ORDINANCE NO. ____-23

AN ORDINANCE AMENDING CHAPTER 909 "SIDEWALKS" OF THE PAINESVILLE CODE OF 1998, AND DECLARING AN EMERGENCY.

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

SECTION I. That Chapter 909 of the Painesville Code of 1998 is hereby amended to read as follows:

909.01 REPAIR OF SIDEWALK; NOTICE TO OWNER.

(a) It shall be the duty of every owner, agent or person having the control of any lot or land abutting upon a public sidewalk within the City to keep the sidewalk abutting the premises in good repair and free from obstructions or nuisance.

(b) If any owner, agent or person having the control of any lot or land abutting upon a public sidewalk within the City fails to keep the abutting sidewalk in good repair and free from obstructions or nuisances, said owner, agent or person having the control of any lot or land within the City shall be liable to the City for any damages recovered against the City sustained by any person by reason of said sidewalk being out of repair, obstruction or nuisance.

(c) Upon notice that any sidewalk within the City is in need of repair, or is obstructed, or that a nuisance exists with respect to the condition of such sidewalk, the City Manager**, City Engineer, or their designee** shall notify in writing the owner, agent or person referred to in subsection (a) hereof of the condition required to be corrected. If the person so notified shall fail, for thirty days **or for the period of time that is stated in the notice of violation,** after service of such notice, to cause the sidewalk to be repaired or the obstruction to be removed or the nuisance to be abated, the **City Manager, City Engineer may proceed in the manner set forth in Ordinance 909.06**~~, or their designee shall cause the sidewalk to be repaired or the obstruction to be removed or the nuisance to be abated, and charge the expense plus twenty-five percent (25%) for inspection, administration and other costs in connection therewith, against the property owner. If the property owner fails to pay the same within thirty days after notice of the amount of the expense, the Director of Finance shall certify the same to the Lake County Auditor to be placed upon the tax duplicate and collected as other taxes are collected according to law~~.

909.02 CONSTRUCTION.

Whenever new construction or major alterations are undertaken, the work shall include the replacement, repair or construction of sidewalks as appropriate, along the full length of all street frontages. New sidewalks shall be constructed to City specifications and at grades approved by the City Engineer.

909.03 REPAIR OF VIADUCTS; NOTICE TO OWNER.

(a) It shall be the duty of every owner, agent or person having the control of any viaduct abutting upon a public sidewalk within the City to keep the viaduct painted, in good repair, and free from all litter, noxious weeds and rank vegetation as defined in these Codified Ordinances.

(b) It shall be the duty of the City Manager upon complaint by any resident of the City, or upon notice that any viaduct within the City is in need of

painting, repair, or that litter, noxious weeds or rank vegetation exists with respect to the condition of such viaduct, to require the compliance with this section.

(c) The City Manager**, City Engineer, or designee** shall notify in writing the owner, agent or person referred to in subsection (a) hereof of the condition required to be corrected, and if the person notified shall fail for thirty days after service of such notice to cause the viaduct to be painted, repaired or remove all litter, noxious weeds or rank vegetation, the City Manager shall cause the viaduct to be painted, repaired or the litter and vegetation to be removed and charge the expense plus twenty-five percent (25%) for inspection, administration and other costs in connection therewith against the property owner. If the owner fails to pay the same within thirty days after notice of the amount of the expense, the Director of Finance shall certify same to the Lake County Auditor to be placed upon the tax duplicate and collected as other taxes are collected according to law.

(d) Any owner, agent, or person having control of any viaduct abutting upon a public sidewalk within the City, violating any provision of this section shall be guilty of a minor misdemeanor. If the offender has previously been convicted of this offense, a violation of this section is a misdemeanor of the third degree. If the offender has previously been convicted of this offense three times, violation of this section is a misdemeanor of the second degree. If the offender has previously been convicted of this offense four or more times, violation of this section is a misdemeanor of the first degree.

909.04 TIME EXTENSIONS FOR COMPLIANCE.

Where the owner and/or occupant of a premises is unable to comply with a notice of violation within the time period specified, the owner may enter into an agreement with the City Manager, City Engineer, or designee detailing a program to abate nonconformance within a reasonable time limit as determined by the City. The property owner must present a written request or complete the sidewalk repair/maintenance extension form for an extension within two weeks of the notice of violation is served on the Owner and/or occupant. The City Manager, City Engineer, or designee will review the request and provide a written response which may, if accepted, be stamped "Approved as presented" or with "Approved with noted modifications" and returned to the property owner. Any further modifications to the approved timeline thereafter shall be done in writing.

909.05 FAILURE TO COMPLY.

No person who is the owner and/or occupant of a premises shall fail, neglect or refuse to comply with any notice of the City Manager, City Engineer, or designee that was issued for a violation of Section 909.01 or 909.02 within the time period specified in such notice. If there is a violation, then the City Manager, City Engineer, or designee shall proceed as provided in Section 909.01, 909.06 or 909.07, whichever is applicable.

No person who is the owner of a viaduct abutting upon a public sidewalk within the City shall fail, neglect or refuse to comply with any notice of the City Manager, City Engineer, or designee that was issued for a violation of Section 909.03 within the time period specified in such notice. If there is a violation, then the City Manager, City Engineer, or designee shall proceed as provided in Section 909.03 to abate the violation or to prosecute the action as is set forth in Section 909.03. Failure to comply with the provisions of Section 909.03 shall carry the penalty and right to abate the violation as specified in that Ordinance.

909.06 ABATEMENT OF VIOLATIONS.

Where the owner and/or occupant of any premises fails to comply with a notice of violation of any of the provisions of Chapter 909 of this Code, within the time period specified in such notice, the City Manager, City

Engineer, or designee may at the option of the City Manager, City Engineer, or designee cause such violation to be corrected, removed or abated. The City Manager may contract with a private person or firm to accomplish such task.

The actual cost of bringing the property into compliance plus twenty-five percent (25%) for inspections and administration and other costs in connection therewith shall be billed to the owner. If such bill is not paid within thirty days after submission, then the Director of Finance shall certify such costs to the County Auditor for placement on the tax duplicate to be collected as other taxes for return to the City. This provision does not apply to violations of Section 909.03.

909.07 PROSECUTION OF VIOLATIONS.

Where the owner and/or occupant of any premises fails to comply with a notice of violation of any of the provisions of Chapter 909 of this Code, such owner or occupant shall be considered to be in violation of this Code and the City Manager, City Engineer, or designee shall proceed at law to compel compliance and to prosecute such violation. This provision does not apply to violations of Section 909.03.

909.07 APPEALS.

Any owner and/or occupant who is served a notice of violation of any of the provisions of Chapter 909 of this Code, may within ten days of receipt of such notice appeal the findings of the City Manager, City Engineer, or their designee. Such appeal shall be made by filing with the Board of Zoning Appeals a notice of appeal on forms provided for such purpose. Such an appeal shall be scheduled for a hearing before the Board of Zoning Appeals. The Fee for filing such an appeal shall be $20.00 because it is not necessary to publish in the newspaper or to notify the neighboring property owners. The procedures for such appeals and hearing shall be as set forth in Chapter 1109.05 of the Unified Development Code.

909.99 PENALTY.

Whoever violates **Sections 909.01, 909.02, or 909.04** is guilty of a minor misdemeanor. A separate offense shall be deemed committed upon each day during or on which the offense occurs or continues.

SECTION II. That this ordinance 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 necessity to adopt additional regulations to help insure compliance with the City's Building and Street Codes, and therefore this Ordinance shall become effective immediately upon its passage.

PASSED:

EFFECTIVE:

_____
Christine Shoop
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

ORDINANCE NO. ____-23

AN ORDINANCE AMENDING SECTION 107.03 OF THE PAINESVILLE CODE OF 1998 RELATING TO MEETING DATES OF COUNCIL, AND DECLARING AN EMERGENCY

SECTION I. That Section 107.03 of the Painesville Code of 1998 is hereby amended to read as follows:

107.03 MEETING DATES OF COUNCIL.

The regular meeting dates of Council are hereby determined to be the first and third Mondays of each and every calendar month and which regular Council meetings may be held at ~~7:30~~ 7:00 p.m. of the prevailing time in the Council Chambers, City Hall, Painesville, Ohio or any other location within the City of Painesville as designated by City Council in accordance with Section 107.04 on the following day. In the event either the first or third Monday of any calendar month falls upon a legal holiday, the regular Council meeting so falling on such legal holiday shall be held at 7:00 ~~7:30~~ p.m. on the following day.

SECTION II. That this Ordinance 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 change the time of the City Council Meetings to allow for greater exposure to the residents, and therefore, this Ordinance shall be effective immediately upon its passage.

PASSED:

EFFECTIVE:

_____
Christine Shoop
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

ORDINANCE NO._____-23

AN ORDINANCE AMENDING ORDINANCE 929.06 – APPLICABLE RIDERS AND DECLARING AN EMERGENCY

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

SECTION 1. That Section 929.06 – Applicable Riders is hereby amended to read as follows:

929.06 APPLICABLE RIDERS.

(a) Power Cost Adjustment-Rider No. 1. The power cost adjustment per kWh, which shall be applied to all kWh units sold under these rate schedules, shall be calculated as a rolling twelve (12) month average, shall be the sum of purchased power supply costs based on data from the most recent twelve-month period preceding the start of the billing month to which the adjustment is to be applied, less an average retail power supply cost of $0.0600 per kWh, which has been incorporated into all retail base rate schedules. Components of the adjustment are hereby adopted for all utility bills issued on and after June 1, 2018, and are calculated as follows:

12 month P/S Cost ($) - $0.0600
12 month P/S units / 1.048

(1) Power supply cost. The power supply cost increment per kWh shall include all costs incurred in the procurement of adequate power supply, transmission of power supply, and adjustments required to reconcile previous over/under PCA collections.

(2) If at any time the power cost adjustment for a month increases by more than fifty percent (50%) over the preceding month, it may be spread equally over two billing periods. The portion to be carried over into the second billing period shall be adjusted by the ratio of the net kWh units of the first month to the net kWh units of the second month.

(b) Primary Metering Discount-Rider No. 2. If the electricity is metered on the primary side of the transformer, a discount of two percent (2%) of the ~~primary meter registration~~ **total electric bill, prior to any applicable taxes**, in each of the City's electric schedules shall be allowed for electricity so metered.

(c) School Discount-Rider No. 3. For electricity provided to all public schools and property within the City corporation limits and under the jurisdiction of the local Board of Education, a discount of thirteen and seven tenths percent (13.7%) shall be allowed for the total electric billing plus power cost adjustments in each of the City's electric schedules.

SECTION 2: That this Ordinance is passed as an emergency measure in order to allow the City's new utility software program to properly calculate the discounts for this class of electric customer. The Ordinance is necessary for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville and this Ordinance shall become effective at the earliest date allowed by law.

PASSED:

EFFECTIVE:

_____
Christine Shoop
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

RESOLUTION NO. ____-23

RESOLUTION APPROVING THE ESTABLISHMENT OF PAINESVILLE COMMUNITY ENTERTAINMENT DISTRICT 1, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Painesville is a landowner in the City of Painesville and the City Economic Development Director has submitted an application to the City Manager in order to establish a Community Entertainment District (CED) pursuant to Ohio Revised Code Section 4301.80 for the purpose of creating additional liquor permits to further encourage economic development within the downtown central business district. This Application was forwarded to City Council for their consideration on Monday, September 5, 2023; and,

WHEREAS, as required by Ohio Revised Code 4301.80, the City Manager has reviewed and recommended approval of the proposed CED;

WHEREAS, a public hearing will be held on the CED on Monday, October 16, 2023 after the publication requirement that is set forth in Revised Code Section 4301.80; and

WHEREAS, a CED is an economic development tool that supports revitalization of neighborhoods, encourages mixed-use environments, and allows new businesses to open and operate, thereby creating jobs; and,

WHEREAS, a CED provides opportunities for businesses to purchase D-5j liquor permits to be issued in the defined CED area; and

WHEREAS, the Ohio Division of Liquor Control continues to administer the issuance of all liquor permits, including the D-5j permits for CED properties; and

WHEREAS, the application will be submitted for the creation of the CED is for approximately 230 acres and the CED will be located in an area bounded generally by the Grand River to the east, Washington Street to the South, Liberty Street to the west, and Erie Street to the north, more fully described on the map attached hereto as Exhibit A; and,

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

SECTION I: That the City Council determines that the proposed CED will substantially contribute to entertainment, retail, educational, sporting, social, cultural, or arts opportunities for the community and affirms the filing of the application.

SECTION II: That the City Council hereby approves the application and creation of the proposed CED as submitted to the City Manager, which shall be known as the Painesville Community Entertainment District 1 as is described in Exhibit A that is attached hereto.

SECTION III: That this Resolution is declared to be an emergency measure necessary for the immediate protection and preservation of the public peace, health, safety and general welfare of the inhabitants of the City of Painesville and for the further need to submit the application by the deadline; and therefore, this Resolution shall be effective immediately upon its passage.

PASSED:

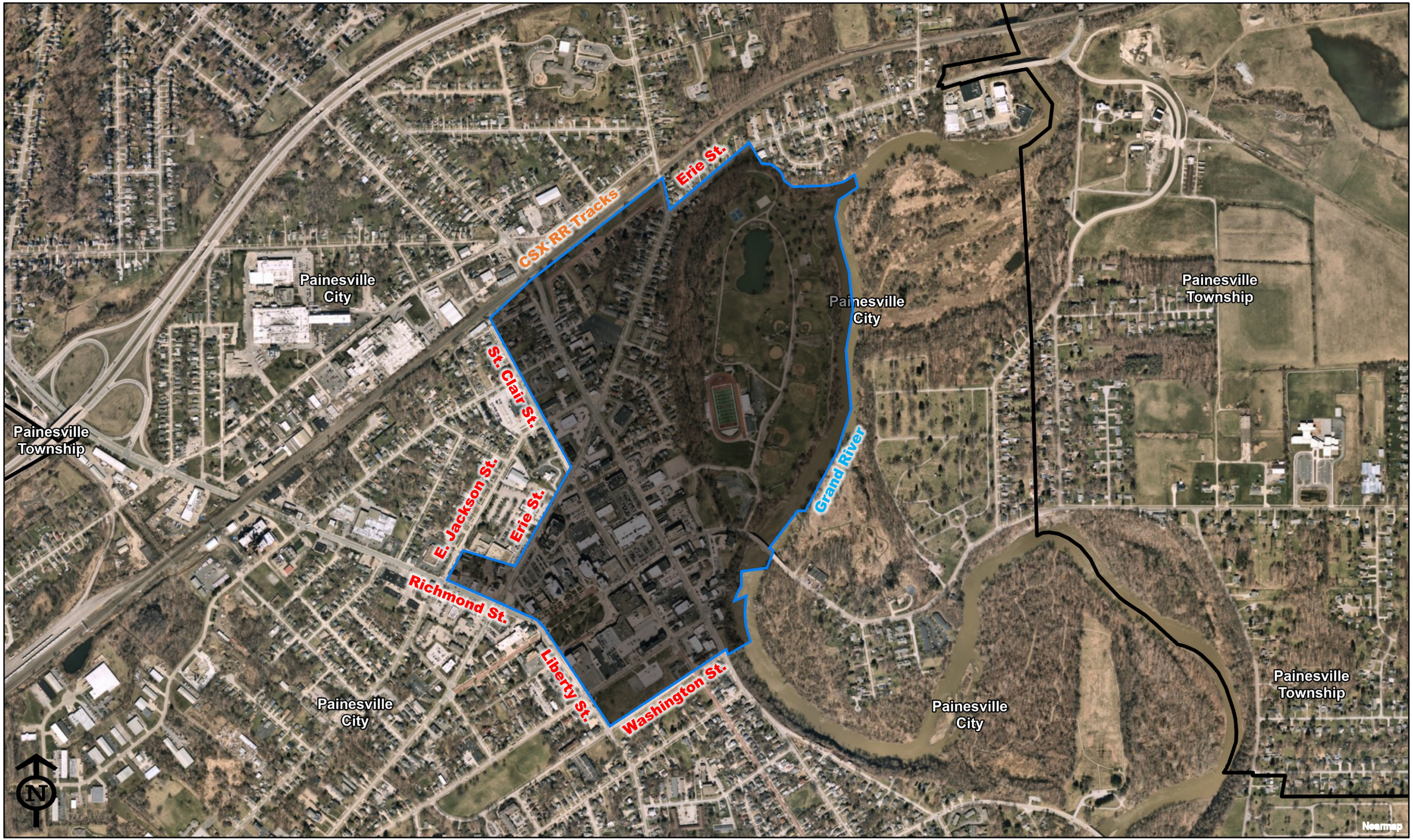
EFFECTIVE:

_____
Christine Shoop
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

Proposed Painesville Community Entertainment District 1



Property lines are graphic representations and are **NOT** survey accurate.

Lake County GIS Dept. / Lake County Tax Map Dept., 105 Main Street, Painesville, OH

1 inch = 752 feet

Creation Date: June 23, 2023

RESOLUTION NO. ____-23

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE ASPHALT RESURFACING OF LIBERTY STREET IN THE CITY OF PAINESVILLE, AND DECLARING AN EMERGENCY.

WHEREAS, the public interest demands that Liberty Street be resurfaced in the City of Painesville; and

WHEREAS, the City of Painesville wishes to cooperate with the Ohio Department of Transportation (ODOT), and share the cost of the construction within the City of Painesville; and

WHEREAS, the City of Painesville shall act as the Local Public Agency (LPA) for the above described project.

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

SECTION I. That the City of Painesville (LPA) has determined the need for the described project:

Resurface Liberty Street (CR-360) from SR 84 to the City of Painesville Corporation Line in Painesville Township and from the City of Painesville Corporation Line to just south of Washington Street in the City of Painesville in Lake County. Suspend/Resume work at NS Railroad right-of-way.

SECTION II. Being in the public interest, the City of Painesville (LPA) gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties.

SECTION III. The City of Painesville (LPA) shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement.

The LPA agrees to participate in the cost of the project. The LPA agrees to assume and contribute the entire cost and expense of the improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation. The LPA agrees to assume and bear one hundred percent (100%) the cost of preliminary engineering, right-of-way and environmental documentation.

The LPA further agrees to pay one hundred percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION IV. The City of Painesville (LPA) hereby authorizes the City Manager of said City to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon the request of ODOT, the City Manager is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City to ODOT

arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION V. The City of Painesville (LPA) agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION VI. Upon completion of the project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal Law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VII. 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 to expedite the highway project and to promote highway safety immediate passage is necessary so as to meet filing deadlines, and therefore, this Resolution shall become effective immediately upon its passage.

PASSED:

EFFECTIVE:

_____
Christine Shoop
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

RESOLUTION NO. ____-23

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPLY FOR AND ACCEPT FUNDING FROM LAKE COUNTY FY 2023 COMMUNITY BLOCK GRANT PROGRAM FOR THE RECONSTRUCTION OF REED AVENUE, AND DECLARING AN EMERGENCY.

WHEREAS, Lake County Board of Commissioners makes available financial assistance to improve communities in Lake County for the purpose of addressing community development needs through the Federal Community Development Block Grant Program; and

WHEREAS, Lake County's Planning and Community Development (LCPCD) Office is accepting applications for the FY 2023 Community Development Block Grant Program in 2023; and

WHEREAS, funding through the FY 2023 Community Development Block Grant Program will enable the City of Painesville to continue to improve the community and address the needs of the low to moderate income residents within our community; and

WHEREAS, the Reconstruction of Reed Avenue project application will be submitted to the LCPCD Office.

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

SECTION I. That the City Council hereby authorizes and directs the City Manager to execute and file an application with the Lake County Planning and Community Development Office and to provide all information and necessary documentation required to become eligible for possible funding assistance through the FY 2023 Community Development Block Grant Program.

SECTION II. That the City Council hereby authorizes the City Manager to accept the FY 2023 Community Development Block Grant funding awarded by the Lake County Board of County Commissioners to the City of Painesville, Ohio.

SECTION III. That this Resolution is hereby declared to be an emergency measure necessary for the protection and preservation of the peace, health, safety, and general welfare of the inhabitants of the City of Painesville, to wit: the immediate need to secure additional funding for a necessary roadway project, and; therefore, this Resolution shall be effective immediately upon its passage.

PASSED:

EFFECTIVE:

_____
Christine Shoop
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

RESOLUTION NO. _____-23

A RESOLUTION AUTHORIZING A CITY POLICY TO ALLOW THE EXPENDITURE OF PUBLIC FUNDS FOR THE BENEFIT OF EMPLOYEES AND VOLUNTEERS AND OTHERS AS DESCRIBED IN THE POLICY, AND DECLARING AN EMERGENCY

WHEREAS, the City Administration and this Council recognize the value in providing meals and refreshments, for staff, council, citizens and/or advisory groups, who participate in meetings and staff development sessions, or on other occasions to provide items to recognize achievements by an employee as deemed appropriate by the administration and/or Council; and

WHEREAS, in order to implement such a policy, it is necessary for Council to pass a Resolution that approves such a policy.

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

SECTION I. That Council adopts the following policy that shall be implemented by the Administration:

AMENITIES FOR PARTICIPANTS AT MEETINGS AND/OR OTHER OCCASIONS

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

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

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

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

SECTION II. That all formal actions of this Council concerning the passage of this Resolution were adopted in an open meeting, and all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22, of the Ohio Revised Code.

SECTION III. 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 to put the policy in place immediately upon passage to ensure compliance with the State Auditor's Office, and;

therefore, this Resolution shall become effective immediately upon its passage.

PASSED:

EFFECTIVE:

_____
Christine Shoop
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council