



# 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 OCTOBER 10, 2017

The Regular Meeting of Council of October 10, 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  
Aye: **Ward 2:** PAUL MORRIS  
Aye: **Ward 4:** DESIREA THOMPSON, President

**READING OF MINUTES:** Regular Meeting of Council – September 26, 2017

**MOTION MADE BY MR. MORRIS,** Seconded by Mr. Chabut, for Approval of the Minutes of the September 26, 2017, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Wolk, Bittner, Lunder, Chabut, Morris, Thompson. Nays: None. Abstain: Council Member Johnson.

**MOTION CARRIED: 6/0/1**

**CORRESPONDENCE:** (None)

**ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:**

**Mayor and Safety Director – Mayor Eva**

Mayor Eva administered the oath of office to Clay J. Braidic as a Full-Time Patrol Officer for the City of Mentor-on-the-Lake Police Department.

Mayor Eva announced that on October 3, 2017, he received notice that the City has been approved for the Firefighter Exposure to Environmental Elements Grant from the Ohio Bureau of Workers' Compensation in the amount of \$10,043.34. The total grant is \$12,052.00 and the City's obligation is \$2,000.66. The Grant approved the following equipment: one UniMac Cabinet Hardmount Gear Washer Extractor which is for the turn out gear; thirty Majestic Gore Particulate Hoods Nomex Blend; and thirty ProTech 8 Titan Washable Fire Gloves.

Mayor Eva advised that Thomas Tuttle was designated to serve as the Mentor School Board's representative on the Tax Incentive Review Council. He also advised that Kathy Dohnal, John Hawkins,

and Andrew Rose have been appointed by the Lake County Board of County Commissioners to serve on the Tax incentive Review Council.

Mayor Eva read the Fire Department report for September 2017, a copy of which has been forwarded to all Members of Council. There were a total of 92 calls for service during the month of September as follows: Service/Fire – 12 calls; Rescue/EMS – 67 calls; and Invalid Assist – 13 calls. The 92 calls in September were 7 less than in September 2016. The total numbers of calls as of September 30, 2017, is 942. Last year during the same period there were 848 calls. Two calls were dispatched as person overdose. There were five times during the month that the Back-Up Squad had to cover the “On-Duty” crew because they were committed on another call. The Department had a Drill/Training at the Aqua Ohio Plant where the Plant layout and special hazards were identified. Deputy Chief Ron Zak from the Mentor Fire Department also attended the drill so he would know the potential challenges that could arise if there was a problem or call at the Plant.

Mayor Eva advised he had received a Memo today from Chief Gielink regarding the Annual Safety Forces event on October 8, 2017, sent to and thanking Sergeant Scott Daubenmire, Sergeant James Zuber, Patrol Officer Rob Higginbotham, Patrol Officer Tina Desapri, Patrol Officer Clay Braidic, Patrol Officer Kyle Curtner, Patrol Officer Brianna Fawcett, Communications Officer Jennifer Coughlin, Communications Officer Jeannie McPeck, Communications Officer Lorrie Guenther, Communications Office Ally Longo, and Police Department Secretary Christine Bell. As stated in the Chief’s Memo, attendance at this year’s event was the largest crowd ever.

Mayor Eva said Mrs. Bartone has sent a Memo to Council asking that Resolution No. 2017-R-16, on the Agenda tonight, regarding the asphalt path at the City Hall Park paving, be passed tonight as an emergency measure so that the path can be installed this year.

**Administrative Director – Mrs. Bartone**

Mrs. Bartone added to what the Mayor said about the asphalt path and advised the bids are only good for thirty days so if the Resolution could be passed tonight, it would be appreciated.

**Law Director – Mr. Lyons** (No Report)

**City Engineer – Mr. Sayles** (No Report)

**QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:**

Council Member Wolk asked Mr. Sayles about the Overlook Beach Park estimates. Mr. Sayles advised the person doing it has been out of the office and they hope to have something before the next Council Meeting.

Council Member Chabut asked Mr. Sayles asked about the lawn work on Lake Street. Mr. Sayles advised the restoration is continuing and they hope to have it done within two weeks.

Council Member Morris said he had heard about water leaks towards Dahlia Drive and asked if Aqua Ohio had found the leaks. Mr. Sayles advised he understood the leaks had been repaired. He does not know if all the leaks had been found and repaired, but the flow in the sewer is less than it was before.

**BOARD/COMMITTEE/COMMISSION REPORTS:**

**Parks & Recreation Board / September 28, 2017 / Mr. Bittner**

Council Member Bittner advised the Parks & Recreation Board met on September 28, 2017, at 7:00 P.M. Present were Board Chair Jennifer Jakosh, Board Members Harry Burt, Ryan Jakosh, Catherine Roos, Michelle Moore, and Dorinda Myers. Also present were Council Members Bittner and Lunder and Council President Thompson. The first thing they discussed was the City Fest which went well. There was a very good early crowd, and they are looking at ideas for next year. The Board also discussed the tutoring program for Lake Elementary. They will need volunteers who will have to have background checks. If anyone is interested, they should see the Mayor. The Board discussed the Boo Bash which will be held on October 27, 2017, from 6:00 P.M. to 8:00 P.M. at Lake Elementary. The Board also discussed the lighting contest for this year. December 14, 2017, at 7:00 P.M. will be the judging; voting will take place from December 15, 2017, through December 20, 2017, again using Toys for Tots donations for voting.

**Planning & Zoning Commission / October 2, 2017 / Mr. Bittner**

Council Member Bittner advised the Planning & Zoning Commission met on October 2, 2017, at 7:00 P.M. Present were Commission Chair Suzanne Cason, Commission Members Mike Sweeney, Ralph Boomer and Adam Sheldon. Also present were Council Members Bittner and Lunder, Mayor Eva, and Service Director Mr. Moore. The Commission granted a conditional use permit to Mentor Harbor Yacht Club. The day care which has been discussed in past meetings has made no contact so nothing further is going on with that, and Yaeger's is still not compliant.

**Ordinance Committee / October 9, 2017 / Mr. Morris**

Council Member Morris advised the Ordinance Committee met on October 9, 2017, at 7:00 P.M. to discuss an increase in the fire lane violation fines and Ordinance 660.15 concerning abandoned and scrap material. Present were Council Members Morris and Chabut. Council Member Johnson was absent and excused as he was still on vacation. The Committee discussed increasing the fire lane violation fines and after a review of what other cities are charging for this violation, the Committee would suggest increasing the City's fines to \$100.00 for the first offense, \$250.00 for the second offense, and \$500.00 for the third offense. This is not the highest in the County, and there are some communities that allow the Police Department to impound the vehicle and also the fine would go along with jail time, which the Committee Members thought was a little excessive. They are recommending that the Ordinance be amended tonight before passage. The Committee Members present at the meeting also felt that moving Ordinance 660.15 from the Fire Department to the Zoning Official made more sense. This can stay in Committee until another meeting can be scheduled. The Meeting adjourned at 7:25 P.M.

**OPEN TO THE PUBLIC TO SPEAK: 7:18 P.M.**

Hayley Howell, 7757 Miami, representing Amvets Post 109 Junior Amvets. Ms. Howell advised the Junior Amvets are having a benefit spaghetti dinner for Project Hope on Saturday, October 21, 2017, from 5:00 P.M. until 7:00 P.M. at Amvets Post 109. Tickets are \$8.00 each. Council Member Morris asked what Project Hope was. Ms. Howell stated it was for the homeless (Project Hope for the Homeless).

Mark Waites, 5866 Lake Street. Mr. Waites asked Council to walk down Lake Street and see the driveways caving in. He has a big cave-in in his yard. Someone needs to look into this. He also brought up his neighbor's driveway which he has brought up before. He also complained about Mr. Moore and poles placed on his driveway. Mr. Waites stated he has taken his cars to Excalibur to have the cement dust damage taken care of and his insurance company will be taking care of this. There was some discussion about his complaints. Mr. Sayles advised the contractor is responsible for any cave-ins and there is a two-year warranty on the work. They will do what they can now repairing the soil,

trenches, cosmetically fix the asphalt driveways and watch the driveways over the winter, and fix any problems in the spring. Council Member Wolk asked about the poles in Mr. Waites' driveway. Mrs. Bartone advised stakes and caution tape were put on his driveway to make sure no one would drive on the concrete and they will be removed.

Clint Simons, 5429 Woodside Road. Mr. Simons advised he is President of the Mentor Marsh Beach Club and has a Power of Attorney letter from Mr. and Mrs. Brizes as to Yacht Street and the Ordinance on tonight's Agenda. Mr. Brizes wanted to let Council know Mr. Simons was authorized to speak on his behalf, that Mr. Simons is in contact with Mr. Brizes, and thanked Council for bringing this up on the Agenda for a vote. Mr. Simons saw the purchase price listed and Mr. Brizes was hoping the City would be able to negotiate on a fair market price. Mrs. Bartone advised the price she came up with was based on the fair market price. Mr. Brizes pointed out that the delay on the permit for his land with the wall was part of the reason why he was going to see if he could negotiate on the price but if that is not the case, he does not want to stir anything up.

**CLOSED OPEN TO THE PUBLIC SECTION: 7:32 P.M.**

**LEGISLATION BEFORE COUNCIL:**

**RESOLUTION NO. 2017-R-16**

A RESOLUTION ACCEPTING THE BID OF CARRON ASPHALT PAVING, INC. FOR THE CITY HALL PARK ASPHALT PATH IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR AND ADMINISTRATIVE DIRECTOR TO ENTER INTO AN APPROPRIATE CONTRACT THEREFORE, AND DECLARING AN EMERGENCY.

**MOTION MADE BY MR. BITTNER**, Seconded by Mr. Johnson, for Suspension of the rules. ROLL CALL: Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 7/0**

Council Member Morris asked if this is the project being done with the grant funds. Mrs. Bartone advised it was.

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

**MOTION CARRIED: 7/0**

**ORDINANCE NO. 2017-O-27 (THIRD READING) (ASSIGNED TO COMMITTEE)**

AN ORDINANCE AMENDING CODIFIED ORDINANCE 660.15 – STORING OR ABANDONING BUILDING MATERIALS OR SCRAP AMOUNT

Council President Thompson advised this Ordinance will remain in Committee.

**ORDINANCE NO. 2017-O-28 (THIRD READING)**

AN ORDINANCE AMENDING CHAPTER 1610 – OHIO FIRE CODE IN ITS ENTIRETY

Mr. Lyons stated the Mayor will not be able to sign this tonight so it might be better to make the changes and have a clean version for signing at the next Council Meeting. Council Member Morris said it was not urgent to have this passed tonight; it can be taken back to Committee, finish it up, and bring it back as a clean project. After a short discussion, Mr. Lyons said the changes can be made, it can be signed and he will give the Clerk replacement pages for the new fines.

**LEGISLATION BEFORE COUNCIL (Continued):**

**ORDINANCE NO. 2017-O-28 (THIRD READING) (Continued):**

**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Chabut, to amend the fines listed in the Ordinance at Section 1610.04(a)(10) at Page 3 to \$100.00, \$250.00, and \$500.00 respectively. ROLL CALL: Ayes: Council Member Wolk, Johnson, Chabut, Morris, Thompson. Nays: Council Member Bittner, Lunder.

**MOTION CARRIED: 5/2**

**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Johnson, for Passage of Ordinance No. 2017-O-28 As Amended. ROLL CALL: Ayes: Council Member Wolk, Johnson, Chabut, Morris, Thompson. Nays: Council Member Bittner, Lunder.

**MOTION CARRIED: 5/2**

**ORDINANCE NO. 2017-O-29 (SECOND READING)**

**AN ORDINANCE REPEALING CHAPTER 1630 – BOCA NATIONAL FIRE PREVENTION CODE**

There was no Motion for Suspension of the Rules. Ordinance No., 2017-O-29 is placed on Third Reading.

**ORDINANCE NO. 2017-O-30 (SECOND READING)**

**AN ORDINANCE REPEALING CHAPTER 1426 – LIFE SAFETY CODE**

There was no Motion for Suspension of the Rules. Ordinance No. 2017-O-30 is placed on Third Reading.

**ORDINANCE NO. 2017-O-32 (SECOND READING)**

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

There was no Motion for Suspension of the Rules. Ordinance No. 2017-O-32 is placed on Third Reading.

**ORDINANCE NO. 2017-O-33**

**AN ORDINANCE DECLARING CERTAIN REAL ESTATE OWNED BY THE CITY AS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE CITY TO SELL SAID REAL ESTATE AND DECLARING AN EMERGENCY**

Council Member Bittner asked about the time frame in getting this done. Mr. Simons advised Mr. Brizes was unable to determine a time line but the Power of Attorney letter states the middle of January 2018. Council Member Wolk asked about the process for getting the sale done, once this legislation gets passed, will that be the advertised sale price. Mr. Lyons said yes. Council Member Wolk asked if any other legislation would have to be passed after that. Mr. Lyons said no. By Council passing this Ordinance, it authorizes the City to sell the property. There will be paperwork for the purchase as well as the deed conveying the property. There is a requirement that the 10' be attached to adjoining property. There was discussion as to a time frame, final grading plan, obtaining the occupancy permit, whether Mr. Brizes is in violation for not doing the retaining wall, and submitting final grading plans. Council Member Bittner stated he wanted to make sure everything is done in a timely fashion for Mr. Brizes. Council Member Wolk suggested that Mr. Simons let Council know if this is going to make a time crunch for Mr. Brizes.

**LEGISLATION BEFORE COUNCIL (Continued):**

**ORDINANCE NO. 2017-O-33 (Continued):**

There was no Motion for Suspension of the Rules. Ordinance No. 2017-O-33 is placed on Second Reading.

Mr. Lyons stated the actual width of Yacht Street is 55' not 60' so that there would still be a 35' width left for the City and the City believes that is sufficient. Mayor Eva said that was correct. Mr. Lyons stated this Ordinance states nothing can be built on the 10' and the City is reserving any utility easements.

**OLD BUSINESS:** (None)

**NEW BUSINESS:**

Council President Thompson advised she was able to find a grant for the speed limit sign for Pinehurst which is a full grant with no City out of pocket expenses, and she forwarded this to the Administration. She advised if the Administration needs any help with this she would be glad to help. Mrs. Bartone stated they are going to do a survey with all of the school parents, get the school involved, and getting feedback from parents and school administrators as to transportation needs, etc. Council Member Morris added if we end up with different signs on Pinehurst he is going to request that they state "during restricted hours," and he is still going to ask Chief Gielink to have a cruiser sit down there during school hours because of cars speeding on Pinehurst.

**OPEN TO THE PUBLIC TO SPEAK: 7:48 P.M.**

**CLOSED OPEN TO THE PUBLIC SECTION: 7:49 P.M.**

**ANNOUNCEMENTS AND SETTING OF MEETINGS:**

Board of Zoning Appeals Monday, October 16 2017, at 7:00 P.M.  
Ordinance Committee Tuesday, October 17, 2017, at 6:00 P.M.

Council Member Wolk asked Mrs. Bartone if the room availability calendar could be emailed to Council so that at every meeting it would not be necessary to go through available dates to schedule meetings. Mrs. Bartone said the calendar can change almost daily. Council Member Morris asked about posting it online. Mrs. Bartone said they have not gotten that far yet but they are working on it. Mr. Lyons said some organizations may not want to be on line. Council Member Morris said it could be restricted such as to show the room may not be available at certain times and be restricted so that only certain people have access to the calendar.

Regular Agenda Meeting Thursday, October 19, 2017, at 6:00 P.M.  
Regular Council Meeting Tuesday, October 24, 2017, at 7:00 P.M.

**ADJOURNMENT:**

**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Chabut, for Adjournment. ROLL CALL:  
Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Morris, Thompson. Nays: None.  
**MOTION CARRIED: 7/0**

The Regular Meeting of Council adjourned at 7:53 P.M.

**APPROVED:**

October 24, 2017  
Date

Desiree Thompson  
**DESIREA THOMPSON**  
President of Council

Attest: Joyce M. Pape  
Clerk of Council