



City of Mentor-on-the-Lake

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MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE MAY 23, 2017

The Regular Meeting of Council of May 23, 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:

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

READING OF MINUTES: Regular Meeting of Council – May 9, 2017

MOTION MADE BY MR. MORRIS, Seconded by Mr. Johnson, for Approval of the Minutes of the May 9, 2017, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Johnson, Bittner, Lunder, Morris, Thompson. Nays: None.

MOTION CARRIED: 5/0

CORRESPONDENCE:

Council Member Lunder advised he had received a Complaint Notice dated May 9, 2017, regarding feral cats. He responded to the complaint today and went to the resident's house on Goldenrod Drive. The problem with the feral cats at this property was that there are cats all over the neighborhood and kittens were born under the hood of their car. The residents directed him to where the feral cats are and he told the residents Council would be talking about the feral cat problem tonight and this would be addressed at a later date.

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor and Safety Director – Mayor Eva

Mayor Eva stated Council has received a Memorandum from Mrs. Bartone dated May 18, 2017, asking for passage of Ordinances No. 2017-O-15 and No. 2017-O-16 tonight as the note is due Thursday, June 15, 2017.

Heroes Day at the Great Lakes Mall was held on Saturday, May 13, 2017, and the City was represented by Chief Gielink and Patrolman Leo Cisternino, Jr. Mayor Eva read a Memo from Chief Gielink to Patrolman Cisternino thanking him for spending time there.

The Memorial Day Parade, sponsored by Amvets Post 109, will be held on Sunday, May 28, 2017. Kick-off time is 1:00 P.M. from the former Rice Elementary

Mayor Eva thanked Chief Gielink and Chief Konitsky along with Officer Tina DeSapri and Firefighters Jeremy Campaign, Gabe Ananea and Justin Corbe for their participation on May 22, 2017, at Lake Elementary. Mayor Eva was there and Office DeSapri presented information on gun safety along with a little bit about drug abuse for the kids and bike safety. The Firefighters covered fire safety for the kids. They do this every year and every year it is good to see the kids before they are dismissed for the summer, and hope they have a safe and happy summer.

Mayor Eva stated he had received a Proclamation from Reverend David M. Bill, Senior Pastor of Victory Lane Assembly of God for the City Officials, Administration, Police Department and Fire Department for their support and service to Mentor-on-the-Lake. Mayor Eva read the Proclamation in its entirety.

Administrative Director – Mrs. Bartone

Mrs. Bartone advised Ordinance No. 2017-O-15 is the roll-over from the bond note balance at the end of the year and 2017-O-16 is to add the anticipated costs for the Pinehurst storm sewer that should begin construction later this year.

Law Director – Mr. Lyons (No Report)

City Engineer – Mr. Sayles

Mr. Sayles advised Dominion reports they have their plans done for Lake Street and have hired a contractor but are waiting for the contractor's schedule.

Service Director – Mr. Moore

Mr. Moore advised the backhoe has been repaired and is back in operation. The Service Department has replaced a collapsed storm sewer pipe on Mooreland. It has been able to complete several residential work requests this year. Road striping is almost completed for the year. The new salt shed has been started. Mr. Moore stated the Service Department is continually completing road maintenance including pothole repair and berming. Park maintenance has been started this year, including daily trash removal and weekly mowing.

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Council Member Morris asked Mr. Sayles, regarding the Pinehurst project, he heard they are projecting to start this in the fall, and without jeopardizing the grant or any funds for it, can it be postponed until spring. Mr. Sayles said it can. Council Member Morris stated there is some concern that the construction in front of Lake Elementary might be very disruptive to the students. Mr. Sayles advised what he would like to do there is to meet with the transportation people as well as the Principal and discuss coordinating this and maybe do Pinehurst in pieces. Mr. Sayles advised delaying it should not jeopardize funding though technically the Ohio Public Works Commission does state you have to adhere to the schedule or they can pull the funding. They have been as much as two years behind schedule on many projects and funding was not pulled. He is sure something could be worked out.

Council Member Morris stated he had one other question. In talking with his neighbors, they are concerned about Pinehurst being so narrow. He and a neighbor measured some of the side streets and by their measurements, Pinehurst is one of the narrowest streets in the City. Council Member Morris asked if during the Pinehurst project if funding could be found to widen Pinehurst. Mr. Sayles said if the money can be found, they can do it. They would have to come up with an estimate as to the cost, and have to be careful as road repairs and resurfacing and heavy repairs can be included in the storm funding because you tend to destroy the pavement when you are doing storm sewers but you would have to find the funding somewhere else for improvement to the roadway. Ohio Public Works grants would be the place to do it but we already have the grant secured for the storm sewer and widening the road is not in there.

BOARD/COMMITTEE/COMMISSION REPORTS:

Ordinance Committee / May 11, 2017 / Mr. Lunder

Council Member Lunder advised the Ordinance Committee met on May 11, 2017, at 6:00 P.M. to finalize the feral cat ordinance, the propane exchange ordinance, parking lot restriping, and removal of Ordinance 1064.02 pertaining to rubbish billing. Present were Council Members Lunder, Bittner, Johnson, and Wolk. Also present was Mr. Moore. The Committee finalized the feral cat Ordinance and will present it to Council tonight for First Reading. Because of the complexity of the Ordinance, the Committee is requesting three readings. Council Member Lunder stated the propane ordinance will be on the Agenda tonight and the Committee is requesting passage of this Ordinance, being approved by the Fire Department and State Rules and Regulations. The Committee changed some of the wording on the parking lot striping Ordinance and it is requesting that this Ordinance be passed tonight. The Committee is requesting Ordinance 164.02 be removed because the City does not bill for rubbish anymore because of the contract with Republic Services. This was brought to the Committee's attention because of reference to seniors receiving a discount on their bills. The Committee is requesting passage of this Ordinance. The meeting adjourned at 7:10 P.M.

Board of Zoning Appeals / May 15, 2017 / Mr. Bittner

Council Member Bittner advised the Board of Zoning Appeals met on May 15, 2017, at 7:00 P.M. The Meeting was a Public Hearing and Regular Meeting. Present were Al Buescher, Chair, David Baranski, Ed May, and Mike Sweeney. Also present were Council Members Bittner and Lunder as well as Mayor Eva. The Committee voted on the Chair and Vice-Chair. Mr. Buescher was elected Chair and Mr. Baranski was elected Vice-Chair. The Public Hearing was held on the request of MKFK Properties for a variance on side setbacks and front setbacks for three parcels on Iroquois Trail. This has been tabled for further meeting until the Committee can talk to Mr. Lyons. The meeting adjourned at 8:00 P.M.

OPEN TO THE PUBLIC TO SPEAK: 7:12 P.M.

Andy Rose, 8027 Linden Street. Mr. Rose commented on Ordinance No. 2017-O-21, the feral cat Ordinance. He has a few concerns. He does not think it is good public policy to restrict the bird and squirrel feeders to the back yards, and it is very difficult to tell a pigeon not to come to the feeder. He thinks this is completely unenforceable and something that will just be on the books, and frankly has no teeth. He has an issue with the 5' from the boundary line as well as to the rear line of the home. He would like to meet the officer or code enforcement officer who is going to cite the 87-year old lady who is feeding birds in her front yard. He cannot figure out what section of the Code this is going into and who will be enforcing this, and how the enforcement will be conducted. The other thing that comes into consideration is the registration by an approved animal welfare organization that has 501(C)(3) status. There is nothing in the Ordinance that talks about reporting requirements. Who is collecting information and determining whether the program is successful. He suggested Council may want to revisit this in a

year as the population is growing not shrinking. If somebody is registered with an animal organization where are the enforcement measures in that particular case. He speaks from experience in that they have found residents in the community where he works are registering with an animal welfare organization simply so that they wave their registration like a flag but are ignoring all of the suggestions of the animal welfare organization. They are citing them in their community. Something needs to be brought in there that they have to follow the rules of the animal welfare organization. These are just a couple of things, but differentiating between birds this is an impossible task and puts a burden on either the Service Department, Administration, or the Police Department to try to enforce this as there will be that one resident that calls and says the neighbor has pigeons at the bird feeder because they do not get along, or will call and complain about the location of the bird feeder. Mr. Rose said it is a rare exception for him to say this, but this is one piece of legislation he would recommend be placed on First Reading.

CLOSED OPEN TO THE PUBLIC SECTION: 7:17 P.M.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2017-R-11

A RESOLUTION APPROVING THE 2018 BUDGET

There was no Motion for Suspension of the Rules. Resolution No. 2017-R-11 is placed on Second Reading.

ORDINANCE NO. 2017-O-15

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,120,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, (I) TO PAY A PORTION OF THE COSTS OF IMPROVING STATE ROUTE 283 BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, PAVING, RECONSTRUCTING, WIDENING WHERE NECESSARY, CONSTRUCTING BIKE PATHS, SIDEWALKS, CURBS, GUTTERS, STORM SEWERS, CATCH BASINS, MANHOLES AND DRIVEWAY APRONS WHERE NECESSARY, INSTALLING AND UPGRADING TRAFFIC CONTROL DEVICES AND SIGNALS WHERE NECESSARY, ACQUIRING ANY REAL ESTATE OR INTERESTS THEREIN NECESSARY IN CONNECTION THEREWITH, AND OTHERWISE IMPROVING THE SAME, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, (II) IMPROVING THE ENTIRE LENGTH OF HOLLY DRIVE BY RESURFACING, CONSTRUCTING STORM SEWERS, INLETS AND MANHOLES, AND OTHERWISE IMPROVING THE SAME, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, (III) TO PAY THE COSTS OF IMPROVING AND EQUIPPING CITY HALL BY ACQUIRING OFFICE EQUIPMENT, COMPUTERIZED EQUIPMENT, AND AN EMERGENCY GENERATOR, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND ACQUIRING EQUIPMENT FOR THE POLICE DEPARTMENT OF THE CITY, AND MOTORIZED VEHICLES AND EQUIPMENT FOR THE SERVICE DEPARTMENT OF THE CITY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, (IV) TO PAY THE COSTS OF THE ACQUISITION AND IMPROVEMENT OF A COMMUNICATIONS SYSTEM FOR THE CITY'S POLICE AND FIRE DEPARTMENTS, (V) TO PAY THE COSTS OF ACQUIRING A VEHICLE AND RELATED EQUIPMENT FOR THE SERVICE DEPARTMENT, AND ALL RELATED EXPENSES THERETO, (VI) TO PAY THE COSTS OF IMPROVING AND EQUIPPING THE CITY'S EXISTING FIRE AND POLICE EMERGENCY COMMUNICATIONS SYSTEM, AND ALL RELATED EXPENSES THERETO, AND (VII) 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 DECLARING AN EMERGENCY.

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2017-O-15 (Continued):

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Lunder, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Johnson, Bittner, Lunder, Morris, Thompson. Nays: None.
MOTION CARRIED: 5/0

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Bittner, for Passage. ROLL CALL: Ayes: Council Member Johnson, Bittner, Lunder, Morris, Thompson. Nays: None.
MOTION CARRIED: 5/0

ORDINANCE NO. 2017-O-16

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$350,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF THE ACQUISITION AND INSTALLATION OF THE PINEHURST STREET TRUNK STORM SEWER, AND DECLARING AN EMERGENCY.

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Morris, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Johnson, Bittner, Lunder, Morris, Thompson. Nays: None.
MOTION CARRIED: 5/0

MOTION MADE BY MR. MORRIS, Seconded by Mr. Johnson, for Passage. ROLL CALL: Ayes: Council Member Johnson, Bittner, Lunder, Morris, Thompson. Nays: None.
MOTION CARRIED: 5/0

ORDINANCE NO. 2017-O-17

AN ORDINANCE AMENDING ZONING ORDINANCE 1242.03(b) IN ORDER TO ADD THE SALE AND/OR EXCHANGE OF PROPANE TANKS TO THE USES REQUIRING A CONDITIONAL USE PERMIT AND DECLARING AN EMERGENCY

Council President Thompson asked Mr. Lyons if this Ordinance needs three readings for a Public Hearing. Mr. Lyons said it did, it also has to go to the Planning & Zoning Commission for consideration. He said he heard Mr. Lunder's report and the Committee is recommending passage of Ordinance No. 2017-O-19 which is the repeal of the storage, sale or exchange of propane tanks, and this Ordinance is directly related to that. The Committee is recommending the storage, sale or exchange of propane tanks be subject to a conditional use permit within the business district and in order to that the Zoning Ordinance needs to be amended. If Council does not want to make this a conditional use permit then vote this down tonight and be done if it just wants Ordinance No. 2017-O-19 to go into effect today. If Council does want to repeal the prohibition of the sale of the sale or exchange of propane tanks at Giant Eagle or other commercial places that would have sufficient size to meet all of the State Fire Codes, this can be done and whatever businesses in the City that meet the requirements will be able to start providing this service. If Council wants to make it a conditional use, Mr. Lyons would recommend that Council do both Ordinances at the same time. There was discussion at the Agenda Meeting about this, and Council Member Lunder said the Committee Meeting was before the Agenda Meeting. Council Member Lunder said this is basically for Giant Eagle. He asked if this is passed tonight but they still have a conditional use permit coming up for review in June, Mr. Lyons said Giant Eagle would not be a conditional use permit at that point. Once it is an allowed use in a district and a zoning regulation is passed afterward, they would be grandfathered. Mr. Lyons, Council Member Lunder, and Mr. Moore discussed this further. Mr. Lyons said there should be a recommendation from Planning & Zoning as well as a public hearing. Council Member Lunder recommended this Ordinance be sent to Planning & Zoning and go the right way in doing this.

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2017-O-17 (Continued):

Ordinance No. 2017-O-17 is referred to the Planning & Zoning Commission.

ORDINANCE NO. 2017-O-18

AN ORDINANCE AUTHORIZING THE MAYOR OF MENTOR ON THE LAKE TO REAFFIRM THEIR COMMITMENT WITH THE LAKE COUNTY BOARD OF COMMISSIONERS TO PARTICIPATE IN THE URBAN ENTITLEMENT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND FOR THE UTILIZATION OF FUNDS MADE AVAILABLE BY THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED, AND DECLARING AN EMERGENCY.

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Bittner, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Johnson, Bittner, Lunder, Morris, Thompson. Nays: None.

MOTION CARRIED: 5/0

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

MOTION CARRIED: 5/0

ORDINANCE NO. 2017-O-19

AN ORDINANCE REPEALING ORDINANCE 660.20 – STORAGE, SALE OR EXCHANGE OF PROPANE TANKS

Council Member Lunder asked Mr. Lyons if it was okay to go ahead and pass this Ordinance tonight. Mr. Lyons said it can but then whoever starts operation before the use code is amended would not have to get a conditional use permit as they would be grandfathered in. Council Member Bittner asked if we are still talking a conditional use permit, they would still have to meet the fire requirements and codes. Mr. Lyons said they would still have to meet the fire requirements and Codes. Mr. Lyons again stated a public hearing has to be held to amend the Zoning Code. If notice is published in the newspaper this week, a public hearing can be held at the second Council Meeting in June and the Ordinance passed as it would also be the third reading. Council President Thompson stated this Ordinance will go on Second Reading so that we can give the thirty-day public notice. Mr. Lyons said it seems like there is some sentiment for Council to repeal this tonight. Council Member Lunder said it has not been decided, but he is going to make a Motion to suspend the Rules and go for passage.

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

MOTION FAILED: 3/2

Ordinance No. 2017-O-19 is placed on Second Reading.

ORDINANCE NO. 2017-O-20

AN ORDINANCE REPEALING ORDINANCE 1064.02 – RATES; BILLING; DISCONTINUANCE FOR NONPAYMENT; RATE REDUCTION

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Morris, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Johnson, Bittner, Lunder, Morris, Thompson. Nays: None.

MOTION CARRIED: 5/0

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2017-O-20 (Continued):

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Morris, for Passage. **ROLL CALL:** Ayes: Council Member Johnson, Bittner, Lunder, Morris, Thompson. Nays: None.
MOTION CARRIED: 5/0

ORDINANCE NO. 2017-O-21

AN ORDINANCE REGULATING THE FEEDING OF NUISANCE ANIMALS, DEFINING EXCEPTIONS; AND REQUIRING SECURE OUTDOOR STORAGE OF REFUSE OR WASTE

Council President Thompson asked if the Committee would like to take this under consideration after Mr. Rose's comments. Council Member Lunder stated in conversations he had today before Mr. Rose's comments, it was basically supposed to be started as a feral cat ordinance and it got thrown in with a bunch of other stuff. He would like the Ordinance rewritten to just read feral cat and take the birds and everything else out of it. He suggested this can be sent back to Committee or amended now. Other Members of Council agreed it be sent back to Committee.

Council President Thompson stated Ordinance No. 2017-O-21 is referred back to the Ordinance Committee.

OLD BUSINESS:

Mayor Eva said Council Member Lunder mentioned the striping ordinance. He has to check with Chief Konitsky as he believes the Fire Code may have changed and we may not need the repeal of the striping ordinance that was put together. This is why it is not on the Agenda tonight.

NEW BUSINESS:

EXPENDITURE APPROVAL:

Vendor: Statewide Ford Lincoln
Items: 2017 Ford Utility Interceptor Patrol Unit
2017 Ford Utility Interceptor
Cost: \$68,333
Fund: General Fund – Police Department
(Per Memorandum of May 12, 2017, from Mrs. Bartone)

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Morris, for approval of the expenditure request for the 2017 Ford Utility Interceptor Patrol Unit and the 2017 Ford Utility Interceptor. **ROLL CALL:** Ayes: Council Member Johnson, Bittner, Lunder, Morris, Thompson. Nays: None.
MOTION CARRIED: 5/0

OPEN TO THE PUBLIC TO SPEAK: 7:35 P.M.

CLOSED OPEN TO THE PUBLIC SECTION: 7:36 P.M.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Safety Committee Wednesday, May 24, 2017, at 6:00 P.M.
(Safety Committee to meet at the Lake Elementary School parking lot off
Pinehurst Road)

Parks & Recreation Board
Ordinance Committee
Planning & Zoning Commission
Finance Committee (Council as a Whole)

Thursday, May 25, 2017, at 7:00 P.M.
Tuesday, May 30, 2017, at 7:00 P.M.
Monday, June 5, 2017, at 7:00 P.M.
Thursday, June 8, 2017, at 6:15 P.M.

Public Hearing on Resolution No. 2017-R-11

Tuesday, June 13, 2017, at 7:00 P.M.

Public Hearing on Resolution No. 2017-O-17

Tuesday, June 27, 2017, at 7:00 P.M.

Regular Agenda Meeting
Regular Council Meeting

Thursday, June 8, 2017, at 6:00 P.M.
Tuesday, June 13, 2017, at 7:00 P.M.

ADJOURNMENT:

MOTION MADE BY MR. MORRIS, Seconded by Mr. Bittner, for Adjournment. **ROLL CALL:**
Ayes: Council Member Johnson, Bittner, Lunder, Morris, Thompson. Nays: None.
MOTION CARRIED: 5/0

The Regular Meeting of Council adjourned at 7:38 P.M.

APPROVED:

June 13, 2017
Date

Desiree Thompson
DESIREA THOMPSON
President of Council

Attest: Joyce M. Aarp
Clerk of Council