



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 September 11, 2018

The Regular Meeting of Council of September 11, 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 in remembrance of 911 and in memory of Vernita Savage, former Council President and Council Member, who passed away on June 23, 2018.

ROLL CALL:

Aye: At Large: JIM LUNDER, Vice President
Ward 3: ROB JOHNSON (Absent/Excused)
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 -- August 28, 2018

MOTION MADE BY MR. MORRIS, Seconded by Mr. Lunder, for Approval of the Minutes of the August 28, 2018, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

CORRESPONDENCE:

The Clerk read a letter from the ACLU / National Law Center on Homelessness & Poverty dated August 28, 2018, from Joseph Mead, Cooperating Attorney, ACLU of Ohio, Elizabeth Bonham, Staff Attorney, ACLU of Ohio, and Eric S. Tars, Senior Attorney, National Law Center on Homelessness & Poverty, addressed to the Mayor and Members of Council, regarding Ordinance Section 636.10, solicitations of donations by an individual ("begging") in all public places in the City, and asking that it be repealed, that the City stop enforcing this Ordinance, and that any pending prosecutions under this Section be dismissed.

Council Member Chabut advised he had received a call from a resident at 5998 Cedarwood regarding complaints against her next door neighbor. There were renters coming and going, and problems with some of the renters. He has communicated this to Mrs. Bartone and a letter is being sent to the homeowner that he has to register with the City that he is renting the house. This is lake front property.

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor & Safety Director – Mr. Eva

Mayor Eva administered the Oath of Office to Anthony Konte as a Full Time Fire Lieutenant for the Fire Department.

Mayor Eva thanked everyone who volunteered their time for the Fall Festival; the weather held out and it was a great success. Mrs. Bartone put all of this together with Nikki Velez, the Service Department was outstanding, and he hopes Mrs. Bartone will want to do this again next year!

Mayor Eva read Chief Pechatsko's Fire Report for the month of August, 2018. For the month of August there were a total of 104 calls for service as follows: Rescue/EMS – 77 calls, 2 for overdoses; Fire/Service – 24 calls; and Invalid Assist – 3 calls. The Fire Prevention Officer conducted a fire drill at Lake Elementary. He reviewed plans for Ohio Water Powder and Activated Carbon and Oxidant Feed System. There was continuous review of McDonald's renovation, and inspections of Burrito Loco, Iron Clad Tattoo, Onyx Gym, Wing Stop, Lyna Nails, Family Dollar, Second Hand Thrift Store. Master Pizza was inspected when it first opened. The Knox Box Program continues to go well. They are about to order another 10 boxes, and apartment complexes continue to give out forms to new residents.

Administrative Director – Mrs. Bartone

Mrs. Bartone advised that Resolution No. 2018-R-21 regarding the tax rates is due to the County by the end of the month. It does not need to be passed tonight but will have to be passed by the next meeting. She advised she has not had any complaints yet regarding the Fall Festival. Overall there was more revenue that came in to help put on the festival this year.

Law Director – Mr. Lyons

Mr. Lyons advised he had reviewed the letter from the ACLU. They are not just targeting Mentor-on-the-Lake but anybody out there with this type of ordinance. This Ordinance was passed in 1973 and he is not aware of any type of problem in Mentor-on-the-Lake. Mr. Lyons is going to recommend to Mayor Eva that enforcement of this Ordinance be suspended and to notify the ACLU that this has been done. He did discuss this with Mr. Morris at the Agenda meeting, and Mr. Morris advised he has already started looking at this Ordinance. Mr. Lyons is not sure if there is a need to get into this area unless it becomes a problem, at which time it can be looked at. His initial inclination would be to recommend an outright repeal.

Mr. Lyons said he will be sending legislation to Mayor Eva and Mrs. Bartone this week or next week to put on the Agenda regarding small cell facilities that all the wireless companies want to locate in the right of way. There is a new law that went into effect August 1, 2018, and if the City passes legislation it can limit the size of the poles, which are currently at 50', to 40'. There is still a process to go through. He will be recommending that this legislation be passed.

City Engineer – Mr. Sayles (No Report)

Fire Chief – Mr. Pechatsko (Report given by Mayor Eva)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Council Member Morris stated he was approached by a resident asking why the dead-end portion of Pinehurst was not being widened. He told the resident he understood it was because of a problem with right of ways, and asked Mr. Sayles to elaborate on this for him. Mr. Sayles advised from an engineering

evaluation issue the center section of Pinehurst, particularly from Suwanee to Beech, has a heavier volume of traffic and it was felt the edges needed to be beefed up because of this and that is why that section of the street was widened.

BOARD/COMMITTEE/COMMISSION REPORTS:

Parks & Recreation Board / August 30, 2018 / Mr. Chabut

Council Member Chabut advised the Parks & Recreation Board met on August 30, 2018, at 7:00 P.M. to review the coming event. Present were Council Member Chabut, Council Vice President Lunder, Council President Thompson, Chairperson Jennifer Jakosh, Board Members Catherine Ross, Carol Stafinski, Michelle Moore, Dorinda Myers, and Mr. Moore, Service Director. The Board discussed the final schedule for the Fall Festival. Council Member Chabut said he was at the Fall Festival and thought it did very well considering the weather. The City Auction was a success and brought in \$1,100.00. The Car Wash brought in \$600.00. The Fill the Cruiser was a success and they received a lot of school supplies. The Boo Bash at Lake Elementary will be held on October 26, 2018, from 6:00 P.M. to 8:00 P.M. The meeting adjourned at 7:37 P.M.

Committee of the Whole / September 11, 2018 / Mrs. Thompson

Council President Thompson advised Council met as a Committee of the Whole on September 11, 2018, at 6:00 P.M. to review the letter from Mayor Eva about the levies, and on behalf of Council, she thanked Mayor Eva for not making it threatening. She advised Council did have some suggestions, and reviewed the suggestions which are as follows. On the second paragraph, Council would like to remove "these will not require an increase in taxes." This is because of the Auditor's Office doing its evaluation and when residents see that, some may have a tax increase, some may go down, and they do not want residents to get the wrong impression that we told them they are not going to see a tax increase, even though it is not directly from us but from the County. In the third paragraph, Council would like to suggest the following "These levies will continue at a rate of \$133 a year per \$100,000 in home value, according to the Lake County Auditor's Office. We as Council pledge not to exceed the current level of tax revenue produced by these levies" in place of the second sentence in that paragraph. Mayor Eva and Mr. Lyons questioned what this meant. Council Member Bittner stated the intent of Council is not to collect more than what is being collected now, even if home values go up, even if Council has to lower the millage themselves. The wording on this is not quite there yet. The last suggestion deals with the fourth paragraph where it states "to provide new vehicles, new equipment" to change that to "replace vehicles and equipment as needed." Discussion was further held regarding tax revenues, the other suggestions for changes for a second draft of the letter as well as advertising in the News Herald, whether to send to households or just registered voters, and the funds available for sending letters to residents. Another meeting will be held to finalize the letter and a timeline to send out the letter. A copy of the draft letter is attached.

OPEN TO THE PUBLIC TO SPEAK: 7:26 P.M.

CLOSED OPEN TO THE PUBLIC SECTION: 7:27 P.M.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2018-R-21

A RESOLUTION ACCEPTING THE RATES AS DETERMINED BY THE LAKE COUNTY BUDGET COMMISSION FOR TAX YEAR 2019, AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE LAKE COUNTY AUDITOR

LEGISLATION BEFORE COUNCIL (Continued):

RESOLUTION NO. 2018-R-21 (Continued):

MOTION MADE BY MR. LUNDER, Seconded by Mr. Chabut, to amend the title of Resolution No. 2018-R-21 to change "2019" to "2018." **ROLL CALL:** Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.
MOTION CARRIED: 6/0

There was no Motion for Suspension of the Rules. Resolution No. 2018-R-21(Amended) is placed on Second Reading.

ORDINANCE NO. 2018-O-25 (THIRD 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

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, for Passage of Ordinance No. 2018-O-25. **ROLL CALL:** Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.
MOTION CARRIED: 6/0

ORDINANCE NO. 2018-O-27 (THIRD READING)

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

MOTION MADE BY MR. MORRIS, Seconded by Mr. Lunder, for Passage of Ordinance No. 2018-O-27. **ROLL CALL:** Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.
MOTION CARRIED: 6/0

ORDINANCE NO. 2018-O-28

AN ORDINANCE REZONING MULTIPLE PARCELS THAT ARE MAINLY LOCATED ON ANDREWS ROAD TO EITHER A BUSINESS I OR A BUSINESS II CLASSIFICATION

There was no Motion for Suspension of the Rules. Ordinance No. 2018-O-28 is placed on Second Reading.

OLD BUSINESS: (None)

NEW BUSINESS:

Council Member Morris thanked everyone who helped out at the car show this year. He advised there were 325 cars at the car show held at Mentor Beach Park and the Water Plant. There were about 700 spectators. This is probably one of the biggest events as far as car shows go that Mentor-on-the-Lake has ever seen. They are already planning next year's car show for August 31, 2019. He also appreciates all the help the City Departments gave them.

Mr. Lyons stated a public hearing needed to be scheduled for Ordinance No. 2018-O-28. The Public Hearing was scheduled for the Council Meeting of October 23, 2018, at 7:00 P.M. to give time to put the notice in the paper thirty days prior to that date.

Mayor Eva advised Council Member Chabut had forwarded him an email that the ground-breaking for the Habitat for Humanity house on Primrose will be this Sunday, September 16, 2018, at 2:00 P.M.

Mrs. Bartone advised, since Mr. Morris brought up the car show, she has had a few inquiries at City Hall if there was any intent to support a local charity as opposed to one in Cleveland since we are trying to do so much here for the City. She knows the intent is to benefit Fisher House but the question has been raised if there will be an intent to support something closer to home. Council Member Morris advised sooner or later a local charity will be supported, but right now they are supporting the Greater Cleveland Fisher Home; they are building two at this point, and it does benefit people all over the Country. The focus will be on that for the next year or two but after that they will be open to any charity, and there are several local ones that would benefit as well. Mrs. Bartone said she would pass this on. Council Member Morris stated they are free to contact him as well with any suggestions.

OPEN TO THE PUBLIC TO SPEAK: 7:34 P.M.

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

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Board of Zoning Appeals	Monday, September 17, 2018, at 7:00 P.M.
Safety Committee	Monday, September 17, 2018, at 7:30 P.M.
Ordinance Committee	Monday, September 24, 2018, at 6:00 P.M.
Committee of the Whole	Tuesday, September 25, 2018, at 6:00 P.M.

Council Member Morris stated he would like to see a meeting scheduled for the Community Development Committee. He had been approached by a gentleman who said he had someone interested in doing something with Elaine Crane's property, the old Yeager building at the corner of Andrews Road and Lakeshore Boulevard. He would like to come in and meet with the Community Development Committee. Council President Thompson asked if Elaine Crane still owned the property, and was advised she did. Mrs. Bartone asked if he was a potential tenant as the Administration has met with other potential tenants. A date was scheduled for the Community Development Committee to meet on September 17, 2018, at 8:00 P.M. Council Member Wolk asked who it was, and Council Member Morris stated it was Mike Talev. Mayor Eva stated he and Mrs. Bartone have already talked to Mr. Talev numerous times. Discussion continued regarding possible purchase or rental of the property, discussions held with Ms. Crane regarding what she wants to do about the property, discussions with Mr. Talev, notifying Ms. Crane about any meeting regarding her property and whether she wants to attend a meeting and/or object to any discussion on and uses of her property, what Mr. Talev wants to do with the property, and the City getting involved in something they should not be. It was decided to proceed with the Committee Meeting to discuss other ideas or suggestions.

Community Development Committee	Monday, September 17, 2018, at 8:00 P.M.
Regular Agenda Meeting	Thursday, September 20, 2018, at 6:00 P.M.
Regular Council Meeting	Tuesday, September 25, 2018, at 7:00 P.M.

ADJOURNMENT:

MOTION MADE BY MR. MORRIS, Seconded by Mr. Lunder, for Adjournment. ROLL CALL:
Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.
MOTION CARRIED: 6/0

The Regular Meeting of Council adjourned at 7:49 P.M.

APPROVED:

September 25, 2018
Date

Desirea Thompson
DESIREA THOMPSON
President of Council

Attest: Joseph M. Payne
Clerk of Council