REGULAR COUNCIL MEETING
MONDAY, APRIL 1, 2024 – 7:00 PM
EXECUTIVE SESSION IMMEDIATELY FOLLOWING

CALL TO ORDER

President Jim Fodor called the Regular Council Meeting to order at 7:00 PM. City Council convened for a regular meeting in Council Chambers – Courtroom #1.

ROLL CALL FOR ATTENDANCE

Councilpersons Derrick Abney, Nick Augustine, Lori DiNallo, Paul Hach, Mario Rodriguez, Christine Shoop, and Jim Fodor 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, Director of Planning Sarah Sitterle, Electric Superintendent Jeff McHugh, Police Chief Dan Waterman, and Clerk of Council Samantha Danielson.

APPROVE AGENDA AS SUBMITTED

Mr. Fodor asked for a motion to approve the agenda.

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

INVOCATION was given by Councilperson Christine Shoop.

PLEDGE OF ALLEGIANCE was recited.

MINUTES: Regular Meeting 03.18.24

Mr. Fodor asked for a motion to approve the minutes from the Regular Meeting on March 18, 2024.

Mr. Abney moved to approve the minutes from the Regular Meeting on March 18, 2024, seconded by Mr. Hach. Mr. Abney, Mr. Augustine, Mr. Hach, Mr. Rodriguez, Mrs. Shoop, and Mr. Fodor were in favor by answering "Aye". Mrs. DiNallo abstained. Motion carried. Minutes approved.

PUBLIC COMMENTS: None

COMMITTEE REPORT: BZA

Director of Planning Sarah Sitterle gave a report for this committee which was held on March 21, 2024. The following items were presented to the Board of Zoning Appeals for consideration: An application has been submitted by Rick Beamer of 111 Mathews Street. The applicant has revised his application to reduce the size of the accessory structure to 960 square feet and has removed the carport from the property. The variance requests are changed to include a variance to add a third accessory structure instead of a fourth structure, and a variance request of 637 square feet instead of 1,500 square feet. By a vote of 4-0 the variance request was approved to allow the applicant to construct a 960 square foot accessory structure; and an application was postponed that was submitted by Lenell Johnson of 324 Bank Street requesting a variance to allow a three-season room to encroach the left side yard setback by 5' and to allow a new deck to encroach the left side yard setback by 6'. The required side yard setbacks per the UDC is 10' in the R-1 District.

LEGISLATION:

ITEM #1 ORDINANCE

2nd Reading* – An Ordinance amending Section 1107, 1113.06(d), Section 1115.31, and Chapter 518 of the Painesville Code of 1998, relating to Agriculture Use in the S-1 Special District and R-1 Single-Family Residential District and Animals, and declaring an emergency. *(1st Reading 03.18.24)

Director of Planning Sarah Sitterle spoke on this piece of legislation. She stated this ordinance is to revise the Painesville Unified Development Code of the Codified Ordinances of the City of Painesville for Section 1107, 1113.06(d), new Section 1115.31, and Chapter 518. The changes are designed to address the concern of the keeping of large farm animals within the city limits in the R-1 and S-1 Zoning Districts. A summary of the changes are as follows: (7) changes the definition of agriculture to limit it to the growing of crops, floriculture and viticulture when grown for sale and expressly delineates that the personal use of products and domesticated animals are not agriculture. Agriculture is defined as a primary use; (69.1) adds a

definition of Domesticated Animal as primarily house pets and chickens; (90.1) adds a definition of Gardening, Personal. This is currently listed as a permitted accessory use in residential district but not defined. This definition clearly indicated the growing of items are for personal use unless approved by the Planning Director or assigned designee. The numbering of the new definitions is designed to eliminate the need to renumber all the definitions; 1113.06(d) changes agriculture on greater than five acres from a permitted use to a conditional use and references new standards in a new section 1115.31; and 1115.31 Agriculture Use adds standards and conditions for the Planning Commission to use to evaluate if an agricultural use is appropriate. It references the requirements of Chapter 518 Animals of the Codified Ordinances. The standards also reflect that this use is a primary use and therefore other primary uses are not permitted on the same property such as a single-family home. The proposed language established standards for accessory structures. This legislation for changes to the Unified Development Code requires a public hearing and can be passed with three readings. The public hearing must be advertised for 30 days prior to the meeting. The public hearing will be scheduled for the April 15, 2024 meeting. Discussion ensued about chickens, and it was clarified that there is a specific section in the code for the allowance of chickens in the city, and not included in the agricultural section; about the absence of a P or a C in the matrix means it is a prohibited use; and the number of acreage for agricultural usage.

This will go to third reading.

ITEM #2 ORDINANCE
***1st Reading* – An Ordinance to Authorize the Execution of Then and Now Certificates by the Finance Director and the payment of amounts due for various purchase orders, and declaring an emergency.**

Finance Director Bill Parkinson spoke on this piece of legislation. He stated this is defined by the state auditors as purchases that are made with before a PO is put into place. There were a few requisitions needed for approval. Under ORC 5705.41, anything above $3,000.00 has to be brought before Council for consideration before it can be converted to a PO. In order to close out the 2023 books and remain in compliance with the purchasing policies and procedures of the City of Painesville, it was requested that this legislation be passed on first reading.

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

Mr. Hach moved to adopt, seconded by Mr. Augustine.
On roll call, Mr. Rodriguez, Mrs. Shoop, Mr. Abney, Mr. Augustine, Mrs. DiNallo, Mr. Hach, and Mr. Fodor answered "Yes". Motion carried 7-0.
ORDINANCE 09-24 is ADOPTED.

ITEM #3 ORDINANCE
***1st Reading* – An Ordinance providing for the issuance and sale of Notes in the maximum principal amount of $3,500,000 in anticipation of the issuance of bonds, for the purpose of paying costs of the acquisition of real estate in the City to be improved and used for municipal purposes, and declaring an emergency.**

Finance Director Bill Parkinson spoke on this piece of legislation. He stated this piece of legislation is related to the CRE Note. The fiscal 22 audit is being conducted by the auditor's state's office and *the purpose of this particular resolution is to have legislative approval in place in the event Moody's pulls the rating. By way of background, Moody's, as part of the City's due diligence, is required to furnish annual audited financial statements. They reached out to the City in December of 2023 asking about the status of the 2022 audit, upon which I indicated to Moody's that the State has yet to complete the 2022 audit. So, instead, they asked for unaudited 2022 financials, which were provided promptly. Moody's has a six month window form the time of the unaudited financial request to receive the audited financials from the City. The City has been asked about the status of the audit, and the State has replied that it is nearly complete except for the bank reconciliation, which is still be worked on by Rea & Associates. This resolution will only be needed if the State does not have audited numbers by June 30, 2024. In which case, the City will have to once again roll the CRE note as a short-term taxable debt instrument.* Mr. Parkinson explained this resolution is a backstop, meaning if the City does not have an audit from the Auditor's States Office by July 1st, this resolution is saying that council is agreeing to roll the note as currently constituted

short-term, taxable. Roll it over again for a short period of time and when the audit is released, the City will do what was initially planned, to convert it to a tax exempt bond at a much lower interest rate. This legislation is "just in case". If this legislation is not in place, payment would be due in full.

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

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

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

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

ORDINANCE 10-24 is ADOPTED.

ITEM #4 RESOLUTION

3rd Reading* – A Resolution adopting and implementing the City of Painesville 2024-2027 Strategic Plan, and declaring an emergency.** ***(1st Reading 03.04.24, 2nd Reading 03.18.24)

Ray Sternot, of Birchwood Lane, addressed Council with the following comments regarding this piece of legislation. (email sent March 19, 2024)

Mr. Fodor & Members of Council.

I have reviewed the proposed Strategic Plan for the City of Painesville. As a former planner, I have several comments below that I would like to offer for consideration (probably too long to explain in 3-minute session during a council meeting). My comments have to do with two major areas, specifically road infrastructure and quality housing within the city.

Item 1: Pertaining to Infrastructure: Objective 2.2 - Continue to evaluate, upgrade, and improve the transportation avenues of Painesville.

I would like to see some emphasis on road maintenance planned actions. That is preventative maintenance just like is done with the city fire hydrants that are scheduled by the fire department. We can spend money and identify a plan of action for MAJOR road replacement. But we don't have an identified plan for SCHEDULED road maintenance. I have asked to see such a road maintenance schedule (or some kind of maintenance report) but to date none have been provided. Perhaps members of Council have seen one? Why have I identified this as an item of concern? As some of you know, I live in Heisley Park, one of the newest developments in the city. Yet, I see the roads in this development deteriorating faster than I believe they should be due to the lack of routine maintenance in my opinion. Spending money for maintenance such as one does for maintenance on a car can extend the life of an asset. Roads are no different.

Item 2: Housing Stock Improvement

There is nothing in the strategic plan that I see that would identify how the city might maintain or improve the housing stock in the city. What is the strategy or plan of action for this area? As a member of the tax abatement committee, I've had the opportunity to traverse the city looking at where tax abatement has been used to add value to homes and businesses within the city. Yet, I don't see where we identify via code enforcement to keep properties up to par nor do we seem to have a plan to emphasize using tax abatement actively to get residents to keep up their property. All I hear is we have limited manpower (2 code enforcement officers?) to address deteriorating properties. A strategy to improve housing in the city and utilize code enforcement coupled with tax abatements could be of value to all residents. It would offer quality improvements to existing and possibly new residents who might decide Painesville is a place they want to come to, stay in, and invest in the community in my opinion.

These are two areas he thinks the strategic plan could be modified and come up with a better strategy, a real plan for those areas so residents are aware and have an understanding and even have input. It was explained these were action steps and each of the departments would need to look at the systems improvements that they can do.

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

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

RESOLUTION 21-24 is ADOPTED.

ITEM #5 RESOLUTION

***1st Reading* – A Resolution authorizing and directing the City Manager to obtain three (3) quotes and enter into a contract, including any and all ensuing change orders, with the company providing the lowest and best quote for the repair of boiler #5 feed pump, and declaring an emergency.**

Electric Superintendent Jeff McHugh spoke on this piece of legislation. He stated this falls oddly between getting 3 prices and going to formal bidding, but wanted it brought forward for Council's approval. Funds are available in the budget. It was being asked to be passed tonight.

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

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

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

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

RESOLUTION 22-24 is ADOPTED

UNFINISHED BUSINESS: None

NEW BUSINESS: None

DEPARTMENTAL PRESENTATIONS: None

ADMINISTRATIVE REPORTS: Law Director and City Manager

Law Director Jim Lyons had no report at this time.

City Manager Doug Lewis reported on the following items: The City applied for a Climate Pollution Reduction Grant of $125,000,000 for a solar project placed at the Old Diamond Shamrock property; The City applied for appropriation request of $800,000 to Representative Joyce and Senator Brown for improvements to Latimore Street storm sewer; The City will be submitting a state capital request of $280,000 to Senator Cerino and Representative Callender for funding for the skate park; The City received $150,000 from the Lake County Commissioners last month to help in the completion of the skate park, and will be seeking a Nature Work grant for the skate park to help with additional funding; The City is moving forward with the development of Highland Park with Payne and Payne. The property transferred and a groundbreaking will be scheduled soon; Crowley's Dive Bar did an announcement with regards to purchasing a building located on 77 South Saint Clair Street and will be working on developing a restaurant this Fall; Zapp's Custard and Mustard has made a significate amount of progress and possibly a soft opening this month; The City received an award of $50,000 for OPWC funding and $50,000 loan for West Eagle Street water line; The City is working a variety of different grants to bring forth to Council in the near future; The fence has been installed for the dog park and should be ready in the near future; and he thanked Jeff McHugh for his many years of service with the City. He will be retiring on April 5, 2024 and has done an excellent job running the electric plant and distribution as the superintendent. He will be missed and wished him the best.

CORRESPONDENCE: Clerk of Council

The next regular Council meeting will be held on Monday, April 15th at 7:00 PM., along with a Public Haring at 7:15 PM, and Total Solar Eclipse viewing event on Monday, April 8 beginning at 1:00 p.m. on Jack Slattery Field, Lake Erie College campus. Bring a chair or blanket and enjoy food trucks, a DJ and eclipse information for LEC's science experts! This event is free and open to the public.

CLOSING COMMENTS: Members of Council

Mr. Abney asked residents to consider putting their trash in bags so in case the cans are pushed over by the wind as it did last week. Many residents helped clean up the trash in the community.

Mr. Hach dittoed Mr. Abney's idea about the trash.

Mrs. DiNallo congratulated Mr. McHugh on his retirement, and Mr. Beverage election as commissioner. She is happy for Crowley's coming to Painesville and looks forward to the summer season and things happening at Rec Park.

Mr. Rodriguez thanked those who attended tonight's meeting and watched at home. He commended all who attended the Easter Egg Hunt during the snow.

Mr. Augustine had no comments at this time.

Mrs. Shoop dittoed Mr. Abney's comment on trash suggestion and recommended residents to get another trash can to prevent garbage overfill. She congratulated Mr. McHugh.

Mr. Fodor congratulated and wished the best Mr. McHugh in his next endeavors.

EXECUTIVE SESSION

Mr. Fodor asked for a motion to move into the Executive Session.

Mr. Augustine motioned to move into the EXECUTIVE SESSION BEING HELD IN ACCORDANCE WITH ARTICLE II, Section 6(4) To prepare for, conduct or review negotiations or bargaining sessions with municipal employees concerning their compensation, or other terms of employment, seconded by Mrs. Shoop. All Council Members were in favor by answering "Aye". Motion carried to move into the Executive Session at 7:34 PM.

Mr. Fodor asked for a motion to adjourn the Executive Session.

Mrs. Shoop moved to adjourn the Executive Session, seconded by Mr. Augustine. All Council Members were in favor by answering "Aye". Motion carried to adjourn the Executive Session at 7:51 PM.

ADJOURNMENT

Mr. Fodor asked for a motion to adjourn the Regular Meeting.

Mrs. Shoop moved to adjourn the Regular Meeting, seconded by Mr. Abney. All Council Members were in favor by answering "Aye". Motion carried to adjourn the Regular Meeting at 7:52 PM.

Meeting adjourned at 7:52 PM.

Samantha Danielson
Samantha Danielson
Clerk of Council

Jim Fodor
Jim Fodor
President of Council