



# City of Mentor-on-the-Lake

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## MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE July 24, 2018

The Regular Meeting of Council of July 24, 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

**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

**READING OF MINUTES:** Regular Meeting of Council – July 10, 2018

Council Member Chabut advised there was a correction on Page 2, under Fire Chief Pechatsko's report. Police Chief Pechatsko needs to be corrected to Fire Chief Pechatsko.

**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Chabut, for Approval of the Minutes of the July 10, 2018, Regular Meeting of Council, as amended. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None. Abstain: Council Member Wolk.  
**MOTION CARRIED: 6/0/1**

**CORRESPONDENCE:**

The Clerk read an email from Michael Huelsman, 7600 Pinehurst, expressing his satisfaction with the progress and cooperation of the company working on the Pinehurst Road project.

Council Member Morris advised he had received a call from Skip Gray, 7574 Dahlia, with concerns about a property dispute, and Council Member Morris thinks he has gotten Mr. Gray to understand that this is a civil matter. Sgt. Daubenmire has been there at least twice over this. Sgt. Daubenmire explained to Mr. Gray that the qualifications for this to be a criminal act have not been met. Mr. Gray was also upset that the neighbors have a lot of garbage behind their house which was attracting rodents and insects. He complained to the Police Department, who said it was a zoning issue. Council Member Morris talked to Mr. Moore about this and Mr. Moore is sending the neighbor a letter and giving them five more days. Mr. Gray is not happy because this extends the time from fourteen days which is given by ordinance once the City is aware of a problem. Mr. Gray has also gotten the Health Department involved.

Council Member Morris advised he was also contacted by Kathy Dohnal who was concerned about the police inaction with speeding and stop sign violations. He told her he would look into it, and talked to Chief Gielink. Chief Gielink explained the situation and was gracious enough to forward specifics to him indicating the number of stops made versus the number of citations written. Council Member Morris said he would discuss this with Mrs. Dohnal. He also shared this with Council President Thompson.

Council Member Morris advised he also received a call from Sharon Navarro, 5839 Lake Street, who had some concerns about his son's property on Lake Street. They have a meeting tomorrow night about this. Ms. Navarro was talking about the drug activity on Lake Street. According to her it is horrendous and she wonders why the Police Department will not act on it. Council Member Morris explained to her she has to talk to the Police about what she sees going on.

Council Member Lunder advised on July 14, 2018, he had a conversation with Jamie Cordova, General Manager of MHYC. Mr. Cordova wanted to let him know that he was praising the Police Department and the Fire Department for all the hard work they have been doing at the Yacht Club. He also wanted Council Member Lunder to pass on that he had a conversation with Fire Chief Pechatsko and Fire Chief Pechatsko was very professional in getting back to him with all the information he needed and he was very happy with the way Chief Pechatsko was handling it. Council Member Lunder also wanted to say that since Chief Pechatsko has taken over, he has seen a big change in the Fire Department. It is a lot cleaner and it seems like everybody is communicating. Council Member Lunder stated he feels a good decision was made in making Chief Pechatsko the Chief.

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

##### **Mayor & Safety Director – Mr. Eva**

Mayor Eva stated all Members of Council received a copy of the letter from Republic Services. In summary they are asking the City to adjust its contract with them due to the price adjustment for the recycling markets, and are asking the City to consider a price adjustment of 91¢ per household unit per month, which is about \$10.92 per year. They are asking, not telling, the City. The City does have a contract that runs probably another five years with very good rates. The end of the letter states that obviously Republic will continue to live up to its contractual obligations regardless of the City's decision regarding its request. Mayor Eva suggested this be discussed during New Business tonight.

Mayor Eva advised, as mentioned by Council Member Chabut previously, the Parks & Recreation Board will have a car wash on Saturday, August 4, 2018, from 11:00 A.M. to 2:00 P.M. to benefit the students at Lake Elementary. This has been done the last couple of years for cash donations for school supplies for Lake Elementary.

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

Mrs. Bartone gave an update on the sidewalk infraction letters sent out. There were a total of twelve letters sent out. Upon inspection there are only two households remaining that have not complied yet. One is in the works, and the second has not gotten around to it. At this point to go further to get prices they are probably looking at next year to do that. As far as this year goes, this is fairly compliant.

Mrs. Bartone advised on the Agenda tonight is the designation of an ODOT Access Ohio Bike Path Plan. It appears to be just the stretch that continues from Andrews to the West on Munson. She is asking that this be passed tonight. The request was received from ODOT on July 9, 2018, and they asked for it to be back to them by July 20, 2018.

**Law Director – Mr. Lyons**

Mr. Lyons stated the Ordinance Committee has asked him to come up with an ordinance regarding weight limits for overweight trucks. He is hoping to have something in the next two to four weeks. He has just started working very closely with Chief Gielink on this, and Chief Gielink is going to give him a tutorial on what are actually pretty complicated State laws regarding weight limits so the City is not creating a bigger mess than what we have right now. Mr. Lyons stated he was happy Chief Gielink was here tonight so they could discuss this.

**City Engineer – Mr. Sayles**

Mr. Sayles advised the Pinehurst Road project is moving along pretty much on schedule. He talked to the contractor today who expressed how happy he is with the way the job is going. The job is going very well and two weeks from now they should be starting some of the pavement repairs. There has been discussion about wanting to widen Pinehurst, and he has to get Lake County Storm Water to agree. Mr. Sayles stated he hopes to get the widening done without increasing the contract by more than about \$10,000.00.

**Police Chief – Mr. Gielink**

Chief Gielink advised on Thursday, July 5, 2018, in the afternoon, the Police were notified of a possible burglary at an apartment complex on Andrews Road. Upon arrival, officers learned that a male had jumped onto an upstairs balcony and smashed the sliding glass door to gain entry into an apartment. Officers also determined that the male had exited the apartment and fled into an adjacent apartment. A search of the adjacent apartment revealed that the 26-year old male was hiding in a bathroom closet, covered by a blanket. Property from the victim's apartment was also recovered. The male was taken into custody and subsequently charged with burglary and theft without consent. The male also had two outstanding warrants issued by the Mentor Municipal Court. He was arraigned today where bond was set, and a Preliminary Hearing is scheduled for July 11, 2018, at 8:00 A.M.

Chief Gielink stated he received a Memo from Sgt. Daubenmire regarding an incident on Sunday, July 22, 2018, when Ptl. DeSapri initiated a traffic stop. Her probable cause to stop was a marked lane violation and turn signal violation. Her investigation continued due to her recognizing the violator's name as a possible drug trafficker from intel provided to the Mentor-on-the-Lake Police Department. Ptl. DeSapri contacted Willoughby for a K-9 and conducted a K-9 "sniff" of the air around the vehicle to which a positive hit for drugs was obtained. Located in the vehicle were Suboxone, Oxycodone, an unidentified white powder, and over \$1,600.00 in cash. Ptl. DeSapri followed policy by notifying a supervisor. In her report, she requested forfeiture of the monies and the vehicle, which is needed at the initial appearance if there is any chance of forfeiture being granted. Sgt. Daubenmire asked that his Memo stand as his recommendation that Ptl. DeSapri receive a commendation for a job well done.

Chief Gielink advised that on August 4, 2018, from 10:00 A.M. to 2:00 P.M., in conjunction with the Parks & Recreation Board, the Police Department will be sponsoring a Fill-the-Cruiser event at Marc's for school supplies for students at Lake Elementary. This is also the tax free weekend for school supplies. An auction will be held on August 11, 2018, to get rid of surplus property the Police Department has along with other City Departments. They have several bicycles they will be auctioning. This is held in conjunction with the trunk sale in the City Hall parking lot.

Chief Gielink advised that Sgt. Zuber completed the FBI LEEDA Executive Development Trilogy. All Dispatchers have completed the view on line EMD course and are trained on the new protocols.

**QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:**

Council Member Morris asked Mr. Sayles about the status with Woodford Construction. Mr. Sayles advised they are done with their contract and are now in the two year maintenance period. Council Member Morris echoed Mr. Huelsman's comments on the Pinchurst Road project. Bentley Construction has been phenomenal to work with. They have made sure people can get in and out of their driveway and have notified everybody the night before driveways would be blocked. They are real courteous about making sure everybody can get where they want to go. He can't say enough about how good they have been to work with. Mr. Sayles said he would pass that on to them. Chief Gielink stated they are calling Dispatch daily with updates regarding emergency access.

**BOARD/COMMITTEE/COMMISSION REPORTS:**

**Zoning Committee / July 12, 2018 / Mr. Johnson**

Council Member Johnson advised the Zoning Committee met on July 12, 2018, at 6:00 P.M. to review the proposed changes to Chapter 1258. Present were Council Members Johnson, Morris, Bittner, Chabut, Council Vice President Lunder, and Council President Thompson. The Committee discussed the revised wording provided by the Law Director and added 120 feet of frontage for front yard variance in excess of the 20% requirement for that to be able to be reviewed. The Committee agreed to move forward with the Ordinance with no additional changes. The meeting adjourned at 6:35 P.M.

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

**CLOSED OPEN TO THE PUBLIC SECTION: 7:15 P.M.**

**LEGISLATION BEFORE COUNCIL:**

**RESOLUTION NO. 2018-R-16 (THIRD READING)**

**A RESOLUTION APPROVING THE SOLID WASTE MANAGEMENT PLAN UPDATE (APRIL, 2018) OF THE LAKE COUNTY SOLID WASTE MANAGEMENT DISTRICT**

**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Johnson, for Passage of Resolution No. 2018-R-16. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 7/0**

Council President Thompson asked for a correction to the Agenda for Resolution No. 2018-R-17 which is incorrectly stated as Resolution No. 2018-O-17.

**MOTION MADE BY MR. WOLK**, Seconded by Mr. Morris, to correct the Agenda to read Resolution No. 2018-R-17. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 7/0**

**RESOLUTION NO. 2018-R-17**

**A RESOLUTION APPROVING AND SUPPORTING THE DEVELOPMENT OF US BICYCLE ROUTE 30 BY THE ADVENTURE CYCLING ASSOCIATION IN COOPERATION WITH OHIO DEPARTMENT OF TRANSPORTATION**

Council Member Morris asked if there was any cost to the City for this or is this just supporting it. Mrs. Bartone stated it is in support so they can do it.

**LEGISLATION BEFORE COUNCIL (Continued):**

**RESOLUTION NO. 2018-R-17 (Continued):**

**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. Lunder, for Passage of Resolution No. 2018-R-17. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 7/0**

**ORDINANCE NO. 2018-O-23 (THIRD READING)**

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

Council Member Wolk asked Mrs. Bartone if there had been any change to the list from the First Reading. Mrs. Bartone advised not to her knowledge. They do get checked before they are sent to the County. Council President Thompson asked if there was a change to this list would it have to be amended. Mrs. Bartone stated she can notify the County that something has been paid after the fact so they can remove the certification. Council President Thompson asked if names could be added, and Mrs. Bartone said no, she would have to create a new list. Mr. Lyons asked Council Member Wolk if there was a reason behind his question or if he was just curious. Council Member Wolk stated he just wondered if having the three readings had any effect on this. Mr. Lyons and Council Member Wolk had a short discussion on this. Mr. Lyons had some suggestions how to handle checking for payment as a double check or fail safe.

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Lunder, for Passage of Ordinance No. 2018-O-23. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 7/0**

**ORDINANCE NO. 2018-O-24**

**AN ORDINANCE AMENDING CHAPTER 1258 – BUSINESS DISTRICT OF THE CODIFIED ORDINANCES**

There was no Motion for Suspension of the Rules. Ordinance No. 2018-O-24 is placed on Second Reading.

**OLD BUSINESS:** None

**NEW BUSINESS:**

Discussion on the letter from Republic Services: Mayor Eva thought, going back to when the contract was approved, he believes in 2013, it was for ten years. Council approved that contract, and he would look to Council to say we are under contract until 2023 and at this time we would just honor the contract and not make any adjustments which would affect all of the residents. His opinion is he would rather honor the contract with Republic and not cause any more expense for the residents. Council Member Morris agrees with Mayor Eva on this, as does Council Member Chabut. Council Member Morris said he would rather the City honor the agreement. It was entered into voluntarily by Republic and to add even \$1.00 a month could be an extra expense for some people. Council Member Wolk agreed and

added had the recycling market prices gone up he doubts they would come back and drop prices. Council Member Johnson asked what price adjustments can Republic make each year as it seems the cost went up a little bit. Mayor Eva thinks the cost did go up, and that it may be 3% a year adjustment. He does not think the recycling is ever going to come back. He understands from Mrs. Bartone that a lot of what is being recycled by the City and other communities is ending up back in the regular waste because there is no market for what is out there. Mrs. Bartone stated Republic has not done that yet but a lot of other competitors have and directed it to the landfills. Republic is still housing it until they can find another solution. If they can't find a solution, then they have said they will be open and up front and notify the public. Council Member Johnson asked if they stop taking recycling because it was no longer profitable to them, would that affect the contract and reduce costs because the contract has recycling as part of it, and would that reopen the contract? Mrs. Bartone stated at that point it would be another bridge the City would have to cross if they stop taking recycling altogether because then they are non-conforming. Mr. Lyons commented on a *Wall Street Journal* article a few weeks ago about China no longer purchasing recyclable materials and will try to find the article and email it to everyone. Mr. Lyons commented on default and breach of the contract. Council Member Johnson asked if Council was going to vote on this. Mr. Lyons said he did not think it required a vote. Council President Thompson indicated Council is not going to take any action and will just leave it. Mr. Lyons said we have a contract and any amendment would have to be voted on. Council Member Morris stated he agrees with Mayor Eva about notifying Republic of our intent to honor the contract. Mayor Eva said the Administration would notify Republic. Catherine Roos had a question about what is included in the recycling and notifying residents what should or should not be included, and this was discussed.

Council Member Johnson stated now that Chapter 1258 is on First Reading, we need to comply a list of all the parcels being revised, and asked if the Administration does this for review by Council. Mr. Lyons thought it is an administrative matter to be reviewed by Council. Council Member Johnson said ideally he would like for Council to have the list and start its first reading on the day the changes to Chapter 1258 are approved. This would reduce the time period and also allow for three readings, if this is feasible. This was discussed as well as including property data in the list. Mr. Lyons said a motion needed to be passed to set a public hearing on the Zoning Ordinance on today's Agenda.

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Morris, to set a public hearing on Ordinance No. 2018-O-24. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 7/0**

**OPEN TO THE PUBLIC TO SPEAK: 7:32 P.M.**

**CLOSED OPEN TO THE PUBLIC SECTION: 7:33 P.M.**

**ANNOUNCEMENTS AND SETTING OF MEETINGS:**

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| Parks & Recreation Board                             | Thursday, July 26, 2018, at 7:00 P.M.  |
| Planning & Zoning Committee                          | Monday, August 6, 2018, at 7:00 P.M.   |
| Car Wash at City Hall and Fill the Cruiser at Marc's | Saturday, August 4, 2018               |
| Public Hearing on Ordinance No. 2018-O-24            | Tuesday, August 28, 2018, at 7:00 P.M. |
| Regular Agenda Meeting                               | Thursday, July 19, 2018, at 6:00 P.M.  |
| Regular Council Meeting                              | Tuesday, July 24, 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 7:35 P.M.

**APPROVED:**

August 14, 2018  
Date

Desiree Thompson  
**DESIREA THOMPSON**  
President of Council

Attest: Jayne M. Aape  
Clerk of Council