



## City of Mentor-on-the-Lake

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### MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE August 28, 2018

The Regular Meeting of Council of August 28, 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

Council President Thompson stated Ordinance No. 2018-O-24(Amended) needed to be amended pursuant to recommendations in Mr. Lyons' email of August 20, 2018.

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Morris, to amend Ordinance No. 2018-O-24(Amended) by adding a new Section 2 and Wherefore Clause so that the Ordinance is timed to go into effect when a companion ordinance is passed. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 7/0**

**7:01 P.M. PUBLIC HEARING:**

**ORDINANCE NO. 2018-O-24 (Amended)**

(FIRST READING: July 24, 2018 / SECOND READING: August 14, 2017)

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

The Public Hearing on Ordinance No. 2018-O-24(Amended) was called to order by Council President Desirea Thompson at 7:01 P.M.

Council President Thompson asked Council Member Johnson to provide a brief explanation of the Ordinance. Council Member Johnson stated this Ordinance is to clarify some of the business districts. Currently there is business district as well as office district. Office district would be rezoned to Business I which provides more flexibility as to what can be put into those properties and also provides more protection for the adjacent residential properties. Many of the items allowed in Business II, which would be the Marc's Plaza, those types of properties, in

Business I will require conditional use permits so they are not a guarantee you would be able to do those activities in those properties. It also requires buffering between the residential and business property as well. The Ordinance also provides additional buffering and screening of trash receptacles on both Business I and Business II properties to cut down on the amount of debris that comes flying out of the dumpsters in the business area.

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

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

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

Council President Thompson asked if any members of Council wished to comment on the Ordinance. Council Member Morris stated he thinks this Ordinance does a couple of things. He thinks it will help entice some businesses to the City or at least put a more favorable foot forward, and does a lot to protect the residents against the noise, odor, light that some of these businesses can generate. He thinks this is a win/win for everybody. Council President Thompson thanked Council Member Johnson, the Zoning Committee, and the Ordinance Committee for their time and effort in putting this Ordinance together.

The Public Hearing on Ordinance No. 2018-O-24(Amended) closed at 7:03 P.M.

**READING OF MINUTES:** Regular Meeting of Council – August 14, 2018

**MOTION MADE BY MR. JOHNSON,** Seconded by Mr. Morris, for Approval of the Minutes of the August 14, 2018, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 7/0**

**CORRESPONDENCE:**

Council Member Johnson advised he had received a phone call from Mr. Tracy, the owner of the property at the corner of Sharon and Andrews, regarding an update on Ordinance No. 2018-O-24(Amended).

**ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:**

**Mayor & Safety Director – Mr. Eva**

Mayor Eva asked Council to consider two Resolutions on the Agenda this evening. Both of them, if we can get emergency passage tonight, are for the Police and Fire vehicles that Mrs. Bartone and Chief Pechatsko mentioned during the last Council Meeting. By passing them tonight, we can potentially avoid any model changes and also price increases. As discussed at the last Council Meeting, the price increases could be anywhere from \$3,000.00 to \$6,000.00 for each vehicle. By sending letters of intent, we are bypassing these price increases.

Mayor Eva advised, under New Business, he would like to discuss the renewal levies on the ballot on November 6, 2018, for Police, Fire, and roads.

**Administrative Director – Mrs. Bartone**

Mrs. Bartone reminded Council the City's Third Annual Fall Festival is September 8, 2018, from Noon to 8:00 P.M. If anyone wishes to volunteer, please let her or Nikki know.

**Law Director – Mr. Lyons**

Mr. Lyons stated, in looking at Ordinance No. 2018-O-24(Amended), at Page 4, Section 1258.05(1)(b), there is a blank space that he thought had been filled in, and asked Council Member Johnson what that number was. Council Member Johnson said he thought it was 120. He checked and stated it was 120. Mr. Lyons suggested the Ordinance be amended to add 120 on Page 4, Section 1258.05(1)(b).

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

**QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:**

Council Member Wolk stated he notes the cost of the two vehicles are \$38,495.00 and \$36,288.00 respectively, and asked what further expenses will be needed to make them fit for duty. Mrs. Bartone stated the one for the Fire Department, the only additional cost would be the graphic on the side, which would be a minimal, maybe a few hundred dollars at most, and also the same thing for the Police Department car however the graphics will be a little bit more. All of the other pricing was included in the cost. Council Member Wolk asked if Mrs. Bartone knew what the price of the last police car was, even a ballpark figure. Mrs. Bartone said, ballpark, maybe \$2,000.00, maybe \$3,000.00 less. They do not change from year to year too much, less than 10%.

Council Member Morris asked the Administration if the Police Department vehicle was replacing the last sedan that was out there. Mayor Eva said he thought it was the 2014 sedan. Council Member Morris asked if it had become a maintenance issue with that car, or is it still running strong. Mrs. Bartone said there is a lot of maintenance routinely done on that one, more so than any of the others. This would keep the cost down and get it out of the daily rotation of the vehicles. It could be utilized as a marked or converted to an unmarked vehicle and would not be used as much which will cut down on maintenance. Council Member Morris asked if it was the last of the sedans. Mrs. Bartone said yes.

**BOARD/COMMITTEE/COMMISSION REPORTS:**

**Ordinance Committee / August 27, 2018 / Mr. Morris**

Council Member Morris stated the Ordinance Committee met on August 27, 2018, at 6:00 P.M. Present were Council Members Morris, Johnson, Chabut, Bittner, Council Vice President Lunder, Council President Thompson, Service Director Mr. Moore, and Tony Ramos from NOPEC. The Committee met to discuss the NOPEC "Do Not Knock" program versus Ordinance 850; weight limits of vehicles parked in the residential district and the distance from the edge of the street; ditches; and restricting zoning enforcement concerning privacy fences. The Committee discussed the "Do Not Knock" program with Mr. Ramos versus the City's current Ordinance 850. The Committee, as well as all Members present, wish to strengthen Ordinance 850 entitled "Peddlers and Solicitors" to require that all solicitors have a clear background check or that 850.06(h) is verified. NOPEC would maintain the list. The Committee will go through the Ordinance to clean up some issues. Council Member Morris stated the issue concerning weight limits and parking closer than 20 feet to the edge of the street was discussed. The Committee chose, as a group, not to change the Ordinance. Enforcing the weight limits would require portable scales, which the City does not have. The Committee next discussed the issue of residents having their ditches filled in. Discussion was in the direction of enabling residents to place a culvert in their ditches, providing they had at least 6" coverage. The size of the culvert would be determined by the "high" point of the ditch along the street and the proximity to the nearest catch basin going to the storm

sewer. Each property would be required to have a catch basin. The Committee will schedule a meeting with Mr. Sayles to discuss this further. Council Member Morris stated Mr. Moore asked the Committee to review the issue concerning the City having to enter a back yard that has a privacy fence. His concern is that if the violation cannot be seen from the street, should he be required to enforce it. The consensus of the Committee Members present is, if the violation cannot be seen clearly from the street, it is not safely enforceable. The Committee will look into placing verbiage in the Ordinance to restrict this. The meeting adjourned at 6:45 P.M.

**Zoning Committee / August 27, 2018 / Mr. Johnson**

Council Member Johnson stated the Zoning Committee met on August 27, 2018, at 6:45 P.M., immediately after the Ordinance Committee meeting, to review the property list for rezoning Business I and Business II prepared by the Administration. He thanked the Administration for preparing the list. Present were Council Members Johnson, Chabut, Morris, Bittner, Council Vice President Lunder, Council President Thompson, and Service Director Mr. Moore. Council Member Johnson stated the Committee reviewed the list of properties and decided to leave the Aqua lots not abutting Andrews Road as single family. The lots abutting Andrews Road would be Business I. Property at 7768 Salida Road, which does not abut Andrews Road, was removed from the list. Properties between Linden and Driftwood, which is Northwinds, will be rezoned multi-family district to reflect current use. It is currently zoned as condo. Southwinds will be rezoned multi-family district as well. Property at 7878 Plains Road will be rezoned from business to multi-family. Property at 7906 Plains will be rezoned from industrial to multi-family. The Committee also decided to address the apartments on Marine Parkway. 6001 Marine Parkway will be rezoned to multi-family, and 5980 Marine Parkway will be rezoned to multi-family rather than business or industrial. The meeting adjourned at 7:30 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-18**

**A RESOLUTION DESIGNATING SEPTEMBER 2018 AS PROSTATE CANCER AWARENESS MONTH**

**MOTION MADE BY MR. JOHNSON, Seconded by Mr. Morris, 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 of Resolution No. 2018-R-18. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.**

**MOTION CARRIED: 7/0**

**RESOLUTION NO. 2018-R-19**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO EXECUTE A LETTER OF INTENT TO PURCHASE A 2019 UTILITY INTERCEPTOR FROM STATEWIDE FORD LINCOLN FOR THE POLICE DEPARTMENT AND DECLARING EMERGENCY**

Council Member Wolk asked, for the record, if Mayor Eva could state why this is important to suspend the Rules and pass this tonight. Mayor Eva stated the reason they are submitting the letter of intent this

**LEGISLATION BEFORE COUNCIL (Continued):**

**RESOLUTION NO. 2018-R-19 (Continued):**

year is to avoid the model changes and price increases which could be anywhere from \$3,000.00 to \$6,000.00 for each of these vehicles. Council Member Wolk asked if these waited for three readings, talking about suspension right now, we would possibly incur additional expense. Mayor Eva said yes. Council President Thompson asked if this included the expense for the new lights and everything that would have to be ordered as well, or is that an additional increase. Mrs. Bartone said that could be an additional expense.

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Lunder, 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-19. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 7/0**

**RESOLUTION NO. 2018-R-20**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO EXECUTE A LETTER OF INTENT TO PURCHASE A 2019 UTILITY INTERCEPTOR FROM STATEWIDE FORD LINCOLN FOR THE FIRE DEPARTMENT AND DECLARING EMERGENCY**

Council Member Morris asked which fire vehicle will be retired when this comes in. Mrs. Bartone said the Chief's vehicle, which she believes is the white one.

**MOTION MADE BY MR. LUNDER**, Seconded by Mr. Johnson, 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 of Resolution No. 2018-R-20. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 7/0**

**ORDINANCE NO. 2018-O-24 (AMENDED) (THIRD READING)**

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

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Morris, to amend Ordinance No. 2018-O-24 by adding 120 feet on Page 4, Section 1258.05(1)(b). 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. Chabut, for Passage of Ordinance No. 2018-O-24(Amended). ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 7/0**

**LEGISLATION BEFORE COUNCIL (Continued):**

**ORDINANCE NO. 2018-O-25 (SECOND READING)**

**AN ORDINANCE AMENDING CODIFIED ORDINANCES 804.01, 804.02, 804.03, 804.04, 804.05, 804.06, 804.07, 804.11 AND 804.99 RELATING TO BUSINESS REGISTRATION**

There was no Motion for Suspension of the Rules. Ordinance No. 2018-O-25 is placed on Third Reading.

**ORDINANCE NO. 2018-O-27 (SECOND READING)**

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

Council President Thompson asked if any of the homes on the list have turned up for any foreclosure. Mrs. Bartone advised not to her knowledge.

There was no Motion for Suspension of the Rules. Ordinance No. 2018-O-27 is placed on Third Reading.

**OLD BUSINESS:** (None)

**NEW BUSINESS:**

Mayor Eva stated, as he mentioned, there are levies going on the ballot on November 6, 2018. There is money in the Committee fund left over from the last time to potentially send out letters or postcards whatever we, as elected officials, decide to do. He asked for some ideas. Council Member Morris said the idea discussed before in a Committee Meeting several months ago of a letter going out to the residents explaining this is not going to increase taxes and is just extending what is already in place was probably the best approach because there is going to be a lot of people thinking this is on top of the Charter Amendments already. Mayor Eva said the verbiage on the ballot says it is a renewal, but Council Member Morris is right. Council Member Morris thinks a letter explaining this in detail should be sent because regrettably people see renewal and it confuses them. Mayor Eva asked if something could be drafted and then everyone meet to look over the draft. Council Member Wolk thought special care should be taken to avoid any perception of a scare tactic or anything threatening, anything that could be questionable as far as the truth. He thinks complete accuracy and non-threatening should be used. Council Member Morris stated in the last two or three years quite a bit of money has been spent replacing vehicles and most of them he can't argue with as they have been with due cause, especially with the Service Department, as well as the Police Department and Fire Department. The residents do not usually hear this. All they see are the new vehicles. He thinks explaining to them the necessity and why these expenditures were done would also go a long way; that money is not being wasted and is being spent very frugally. Council Member Bittner also thinks having the support of all seven Members of Council will look good. Mayor Eva said a letter with his signature and the signatures of all Council Members would be good. Council President Thompson asked about scheduling a Committee of the Whole to discuss a letter, and it was decided to schedule a Committee of the Whole Meeting.

Council Member Wolk stated it came to his attention that recently there was a dog that attacked another dog causing a lot of damage. In reviewing Chapter 618.01 entitled Dogs and Other Animals Running at Large, Nuisance, Dangerous and Vicious Dogs, he found some things that could be tweaked and definitions that could be modified, and thinks it would be valuable for the Ordinance Committee to look at this. He also talked to Chief Gielink about this who also gave him some recommendations he would like to see, which he has passed on to Council Member Morris.

Council Member Johnson asked Mr. Lyons, now that we have a list of properties that need to be rezoned, what are the next steps that need to be taken. Mr. Lyons said he had been thinking of the legislation that needed to be drawn up. Some additional properties were added that did not seem to fit the original purpose which he does not think should be included in Business I and Business II, and these properties should be separate. Before the Committee makes its final decision he thinks since those properties are more isolated, the property owners should be notified about what is being done and get their input. Mr. Lyons suggested the first one should just include Business I and Business II. He is still not sure how people will be notified, and it would be a good idea to get a list of the residential neighbors for notification of the rezoning. He asked for a list, and Council Member Johnson advised he had just sent one just prior to the Meeting tonight. The format of the list was discussed. Mr. Lyons said if the table format fits, it should be able to be fitted into an ordinance for the next Meeting at which time a public hearing could be scheduled and hopefully the ordinance passed by the end of October. Discussion was then held on the additional properties that are improperly zoned.

**Transfer of Funds Approval – FY 2018**

<u>Amount</u>	<u>From</u>	<u>To</u>	<u>Purpose</u>
\$250,000.00	General Fund	General	OPWC Loans, SIB Loan, Note,
	General Services	Bond Retirement	Interest, Legal Costs
\$ 20,000.00	General Fund	General	911 System
	Police Department	Bond Retirement	
\$ 10,000.00	Stormwater Fund	General	OPWC Loans
		Bond Retirement	

(The above transfer is authorized as per Appropriating Ordinance 2018-O-10)

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Chabut, to approve the Transfer of Funds for FY 2018. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 7/0**

**OPEN TO THE PUBLIC TO SPEAK: 7:33 P.M.**

**CLOSED OPEN TO THE PUBLIC SECTION: 7:34 P.M.**

**ANNOUNCEMENTS AND SETTING OF MEETINGS:**

Parks & Recreation Board	Thursday, August 30, 2018, at 7:00 P.M.
Committee of the Whole	Tuesday, September 11, 2018, at 6:00 P.M.
Ordinance Committee	Monday, September 24, 2018, at 6:00 P.M.
Regular Agenda Meeting	Thursday, September 6, 2018, at 6:00 P.M.
Regular Council Meeting	Tuesday, September 11, 2018, at 7:00 P.M.

**ADJOURNMENT:**

**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Johnson, 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 7:38 P.M.

**APPROVED:**

September 11, 2018  
Date

  
**DESIREA THOMPSON**  
President of Council

Attest:   
Clerk of Council