REGULAR COUNCIL MEETING
MONDAY, JULY 15, 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, Police Chief Dan Waterman, City Engineer Leanne Exum, Director of Planning Sarah Sitterle, Finance Director Bill Parkinson, Fire Chief Tom Hummel, Recreation & Public Lands Director Michelle LaPuma, Electric Plant Supervisor Paul Morton, and Senior Engineer SCADA / IT Evan Pastor, and Clerk of Council Samantha Danielson.

APPROVE AGENDA AS SUBMITTED

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

Mrs. Shoop 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 Paul Hach.

PLEDGE OF ALLEGIANCE was recited.

MINUTES: Regular Meeting 06.17.24 and Special Meeting 06.20.24

Mr. Fodor asked for a motion to approve the minutes from the Regular Meeting on June 17, 2024.

Mrs. Shoop moved to approve the minutes from the Regular Meeting on June 17, 2024, seconded by Mr. Rodriguez. All Council members were in favor by answering "Aye". Motion carried. Minutes approved.

Mr. Fodor asked for a motion to approve the minutes from the Special Meeting on June 20, 2024.

Mr. Augustine moved to approve the minutes from the Special Meeting on June 20, 2024, seconded by Mrs. Shoop. All Council members were in favor by answering "Aye". Motion carried. Minutes approved.

PUBLIC COMMENTS:

Denise Jedd, of W. Eagle Street, addressed Council with concerns of the erosion of her property due to the run-off creek. She provided pictures for council members to view. She is concern with the hazards of flooding, the erosion of the back corner of her property, and flooding of her basement. The city will look into this matter.

COMMITTEE REPORT: BZA, JEDD, Economic Development Committee, Public Land & Recreation Commission, Planning Commission

BZA

Director of Planning Sarah Sitterle gave a report for this committee which was held on June 20, 2024. She stated the following item(s) were presented to the Board of Zoning Appeals for consideration: Variance Request at 43 Blue Heron Court. An application has been submitted requesting a variance to allow the driveway to be located 1' from the side property line in lieu of the 3' permitted by the UDC. The required setbacks per the UDC states that no new driveway shall be located closer than 3' to an interior side lot line or closer than 20' from the right-of-way line of the nearest intersecting street. By a vote of 3-1 the variance request was approved to allow the applicant to install a driveway to be located 1' from the side property line; Variance Request at 226 Colonial Drive. An application has been submitted requesting a variance to allow an above ground swimming pool to encroach 5' into the rear yard setback. The UDC states that a pool and any accessory thereto shall be located a minimum of 10' from a property line in a single-family district. By a vote of 4-0 the variance request was TABLED to allow the applicant to present the case at the next meeting; Variance Request at 475 Railroad Street. An application

has been submitted by Western Reserve Railroad Association requesting a variance to allow a 6' fence within 20' of a right-of-way. The required height dimensions and setbacks per the UDC states that fences within 20' of a right-of-way or public street shall not exceed 3' in height. By a vote of 4-0 the variance request was approved to allow the applicant to install a 6' fence within 20' of a right-of-way; and Variance Request at 1902 Spruce Lane. An application has been submitted requesting a variance to allow a 6' fence within the front setback on a corner lot, in lieu of the permitted 3'. The UDC states that corner lots shall consider both yards adjacent to a public-right-of-way to be the front yard, therefore be subject to front yard setbacks. The UDC also states that fences within the front setback line of record or existing main building line, whichever is less shall not exceed 3' in height. By a vote of 3-1 the variance request was approved to allow the applicant to install a 6' fence within the front setback on a corner lot.

JEDD

Mrs. Shoop gave a report for this committee which was held on June 28, 2024. The following items were discussed: Board Member Business/Correspondence: Mr. Chris Galloway stated Concord Township has made an appointment to fill the JEDD Board member vacancy. We are pleased to welcome our newest JEDD Board member, Joe Popely, to the JEDD Board as the Business Representative and a report was given regarding information presented to the public such events occurring in Painesville; Ms. Rita McMahon stated the Ohio Auditor of State sent a bulletin regarding required fraud reporting and training for all entities every four years. The JEDD falls under the "All Other Entities" category. Beginning October 1, 2024, but no later than December 29, 2024, each JEDD Board member will be required to complete the online training. It applies to all public employees; Revenue and Expense: Through June 18, 2024 the total gross receipts are $699,251.81. They are $92,317 ahead of this time last year, up 15%. The breakdown of revenue received by each entity is JEDD $52,116.41, Painesville $149,834.71, and Concord Township $449,504.12. They are right at 50% of what they have budgeted, therefore, on track to meet their budget for this year; STAR Ohio Investment Review: Year to date investment revenue is $3,560.00. The ending checking account balance will be approximately $171,585.00. They decided to move $75,000.00 to STAR Ohio, and keep the other funds in there to cover any expenses; Quail Hollow Hotel Project: A draft report from Silverlode has been received and they discussed further steps to take. Suggestions of potential future uses based on the current market at this point in time. They have indicated there are no hotel opportunities for reuse of that building. Bottom line, they believe the best reuse of that property is a demolition of the site and reusing the 12+ acres of the property is probably the next best step. Regarding the water problem, there are a lot of dynamics and work to that to be done to address those problems and make this property viable for development. It is significant. In addition, the property is very dated and there is no bringing it back. The current owner have purchased seven similar properties, two of which are closed and all are failing. Their investment portfolio is poor, which is why they are selling the property for $7,000,000.00. Locals have offered in the 30% space (somewhere just under $2,000,000.00). Regarding the cosmetic appearance of the grounds of this property and have agreed to hire a landscaping company. The landscaper wants the entire year of service paid up front. They have been told to expect to see the grass cut within a week. Two offers have been made on the property, and they have been rejected. We have this report and have gone around the track and we are right back at the start. They probably already know that no one is going to come in and keep the property as a hotel. It's right for some kind of development, be it mixed use or residential, just an extension of what we have going on in Concord. The Township and the JEDD Board are supportive of continuing that kind of economic development in Concord and are prepared to market the property. Silverlode contract is to provide a formal presentation to the Concord Township Board of Trustees, inviting the JEDD Board to attend. Mr. Galloway stated the property owners need to understand there are two ways out 1.) Sell the property at a big loss, or 2.) Partner, long term with a buyer. Certificate of Records Disposal (RC-3) – vote was approved; JEDD Recruitment Update: none; ICSC 2024: The Retail Coach meeting was interesting. In the past, the JEDD hired Buxton, then NextSite. NextSite has given us information and provided a tool we were not able to produce. The Retail Coach provided information of what they do differently from the NextSite type of companies. Our focus must be local developers. Post pandemic, everyone is focused on five-acre development projects. To sum up, they do not believe The Retail Coach works for them right now; There is a Retail Live! Conference on November 21, 2024. Two people should attend the conference to represent the JEDD; They had an Executive Session; and the next meetings will be held on September 13, 2024 and December 13, 2024. All meetings begin at 8:00 am at the Concord Township Hall Meeting Room unless otherwise notified.

Economic Development Committee

Mr. Abney gave a report for this committee which was held on July 9, 2024. The following items were discussed: Ms. Crotty presented members with a draft resolution to amend Community Reinvestment Area (CRA) #5 to expand the geographic area to include developable property to the west of the current boundaries of the CRA, and to simplify the percentages of the terms for residential abatements. Discussion took place regarding the State regulations for CRAs and the purpose of CRAs as a flexible tool for an incentive to encourage businesses to locate. She explained that commercial and industrial abatements under CRA #5 are negotiated up to 100% and up to 10 years. Ms. Crotty presented members with legislation and a draft agreement for the proposed Crowley's restaurant at 77 S. St. Clair Avenue. The agreement commits CroIrish Burger LLC to develop and operate a Crowley's Restaurant at that location and confirms that the City of Painesville will provide a $25,000 grant for the renovation project, will work to identify suitable parking solutions, and will apply for grants to improve the streetscape. Mr. Lewis further explained a potential plan to increase parking in the area and possible funding sources. The committee unanimously recommended that the amendment be presented to the full Painesville City Council for consideration. Mr. Lewis explained that we are working with a developer who has purchased the former Northwest Bank and is planning to renovate the building for a Wingstop location. The developer is working with the Community Development Department to provide the necessary plans for approval. Mr. Lewis explained the status of the South Park Place Streetscape project and that it is on schedule for completion August 11th. The Committee moved into executive session in accordance with ORC. 121.22(8) and ended the executive session and returned to the regular meeting. There being no further business, the meeting adjourned.

Public Land & Recreation Commission

Mrs. Shoop gave a report for this committee which was held on July 9, 2024. The following items were discussed: Michelle LaPuma introduced Jerod Mulqueeny and McLean Adams to the Commission. Jerod and McLean attended the meeting to share their vision for the Skate Park rebuild in Kiwanis Recreation Park. Jerod is also the head of the Painesville Skate Association. Jerod explained that he grew up in Painesville and currently lives in Painesville. Our current skate park is dated and will eventually need costly repairs. They are hoping to build a state-of-the-art skate park that will be a destination for skaters. The closest skate park in our vicinity that is comparable is the Crooked River Park in Cleveland. Jerod and McLean joined PCIC to work with an organization that holds a 501(c)3. The 501(c)3 should help them with fund raising and possible grants. The next step for them is to have a Conceptual Design. The Painesville Skate Association has been able to raise enough funds to cover this cost. They are looking to work with a company that specializes in skate parks and understands what skateboarders are looking for in the design; There has been an overwhelming participation at the Splash Pad. There is constant activity with children playing at the splash pad well into the evening hours. The community is actively using both the Splash Pad and Dog Park; Justin Gollin gave an update to the Commission on the upcoming summer/early fall events: Story Time with Fire – Wednesday, August 14 – 6 p.m. in Veteran's Park; Movie in the Park – Saturday, August 24 – 7 p.m. in Veteran's Park. Movie is Trolls Band Together; Farmer's Market has three (3) special days coming up: Christmas in July – July 25th, Kids Day – August 8th, and Free Hot Dog Giveaway – September 5; Story Time with Police – Wednesday, September 18 – 6 p.m. in Veteran's Park, and Chili Cook Off – Saturday, September 21 – 1 p.m. in Veteran's Park; Further discussion was on Commission Members whose terms are expiring December 31, 2024. Meeting adjourned and the next Meeting October 8, 2024.

Planning Commission

Director of Planning Sarah Sitterle gave a report for this committee which was held on June 13, 2024. The following items were discussed: Conditional Use Permit request: An application was submitted by the Board of Lake County Commissioner requesting a Conditional Use Permit to allow a public use to be permitted in the B-2 General Business District. By a vote of 3-0 a motion to approve the Conditional Use Permit to allow a public use to be permitted in the B-2 General Business District with the following conditions: 1. The final site plan should be prepared by an Engineer with parking space and parking lot setback dimensions provided. If the final site plan results in a substantial change from the preliminary site plan, such as parking spaces, then the applicant will need to return to the Planning Commission for approval of a modification. 2. The requests for variances for the building height, front setback encroachment, and fence height are proposed for the July 18, 2024, Board of Zoning Appeals meeting. The preliminary plan as proposed is dependent upon the approval of the variances. The staff recommends the approval of the preliminary site plan and architectural design with the following stipulations: 1. The final site plan substantially in compliance with the preliminary site plan shall

be submitted to the Administration for approval, 2. Final architectural drawings substantially in compliance with the architectural drawings submitted with the conditional use permit shall be submitted to the Administration for approval, and 3. Detailed landscape plan with final plant selection shall be submitted to the Administration for approval. Certificate of Appropriateness request: An application was submitted by the Board of Lake County Commissioners requesting a Certificate of Appropriateness for the new Lake County Public Safety Center. By a vote of 3-0 a motion to approve the Certificate of Appropriateness for the new Lake County Public Safety Center with the following conditions: 1. Provide more landscaping surrounding the sheriff's garage, and 2. The fencing is to be installed in accordance with the Historic Downtown Design Review District design criteria and code requirements. Temporary Use Parking Lot in the B-2 District: An application was submitted by the Board of Lake County Commissioners requesting temporary use on a lot located in the B-2, General Business District. The applicant wishes to use the lot as a parking lot while the new county jail building is under construction. By a vote of 3-0 a motion to approve the temporary use of a parking lot on the subject property with the following conditions: 1. There is a one-year timeframe for the temporary use of a parking lot. Come back to the Planning Commission for approval in one year, 2. Acquire the appropriate permits for removing the existing apron on E. Erie Street, and 3.The parking lot should be paved with a temporary asphalt surface. Certificate of Appropriateness request: An application was submitted by the Board of Lake County Commissioners requesting a Certificate of Appropriateness for the demolition of 197 N. St. Clair Street. By a vote of 3-0 a motion to approve the Certificate of Appropriateness for the demolition of 197 N. St. Clair Street with the following conditions: 1. A pre-demolition meeting is held for the properties proposed to be demolished, 2. Demolition permits are issued prior to demolition of the structures, and 3. Clean hole inspections are scheduled after the structures are demolished prior to filling in the holes with dirt. Certificate of Appropriateness: An application was submitted by the Board of Lake County Commissioners requesting a Certificate of Appropriateness for the demolition of 175 E. Erie Street. By a vote of 3-0 a motion to approve the Certificate of Appropriateness for the demolition of 175 E. Erie Street with the following conditions: 1. A pre-demolition meeting is held for the properties proposed to be demolished, 2. Demolition permits are issued prior to demolition of the structures, and 3. Clean hole inspections are scheduled after the structures are demolished prior to filling in the holes with dirt. Certificate of Appropriateness: An application was submitted by the Board of Lake County Commissioners requesting a Certificate of Appropriateness for the demolition of 201-209 S. St. Clair Street. By a vote of 3-0 a motion to approve the Certificate of Appropriateness for the demolition of 201-209 S. St. Clair Street with the following conditions: 1. A pre-demolition meeting is held for the properties proposed to be demolished, 2. Demolition permits are issued prior to demolition of the structures, and 3. Clean hole inspections are scheduled after the structures are demolished prior to filling in the holes with dirt. Certificate of Appropriateness: An application was submitted by the Board of Lake County Commissioners requesting a Certificate of Appropriateness for the demolition of 215 N. St. Clair Street. By a vote of 3-0 a motion to approve the Certificate of Appropriateness for the demolition of 215 N. St. Clair Street with the following conditions: 1. A pre-demolition meeting is held for the properties proposed to be demolished, 2. Demolition permits are issued prior to demolition of the structures, and 3. Clean hole inspections are scheduled after the structures are demolished prior to filling in the holes with dirt. Certificate of Appropriateness: An application was submitted by the Board of Lake County Commissioners requesting a Certificate of Appropriateness for the demolition of 216 E. Jackson Street. By a vote of 3-0 a motion to approve the Certificate of Appropriateness for the demolition of 216 E. Jackson Street with the following conditions: 1. A pre-demolition meeting is held for the properties proposed to be demolished, 2. Demolition permits are issued prior to demolition of the structures, and 3. Clean hole inspections are scheduled after the structures are demolished prior to filling in the holes with dirt. Certificate of Appropriateness: An application was submitted by the Board of Lake County Commissioners requesting a Certificate of Appropriateness for the demolition of 99 E. Erie Street and 125 E. Erie Street. By a vote of 3-0 a motion to approve the Certificate of Appropriateness for the demolition of 99 E. Erie Street and 125 E. Erie Street with the following conditions: 1. A pre-demolition meeting is held for the properties proposed to be demolished, 2. Demolition permits are issued prior to demolition of the structures, and 3. Clean hole inspections are scheduled after the structures are demolished prior to filling in the holes with dirt. As part of the Conditional Use Permit, (CUP), for the new Public Safety Center to be located on E. Erie Street and E. Jackson Street, notice was sent regarding Council's ability to request a public hearing within 15 days after receipt of the written notification to set a public hearing to review the decision of the commission and either affirm, amend, or deny the permit. If a public hearing is not requested, the CUP will be issued to the Lake County Board of Supervisors on July 30th.

Kevin Moore, of Fairlawn Ave., addressed Council in regards to the missing sidewalk at 546 Fairlawn Ave. It was clarified the owner was cited and has made arrangements to have it fixed.

LEGISLATION:
ITEM #1 ORDINANCE
***1st Reading* – An Ordinance amending Section 167.071 (G), 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 a tentative agreement has been reached, unfortunately, the votes are not in. It was asked to go to second reading, so they have time to vote on the agreement.

This will go to second reading.

ITEM #2 ORDINANCE
***1st Reading* – An Ordinance amending appropriations and to authorize additional inter-fund transfers and advances the current expenses and other expenditures of the City of Painesville, State of Ohio, for the fiscal year beginning January 1, 2024 and adopting the operating budget, and declaring an emergency.**

Finance Director Bill Parkinson spoke on this piece of legislation. He stated this is mostly due to the fire department. They have an existing ambulance that needs a remount and are requesting $160,000. This was a project from 2023 and due to issues beyond the fire department's control, had to be moved to 2024. There is no negative impact to the budget. The budget adjustments are coming from fund 220 and 236, and additional funding from the 1997 fire engine sale. The $164,000.00 towards these projects was encumbered initially in 2023 and was returned to the budget in 2024.

Mrs. DiNallo 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.

Mrs. DiNallo moved to adopt, seconded by Mrs. Shoop.
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 26-24 is ADOPTED.

ITEM #3 ORDINANCE
***1st Reading* – An Ordinance to authorize additional cash advances of funds for current expenses and other expenditures of the City of Painesville, State of Ohio during the fiscal year beginning January 1, 2024, and declaring an emergency.**

Finance Director Bill Parkinson spoke on this piece of legislation. He stated this legislation is to avoid negative cash balances in regard to grant reimbursements under AOS Bulletin 97-003. The City is requesting to advance $2,000.00 from the General Fund (101) to the Victim Advocates Grant Fund (234); to advance $26,000.00 from the General Fund (101) to the Purchase Card Rotary Fund (810); and to advance $63,000.00 from the General Fund (101) to the CDBG Grant Fund (955). This advance will be returned when the grant reimbursement funds and/or resident payments are received. He further explains the City is requesting to advance $25,000.00 from the General Fund (101) to the 279 Local Grant Fund; to advance $150,000.00 from the General Fund (101) to the 299 Federal Grant Fund (and adjust the appropriations accordingly) to facilitate the construction of a skate park at Rec Park with County ARPA funds. The advances will be returned once the reimbursement is received by the City from Lake County; and to advance $65,704.00 from the General Fund (101) to the 289 State Grant Fund (and adjust the appropriations accordingly) to facilitate the continued operations of the following individual grants. The advances will be returned once the reimbursement is receipted by the City from the various state agencies. $4,993.00 OEPA Community Litter Grant Program, $8,150.00 Ohio Bureau of Workers Comp, the Transitional Work Program Grant; $12,201.00 Ohio Bureau of Workers Comp; Power Stair Chairs Grant; and $40,360.00 Ohio Department of Natural Resource, the Dog Park Grant. Revenues are coming in better than expected in various funds. He asked Council to raise the revenue appropriations equal to the revenues coming in for accurate revenues of the City.

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

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. Augustine.

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 27-24 is ADOPTED.

ITEM #4 RESOLUTION

***1st Reading* – A Resolution authorizing and directing the City Manager to apply for and accept financial assistance from the Ohio Department of Natural Resources (ODNR) Nature Works Grant to be used towards the installation of a Skate Park, and declaring an emergency.**

Recreation & Public Lands Director Michelle LaPuma spoke on this piece of legislation. She stated this is the third submission to apply and accept funding of a Nature Works grant for the skate park.

Mrs. DiNallo moved to suspend, 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.

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

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 36-24 is ADOPTED.

ITEM #5 RESOLUTION

***1st Reading* – A Resolution authorizing and directing the City Manager to enter into a development agreement with CroIrish Burger LLC for the purposes of development at 77 S. St. Clair Street, and declaring an emergency.**

Economic Development Director Susan Crotty spoke on this piece of legislation. She stated this legislation authorizes the City Manager to enter into an agreement with CroIrish Burger LLC, the proposed location of the Crowley's Restaurant. They are planning to move forward and this agreement outlines their commitment of both parties including a $25,000 in grant assistance through the City's Commercial Retention and Redevelopment Grant program as well as a Community Reinvestment Area property tax abatement. The property is located in CRA #2, which is a pre-1992 CRA. They commit to owning and operating Crowley's Restaurant which is a local chain. They will need to apply for a design review approval, building permits, and meet any other zoning regulations. It was also asked for them to hire local residents and join the Downtown Painesville Organization. This information was presented at the Economic Committee meeting on July 9, 2024. It was asked to pass tonight. Parking concerns were addressed, and timeline is to be determined.

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

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 37-24 is ADOPTED.

ITEM #6 RESOLUTION

***1st Reading* – A Resolution authorizing the City Manager to sign the necessary documents to allow the City to participate in the Kroger Opioid Settlement, and declaring an emergency.**

City Manager Doug Lewis spoke on this piece of legislation. He stated this legislation would allow the City to participate in the OneOhio lawsuit in the Kroger opioid settlement. This is an opportunity for the City to obtain additional money to spend in accordance with the

requirements of the funding agreement. The deadline is August 12, 2024. It was recommended to pass it tonight.

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

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

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

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

RESOLUTION 38-24 is ADOPTED.

ITEM #7 RESOLUTION

***1st Reading* – A Resolution authorizing and directing the City Manager to apply for and accept funding from the American Public Power Association ("APPA") for a subaward for developing and deploying cybersecurity defense, and declaring an emergency.**

Senior Engineer SCADA / IT Evan Pastor spoke on this piece of legislation. He stated the City was offered the opportunity to participate as a sub-awardee to a grant the American Public Association has received receive a grant from the Department of Energy. This will allow electrical systems to apply hardware and software solutions to protect their systems both from internet cybersecurity attacks and to ensure the equipment is up to date with the latest and greatest firmware for effective operations. It was asked to be passed tonight so to more forward.

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

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

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

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

RESOLUTION 39-24 is ADOPTED.

ITEM #8 RESOLUTION

***1st Reading* – A Resolution amending Resolution No. 42-18 passed November 19, 2018 relating to Community Reinvestment Area #5, and declaring an emergency.**

Economic Development Director Susan Crotty spoke on this piece of legislation. She stated this legislation is to amend the resolution created CRA #5 which is a post-1995 CRA. The legislation amendment is to expand the geographic area to the west of the City where there are no tax incentives available. This geographic area would include the Encore Business Park property as well as some other industrial property along Jackson Street. The amendment also includes proposed changes to simplify the percentages granted for residential projects, as well as some grammatical corrections and removal of redundant or unnecessary language, and simplify the residential process and abatements.

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

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

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

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

RESOLUTION 40-24 is ADOPTED.

ITEM #9 RESOLUTION

***1st Reading* – A Resolution approving the creation of the Payroll Rotary Fund and the Purchase Card Rotary Fund for the 2024 Operating Budget, and declaring an emergency.**

Finance Director Bill Parkinson spoke on this piece of legislation. He stated this legislation is a recommendation from the Auditor of State's Office to have Council formally adopt the creation of the Payroll Rotary Fund and Purchase Card Fund. He explained it is an accounting mechanism in which payroll costs are pulled out of all the funds and put into one

fund to make payments. Establish these funds to account for the funding and expenditure of monies specific to the respective funds. This is recommended by the Auditor of State.

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

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

Mr. Augustine moved to adopt, 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 7-0.

RESOLUTION 41-24 is ADOPTED.

UNFINISHED BUSINESS: Outdoor smoking on City property, Fireworks Update

Outdoor smoking on City property

City Manger Doug Lewis stated Council was provided with a copy of the ordinance for outdoor smoking from the City of Mentor. After reviewing the ordinance, Council wanted it brought forth for discussion. Council members had no questions and/or discussion, and this matter was left for a future time to discuss.

Fireworks Update

Police Chief Dan Waterman gave an update: Officers indicated seeing more fireworks than anyone can recall and were sent out to triage the calls. The results of their efforts, and statistics showing the scope of the complaints are as follows: Overall Officers responded to 355 complaints from July 3rd to July 7th, notwithstanding having had two different stabbing incidents on the 4th itself; Officers responded to 175 fireworks complaints since July 1st, and nearly 80% (136) were from July 3rd to July 7th; 100 fireworks complaints could not be verified to an address; 32 Warnings were Issued for Fireworks; 5 of those Warnings included a warning for Disorderly Conduct; 3 Citations Issued; and Officers proceeded from call to call during their entire shifts receiving positive feedback from residents. Concerns about safety and property damage was brought forth. Chief Waterman clarified that injuries and/or property damage were not due to fireworks. Follow-up on data and information will need to be collected for more discussion of this matter. It was asked for a follow-up to be provided with the results of the citations issued and court decisions.

NEW BUSINESS: Reappointment of Doug Lewis to JEDD Board, Process to determine the future of Painesville's electric power, Appointment of Electric Superintendent

Reappointment of Doug Lewis to JEDD Board

Mr. Augustine made a motion to reappoint Doug Lewis to the JEDD Board as an employee representative beginning January 1, 2025, for a four-year term, seconded by Mrs. Shoop.

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

Process to determine the future of Painesville's electric power

Mr. Fodor stated that the Electric Committee would give some advice or direction to Council regarding this situation. It was clarified it is moving forward by passing the recent legislation to apply for the solar grant and decommission the plant, but still distributing and maintaining the electric plant. If the City does not receive the grant, a "plan B" is being put together for alternative fuels within our electric department to run our peak power. The City should receive notice soon whether it received the grant or not. Discussion ensued about coal supply and decommissioning of the mines in the near future. A rate study, by UFS, will be done for electric and net metering. Concerns about noise pollution from the solar panels was brought forth. The Electric Committee and Administration will keep Council informed with the progress and recommendations.

Appointment of Electric Superintendent

City Manager Doug Lewis stated he was pleased to advise City Council that he have chosen Joe Price to fill the position Electric Superintendent. Most recently, Mr. Price has served as the Village Administrator for the Village of Grafton for the last nine years, including the role of Director of Public Utilities and Electric Superintendent. He holds many certifications from associations including but not limited to FEMA, Department of Homeland Security, American Municipal Power, Ohio Economic Development Association and The US Department of Transportation/National Highway Institute. Mr. Price was recently re-elected to the AMP Board

of Trustees, representing the Village of Grafton. He is also serving his fourth term as Councilman-at-Large for the City of Broadview Heights. Mr. Lewis believes his experience will provide a solid background for this position. Mr. Price will start August 5, 2024. Mr. Lewis, therefore, submitted for Council's concurrence Joe Price for the position Electric Superintendent as required by Article II, Section 3 of the City of Painesville Charter.

Mr. Augustine made a motion to appoint Joe Price for the position of our Electric Superintendent, seconded by Mrs. Shoop.

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

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 is operating the plant for peaking power through the week; Crowley's had their contractors on site and are looking forward to the progress. They will be putting in an outdoor patio for outdoor seating; and Party in the Park begins this Friday through Sunday. Park Place and Main Street to St. Clair Street will be closed on Wednesday at 10:00 PM for set-up. No Farmer's Market will be Thursday. During Party in the Park, while there are a number of food vendors, also support local vendors such as MMM…Yummy and Subway.

CORRESPONDENCE: Clerk of Council

The next regular Council meeting will be held on Monday, August 19th at 7:00 PM; Lake County Fair Parade will be Tuesday, July 23rd at 6:00 PM starting at Mentor Ave. to Fairground Road; National Night Out will be Tuesday, August 6th from 6:00 to 8:00 PM at the Painesville Square; Story Time at the Painesville Dog Park will be August 7th at 1:00 PM at the Kiwanis Recreation Dog Park. Register to attend at the Morley Library; Art in the Park will be Saturday, August 10th from 10:00 AM to 3:00 PM at the Painesville Square; Community Observation Partnership Program (COPP) will be Wednesday, August 14th at Lathrop Park Pavilion for Ward 4D and 4A at 6:00 PM. Information is available on our website; and Story Time with the Fire Department will be August 14th at 6:00 PM at the Painesville Square.

CLOSING COMMENTS: Members of Council

Mr. Rodriguez thanked everyone who attended and watched tonight's meeting.

Mr. Augustine had no comments at this time.

Mrs. Shoop asked Mr. Lewis for a "no engine retarding brake" sign from the County.

Mrs. DiNallo had no comments at this time.

Mr. Hach stated he sold his house.

Mr. Abney had no comments at this time.

Mr. Fodor commented for everyone to be safe and enjoy the Party in the Park event.

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 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; 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(3) To discuss pending or potential litigation involving the City, seconded by Mrs. Shoop.

All Council members were in favor by answering "Aye". Motion carried to move into the Executive Session at 8:29 PM.

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

Mr. Abney 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 9:46 PM.

ADJOURNMENT

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

Mr. Abney 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 9:46 PM.

Meeting adjourned at 9:46 PM.

Samantha Danielson
Clerk of Council

Jim Fodor
President of Council