



City of Mentor-on-the-Lake

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MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE September 25, 2018

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 – September 11, 2018

Council Member Morris advised he had a correction to the Minutes on Page 3, under the Committee of the Whole Meeting. Because of the work that has been put into this letter, he would like to see the list of changes added to the Minutes rather than that a discussion was held. Council President Thompson said she could provide those changes to the Clerk. Council Member Bittner asked if Council Member Morris also wanted the letter submitted as you are just showing the changes without having the letter itself. Council Member Morris said it did not matter if the letter was submitted, it can be attached to the Minutes. Council President Thompson stated it was just a draft, and she will get a copy of the letter for the Clerk. Council Member Wolk asked how would the suggestions read. Council Member Morris said just the way the Council President read them into the record, it mentioned about the increase in taxes, the pledge, and continuing to provide adequate vehicles, training and equipment for the Police Department, etc. He thought those were the three issues discussed. Council President Thompson added removing a dollar amount was also suggested. Council Member Bittner said the suggestions are being put into a rough draft. Council Member Wolk said it was the details of the report Council President Thompson read into the record. Council Member Morris said Council President Thompson read them into the record and they should be reflected in the Minutes. Council Member Bittner said the rough draft should also be included so they would know what is being talked about. Council Member Morris said he had no problem with that.

MOTION MADE BY MR. LUNDER, Seconded by Mr. Wolk, for Approval of the Minutes of the September 11, 2018, Regular Meeting of Council, as amended. **ROLL CALL:** Ayes: Council Member Lunder, Wolk, Chabut, Morris, Thompson. Nays: Council Member Bittner. Abstain: Council Member Johnson.

MOTION CARRIED: 5/1/1

CORRESPONDENCE:

Council Member Morris advised he had received an email from Mike Jablonski, 7652 Pinehurst Drive. Mr. Jablonski was upset about some damage to his apron. He also sent the email to Mayor Eva. Council Member Morris stated he believed the damage was done over the last 35 to 40 years, but Mr. Jablonski was hoping that when Pinehurst was done, they would replace his apron. He did not speak up until the project was done and therefore Mr. Moore and Council Member Morris checked the driveway, and Council Member Morris also sent Mr. Jablonski an email back stating that is the condition his driveway was in before the project was started and all they did was restore it back to what that condition was, and he should have said something back when he believed the City first messed up his driveway. Mr. Jablonski has not responded back yet.

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor & Safety Director – Mr. Eva

Mayor Eva addressed Council Member Morris' email. He did send an email back to Mr. Jablonski and read the email he had sent to Mr. Jablonski in which he thanked Mr. Jablonski for his email and stated they have had nothing but compliments on the work Bentley Excavating has done on Pinehurst. They worked well with all the residents. If he runs into a problem with the apron they have installed, please advise as soon as possible. He [Mr. Jablonski] has put a lot of effort into his property over the years and we will do our best to make sure he is happy with the work, and Mayor Eva appreciated his feedback.

Mayor Eva advised the annual Safety Forces Open House will be held on Sunday, October 7, 2018, from Noon until 4:00 P.M. Life Flight has confirmed it will be there. This is always a good time for families to come out and meet the Police and Fire Departments.

Mayor Eva stated with Pinehurst near completion, he has spoken with Mrs. Hoynes, the Principal at Lake Elementary, about the one way traffic during school hours. In the near future, they will have one way only from 8:00 A.M. to 9:00 A.M. and from 2:30 P.M. to 3:30 P.M. Mr. Moore is updating the signs. He talked to Mrs. Coyne today, who has talked to the School Transportation Department and Superintendent. The one way will become effective on Monday, October 8, 2018. She will get advance notice out to parents in the next couple of weeks.

Mayor Eva advised October is designated as Domestic Violence Awareness Month, and stated there were two representatives from Forbes House present tonight. Mayor Eva stated he sent a Proclamation to the, and read the Proclamation. He asked if either of the representatives from Forbes House would like to make any comments. Jenna, a Family Advocate and Community Outreach representative from Forbes House, stated they were grateful that Mentor-on-the-Lake is joining them with prevention and education as far as just bringing up the topic in October. Their mission and goal at Forbes House is to get survivors who come to Forbes House independent housing away from their abusers. She and Kathy, who was also present tonight, work with them and help them get through the trauma of domestic violence.

Administrative Director – Mrs. Bartone

Mrs. Bartone advised she has corresponded with William Bowers with Aqua Ohio as City Hall has had some calls from residents along the Chagrin area complaining about the construction going on at Aqua Ohio. Aqua Ohio is installing a new carbon tank silo/tank which is being installed to treat harmful algae blooms that they cannot currently treat as they do not have the facilities there. The work has been going on during the day only. Some of the residents in that area live in older homes which are vibrating from the work. The work will continue through the Fall and be done sometime during the Fall period. This work has to be done for the EPA. They understand this is affecting the neighbors regarding

noise. They have had other neighbors in the past who have had problems thinking their foundations were being compromised. Testing was done and it was not. This is unfortunate. Aqua has been there 61 years. The City sympathizes with the residents, and Mrs. Bartone wanted to make Council aware, this has to be constructed. If anyone has any questions about this, Mrs. Bartone can forward a copy of the email.

Law Director – Mr. Lyons (No Report)

City Engineer – Mr. Sayles (No Report)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Council Member Wolk asked if there was a timeline for the completion of the construction at Aqua. Mrs. Bartone advised sometime in the Fall. They have been working on this for a couple of weeks now. They have to install a new line from their site all the way to the outpost on the other side of Twilight. It will probably be another month. Council Member Wolk stated he has been out there with Mr. Sayles to a couple of the homes. Mr. Sayles opinion was that it was the previous time heavy equipment was being moved. The residents were claiming cracks in the ceiling and things like that due to the heavy equipment. They have been out there multiple times.

BOARD/COMMITTEE/COMMISSION REPORTS:

Board of Zoning Appeals / September 17, 2018 / Mr. Bittner

Council Member Bittner advised the Board of Zoning Appeals met on September 17, 2018, at 7:00 P.M. for a public hearing on a variance at 7395 Primrose. The variance was granted unanimously.

Safety Committee / September 17, 2018 / Mr. Morris

Council Member Morris advised the Safety Committee met on September 17, 2018, at 7:30 P.M. The purpose of the meeting was to discuss Pinehurst Drive remaining one way all day. Present were Council Members Morris, Bittner, Wolk, Chabut, Council Vice President Lunder, and Council President Thompson. Also present was Pat Lavigna, 7674 Pinehurst. The Committee discussed the issue of Pinehurst Driving being one way all day. Everyone agreed it did not appear to need to be one way all day. A proposal was made to make it one way for an hour in the morning and then in the afternoon. Another proposal was made to make it one way for only thirty minutes at each time. Yet another proposal was to only have it one way in the afternoon when school lets out. The last suggestion was to remove the one way status all together. Ms. Lavigna supported the thirty minutes in the afternoon if it has to be done at all. She had several complaints concerning the crossing guards, including their ability to have the children walk on the correct side of the street. There was also discussion concerning the use of some sort of barricade at the intersection of Beech and Pinehurst when the crossing guards are present. This topic will be addressed again at the next meeting as more input is being requested from Lake Elementary. The meeting adjourned at 8:15 P.M.

Community Development Committee / September 17, 2018 / Mr. Chabut

Council Member Chabut advised the Community Development Committee met on September 17, 2018, at 8:12 P.M. The purpose of the meeting was a little bit of brainstorming to promote growth and the retention of businesses. Present were Council Members Chabut, Wolk, Bittner, Morris, Council Vice President Lunder and Council President Thompson. The Committee decided (1) it will wait for Business I and Business II classifications to be finalized and is hoping to get more interest in those properties, and (2) if the Administration gets any serious proposals that are outside the parameters for those Districts,

some of the Council Members were interested in a brief idea of what those proposals were. The meeting adjourned at 8:36 P.M.

Ordinance Committee / September 24, 2018 / Mr. Morris

Council Member Morris advised the Ordinance Committee met on September 24, 2018, at 6:00 P.M. to discuss ditches, vicious dogs Chapter 618, zoning enforcement in enclosed privacy fence, and NOPEC "Block the Knock." Present were Council Members Morris, Chabut, Johnson, Council Vice President Lunder, Council President Thompson, Service Director Mr. Moore, and City Engineer Mr. Sayles. The Committee opened with a conversation among all parties present concerning the issue of enclosing ditches. After a brief discussion, it was decided that the Committee would like a policy from the Administration that would permit a resident to have their ditch enclosed pending approval by the Service Director and/or the City Engineer. It was noted that some properties will be able to accommodate this while others may not. They will be permitted when and where possible. The next topic the Committee discussed was possible changes to Chapter 618, dangerous, nuisance and vicious dogs. Currently, by Ordinance, a dog is judged by an attack on a person. The Committee wants to change it to indicate that it can be judged based on an unprovoked attack on another domestic animal. All agreed that this is the direction we would want to go. The Committee will be forwarding material to the Law Director for his review and approval. The zoning inspection issue was resolved by the Administration and was not discussed. Concerning the NOPEC "Block the Knock" program, the Committee wants to use their program and will be amending Ordinance 850 to accommodate this. The Committee will forward its proposed changes to the Law Director for his review and approval. The meeting adjourned at 6:44 P.M.

Committee of the Whole / September 25, 2018 / Mrs. Thompson

Council President Thompson advised the Committee of the Whole met tonight at 6:00 P.M. Present were Council Members Johnson, Bittner, Wolk, Morris, Council Vice President Lunder, and Council President Thompson. Also present were Mayor Eva, Administrative Director Mrs. Bartone, and Scott Yamamoto from the Lake County Auditor's Office. Mr. Yamamoto explained the preliminary changes with the tax rate increases. The previous millage for the City was 356 mils and the new projected millage is 399 which averages out to a 12% residential and 15% commercial change. According to Mr. Yamamoto, even though your property taxes may have gone up, you might not see an increase in your taxes, which is just the way it averages out within the City. Council made more recommendations to the letter to add reference to the 2017 tax year and to add that in to base it on how much these levies would cost residents. The Mayor will be providing a new draft with these changes. Council President Thompson thinks Council Members Wolk and Johnson are working on another addition to the letter. Council will meet again on October 1, 2018, at 6:30 P.M. to review that draft letter. The meeting adjourned at 6:38 P.M.

OPEN TO THE PUBLIC TO SPEAK: 7:18 P.M.

Nick Lorber, 7416 Larkspur Drive. Mr. Lorber stated on Friday evening he was in his garage and a part of a tree from a neighbor's property fell on the garage. Mr. Lorber served two tours in Afghanistan and this triggered his PTSD, he had severe flashbacks. He had to call his father-in-law who came to his house and helped him relax. His child was also very scared. Mr. Lorber has brought this tree up to his neighbor multiple times since he moved into the home in 2016. The neighbor chooses to ignore Mr. Lorber's requests to have an arborist look at the tree. From his point of view, the tree is over 50% dead. When he was cutting the tree that fell on his garage, which also damaged his fence and the neighbor's fence, he saw that the tree was infested with ants. He has done his due diligence on what he can do, which isn't very much. His wife called this morning, and the neighbor's response is vague as to what they are going to do about this tree. He is asking Council and the City to please step up and do something about this matter. Council President Thompson thanked him for his service, and asked Mr. Lyons to respond to Mr. Lorber. Mr. Lyons advised the tree laws in Ohio do not provide a remedy unless it can be shown to the homeowner that the tree is a nuisance, which it sounds like this tree is. The

laws in Ohio allow him to take that person to court and he would have to contact an attorney and prove that the tree is a nuisance, and the court can order some relief. Mr. Lyons stated he does not believe there is an ordinance in the City, which is typical of most cities, that regulate trees on private property. The City does not have the right to go on a person's property and cut the tree down unless there is a violation of some law. Mr. Lyons also suggested he can talk to his insurance agent, and send a letter to the homeowner. It was also suggested that the neighbors could get together and come up with a solution. Mr. Lorber stated power lines go along the back of the property and he has called The Illuminating Company. Mr. Lyons suggested maybe the City could help in contacting The Illuminating Company. Mr. Lorber will meet with Mr. Lyons and the Administration after the meeting to discuss this further. Council Member Wolk asked about the response from the neighbor and why the neighbor did not want to cut the tree down. Mr. Lorber said he had a viewpoint on that as well. He does not know the neighbor but he has been told that he has been approached numerous times about the tree by another neighbor on Goldenrod and the neighbor took glow in the dark spray paint and painted a smiley face on the tree facing that neighbor. Mr. Lyons said Mr. Lorber has the right to cut any limbs that are over this property line, and Mr. Lorber stated he has already done that. Council President Thompson asked if he knew if other residents had sent them registered letters. Mr. Lorber said he does not know, but he does know they have contacted the City and made multiple face to face attempts with this person. Member Chabut asked if the person lives on Larkspur or Goldenrod. Mr. Lorber said it was his neighbor to the right, he thinks it is 7412. Council Member Chabut asked Mr. Lorber to keep him informed, and he will follow up on this. Mayor Eva suggested a meeting could be held at City Hall with all four neighbors.

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

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2018-R-21 (SECOND READING)

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

Mrs. Bartone advised this is the Resolution that needed to be passed as it needs to be there by the end of the month.

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-21. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 7/0

ORDINANCE NO. 2018-O-28 (SECOND READING)

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 Third Reading. A Public Hearing has been scheduled on this Ordinance.

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2018-O-29

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

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. Morris, for Passage of Ordinance No. 2018-O-29. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 7/0

ORDINANCE NO. 2018-O-30

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

There was no Motion for Suspension of the Rules. Ordinance No. 2018-O-30 is placed on Second Reading.

ORDINANCE NO. 2018-O-31

AN ORDINANCE REPEALING ORDINANCE 636.10 – BEGGING; EXCEPTIONS

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. Lunder, for Passage of Ordinance No. 2018-O-31. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 7/0

OLD BUSINESS:

Mr. Lyons brought up the dog ordinance. The ordinance that the City has is written right out of the Ohio Revised Code. About four or five years ago there was a complete rewrite of the vicious dog ordinance and put in that State law, he believes, was a procedure put in place for determining when someone had a vicious dog. That procedure involved going to court in order to have the dog declared a vicious dog. He is not sure if this is amended to include a definition that is not in the State law, whether the municipal court or courts above it would honor that type of a designation for being a vicious dog for an unprovoked attack on another dog. Council Member Morris asked what his recommendation would be. Mr. Lyons said he would recommend that you take that out of that particular area and indicate that if there is a dog that does an unprovoked attack on another dog, you give it a different kind of designation rather than a vicious dog. When he gets the material from the Ordinance Committee, he will take a look it.

NEW BUSINESS: (None)

OPEN TO THE PUBLIC TO SPEAK: 7:41 P.M.

CLOSED OPEN TO THE PUBLIC SECTION: 7:42 P.M.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Parks & Recreation Board	Thursday, September 27, 2018, at 7:00 P.M.
Committee of the Whole	Monday, October 1, 2018, at 6:30 P.M.
Safety Committee	Monday, October 1, 2018, immediately following the Committee of the Whole meeting
Ordinance Committee	Monday, October 8, 2018, at 6:00 P.M.
Public Hearing on Ordinance No. 2018-O-28	Tuesday, October 23, 2018, at 7:00 P.M.

Regular Agenda Meeting	Thursday, October 4, 2018, at 6:00 P.M.
Regular Council Meeting	Tuesday, October 9, 2018, at 7:00 P.M.

ADJOURNMENT:

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

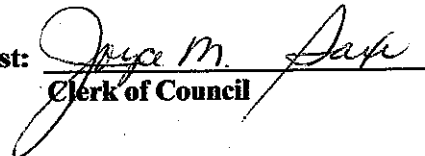
The Regular Meeting of Council adjourned at 7:43 P.M.

APPROVED:

October 9, 2018
Date



DESIREA THOMPSON
President of Council

Attest: 

Clerk of Council