City Manager Doug Lewis, Assistant City Manager Tony Zampedro, Law Director Jim Lyons, Economic Development Director Susan Crotty, Finance Director Bill Parkinson, City Engineer Leanne Exum, Electric Superintendent Jeff McHugh, Fire Chief Tom Hummel, and Acting Clerk of Council Helen Petersburg.

APPROVE AGENDA AS SUBMITTED

Mrs. Shoop asked for a motion to approve the agenda.

Mr. Augustine moved to approve the agenda, seconded by Mr. Rodriguez. All Council Members were in favor by answering "Aye". Motion carried. Agenda approved.

INVOCATION was given by Councilperson Nick Augustine.

PLEDGE OF ALLEGIANCE was recited.

MINUTES: Special Meeting – Public Hearing on 10.16.23, Regular Meeting 10.16.23, and Special Meeting – Executive Session 10.23.23

Mrs. Shoop asked for a motion to approve the minutes from the Special Meeting – Public Hearing on October 16, 2023.

Mr. Rodriguez moved to approve the minutes from the Special Meeting – Public Hearing on October 16, 2023, seconded by Mr. Augustine.

All Council Members were in favor by answering "Aye". Motion carried. Minutes approved.

Mrs. Shoop asked for a motion to approve the minutes from the Regular Meeting on October 16, 2023.

Mr. Augustine moved to approve the minutes from the Regular Meeting on October 16, 2023, seconded by Mr. Rodriguez.

Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Rodriguez and Mrs. Shoop were in favor by answering "Aye". Mr. Hach abstained. Motion carried. Minutes approved.

Mrs. Shoop asked for a motion to approve the minutes from the Special Meeting – Executive Session on October 23, 2023.

Mr. Rodriguez moved to approve the minutes from the Special Meeting – Executive Session on October 23, 2023, seconded by Mr. Fodor. All Council Members were in favor by answering "Aye". Motion carried. Minutes approved.

PUBLIC COMMENTS:

Rene Aston, of 864 Sunbury Oval, Painesville, addressed Council with concerns regarding the new splash pad and goose poop and how the pad will be maintained.

COMMITTEE REPORT: BZA

City Manager Doug Lewis reported for this committee which was held on October 19, 2023. The following items were presented to the BZA: Refusal No: 2413 - An application was been submitted by David Weaver of 380 Fountain Avenue for a 4.29-foot variance request to a 10-foot side and rear setback for an addition to the existing building in an M-2 District. By a vote of 4-0 the variance request was approved as requested. Refusal No: 2414 - An application has been submitted by Miguel A. Zarate Bustos for a 5-foot variance into a non-conforming front setback to enclose an existing front stairwell into the home, 30 square feet in area. The applicant wishes to reconfigure the steps to enter on the side using the same footprint. The front setback to

the dwelling is 27.5 feet. The historic front setback map indicates the front setback for Newell Street is 40 feet. By a vote of 4-0 the variance request was approved as requested.

LEGISLATION:
ITEM #1 ORDINANCE
***1st Reading* – An Ordinance amending Ordinance 1507.05 of the Codified Ordinances of the City of Painesville, Ohio, titled, "Electric Vehicle Charging Stations (EVCS)", and declaring an emergency.**

Fire Chief Tom Hummel spoke on this piece of legislation stating the City has, in its Codified Ordinances, specific items relating to the Fire Code and matters of Fire Safety. When Ordinance No. 1507.05 was enacted, the Fire Department was seeking the addition of a section of the Fire Code to address the safe installation and use of Electric Vehicle Charging Stations (EVCS). Specifically, we were seeking to prohibit the installation of any EVCS inside any enclosed parking structures in the City of Painesville. The ordinance included other language regarding size of parking spaces and location of charging stations, because at this time no such rules exist in the Ohio Fire Code. It has come to our attention that some of the language in the ordinance can create a hardship to persons who want to add Electric Vehicle Charging Stations to existing parking lots, because of size and/or location restrictions. Chief Hummel went on to read section C that was drafted along with Law Director Lyons that has been added to the Ordinance allowing the Fire Official (AHJ) to waive or modify certain limited sections of the ordinance when a hardship can be shown and said waiver or modification does not affect the safety and general welfare of the inhabitants of the property and the inhabitants of the City of Painesville. All such waivers or modifications shall be noted in writing and will only apply to the given circumstance. Chief Hummel recommended that this Ordinance be enacted to protect the citizens of the City of Painesville, and to be passed on first reading.

Councilwoman DiNallo inquired on the levels of voltage; Chief Hummel went on to explain the 3 levels of charging systems.

Mr. Augustine moved to suspend, seconded by Mr. Rodriguez.

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

Mr. Hach moved to adopt, seconded by Mr. Rodriguez.

On roll call, Mr. Fodor, Mr. Hach, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mrs. DiNallo, and Mrs. Shoop answered "Yes". Motion carried 7-0.

ORDINANCE 21-23 is ADOPTED.

ITEM #2 ORDINANCE
***1st Reading* – An Ordinance amending Section 167.07, of the Painesville Code of 1998 relating to the Classification and Compensation Plan, and declaring an emergency.**

Assistant City Manager Tony Zampedro spoke on this piece of legislation stating that City Administration would like to restructure, rename and reclassify the Finance/Grant Analyst position in the Department of Finance, which has been vacant for nine (9) months to Grant/Payroll Coordinator. Some of the duties of the Finance/Grant Analyst were assumed by the recently added Assistant Finance Director which will allow the new Grants/Payroll Coordinator position to not only retain responsibilities of managing grants and grants compliance but also assume oversight of the City payroll process. The State Auditors have suggested during the City's annual audit to make the payroll transition which will create the separation of duties needed between personnel and payroll.

Mr. Zampedro noted that this position would move from a Grade 14 to a Grade 16. Based on the 4 remaining pay periods, there will be a slight increase to the general fund in 2023 for the reclassification of the position. There will not need to be an adjustment to the budget because the position was Finance/Grant Analyst position was vacant for 8 months.

Mr. Zampedro added that City Administration feels the restructure of this position is necessary to separate the responsibilities between personnel and payroll at the recommendation of the State Auditor. This will provide for additional checks and balances.

Mr. Zampedro respectfully requested that Council considers waiving the three (3) readings so that we may move forward finding a qualified applicant as soon as possible since it has been vacant for so long.

Mr. Hach moved to suspend, seconded by Mr. Augustine.

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

Mr. Hach moved to adopt, seconded by Mr. Augustine.

On roll call, Mr. Hach, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, and Mrs. Shoop answered "Yes". Motion carried 7-0.

ORDINANCE 22-23 is ADOPTED.

ITEM #3 RESOLUTION

3rd Reading* – A Resolution authorizing a City policy to allow the expenditure of public funds for the benefit of employees and volunteers and others as described in the policy, and declaring an emergency. (*1st Reading 10.02.23, 2nd Reading 10.16.23)

Finance Director Bill Parkinson spoke on this piece of legislation stating that the City is considering a policy allowing for the expenditure of public funds for the benefit of employees, citizens, for meetings, advisory groups and other occasions as determined appropriate by the administration. Mr. Parkinson noted that the Auditor of State requires that a political sub-division declare that it is proper public purpose to expend funds on the behalf of employees, like, for example, luncheons, awards, etc. and to have a policy in place declaring and regulating such.

AMENITIES FOR PARTICIPANTS AT MEETINGS AND/OR OTHER OCCASIONS

The City recognizes the value in providing meals, refreshments, and/or other amenities for staff, council, citizens, advisory groups, who participate in meetings and staff development sessions, or on other occasions as deemed appropriate by the administration.

Such amenities may include, but are not limited to, the examples listed below and are less than $50.00 per person. Items may include employee recognition items, gifts appropriate to the occasion, an employee or departmental picnic for staff, coffee mugs, food, caps, clothing, educational items, books, or similar items of a reasonable value.

The Administration hereby affirms that these expenses do serve a valid and proper public purpose. The "public purpose" served is for the promotion of the City, the promotion of education, enhancement of morale, and rapport, and the encouragement of participation in said activities. Under no circumstances shall public funds be expended for the purchase of alcoholic beverages.

The Administration further directs the Director of Finance to include funds in the annual appropriations for the purchase of such amenities or to reimburse staff who incur such expenses if purchased in connection with meetings, staff development sessions, or other occasions deemed appropriate by the Administration. All such expenditures on behalf of the City must have prior authorization by the City Manager and will be made in accordance with all City purchasing procedures and the Ohio Ethic Laws. Documentation is required to be provided.

Mr. Augustine moved to adopt, seconded by Mr. Hach.

On roll call, Mr. Rodriguez, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Fodor, Mr. Hach, and Mrs. Shoop answered "Yes". Motion carried 7-0.

RESOLUTION 62-23 is ADOPTED.

ITEM #4 RESOLUTION

2nd Reading* – A Resolution authorizing and directing the City Manager to accept the deed from the Lake County Land Reutilization Corp for the property located at 160 S. St. Clair Street and to file the deed with the Lake County Recorder's Office, and declaring an emergency. *(1st Reading 10.16.23)

City Manager Doug Lewis spoke on this piece of legislation stating in 2018 the City of Painesville acquired the dilapidated property located at 160 South St. Clair Street with the intent of having it torn down by the Lake County Land Reutilization Corporation and for the purpose of having this land become part of a future development. On July 23, 2019, the City of Painesville entered into an agreement to transfer the property located at 160 South St. Clair Street to the Lake County Land Reutilization Corporation to demolish the dilapidated building located on the site. Upon acquiring the property, the Lake County Land Reutilization Corporation demolished the house at no cost to the City. The agreement required the Lake County Land Reutilization Corporation to transfer the property back to the City of Painesville upon our request. Since we are currently working with a developer, Payne & Payne, to install a new model single family residential home along East South Street, we wanted to reacquire the property at 160 South State

Street. Once they have built and sold the model along East South Street, Payne & Payne would like to obtain additional land owned by the City of Painesville and install more single-family housing on the former hospital site. If City Council accepts the property at 160 South St. Clair Street, it will be incorporated into the 3.31 acre parcel of land that the City owns on E. High Street and S. St. Clair Street, that is identified as Permanent Parcel No. 15-B-002-0-00-005-0.

Mr. Lewis mentioned that Payne & Payne will be going to Planning Commission in November to request a minor subdivision so they can build a new model home along East South Street. In order for them to move forward, the Planning Commission will have to approve the minor subdivision and Covenants and Deed Restriction on the property and the City Council will have to approve the transfer of the property to Payne & Payne as well as the Covenants and Deed Restrictions to be placed on the property. Legislation with be forthcoming.

Mr. Hach moved to suspend, seconded by Mr. Augustine.

On roll call, Mr. Abney, Mr. Augustine, Mr. Fodor, Mr. Hach and Mrs. Shoop answered "Yes". Motion carried. Mrs. DiNallo and Mr. Rodriguez answered "No".

Due to the 5-2 vote this resolution will go three (3) readings.

ITEM #5 RESOLUTION

***1st Reading* – A Resolution appointing John Bradley Deane as a member of the Planning Commission of the City of Painesville, and declaring an emergency.**

City Manager Doug Lewis spoke on this piece of legislation stating the Planning Commission is responsible for holding public hearing, and reviewing and make recommendations related to the amendments of the Unified Development Code, the Official Zoning Map, Conditional Use Permits, Major Subdivisions and approvals of Planned Unit Developments. The PC is comprised of five (5) electors of the City who shall be appointed by the Council for terms of six (6) years each. The Planning Commission shall organize and shall adopt rules and regulations for its own operation not inconsistent with general law or ordinance of Council. Any vacancy on the Planning Commission shall be filled for the unexpired term. Members now serving on the Planning shall serve out the existing terms. Members of Boards and Commissions appointed by City Council shall serve without compensation. John Bradley Deane, who is filling a current unexpired term on Planning Commission, was appointed as a member of the Planning Commission for a period of one year, beginning January 1, 2023 and ending December 31, 2023. He wishes to continue serving for a six-year term beginning January 1, 2024.

Council President Shoop recommended this go three (3) readings to allow the public to voice any objections to Council noting that the term end is not until late December.

This will go to second read.

ITEM #6 RESOLUTION

***1st Reading* – A Resolution appointing Jan Clair as a member of the Civil Service Commission of the City of Painesville, and declaring an emergency.**

City Manager Doug Lewis spoke on this piece of legislation stating the Civil Service Commission supervises exams for hiring and promoting personnel in the Painesville City Fire Department and Painesville Police Department. The Commission also serves as the Board of Review for all civil service classified personnel. The Civil Service Commission consists of three city residents appointed by City Council to serve six-year terms. The Commission is responsible for providing an eligibility list for entry level positions, recommendations for promotion/demotion, and recommendations for personnel issues to the City Manager who also serves as the Safety Director of the City. Jan Clair's term will expire on December 31, 2023. She has been serving on the Civil Service Commission since 2019 and wishes to continue serving for another six-year term beginning January 1, 2024.

Council President Shoop recommended this go three (3) readings to allow the public to voice any objections to Council noting that the term end is not until late December.

This will go to second read.

ITEM #7 RESOLUTION

***1st Reading* – A Resolution authorizing the execution of the 2023 NPP Power Pool Participant schedule with American Municipal Power, Inc. ("AMP"), and declaring an emergency.**

Electric Superintendent Jeff McHugh spoke on this piece of legislation stating our municipal electric system is interconnected to the FirstEnergy transmission system, which is operated by PJM. PJM controls the regional generation and transmission grid ranging from Illinois to New Jersey. To take advantage of economies of scale for power scheduling, forecasting and short-term energy supply in PJM, AMP has aggregated its forty-three (43) members connected to the FirstEnergy transmission system into the Northern Power Pool.

The Northern Power Pool Agreement (NPP) provides the rules and methodologies for allocating among the Pool Participants, the charges and credits incurred by AMP for energy supply and transmission and generation delivery services.

The Northern Power Pool Agreement was last updated in 2011. During the past year it has become apparent that there are new charges and credits associated with the PJM settlement process that were not contemplated in the 2011 Agreement. Additionally, AMP has found a need to update the assignment of other charges/credits to match the methods in which AMP is invoiced.

This updated Northern Power Pool Agreement brings the contract up to date to formalize the way that the members are operating and invoiced for power supply and delivery costs.

Our power supply needs go through the NPP so we are a buyer and a seller. Any costs would be part of our regular monthly AMP power bill.

Mr. McHugh recommended approval of the Resolution on first reading in order to execute the agreement and send it back to AMP asking for suspension of the rules for immediate passage.

Law Director Jim Lyons stated he would like to have Mr. McHugh contact AMP to provide a short synopsis of the dense electric contract so we can ensure the City is correct in its understanding of the proposed contract and affirm the purchase and sale of power. It was recommended to go to second read. Mr. McHugh stated he would provide a response to Law Director Lyons.

Councilwoman DiNallo inquired if the contract is competitive. Mr. McHugh said this is a collective pool so we can look at charges that PJM brings to the market. Law Director Lyons stated that other communities have not passed this yet and he would like to see how they are handling it. Mr. McHugh stated he spoke with AMP and the other 40 communities are putting similar legislation for passing.

This will go to second read.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

DEPARTMENTAL PRESENTATIONS: None

ADMINISTRATIVE REPORTS: Law Director and City Manager

Law Director Jim Lyons recommended that Resolution Item #7 go to second reading.

City Manager Doug Lewis stated the bank at Recreation Park was cleared in preparation for Grand River Walk. He is looking forward to moving the Amphitheatre project forward. Mr. Lewis mentioned that last week Business Appreciation event was held at the Steele Mansion. Mr. Lewis thanks Economic Development Director Susan Crotty for her hard work on putting the event together; the event was very successful. Mr. Lewis mentioned he is working on the budget and will be contact Council to schedule a budget review meeting on Monday, November 13, 2023.

CORRESPONDENCE: Clerk of Council

The next regular Council meeting will be held on Monday, November 20th at 7:30 PM; City Offices will be closed on Friday, November 10th for Veterans Day; Painesville Holiday Shop and Stroll will be Thursday, November 16th from 4:00 to 8:00 PM; Spirit of the Season and Tree Lighting will be Friday, November 17th from 5:00 to 8:00 PM at the Painesville Square; and Santa's Mailbox begins on Friday, November 17th at the Painesville Square.

CLOSING COMMENTS: Members of Council

Mr. Fodor stated people should be receiving the Speaking of Painesville newsletter and he went on to mention some of the interesting articles and information that are in the edition. Mr. Fodor also reminded everyone to vote in the November 7th election.

Mr. Abney thanked those who came to the Business Appreciation night. He also reiterated Mr. Fodor's reminder to vote and wished Mr. Rodriguez good luck in the election. Mr. Abney also stated that on Veteran's Day in the Painesville Square there will be a ceremony at

11:11AM. Also, dinners will be provided free to veterans and their spouses at 60 Chester Street from 3-7 PM.

Mrs. DiNallo thanked all veterans. She also thanked resident Rene Aston for coming to the meeting and expressing her concerns regarding the Splash Park and geese. She stated that the city will work hard to keep this area clean.

Mr. Hach thanked Mr. Abney, a veteran, for his service. He mentioned in October he attended a leadership program and recommends it to others to attend in the future. Federal, state and local government leaders attended; a section of the conference was dedicated to artificial intelligence (AI). He further stated it was a good way to discuss issues with other communities and how they are handling them. He also reminded people to vote.

Mr. Augustine reaffirmed Mrs. DiNallo's comment regarding the upkeep of the Splash Park and keeping it clean as well as other areas of the park. He also encouraged residents to vote and wished Mr. Rodriguez luck in the election. Mr. Augustine pointed out that even with the open grant write position, the city department heads have done a good job writing and obtaining grants.

Mr. Rodriguez complimented Economic Development Director Susan Crotty on an amazing job with the Business Appreciation event. He encouraged people to attend the upcoming Shop and Stroll and Spirit of the Season events. Mr. Rodriguez also encouraged people to vote; and he thanked those who attended the Council meeting in-person and from home.

Mrs. Shoop sent out kudos to Tara Baumgartner-Burgett for her part in the planning of the Business Appreciation event. She expressed her delight at having a large turnout of local businesses with lots of new attendees. She also added that the food at this event, held at the Steel Mansion, was exceptional. Mrs. Shoop also encouraged everyone to vote.

EXECUTIVE SESSION

Mrs. Shoop asked for motion to move into the Executive Session.

Mr. Fodor motioned to move into the Executive Session being held in accordance with Article II, Section 6(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of an employee or official of the City, and in accordance with Article II, Section 6(2) to consider the purchase or lease of property for public purposes if premature disclosure of information would be adverse to the public interest, seconded by Mr. Augustine.

All Council Members were in favor by answering "Aye". Motion carried to move into the Executive Session at 8:11 PM.

Mrs. Shoop asked for motion to adjourn the Executive Session.

Mr. Fodor moved to adjourn the Executive Session, seconded by Mr. Hach. All Council Members were in favor by answering "Aye". Motion carried to adjourn the Executive Session at 9:48 PM.

ADJOURNMENT

Mrs. Shoop asked for motion to adjourn the Regular Meeting.

Mr. Fodor moved to adjourn the Regular Meeting, seconded by Mr. Rodriguez. All Council Members were in favor by answering "Aye". Motion carried to adjourn the Regular Meeting at 9:48 PM.

Meeting adjourned at 9:49 PM.

Helen Petersburg
Acting Clerk of Council

Christine Shoop
President of Council