



City of Mentor-on-the-Lake

5860 Andrews Road, Mentor-on-the-Lake, OH 44060-2827

Phone: (440) 257-7216 Fax: (440) 257-2766

www.CityMOL.org

MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE March 14, 2017

The Regular Meeting of Council of March 14, 2017, for the City of Mentor-on-the-Lake, Ohio, was called to Order at 7:00 P.M. by Council President Desirea Thompson.

CALL TO ORDER: PLEDGE OF ALLEGIANCE

ROLL CALL:

Aye: **At Large:** PRESTON WOLK, Vice President
Aye: **Ward 3:** ROB JOHNSON
Aye: **At Large:** KEVIN BITTNER
Aye: **At Large:** JIM LUNDER
Aye: **Ward 1:** DAVID CHABUT
Ward 2: PAUL MORRIS (Absent/Excused)
Aye: **Ward 4:** DESIREA THOMPSON, President

READING OF MINUTES: Regular Meeting of Council – February 28, 2017

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Chabut, for Approval of the Minutes of the February 28, 2017, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Thompson. Nays: None.

MOTION CARRIED: 6/0

CORRESPONDENCE: None

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor and Safety Director – Mayor Eva

Mayor Eva announced that Full-time Communications Officer Patricia Tracey will be retiring in May. She has been with the City since May of 2002. Her last shift will be Thursday, May 18, 2017.

Mayor Eva stated Resolution No. 2017-R-05 is a Resolution designating April of 2017 as Child Abuse Prevention Month. He asked that this Resolution be read in its entirety as it has some stats regarding 2016.

Mayor Eva advised the 2017 Appropriations Ordinance, Ordinance No. 2017-O-07 has been amended to reflect the change discussed during the Appropriations Meeting regarding the Recreation Department.

Mayor Eva stated Ordinance Nos. 2017-O-08, 2017-O-09, and 2017-O-10 are on first reading tonight and deal with amendments to Codified Ordinance No. 678.03 dealing with property violations, Codified Ordinance No. 1452.04(c) increases the bond amount required by contractors from \$5,000.00 to \$10,000.00, and Codified Ordinance No. 1060.02(e) relating to use of the City parks.

Mayor Eva asked Council to pass Ordinance No. 2017-O-11 tonight as an emergency measure as this Ordinance terminates the temporary moratorium on facilities within the rights-of-way.

Administrative Director – Mrs. Bartone

Mrs. Bartone referred to the Memo to Council dated March 6, 2017, regarding the expenditure approval for the renewal of the City's annual insurance. There was no increase this year. The insurance agent is still working on trying to get a lower rate, however, this premium is due by March 25, 2017.

Law Director – Mr. Lyons

Mr. Lyons followed-up on the Mayor's Report regarding Ordinance No. 2017-O-11 which relates to the telecommunications poles in the City's rights-of-way. Pursuant to the State law, this moratorium has to be terminated by March 21, 2017.

Mr. Lyons advised there was some discussion at the Ordinance Committee/Utilities Committee meetings regarding some formatting of the Stormwater Ordinance. He and Mr. Morris discussed three areas where clerical issues needed to be changed. These clerical issues have been corrected. The corrected copies have been given to the Clerk so if this Ordinance is passed tonight, it is ready to be signed.

City Engineer – Mr. Sayles (No Report)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS: (None)

BOARD/COMMITTEE/COMMISSION REPORTS:

Ordinance Committee / March 6, 2017 / Mr. Lunder

Council Member Lunder advised the Ordinance Committee met on March 6, 2017, at 6:00 P.M. Present were Council Members Lunder, Morris, Johnson, Bittner, and Wolk. Also present were Mayor Eva, Law Director Mr. Lyons, City Engineer Mr. Sayles, and resident Mr. Storekel. The Committee met to review the Storm Water Ordinance, Ordinance No. 2017-O-05. The Committee went over the Ordinance line by line in the green shaded area of the changes and what they meant from Mr. Sayles and to make sure it was in compliance with the definitions from Mr. Lyons. This was a very long meeting going over these items to make sure everything was right. Council Member Lunder advised the Committee did not have a chance to review Ordinance No. 2017-O-04 and Ordinance No. 2017-O-06 because it had to vacate the room because another meeting was scheduled at 7:00 P.M. Council Member Lunder advised the Committee recommends passage of Ordinance No. 2017-O-05. The meeting adjourned at 6:55 P.M.

Storm Water Management / March 6, 2017 / Mr. Johnson

Council Member Johnson advised the Storm Water meeting was included in Council Member Lunder's report.

Planning & Zoning Commission / March 6, 2017 / Mr. Johnson

Council Member Johnson advised the Planning & Zoning Commission met on March 6, 2017, at 7:00 P.M. to discuss Conditional Use Permits for Mario's Lakeway Lounge to allow outside dining and entertainment on the front and rear patio, and for Cal's Marathon to operate an automotive service and car storage basically dealing with the parking situation there. The Committee approved both Conditional Use Permits.

OPEN TO THE PUBLIC TO SPEAK: 7:07 P.M.

CLOSED OPEN TO THE PUBLIC SECTION: 7:08 P.M.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2017-R-05

A RESOLUTION DESIGNATING APRIL 2017 AS CHILD ABUSE PREVENTION MONTH

The Clerk read Resolution No. 2017-R-05 in its entirety.

MOTION MADE BY MR. BITTNER, Seconded by Mr. Lunder, for Suspension of the Rules.

ROLL CALL: Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Thompson. Nays: None.

MOTION CARRIED: 6/0

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Lunder, for Passage. ROLL CALL: Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Thompson. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2017-O-03 (THIRD READING)

AN ORDINANCE LEVYING LIENS FOR EXPENSES INCURRED FOR LAWN MAINTENANCE AND/OR CULVERT REPAIRS, AND DECLARING AN EMERGENCY.

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Wolk, for Passage. ROLL CALL: Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Thompson. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2017-O-04 (THIRD READING)(ASSIGNED TO COMMITTEE)

AN ORDINANCE ENACTING CHAPTER 1022 OF THE MENTOR ON THE LAKE CODIFIED ORDINANCES RELATING TO PUBLIC RIGHTS-OF-WAY AND DECLARING AN EMERGENCY

Council President stated Ordinance No. 2017-O-04 is still in Committee and has not been reviewed. Ordinance No. 2017-O-04 will remain in Committee.

ORDINANCE NO. 2017-O-05 (THIRD READING)(ASSIGNED TO COMMITTEE)

AN ORDINANCE AMENDING CHAPTER 1472 – COMPREHENSIVE STORM WATER MANAGEMENT – AND DECLARING AN EMERGENCY

MOTION MADE BY MR. LUNDER, Seconded by Mr. Bittner, to remove Ordinance No. 2017-O-05 from Committee. ROLL CALL: Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Thompson. Nays: None.

MOTION CARRIED: 6/0

MOTION MADE BY MR. LUNDER, Seconded by Mr. Johnson, for Passage. ROLL CALL: Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Thompson. Nays: None.

MOTION CARRIED: 6/0

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2017-O-06 (SECOND READING)

AN ORDINANCE AMENDING CHAPTER 1459 – EROSION AND SEDIMENT CONTROL COMPREHENSIVE STORM AND DECLARING AN EMERGENCY

There was no Motion for Suspension of the Rules. Ordinance No. 2017-O-06 is placed on Third Reading.

ORDINANCE NO. 2017-O-07 (SECOND READING)

AN ORDINANCE PROVIDING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MENTOR-ON-THE-LAKE FOR THE YEAR 2017, REPEALING ANY ORDINANCE PRIOR THERETO, AND DECLARING AN EMERGENCY

Council Member Lunder stated, in thinking about this Ordinance and talking to Department Heads, especially Mr. Moore, he is concerned about some bids that may be expiring on some equipment needed for the Service Department. Last week a resident needed the back hoe and the Service Department could not use the back hoe as the bucket needs to be repaired. Council Member Lunder asked if there were problems in not passing this Ordinance tonight that Council has to wait for three readings. He thought Council should move along with this and get it off the Agenda because the public is present at tonight's meeting and he does not think there will be any more public at the Third Reading. He would like to see passage of this Ordinance tonight. Council Member Chabut agrees with Council Member Lunder.

MOTION MADE BY MR. BITTNER, Seconded by Mr. Lunder, for Suspension of the Rules. **ROLL CALL:** Ayes: Council Member Bittner, Lunder, Chabut, Thompson. Nays: Council Member Wolk, Johnson.

MOTION FAILED: 4/2

Ordinance No. 2017-O-07 is placed on Third Reading.

ORDINANCE NO. 2017-O-08

AN ORDINANCE AMENDING CODIFIED ORDINANCE 678.03 – PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE AND DECLARING AN EMERGENCY

There was no Motion for Suspension of the Rules. Ordinance No. 2017-O-08 is placed on Second Reading.

Council Member Johnson asked if Ordinance No. 2017-O-08 could be referred to the Ordinance Committee for review. Council President Thompson advised this Ordinance will be assigned to the Ordinance Committee.

ORDINANCE NO. 2017-O-09

AN ORDINANCE AMENDING CODIFIED ORDINANCE 1452.04(c) - ISSUANCE CERTIFICATE – BOND AMOUNT AND DECLARING AN EMERGENCY

Council Member Wolk asked Mrs. Bartone if this was the Ordinance she had asked be passed tonight. Mrs. Bartone said she was referring to the Expenditure Approval for the insurance renewal. She also advised this Ordinance does not need to be passed tonight. Mr. Lyons advised this increase from \$5,000.00 to \$10,000.00 does not hurt the City in any way or cost any additional money. It does provide additional protection to the City and may be able to provide additional protection to homeowners if a

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2017-O-09 (Continued):

contractor does not go forward or does substandard work. Mr. Lyons stated he thinks this would provide a benefit to people in the City. He thought this maybe should have been done before, and it is a good idea if Council wants to study this Ordinance further. It can be passed tonight, and Council can still have a chance to study it and see if the amount should be higher. He also advised he put some additional language in the Ordinance indicating compliance will be in accordance with the State of Ohio Building Codes as well as Lake County Building Codes.

There was no Motion for Suspension of the Rules. Ordinance No. 2017-O-09 is placed on Second Reading.

Mayor Eva asked if this Ordinance would also be assigned to a Committee. Council President Thompson advised Ordinance No. 2017-O-09 is assigned to the Ordinance Committee.

ORDINANCE NO. 2017-O-10

AN ORDINANCE REPEALING ORDINANCE 1060.02(e) – USE OF CITY PARKS

Council President Thompson stated this was talked about on Thursday as to what the impact would be if a non-resident used a City Park and what would be the City's liability with that language still being in the Ordinance, and Mr. Lyons was going to check on this. Mr. Lyons stated he does remember discussing adding emergency language to this so it can go into effect immediately. The City does have some grants which require that the parks be open to everybody, not just Mentor-on-the-Lake residents. The City does have the right to limit the parks to City residents only but it is impossible to enforce this. Mr. Lyons stated he was going to bring the revised Ordinance to the next Agenda meeting but if Council wants to pass this Ordinance tonight, Council can make a motion to make this an emergency to go into effect immediately. Council Member Wolk asked if a Motion to Amend should be done before a Motion for Suspension of the Rules. Mr. Lyons advised this is two separate motions and can be done in any order Council wished.

MOTION MADE BY MR. LUNDER, Seconded by Mr. Bittner, to add emergency language to Ordinance No. 2017-O-10 and pass it tonight. **ROLL CALL:** Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Thompson. Nays: None.

MOTION CARRIED: 6/0

MOTION MADE BY MR. LUNDER, Seconded by Mr. Chabut, for Suspension of the Rules. **ROLL CALL:** Ayes: Council Member Johnson, Bittner, Lunder, Chabut, Thompson. Nays: Council Member Wolk.

MOTION CARRIED: 5/1

MOTION MADE BY MR. LUNDER, Seconded by Mr. Johnson, for Passage. **ROLL CALL:** Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Thompson. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2017-O-11

AN ORDINANCE TO TERMINATE THE TEMPORARY MORATORIUM OF ANY APPLICATION FOR CONSTRUCTION OF AND/OR MODIFICATIONS TO FACILITIES WITHIN THE RIGHTS-OF-WAY OF THE CITY OF MENTOR ON THE LAKE AND DECLARING AN EMERGENCY

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2017-O-11 (Continued):

Council Member Lunder asked Mr. Lyons if this moratorium has to terminate by March 21, 2017. He was told yes.

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Chabut, for Suspension of the Rules.

ROLL CALL: Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Thompson. Nays: None.

MOTION CARRIED: 6/0

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Chabut, for Passage. ROLL CALL: Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Thompson. Nays: None.

MOTION CARRIED: 6/0

OLD BUSINESS:

MOTION MADE BY MR. BITTNER, Seconded by Mr. Johnson, to accept the Council Rules. ROLL

CALL: Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Thompson. Nays: None.

MOTION CARRIED: 6/0

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Wolk, to approve the Council Committees as presented on the pinkish looking paper. ROLL CALL: Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Thompson. Nays: None.

MOTION CARRIED: 6/0

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Chabut, to approve the Board Appointees as presented on the pinkish looking paper.

Council Member Wolk asked for discussion. Council President Thompson said she thought it was Council Committees as a whole. Council Member Johnson stated according to Council Rules appointees require approval of Council. Council Member Wolk stated he agreed, and asked that the record show the color of the paper is salmon.

ROLL CALL ON MOTION TO APPROVE BOARD APPOINTEES: Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Thompson. Nays: None.

MOTION CARRIED: 6/0

NEW BUSINESS:

EXPENDITURE APPROVAL:

Vendor: Travelers Insurance Company
Cost: \$61,014.00
Item: Renewal of various insurance policies
(per Memorandum of March 6, 2017, from Mrs. Bartone)

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Lunder for approval of the expenditure request. ROLL CALL: Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Thompson. Nays: None.

MOTION CARRIED: 6/0

OPEN TO THE PUBLIC TO SPEAK: 7:26 P.M.

CLOSED OPEN TO THE PUBLIC SECTION: 7:27 P.M.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Ordinance Committee Monday, March 20, 2017, at 7:00 P.M.

Regular Agenda Meeting Thursday, March 23, 2017, at 6:00 P.M.

Regular Council Meeting Tuesday, March 28, 2017, at 7:00 P.M.

ADJOURNMENT:

MOTION MADE BY MR. LUNDER, Seconded by Mr. Bittner, for Adjournment. ROLL CALL:

Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Thompson. Nays: None.

MOTION CARRIED: 6/0

The Regular Meeting of Council adjourned at 7:29 P.M.

APPROVED:

Date

DESIREA THOMPSON
President of Council

Attest: _____

Clerk of Council