



City of Mentor-on-the-Lake

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MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE OCTOBER 9, 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 25, 2018

Council President Thompson stated at the last meeting Council Member Morris asked that the draft of the levy letter be put into the Minutes of the September 11, 2018, Meeting and after thinking about it, she does not think the draft of the letter should be included as part of the Minutes because it is a draft. We don't put legislation when it is a draft into the Minutes, when it is being discussed at Council Meetings, and she would like to amend these Minutes to remove that. Council Member Morris stated he did not ask for the draft to be included, just the recommended changes. Council President Thompson stated the way it was understood, a copy of the draft was to be included. Council Member Bittner stated he actually asked for it because Council Member Morris wanted the recommendations in the Minutes and Council Member Bittner stated if he wanted to include those, than why not include the letter so people would know, but he does agree with Council President Thompson that none of it should be included because this is a draft, it is not a final document. Council President Thompson stated it was a working document. Council Member Wolk stated he thought it was fair to request that more details of her report as read be included in the Minutes. Council President Thompson said she did not think the letter should be in there. Council Member Wolk said the Chair's full report should be included in the Minutes in greater detail than the original draft. Council Member Johnson said no one ever requests to put them in the Minutes either and in this case someone did, and he has no issue with removing it from the Minutes one way or the other, but that would be his argument towards the fact that we do not put them in normally. Mayor Eva said based on his conversation with the Board of Elections on what they could or could not put in this letter, it is really going out from the Election Committee. There are things that went into the letter and they decided to leave off, this really was not a City operation type of thing or any type of City business and in hindsight he probably should never have brought it up during a Council Meeting. It could have been worked on outside of City Council. Council Member Wolk stated, that said, it was during a meeting and should be part of the official record. He thought just wanting to retract that in hindsight is he did not think it is appropriate to change the official record of what happened at the Meeting. Council Member Morris stated he agreed with that. It was read as part of the record of that Meeting and that is all he was asking for, that the Minutes reflect the actual Meeting. Mr. Lyons there is a request by the Chair to remove that draft letter, and a motion and second would control that, and if that passes, if you want to

include certain language that was actually in the draft as part of the Minutes then someone could make a motion to include those words in the Minutes to reflect what was said at the Meeting.

MOTION MADE BY MRS. THOMPSON, Seconded by Mr. Bittner, to remove the letter itself from the Minutes. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Thompson. Nays: Council Member Morris.

MOTION CARRIED: 6/1

MOTION MADE BY MR. BITTNER, Seconded by Mr. Morris, for Approval of the Minutes of the September 25, 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: (None)

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor & Safety Director – Mr. Eva

Mayor Eva stated the Safety Forces Open House was held this past Sunday, October 7, 2018. He thanked the Police and Fire Departments for volunteering. The families had a good time. They were unable to get Life Flight or the fire truck for the fire truck rides, but overall everyone was very happy with what we had here.

Mayor Eva stated Chief Pechatsko had emailed him about a phone conversation with Faunette Fritag, 7766 Salida, #311. On October 1, 2018, Ms. Fritag requested the rescue squad for shortness of breath and back pain. She called to express her gratitude to the personnel that responded. She stated they did a wonderful job taking care of her; they were very caring and polite regarding her needs, and did their best to reduce her movements so as to not cause more pain as they put her on the cot and moved her to the squad. She was very thankful for the smooth ride to the hospital. She would like them to receive a letter of commendation for a job well done. The personnel who responded on this call were FF/Medic Jeremy Campaign, Lt. Tony Konte, FF/Medic John Padley, and FF/EMT Mike Spencer. Mayor Eva advised commendations were completed by Chief Pechatsko.

Administrative Director – Mrs. Bartone

Mrs. Bartone stated she had nothing new to address tonight.

Law Director – Mr. Lyons (No Report)

City Engineer – Mr. Sayles (No Report)

Fire Chief – Mr. Pechatsko

Chief Pechatsko read the Fire Department's Monthly Report for September 2018. For the month of September, 2018, there was a total of 90 calls for service as follows: Rescue/EMS – 68 calls (of those 69 calls, there were none for overdoses); Fire/Service – 15 calls; Invalid Assist – 7 calls. Year to date stats for 2018 are as follows. Through the third quarter of the year, there has been a total of 798 calls for service: Rescue/EMS – 561 calls, 12 for overdoses; Fire/Service – 179 calls; Invalid Assist – 58 calls. Chief Pechatsko also gave the Fire Prevention report for September 2018. During September 2018, the Fire Prevention Officer did follow up inspections from the previous month; inspected and did a final walk through of Jennifer and Company; Lake Elementary Fire Drill; hood test of Amvets Post 109; attended Lake County Fire Prevention Meeting dealing with elevator certification and inspection; alarm system test

of the Senior Building on Salida, and conducted inspections of Aqua Ohio, Players Club, and apartment inspection for State approval. Chief Pechatsko advised the Department activities for September. On September 1, 2018, he was honored to be a guest judge at the Roar by the Shore car show at Mentor Beach Park. On September 8, 2018, the Fire Department ran the youth firefighters agility course at the Fall Fest and gave out three prize baskets for the quickest finishing times in three different age brackets. On September 11, 2018, Tony Konte was promoted to Full-Time Lieutenant. September's training included Emergency Vehicle Operations and Vehicle Extraction. Chief Pechatsko announced that on Wednesday, October 24, 2018, at 7:00 P.M. First Energy will be at the Fire Department to present their First Responders Electrical Safety Hazard Workshop. He invited the Mayor and any Member of Council who would like to attend this Workshop.

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Council President Thompson asked Chief Pechatsko what the date of the workshop was. Chief Pechatsko advised it is October 24, 2018, which is their Wednesday Night Drill and starts at 7:00 P.M.

Council Member Johnson asked Mr. Lyons regarding Ordinance No. 2018-O-33 if there is a necessity for Council to legislate that, should the Do Not Knock legislation be done through legislation rather than letting the Administration decide whether they want to maintain the list themselves or use the Do Not Knock Registry. The general consensus among Council is they do not care who maintains a list as long as a list is maintained which is already required by existing Ordinance. Mr. Lyons stated he thinks the Administration would have the authority to contract with a third party to do that and to have contractual standards with NOPEC in terms of them maintaining a list, accessing it, etc. The reason it was put into an Ordinance is that NOPEC requested it and provided two sample ordinances. Council Member Johnson asked if it was because NOPEC needed the City to do this or is it because other cities may not have something already on the books about the Do Not Knock Registry. Mr. Lyons stated probably both. They may have decided that in villages normally everything is passed by Council on any type of a contract, and cities have broader administrative power. They probably did not want to sort through who is a village and who is a city in terms of trying to figure out who had the authority in order to authority them to do this kind of work. Mr. Lyons stated he does not know if they thought about this reason, but he did, that by having it in legislation it will end up going into the City's Codified Ordinances, it will end up going on the website so people can access it, not only the solicitors who are coming into town, and we can say it is part of our Ordinances, this is what you have to do. Also now NOPEC is authorized on our behalf to call people to see if they want to be on the list and people are kind of suspicious of other people calling them, and if they can point to a document that is a formal law that the City has, this gives them a lot of credibility. In that regard it probably makes sense, but he agrees that conceptually not everything needs to go through legislation. He thinks it is a good idea.

Council President Thompson asked regarding Ordinance No. 2018-O-28 which is on Third Reading tonight, but the Public Hearing is not until October 23, 2018. Mr. Lyons advised it can be kept on Third Reading.

BOARD/COMMITTEE/COMMISSION REPORTS:

Parks & Recreation Board / September 27, 2018 / Mr. Chabut

Council Member Chabut advised the Parks & Recreation Board met on September 27, 2018, at 7:00 P.M. Present were Council Member Chabut, Council Vice President Lunder, Committee Members Michelle Moore, Dorinda Myers, Catherine Roos, Mayor Eva, Service Director Mr. Moore, and Phyllis Chabut. The Committee met to review future events. Mayor Eva is still working on setting up the tutoring program with the Principal of Lake Elementary. The Boo Bash will be held on October 26, 2018, from 6:00 P.M. to 8:00 P.M. at Lake Elementary. The Holiday Lighting Contest is December 21, 2018, and the money raised will go to Toys for Tots. The meeting adjourned at 7:20 P.M.

Mr. Lyons asked to amend his answer to Council Member Johnson. One other reason that it might be good to do this uniformly is that the more communities that adopt it the more it could end up providing more efficiency in terms of the whole process.

Committee of the Whole / October 1, 2018 / Mrs. Thompson

Council President Thompson stated Council met as a Committee of the Whole on October 1, 2018, at 6:30 P.M. to review the final draft of the letter to make sure all the changes they requested were in the letter. They discussed printing off the labels, getting everything ready for mailing which will start this week so they would go out with absentee ballots. In talking to the Mayor today, he has already started sending those out to be there in the residents' homes when the absentee ballots arrive. The meeting adjourned at 7:00 P.M.

Safety Committee / October 1, 2018 / Mr. Morris

Council Member Morris advised the Safety Committee met on October 1, 2018, at 7:00 P.M. to discuss Pinehurst Drive being one way. Present were Council Members Morris, Bittner, Johnson, Wolk, Chabut, Council Vice President Lunder, and Council President Thompson. Also present was Mayor Eva and residents Mike Huelsman and Dave and Anita Russell, all from Pinehurst. The meeting was called to order to discuss some of the concerns about the one way status of Pinehurst Drive. It is currently set to become one way in the morning and afternoon for an hour each time. Mrs. Hoynes, the Principal at Lake Elementary, had emailed the Committee Chair the schedule by which children are arriving and discharged from school. They arrive from 8:25 A.M. up to 8:45 A.M. and the last regular bus leaves at 3:05 when the walkers are dismissed. That would seem to indicate that the need for the one way status for the children is not more than thirty minutes at each time. Mrs. Russell stated there are very few children that walk past her house to get to or from school. After considerable discussion, Mr. Huelsman and Mr. Russell stated that they hoped the one way status would be eliminated. This is the only school in the Mentor System that is on a one way street. Mayor Eva stated he relies on the Police Chief on these matters. The Chief wishes the street to be one way for the hour at each time. It will stay that way at this time. The Committee thanked all who attended. The meeting adjourned at 7:44 P.M.

Ordinance Committee / October 8, 2018 / Mr. Morris

Council Member Morris advised the Ordinance Committee met on October 8, 2018, at 6:00 P.M. to discuss NOPEC "Block the Knock" and Vicious Dog Chapter 618. Present were Council Members Morris, Johnson, Wolk, Chabut, Council Vice President Lunder and Council President Thompson. The meeting opened with a discussion concerning the NOPEC program. There were more questions that hopefully will be addressed by the Law Director at tomorrow night's Council Meeting [Council Member Morris thanked Mr. Lyons for answering those questions]. For the time being, the Committee is dropping the requirement to have a background check on all solicitors. The Committee also requests that Chapter 850.02(c) concerning signs at the City borders be posted notifying solicitors of the "Do Not Knock" list. The original concerns with the vicious dog issue seemed to be answered by Section 618.16. It is a separate section that addresses an unprovoked attack on another domestic animal. There was discussion on repealing Section 618.16(d)(3). It references a specific breed of dog. That seems to be contrary to Ohio Revised Code 955. All present agree to repeal this section. The meeting adjourned at 6:38 P.M.

Mayor Eva commented on the Safety Committee Meeting. One of the recommendations during the Safety Committee Meeting was to get out letters and also a school calendar to the residents in the one way. Mrs. Bartone and staff did a great job getting those to the residents from Beech to Lake Street the next day. Chief Gielink was asked to drop off the letter to the dead-end of Pinehurst and he did that personally a couple days after that. Council Member Morris apologized for omitting that.

OPEN TO THE PUBLIC TO SPEAK: 7:20 P.M.

Mark Waites, 5866 Lake Street. Mr. Waites stated he had a number of questions and is seeing a lot of different standards concerning what people can do on their property, and asked particularly about Ordinances dealing with driveways. Mr. Waites asked about permits for driveways and had complaints and concerns about the width of driveways, parking in the street, the ability of his neighbor across the street from him to raise the grade of her property and he was not allowed to fill in a low spot in his front yard, his next door neighbor's barn and boat storage as well as campers being parked in driveways, dumping stones in the driveway, digging up the yard with a backhoe, property boundaries, allowing car ports in the City. He has been going through the Ordinances and there are no ordinances dealing with these matters. Mr. Waites also asked about sidewalks in the City as there are a lot of handicapped people in the City and no sidewalks, and making any improvements more handicapped accessible. He also suggested looking into setbacks on new homes, especially concerning electrical. Council President Thompson asked Council Member Morris to have the Ordinance Committee look into those ordinances, and what we do not have, send it over to Planning and Zoning.

CLOSED OPEN TO THE PUBLIC SECTION: 7:50 P.M.

LEGISLATION BEFORE COUNCIL:

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

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

Council President Thompson stated Ordinance No. 2018-O-28 will remain on Third Reading because of the Public Hearing on Tuesday, October 23, 2018.

ORDINANCE NO. 2018-O-30 (SECOND READING)

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-30 is placed on Third Reading.

ORDINANCE NO. 2018-O-32

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-32 is placed on Second Reading.

ORDINANCE NO. 2018-O-33

AN ORDINANCE AMENDING CODIFIED ORDINANCE 850.02(b) AND (c) IN ORDER TO AUTHORIZE NOPEC TO COMPILE A DO NOT KNOCK LIST FOR THE CITY

Council Member Bittner asked if the Committee wanted this acted on right away. Council Member Morris said it can go through all three readings.

There was no Motion for Suspension of the Rules. Ordinance No. 2018-O-33 is placed on Second Reading.

OLD BUSINESS: (None)

NEW BUSINESS:

Council Member Johnson brought up that the Administration and Council should be aware that Zoning Part 2 is coming up and asked everyone to review the list he has sent out. Zoning Part 3 will be following up shortly.

Council Member Wolk said it was said earlier today and came up at the Ordinance Committee Meeting that we do not have the capabilities to do background checks. Council Member Morris stated he contacted the Police Chief and they do it through the County for instance for the ice cream vendors. As far as general solicitors, possibly there was a recommendation to do it through the Attorney General's Office, and asked Mr. Lyons if that was correct. Mr. Lyons said he was not aware that the County did background checks, he was only aware that civilian background checks are done by the Ohio Attorney General's Office. Council Member Morris said the email response from the Chief was that they go through the Lake County Sheriff's Department to obtain a records check. Mr. Lyons said he did not know what it meant by "records check." If the County Sheriff's Department is just looking through their own internal records, then they can be made, but if they are looking into the State of Ohio or FBI computers, they are not allowed to do it for those purposes. We have the same capabilities as the Sheriff's Department to run a CCH or an FBI check, but we are not allowed to do it by contract, and if we do it, we can be prosecuted. Council Member Wolk said we have the capabilities to do background checks to help in investigations and things like that. Mr. Lyons said he did not know what he meant by that. Council Member Wolk said police investigations. Mr. Lyons stated police, for criminal purposes, have the right to run CCH's on a suspect, probably witnesses, for criminal investigative purposes, the same way we have the right to run someone's driver's license through LEADS, but we cannot do this for private purposes. Council Member Wolk said it is not a case where we do not have the technology to do this, we can do it, but we are not allowed to do it for purposes of a no knock list, or on solicitors. Mr. Lyons said internally here we can run it through Mentor-on-the-Lake arrest records, which would not show that much if there are solicitors coming in from out of state or other places.

OPEN TO THE PUBLIC TO SPEAK: 7:56 P.M.

CLOSED OPEN TO THE PUBLIC SECTION: 7:57 P.M.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Board of Zoning Appeals	Monday, October 15, 2018, at 7:00 P.M.
Ordinance Committee	Monday, October 22, 2018, at 6:00 P.M.
Zoning Committee	Monday, October 22, 2018, immediately following the Ordinance Committee Meeting
Public Hearing on Ordinance No. 2018-O-28	Tuesday, October 23, 2018, at 7:00 P.M.
Regular Agenda Meeting	Thursday, October 18, 2018, at 6:00 P.M.
Regular Council Meeting	Tuesday, October 23, 2018, at 7:00 P.M.

Chief Pechatsko advised tomorrow the Police and Fire Departments are participating in Walk to School Day with Lake Elementary children if anyone on Council would like to join them. They will be leaving City Hall at approximately 8:30 A.M., walking down Holly to Pinehurst.

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 7:59 P.M.

APPROVED:

October 23, 2018
Date

Desiree Thompson
DESIREA THOMPSON
President of Council

Attest: Joyce M. Ayle
Clerk of Council