



## City of Mentor-on-the-Lake

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### MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE NOVEMBER 13, 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 – October 23, 2018

**MOTION MADE BY MR. MORRIS,** Seconded by Mr. Johnson, for Approval of the Minutes of the October 23, 2018, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None. Abstain: Council Member Wolk

**MOTION CARRIED: 6/0/1**

**CORRESPONDENCE:** None

**ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:**

**Mayor & Safety Director – Mr. Eva**

**7:03 P.M.** Mayor Eva turned the meeting over to Bill Bowers, Area Manager of Aqua Ohio, Mentor Division. Mr. Bowers gave a short presentation on Aqua Ohio and the installation of the new carbon feed system tower at the water plant to remove harmful algae and toxins, and this is what he is here to talk about today. Aqua Ohio has had some neighbors complain about the construction noise and the aesthetics of the carbon system. Mr. Bowers indicated the installation of the system is nearly complete and the associated noise will be over very soon. Regarding the looks of the carbon feed system, this type of equipment is designed for function not for its artistic appeal. Once the feed system is in operation, noise will not be a concern. To minimize the impact on neighbors, working hours have been kept to during the business hours, if possible, and the contractors have made efforts to use quieter tools and equipment. Mr. Bowers understands that some of the neighbors have suggested that this portion of the treatment equipment be relocated, however, they don't have the discretion to move the equipment based on where it might look best. The carbon must be placed in the chemical processing portion of the treatment process to work effectively. Mr. Bowers stated that Aqua Ohio is willing to discuss enhanced landscaping or fencing that will help block views on the western property line, if this is desired by the residents, and will need to discuss possible solutions with a contractor. He thanked Council for the

opportunity to address it tonight. Council President Thompson asked if any member of Council had questions.

Council Member Morris said a lot of residents are here tonight because of house damage due to the construction. Has Aqua Ohio addressed that with the residents? Mr. Bowers said that question has been brought up before. From time to time Aqua Ohio has received complaints from residents that live adjacent to the plant, most of which had been related to noise from plant operations. To minimize the impact, they limit noisy work whenever possible to the hours when most people are at work. Also, when there is a choice, they select and require contractors to use equipment that is quieter, even when larger, noisier equipment would be more efficient. Mr. Bowers said he cannot speak to the integrity of anyone's homes. Many of them are 90 years old, but to help identify issues, about 5 or 6 years ago, a Councilman met with his predecessor, or maybe it was Kip Molenaar, went into one of the basements of the homes, ran the heavy equipment, and there was no noticeable noise or vibration. He was not there but from what he was told, there was no noticeable difference.

Council President Thompson asked if any residents had questions. Michelle Okerwall, 5599 Chagrin, directed her first question to Mentor-on-the-Lake Zoning. As far as the request for a zoning permit, did it include any type of risk assessment at all. She is questioning the degree of planning that went into this. Mr. Bowers explained the carbon filtration system. He was not sure exactly what she was asking. Ms. Okerwall asked if there were any other options or was this just longevity and trust that this was the chemical side and this is where it has to be. Mr. Bowers explained that is where all the treatment process is, on that side, and if they were to relocate it to another side, the whole configuration of the plant would have to be changed. Ms. Okerwall said she would take that as a no, there were no other options presented to Mentor-on-the-Lake Zoning, just the one. Mr. Bowers said that was the only option they had. Ms. Okerwall asked if the planning include any specs relating to curtilage, because she feels the tank is not an assured clear distance if it were to fail; she feels the ground is compromised; the facts that support that are 6 of 7 damaged houses. They are old, but it is from long term vibrations. She asked if any seismic reading was done to gauge any type of vibrations. Mr. Bowers stated he cannot debate what happened to her house over the years. She stated she is talking about the 6 of 7 houses adjacent to the border where there are pumps going constantly. She will take that as a no to her question. The pumps are on the Salida side where Vance Nails home is located. Ms. Okerwall asked about the chlorine tanks which overflow and water goes into her yard. Ms. Okerwall asked about the size of the tower, if it falls, it will land on her property. Was there any risk assessment or thought given to that at all. She does not feel the foundation and the ground is secure. Mr. Bowers started to explain what their engineers did. Ms. Okerwall stated they did not know what they were doing, which is why she is not secure about him telling her about the trained professionals doing this work. Mr. Bowers said he could not speak to that. Ms. Okerwall said her position is that both Aqua Ohio and the City of Mentor-on-the-Lake are taking advantage of the elderly and the low income people in the rental houses on Chagrin Drive, maybe not intentionally, but it is still a problem. She wants to hear some suggestions on how they are going to protect her from the tank, what is going to be done to prevent further damage, and for minor repairs. Mr. Bowers said he would be willing to look at any damage they are talking about. Ms. Okerwall apologized for her tone, but this is very upsetting to her, and she thinks she has to move because she cannot live there by that. Mr. Bowers explained why it was there. She thinks it is longevity and trust in the community that another option was not even considered. Mr. Bowers said he has been doing this for thirty years and it would take a longer time than what they have time for to explain the process. Ms. Okerwall said she talked to the EPA and there was a time to appeal this. She asked if it was appealed. Mr. Bowers said he understands, but she lives next door to an industrial plant that has been there a long time; Aqua Ohio has made many improvements to the plant. Ms. Okerwall brought up the damage to the other homes on Chagrin Drive. Mr. Bowers said he cannot speak to the damages to the homes over the years.

Vance Nails, 5635 Chagrin Drive, stated he has lived there since 1968, nothing shaking or anything, until they built the pools in the back. Mr. Bowers said that was the EPA, Aqua Ohio had no choice but to put in the lagoons in the 1990's, it was required by law. Mr. Nails said some kind of notice could have been

given to the residents, but it wasn't. Mr. Bowers did not disagree with that, communication could always be better. Mr. Nails also complained about running the back hoe back there. Mr. Bowers said it was removing sludge; the sludge has to be removed manually. It dries for a year then they get rid of it. It is a by-product of the treatment process. Mr. Nails complained about his house shaking so much. Mr. Bowers said they try to run it certain times during the time when it is less intrusive. He again brought up the testing that had been done.

Luka Zibelnik, 5595 Chagrin Drive. Mr. Zibelnik complained about the lack of communication with Aqua Ohio. He complained about his house shaking. Mr. Bowers apologized for the inappropriate response to his phone calls. He stated he had business cards with him, he also gave them his personal number so they can call him direct with any problem.

Michelle Okerwall said regarding the pad, she noticed it is all contained and safe except for the part going towards the residents, so she is sure that is open for some reason. It is nice how everything is safe for Aqua and not for the residents, and she wondered if the zoning included the trenching along the fence line and the new parking lot that was put in. She is looking for support from Mentor-on-the-Lake that the plans it received from Aqua weren't actually what transpired over there. Mr. Bower was not sure what she was insinuating. She said she is insinuating that maybe they did not know what Aqua did. Did they know about the new parking lot, and the machines used to remove the old cement. Mr. Bowers asked how else can it be removed. Ms. Okerwall said she is just talking about the machine. Mr. Bowers said when you get rid of equipment, old material, you have to use construction equipment to do it. Mr. Zibelnik commented about the use of heavy equipment. Mr. Bowers explained their contractor told them they used quieter equipment, they brought in special equipment to try to keep the noise down, and the contractor tried to keep the noise down.

Ms. Nails asked about the trees. Mr. Bowers explained the removal of some of the trees. He asked for the residents' opinion as to putting in a privacy fence and explained where it would be installed. Mr. Zibelnik questioned the installation of the privacy fence, and his attempts in putting in his own fence with someone from Aqua telling him he could not do it. He also brought up the hole in his fence which he fixed. Mr. Zibelnik insisted he fixed it. Mr. Bowers said he paid someone to fix the fence.

Michelle Okerwall asked if he would come up with a plan to protect her if the tower falls, because the ground is vibrating and it is facing her, there was a failure to assure clear distance it would not land in her yard. She suggested Aqua Ohio can buy her house and it can then have its own private driveway. They discussed stopping the vibrations. The installation of a privacy fence was also discussed again and maintenance of the current and proposed fence. Mr. Bowers again stated he will give them his business card with his cell phone number and if there are any problems with the fence, to give him a call.

Mr. Lyons stated there was a question about installing the fence but the residents have not indicated whether they would like it installed, which is a separate issue from the tower, the vibrations. Ms. Okerwall said it was worth considering but could not give an answer right now. Her main concern is the size of the tower. Mr. Bowers explained the filtration system in the tower. Ms. Okerwall asked when it was going to be turned on. Mr. Bowers said hopefully by the end of the year, construction should be done soon. The transformer voltage was discussed.

Ms. Okerwall had another question for Mentor-on-the-Lake, not that she was getting much answers, does the same group that does zoning do the home inspections. Council President Thompson said the planning and zoning, if it does not have to come to Council, is handled by the Service Department, so Council does not see the actual plans presented. If there is something presented, like the 8' fence which does not meet current Code, it has to go to Planning and Zoning for approval. Anything they bring to us that does not need Council approval and complies with the City Ordinances, is approved by the Service Department. Ms. Okerwall asked how the County fits into this. Council Member Morris said they are the City's Building Department. Council President Thompson said their proposed documents are taken

to the Building Department to see if they meet the proper criteria, then they go out to the site sometimes to inspect, and they approve the documents as they were submitted.

Better communication was discussed. Ms. Zibelnik asked about the size of the new concrete which is larger than before, he is getting water in his yard. Mr. Bowers advised the concrete is the same size. Mr. Bowers said they would check this out.

Council Member Wolk stated he was called out to a resident's house and damage was pointed out. He brought it to Mr. Sayles attention, who went to the house with equipment to test the vibrations. Mr. Sayles indicated his only visit there was with Council Member Wolk. Council Member Wolk thought he had said he went back and tests were done. Mr. Sayles said Kip Molenaar might have been doing something with Aqua Ohio, he did not know. Council Member Wolk asked if he recalls if any tests were ever done on residents' homes about vibrations. Mr. Bowers said other than going into the basement and kind of listening, that is what they did. Council Member Wolk said he went to the site, both with Mr. Sayles and by himself, and it was his understanding some kind of testing was going to be done after the fact and that testing revealed there was not enough vibration to cause damage. Mr. Sayles thinks he is right, it is his recollection that Kip was requesting Aqua to do something. Council Member Wolk asked if there would be any record of this. Mr. Bowers said he would check, it was not anything official and was 5 or 6 years ago. Mr. Sayles said this was in relation to the vibrations caused by the equipment used for sludge removal. Mr. Lyons said this was not in relation to the new construction. Council Member Wolk said neither time he was there none of the equipment was running. Mr. Bowers said it does not run very often. Council Member Wolk said, to answer the question brought up before, if his neighbor was doing construction and his house was shaking causing damage, he would expect his neighbor to take care of the damage. The question is if the vibration is actually causing damage, and unfortunately he thinks the burden of proof is on the residents to demonstrate that the vibration is enough to do the damage. If they went to the trouble of doing that, he would expect Aqua Ohio to take care of it. Mr. Bowers said that was the point he was trying to make. There was discussion on cracks in the houses because of the vibrations, with several people talking at once. Mr. Bowers indicated Aqua has every right to do construction, and if a home is being damaged and it can be proven, they will fix it. They are not trying to damage anyone's home. Council Member Wolk asked if there would be future construction. Mr. Bowers said nothing major that would require large equipment. Council Member Wolk asked Mr. Sayles if CT has equipment that would measure vibrations. Mr. Sayles said no.

Mr. Zibelnik asked about the large generator at Aqua and its location. Mr. Bowers said it is an emergency generator for when the power goes off. Mr. Zibelnik asked if it could be relocated. Mr. Bowers said he did not know, it would be an enormous job to relocate it. Michelle Okerwall said FYI the tower is like a lightning rod. Mr. Bowers said it has lightning suppression installed which is required. There was additional discussion about the emergency generator, relocating it, the noise, and the decibel level.

Mr. Bowers said everyone wants everything moved to the other side, then the Library will be upset. The plant is where it is, and it has been for sixty years. He indicated Aqua Ohio can take decibel readings on the generator. Mr. Lyons asked if engineering data could be provided for the tower as well as the EPA standards. Mr. Bowers said absolutely, he will check with the Design Engineering. Mr. Lyons asked about the equipment used for sludge removal and cleaning out the ponds, and this was discussed. Mr. Lyons asked if there were any standards for determining if vibrations from the construction equipment were causing damage, and this was discussed. Council Member Wolk said there are a lot of variables, but if he had to lay money down whether or not the excessive vibration was damaging their houses, he would bet it is. He also understands that the burden of proof is on whoever is complaining about it. He asked if Aqua has equipment to test the vibrations, and would Aqua be willing to pay for testing to be done while equipment is moving behind the homes. Mr. Bowers said he does not see why not. Council Member Wolk asked what something like that would cost. Council Member Wolk said it would be worth

it to Aqua to put this to bed if it would be willing to pay for testing in these houses to determine if it was causing damage, and if it was causing damage, he would expect Aqua to pay for repair of that damage. He asked if that sounded fair to the residents. Again, several people started talking at one time. Ms. Okerwall again talked about her concerns, and there was more discussion. Mayor Eva asked about taking care of the water in the back yards and if it could be taken care of. Mr. Bowers said it could be looked at. Mr. Bowers again told the residents to call him direct with any problems. Mr. Bowers indicated Aqua would deal with the water issue, talk to the Engineers about the structural concerns, look into the vibrations, and the fence. Council Member Wolk said he understands the construction and the heavy vibrations are over with, but they were called out for the consistent vibrations because of the equipment moving in the back and he thinks if testing is done, we will actually know if it is causing the damage. Mr. Bowers asked the residents to think about the fence; also the decibel rate will be checked. Ms. Okerwall asked if the fence had to be put into their financial plan for this year. Mr. Bowers said that was not a problem. Mayor Eva stated the fence has already been approved by the Planning and Zoning Commission. Mr. Bowers said he already has approval for it. Council Member Chabut asked about putting trees or shrubs between the fences. Mr. Bowers said that would be tough to maintain, but the space between the fences would be taken care of. Putting in trees instead of a fence was briefly discussed. Ms. Okerwall made further comments and will reach out to other residents as to their thoughts on the suggestions made. The discussion ended at 8:04 P.M.

Mayor Eva continued his report. He advised he had received a Memo from Chief Gielink dated November 6, 2018, to Telecommunications Officer Jeannie McPeck. Mayor Eva read the Memo which commended her for her concern and empathy demonstrated when she answered a call from a very distraught female on October 13, 2018, who advised she had been raped. Officer McPeck remained calm and was able to obtain the victim's location and contact the appropriate agency to investigate, resulting in the arrest of the alleged offender.

Mayor Eva stated the Resolutions on the Agenda are Board and Commission appointments, several of which are reappointments, and one new appointment. John Higgins is replacing Mike Constantine who is leaving the City. These are on first reading tonight. There are two Ordinances on the Agenda tonight. Ordinance No. 2018-O-40 requires City taxpayers to file an annual City tax return. He asked Council to consider passing this Ordinance tonight so that the information can be given to the residents.

Mayor Eva advised he did have a conversation with Ben Capelle at LakeTran. He looked at extending Line No. 3, and times from going here back to other destinations were not matching up. What he is going to look into next is that there is a high volume of Dial-A-Ride people from here and he is going to see if they can look at the times of the Dial-A-Ride and maybe add another line to those individuals who use Dial-A-Ride.

**Administrative Director – Mrs. Bartone (Absent)**

**Law Director – Mr. Lyons**

Mr. Lyons said in addition to Ordinance No. 2018-O-40, which makes Mentor-on-the-Lake a mandatory filing community, if passed, Ordinance No. 2018-O-39 is related. The State passed a law stating that taxpayers of cities can now file through the State of Ohio, not for individual income taxes but for net profits. If a taxpayer was in the net profits situation, the taxpayer would have the option to file with the

City or through the State. This is the subject of some controversy and there is a court case going on. Most cities think this is a violation of the Ohio Constitution and infringes on home rule. Cities that are passing this Ordinance to remain consistent with State Law are putting language in the Ordinance that if the court case is successful then all the provisions would be vacated. Mr. Lyons does not know which way the court case will go but in order to try to comply with the law, at least for now, it is necessary to

pass this Ordinance as a house-keeping measure. He does not think this will affect many residents in the City but it does give them this option.

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

**Fire Chief – Mr. Pechatsko**

Chief Pechatsko read the Fire Department's Monthly Report for October 2018. For the month of October, there were a total of 110 calls for service as follows: Rescue/EMS – 74 calls, none for overdoses; Fire/Service – 23 calls; and Invalid Assist – 13 calls.

Chief Pechatsko also gave the Fire Prevention Report for October. The Fire Prevention Officer completed his semi-annual hood tests for Burger King, McDonald's, KFC, and New China Buffet. He attended the fire drill at Lake Elementary School. He conducted the final inspections for McDonald's and the new Mentor-on-the-Lake Nutrition. He attended and worked with public education and helped with the Mentor-on-the-Lake Open House/Fire Prevention Week. He conducted inspections of Action Door, Allstate Insurance, Marco's Pizza, Mr. Tire, Mr. Pete's Bar, Auto Zone, and apartments for disability for State approval.

Chief Pechatsko advised on Sunday, October 7, 2018, the Annual Safety Forces Open House was held and despite some poor weather there was a great turn-out and the public seemed to enjoy themselves.

#### **QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:**

Council Member Johnson asked Mayor Eva, regarding the revenues coming in from the tax audits, is there a plan to put that money aside for all the future retirements we are planning for. Mayor Eva said that would be up to Council to appropriate that money. Council Member Johnson asked if that was the intention of the Administration for that money or is there other thoughts on what that money would be used for. Mayor Eva said that would have to be looked at when it is here and also get approval from Council as to what to do; that is a great idea reducing the debt and setting the money aside for retirements.

#### **BOARD/COMMITTEE/COMMISSION REPORTS:**

##### **Committee of the Whole / October 29, 2018 / Mr. Lunder**

Council Vice President Lunder stated Council met on October 29, 2018, as a Committee of the Whole. The meeting started at 6:00 P.M. for discussion on the CCA. Present were Council Members Johnson, Bittner, Chabut, Morris, Council Vice President Lunder, Mayor Eva, Administrative Director Mrs. Bartone, and one City resident. There were three things discussed about CCA. The first item discussed was to make it mandatory for everyone to file their taxes. With most of the discussion and much investigation going over Ordinance 890.01, which is a very long Ordinance, the Committee decided to have the Law Director go through the Ordinance and make his recommendations on how to make the Ordinance mandatory. The Committee also discussed the waiving of interest and penalties. It was recommended that we form a Board of Review which, according to the Ordinance, consists of the Fiscal Officer, Law Director, and a Member of Council. The Committee also discussed that this Board meet frequently so it would let the resident know if their abatement was approved or not. The last thing the Committee discussed was to have CCA at the next Meeting to discuss with them a plan to have better customer service. The next Meeting was scheduled for November 13, 2018, at 6:00 P.M. The Meeting adjourned at 7:23 P.M.

**Planning and Zoning Commission / November 5, 2018 / Mr. Johnson**

Council Member Johnson stated the Planning and Zoning Commission met on November 5, 2018, at 7:00 P.M. The Commission approved the 8' privacy fence for Aqua Ohio should they decide to go forward with that. It also approved the rezoning per Ordinance No. 2018-O-37.

**Committee of the Whole / November 13, 2018 / Mrs. Thompson**

Council President Thompson stated Council met as a Committee of the Whole on November 13, 2018, at 6:00 P.M. with all Members of Council present. Also present were Mayor Eva and Mike Ryba from CCA. Mr. Ryba was asked about scheduling meetings, if we do move forward with a mandatory filing; CCA would come out to the City. Meetings would be held in the Community Room where residents could come and have their City taxes done by CCA directly. There would be no charge for that. Also discussed was the lack of communication if a resident did mail in their W-2's. Basically, CCA does not send out any letters if no taxes are due. If a resident files everything and sends in the information according to their letter, they were not notifying the resident if nothing was owed. CCA's late fees are \$25.00 per month with a cap of \$150.00 with a 15% interest fee. CCA did not have all of the details for penalties and fees that were collected as far as right now but will be able to have those numbers by mid-December. Also discussed was having the forms readily available for residents at City Hall to file their taxes and we will work with CCA to set up appointment dates to assist residents in preparing their City taxes for next year as well.

**OPEN TO THE PUBLIC TO SPEAK: 8:15 P.M.**

**CLOSED OPEN TO THE PUBLIC SECTION: 8:16 P.M.**

**LEGISLATION BEFORE COUNCIL:**

**RESOLUTION NO. 2018-R-23**

**A RESOLUTION CONFIRMING THE APPOINTMENT OF EDWARD MAY TO THE BOARD OF ZONING APPEALS**

**MOTION MADE BY MR. LUNDER, Seconded by Mr. Johnson, for Suspension of the Rules.**

Council Member Wolk asked for discussion on the Suspension. He intends to vote "No" on the Suspension, which he does not think is a surprise to many, and he wanted to state his reason for his vote. It is not because he has a problem with any of the people volunteering for this, in fact, he sincerely appreciates everyone who volunteers. It is simply because he does not think waiving the three reading Rule is something that should be done lightly. He does not think it should be done unless there is a specific reason that it needs to be done, so if there is a reason why any of these appointments need to be confirmed tonight, he would be willing to hear it, but he thinks it is commendable that the Administration has started bringing these to Council with enough time to have three readings. He just believes it is a slippery slope once you start calling things boilerplate or run of the mill legislation, and thinks it is something we need to take seriously. Council Vice President Lunder stated the issue he has with that is when he was on Civil Service and he knew this was going through three readings, and he was on for six years or whatever he was on for, and it went through three readings, he would probably have walked out the door. He looks at it this way. He volunteered; we are having a hard time getting volunteers; we have the Parks and Recreation Board right now where we cannot get enough volunteers to cover that. Council Member Wolk said he would find that disappointing that Council Member Lunder is not willing to follow the Rules of Council and wants to suspend the Rules of Council for that reason. Council Member Morris asked Mayor Eva how do people find out there are openings on these Boards. Mayor Eva stated it was posted on the website as well as Facebook. Council Member Morris said he knows someone who was interested in the Civil Service Commission but he never heard of any opening.

**LEGISLATION BEFORE COUNCIL (Continued):**

**RESOLUTION NO. 2018-R-23 (Continued):**

**ROLL CALL ON MOTION FOR SUSPENSION OF THE RULES:** Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Thompson. Nays: Council Member Wolk, Morris.

**MOTION CARRIED: 5/2**

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

**MOTION CARRIED: 7/0**

**RESOLUTION NO. 2018-R-24**

**A RESOLUTION CONFIRMING THE APPOINTMENT OF MICHELLE MOORE TO THE PARKS AND RECREATION BOARD**

**MOTION MADE BY MR. LUNDER,** Seconded by Mr. Johnson, for Suspension of the Rules. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Thompson. Nays: Council Member Wolk, Morris.

**MOTION CARRIED: 5/2**

**MOTION MADE BY MR. LUNDER,** Seconded by Mr. Johnson, for Passage of Resolution No. 2018-R-24. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 7/0**

**RESOLUTION NO. 2018-R-25**

**A RESOLUTION CONFIRMING THE APPOINTMENT OF MIKE SWEENEY TO THE PLANNING AND ZONING COMMISSION**

**MOTION MADE BY MR. LUNDER,** Seconded by Mr. Johnson, for Suspension of the Rules. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Thompson. Nays: Council Member Wolk, Morris.

**MOTION CARRIED: 5/2**

**MOTION MADE BY MR. JOHNSON,** Seconded by Mr. Lunder, for Passage of Resolution No. 2018-R-25. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 7/0**

**RESOLUTION NO. 2018-R-26**

**A RESOLUTION CONFIRMING THE APPOINTMENT OF JOHN HIGGINS TO THE CIVIL SERVICE COMMISSION**

**MOTION MADE BY MR. JOHNSON,** Seconded by Mr. Lunder, for Suspension of the Rules. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Thompson. Nays: Council Member Wolk, Morris.

**MOTION CARRIED: 5/2**



**RESOLUTION NO. 2018-R-26 (Continued):**

**MOTION MADE BY MR. LUNDER**, Seconded by Mr. Johnson, for Passage of Resolution No. 2018-R-26. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.  
**MOTION CARRIED: 7/0**

**RESOLUTION NO. 2018-R-27**

A RESOLUTION CONFIRMING THE APPOINTMENT OF CT CONSULTANTS, INC. AS CITY ENGINEER, AFFIRMING THEIR CONTRACT, ESTABLISHING THEIR COMPENSATION, AND DECLARING AN EMERGENCY

There was no Motion for Suspension of the Rules. Resolution No. 2018-R-27 is placed on Second Reading.

**RESOLUTION NO. 2018-R-28**

A RESOLUTION CONFIRMING THE APPOINTMENT OF JAMES M. LYONS AS LAW DIRECTOR AND ASSISTANT CITY PROSECUTOR, AFFIRMING HIS CONTRACT, DETERMINING COMPENSATION, AND DECLARING AN EMERGENCY

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

**RESOLUTION NO. 2018-R-29**

A RESOLUTION CONFIRMING THE APPOINTMENT OF JOSEPH M. GURLEY AS CITY PROSECUTOR AND ASSISTANT LAW DIRECTOR, AFFIRMING HIS CONTRACT, DETERMINING COMPENSATION, AND DECLARING AN EMERGENCY

There was no Motion for Suspension of the Rules. Resolution No. 2018-R-29 is placed on Second Reading.

**ORDINANCE NO. 2018-O-33 (THIRD READING)**

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

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Morris, for Passage of Ordinance No. 2018-O-33. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.  
**MOTION CARRIED: 7/0**

**ORDINANCE NO. 2018-O-34 (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-34 is placed on Third Reading.

**ORDINANCE NO. 2018-O-37 (SECOND READING)**

AN ORDINANCE REZONING MULTIPLE PARCELS THAT ARE CURRENTLY ZONED GARDEN-TYPE AND ELDERLY APARTMENT TO THE RESIDENTIAL SINGLE-FAMILY DISTRICT E ZONING CLASSIFICATION

**LEGISLATION BEFORE COUNCIL (Continued):**

**ORDINANCE NO. 2018-0-37 (SECOND READING) (Continued):**

There was no Motion for Suspension of the Rules. Ordinance No. 2018-O-37 is placed on Third Reading.

**ORDINANCE NO. 2018-O-38**

AN ORDINANCE AMENDING CODIFIED ORDINANCE 618.16(d) and (f) – CONTROL OF VICIOUS DOGS

There was no Motion for Suspension of the Rules. Ordinance No. 2018-O-38 is placed on Second Reading.

**ORDINANCE NO. 2018-O-39**

AN ORDINANCE AMENDING EXISTING CHAPTER 890 OF THE CODIFIED ORDINANCES OF THE CITY OF MENTOR-ON-THE-LAKE IN ORDER TO ADD NEW SECTIONS 890.57 TO 890.72 WHICH SECTIONS INCORPORATE SECTIONS 718.80 THROUGH 718.95 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY

Council President Thompson asked Mr. Lyons if this Ordinance needs to be done on an emergency since the City is not in compliance. Mr. Lyons stated he thinks it would be best to pass this tonight which gives the residents a little more notice, such as it is, in case they have any questions whether or not they can file with the State or with the City. This is only here because the State says it has to be passed. Council Member Morris asked Mr. Lyons about the pending litigation. Mr. Lyons said it is waiting for a Court of Appeals decision, and they say it will go to the Supreme Court. Council Member Morris asked Mr. Lyons about the Ordinance containing language to remove this if the case is successful. Mr. Lyons advised the language is in this Ordinance; it took a long time to do this and it took a long time to conceptually understand what they were talking about.

**MOTION MADE BY MR. BITTNER**, Seconded by Mr. Lunder, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Thompson. Nays: Council Member Wolk, Morris.

**MOTION CARRIED: 5/2**

**MOTION MADE BY MR. LUNDER**, Seconded by Mr. Johnson, for Passage of Ordinance No. 2018-O-39. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 7/0**

**ORDINANCE NO. 2018-O-40**

AN ORDINANCE AMENDING CODIFIED ORDINANCE 890.091(A)(2) IN ORDER TO REQUIRE ALL MENTOR ON THE LAKE TAXPAYERS TO FILE AN ANNUAL INCOME TAX RETURN AND DECLARING AN EMERGENCY

**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**

**LEGISLATION BEFORE COUNCIL (Continued):**

**ORDINANCE NO. 2018-O-40 (Continued):**

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Lunder, for Passage of Ordinance No. 2018-O-40. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

**MOTION CARRIED: 7/0**

**OLD BUSINESS:**

Council Member Morris stated at the last two Council Meetings, Mayor Eva has taken a shot at the Safety Committee reports he filed, and most of the points were well taken, except for at the last meeting, Mayor Eva said at the last Safety Committee Meeting, two of the Safety Committee members, Council Member Wolk and Council Member Bittner, both agreed they thought that the 8:00 A.M. to 9:00 A.M. and 2:30 P.M. to 3:30 P.M. were reasonable, and Mayor Eva did not see that in the report either. Council Member Morris said that is because that verbiage was never stated which is why it was not in the report. He went through and reviewed the audio recording of that session and the only one that expressed an opinion about it was Council Member Wolk who said he agrees with it being one way during pick-up and drop-off. There was no other statement by Council Member Bittner or Council Member Wolk about the times. He would be glad to provide that recording to Mayor Eva. Mayor Eva said he would be glad to let the gentlemen speak to that. Council Member Morris said the recording is what the recording is, and the Minutes of that meeting, not what they feel. Mayor Eva said it is not taking a shot at Council Member Morris, who said he knows it is not. Mayor Eva said that is what you just said; Council Member Morris stated it is taking a shot at the Minutes. Mayor Eva said all he is saying is that he is pretty sure Council Member Bittner agreed with the times. Council Member Morris stated it was not in the audio recordings. Council Member Bittner said he does recollect saying he agreed with the times. Council Member Morris stated he would be glad to provide the recordings, it was not stated at the meeting. Mr. Lyons said it may have been a nod. Council Member Morris said it could have been. Council Member Bittner said they did look at each other and agreed to the hours. Council Member Morris said he could not hear a nod on the recording. Council Member Wolk said he will testify either way. Mayor Eva said he was not aware Council Member Morris was recording the meeting. Council Member Morris stated he records all his meetings that he is Chairman of so he can make certain that he gets things correct.

**NEW BUSINESS:** None

**OPEN TO THE PUBLIC TO SPEAK: 8:33 P.M.**

**CLOSED OPEN TO THE PUBLIC SECTION: 8:34 P.M.**

**ANNOUNCEMENTS AND SETTING OF MEETINGS:**

Council President Thompson announced that the date of the next Agenda Meeting is being changed, and will be held on Monday, November 19, 2018, at 6:00 P.M. because of Thanksgiving.

Public Hearing on Ordinance No. 2018-O-37                      Tuesday, November 27, 2018, at 7:00 P.M.

Regular Agenda Meeting    Thursday, November 19, 2018, at 6:00 P.M.

Regular Council Meeting    Tuesday, November 27, 2018, at 7:00 P.M.

**ADJOURNMENT:**

**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Chabut, for Adjournment. Council Member Bittner brought up forming the Committee for the Tax Review. Council Member Wolk said there is a Motion on the floor. Council Member Morris withdrew his Motion for Adjournment.

Council Vice President Lunder said this was for a Review Board for the CCA tax for the abatement of penalties and interest. It was recommended by the Mayor that we form the Board. The Board consists of the Fiscal Officer, the Law Director, and one Member of Council. It was also stated that the frequency would be so as not to hold up the resident applying for the abatement so they would know as soon as possible. He thought since the Law Director is at all of the Agenda Meetings as well as the Council Meetings, that the Board meet on those days when the Law Director would be there.

Mr. Lyons said he thought the Board is provided for in the Ordinance and no other action would need to be taken. The Income Tax Review Board consisting of Council Member Chabut and Council Member Johnson was brought up and discussed. Council Member Johnson thought that was separate from the proposed Board of Review. Mr. Lyons said Council would have to elect someone to be on the Board and that Board is different from the idea of doing an amnesty which would have to be authorized by a resolution of Council, not by that Board which has to follow the requirements of the current Ordinance. The Board can waive penalties but Council would have broader powers to grant amnesty to people. He can check on this further if Council wishes. He does not know what standards the Board would want to use. He thinks Council has to tell the Board what standards to use for this general amnesty. Council Member Johnson thinks the first situation is that currently Mrs. Bartone has already given waivers to certain people, which is not following current Ordinances, so the Board needs to sign off on that so it follows the Ordinances. Beyond that, any amnesty program, he agrees, could be done as suggested but that would be separate from what is currently in existence. Mr. Lyons suggested before the next Council meeting, that meeting could be held if a representative from Council could be picked tonight and what Mrs. Bartone did could be confirmed. Mayor Eva asked if the idea is to wait until all the results from CCA are in to do this, because as Mr. Ryba said tonight, they will not have final numbers until December/January. Council Member Johnson said his thought is that they need to take care of everything she has given a waiver on. There are some she did not grant waivers on, so are they going to go back and refund those people, this is where it starts getting complicated and this needs to be sorted out, which is what this Board needs to do.

Council President Thompson asked if a Board Member from Council should be appointed. Mr. Lyons said yes, then a meeting could be held at least before the next Council Meeting. Council President Thompson asked for nominations, and stated she would like to appoint Council Vice President Lunder as he is present for the Agenda Meetings. Mr. Lyons suggested the meeting be held before the next Council Meeting as Mrs. Bartone is not at the Agenda Meetings. Council Member Bittner seconded the nomination of Mr. Lunder. There were no other nominations.

**MOTION MADE BY MRS. THOMPSON**, Seconded by Mr. Bittner, to nominate Council Vice President Lunder as Council's representative for the Tax Board of Review. **ROLL CALL:**  
Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.  
**MOTION CARRIED: 7/0**

**MOTION MADE BY MR. BITTNER**, Seconded by Mr. Wolk, for Adjournment. ROLL CALL:  
Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Morris, Thompson. Nays: Council Member Johnson.

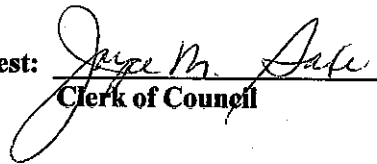
**MOTION CARRIED: 6/1**

The Regular Meeting of Council adjourned at 8:44 P.M.

**APPROVED:**

November 27, 2018  
Date

  
**DESIREA THOMPSON**  
President of Council

Attest:   
Clerk of Council