



# City of Mentor-on-the-Lake

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## MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE NOVEMBER 28, 2017

The Regular Meeting of Council of November 28, 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

A Moment of Silence was held for Patricia L. Molenaar, wife of retired City Administrator Kip Molenaar, who passed away on November 16, 2017.

**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 – November 14, 2017

**MOTION MADE BY MR. MORRIS,** Seconded by Mr. Johnson, for Approval of the Minutes of the November 14, 2017, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED:** 7/0

**CORRESPONDENCE:**

Council Member Morris advised he had received an email from Judy Meador, who lives on Campbell Road, regarding her backyard neighbors increasing the grade of their property. He spoke with Mr. Moore about this, and because Campbell Road is not in his Ward, he also copied the email to all three At-Large Councilmen as well as Council Member Chabut. He told Ms. Meador this would be looked into. In speaking with Mr. Moore, he found out that the City is already looking into this. Mr. Moore had shown him a picture of what was going on, as this gentleman is bringing in mounds of mulched leaves into his backyard.

Council Member Morris advised he has received numerous complaints about Pinehurst Road going back to being one way all day. He asked them to be patient as it is for the safety of the children at this point, and it is because of the up-coming Winter season and having the ability to plow the streets, etc., but there were cars going the wrong way all day today. This is another problem that still exists.

**7:03 P.M.** Council President Thompson introduced Cathy Hewitt from the Lake County General Health District, Public Health, who discussed the Tobacco 21 movement. The purpose of Tobacco 21 is to raise the minimum sale age for tobacco products from 18 to 21, not only in Lake County but throughout the State of Ohio. Ms. Hewitt stated she has met with the Mayors in Lake County at a Mayors Meeting and the Lake County Commissioners. The Cities of Cleveland and Euclid have adopted Tobacco 21. Ms. Hewitt discussed the statistics of tobacco use among young people. She presented a draft of a resolution used in Columbus to draft a law raising the minimum sale age for tobacco products, and asked Council and the Administration to pass a similar law in Mentor-on-the-Lake, as at least 25 cities in Ohio need to pass this law for it to be considered on the State level. She answered questions from Members of Council, and Ms. Hewitt and Mr. Lyons had a lengthy discussion about the legal aspects of passing this type of law in Mentor-on-the-Lake, that it should be a State issue, and its affect on businesses in Mentor-on-the-Lake.

**7:23 P.M.** Council President Thompson introduced Firefighter Eric Heimberger to give us a review of the MDA Fill-the-Boot event. Firefighter Heimberger introduced Barb Stratton, a representative from MDA, and presented the MDA with a check for \$14,210.00 collected by the Fire Department at the Fill-the-Boot event.

#### **ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:**

##### **Mayor and Safety Director – Mayor Eva**

Mayor Eva advised he would have revisions to Codified Ordinance 232.01 before the next Council Meeting which deals with the make-up of the Fire Department. He met with Chief Konitsky and Lt. Cassidy last week and the way the Ordinance is written today, it lists a full-time Chief Officer, which currently is a part-time position, and this is the only major change to the Ordinance.

Mayor Eva stated, as Council Member Lunder had mentioned at the last Meeting, the Santa Run will be on Sunday, December 10, 2017, from 12:00 Noon.

Mayor Eva stated the judging for the Holiday Lighting Contest will be on Thursday, December 14, 2017, at 7:00 P.M.

Mayor Eva advised he will be meeting with Peter Zahirsky from the Port Authority this coming Friday along with representatives from the City of Mentor to discuss repurposing Mentor Beach Park. He will keep Council informed of any updates on that.

##### **Administrative Director – Mrs. Bartone**

Mrs. Bartone advised that negotiations have been reopened for full-time Police Communication Sergeants. Their contract is up the end of this year.

Mrs. Bartone advised she will have the end of the year Appropriation adjustments and temporary Resolutions shortly.

Mrs. Bartone stated the contractor for the walking path has agreed to keep the 2017 price. The weather was not looking good for the 25-day outlook and they did not want to create a larger mess than necessary, so they agreed to hold the price and will construct the walking path in the Spring.

Mrs. Bartone requested that in Resolution No. 2017-R-18, the request to sell surplus on line, E-Bay has a ten day max period; the Resolution states fifteen days; and it was requested that this be changed to ten days.

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

**City Engineer – Mr. Sayles**

Mr. Sayles advised the contractor for the Lake Street project will be back to add some additional drainage inlets for the ponding problems and hopefully this will be wrapped up before Christmas, but he does not have an actual date yet. Regarding the Pinehurst Storm Sewer Project, they are very close to having the drawings finished, and he would like to set up a meeting with the area Council Member and the Administration, to discuss when they want this project to occur, what kind of restrictions to be put in, when it will be bid, so there is minimum disruption to the school. He does not think the whole job will be done during the Summer months while school is out, and they would like to figure out the best approach to this and write this into the bid documents. He and Mrs. Bartone also have to talk to Tim Miller, Storm Water Management, to set up financing for the project.

**Prosecutor – Mr. Gurley** (Absent)

#### **QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:**

Council Member Chabut asked Mr. Lyons if he has had a chance to talk to the representative from Lake Habitat. Mr. Lyons said he has not, he has not had a call yet.

Council Member Morris asked Mr. Sayles, regarding the Lake Street Project, what caused the flooding. Mr. Sayles stated a couple of locations caused this by not getting in the drainage basins. Others, because the right-of-way is really wide there, it was torn up and trying to get it graded back to the way it was, they were not aware of standing water problems off the edge of the pavement to the front yard. They are spotting these locations and adding in the drains. The reason it was more of a problem than the Holly Drive Project was on streets that have roadside ditches or had roadside ditches that were filled in, they know exactly where the ditches and/or pipes are and where to put the drains. On Lake Street it was not obvious from Topo where they would run into these low spots because everything is so flat. They are going in and adding additional drains and bringing some of the manhole covers up to grade so the water flows into the manhole. Mr. Sayles also stated this is not unusual in this type of project but he is disappointed they missed those basins that should have been installed. Council Member Morris asked who pays for the cost of this. Mr. Sayles stated the City has to pay for this. If they had been included in the original bid, the City would have had to pay for them anyway. He thinks the City is getting a good deal on this because the contractor took so long, and is willing to give the City a good price.

#### **BOARD/COMMITTEE/COMMISSION REPORTS:**

##### **Ordinance Committee / November 22, 2017 / Mr. Morris**

Council Member Morris advised the Ordinance Committee met on November 22, 2017, at 2:00 P.M. Present were Council Members Morris, Johnson, Chabut, and Lunder. Also present was Mr. Moore. The Committee met to discuss several Ordinances: 1266.02 (archery in the parks), 670.30 (watercraft noise), 452.03 (fire lane fines), 1034.01 (trees in the right of way), 1252.08(f) (zoning issues for business and office zones), and marijuana retail sales.

The Committee is waiting for the Law Director to finalize the language for Ordinance 1266.01 concerning archery in the recreation park district and 452.03 concerning the fire lane violations. The Committee is supporting that these be moved to the Council Meeting when they are completed. He did get them back and they will be approved at the next Committee Meeting and brought to the next Council Meeting. Concerning trees in the right of way, the Committee reviewed legislation from two other communities and felt that the language from Elyria seemed to be the most clear in stating that the property owner would be

responsible for trees in the right of way. The Committee will coordinate with the Law Director to incorporate the language into the City's Ordinances. Concerning the request to amend Ordinance 1252.08(f), a review was completed and the Committee is keeping this in Committee until it can meet with Al Buescher, Chair of the BZA, to make certain that it has covered all of the facets of the changes requested. Concerning the Zoning issues, the Committee reviewed the Residential, Office, and Business Zoning Ordinances. There weren't any major issues with the Residential Zoning, but the Office and Business Zoning prompted much conversation. The Committee would like to look at several issues that would affect these sections. The discussion focused around making the sections all under Business Zoning but with different subsections such as Business One, which would be very similar to the current Office Zoning; Business Two would be less restrictive as Business One. The Committee is looking at other cities Zoning Ordinances to find the best fit for Mentor-on-the-Lake with some fine-tuning. All of these changes are to encourage business development within the City and yet attempt to respect the residents of the City. This will be a multiple meeting process as the Committee works its way through this. The marijuana retail sales was the final and last issue discussed. The Committee has just received Eastlake's version to review. It believes that Eastlake may be the first in the County to offer such an Ordinance. The Committee will be spending much of the next two meetings to work this out to be able to present to Council shortly after the first of next year. This will be one of the Committee's priorities to complete as soon as possible. At the beginning of the meeting, Council Member Lunder had brought up that the ability to auction items on E-Bay does not match the requirements of the City's current ordinances which require a longer time to be advertised than E-Bay permits. Council Member Lunder stated that this was pointed out by Chief Gielink. The Committee will look into this at its next meeting. The Committee further chose to keep the issue of watercraft noise in Committee as it looks into several issues concerning the current Ordinance and the Police Department's ability to enforce them. It was noted that the Ohio Department of Natural Resources also has jurisdiction in this area. There is consideration for a possible land based enforcement or to eliminate the noise enforcement from the City ordinances and let ODNR enforce this issue. The meeting adjourned at 4:00 P.M.

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

Skip Gray, 7574 Dahlia Drive. Mr. Gray spoke regarding the one-way on Pinehurst as well as right of way trees only being looked at and asked where jurisdiction fell on trees along power lines in the back of adjoining properties. He was concerned about transformers in the back of properties where there were also dead trees that could fall onto the power lines and transformers. Mr. Gray also had an issue where his wife was attacked by a resident while waiting to pick up their child at the bus stop at Dahlia and Beech. She was legally parked, 30' from the stop sign, when the homeowner came home, pulled into his driveway, then proceeded to back up almost hitting his wife's car, jumped out, and verbally attacked her, stating she needed to move her car. She called him, he called the Police. He has told Dispatch (he has not received reports yet) that this is the second time this person has accosted either his wife or him while waiting for his child to get off the bus. It is not illegal to sit there. It is Officer Tina's assumption that the way the Ordinance is written, she views it as vague with the Ordinance pertaining to it, you can't park on the hydrant side, and she said because it is across the street it could be deemed illegal, which he disagrees with. He does have a video of the person yelling at his wife. Mr. Gray also stated he spoke two weeks ago about illegal parking on lawns, illegal dump trucks, trailers parked in driveways of homes, cars, trucks, SUV's, boats parked in back, front, or side of yards within the City. Council President Thompson asked if he had any addresses where this was happening. Mr. Gray said that was not his job to do that. He sees this driving back and forth to pick up his son. Council Member Wolk asked, to clarify, the officer said that parking across the street from a hydrant — Mr. Gray stated Officer Tina viewed it as vague, sitting across from the driveway as that is the way the Ordinance is written, in front or across of a person's driveway, and in that case no one is allowed to legally park in Mentor-on-the-Lake. Mr. Gray said the bigger problem was that the police did not view this as a harassment situation, and this is the second time Officer Clay has witnessed this. No charges were brought.

Al Buescher, 5426 Coronado Drive. Mr. Buescher spoke to Mr. Gray and stated, and the Law Director can correct him if he is wrong, if a tree is dead, the property owner owes due care to neighbors to take the tree down and is liable if the tree falls down. If it is alive and falls down, the property owner is not liable. He and Mr. Lyons briefly discussed the law on this. Mr. Buescher then stated he and his wife own property on Woodside, and he has furnished Council with a Notification and Request for Council to act, together with photographs. He then discussed his concerns about coastal erosion and that the property owner or owners of 9.8783 acres of undeveloped beachfront and natural marshland habitat, the northern edge of which borders Lake Erie, have failed to reasonably act to stabilize the continuing erosion of this land through established erosion mitigation and conservation practices which is increasing the risk of significant or total loss to neighboring property and land. Mr. Buescher would like the City to formally notify the owner of this property of the obligation of all property owners within the City to maintain their property in such a manner as not to pose such threat or loss. He also would ask Council to consider establishing a commission for the specific purposes of determining the appropriate solutions regarding the City's coastal and marshland areas going forward. He also discussed what is being done with other lakefront properties in conjunction with ODNR. Mr. Lyons questioned this notification letter, and a very lengthy discussion took place between Mr. Lyons and Mr. Buescher regarding the contents of the letter and existing City Ordinances covering this matter. Council Member Wolk asked Mr. Sayles if he agreed with Mr. Buescher opinion that pretty soon this will be eating away at other properties. Mr. Sayles said it is more likely than not, if that is a true statement, he does not think it is absolute that it will happen, but it is more likely than not. Skip Gray asked Mr. Buescher when the photographs were taken and asked what the height of Lake Erie was at the time the photographs was taken. Mr. Buescher said it is not the height of the water, it is the width of the beach, and discussed the width of the beach as shown by the photographs.

Cathy Hewitt stated she did want to ask Mr. Lyons a quick question, so she can follow up on his interest in the Attorney General's opinion on Tobacco 21. Mr. Lyons said he would follow-up with an email to her regarding his comments and opinions as he had stated previously.

Mr. Buescher asked when the City would respond to him regarding his concerns. Council President Thompson said she could assign this issue to the Community Development Committee. Council Member Johnson suggested it be scheduled as a meeting of Council of the Whole as the Community Development Committee will be rearranged by next year. Mr. Buescher asked that both issues be addressed, both the notification and the establishment of a coastal erosion/marshland/wetlands commission. Council President Thompson advised Mr. Buescher that a time will be scheduled for this at the end of this Meeting.

**CLOSED OPEN TO THE PUBLIC SECTION: 8:23 P.M.**

**LEGISLATION BEFORE COUNCIL:**

**RESOLUTION NO. 2017-R-18 (SECOND READING)**

**A RESOLUTION AUTHORIZING THE ADMINISTRATIVE DIRECTOR TO SELL SURPLUS CITY PROPERTY BY WAY OF INTERNET AUCTION AND DECLARING AN EMERGENCY**

There was no Motion for Suspension of the Rules. Resolution No. 2017-R-18 is placed on Third Reading.

Council President Thompson asked if Council wanted to amend the time limit now or wait until it comes up for Third Reading. Council Member Bittner suggested it be amended now so it comes up "As Amended" at the time of Third Reading.

**LEGISLATION BEFORE COUNCIL (Continued):**

**RESOLUTION NO. 2017-R-18 (SECOND READING) (Continued):**

**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Bittner, to amend Resolution No. 2017-R-18 at Section 4, to read “ten” calendar days instead of “fifteen.” ROLL CALL: Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 7/0**

**RESOLUTION NO. 2017-R-19 (SECOND READING)**

**A RESOLUTION CONFIRMING THE APPOINTMENT OF ALFRED J. BUESCHER TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL**

There was no Motion for Suspension of the Rules. Resolution No. 2017-R-19 is placed on Third Reading.

**RESOLUTION NO. 2017-R-20 (SECOND READING)**

**A RESOLUTION CONFIRMING THE APPOINTMENT OF RONALD C. DOHNAL TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL**

There was no Motion for Suspension of the Rules. Resolution No. 2017-R-20 is placed on Third Reading.

**RESOLUTION NO. 2017-R-21 (SECOND READING)**

**A RESOLUTION CONFIRMING THE APPOINTMENT OF RAYMOND F. GIELING JR. TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL**

There was no Motion for Suspension of the Rules. Resolution No. 2017-R-21 is placed on Third Reading.

**RESOLUTION NO. 2017-R-22 (SECOND READING)**

**A RESOLUTION CONFIRMING THE APPOINTMENT OF ANN SHIELDS TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL**

There was no Motion for Suspension of the Rules. Resolution No. 2017-R-22 is placed on Third Reading.

**RESOLUTION NO. 2017-R-23 (SECOND READING)**

**A RESOLUTION CONFIRMING THE APPOINTMENT OF ADAM J. SHELDON TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL**

Council Member Bittner stated he wanted to reiterate that not appointing these people now does not affect the current application. Mayor Eva said that was correct. It does not go into effect until January 1<sup>st</sup>.

There was no Motion for Suspension of the Rules. Resolution No. 2017-R-23 is placed on Third Reading.

**RESOLUTION NO. 2017-R-24 (SECOND READING)**

**A RESOLUTION CONFIRMING THE REAPPOINTMENT OF GEOFFREY D. SNOW TO THE CIVIL SERVICE COMMISSION**

There was no Motion for Suspension of the Rules. Resolution No. 2017-R-24 is placed on Third Reading.

**LEGISLATION BEFORE COUNCIL (Continued):**

**RESOLUTION NO. 2017-R-25 (SECOND READING)**

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF SUZANNE MARTIN CASON TO THE PLANNING AND ZONING COMMISSION

There was no Motion for Suspension of the Rules. Resolution No. 2017-R-25 is placed on Third Reading.

**RESOLUTION NO. 2017-R-26 (SECOND READING)**

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF CATHERINE A. ROOS TO THE PARKS AND RECREATION BOARD

There was no Motion for Suspension of the Rules. Resolution No. 2017-R-26 is placed on Third Reading.

**RESOLUTION NO. 2017-R-27 (SECOND READING)**

A RESOLUTION CONFIRMING THE APPOINTMENT OF HOLLIE R. BARTONE AS ADMINISTRATIVE DIRECTOR AND DECLARING AN EMERGENCY

There was no Motion for Suspension of the Rules. Resolution No. 2017-R-27 is placed on Third Reading.

**RESOLUTION NO. 2017-R-28 (SECOND READING)**

A RESOLUTION CONFIRMING THE APPOINTMENT OF CT CONSULTANTS, INC., AS CITY ENGINEER, AFFIRMING THEIR CONTRACT, ESTABLISHING THEIR COMPENSATION, AND DECLARING AN EMERGENCY

There was no Motion for Suspension of the Rules. Resolution No. 2017-R-28 is placed on Third Reading.

**RESOLUTION NO. 2017-R-29 (SECOND READING)**

A RESOLUTION CONFIRMING THE APPOINTMENT OF JAMES M. LYONS AS LAW DIRECTOR AND ASSISTANT CITY PROSECUTOR, AFFIRMING HIS CONTRACT, DETERMINING COMPENSATION, AND DECLARING AN EMERGENCY

There was no Motion for Suspension of the Rules. Resolution No. 2017-R-29 is placed on Third Reading.

**RESOLUTION NO. 2017-R-30 (SECOND READING)**

A RESOLUTION CONFIRMING THE APPOINTMENT OF JOSEPH M. GURLEY AS CITY PROSECUTOR AND ASSISTANT LAW DIRECTOR, AFFIRMING HIS CONTRACT, DETERMINING COMPENSATION, AND DECLARING AN EMERGENCY

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

**RESOLUTION NO. 2017-R-31 (SECOND READING)**

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF THOMAS M. GRABARCZYK AS PART-TIME HUMAN RESOURCE SPECIALIST, AFFIRMING HIS CONTRACT, DETERMINING COMPENSATION, AND DECLARING AN EMERGENCY

**LEGISLATION BEFORE COUNCIL (Continued):**

**RESOLUTION NO. 2017-R-31 (SECOND READING) (Continued):**

There was no Motion for Suspension of the Rules. Resolution No. 2017-R-31 is placed on Third Reading.

**ORDINANCE NO. 2017-O-35 (THIRD READING)**

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

**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**

**OLD BUSINESS:**

Council President Thompson asked if the Administration had any response from letters sent to local businesses regarding posting places for legislation. She was told no.

Council Member Wolk asked Mayor Eva or Mrs. Bartone what was the latest on the search for funds for the Lake Overlook Beach Park project. Mrs. Bartone advised she is preparing to submit an initial request to Representative John Rogers for his annual budget appropriations he will be sending to the State. Council Member Wolk asked when this had to be sent in. Mrs. Bartone stated she will have the request to Representative Rogers by the end of next week. He needs it for next year's appropriation requests.

Mrs. Bartone reminded everyone of the Holiday Christmas Party on December 6, 2017, and if everyone could RSVP whether they are attending or not so she can have a final head count. Mrs. Bartone said she had sent out the information to Council President Thompson. Council President Thompson said she would email everyone a copy, and so everybody knows, this is for Council and Department Heads, and everyone is responsible for their own meal at the event. There was a brief discussion on time as this is the same night Mayor Eva and Council Member Johnson will be doing the tutoring.

**NEW BUSINESS:**

Council Member Wolk recommended that the Safety Committee look into starting a City sponsored campaign for anti-speeding in the area. He has been told by a lot of different people that speeding is one of the largest concerns, particularly on the through streets going from Reynolds to Andrews, but not just those streets.

Council President Thompson asked for discussion for scheduling the Organizational Meeting of Council and she was looking at January 3, 2018, at 6:00 P.M. for the meeting to have everything set in place for the first Agenda meeting in 2018 on January 4, 2018. It was agreed to schedule the Organizational Meeting for Wednesday, January 3, 2018, at 6:00 P.M.

**OPEN TO THE PUBLIC TO SPEAK: 8:37 P.M.**

**CLOSED OPEN TO THE PUBLIC SECTION: 8:38 P.M.**

**ANNOUNCEMENTS AND SETTING OF MEETINGS:**



Parks & Recreation Board	Thursday, November 30, 2017, at 7:00 P.M.
Ordinance Committee	Monday, December 4, 2017, at 6:00 P.M.
Safety Committee	Tuesday, December 5, 2017, at 7:00 P.M.
Committee of the Whole	Monday, December 11, 2017, at 7:00 P.M.
(to discuss coastal erosion in Mentor-on-the-Lake)	
Ordinance Committee	Friday, December 15, 2017, at 2:00 P.M.
Organizational Meeting of Council	Wednesday, January 3, 2018, at 6:00 P.M.
Regular Agenda Meeting	Thursday, December 7, 2017, at 6:00 P.M.
Regular Council Meeting	Tuesday, December 12, 2017, at 7:00 P.M.

**ADJOURNMENT:**

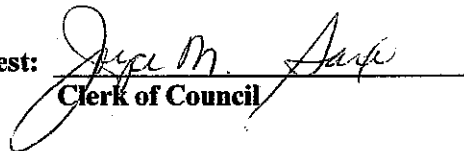
**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Bittner, for Adjournment. ROLL CALL:  
Ayes: Council Member Wolk, Johnson, Bittner, Lunder, Chabut, Morris, Thompson. Nays: None.  
**MOTION CARRIED: 7/0**

The Regular Meeting of Council adjourned at 8:42 P.M.

**APPROVED:**

December 12, 2017  
Date

  
**DESIREA THOMPSON**  
President of Council

Attest:   
Clerk of Council