



## City of Mentor-on-the-Lake

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### MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE SEPTEMBER 24, 2019

The Regular Meeting of Council of September 24, 2019, for the City of Mentor-on-the-Lake, Ohio, was called to Order at 7:00 P.M. by Council Vice-President Jim Lunder.

**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  
**At Large:** PRESTON WOLK (Absent, Excused)  
Aye: **Ward 1:** DAVID CHABUT  
Aye: **Ward 2:** PAUL MORRIS  
**Ward 4:** DESIREA THOMPSON, President (Absent/Excused)

**READING OF MINUTES:** Regular Meeting of Council – September 10, 2019

**MOTION MADE BY MR. MORRIS,** Seconded by Mr. Bittner, for Approval of the Minutes of the September 10, 2019, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Morris. Nays: None. Abstain: Council Member Chabut.

**MOTION CARRIED: 4/0/1**

**CORRESPONDENCE:**

Council Member Morris advised he had received another email from Debra Ward on Primrose about the ongoing problems with their neighbors. Mr. Ward is here tonight and will probably be addressing that as the conditions still exist. He did talk to Mr. Moore on Wednesday and he said if the conditions still exist past this week's garbage collection, they would be cited. Today was their garbage pick-up day. Mayor Eva asked if this was 7427 Primrose, and Council Member Morris said he believed that was the address.

**ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:**

**Mayor & Safety Director – Mr. Eva**

Mayor Eva advised Eric Rosenberger was sworn in yesterday as a Part-Time Firefighter/Paramedic. He has State certifications as a Firefighter 2 and Paramedic.

Mayor Eva asked Council to consider waiving the three reading Rule on Resolution No. 2019-R-12 which ratifies the collective bargaining agreement with the Part-Time Firefighters. They have been working without a contract since January 1, 2019.

Mayor Eva stated, given the polling results from Council Member Johnson's Halloween Poll, Trick or Treat will be on Thursday, October 31, 2019. Council Member Johnson stated the poll was 124 to 19 as of this evening.

**Administrative Director – Mrs. Bartone**

Mrs. Bartone asked that Resolution 2019-R-11, which is on Second Reading tonight, be passed as it has to be certified to the County by the end of the month. She asked that the Third Reading be waived and this Resolution passed tonight.

Mrs. Bartone stated there are new Ordinances on the Agenda tonight, 2019-O-21, 2019-O-22, and 2019-O-23 which are actually repeats of Ordinances 2019-O-16, 2019-O-18, and 2019-O-20, which original Ordinances had a typo on the originals that were passed in order to get those to the County. They were all for grass cutting, and the error was found after they had been passed, so they need to be passed tonight.

**Law Director – Mr. Lyons**

Mr. Lyons stated, to follow up on Mrs. Bartone's Report, these Ordinances were put back on the Agenda in an overabundance of caution. Once they were signed and put in the official book, even though it was a clerical mistake, we did not want to mess with the official book and we are asking Council to again pass those Ordinances, especially as a certified copy is going to another agency.

**City Engineer – Mr. Sayles**

Mr. Sayles advised the Miami Storm Sewer Project is moving along. They are not encountering any unusually problems except those that had been expected. There is an issue on the road program with the asphalt in that there are allegations that the contractor damaged driveway aprons on Goldenrod. The contractor claims it has a video that clearly shows the driveway aprons were damaged before they got there. He is still waiting to see the video, so the contractor is not being paid until the video can be reviewed.

Council Vice-President Lunder asked about the Miami Storm Sewer Project in that he has seen several people complaining that they are only working four days a week, and one woman put something on Facebook that this is supposed to be a 60-day project which will end up being 90 days. Council Vice-President Lunder said he understands they are working 10 to 12 hour days. Mr. Sayles said that was correct. Council Vice-President Lunder asked if they are still on schedule. Mr. Sayles said he has not checked the original schedule, but will do so.

**QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS: (None)**

**BOARD/COMMITTEE/COMMISSION REPORTS:**

**Ordinance Committee / September 16, 2019/ Mr. Morris**

Council Member Morris stated the Ordinance Committee met on September 16, 2019, at 6:00 P.M. to discuss amendments to several Ordinances. Present were Council Members Morris, Johnson, Chabut, Council Vice-President Lunder, and Brent Moore, Service Director. The Committee started with a discussion concerning 1280.05 "Conditions of parking areas." The issue is that the current Ordinance states that driveways must be located at least three feet from the property line. Many homes in our City are in violation of this Ordinance with no reasonable method to comply with it. The Committee is proposing to change the Ordinance so that existing driveways that are on the property line may stay where they are, but new homes being constructed must keep the driveway at least three feet from the property

line. The Committee also wanted to make it possible to replace a driveway without having to locate property pins unless there was a dispute. The proposal would also require a permit for driveway installations with a fee of \$50.00. The Committee is also proposing to remove the section that prohibits parking in the front yard, due to the fact that parking must be done on a hard surface as stated in another Ordinance. Legislation that was prepared by Mr. Lyons was reviewed and returned to him for some modifications. The Committee is proposing a change in verbiage to make the language match a chart that is part of Ordinance 1252.04. On Ordinance 1252.11(c), the Committee is proposing that fences that are to be erected in residential districts may be placed on the property line, however, the person requesting the permit to erect the fence must prove the location of the property line by either locating the property pins or having a survey done to locate them. On Ordinance 1258.05(d)(2)(A), the Committee is proposing that fences that are to be erected in the Business Districts may be placed on the property line, however, the person requesting the permit to erect the fence must prove the location of the property line by either locating the property pins or having a survey done to locate them. On 250.07 "Bereavement leave," the Committee was requested to consider amending this Ordinance to accommodate the family structure in our current society. After some conversation, the Committee is proposing adding grandchildren and stepchildren to this Ordinance as many people are now raising their stepchildren and grandchildren. The Committee also proposed to add a one day bereavement day for aunts, uncles, nieces, and nephews so that the employee may attend the funeral services. On 1258.08 "Trash Storage Area," the Committee is proposing that the language be amended to state that the trash storage is to be enclosed on three sides by a 6-foot enclosure. We are further proposing that language be added to require that the trash containers be closed at all times and that they be repaired or replaced if they leak. The leaking debris must also be cleaned up. On 1250.01 "Establishment," this concerns the establishment of zoning districts. The Committee was requested to change the language to indicate that the various zoning districts would be identified on the map by color rather than symbols. The Committee is also proposing to eliminate (f), Office Building District, and (g) Industrial District, as those zones are no longer in use. There is also a proposal to remove those districts from the verbiage, where appropriate, and replace it with "Business District." The meeting adjourned at 7:12 P.M.

#### **Meeting with residents on Dahlia Drive / September 16, 2019 / Mr. Morris**

Council Member Morris stated there were three or four residents attending the meeting on September 16, 2019. Mr. Moore had one resident who stayed and filled out a work request which will get the ball rolling. He thinks a lot of things were aired out in a positive way for the most part. There were a couple of residents there who were not happy. He thinks all in all it was a more positive turn around than people complaining all the time on Facebook and everywhere else. There were some problem areas identified on Dahlia that need more immediate looking into than others.

#### **Zoning Committee / September 23, 2019 / Mr. Johnson**

Council Member Johnson stated the Zoning Committee met on September 23, 2019, at 6:00 P.M. to discuss various rezoning of properties to align with existing uses. Present were Council Members Johnson, Morris, Bittner, and Council Vice-President Lunder. The property at 5382 Lincoln was brought up by the Zoning Inspector who indicated it is zoned yacht club but the 2017 map shows it as Single Family E, so this needs to be sorted out; 7855 and 7847 Lakeshore to be zoned as Business I; 7840 Lakeshore as multi-family; 7844 Lakeshore as Business I; 7900 and 7914 Lakeshore Residential District C, they are currently zoned Park District; Salida west of Monterey Bay needs to be sorted out as the zoning map and the Auditor parcels conflict; need to list the parcels at Windsor Apartments to rezone from Condo to Multi-Family; and the Committee reviewed Whitethorn listings for any additions or corrections. The meeting adjourned at 6:30 P.M.

**OPEN TO THE PUBLIC TO SPEAK: 7:13 P.M.**

Ward Freeman, 7455 Primrose Drive. Mr. Freeman was at the last Council Meeting with complaints about a neighbor's trash. He thanked Council Members Wolk and Bittner for coming to his home and he and Council Member Morris have been working together on this. He still has complaints in that there are now two mattresses as well a number of bags of garbage on the property, way more than one house should have. He would like assurances from somebody that something is going to be done as this is degrading the value of his property. Council Member Lunder asked Mr. Freeman if other people are dropping rubbish off at the neighbor's. Mr. Freeman believes the neighbor calls himself a landscaper and brings debris home from all of his jobs and puts it out.

**CLOSED OPEN TO THE PUBLIC SECTION: 7:16 P.M.**

**LEGISLATION BEFORE COUNCIL:**

**RESOLUTION NO. 2019-R-11 (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

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Chabut, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris. Nays: None.

**MOTION CARRIED: 5/0**

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Morris, for Passage of Resolution No. 2019-R-11. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris. Nays: None.

**MOTION CARRIED: 5/0**

**RESOLUTION NO. 2019-R-12**

A RESOLUTION RATIFYING THE COLLECTIVE BARGAINING AGREEMENT WITH THE PART TIME FIREFIGHTERS AND AUTHORIZING THE MAYOR AND ADMINISTRATIVE DIRECTOR TO EXECUTE A WRITTEN CONTRACT WITH THE MENTOR-ON-THE-LAKE PART TIME FIREFIGHTERS ASSOCIATION, AND DECLARING AN EMERGENCY

**MOTION MADE BY MR. BITTNER** for Suspension of the Rules.

Council Member Morris asked for discussion, and stated his understanding is that the part-timers approved their contract months ago, and asked if this was true. Mrs. Bartone stated she did not receive the signed acceptance from them until the day before the Agenda Meeting, about a week and a half ago. Council Member Morris asked why there was so long of a time period. Mrs. Bartone stated she did not have authorization from them. Council Member Morris stated quite honestly, he would like to wait until the next meeting if possible, so they can review the contract as he has not had a chance to review it yet, and would this create a problem if this was not passed tonight and Council waited until the next meeting. Mayor Eva said it was up to Council. He thought since they have gone without a contract, it would be good to get this passed tonight. Council Member Morris said he would like to get it passed as soon as they can. Council Member Johnson said if they sat on it that long to get a signature, then Council can take some time to review it. Council Vice-President Lunder said this is how he felt about it. Council Member Bittner indicated there was still a Motion on the floor. Mayor Eva said his only comment would be that he would not want to penalize a whole group of people for less than a handful of individuals, and that to him is putting the burden on the whole Department, and the whole Part-Time Fire Department should not be penalized. Council Member Morris agreed. Council Member Johnson stated they are not trying to penalize them, but just taking time to review the whole contract. Council Member Chabut

**LEGISLATION BEFORE COUNCIL (Continued):**

**RESOLUTION NO. 2019-R-12 (Continued):**

asked if they were going to get paid back to January whether this is passed tonight or not. Mayor Eva said yes.

There was no second to the Motion. Ordinance No. 2019-R-12 is placed on Second Reading.

**ORDINANCE NO. 2019-O-15 (THIRD READING)**

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

Council Vice-President Lunder stated this needed to be amended as Section 2 has the wrong date.

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Morris, to amend Section 2 of Ordinance No. 2019-O-15 to read "2019" instead of "2017." **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris. Nays: None.

**MOTION CARRIED: 5/0**

**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Johnson, for Passage of Ordinance No. 2019-O-15. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris. Nays: None.

**MOTION CARRIED: 5/0**

**ORDINANCE NO. 2019-O-17 (SECOND READING)**

**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. Chabut, to amend Section 2 of Ordinance No. 2019-O-17 to read "2019" instead of "2017." **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris. Nays: None.

**MOTION CARRIED: 5/0**

Council Member Morris asked if there was a reason to pass this Ordinance tonight. Mrs. Bartone stated these yards were cut in late June, early July. Council Member Morris asked if they were in foreclosure. Mrs. Bartone said no, but they are transferring much quicker and the title companies are not doing their diligence in checking with the City to see if there are any outstanding invoices. The City has had to write off at least half a dozen so far this year, so the sooner they are passed, the more likely the City will be repaid. Council Member Morris asked if they can assume the same is true about the next one. Mrs. Bartone said all of these invoices are from June and July.

**MOTION MADE BY MR. BITTNER**, Seconded by Mr. Johnson, for Suspension of the Rules. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris. Nays: None.

**MOTION CARRIED: 5/0**

**MOTION MADE BY MR.**, Seconded by Mr. Bittner, for Passage of Ordinance No. 2019-O-17. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris. Nays: None.

**MOTION CARRIED: 5/0**

**ORDINANCE NO. 2019-O-19 (SECOND READING)**

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

**LEGISLATION BEFORE COUNCIL (Continued):**

**ORDINANCE NO. 2019-O-19 (SECOND READING) (Continued):**

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Morris, to amend Section 2 of Ordinance No. 2019-O-19 to read "2019" instead of "2017." ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris. Nays: None.

**MOTION CARRIED: 5/0**

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Chabut, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris. Nays: None.

**MOTION CARRIED: 5/0**

**ORDINANCE NO. 2019-O-21**

**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. Morris, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris. Nays: None.

**MOTION CARRIED: 5/0**

**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Chabut, for Passage of Ordinance No. 2019-O-21. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris. Nays: None.

**MOTION CARRIED: 5/0**

**ORDINANCE NO. 2019-O-22**

**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. Johnson, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris. Nays: None.

**MOTION CARRIED: 5/0**

**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Johnson, for Passage of Ordinance No. 2019-O-22. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris. Nays: None.

**MOTION CARRIED: 5/0**

**ORDINANCE NO. 2019-O-23**

**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. Johnson, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris. Nays: None.

**MOTION CARRIED: 5/0**

**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Johnson, for Passage of Ordinance No. 2019-O-23. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris. Nays: None.

**MOTION CARRIED: 5/0**

**OLD BUSINESS:**

Council Member Bittner thanked Council Member Johnson for taking the poll on changing the Halloween Trick or Treat night, and to everyone who participated.

**NEW BUSINESS:**

Council Member Morris asked Mayor Eva if anyone has looked into filings on the Palumbo Act for firefighters with cancer. He noticed almost all the cities are challenging those claims, and almost all the cities are getting defeated in their challenge. He asked what's causing all this. Mayor Eva said he has no idea, but he has been following it. They have not run across this here. Council Member Morris asked if he could reach out to other communities dealing with this as his concern is if one of the City's firefighters come down with this, it can be a financial burden to the City. He does know that one of the State Representatives is trying to get a fund going to help with that. Mayor Eva said they can look into this. Mrs. Bartone said in one local community that is still fighting one of the claims, the firefighter was full-time in one location and part-time in the second location, they were awarded the claim in the full-time location and the part-time community has to pay out based on the full-time salary which they cannot afford. They will not adjust the payout rate, and they are fighting this to get it reduced to a reasonable rate based on the firefighter's hours at that location. Council Member Morris said he is considering this could happen here. He has not talked to anybody about this but it could be financially devastating to the City. He asked if the Administration could find out more about this.

Mayor Eva asked the Ordinance Committee to look at Ordinance 1024.1, specifically parts (e) and (g), as this was brought up at the Dahlia Drive meeting. There are several parts in that Ordinance, for example Section (d) talks about the City Engineer authorizing the installation of drainage pipe, but in (e) it talks about the Mayor being the supervisor of service installing drainage pipes. Also (g) talks about the completion of a city-wide drainage program and the Mayor notifying all the owners of things that need to be taken care at the cost of the owner. Mayor Eva said between that one and 1024.2, they contradict each other. Council Member Morris said the Ordinance Committee is finding a lot of that in the Ordinances, and this is on the Agenda for the next Ordinance Committee meeting. Mayor Eva also asked about 1024.3, maybe they can all be consolidated into one ordinance.

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

Renee Shaffer, 7761 Sharon Drive. She asked when the City website would be up. It has been down for quite some time. Mrs. Bartone said it has been down since March. The website is up and running and the City's IT guy is running security testing in the background, so at this point everything is functioning but they cannot up-date until all of the background is fully encrypted.

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

**ANNOUNCEMENTS AND SETTING OF MEETINGS:**

Parks and Recreation Board  
Ordinance Committee

Thursday, September 26, 2019, at 7:00 P.M.  
Monday, October 21, 2019, at 6:00 P.M.

Regular Agenda Meeting  
Regular Council Meeting

Wednesday, October 3, 2019, at 6:00 P.M.  
Tuesday, October 8, 2019, at 7:00 P.M.

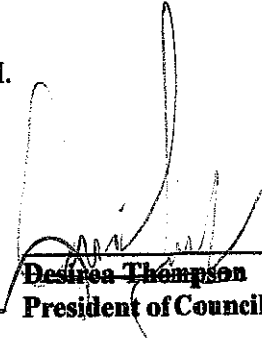
**ADJOURNMENT:**

**MOTION MADE BY MR. MORRIS**, Seconded by Mr. Johnson, for Adjournment. **ROLL CALL:**  
Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris. Nays: None.  
**MOTION CARRIED: 5/0**

The Regular Meeting of Council adjourned at 7:35 P.M.

**APPROVED:**

October 22, 2019  
Date

  
Desiree Thompson Jim Lunder  
Vice President of Council

Attest: Jaya M. Sape  
Clerk of Council