



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 24, 2017

The Regular Meeting of Council of October 24, 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 – October 10, 2017

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, for Approval of the Minutes of the October 10, 2017, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 7/0

CORRESPONDENCE:

The Clerk read an email from the Office of Representative Ron Young regarding the devaluation of the Perry Nuclear Plant and its effect on community budgets. A copy has been given to all Members of Council and the Administration, and is available if anyone else would like a copy.

Council Member Wolk advised he had received an email from Janet Dowling from Mentor regarding a branch that had fallen out of a tree and damaged her car. He has let Mr. Moore know about the branch. Her insurance is taking care of the damage. Council Member Wolk asked Mrs. Bartone if there was an update on that specific tree. Mrs. Bartone said she does not have anything on that as of today regarding that specific tree.

Council Member Wolk advised he has received complaints from two separate households on the North side of Salida regarding jet skis and the noise they are creating. He spoke with Chief Gielink about it and Chief Gielink said essentially they need to keep calling the Police whenever it is happening, get the police there while it is happening. He is having problems enforcing this law, which is a concern to Council Member Wolk if the City has laws that cannot be enforced and this needs to be looked into. Council Member Wolk suggested the Ordinance Committee take this on. He also requested that Chief Gielink attend the Ordinance Committee meeting when one is scheduled so he can weigh in as far as what the

City can do to make this enforceable. Chief Gielink's concerns were with not having the proper equipment to measure the decibel level and not having the training to use the equipment which Council Member Wolk thinks are two problems that may be solvable problems. The residents are also concerned this may be a safety issue. It is currently, he is told, holding up construction of a seven-figure home that is being considered to be built on one of the lots and they are reluctant to move ahead with the plan because of the noise nuisance. The residents using the jet ski reside with a City employee, and it is being perceived that it is special treatment to the employee. Council Member Wolk thinks this is a grave concern if there are residents that think City employees are receiving special treatment because of their employment status with the City. Council Member Lunder stated he also has had a conversation with Chief Gielink about enforcing this. The City can patrol two miles out on the lake, and for him to enforce this, the City would have to give him a boat with three guys, retrain these guys, and there is no money to do this. Council Member Wolk said he did not think that was necessarily true if you know exactly who is on the jet ski. Council Member Lunder said at that time he did not know who was on the jet ski. The person complaining is saying all he heard was jet skis, and if pictures of the boat numbers and other information can be provided, then it can be enforced. Council Member Morris said in looking up that Ordinance it makes reference how to measure noise and what to measure it with, and it is not always required to go out on the lake to measure. There was discussion on this, and Mr. Lyons discussed the specific decibel standards. Reports by residents should be helpful but it only helps if the police can get down there. Decibel reading equipment was discussed, and Council Member Wolk stated it would cost about \$200.00 for high-end decibel equipment. Mayor Eva stated they had an officer go there and since the Police do not have a meter, it was the Officer's opinion that it was not excessive noise at the time. Until we get funds to get a meter and put in procedures it will be the Officer who goes out and makes a judgment call.

Council Member Morris said three members of Council sponsored the car show on the Saturday over Labor Day Weekend, and the goal was to promote the City as well as the businesses in it. A resident emailed him the cover page of an article that appeared in a national magazine, *Cruising Times*, that is distributed regionally, and the car show article appeared in the Ohio version. It was a very complimentary article about Mentor-on-the-Lake and the car show. He advised the car show next year is planned for September 1, 2018.

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor and Safety Director – Mayor Eva

Mayor Eva stated all Council Members have received a Memo from Mrs. Bartone dated October 18, 2017, asking that Ordinance No. 2017-O-34 be passed by emergency measure to provide for current expenses. He also requested Council pass Resolution No. 2017-O-17 as an emergency to secure funding through the Ohio Public Works Commission for the Miami Road drainage system improvement project.

Mayor Eva advised the Mentor-on-the-Lake Fire Department received through the generosity of the Firehouse Subs Public Safety Foundation a grant providing the Fire Department with two new thermal imaging cameras which will replace the Fire Department's current thermal imaging cameras which are over 17 years old. The City and Fire Department would like to extend their deepest thanks to Firehouse Subs Public Safety Foundation for honoring the Fire Department for selection for this grant.

Mayor Eva advised his appointments for the Community Reinvestment Area Housing Council are Ron Dohnal and Al Buescher. Mr. Dohnal has lived in the City for 39 years and previously served on the Board of Zoning Appeals under Former Mayor John Crocker. Mr. Buescher is a long-time resident of the City and has served on the Board of Zoning Appeals since April 2002. This completes the CRA Housing Council with five members: Ann Shields, Ray Gieling, Adam Sheldon, Ron Dohnal, and Al Buescher. These five members will need to appoint two additional members for a CRA Housing Council

of seven members. Mayor Eva stated two additional members need to be appointed by him with Council concurrence for the Tax Incentive Review Council, and he will continue to work on this.

Mayor Eva stated he had a chance to review the information Mr. Sayles passed on to Council regarding Lake Overlook Beach Park. At a cost of \$532,000.00, Mrs. Bartone and he will continue to work with Peter Zahirsky and the Port Authority to look for grants or other ways to get this project done. His opinion on this, which he has expressed to several Members of Council, is he would like to see the City keep the park which is about two acres and in order to stop the erosion, part of the park would have to be cut away. It would be nice to have a beach that can be used, but a beach can only be temporary. That park is probably used more by Mentor-on-the Lake and other residents in the area. They will continue to look for grants and other ways to stop the erosion.

Administrative Director – Mrs. Bartone

Mrs. Bartone stated Council's request for a 3-5-10 year time line for capital expenses is being compiled as well as budget requests to Department Heads and she should have this information, together with the long term outlook, within the next month.

Mrs. Bartone gave an update on the On-Line Checkbook. In the last 90 days there have been 26 visitors; 22 visitors did less than 5 inquiries on the site; the average time on the site was a minute and 46 seconds.

Mrs. Bartone advised one CRA application has been received, and she can pass it along to Council. She does not know who wants this as it is for Council's approval, not hers, according to the Ordinance, and she will forward it to whoever wants to review it. It is over the \$5,000 for improvements and it may not be a huge tax increase but certainly something that is viable.

Mrs. Bartone stated the new Onyx Gym has opened and is offering discounts to City employees. If anyone is interested, she can forward them the information.

Mrs. Bartone stated, as a reminder, any calls that go to contract employees of the City, (Legal, Engineering, etc.), the City does get billed for those calls, and she just wanted to remind everyone to ask ahead of time where the City stands on this or how much as the City is on such as tight budget and she would hate to be over the appropriations at the end of the year and have to do something by emergency at the end of December.

Law Director – Mr. Lyons (No Report)

City Engineer – Mr. Sayles

Mr. Sayles advised the application for the Miami storm sewer project went in today as scheduled and we have to follow up with the proper legislation approving it.

Service Director – Mr. Moore

Mr. Moore was not at tonight's Meeting and his report was given by Mrs. Bartone. Mr. Moore ordered the first order of salt for the season. 200 Tons were ordered as it can now fit in the new shed. This has been delivered. The spreaders have been installed and are ready for use.

A new steel gate has been installed across the driveway by the Service Garage so no one can drive into that area. Mrs. Bartone also suggested, and she and Mr. Moore have discussed, putting in the same type of gate at the end of Pinehurst with a walking path going in as one more measure of security so no one can drive in and possibly hit someone walking on the path.

The 1998 pick-up used by the Service Department is officially out of commission. It could be repaired but the cost would be astronomical.

The Service Department has started working on the cracked ceiling this week and should be done soon, weather permitting.

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Council Member Morris advised he had a resident call him about the On-Line Checkbook and that it only shows up to the year 2016. He asked Mrs. Bartone about this. Mrs. Bartone stated there was some change-over in their staffing at their level and they put the City on hold for a little bit. Elaine has since sent them all of the files for 2017.

Council Member Morris asked if Mr. Moore had said what happened to the 1998 pick-up truck. Mrs. Bartone said there are holes in the floor; the steering wheel covering is like wire now; brakes. Council Member Lunder said he rode in the pick-up and he almost went through the window because the brakes locked up. Mrs. Bartone said doing only 8 miles an hour, the brakes are locking up. Council Member Morris asked if the truck was used for snow plowing, and Mrs. Bartone said it was not, the truck was mainly used to drive around to the job sites, haul things, for Glen to use in doing his inspections, etc. Council President Thompson asked if Mr. Moore had gotten a quote on a new one yet. Mrs. Bartone said he had gotten some quotes but they were for the big truck which he needs more rather than the small one which he needs but not as much.

Council Member Wolk asked regarding Ordinance No. 2017-O-34 if Mrs. Bartone could explain specifically why it needs to be passed tonight instead of waiting three readings. Mrs. Bartone explained this is the grant money being received by the City, and the City cannot spend it until it is appropriated, so once they get the money, there is a very small window to spend the money and they have to be able to spend it as soon as it is received for the extractor, masks needed by the Fire Department.

Council Member Wolk asked Mayor Eva regarding Resolution No. 2017-R-17, he is asking Council to suspend the Rules and can he explain why. Mayor Eva advised as Mr. Sayles explained, all of the paperwork was submitted to the Ohio Public Works Commission yesterday. There is a place holder there for this Resolution to submit to get the funding for the Miami Road project. Council Member Wolk asked what stopped them from proposing this Resolution two meetings ago. Mr. Sayles stated OPWC did not notify the City they qualified until the day before the last Council Meeting, and Mrs. Bartone stated it was after the Agenda meeting but before the last Council Meeting. Mr. Sayles said this is typical of them to do this.

BOARD/COMMITTEE/COMMISSION REPORTS:

Board of Zoning Appeals / October 16, 2017 / Mr. Bittner

Council Member Bittner advised the Board of Zoning Appeals met on October 16, 2017, at 7:00 P.M. Present were Al Buescher, Ed May, Mike Sweeney, Council Members Bittner and Morris, and Mayor Eva. The purpose of the meeting was the covered patio overhang at 7514 Fern Drive. After a lengthy discussion, it was approved. Under New Business, Mr. Buescher would like the Ordinance Committee to get together with him at a meeting and look at Ordinance 1252.08(F) dealing with conjoining lots.

Ordinance Committee / October 17, 2017 / Mr. Morris

Council Member Morris advised the Ordinance Committee met on October 17, 2017, at 6:00 P.M. to discuss Ordinance 660.15-abandoned waste, and to update information concerning medical marijuana retail. Present were Council Members Morris, Johnson, and Chabut. The Community Room was in use

so the Committee met in Council Chambers. A discussion was held concerning Mr. Lyons' suggestion that we remove Ordinance 660.15 – Storing or abandoning building materials or scrap, Subsection (d). This references the Fire or Police Department sending the offending party a letter. In his opinion it would simply make the offense a minor misdemeanor that could be ticketed by the Police Department. All members agreed to the change. Council Member Morris stated he had received an “unofficial” comment from a Regional Pharmacy Manager from Giant Eagle which stated he did not believe that any of the regular pharmacies would offer the medical marijuana because they would risk losing their Federal DEA license to market other medications. The Committee will be looking at alternatives. The meeting adjourned at 6:30 P.M.

OPEN TO THE PUBLIC TO SPEAK: 7:22 P.M.

Dorinda Myers, 7734 Sharon Drive. She was curious about the jet ski incident. She lives on Sharon Drive and can hear boats and different things on the lake. She does not know how much noise a jet ski can make, but sound carries and she can certainly hear the noise on Sharon. She is surprised the Chief does not think it is loud enough to cite someone. She asked about the time the resident hears the noise. Council Member Wolk said it was a very extended period of time, all different days, the way they described it was all day. The bigger concern was the duration of the noise circling the area for so long which makes it impossible for them to sit and enjoy their waterfront property. Mrs. Bartone said it is also the nature of boating. Council President Thompson said there are a lot of places where the noise echoes because she lives near the lake and at certain times she can hear it more than at other times. Ms. Myers offered to keep track of the times she hears the noises.

CLOSED OPEN TO THE PUBLIC SECTION: 7:25 P.M.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2017-R-17

A RESOLUTION AUTHORIZING THE ADMINISTRATIVE DIRECTOR AND CITY ENGINEER TO PREPARE AND SUBMIT APPLICATIONS ON BEHALF OF THE CITY FOR OPWC ROUND 32 FUNDING AND AUTHORIZING THE MAYOR AND ADMINISTRATIVE DIRECTOR TO EXECUTE SUCH FORMS AND CONTRACTS AS MAY BE REQUIRED TO PROPERLY SECURE OPWC ROUND 32 FUNDING ON BEHALF OF THE CITY OF MENTOR ON THE LAKE, LAKE COUNTY, OHIO AND DECLARING AN EMERGENCY

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

MOTION CARRIED: 7/0

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Morris, 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

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, to approve the amendment to Ordinance No. 2017-O-27. ROLL CALL: Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 7/0

LEGISLATION BEFORE COUNCIL (Continued):

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

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

MOTION CARRIED: 7/0

ORDINANCE NO. 2017-O-29 (THIRD READING)

AN ORDINANCE REPEALING CHAPTER 1630 – BOCA NATIONAL FIRE PREVENTION CODE

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

MOTION CARRIED: 7/0

ORDINANCE NO. 2017-O-30 (THIRD READING)

AN ORDINANCE REPEALING CHAPTER 1426 – LIFE SAFETY CODE

MOTION MADE BY MR. MORRIS, 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-32 (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. Morris, for Passage. ROLL CALL: Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 7/0

ORDINANCE NO. 2017-O-33 (SECOND READING)

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 Mr. Simons, who was at tonight's meeting, if he had found out about the time frame from Mr. Brizes. Mr. Simons said there were no time limits at this time.

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

ORDINANCE NO. 2017-O-34

AN ORDINANCE TO AMEND THE 2017 APPROPRIATION ORDINANCES AND DECLARING AN EMERGENCY

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

MOTION CARRIED: 7/0

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

MOTION CARRIED: 7/0

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2017-O-35

AN ORDINANCE AMENDING CODIFIED ORDINANCE 660.18 – TO DELETE ENFORCEMENT BY THE FIRE BUREAU FOR CODIFIED ORDINANCE 660.15

Council Member Morris stated the reason for taking this section out is because it makes reference to a situation where the Fire Prevention Bureau by the Ordinances as amended does not make sense, and it makes more sense to remove that statement out of the Ordinance. This is all it is doing. Mr. Lyons said this was a companion piece to what was just passed. Discussion was held regarding passage of this Ordinance.

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

MOTION FAILED: 3/4

Ordinance No. 2017-O-35 is placed on Second Reading.

OLD BUSINESS: (None)

NEW BUSINESS:

Council President Thompson stated the Holidays are coming up, and the second Agenda Meeting in November is scheduled for November 23, 2017, which is Thanksgiving Day. She and the Clerk discussed this, and are recommending that the Agenda Meeting be held on Tuesday, November 21, 2017, instead. There were no comments or other suggestions. Council President Thompson announced that the November 23, 2017, Agenda Meeting will be rescheduled to Tuesday, November 21, 2017, at 6:00 P.M.

Council President Thompson stated she and Council Member Wolk noticed that the last meeting in December will be held on December 26, 2017, and asked if there were any objections in cancelling that meeting or rescheduling it. Council Member Wolk said he would prefer to reschedule the meeting. Council President Thompson said she is going out of town the week before, and does not know if anyone else is traveling over the Holidays. Council Member Morris stated, because of the Holidays, and as long as City business is caught up and there is nothing that needs to be dealt with, he had no problem with cancelling the meeting.

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, to cancel the December 26, 2017, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Johnson, Bittner, Lunder, Chabut, Morris, Thompson. Nays: Council Member Wolk.

MOTION CARRIED: 6/1

Council President Thompson stated the December 26, 2017, Regular Meeting of Council will be cancelled.

OPEN TO THE PUBLIC TO SPEAK: 7:36 P.M.

CLOSED OPEN TO THE PUBLIC SECTION: 7:37 P.M.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Parks & Recreation Board
Ordinance Committee

Thursday, October 26, 2017, at 7:00 P.M.
Monday, October 30, 2017, at 6:00 P.M.

Council Member Morris advised the Agenda for the Ordinance Committee meeting will be to discuss the Ordinance concerning Parks & Recreation including permission to use Parks & Recreation property for archery which Mr. Moore had asked if archery could be taken out of that Ordinance; the sound control Ordinance; looking at alternatives with medical marijuana; and when the Committee changed the fire lane violation fines, according to Chief Gielink there is a conflict with another Ordinance so this needs to be looked at. Mr. Lyons said additional language needs to be added to one of the Ordinances, so it probably would be better to add that language to the parking violations. He and Council Member Morris discussed changing or adding this language to the Ordinances. Council Member Morris advised the Committee was also going to look at some zoning issues so that the Zoning Committee could continue forward with their business; discussing 1252.08(F) and invite Mr. Buescher to the meeting; looking at the Ordinance concerning dead trees in the right of way. There was a discussion on the dead tree branches falling on residents and/or cars, and dead trees, and whose responsibility it is to take care of the dead branches or trees. Council Member Wolk said Mr. Moore is looking into the tree branch that fell on Ms. Dowling's car. Mrs. Bartone said Mr. Moore is very conscientious about checking all the trees, especially when the City gets a call. He has looked at any of the trees in question at some point and anything he looked at, at least part of the trees were still alive; he has looked at the trees in question.

Regular Agenda Meeting
Regular Council Meeting

Thursday, November 9, 2017, at 6:00 P.M.
Tuesday, November 14, 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 7:47 P.M.

APPROVED:

November 14, 2017
Date

Desiree Thompson
DESIREA THOMPSON
President of Council

Attest: Joyce M. Saxe
Clerk of Council