

REGULAR COUNCIL MEETING
TUESDAY, SEPTEMBER 8, 2020- 7:30 pm

President Paul Hach called the regular meeting to order at 7:30 PM. City Council convened for a regular meeting in Council Chambers, with the following in attendance in person: Councilpersons Paul Hach, Christine Shoop, Tom Fitzgerald and Lori DiNallo, City Manager Monica Irelan-Dupree, Law Director Joe Gurley, City Planner Lynn White, Clerk of Council Valerie Vargo and the following in attendance by video or phone conference: Jim Fodor, and Nick Augustine.

On roll call for attendance, Christine Shoop, Lori DiNallo, Jim Fodor, Tom Fitzgerald, Nick Augustine, and Paul Hach were present.

Mr. Hach asked for a Motion to approve the agenda as submitted.

Mrs. Shoop moved to approve the agenda, seconded by Mr. Fitzgerald.

On roll call, Mr. Fitzgerald, Lori DiNallo, Nick Augustine, Jim Fodor, Christine Shoop, and Paul Hach were in favor. Motion carried.

Lori DiNallo gave the invocation. The Pledge of Allegiance was recited.

President Hach asked for a motion to approve the meeting minutes as submitted for:

- Regular Meeting 8.17.20

Mrs. DiNallo motioned to approve the minutes, seconded by Mrs. Shoop

Mrs. DiNallo, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald and Paul Hach were all in favor by answering "Yes". Motion carried.

Public Comment

Ms. Jenkins, Thank you very much for returning my call yesterday regarding attending the council meeting, even as you were contending with technology. You mentioned that if I emailed you, you could read the email into the public record during the next meeting. The contents of my statements are below and I ask that it be read into the public record in its entirety if possible. Thank you again for your help.

My name is Steven Meshenberg and I am a resident of Painesville on South St. Clair Street. I was very shocked to learn outside the door of the municipal court that the council meeting scheduled for Monday August 7th, 2020 at 7:30PM was not being held in courtroom #1 as stated on the city website. I was further shocked to learn that this information had not been posted anywhere and that residents could only have gleaned this information by reading the Governor's order stipulating that no public meetings of 10 or more people should be held. But I was appalled to learn that the meeting would only be broadcast after it was held, that no live public comment was allowed, and that the only way for a resident to enter a statement into the public record at a council meeting is to email it to their council representative and ask that it please be read. In truth I do believe that Ms. Jenkins is of sound repute and will read this message as she has promised to do, but I can easily envision a future in which Ms. Jenkins is replaced by a less scrupulous representative who would not. In the year two thousand and twenty having survived for many months so far, I find it untenable that a group of several very capable and intelligent council members who I trust as a resident of Painesville to represent me and to govern myself and my neighbors cannot easily find some technological way to bring the council meetings to the people of the city that they represent. I implore the council to at once provide a live teleconference of the council meetings to the residents of Painesville. Many such methods are available: Zoom, GoToMeeting, WebEx, Discord, Facebook Live etc. If the council is without sufficient technical support, I would gladly volunteer a time on an evening or a weekend to assist with this if it would speed the process or help the city.

But this issue is not the one that I arrived on August the seventh to discuss. My issue is with the much less interesting 1983 City of Painesville Code, Section 917.02. I received a notice from the Community Development Department stating that the city had "...noted rank vegetation..." at my property and that if I failed to "...accomplish the required mowing/cutting within seven (7) days..." that the city would mow it for me, charge me for the service, and charge

an additional \$75.00 for re-inspection. I cannot dispute the claim as it gives no indication as to when the observation of my property was made, nor does it provide any evidence of it. I have no choice but to accept it as due process. My only recourse is to ask that the law allowing this be changed. I have detailed several proposed changes and amendments to the 1983 City of Painesville Code Chapter 917 "Weeds and Trees" that I hope will provide specificity to the law and I wish that they be read into the public record. Thank you very much for your attention. My proposed changes are as follows:

1. Amend section 917.04 to read "Such notice shall bear the date of observation and photographic evidence of the offence." Residents should have clear and irrefutable evidence of their offences.
2. Commit sufficient changes to the chapter such that a notice is sent only if two unacceptable observations are made, not less than one week apart. Residents should be given sufficient time during the week to mow their lawns. One observation on the day before a resident already planned to mow their lawn should not be sufficient grounds for a notice.
3. Increase the length associated with the definition of "Rank vegetation" from Section 917.01 (c) from six inches to eight to align with the City of Mentor. Six inches of grass could easily grow during the course of one week, and it is only reasonable to expect residents to mow their lawn once per week at minimum.
4. Commit sufficient changes to the chapter in order to create an appeals process, wherein a resident may provide contrary photographic evidence. Residents should be allowed to refute claims from the city.
5. Suspend enforcement of this chapter for one year, or temporarily allow additional notices before charging residents for city mowing services. While the health and safety of residents should be of paramount importance as always, six inches of grass poses no reasonable or credible threat to public health. The middle of a pandemic and one of the worst recessions our country has ever experienced is no time for the city to assess petty lawn charges to its residents. Landscaping laws are not designed to generate revenue and should not be wielded as such.

Committee Report

Mrs. White gave the BZA report. There was one variance request. They requested for a 6-foot chain link fence for security reasons.

Mrs. Shoop gave the Parks and Rec committee report. They moved it up from their regular meeting because they had to find volunteers for Fall Fest. They had a successful camp this year after having to cancel the first part and replacing it with camp-in-a-bag. Fall Fest has been changed to Fall Fest in a bag. They can be ordered by residents only at this point.

Legislation

AN ORDINANCE AMENDING SECTION 1349.21 OF THE PAINESVILLE CODE OF 1998, RELATING TO RANK VEGETATION AND LANDSCAPING FEATURES and DECLARING AN EMERGENCY
was given second read.

Mr. Hach stated this would remain on second reading.

AN ORDINANCE ENACTING SECTION 1349.211 OF THE PAINESVILLE CODE OF 1998, RELATING TO TREELAWS and DECLARING AN EMERGENCY
was given second read.

Mr. Hach stated this would remain on second reading.

ORDINANCE 14-20 AMENDING CHAPTER 119 OF THE PAINESVILLE CODE OF 1998, RELATING TO RENEWABLE ENERGY SYSTEMS AND DECLARING AN EMERGENCY
was given first read.

Mrs. White stated the Planning Commission gave a favorable recommendation to the text amendment of this Ordinance. The Community Development Department received a request

from a solar installation company regarding the ability to install a solar panel system on a residential dwelling unit in May of this year. The matter was taken to the City Manager for direction on a policy for renewable energy systems in relation to the City's Electric System. The Electric Department researched and developed a standard policy for eligible customers to interconnect and operate a customer-owned solar or wind generation facility in parallel with the City of Painesville Electric Distribution System. The policy states that the City does not offer Net Metering or compensate the Customer for any excess power generated. Painesville Municipal Electric Department will review and approve the applicant's application to install an interconnected customer-owned system to ensure that the system is in accordance with the City of Painesville Electric Department Renewable Electric Generation Policy.

Additionally, the Unified Development Code did not address solar panel installations. The matter was discussed by the Planning Commission initially at their meeting held on June 11th. The Commission agreed that regulations should be created with the Planning Commission as the Design Review Board to review each application for compliance with established design standards. The design standards and application requirements are included in the proposed text amendment.

Mrs. White recommended it be passed under emergency. She also stated that there was part of the legislation that was left off of the legislation they review (i) that states: The provisions of this Section 1119.18 do not prohibit Solar arrays, Solar cells or a Solar energy system that are installed in the City on the date of the passage of this Ordinance but any future modifications to existing Solar arrays, Solar cells or a Solar energy system must comply with the provisions of this Ordinance. Repairs and maintenance of an existing Solar array, Solar cell or a solar energy system do not constitute a modification of such an array, cell or system.

Mr. Fitzgerald moved to approve the legislation as hereby amended (i)The provisions of this Section 1119.18 do not prohibit Solar arrays, Solar cells or a Solar energy system that are installed in the City on the date of the passage of this Ordinance but any future modifications to existing Solar arrays, Solar cells or a Solar energy system must comply with the provisions of this Ordinance. Repairs and maintenance of an existing Solar array, Solar cell or a solar energy system do not constitute a modification of such an array, cell or system, seconded by Mrs. Shoop.

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

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

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

Mr. Fitzgerald moved to approve, seconded by Mrs. Shoop.

On roll call, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mr. Augustine, Mr. Fodor, and Mr. Hach answered "Yes". **ORDINANCE 14-20 is ADOPTED.**

AN ORDINANCE AMENDING THE SCHEDULE OF FEES FOR REVIEWS, APPROVALS AND OTHER PROCEDURES PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT RELATING TO THE UNIFIED DEVELOPMENT CODE OF THE CITY OF PAINESVILLE AND DECLARING AN EMERGENCY was given first read.

Mrs. White stated this can be left on first reading. She stated this was a fee that was nestled in the unified code and never updated. It is a one-time fee.

Mr. Hach stated this will remain on first reading.

RESOLUTION 25-20 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NEXTSITE, LLC FOR RESEARCH, MARKETING AND

CONSULTING SERVICES, and DECLARING AN
EMERGENCY

was given third read.

Mrs. Shoop moved to adopt, seconded by Mrs. DiNallo.

On roll call, Mrs. DiNallo, Mr. Augustine, Mr. Fodor, Mrs. Shoop, Mr. Fitzgerald and Mr. Hach answered "Yes". **RESOLUTION 25-20 is ADOPTED.**

Under **Unfinished business** None

Under **New Business** None

Under **Department Presentation** None

Under **Administrative Reports**

Ms. Irelan-Dupree wished Mrs. Vargo best of luck.

Under **Clerk's Correspondences** The next regular Council meeting will be held on Monday, September 21, 2020 at 7:30 pm. Story time with the Fire Department is Wednesday, September 9 from 6-7 in the gazebo. The Farmer's Market and Car Cruises are back on track every Thursday and Friday. Friday, September 22 at 8:15 am in Painesville Square is the 9/11 Flags Ceremony. October 11th is Fall Clean-up Day. October 14th is Story Time with the Painesville Police Department from 6-7 in Painesville Square. Mrs. Vargo thanked the Council member, Painesville residents and staff for all their support during her time with the city.

Closing Comments

Mr. Fodor wished Valerie luck with everything and thanked her for her work with the city.

Mr. Augustine wished Valerie luck and thanked her for her work with the city. He also welcomed back Mrs. Irelan-Dupree.

Mr. Fitzgerald thanked Valerie for all the work she has done and wished her luck. He welcomed Mrs. Irelan-Dupree back.

Mrs. Shoop wished Valerie luck and welcomed Mrs. Irelan-Dupree back. She said Mr. Lewis did a great job while she was gone.

Mrs. DiNallo extended her thanks and good lucks.

Mr. Hach congratulated Valerie on her new venture.

Mrs. Shoop moved to adjourn to executive session being held in accordance with Article II, Section 6(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of an employee or official of the City, seconded by Mrs. DiNallo.

On roll call, Mrs. Shoop, Mr. Fitzgerald, Mrs. DiNallo, Mr. Augustine, Mr. Fodor, and Mr. Hach answered "Yes". Motion carried at 8:06 pm.

Mr. Fitzgerald moved to adjourn the executive session, seconded by Mrs. DiNallo.

On roll call, Nick Augustine, Jim Fodor, Christine Shoop, Lori DiNallo, Mr. Fitzgerald and Mr. Hach were all in favor by answering "Aye". Meeting adjourned at 9:15 pm.

Mr. Fitzgerald moved to excuse Mrs. Jenkins, seconded by Mrs. Shoop.

On roll call, Nick Augustine, Jim Fodor, Christine Shoop, Lori DiNallo, Mr. Fitzgerald and Mr. Hach were all in favor by answering "Aye".

Mrs. Shoop moved to adjourn the regular meeting, seconded by Mr. Augustine.

On roll call, Nick Augustine, Jim Fodor, Christine Shoop, Lori DiNallo, Mr. Fitzgerald and Mr. Hach were all in favor by answering "Aye". Meeting adjourned at 9:16 pm.



Amanda Kappel
Acting Clerk of Council



Paul W. Hach II
President of Council