



City of Mentor-on-the-Lake

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**MINUTES
REGULAR MEETING OF COUNCIL
CITY OF MENTOR-ON-THE-LAKE
MAY 28th, 2024
7:00 p.m.**

The Regular Meeting of Council for the City of Mentor-on-the-Lake for May 28th, 2024, was called to order at 7:00 pm by Council President Rob Johnson.

CALL TO ORDER: PLEDGE OF ALLEGIANCE

ROLL CALL:

Aye	Ward 4:	DESIREA THOMPSON, Vice President (ABSENT)
Aye:	At Large:	MICHELLE MOORE
Aye	Ward 2:	SKIP GRAY
Aye:	At Large:	KEVIN BITTNER
Aye:	Ward 1:	VIRGINIA WONG
Aye	At Large:	JIM LUNDER
Aye	Ward 3:	ROB JOHNSON, President

READING OF MINUTES:

Regular Meeting of Council – May 14th, 2024

MOTION MADE BY MR. LUNDER, Seconded by Mr. Bittner, for Approval of the Minutes. **ROLL CALL:**
Ayes: Council Member Gray, Bittner, Wong, Lunder, Johnson. Abstain: Moore
MOTION CARRIED: 5/0/1

CORRESPONDENCE: None

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor & Safety Director - Mr. Eva

Mayor Eva announced that the Fire Department will be hiring two part time Fire Fighter EMT's; Nathan Burtley and Jarred Frasier will start in the near future. Mayor Eva gave Council paperwork in their mailbox prior to the meeting from the Lake County budget meeting that Ms. Martin also attended on May 16th, 2024 at the Auburn Career Center. The paperwork talks about an alternative local government formula for Lake County proposed by Lake County Mayors and Managers subcommittee. The formula that is currently being used is from 1982. The new formula shows what we will be getting in 2024 compared to 2034; the schedule projects a 2% increase in local government funds from 2025-2034. Mentor on the Lake's schedule looks relatively flat throughout that process; however, the deduction is being felt by Western Lake County cities. There will be an ordinance put together by Chris Galloway in the Lake Conty Auditors office and looks like we will need the legislation

approved in potentially June or July. It is asked that when the ordinance comes out there are no revisions and want a yes or no by each council member to approve the new formula that will go forward starting in 2025. There will be an attached explanation of the formula to the minutes. The other paperwork received by council came from the Govern's Office and has to do with the regulation of casino gaming and still based casino machines in Ohio. Mayor Eva said that the letter is essentially asking that City Council works with Mr. Lyons to make sure that our ordinances align with Ohio's laws and asked that Council set up a committee meeting to go over that. The letter will be attached to the minutes.

Administrative Director- Ms. Martin

Ms. Martin announced that they hired a full time Administrative Assistant, Kenny Ice, and she will be starting on June 10th, 2024.

Law Director - Mr. Lyons

Mr. Lyons stated that to his best knowledge that all of our ordinances say that we have to follow the state. What is not mentioned is how complicated it is as internet cafés are legal. It only becomes illegal if there are payouts and to the best of his knowledge, our ordinance does not authorize payouts that are above what the state law allows. Mr. Lyons said that if council would like to look at our laws to see if any updates are needed that is no problem.

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Mrs. Moore asked for clarification in the formula printout showing that there is a decrease between 2024-2025 and goes back up for 2026 to make sure there was not a misprint. Mayor Eva said that there is no misprint and that is right and the assumption of 2% increase a year may or may not happen but it is easier to make it consistent across the board. The old formula from 1982 calculation was growing in population but was not getting the government funds to reflect that population.

BOARD/COMMITTEE/COMMISSION REPORTS: None

OPEN TO THE PUBLIC TO SPEAK: 7:13 P.M.

Tim Gunnoe 7415 Larkspur Drive. Mr. Gunnoe wrote a letter to Council to read aloud during the meeting asking for help with the colony of feral cats that are not accurately registered. The letter will be attached to the meeting minutes.

Paul Morris 7592 Pinehurst Drive. Mr. Morris states he has many concerns regarding City Council. Mr. Morris spoke of the statement that Mrs. Moore said about individuals claiming that she may have taken a bribe to pass the PUD for Crane's property. While Mr. Morris does not think that she or anyone on council would take a bribe for their votes he however, said that the vote that occurred that night did not disprove and the majority of the council voted for the PUD. Mr. Morris said that the majority of individuals that attended the meetings regarding the PUD were not for the passing and he has concerns for the public meeting regarding LOBA. Mr. Morris said that the city administration and council do not listen to the residents and that it is common knowledge on Facebook that residents do not bother to come say anything because they are not heard or listened to. Mr. Morris said that since the beginning of this year getting copies of council agendas and meeting minutes have been spotty if not existent and the agenda and open positions had not been posted on the city website.

Nick Lorber 7416 Larkspur Drive. Mr. Lorber wanted to comment on what Tim Gunnoe read about the feral cats. Mr. Lorber says that he has done all he can monetarily, personal effort and patience dealing with this problem. Mr. Lorber spent \$300 on rocks and three weekends removing mulch and dirt for that night to have a cat defecate in the new rocks and had had to buy new patio furniture that has been ruined by the cats. Mr. Lorber is asking that an ordinance be amended and something be done but they just want to live peacefully and hopes that he gets heard.

LEGISLATION BEFORE COUNCIL:

ORDINANCE NO. 2024-O-04 (THIRD READING)

AN ORDINANCE AMENDING ORDINANCE 1242.05 - CERTIFICATES OF OCCUPANCY AND DECLARING AN EMERGENCY

MOTION MADE BY MRS. MOORE, Seconded by Mr. Lunder, for Passage of Ordinance NO. 2024-O-04

ROLL CALL: Ayes: Council Member Moore, Gray, Wong, Lunder, Johnson. Nays: Bittner

MOTION CARRIED: 5/1

ORDINANCE NO. 2024-O-05

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$365,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, (I) TO PAY A PORTION OF THE COSTS OF THE ACQUISITION AND INSTALLATION OF THE LAKE STREET TRUNK STORM SEWER, AND ALL RELATED EXPENSES THERETO, AND (II) TO PAY A PORTION OF THE COSTS OF THE ACQUISITION AND INSTALLATION OF THE PINEHURST STREET TRUNK STORM SEWER, AND ALL RELATED EXPENSES THERETO, AND DECLARING AN EMERGENCY.

DISCUSSION:

Mrs. Moore asked if there was a timeframe that this needed to be passed and Ms. Martin stated that June 7th, 2024.

MOTION MADE BY MS. WONG, Seconded by Mr. Lunder, for Suspension of the Rules **ROLL CALL:** Ayes:

Council Member Moore, Gray, Bittner, Wong, Lunder, Johnson Nays: None

MOTION CARRIED: 6/0

MOTION MADE BY MR. LUNDER, Seconded by Ms. Wong, for Passage of Ordinance NO. 2024-O-05

ROLL CALL: Ayes: Council Member Moore, Gray, Bittner, Wong, Lunder, Johnson Nays: None

MOTION CARRIED: 6/0

ORDINANCE NO. 2024-O-06

AN ORDINANCE CREATING NEW SECTION 250.23 IN ORDER TO REQUIRE COUNCIL TO APPROVE ALL RE-EMPLOYMENT OF RETIRED CITY EMPLOYEES AND DECLARING AN EMERGENCY.

DISCUSSION:

Mr. Johnson read aloud a letter that he wrote on his stance of the ordinance. The letter will be attached to the minutes. Ms. Wong asked if an offer of a written policy by administration remove the need for an ordinance and Mr. Johnson said that due to administration being able to change a policy at any time- having it codified would establish it for the long term. Mr. Lyons said that he believes council does not approve a policy so a policy can be changed without the approval but if council would adopt a policy saying that council approves any hire/re-hire so long as it follows the policy that it cannot be changed. Mayor Eva said that he is not opposed to a policy and it was never the intention to keep any information from members of council and have looked at different situations under different circumstances. In both of these cases Mayor Eva decided that it was a benefit to the city and the employees to keep. Would be happy to write a policy and with councils' approval of the policy and if they would change the policy they would let council know. Mrs. Moore said that she is in support of the policy as about four years ago

Mr. Moore was told that he would not be allowed to retire and rehire that the administration would not allow it. Mrs. Moore says that right now she does not know what to believe that comes from the administrative table and makes her question anything and everything that is presented to them.

MOTION MADE BY MR. GRAY, Seconded by Mrs. Moore, for Suspension of the Rules ROLL CALL: Ayes: Council Member Moore, Gray, Lunder, Johnson Nays: Bittner, Wong.
MOTION FAILED: 4/2

Mr. Johnson said the ordinance will move on to second reading.

RESOLUTION NO. 2024-R-19

A RESOLUTION CONFIRMING THE APPOINTMENT OF EUGENE SCOTT TO THE CIVIL SERVICE COMMISSION.

MOTION MADE BY MR. LUNDER, Seconded by Mr. Bittner, for Suspension of the Rules ROLL CALL: Ayes: Council Member Moore, Gray, Bittner, Wong, Lunder, Johnson Nays: None
MOTION CARRIED: 6/0

MOTION MADE BY MR. LUNDER, Seconded by Ms. Wong, for Passage of Resolution NO. 2024-R-19 ROLL CALL: Ayes: Council Member Moore, Gray, Bittner, Wong, Lunder, Johnson Nays: None
MOTION CARRIED: 6/0

OLD BUSINESS: (None)

NEW BUSINESS: (None)

OPEN TO THE PUBLIC TO SPEAK: (None)

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Parks and Recreation Committee	Thursday, May 30 th , 2024 at 6:30 P.M.
Planning and Zoning Committee	Monday, June 3 rd , 2024 at 6:00 P.M.
Community Development Committee	Tuesday, June 4 th , 2024 at 6:30 P.M.
Charter Review Committee	Wednesday, June 5 th , 2024 at 6:00 P.M.
Ordinance Committee	Monday, June 10 th , 2024 at 6:30 P.M.
Lake Overlook Forum	Thursday, June 13 th , 2024 at 7:00 P.M.
Service Committee	Monday, June 17 th , 2024 at 6:30 P.M.
Regular Agenda Meeting	Thursday, June 6 th , 2024, at 6:00 P.M.
Regular Meeting of Council	Tuesday, June 11 th , 2024, at 7:00 P.M.

Mr. Johnson was going to add a meeting for review of the gaming ordinances. Mr. Lyons said that looking at the casino commission, it states that the commission looks forward to engaging in a dialogue for and issues outlined in the correspondence and to feel free to contact them. Mr. Lyons is going to contact them and send the ordinance for review, and invite them to a meeting for the ordinance committee to see if they will respond.

ADJOURNMENT:

MOTION MADE BY MR. LUNDER, Seconded by Mr. Gray, for Adjournment. ROLL CALL: Ayes: Council Member Moore, Gray, Bittner, Wong, Lunder, Johnson. Nays: None


MOTION CARRIED: 6/0

The Regular Meeting of Council adjourned at 7:48 P.M.

APPROVED:

6/11/2024

Date



ROBERT JOHNSON
President of Council

Attest: 

Clerk of Council

ALTERNATE LOCAL GOVERNMENT FORMULA FOR LAKE COUNTY (proposed by Lake County Mayors and Managers Subcommittee)

1. Calendar year 2024 allocations shall be made using the same alternate formula determined by the 1982 LGF agreement.
2. Revenue received by Lake County from the Tax Commissioner's Local Government Fund, Local Government Assistance Fund, and additional revenue calculation and deposited into the Undivided Local Government Fund shall be referred to collectively as the Local Government Fund (LGF). The total dollars received by Lake County from these funds shall be known as the "Total County Allocation."
3. LGF allocations shall only be made to cities, villages, and townships beginning in distribution year 2025, and thereafter.
4. Distributions from the LGF in years 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, and 2034 shall be made using the following formula:
 - a. Lake County shall receive 10.8507% of the Total County Allocation each year as its total distribution.
 - b. The total estimated county allocation minus the county distribution shall be deemed the "Remaining Total Distribution."
 - c. The following villages shall receive the greater of their 2024 distribution amount or the amount derived from paragraph (e) below. The sum of these distributions shall be taken from the Remaining Total Distribution annually. The amounts to each village will be reduced proportionally if the Total County Allocation in any year after 2024 is less than the 2024 Total County Allocation.
 - i. Perry
 - ii. North Perry
 - iii. Grand River
 - iv. Fairport Harbor
 - v. Lakeline
 - vi. Timberlake
 - d. The following cities and villages shall receive the greater of 90% of their 2024 distribution or the amount derived from paragraph (e) below. The sum of these

distributions shall be taken from the Remaining Total Distribution annually. The amounts to each city and village will be reduced proportionally if the Total County Allocation in any year after 2024 is less than the 2024 Total County Allocation

- i. Willoughby
- ii. Willowick
- iii. Wickliffe City
- iv. Eastlake
- v. Waite Hill
- vi. Kirtland Hills

e. The balance of the Remaining Total Distribution shall be disbursed among the remaining cities, villages, and townships in the following manner:

- i. Their populations, as determined by the most recent decennial U.S. Census, shall be summed, and a percentage assigned to each jurisdiction based on their portion of that sum.
- ii. In 2025, Perry Township shall receive 80% of the percentage derived in paragraph (i) above, and an additional 1% each year thereafter, not to exceed 86%. These amounts annually shall be taken from the Remaining Total Distribution annually.
- iii. In 2025, Madison Township, Leroy Township, Concord Township, and Painesville Township shall receive 62% of the percentage derived in paragraph (i) above, and an additional 4% each year thereafter, not to exceed 86%. These amounts annually shall be taken from the Remaining Total Distribution annually.
- iv. The remainder of the Remaining Total Distribution shall be divided among the remaining cities and villages based on their population, as determined by the most recent decennial U.S. Census. Their total populations will be summed, and each shall receive a proportionate amount based on their portion of the sum.

Mentor-On-The-Lake

Population: 7,131

Population Percentage: 0.030705

Final Distribution Amount:

2024: 350,778.11

2025: 346,422.54

2026: 352,617.70

2027: 358,565.13

2028: 364,254.79

2029: 369,676.32

2030: 374,819.08

2031: 379,672.08

2032: 390,261.29

2033: 401,612.82

2034: 413,191.38

Percentage of 2024 Allocation in 2034: 117.79%

Percentage of Population-Based Allocation in 2024: 102.90%

Percentage of Population-Based Allocation in 2034: 96.95%

OHIO CASINO CONTROL COMMISSION



Mike DeWine
Governor

Thomas J. Stickrath
Chair

May 16, 2024

City of Mentor-on-the-Lake
Attn: Mayor Dave Eva
5860 Andrews Road
Mentor-on-the-Lake, OH 44060

Re: Regulation of Casino Gaming and Skill-Based Amusement Machines in Ohio

Dear Mayor Eva:

The Ohio Casino Control Commission (“Commission”) is responsible for ensuring the integrity of casino gaming, fantasy contests, sports gaming, and skill-based amusement machine gaming in Ohio, by licensing, regulating, investigating, and enforcing state laws.

The Commission recently became aware of a news article announcing that the City of Wickliffe had passed an ordinance to allow “internet cafes” to operate in the city. The article goes on to mention that Wickliffe’s decision was made after consultation with Willowick, Eastlake, Mentor-on-the Lake, and Willoughby Hills, other cities that allow these types of businesses to operate in their jurisdiction. While the Commission understands interest in encouraging economic development and increasing tax revenue, the Commission is concerned that internet cafe ordinances at the local level may directly contradict Ohio law, specifically R.C. 2915, 3772, and Ohio Adm.Code 3772-50. Moreover, any business within a city (even if they have a city issued internet cafe license) can still be found in violation of Ohio’s gambling laws. The Commission hopes to work together with any jurisdiction to work through this issue. I hope that the information provided in this letter will be helpful to you in determining what is best for your city.

As a bit of background, for many years, the state, along with local governments, and law enforcement officials have worked to eliminate illegal gambling in Ohio, largely through criminal enforcement of R.C. Chapter 2915. Since 2006, significant efforts have been made to prohibit illegal gambling without jeopardizing legitimate business activities. In 2009, significant changes to Ohio laws established regulations to allow legal gambling in Ohio’s seven racetracks (racinos), regulated by the Ohio Lottery Commission, and four casinos, regulated by the Ohio Casino Control Commission.

To mitigate the proliferation of illegal slot machines masquerading as “skill games”, the Ohio General Assembly granted the Ohio Casino Control Commission the authority to regulate skill-based amusement machines in the same manner in which it regulates casino gaming. To fulfill this obligation, on April 23, 2018, the Commission promulgated Ohio Adm.Code Chapter 3772-

100 E. Broad Street – 20th Floor – Columbus, OH 43215
(855) 800-0058 toll-free
www.casinocontrol.ohio.gov

Good evening Mentor on the Lake City Council and Mayer Eva

I'm coming to you to ask for help with the colony of feral cats that is not accurately registered with the amount of cats plaguing our neighborhood.

- This morning my wife and I were woken up to a cat jumping to our window screen. We were in awe that this cat did this.
 - In the last 6 months, we had various cats jumping up at our doors and windows 2-3 days a week
 - There is 4 window screens and a storm door screen that now need to be replaced.
- In the last 5 years, we have had to clean up 7 dead cats.
 - One of which was less than 20 feet away from my daughter when it fell out from under a neighbor car and ran over
 - A total of 3 of them were ran over
 - Multiple were found frozen to death
- I was bitten by one of the feral cats
 - In order to make sure it did not have rabies, I had to catch and quarantine it for 10 days to make sure it didn't have rabies
- My sister in laws dog was scratched by one of the cats and caused an infection, leading to unnecessary vet bills
- In February, we had 2 cats get into our attic 2 different times
 - They were in the attic for 4 days
 - As they were up there, they defecated and urinated all over the place. As you can probably imagine, these cats are not the healthiest so it was just puddles of goo
 - One of them got into the wall
- We constantly have cats going into our garage and yard
 - Spraying on our house, marking their territory in about 10 different places
 - They are defecating and urinating on random objects in our garage, ruining them and needing to throw them away
 - We have to race the cats to our Amazon packages, so they do not get sprayed
 - The cats utilize all of our vegetable gardens and flower beds as their litter box. There are multiple neighbors that no longer have gardens because it was so excessive
 - One neighbor changed all of their flower beds to rocks, spending excess of 200 dollars to stop them

I get it these are outside cats and I'm not naive, we need to have a cat or 2 around the neighborhood to control the rodents, but over 20 cats, that excessive.

I've personally worked with Mentor Community cats and have caught at least 12 to be Trapped and Neutered. I personally paid for 6 and neighbors paid for an additional 4 .

I am representing One Single Household, and this are all of the things that this cat colony has caused us. This is the first time you have directly heard from me.

I'm begging, pleading, please do something about these cats. The situation has not gotten any better, it continues to get worse.

~ Timothy Gunnoe, 7415 Larkspur Dr, MOL 44060

7:13-7:20

Why have I proposed this legislation for our discussion and consideration? On February 8th at the recommendation of the Law Director, Mayor Eva spoke to Vice President Thompson and myself and indicated an interest in allowing the retire-rehiring of 2 employees. On February 14th I informed the Mayor in writing that after having learned from the retired service director that previously he had been told the City was not supportive of what is often referred to as “double dipping” as a policy, I informed the Mayor that without a written policy, precedent establishes policy for a given administration. Apparently the Mayor then contacted Mrs. Thompson to get her opinion and she concurred with my determination. The Mayor did not respond to the email in writing or verbally to contradict that assessment and no further discussion ensued. Neither the Mayor nor the Administrative Director brought up the proposed retire-rehire at the appropriations meeting that occurred after this discussion.

Subsequently it came to our attention that the Mayor had indeed offered retire-rehire to 2 employees. I asked whether there is now a written policy establishing a retire-rehire process since this has been inconsistent during his administration. The administration has balked at having a policy.

I believe having in writing a clear policy stating retire-rehire *may* be allowed at the discretion of the Mayor is important. First, it establishes that there is no specific policy prohibiting it written or implied. Second it establishes that the Mayor is the ultimate decision-maker on offering it. Third it provides employees today and in the future a clear understanding of the process. A policy should clearly state the Mayor makes the decision, what occurs with vacation and sick leave, timing requirements so that it may be appropriately reviewed and budget issues considered, and that the decision is made on a case-by-case basis and must benefit the City. Having a clear policy protects employees from the whims of administrations beyond the ultimate decision to allow or not allow retire-rehire on an individual basis. It provides clarity not subject to individual interpretation.

Why do I believe Council should approve or disapprove an individual retire-rehire? First there is a cost to the City to allow this. The administration will tell you it saves us money but that is only for a single fiscal year. Reality is it costs us additional money because we pay out sick leave immediately upon retirement but vacation is subject to interpretation as state law indicates one thing and the City as a charter city can do differently. We should clearly establish in writing what that is so that it is consistent for all. When we pay out vacation at a later date, yes we save money in the current year but we pay out that vacation at the prevailing wage when the individual re-retires. That is at a higher rate than the current year. It also means we continue to pay a senior employee at a higher rate than perhaps a new employee would be paid. Requiring Council to approve or reject the retire-rehire ensures Council has been part of the budgetary considerations and they have been reviewed and discussed—something that did not happen at all here. It ensures there is justification for the City to allow it as there should be significant value to the City to provide this opportunity. Personally, I am in favor of allowing senior employees to retire and be rehired because their experience and skills are often difficult to replace. It also allows the City appropriate time to transition employees into roles and adjust staffing. However, it should be noted that there are many taxpayers who do not like the idea of government allowing double dipping---the act of paying out a retirement as well as their full

salary. By having Council approve the retire-rehire it ensures the elected officials are in agreement regarding the value provided the City in allowing it.

Because the administration has balked at establishing a written policy I believe it is also important that this body establish by ordinance such policy so that we are clear and consistent to our employees regardless of administration. An employee hired today should be treated no differently when they retire than an employee retiring today. It should be clear that the decision is on a case by case basis. Our employees deserve that. One must question why the administration doesn't want to provide our employees clarity and consistency of an actual written policy.

This is why I have proposed this legislation and refused to withdraw it at the request of the Administrative director. I will always stand up for consistency and fairness to our employees and fiscal responsibility to our residents. And I would certainly hope that any Mayor who rejects a retire-rehire is open and clear with their rationale to that employee. I believe every employee deserves that.