



City of Mentor-on-the-Lake

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MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE JUNE 26, 2018

The Regular Meeting of Council of June 26, 2018, 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 Mentor Police Officer Mathew Mazany who was killed in the line of duty on June 24, 2018, during a traffic stop.

ROLL CALL:

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

7:01 P.M. PUBLIC HEARING:

RESOLUTION NO. 2018-R-15

(FIRST READING: June 12, 2018 / SECOND READING: June 26, 2018)

A RESOLUTION APPROVING THE 2019 BUDGET

The Public Hearing on Resolution No. 2018-R-15 was called to order by Council President Desirea Thompson at 7:01 P.M.

Council President Thompson asked the Administrative Director, Mrs. Bartone, to provide a brief explanation of the Resolution.

Mrs. Bartone explained this Resolution provides the millage the City is requesting for the 2019 budget year, the same as previous years. Once this is determined and passed by the County, the City will be given a final budget.

Council President Thompson asked if anyone in the audience had questions regarding the Resolution. There were none.

Council President Thompson asked if anyone wished to speak in favor of the Resolution. There was no one who wished to speak in favor of the Resolution.

Council President Thompson asked if anyone wished to speak against the Resolution. There was no one who wished to speak against the Resolution.

Council President Thompson asked if any members of Council wished to comment on the Resolution. There were no comments.

The Public Hearing on Resolution No. 2018-R-15 closed at 7:03 P.M.

READING OF MINUTES: Regular Meeting of Council – June 12, 2018

Council President Thompson advised there is a correction in the Minutes at Page 7 for the date of the Ordinance Committee Meeting.

MOTION MADE BY MR. MORRIS, Seconded by Mr. Lunder, for Approval of the Minutes of the June 12, 2018, Regular Meeting of Council as amended. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 7/0

CORRESPONDENCE:

Council Member Chabut advised he had received a phone call yesterday from Jason Morris concerning the property at Pinehurst and Lake Street that was being used by Woodford Construction and apparently they had not properly cleaned it up. When he came in to check on this, he found that Mr. Sayles had already spoken with the contractor and they were working on it today. Jason is here today, so he is sure we will hear the resolution of that matter.

Council Member Johnson received a phone call from Mr. Splete, 5900 block of Springwood, who had concerns about a car parked on the street overnight on multiple nights. He was concerned about the consistency of enforcement of parking violations. After three citations, it was towed and impounded per the City's Ordinances.

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor & Safety Director – Mr. Eva

Mayor Eva had a couple of follow-ups from the last Council Meeting. Gayle Pritchard had some concerns about the crosswalk signals. After the meeting, he, Council Member Bittner, and Mr. Spencer went out and the signals are working properly at Andrews and Sharon. Also, she had mentioned Lake Tran. Mayor Eva stated he spoke with Ben Capelle, the General Manager of Lake Tran. There are City subsidies for Mentor, Willoughby and Perry, which causes the difference in the cost of \$2.50 for Mentor-on-the-Lake residents to ride and 50¢ for the Mentor residents. Mentor pays Lake Tran every month for the difference. Mayor Eva talked to Mr. Capelle about looking at a stop either extending down Lakeshore to Andrews and Lakeshore or on Andrews, and a possible stop near Marc's Plaza was suggested. They are in the middle of a project with Lakeland, taking over the shuttle service at Lakeland, but beginning in August they will be able to come out and do a time study to see if they set up a stop here, then either continue down Andrews to Salida and Reynolds, or possibly have it here in the middle of Andrews, turn around and continue, but the time study will recalibrate all the other stops that Lake Tran has. He should have the time study results or additional information by the end of August.

Mayor Eva stated he attended the Boy Scouts Troop 306 Court of Honor Ceremony. Jacob Pechatsko, the son of Chief Pechatsko, became an Eagle Scout. He congratulated the whole Pechatsko family, Jamie and Jeannette, this was their third son to become an Eagle Scout.

Mayor Eva stated he attended the erosion meeting on Thursday, June 14, 2018. He sent the presentation from that to all Members of Council. It is also on the City's website and Facebook page. Some of the notes he took: the presentation from ODNR was very comprehensive, covered the water flows from the upper Great Lakes to the lower Great Lakes. Only Lake Superior and Lake Ontario are regulated. The water levels change due to precipitation, evaporation, connecting channel flows. As the smallest of the Great Lakes, Lake Erie responds very quickly to local precipitation events. There has been a gradual water level rise from 2007 to now, and there has been a very rapid rise in Lake Erie water levels since mid-February 2018 which they attribute to multiple, severe northeast storms that happened in March and April of this year. They do have a shore structure permit which is issued by ODNR within three to six months of the application. If there is an immediate need to stop the erosion, ODNR has a temporary shore structure permit which according to ODNR can be issued within a week of the application. There is an application to apply for that in the presentation on the website.

Mayor Eva stated that last week State Representatives John Rogers and Ron Young introduced a Bill enabling residents with shoreline property to band together to form a special improvement district or SID for creating a shoreline improvement project which gives residents up to thirty years to pay for a shoreline protection system. As John Rogers explained during the Eastlake meeting, it is similar to a special assessment for sewers, sidewalks, and some lighting, and this works the same way. From what Mayor Eva understands, there would be a group of say twenty residents along the shoreline who would band together and get an estimate, and each would then be assessed through the County on their taxes for the improvements along the shoreline.

Administrative Director – Mrs. Bartone

Mrs. Bartone stated a Memo has been given to all Members of Council asking for passage of Ordinance No. 2018-O-22 which is the property in foreclosure.

Mrs. Bartone advised the Parks & Recreation Board is hosting a City-wide trunk sale on August 11, 2018, and they have decided to combine this with the City Auction for left-over City items on the same date.

Law Director – Mr. Lyons (No Report)

City Engineer – Mr. Sayles (No Report)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Council President Thompson stated she was also at the erosion meeting. A lot of residents had questions about who they should call about this, and CT Consultants name was passed around. She asked Mr. Sayles if they would help homeowners with a project like that. Mr. Sayles stated generally CT Consultants does not do work for individual property owners, and the other complication is they are the City Engineers for many of the lakefront communities so they would be reviewing any proposed improvements as City Engineer so it would be a conflict of interest on their part working for a private entity and in fact their contract with the City prohibits them from doing this. Mr. Sayles stated he is sure there are other capable engineering firms around to help. Council President Thompson said the big discussion was how to find these companies. Mr. Sayles stated the more capable firms are the bigger firms, and if a resident of Mentor-on-the-Lake would like his suggestions on who to call, he could certainly give them some names. Mr. Lyons followed up that maybe the proposed Bill would be a big help to homeowners and he thinks it would still involve the City in terms of the special assessment process. The special assessment process would provide a revenue stream for a large loan to be taken out, usually by a city, depending on the legislation. The contracts would be done and then a large engineering firm would be involved to try to come up with a shoreline improvement with the costs spread out as a special assessment.

BOARD/COMMITTEE/COMMISSION REPORTS: There were none this week.

OPEN TO THE PUBLIC TO SPEAK: 7:14 P.M.

Jason Morris, 7551 Pinehurst. Mr. Morris owns the vacant lot at 5845 Lake Street, and was here tonight to discuss the situation that Council Member Chabut has already announced. Mr. Morris read a statement regarding Woodford Construction using the property and not properly cleaning it up which resulted in a letter from the City on June 22, 2018. In 2017 at the beginning of the storm sewer project, his father, Council Member Paul Morris, informed the Service Director that Jason might be willing to let Woodford Construction make use of the property for a staging ground. His father was provided a business card for John Woodford which was given to him. Mr. Morris emailed Mr. Woodford and advised he would let Woodford use the vacant lot at no cost under the condition that all debris was cleaned up, ruts filled in, and the lot restored to its previous condition. This was accepted. Mr. Morris also asked Woodford if they would be willing to clean up some of the brush that was on the fence line of the property, which they agreed to but which has not been done yet. By late fall 2017 it appeared that the equipment had been removed and someone had spread debris over the property. He contacted Mr. Woodford and was assured this was due to winter coming and they would be back to properly restore the property to his satisfaction. In the spring, he again contacted Mr. Woodford about restoring the property. On May 26, 2018, he walked the property and took pictures of the condition of the lot. He has contacted Mr. Woodford on numerous occasions and been told Mr. Woodford would be out personally to address his claims, but Mr. Woodford never did. The last claim Mr. Woodford provided by email on June 8, 2018, was that the City and the City Engineer had instructed him not to do anything because it was his vacant lot. Mr. Morris said there is large gravel, chunks of concrete and asphalt, clay tile, rebar, metal and other debris spread all over the lot. This debris creates safety hazards in using any equipment to maintain the lot. He contacted the City regarding the letter of June 22, 2018, and told by the City Administrator there is nothing they can do as this was an agreement between a resident and the construction company, and the City is not getting involved. The bottom line to him is that he has to address the lawn care situation. He told the City Administrator if this is the attitude a resident is going to get in attempting to be a good member of the community in helping with a City project, he will advise residents in the future not to get involved. He then called Ward Councilman Dave Chabut and provided information about the situation. Council Member Chabut was traveling at the time and advised he would look into this at his first opportunity. Yesterday he talked to Mr. Woodford who advised his contract with the City is not ended yet because his work is not done. Mr. Woodford also advised the City has flip-flopped a few times on his crews addressing resident complaints. He also advised he would have a crew out today to conclude these complaints and begin restoring the property. He also claimed he was not responsible for the lawn care of the property despite the issues caused by his use of the property. Mr. Morris thanked Council Member Chabut for looking into this and calling him with an update, also advising that the City Engineer had contacted Woodford about the land and a crew was currently addressing the tall grass. He extended his thanks to Mr. Sayles for assisting in getting this resolved. Currently Bentley Construction is using part of the property for the Pinehurst project and is doing so under written agreement. Based on all the information he has, he feels the City is picking and choosing where and how they are getting involved. He is told this is a private issue between him and Woodford but Woodford claims they have been told by the City and the City Engineer not to touch the property. However, supposedly today they were told to get it cleaned up and address the tall grass. Mr. Morris stated if the City wants to state it is between him and Woodford, he wanted to know why this is occurring. Since he all he was trying to do was assist the City, he would prefer the City offer some assistance instead of hanging him out to dry on this. He also wanted to know if the City would assist in helping him resolve these issues with Woodford.

Mr. Lyons stated he has had some conversations with Council Member Morris about this, and he told Council Member Morris he thought this was a private matter because of the private oral contract between his son and Woodford. Mr. Lyons stated he is not sure of the parameters of the contract because the City was not involved and he thought there would be a problem if the City got involved. The only

thing the City can do in enforcing its contract with Woodford is withhold money or sue them for things that were not done according to the contract with the City. This agreement was out of the normal process the City would get involved in. He also advised Council Member Morris in this type of situation the City would have the right to cite somebody if their upkeep of the property violated a City Ordinance, and one of the persons cited would be the property owner. Mr. Lyons stated if there is a close relative, and it looks like the City is doing something to benefit a family member of a Council Member, then there could be complaints by the public about favoritism which could be against the law, so whenever there are family members involved, the City has to be even more careful. Mr. Lyons feels Council Member Morris calling him for his opinion is perfectly ok, and he assumes Council Member Morris told his son what he had to say. Council Member Morris asked Mr. Sayles if he told Woodford not to clean the property. Mr. Sayles said he never told them not to do that. This matter was further discussed, including when the Lake Street project is supposed to be done. Mrs. Bartone stated, for the record, during pre-construction meetings she advised against using any private property in the City and made both contractors a list of City owned property that was available for their use, and specifically stated that the City Administration prefers that private property not get used because the City does not want to be involved in private contracts. Mayor Eva stated he did get a complaint about the high grass on the lot, and the City goes back to the property owner. He has nothing against Mr. Morris, or anybody, but the City has no recourse with the contractor, the City has to look at the property owner. He did get a complaint, and thinks Council Member Morris has talked to Mrs. Navarro. Council Member Morris said not about the grass, she had a different problem. Mayor Eva said she has a couple of issues, and he talked to her for about an hour last week. Mr. Morris asked if there was anything the City can do in getting the project closed and in getting his property restored. Mr. Sayles stated the final inspection still had to be done. He was expecting it to have been completed today. Council Member Morris asked Mr. Sayles to let him know when the project is completed.

CLOSED OPEN TO THE PUBLIC SECTION: 7:35 P.M.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2018-R-14 (SECOND READING)

A RESOLUTION AUTHORIZING THE SALE/TRANSFER OF PROPERTY ON PRIMROSE DRIVE TO THE LAKE COUNTY LAND REUTILIZATION CORPORATION AND DECLARING AN EMERGENCY

Council Member Wolk stated he had a couple of questions he brought up with Mr. Lyons after the last meeting. In reading through the Resolution there is nothing that assures that the Land Bank will be transferring the property to Habitat for Humanity. Mr. Lyons stated he thought there was a general understanding that this would happen, and he would be surprised if it did not. It was not included in the Resolution because he did not believe the City could control what the Land Bank does, and explained why he did not include the language in the legislation. Council Member Wolk said this was not a deal breaker for him but is uncomfortable in not having some assurance that would hold up in Court. Mr. Lyons said that assurance would be in the contract entered into. This is an unusual situation but he is confident it can be done. He knows there was discussion at the Land Bank about doing this but there was no vote on it yet. Mayor Eva said they need this legislation before they can vote on it. Council Member Wolk also had a question on the fifth paragraph of the legislation about the property being returned to the City if a house is not built on the property within two years, and would like this to be cleaned up to either start in the next two years or be completed in the next two years. Council Member Chabut stated Habitat is ready to build now with completion by Thanksgiving. Council Member Wolk asked about amending this legislation to say construction of the house is to be completed within two years. Council Member Wolk asked, referring to the same paragraph, how would the property be transferred back to the

LEGISLATION BEFORE COUNCIL (Continued):

RESOLUTION NO. 2018-R-14 (SECOND READING) (Continued):

City. Mr. Lyons stated the Land Bank would transfer it back and this would be indicated. There was further discussion on this and the proposed amendments.

MOTION MADE BY MR. WOLK, Seconded by Mr. Morris, to amend the fifth "Whereas" to read, "to be substantially completed in the next two years" and to amend Section I to read, "to be substantially completed." ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 7/0

Council Member Chabut moved for Suspension of the Rules. There was no second, and Resolution No. 2018-R-14 is placed on Third Reading.

RESOLUTION NO. 2018-R-15 (SECOND READING)
A RESOLUTION APPROVING THE 2019 BUDGET

There was no Motion for Suspension of the Rules. Resolution No. 2018-R-15 is placed on Third Reading.

RESOLUTION NO. 2018-R-16
A RESOLUTION APPROVING THE SOLID WASTE MANAGEMENT PLAN UPDATE (APRIL, 2018) OF THE LAKE COUNTY SOLID WASTE MANAGEMENT DISTRICT

Council President Thompson asked if this was time sensitive. Mayor Eva said it has to be done by August, so the timing of this will provide three readings.

There was no Motion for Suspension of the Rules. Resolution No. 2018-R-16 is placed on Second Reading.

ORDINANCE NO. 2018-O-17 (THIRD READING)
AN ORDINANCE AMENDING CODIFIED ORDINANCE 670.30 – EXHAUST MUFFLER REQUIRED

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

MOTION CARRIED: 7/0

Council Member Wolk said he did not have the Ordinance in front of him, and asked if it was an emergency measure, will it go into effect immediately or do we have to wait. Mr. Lyons said it would go into effect in thirty days.

ORDINANCE NO. 2018-O-20 (SECOND READING)
AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO PROVIDE FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY

There was no Motion for Suspension of the Rules. Ordinance No. 2018-O-20 is placed on Third Reading.

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2018-O-22

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

Council President Thompson stated this is the Ordinance Council received the Memo on for emergency.

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

MOTION CARRIED: 7/0

ORDINANCE NO. 2018-O-23

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. 2018-O-23 is placed on Second Reading.

OLD BUSINESS:

Council Member Wolk asked if there has been any progress on the sidewalk notifications, or would this be a better question for Mr. Moore. Mrs. Bartone stated the problem with addressing this in the way discussed, if the City goes out for a large bid to get prices it kind of ends up like the snow removal program, it starts out with solid, decent prices and they get one call to do one job. The next year the prices go up or we don't get anyone. Right now there is one person on the snow removal program. It becomes cost prohibitive for the City to even try to put something together. It certainly cannot afford to do it and then assess the taxes. They are still looking for other options. There was discussion on how to proceed with this, including a possible collaboration with Mentor or Willoughby, and the cost as well as the possibility of sending out letters to see if any residents are interested in a collaboration on getting bids, etc. Council Member Wolk asked if the City was going to take any action against the residents who received the letter. Mrs. Bartone said no, aside from a reminder or follow-up letter, the City is not going to monetarily address it.

NEW BUSINESS:

Mayor Eva advised he has received a flyer from Mentor Harbor Yacht Club. It is celebrating its 90th Anniversary from July 12 to July 15, 2018, and would like City Officials to show up for a couple of those days. He will give everyone a copy of the flyer.

OPEN TO THE PUBLIC TO SPEAK: 8:00 P.M.

CLOSED OPEN TO THE PUBLIC SECTION: 8:01 P.M.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Parks & Recreation Board
Ordinance Committee

Thursday, June 28, 2018, at 7:00 P.M.
Monday, July 2, 2018, at 6:00 P.M.

Regular Agenda Meeting
Regular Council Meeting

Thursday, July 5, 2018, at 6:00 P.M.
Tuesday, July 10, 2018, at 7:00 P.M.

ADJOURNMENT:

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

The Regular Meeting of Council adjourned at 8:02 P.M.

APPROVED:

July 10, 2018
Date

Desiree Thompson
DESIREA THOMPSON
President of Council

Attest: Joyce M. Saxe
Clerk of Council