REGULAR COUNCIL MEETING
MONDAY, APRIL 15, 2024 – 7:00 PM
PUBLIC HEARING – 7:15 PM
EXECUTIVE SESSION IMMEDIATELY FOLLOWING

CALL TO ORDER

President Jim Fodor called the Regular Council Meeting to order at 7:01 PM. City Council convened for a regular meeting in Council Chambers – Courtroom #1.

ROLL CALL FOR ATTENDANCE

Councilpersons Derrick Abney, Lori DiNallo, Christine Shoop, and Jim Fodor were present. Mario Rodriguez arrived at 7:02 PM. Paul Hach and Nick Augustine were not able to attend.

Mr. Fodor asked for a motion to excuse Paul Hach and Nick Augustine from tonight's Council Meeting.

Mrs. Shoop moved to excuse Paul Hach and Nick Augustine, seconded by Mr. Abney. All Council Members were in favor by answering "Aye". Motion carried.

Other City Staff in attendance: City Manager Doug Lewis, Assistant City Manager Tony Zampedro, Law Director Jim Lyons, Economic Development Director Susan Crotty, Director of Planning Sarah Sitterle, City Engineer Leanne Exum, Police Chief Dan Waterman, Administrative Lieutenant Toby Burgett, 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 Mrs. Shoop. All Council Members were in favor by answering "Aye". Motion carried. Agenda approved.

INVOCATION was given by Councilperson Derrick Abney.

PLEDGE OF ALLEGIANCE was recited.

MINUTES: Regular Meeting 04.01.24

Mr. Fodor asked for a motion to approve the minutes from the Regular Meeting on April 1, 2024.

Mrs. Shoop moved to approve the minutes from the Regular Meeting on April 1, 2024, seconded by Mr. Abney. All Council Members were in favor by answering "Aye". Motion carried. Minutes approved.

PUBLIC COMMENTS:

Monica Conway, Customer Service Supervisor at the Painesville Post Office, 215 E. Jackson Street, addressed Council with concerns with several mail carriers attacked by dogs and involved and injured in motor vehicle accidents at the intersection of East Prospect and Richmond. She asked Council if the City could provide a direction arrow or turn signal, going south making a left-hand turn, from Richmond Street to Prospect. Mr. Lewis stated the City would look into this issue, but it would have to warrant a need, and the engineer would need to determine whether it meets the criteria or warrants for a turn lane. There is a camera in place at that location.

Mike Fade, of South State Street, clarified Ms. Conway's concern about wanting a turning lane or just an arrow. He had concerns about the postal carrier pulling off into the grass, on the west side of State Street, south side of Walnut, to park to deliver mail creating ruts in the tree lawn area. He suggested they park in the street and not on the grass.

COMMITTEE REPORT: DPO, Public Lands and Recreation Commission, Planning Commission

DPO

Due to Mr. Augustine's absence, the report for this committee will be given at the next meeting on May 6, 2024.

Public Lands and Recreation Commission

Mrs. Shoop gave a report for this committee which was held on April 9, 2024. The following items were presented: Recreation Supervisor, Justin Gollin, to update the Commission

on the upcoming spring/early summer events. Story Time with Public Work – Wednesday, May 8 – 6 p.m. in Veteran's Park, Senior Picnic Lunch – Thursday, May 16 – 11 to 1 p.m. in Rec Park catered by Fats on the Square, Farmer's Market begin Thursday, June 6 – bag giveaway on Opening Day, and Concerts in the Park begin on Wednesday, June 5 – food trucks will be at every concert this year; Stephen Hubbell gave update on dog park: fencing is completed, parking area is completed, landscape bed was designed by the parking area and trees will be planted in this bed, drainage work will be completed next week, installing water filling stations for both humans and dogs and installing mutt mitt dispensers; Splash pad is moving along. It is currently waiting on approval from County and still on schedule to open Memorial Day Weekend; Egg Hunt in Veteran's Park was very successful. There was a great turnout despite the snow and cold temperature. Many thanks to Lubrizol Corporation for sponsoring the event and to our volunteers – LEC Soccer Team, Harvey Baseball Team, DeMoss Family, and Gollin Family; Painesville City Recreation Department along with the City Police and Fire Departments have been working with Painesville City Local Schools and the Lions Club to offer Safety Town to incoming kindergarten students this June. This pilot program will be held at Maple Elementary School and is open to 30 incoming kindergarten students free of charge; Update on the baseball dugouts and infrastructure repairs; the contract for the goose issue started; and the speed bumps will be replaced soon.

PUBLIC HEARING

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

Mrs. Shoop moved to adjourn the Regular Meeting for the Public Hearing, seconded by Mr. Rodriguez.

On roll call, Mr. Abney, Mrs. DiNallo, Mr. Rodriguez, Mrs. Shoop, and Mr. Fodor answered "Yes". Motion carried at 7:15 PM.

Mr. Fodor asked for a motion to move into the Public Hearing.

Mrs. Shoop moved to move into the Public Hearing, seconded by Mr. Abney.

On roll call, Mr. Abney, Mrs. DiNallo, Mr. Rodriguez, Mrs. Shoop, and Mr. Fodor answered "Yes". Motion carried at 7:15 PM.

The public hearing was for Item #1 Ordinance - A text amendment to change the Unified Development Code Sections 1107.02, 1113.06(d) and 1115.31, regarding Agriculture Use in the R-1 and S-1 Zoning Districts.

Director of Planning Sarah Sitterle presented information about this matter. She stated this ordinance is to revise the Painesville Unified Development Code of the Codified Ordinances of the City of Painesville for Section 1107 Definitions, 1113.06(d) District Regulations for Main USes, and add a new Section 1115.31 Agricultural Use. 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. 1115.31 Agricultural Use: In addition to the requirements for a conditional use permit in Section 1111.08, Agricultural Use shall comply with the following: (a) Lot size: a minimum of five (5) acres of land shall be required; (b) All accessory buildings for any agricultural use shall be located a minimum of twenty-five (25) feet from any side or rear property line. No accessory buildings shall be permitted in any front setback. Trailers, parked vehicles, mobile homes or other similar structures, whether affixed to the ground or not, shall not be permitted accessory structures; (c) All vehicles associated with the implementation of an agricultural business shall be maintained

inside an accessory structure; (d) The use shall comply with the requirements of Chapter 518, as applicable; (e) Areas for composting shall be maintain a minimum of fifty (50) feet from any side or rear property line, and (f) Residential dwellings shall not be permitted as an accessory use to the agricultural main use.

Mr. Fodor opened the Public Hearing up to public comments. No one from the public spoke for this matter.

One resident spoke against this matter. Mike Fade, of South State Street, expressed concerns that the City is taking away the rights of the residents. He feels changes in this piece of legislation are potentially limiting the rights of the residents. He had concerns about the yearly conditional use permits requirements and how it may limit the rights of the residents.

Mrs. Sitterle clarified that the City does not require yearly approval for a conditional use permit. The City is essentially requiring that for anything over five acres, and specifically, these changes were brought about due to several inquiries about large animals and changing the definition for those purposes. Over the years, the City's needs have changed and there are only a handful of properties that are over five acres, and not operating farms, in the city limits, as in the past.

Mrs. Shoop expressed the City is not taking away the rights because there are not any residents today that have a farm. Mrs. DiNallo clarified that legislation can be amended, if circumstances warrant a change, in the future.

Mr. Fodor asked for a motion to close the Public Hearing.

Mrs. Shoop moved to close the Public Hearing, seconded by Mr. Rodriguez.

On roll call, Mr. Abney, Mrs. DiNallo, Mr. Rodriguez, Mrs. Shoop, and Mr. Fodor answered "Yes". Motion carried at 7:21 PM.

Mrs. Shoop motioned to return to the Regular Meeting, seconded by Mr. Rodriguez.

On roll call, Mr. Abney, Mrs. DiNallo, Mr. Rodriguez, Mrs. Shoop, and Mr. Fodor answered "Yes". Motion carried at 7:21 PM.

REGULAR MEETING

Planning Commission

Director of Planning Sarah Sitterle gave a report for this committee which was held on April 11, 2024. The following items were presented to the Planning Commission for consideration: The City of Painesville has received an application from Alaija Morris for a Conditional Use Permit for an event center in the B-3, Central Business District. The event center will be used to cater to the event planning needs of its guests. The property is located in the B-3, 113 Main Street, called LayR Event Center, Central Business District, therefore it requires a Conditional Use Permit. By a vote of 4-0 the conditional use permit request was approved with the following stipulations: 1. Waiver of the lot area requirement of 0.75 acres to 0.2012 acres; 2. Events within the tenant space shall not exceed the unit occupancy of 150 persons; 3. Events held on Monday through Thursday shall not extend beyond 9 PM. Events held Friday and Saturday shall not extend beyond 11 PM. Events held on Sunday shall not extend beyond 8 PM; 4.The security plan shall receive final approval from the City of Painesville Police Chief before any events are held; 5. Meals shall only be provided by guests renting at the venue. No on-site food preparation is allowed ; 6. The applicant or their designated representative shall be available to be contacted by the City Manager or designee of the City of Painesville during all events; 7. The required health, safety, and fire regulations will be observed, and the property will maintain all applicable compliance paperwork; 8. The applicant shall comply with all requirements of Section 1115.28 of the Unified Development Code of the City of Painesville; 9. This permit shall be subject of an annual review by the Planning Commission to determine appropriateness and compliance with the approved conditions.10.If the applicant wishes to obtain a liquor license in the future, they must come before the Planning Commission at the said time for approval; and the second item was Proposed Code Changes to Manufacturing, Extractive of the Unified Development Code Section 1107.02 Definitions, Section 1113.06(d) District Regulations for Main Uses, and Section 1115.32 Manufacturing, Extractive, Deposit (New) The City is proposing to make the following proposed changes to the Painesville Unified Development Code. The changes are designed to address the concern that several parcels within the commercial and industrial districts are not currently buildable based on their topography. By a vote of 4-0 the proposed code changes to Manufacturing, Extractive of the Unified Development Code, was approved.

SPECIAL PRESENTATION: Police Recognition – Officer of the Year

Police Chief Dan Waterman acknowledged and recognized the top five of the Painesville Police Department's top performing officers: Officer Dallas McCloud, Officer Joe Federico, Officer Chad Balausky, Officer Tyler Mehalic, and Officer Cory Whitt. A letter will be placed in their file regarding their work product. Over the past year, combined, these five officers had 630 citation, 229 arrests, 1,665 charges, 6,747 calls, and 104 accidents. These officers are truly committed to the safety and betterment of the community and improving the quality of life in our community. Officer of the Year was presented to Officer Dallas McCloud. Officer McCloud has spent nearly seven years with the Painesville Police Department and in that time has consistently demonstrated a strong work ethic and creating a team atmosphere involving other officers. As a Field Training Officer (FTO), McCloud takes the role of training new officers very seriously to ensure the community is served by high-quality, dedicated officers. Congratulations to all!

LEGISLATION:

ITEM #1 ORDINANCE

3rd 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, 2nd Reading 04.01.24)

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

On roll call, Mr. Rodriguez, Mrs. Shoop, Mr. Abney, Mrs. DiNallo, and Mr. Fodor answered "Yes". Motion carried 5-0.

ORDINANCE 11-24 is ADOPTED.

ITEM #2 ORDINANCE

***1st Reading* – An Ordinance amending Section 167.071(B), 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. He stated the City has been negotiating with the unit for a new contract (FOP/LOC Patrol Unit, Lodge #90) and has agreed to contract terms with the union for a three-year deal. The administration is confident this package, base wage of 5%, of 3% and 3%, and modifications of the existing agreement are fair to the employees, the City, and to keep the police department efficient and effective. He thanked the union representatives for their professionalism throughout the productive process.

This will go to second read.

ITEM #3 RESOLUTION

***1st Reading* - A Resolution authorizing the City of Painesville, Ohio, to proceed with the demolition of an unsafe structure located at 563 Lawnview, in the City of Painesville, Lake County, Ohio, and to request the assistance and cooperation of the Lake County Land Reutilization Corporation in effecting the same, and declaring an emergency.**

City Manager Doug Lewis spoke on this piece of legislation. He stated this legislation would allow the City to move forward and demolish an unsafe structure at 563 Lawnview Avenue. The City has been working on this property for a period of time. All notices have gone out to the property owner and it has been advertised for seven weeks in the newspaper. Since this legislation was prepared, the owner has contacted the City and stated they will be hiring a contractor to demolish the property. However, the City will still proceed with the legislation in case the owner doesn't follow through. If the property is demolished by second reading, then it will be removed from the agenda.

This will go to second read.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

DEPARTMENTAL PRESENTATIONS: Engineering

City Engineer Leanne Exum gave a presentation on the following items: Outlined and explained the 2024 Capital Projects and the costs associated, the 2025 Capital Projects and the

costs associated, and the Sidewalk Program – timeline and deadlines for the wards were outlined and Bulk Price Program process. Discussion ensued about residents do not have to wait to receive a violation letter to fix their sidewalk and it is important to have walkable and safe sidewalks, there was clarification about wards inspection quarterly, some of the levy funding for capital projects being held in reserve for future projects, and the Streetscape Program and funding the City received for that project. See attached presentation slides.

ADMINISTRATIVE REPORTS: Law Director and City Manager

Law Director Jim Lyons acknowledged the high-quality of hard work of the police officers and has worked with all five of them.

City Manager Doug Lewis reported on the following items: The City met with Moody's and confirmed the City's credit rating is A-3-A. He thanked Bill Parkinson for his role in this; Highland Park had a groundbreaking event on April 12th for Payne and Payne Developers; Met with representatives from Marous Development to organize a groundbreaking event in May; Two mowing contract were awarded for a primary mower and secondary mower. Mr. Lewis reminded resident that grass over six inches is a property maintenance violation; Fire Chief Hummel is working on the SAFER Grant for hiring of additional firefighters and a resolution has been passed to apply for the grant; He welcomed back Officer Brianna Prugel who was sworn in on April 12th; He congratulated the police and fire department for their help during the solar eclipse event, and other staff members who helped with the event; He thanked and congratulated the five police officers who were recognized at tonight's meeting. Mr. Lewis stated the City does have an excellent police department; He thanked Tony Zampedro and Kris Young for their role in the negotiations with the FOP and the excellent job they did; HOLA Ohio will be having a Cinco de Mayo Fiesta in Painesville Square on Saturday, May 4th from noon to 10:00 p.m; Spring Clean Up Day is Saturday, May 11th from 8:30 a.m. to 10:00 a.m. at the Painesville Square Register to volunteer at www.painesville.com/cleanup; and Car Cruise Kick-off for the DPO is Friday, May 17th.

CORRESPONDENCE: Clerk of Council

The next regular Council meeting will be held on Monday, May 6th at 7:00 PM.

CLOSING COMMENTS: Members of Council

Mr. Rodriguez thanked those who attended tonight's meeting and watched at home, and congratulated Officer McCloud.

Mr. Abney dittoed Mr. Rodriquez's comments.

Mrs. Shoop congratulated the five officers and was please with the turn out for the Payne and Payne groundbreaking event. She thanked those involved in preparing for the event.

Mrs. DiNallo acknowledged all the comments that were made about the officers and thanked their families. She thanked Mrs. Shoop for the updates she gave on the Parks and Rec's events. She looks forward to the summer and seeing the kids out. In regards to the sidewalks, she believes in the importance of keeping up with the sidewalk program and is grateful for all the work that goes into it.

Mr. Fodor commented about the vacant lots starting to be filled up with houses. He thanked Chief Waterman for his leadership and appreciates what he does.

EXECUTIVE SESSION

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

Mrs. Shoop 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 Mrs. DiNallo. All Council Members were in favor by answering "Aye". Motion carried to move into the Executive Session at 8:01 PM.

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

Mrs. Shoop moved to adjourn the Executive Session, seconded by Mr. Rodriguez. All Council Members were in favor by answering "Aye". Motion carried to adjourn the Executive Session at 9:07 PM.

ADJOURNMENT

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

Mrs. Shoop 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 9:08 PM.

Meeting adjourned at 9:08 PM.

Samantha Danielson
Clerk of Council

Jim Fodor
President of Council

Capital Projects

Engineering Department Presentation

April 15, 2024

2024 Capital Projects



- Park Place Streetscape
- Roosevelt Drive Resurfacing
- East Washington Street Resurfacing
- Reed Avenue Reconstruction
- Liberty Street Sewer Lining
- Liberty Street Resurfacing (ODOT)
- Mill Street/Main Street Sanitary Sewer Replacement
- Sidewalk Program
- Elm Street SRTS Sidewalk Design
- Inspection of Bank Street Retaining Walls

2024 Capital Projects

Project Name	Levy	CDBG	OPWC	NOACA	General Fund	Sewer	Electric	Stormwater	ARPA
Park Place Streetscape		$60,000.00		$375,000.00			$600,000.00	$250,000.00	$650,000.00
Roosevelt Drive Resurfacing					$230,060.00				
East Washington Street Resurfacing					$356,000.00				
Reed Avenue Reconstruction	$321,560.00	$100,000.00	$321,560.00					$100,000.00	
Liberty Street Sewer Lining						$370,000.00		$180,000.00	
Liberty Street Resurfacing (ODOT)					$339,840.00				
Mill Street/Main Street Sanitary Sewer									
Sidewalk Program		$50,000.00			$350,000.00				
Elm Street SRTS Sidewalk Design					$140,000.00				
Inspection of Bank Street Retaining Walls	$25,000.00								
Retention Pond Cleanout								$50,000.00	
Totals	$346,560.00	$210,000.00	$321,560.00	$375,000.00	$1,415,900.00	$370,000.00	$600,000.00	$580,000.00	$650,000.00

2025 Capital Projects



- West Eagle Street Reconstruction
- Elm Street SRTS Sidewalk Construction
- Lincoln Boulevard Resurfacing
- Harmon Avenue Resurfacing
- East Walnut Street Design
- South State Street Design
- Latimore/Mill Design
- Sidewalk Program

*Roads may change due to funding availability and/or grant application awards.

2025 Capital Projects

Project Name	Levy	CDBG	OPWC	General Fund	Stormwater	ODOT
West Eagle Street Reconstruction *	$498,000.00		$700,000.00		$300,000.00	
Elm Street SRTS Sidewalk Construction						$400,000.00
Lincoln Boulevard	$115,000.00					
Harmon Avenue	$45,000.00			$38,000.00		
East Walnut Street Design				$70,000.00		
South State Street Design				$100,000.00		
Latimore/Mill Design				$150,000.00		
Sidewalk Program		$50,000.00		$350,000.00		
Totals	$658,000.00	$50,000.00	$700,000.00	$708,000.00	$300,000.00	$400,000.00

*Roads may change due to funding availability and/or grant application awards. We are applying for OPWC for this project.

Sidewalk Program

Sidewalk Program 2020



- This program identified sidewalks that were in violation in Ward 1 East.
- The deadline to complete these violations was October 31, 2022.
- The Engineering Department sent court citations to 32 residents.
- There are currently 8 court cases that have not complied. We originally sent out 345 violation letters.

Sidewalk Program 2021



- This program identified sidewalks that were in violation in Ward 2 North.
- The deadline to complete these violations was October 31, 2023.
- The Engineering Department will be sending out the final violation letter on May 6, 2024.
- There are currently 90 residents that have not complied. We originally sent out 361 violation letters.

Sidewalk Program 2022



- This program identified sidewalks that were in violation in Ward 3 Northeast.
- The deadline to complete these violations is October 31, 2024.
- The Engineering Department sent out violation letters to residents on September 30, 2022.
- There are currently 96 residents that have not complied. We originally sent out 205 violation letters.

Questions?
THANK YOU

Sidewalk Program 2023



- This program identified sidewalks that were in violation in Ward 3 Northwest.
- The deadline to complete these violations is October 31, 2025.
- The Engineering Department sent out violation letters to residents on October 6, 2023.
- There are currently 199 residents that have not complied. We originally sent out 246 violation letters.

Sidewalk Program 2024



- This program will identify sidewalks that are in violation in Ward 4 Northeast.
- The streets in Ward 4 Northeast are:
  - Axtell Avenue
  - Button Avenue
  - Carmody Drive
  - Community Lane
  - First Street
  - Jefferson Street
  - Kerr Avenue
  - Lexington Avenue
  - Mathews Street
  - Morse Avenue
  - Second Street
  - Stage Avenue
- The deadline to complete these violations is October 31, 2026.
- The Engineering Department will send out violation letters in February 2025 so that we can include the bulk price program information.

Sidewalk Bulk Price Program 2024



The City of Painesville is continuing the Sidewalk Replacement Program for 2024 for all the city property owners who would like to participate. This program consists of an agreement between the City of Painesville and SOA to replace property owner's sidewalk blocks that are in violation of City Code at a secured bulk rate per block for the year of 2024.

- **The prices are as follows for a standard sidewalk block up to 30 square feet in size:**
  - 4" block is $360.00
  - 6" block is $390.00
  - 8" block is $420.00
- **To participate in this program the following steps must be taken.**
  1. Contact the City Engineering Department and schedule your property evaluation and cost estimate.
  2. Property Owners shall apply for a sidewalk ROW permit at the City of Painesville Engineering department. A $45.00 fee is due, along with your block cost payment as stated above, at the time of application. Cash or check only. Both payments are non-refundable.
  3. Property Owners will also sign a waiver of Contract for work to be completed.
  4. Permit applications will be processed, approved & applied to the list of pending sidewalk blocks for the Contractor.
  5. The Engineering office will manage the program from start to finish, including all required inspections.
- **The city has three hard deadlines to accept permit applications and payments for the program:**
  - April 15, 2024
  - June 14, 2024
  - August 16, 2024