ORDINANCE NO. ____- 24.

AN ORDINANCE AMENDING SECTION 1107, 1113.06(d), AND SECTION 1115.31 OF THE PAINESVILLE CODE OF 1998, RELATING TO AGRICULTURE USE IN THE S-1 SPECIAL DISTRICT AND R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Painesville has provided a Text Amendment change to the Unified Development Code Sections 1107, 1113.06(d) and 1115.29, regarding Agriculture Use; and

WHEREAS, the Planning Commission reviewed the proposed Text Amendment on March 14, 2024; and

WHEREAS, the Planning Commission made a favorable recommendation to City Council to amend Sections 1107, 1113.06(d) and 1115.29; and

WHEREAS, Section 1111.11 of the Unified Development Code requires City Council to consider the Planning Commission's recommendation and vote on the amendment after holding a public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I: The Text Amendment changes to the Unified Development Code in Section 1107, 1113.06(d) and Section 1115.29 are hereby adopted:

Chapter 1107 Definitions

Amend the following definition:

(7) Agriculture - The use of land for farming of crops, ~~dairying, pasturage, agriculture, horticulture~~, floriculture, and viticulture, ~~and animal and poultry husbandry~~ and the necessary accessory structures ~~and uses~~ for performing these ~~operations including the residence of the owner or operator~~ when the products are propagated for sale on a parcel of property that exceeds five acres. The growing of crops, floriculture and viticulture solely for personal use shall not be considered agriculture. The raising of domesticated animals does not constitute agriculture.

Add the following definitions:

(69.1) Domesticated Animal – For purposes of this Chapter domesticated animal shall mean dog, cats, gerbils and similar small animal, pot belly pigs, and similar animals that generally are harbored within the primary residence and chickens.

(90.1) Gardening, personal – The accessory use of land on a residential property to grow vegetables, flowers, fruits, and similar products primarily for the use of the resident of the property. Incidental sale of products may be permitted on a seasonal basis if approved by the Planning Director or assigned designee.

Amend Section 1113.06(d) as follows: (see next page)

1113.06(d)											
Main Use Category	***S-1***	***R-1***	***R1-60***	***R-2***	***B-1***	***B-2***	***B-3***	***DD***	***M-1***	***M-2***	***Use Standards***
Residential Uses											
Agriculture, not less than five acres	~~P~~ C	~~P~~ C									1115.31
Adult Family Home	P	P	P	P	C						
Adult Group Home			P	C	C						
Age Restricted Housing				C	C						1115.02
Assisted Living Facility				C	C						1115.02
Residential Uses											
Cluster Development	C	C		C							1115.03 1115.05
Dormitories/Student Housing		C		C			C	C			1115.27
Dwelling, duplex,				P	C			C			1115.05
Dwelling, multi-family				P	C			C			1115.04 1115.05
Dwelling, single-family	P	P	P	P	C			C			1115.05 1115.06
Dwelling, single-family attached								C			
Skilled Nursing Care Facility				C	C						1115.02
Commercial Uses											
Animal Grooming						P					
Automotive Service Station and Fuel Sales						P					
Automotive Repair						P					
Automotive/Vehicle Wash						C					
Bar or Tavern						P	P	C			
Bed and Breakfast		C		C	C						1115.07
Brewpub, microbrewery or microwinery					C	P	P	P			1115.08
Business Park Development						C					1115.19 1115.24
Clinic/Medical Office						P	P				1115.09
Contractor Shops, no storage yard						P					
Day Care Facility, Children				C	C	P		P			
Day Care Facility, Adult					C	C					
Event Center		C		C	C		C				1115.28
Financial Institution					P	P	P	P			
Financial Institution, with drive through facility					C	P	C	C			1115.10

Funeral Home	P	P			P						
Funeral Home with crematory facility	C	C			C						1115.25
Hotel						P	P				
Inn				C							1115.11
Kennels and Animal Boarding									P	P	1115.12
Offices, more than 3,000 sq. ft.					C	P	P	P	P	P	1115.09 1115.13
Offices, not more than 3,000 sq. ft.					P	P	P	P	P	P	1115.09 1115.13
Parking Area/Lot				C			C	C			1115.14 1115.15
Personal Services Establishment					P	P	P	P			
Personal Services Establishment with drive through					C	P					1115.10
Recording Studio						C					1115.26
Recreation Facility, commercial/ organizational						P			C	C	1115.16
Restaurant					C	P	P	P			
Restaurant, with drive through facility						P					1115.10
Retail Sales						P	P	P			
Retail Sales, transitional					C	P	P	P			
Similar use, commercial					C	C	C	C			1113.06(c)
Tattoo Parlor or Body-piercing studio					C	C	C	C			1115.17
Theater							P				
Veterinary Clinic, with boarding									C	C	
Veterinary Clinic, no boarding						P					1115.18
Wholesale Businesses											
Industrial uses							C		P	P	1115.19
Manufacturing or Chemical Processing									P	P	1115.19
Contractor Shops, with Storage yard									P	P	1115.19
Manufacturing, Extractive										C	1115.19
Manufacturing, Heavy										C	1115.19

Industrial Sales/Service Establishments									P	P	1115.16
Laboratory or Research Facilities									P	P	1115.19
Light manufacturing and Assembly uses									P	P	1115.19
Self-Storage Facilities									C	C	1115.19 1115.20
Similar use, industrial									P	P	1113.06(c)
Truck Terminal									P	P	1115.19
Warehouse and Distribution Centers									P	P	1115.19
Public, Quasi-Public and Institutional uses											
Cemeteries	P										
College/University	P	P									
Community Center	P	C	C	C	C	C					
Community Garden	P	P	P	P	P	P	P	P	P	P	1115.21
Cultural Institutions		C			P	P					
Club, Fraternal, Service		C			P	P					
Freestanding Cell Tower									C	C	1115.29
Golf Course	C			C							
Hospital	P			C	P	P					
Parking Garage							C	C			
Parking Area/Lot					C		C	C			
Places of Worship	P	P		P	P	C	C				1115.30
Public use	C	C	C	C	C	C	C	C	C	C	1115.22
Radio and Television Studios						P					
Recreational Facilities, noncommercial	C	C	C	P		P			C		
Schools, Compulsory	P	P	P	P							

Add Section 1115.31 Agricultural Use

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.
(f) Residential dwellings shall not be permitted as an accessory use to the agricultural main use.

SECTION II: That this Ordinance is hereby declared to be an emergency measure for the immediate preservation of the public peace, health, and/or safety and for the welfare of the citizens of the City of Painesville and for further reason to establish standards for agricultural uses within the City of Painesville, and; therefore, this Ordinance shall be in full force and effect immediately upon passage by the City Council.

PASSED:

EFFECTIVE DATE:

Jim Fodor
President of Council

ATTEST:

Samantha Danielson
Clerk of Council

ORDINANCE NO. _____-24

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.

WHEREAS, pursuant to Ohio Revised Code §5705.41(D)(1), the City may not enter into any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the City's Finance Director that the amount required to meet the obligation has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances; and

WHEREAS, Ohio Revised Code §5705.41(D)(1) further provides that in such circumstances when no certificate is furnished as required and the expenditure is for $3,000.00 or more, the City's Council, as the City's taxing authority, may authorize the drawing of a warrant in payment of amounts due upon such contract or order upon certification by the Finance Director that there was at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances; and

WHEREAS, such certificate of the Finance Director is known as a "Then and Now Certificate", meaning that the funds were available when the contract was made and when the amount due under the contract was/is paid; and

WHEREAS, the City is issuing Then and Now Certificates in connection with payments due and owing, as shown on Exhibit A attached; and

WHEREAS, City Council deems it to be in the best interest of the health, safety and welfare of the City to approve the execution by the Finance Director of Then and Now Certificates and to authorize the payment of amounts due under the contracts or orders, requiring the expenditure of $3,000.00 or more.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I: That the Council of the City of Painesville, pursuant to §5705.41(D)(1) of the Ohio Revised Code, hereby approves the execution of Then and Now Certificates by the Finance Director and authorizes payments due and owing, in accordance with the schedule below and incorporated herein.

VENDOR	DATE of SERVICE	INVOICE #	AMOUNT
Burgess & Niple	11/16/2022	1052054	$1,500.00

VENDOR	DATE of SERVICE	INVOICE #	AMOUNT
Burgess & Niple	11/16/2022	1052086	$18,770.46
Burgess & Niple	02/27/2023	1071337	$36,000.00
Burgess & Niple	03/15/2023	1071863	$2,588.18
Burgess & Niple	04/21/2023	1079459	$911.52
Burgess & Niple	07/26/2023	1095195	$6,873.65
Burgess & Niple	01/30/2024	1124418	$13,835.83

SECTION II: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION III: That this ordinance is hereby declared to be an emergency measure

necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Painesville, the immediate emergency being the necessity to approve execution of Then and Now Certificates by the Finance Director within the current operation of the City in order to meet the requirements of State Law, and; therefore, this Ordinance shall take effect immediately upon its passage and approval by the City Manager.

PASSED:

EFFECTIVE:

By:

_____
Jim Fodor
President of Council

_____
Samantha Danielson
Clerk of Council

ORDINANCE NO. ___-24

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.

WHEREAS, pursuant to Ordinance No. 10-23 passed on May 15, 2023 (the "Note Ordinance"), the City of Painesville (the "City") issued its $3,005,000 Economic Development Nontax Revenue Bond Anticipation Notes, Series 2023 (Federally Taxable) (the "Outstanding Notes"), which Outstanding Notes mature on May 3, 2024; and

WHEREAS, upon determining that the City will use the property described in the Note Ordinance for municipal purposes only, this Council finds and determines that the City should retire the Outstanding Notes (plus accrued interest) with the proceeds of the Notes described in Section 3; and

WHEREAS, the Director of Finance ("Fiscal Officer"), as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 30 years and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the issuance of the Bonds, is 240 months from their date of issuance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO, THAT:

SECTION 1. Authorized Principal Amount of Anticipated Bonds; Purpose. It is necessary to issue bonds of the City in the aggregate principal amount not to exceed $3,500,000 (the "Bonds") for the purpose of paying costs the acquisition of real estate in the City to be improved and used for municipal purposes.

SECTION 2. Terms of the Bonds. The Bonds shall be dated approximately May 1, 2025, shall bear interest at the now estimated rate of 6.75% per year, payable semi-annually until the principal amount is paid, and are estimated to mature in 30 annual principal installments on December 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are not more than three times the amount of those payments in any other fiscal year. The first interest payment on the Bonds is estimated to be December 1, 2025, and the first principal payment of the Bonds is estimated to be December 1, 2025.

SECTION 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in the maximum principal amount of $3,500,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds, including the payment of financing costs related to the issue of the Notes. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Fiscal Officer may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the "Certificate of Award"). The Notes shall bear interest at a rate not to exceed 6.5% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Fiscal Officer in the Certificate of Award.

The aggregate principal amount of Notes to be issued consistent with this Ordinance shall be issued in an amount determined by the Fiscal Officer in the Certificate of Award to be the aggregate principal amount of Notes required to be issued at this time, taking into account any premium above or discount from the aggregate principal amount of the Notes at which they are sold to the original purchaser and other City funds available for the purpose, in order to affect the purpose for which the Notes are to be issued, including paying the costs of issuance of the Notes.

SECTION 4. Payment of Debt Charges; Paying Agent; Prepayment. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America, as determined by the Fiscal Officer in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of U.S. Bank Trust Company, National Association, or at the designated corporate trust office or other office of a bank or trust company designated by the Fiscal Officer in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. If agreed to by the Original Purchaser, the Notes shall be prepayable without penalty or premium at the option of the City at any time prior to maturity (the "Prepayment Date") as provided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the paying agent of the principal amount of the Notes together with interest accrued thereon to the Prepayment Date. The City's right of prepayment shall be exercised by mailing a notice of prepayment, stating the Prepayment Date and the name and address of the paying agent, by certified or registered mail to the Original Purchaser and to the paying agent not less than seven days prior to the Prepayment Date. If money for prepayment is on deposit with the paying agent on the Prepayment Date following the giving of that notice, interest on the principal amount prepaid shall cease to accrue on the Prepayment Date. The Fiscal Officer may request the Original Purchaser to use its best efforts to arrange for the delivery of the Notes at the designated office of the paying agent for prepayment, surrender and cancellation.

SECTION 5. Execution of Notes; Book Entry System. The Notes shall be signed by the City Manager and the Fiscal Officer, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denomination of $5,000 or any integral multiple thereof. The entire principal amount may be represented by a single note and may be issued as fully registered and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Fiscal Officer that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Fiscal Officer and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

As used in this section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes deposited and maintained in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and deposited and maintained in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such

shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Fiscal Officer may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer does not or is unable to do so, the Fiscal Officer, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable to order form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Fiscal Officer is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

SECTION 6. Award and Sale of the Notes.

(a) To the Original Purchaser. The Notes shall be sold at not less than par plus accrued interest to the original purchaser designated by the Fiscal Officer in the Certificate of Award (the "Original Purchaser") in accordance with law and the provisions of this Ordinance. The Fiscal Officer shall sign the Certificate of Award evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The City Manager, the Fiscal Officer, the Law Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements, paying agent agreement, note purchase agreement, placement agent agreement, term sheet and other commitments, and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Fiscal Officer is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

(b) Primary Offering Disclosure – Official Statement. The City Manager and the Fiscal Officer, on behalf of the City and in their official capacities, are authorized to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, an official statement in connection with the original issuance of the Notes, (ii) determine, and to certify or otherwise represent, when the official statement is to be "deemed final" (except for permitted omissions) by the City or is a final official statement for purposes of subsections (b)(1), (3) and (4) of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), (iii) use and distribute, or authorize the use and distribution of, that official statement and any supplements thereto in connection with the original issuance of the Notes and (iv) complete and sign that official statement as so approved together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of that official statement as they deem necessary or appropriate.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Notes, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The City Manager and the Fiscal Officer are authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement.

The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Solicitor and/or bond counsel or other qualified independent special counsel selected by the City. The Fiscal Officer, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Application for Rating; Financing Costs. The Fiscal Officer is authorized to request a rating for the Notes from one or more nationally-recognized rating agencies in connection with the sale and issuance of the Notes. The expenditure of the amounts necessary to secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Notes is authorized and approved, and the Fiscal Officer is authorized to provide for the payment of any such amounts and costs from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7. Application of Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

SECTION 8. Application and Pledge of Bond or Renewal Note Proceeds or Excess Funds. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

SECTION 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due. In each year the amount of the tax shall be reduced by the amount of lawfully available municipal income taxes appropriated and to be applied to the payment of the debt charges on the Notes or the Bonds in compliance with the following covenant. To the extent necessary, the debt charges on the Notes or the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Sections 133.05(B)(7) and 5705.51(A)(5) and (D) of the Revised Code, to appropriate annually from such municipal income taxes such amounts, and to continue to levy and collect such municipal income taxes in such amounts, as are necessary to meet such annual debt charges. Nothing in this section in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes or the Bonds.

Section 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal

income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Fiscal Officer or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Notes as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

SECTION 11. Certification and Delivery of Ordinance. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance to the Lake County Auditor.

SECTION 12. Satisfaction of Conditions for Note Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

SECTION 13. Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Fiscal Officer is authorized to provide for the payment of those fees and any reimbursements from the proceeds of the Notes to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 14. Retention of Municipal Advisor. In connection with the issuance of the Notes, the municipal advisory services of Sudsina & Associates, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and

recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Fiscal Officer is authorized to provide for the payment of those fees and any reimbursements from the proceeds of the Notes to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 15. Prior Acts Ratified and Confirmed. Any actions previously taken by City officials or agents of this Council in furtherance of the matters set forth in this ordinance are hereby approved, ratified and confirmed.

SECTION 16. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 17. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 18. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare of the inhabitants of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

PASSED:

EFFECTIVE:

_____
Jim Fodor
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE CITY OF PAINESVILLE, OHIO:

As fiscal officer of the City of Painesville, Ohio, I certify in connection with your proposed issue of notes (the Notes) in the aggregate principal amount not to exceed $3,500,000, to be issued in anticipation of the issuance of bonds (the Bonds) to provide funds to pay costs of the acquisition of real estate in the City to be improved and used for municipal purposes, that:

1. The estimated life or period of usefulness of the improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 30 years, being my estimate of the life or period of usefulness of that improvement. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

2. The maximum maturity of the Notes is 240 months from their date of issuance.

Dated: _____, 2024

_____
Director of Finance
City of Painesville, Ohio

RESOLUTION NO. ____-24

A RESOLUTION ADOPTING AND IMPLEMENTING THE CITY OF PAINESVILLE 2024-2027 STRATEGIC PLAN, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Painesville has engaged in a strategic planning process over the course of the past year to create the 2024-2027 Strategic Plan (Strategic Plan);

WHEREAS, the Strategic Plan sets forth a Vision and Goals for the period of 2024- 2027;

WHEREAS, a copy of the Strategic Plan is attached hereto as Exhibit A and City Council is prepared to move forward with the Strategic Plan that is adopted by Council for the time period of 2024-2027.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I: That the City Council hereby adopts the Strategic Plan that is attached hereto as Exhibit A for the time period of 2024-2027 and the City Manager is hereby authorized and directed to take all necessary actions to implement this Strategic Plan.

SECTION II. That this Resolution is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to immediately work on implementing the strategic plan, and; therefore, this Resolution shall become effective immediately upon its passage.

PASSED:

EFFECTIVE:

_____

Jim Fodor
President of Council

ATTEST:

_____

Samantha Danielson
Clerk of Council

City Council Strategic Plan

2024-2027

EXECUTIVE SUMMARY REPORT ON COUNCIL'S STRATEGIC PLAN

Goal 1: Economic Prosperity

<u>Objective 1.1</u> – Providing adequate financial resources

a) Existing Businesses
b) New Businesses
c) Each Utility of Painesville

Goal 2: Strengthen infrastructures to Support the City's Mission

<u>Objective 2.1</u> – Capital projects for the Painesville utilities

<u>Objective 2.2</u> – Improvement for transportation avenues

a) Roadways
b) Sidewalks

Goal 3: Create an organization that continually improves itself

<u>Objective 3.1</u> – Create a system improvement process that is systemic and systematic:

a) Improve customer service
b) Provide professional development
c) Creation of an Ambassador program

Goal 4: Improve the Quality of Life and Growth of our Community

<u>Objective 4.1</u> – Maintain or improve amenities:

a) Evaluation and improvement of Parks and Public Lands
b) Support Senior residents' engagement

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GOAL 4: IMPROVE THE QUALITY OF LIFE AND GROWTH OF OUR COMMUNITY

OBJECTIVE: 4.1 MAINTAIN OR IMPROVE THE AMENITIES THAT WE OFFER THAT AFFECT THE QUALITY OF LIFE.

Painesville's City Council Strategic Plan

Mission Statement

To ensure and improve the quality of life
and growth of our community

Core Values

Core values guide Painesville's City Council in Core Strategic Areas for providing guidance and directions for the governance of Painesville.

1. **Respect:** Consideration for each other and the diversity we bring to the community.

2. **Resourcefulness:** Acting effectively, responsibly and imaginatively with the resources provided.

3. **Integrity**: Adhering to the highest standard of honesty, professionalism and ethical behavior in all we do.

4. **Commitment:** Remain obligated to the course of action identified and embrace it in all our actions.

Strategic Plan Goals

Goal 1: Economic Prosperity

Objective: 1.1 Provide adequate financial resources to implement each department's 3-to-5 year improvement plan.

Goal 2: Strength Infrastructure to Support the City's Mission

Objective: 2.1 Continue to evaluate, upgrade and improve the utilities of Painesville.

Objective: 2.2 Continue to evaluate, upgrade and improve the transportation avenues of Painesville.

Goal 3: Create an organization that continually improves itself

Objective: 3.1 Create a system improvement process that is systemic and systematic.

Goal 4: Improve the Quality of Life and Growth of our Community

Objective: 4.1 Maintain or improve the amenities that we offer that affect the quality of life.

Goal 1: Economic Prosperity

	Who is Responsible	Action Step	Time Frame	Needed Resources	Evaluation/ Measure of Success
Objective 1.1 **Provide adequate financial resources to implement each department's 3-5 year improvement plan**					
Strategy 1.1.1 Stable economic growth from existing businesses/employees to implement each department's improvement plan	• Economic Development Committee • Economic Development Director • City Manager • Finance Director	• Economic Development Committee meets quarterly per year 1st Quarter- Review previous year dollar amounts and determine goals for current year. 2nd & 3rd Quarter – Monitor growth/loss 4th Quarter – Review year totals	Yearly budgetary process	• Financial data from Finance Director • Projected capital projects • Increase personnel	Periodic updates by CM or Designee
Strategy 1.1.2 Stable economic growth from new businesses/employees to implement each department's improvement plan	• Economic Development Committee • Economic Development Director • City Manager • Finance Director	• Economic Development Committee meets quarterly per year 1st Quarter- Review previous year dollar amounts and determine goals for current year. 2nd & 3rd Quarter – Monitor growth/loss 4th Quarter – Review year totals	Yearly budgetary process	• Financial data from Finance Director • Projected capital projects • Increase personnel	Periodic updates by CM or Designee
Strategy 1.1.3 Each utility develops a 3-to-5 year plan where they operate in the Black as it applies to Objective 2.1	• City Manager • Department Heads • Finance Director • Finance Committee	• Finance Committee meets quarterly per year to determine revenues and expenditures for each department	Yearly budgetary process	• Quarterly revenues and expenditures for each department	Periodic review of the projection of revenues and expenditures for the next 3-to-5 years CM or Designee updates Council
Strategy 1.1.4 New Business/Industry opportunities in the City: work force growth/loss	• Economic Development Director • Economic Development Committee • City Manager	• Collect data of new businesses/industries • Collect City Income Tax data on existing and new businesses	Yearly budgetary process	• Data from County Auditor	Percentage of growth/loss CM or Designee to periodically update council

Goal 2: Strengthen infrastructure to Support the City's Mission

	Who is Responsible	Action Step	Time Frame	Needed Resources	Evaluation/ Measure of Success
Objective 2.1 **Continue to evaluate, upgrade, and improve the utilities of Painesville**					
Strategy 2.1.1 Create a 3-to-5 year plan for evaluation and improvement of the Water Department	• Department Head • City Manager • Finance Director	• Department Head will develop with the City Manager and Finance Director a 3-to-5 year improvement plan.	Yearly budgetary process	• Capital projects • Staff needs	• Presentation to Finance Committee • Presentation to Council • Unless changes occur updates annually throughout the 3-5 years
Strategy 2.1.2 Create a 3-to-5 year plan for evaluation and improvement of the Electric Department	• Department Head • City Manager • Finance Director • Electric Committee	• Department Head will develop with the City Manager and Finance Director a 3-to-5 year improvement plan.	Yearly budgetary process	• Capital projects • Staff needs	• Presentation to Finance Committee • Presentation to Council • Unless changes occur updates annually throughout the 3-5 years
Strategy 2.1.3 Create a 3-to-5 year plan for evaluation and improvement of the Storm Water Department	• Department Head • City Manager • Finance Director	• Department Head will develop with the City Manager and Finance Director a 3-to-5 year improvement plan.	Yearly budgetary process	• Capital projects • Staff needs	• Presentation to Finance Committee • Presentation to Council • Unless changes occur updates annually throughout the 3-5 years
Strategy 2.1.4 Create a 3-to-5 year plan for evaluation and improvement of the Water Pollution Control Department	• Department Head • City Manager • Finance Director	• Department Head will develop with the City Manager and Finance Director a 3-to-5 year improvement plan.	Yearly budgetary process	• Capital projects • Staff needs	• Presentation to Finance Committee • Presentation to Council Unless changes occur updates annually throughout the 3-5 years

	Who is Responsible	Action Step	Time Frame	Needed Resources	Evaluation/ Measure of Success
Objective 2.2 **Continue to evaluate, upgrade, and improve the transportation avenues of Painesville**					
Strategy 2.2.1 Create a 3-to-5 year plan for evaluation and improvement of the roadways in Painesville	• City Engineer • Finance Director • City Manager	• City Engineer will develop with the City Manager a 3-to-5 year improvement plan.	Yearly budgetary process	• Bi-Yearly rating of road conditions provided City Engineer	• CM or Designee Periodic updates to Council on progress for road repairs for the current year • Council should be informed of changes to the roads in the plan
Strategy 2.2.2 Create a 16 year plan for evaluation and improvement of the sidewalks in Painesville	• City Engineer • Finance Director • City Manager	• City Engineer will develop with the City Manager a 16 year improvement plan.	Yearly budgetary process	• Yearly rating of sidewalk conditions provided City Engineer	• Yearly report to Council on projected progress for sidewalks by City Manager • Council should be informed of changes to the plan

Goal 3: Create an organization that continually improves itself.

	Who is Responsible	Action Step	Time Frame	Needed Resources	Evaluation/ Measure of Success
Objective 3.1 **Create a system improvement process that is systemic and systematic**					
Strategy 3.1.1 Improve customer service to Businesses and Residents by providing City employees with professional development, surveys, and individual performance evaluations	• City Manager • Department Heads	• Data collection from customers by: 1. survey 2. monitoring customers' interactions	TBD by Administration/ Department Heads	• Data collecting program	• Data collected quarterly to be shared with employees, department heads and Council • Report to Council timeframe TBD
Strategy 3.1.2 Provide Professional Development to all Department Heads to increase organizational effectiveness	• Council Members • City Manager • Department Heads	• Research Organizational Best Practices • Provide professional development associated with best practices	During Staff Meetings/Department Heads	• Time (TBD) • Monies (TBD)	• Data collected quarterly to be shared with employees, department heads and Council • Report to Council timeframe TBD
Strategy 3.1.3 Implement an Ambassador's Program that has Council Members engaging the City's stakeholders	• Council Members • City Manager	• Each Councilperson will be assigned to a stakeholder associated with the City (i.e. non-profits, schools, existing businesses, DPO)	TBD by Council Should be before the 6-30-2024	• Time (TBD) • Monies (TBD)	Individual Council Members reporting to Council during Council Meetings

Goal 4: Improve the Quality of Life and Growth of our Community

	Who is Responsible	Action Step	Time Frame	Needed Resources	Evaluation/ Measure of Success
Objective 4.1 **Maintain or improve the amenities that we offer that affect the quality of life**					
Strategy 4.1.1 Create a 3-to-5 year plan for evaluation and improvement of the Parks and Public Lands Department – may include funding for recreation projects	• Council Members • City Manager • Recreation & Public Lands Director • Finance Director • Parks & Recreation Commission	• Collect data for current recreational facilities • Collect data for current recreational activities • Projected new facilities/activities	Yearly budgetary process	• Monies (TBD)	• Monitor residential use of facilities • Monitor residential use of activities
Strategy 4.1.2 Engagement for Painesville area local Seniors	• Senior Committee • Public Lands & Recreation	• Create activities to include: (1) Daily interactions (2) Guest speakers (3) Field trips	Yearly budgetary process	• Monies (TBD)	• Monitor residential use of facilities • Monitor residential use of activities

RESOLUTION NO. ____-24

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

WHEREAS, Boiler #5 had severe damage from a boiler tube leak that affected other auxiliary equipment and was required to be repaired; and

WHEREAS, as of today, all the affected equipment including the boiler have been repaired except for the feed pump; and

WHEREAS, the feed pump is essential for safe boiler operation; and

WHEREAS, the pricing to repair the pump is expected to exceed $50,000 which requires City Council approval, but not the competitive bidding threshold of $75,000.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That the City Manager is hereby authorized and directed to obtain three (3) quotes and enter into a contract, including any and all ensuing change orders, with the company that provides the lowest and best quote for the repair of the Boiler #5 Feed Pump.

SECTION II. That this Resolution is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to obtain the lowest and best bids for the safe operation of the Electric Plant, and; therefore, this Resolution shall become effective immediately upon its passage.

PASSED:

EFFECTIVE:

_____

Jim Fodor
President of Council

ATTEST:

_____

Samantha Danielson
Clerk of Council