



## City of Mentor-on-the-Lake

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### MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE OCTOBER 22, 2019

The Regular Meeting of Council of October 22, 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  
Aye: **At Large:** PRESTON WOLK  
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 24, 2019  
Regular Meeting of Council - October 8, 2019

**MOTION MADE BY MR. MORRIS,** Seconded by Mr. Johnson, for Approval of the Minutes of the September 24, 2019, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Chabut, Morris. Nays: None. Abstain: Council Member Wolk.

**MOTION CARRIED: 5/0/1**

**MOTION MADE BY MR. CHABUT,** Seconded by Mr. Morris, for Approval of the Minutes of the October 8, 2019, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Lunder, Wolk, Chabut, Morris. Nays: None. Abstain: Council Member Johnson, Bittner.

**MOTION CARRIED: 4/0/2**

**CORRESPONDENCE:**

The Clerk read an email from Renee and Richard Sheaffer, 7761 Sharon Drive, dated October 17, 2019. They live behind the Crooked Corner commercial property. The email concerned problems they have been having with the Crooked Corner including people hanging around the property after closing, the removal of tree branches and wood on the tree line on the property, loud music from the recording studio, the erection of a fence along the property line, and drainage problems.

Council Member Morris advised he has been working with Debbie Huss, 7706 Sharon Drive, concerning problems she has been having with Republic Services. She also asked if a Mentor-on-the-Lake resident can leave Republic and hire their own waste company. Council Member Morris said he did not think so because the City negotiates the best contract they can for the bulk of the residents involved, and he would see what he could find out, but does believe he is correct in this; there is an exclusive contract Ms. Huss is not happy with the fact that a resident cannot go out and do business with whom they want to.

**ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:**

**Mayor & Safety Director – Mr. Eva**

Mayor Eva stated all Members of Council have received a Memo from Mrs. Bartone dated October 14, 2019, requesting emergency passage of 2019-R-13 which concerns the Miami Road drainage program.

Mayor Eva advised the Third Annual Fight the Flame Race will be held at City Hall on Sunday, November 3, 2019, starting at 9:00 A.M. Proceeds benefit RSDSA (Reflex Sympathetic Dystrophy Syndrome Association) by providing support to everyone affected by the CRPS/RSD (abnormal inflammation or nerve dysfunction) disease.

Mayor Eva advised, under New Business, he would like to discuss volunteer hours for City employees for community events with Council.

Mayor Eva stated there are three Resolutions on the Agenda tonight, appointing Adam Sheldon and Ralph Boomer to the Planning and Zoning Commission, and appointing Andy Rose to the Civil Service Commission, and asked that they be passed tonight. All three individuals are currently serving on these Commissions.

**Administrative Director – Mrs. Bartone**

Mrs. Bartone stated anyone now using the City website can see most of it has been updated with Agendas and Minutes. If there are any suggestions anyone would like to see, added, changed, please let her know, as starting in 2020 they will be updating all of the information, background, etc.

**Law Director – Mr. Lyons (No report)**

**City Engineer – Mr. Sayles**

Mr. Sayles advised the Miami Storm Sewer Project is coming to a conclusion, and if they get a decent break in the weather, he thinks they may be able to get it done within the next week or so.

**Service Director – Mr. Moore**

Mr. Moore advised the Service Department has begun preparing and servicing its trucks and equipment for winter. The Service Department is keeping up with the maintenance of the police cars as needed; it continues to do morning maintenance in City Hall; it continues daily trash pickup at the parks as well as mowing and trimming as needed; and continues to patch pot holes as needed. The Service Department has completed fourteen work requests; had 435 OUPS tickets to date that had to be marked. The Housing Department has completed 83 point of sale inspections; 53 house rental inspections; 55 re-inspections; and 330 apartment unit inspections.

**QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:**

Council Member Johnson asked Mr. Moore about the Crazy Corner and what is going on with the screening and buffering of that corner. Mr. Moore stated the CUP (Conditional Use Permit) gave them one year which will be April 1<sup>st</sup>.

Council Member Morris asked Mayor Eva about the Fire Department Report he read at the last meeting, where the Fire Department reported it did an inspection on Amvets Post 40 as well as Amvets Post 109. He emailed the Fire Chief and asked where Amvets Post 40 was. He is aware it is in the Headlands. The

Fire Chief advised that was a typo, so Council Member Morris wondered how that got into the report. Mayor Eva said he could not answer that question.

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

##### **Ordinance Committee / October 21 2019 / Mr. Morris**

Council Member Morris stated the Ordinance Committee met on October 21, 2019, at 6:00 P.M. to discuss changes to various ordinances. Present were Council Members Morris, Chabut, Johnson, and Council Vice-President Lunder. The Committee discussed Ordinance 1252.04 and corrected language so that the verbiage matched the chart concerning property dimensions. This was approved by the Committee to forward to Council. Ordinance 1252.08(a) concerned trash storage. The Committee is proposing that trash storage be contained in a three-sided enclosure and the trash containers must be kept closed. If there is spillage or leakage, it must be cleaned up immediately and the container repaired or replaced to prevent a reoccurrence. This was approved by the Committee to forward to Council. Ordinance 1280.05 concerned driveways. The Committee is proposing changes to the current ordinance that would grandfather existing driveways, yet require permits for driveways that are being built new or replaced. There are concerns that driveways may be placed wrong and/or not constructed properly. The Committee had questions for Mr. Moore concerning a section of this ordinance. It is being held pending a conversation with Mr. Moore for some clarification. Ordinance 250.07 concerns bereavement leave. The Committee is proposing to update this ordinance to properly reflect what the family structure is today. A suggestion was made to yet again change the meaning of the "immediate family." A definition was provided from another local company's policy that may better define the family. This has been sent to Mr. Lyons for his input. Ordinance 1250.01 – the Committee is proposing to make certain changes to reflect the various zoning changes that have been made recently. This would require the use of colors instead of symbols to indicate the various zones. The Committee also wants to eliminate the Office and Industrial Districts as they are not used any longer. This was approved by the Committee to forward to Council. Regarding swimming pool safety, this has been an ongoing conversation that the Committee is attempting to clean up concerning securing the pool from unauthorized use. There are concerns that the current ordinance is lacking in strength and clarity. This was tabled for the next meeting due to questions for the Zoning Inspector. Ordinance 1036.04(D) concerns trees in the City. It was suggested to table this until 2020 due to it being late in the season and the potential for questions for the Zoning Inspector. The Committee had a conversation concerning Uber/Lyft Services and Air BnB. It is looking into various ordinances for these services concerning taxation and registration amongst other issues. The conversation then turned to three other topics including vacant property registration and fees, ambulance billing fees, and Community Room usage and fees. The Committee is not current with the issue of vacant residential and commercial properties when compared to other like communities and is looking to update the City Ordinances. The City's rates for ambulance billing were due for review. The Committee sent questions to Mrs. Bartone before the Committee proceeds with this. The last topic concerned the usage of the Community Room and the rates. It was suggested that the Committee might consider a discounted rate for certain nonprofit and 501(c) organizations. Questions were sent to Mrs. Bartone concerning this issue. There was also conversation concerning educational use of the room. These topics were tabled until the next meeting due to research being done. The meeting adjourned at 7:00 P.M.

##### **OPEN TO THE PUBLIC TO SPEAK: 7:15 P.M.**

Debbie Huss, 7706 Sharon Drive. Ms. Huss told Council Member Morris that funds were not taken out of her account and the company lied. She related her problems with payment to Republic. Ms. Huss asked who in their right mind would give any company a ten-year contract without giving residents a choice of using another company. She is asking that she be permitted to choose her own garbage

company. She said the City is a dictatorship in not giving residents a choice on the company to be used for waste pickup. She does not think being here tonight will accomplish anything but at least she got it off her chest, and can't see doing business with a company that lies.

**CLOSED OPEN TO THE PUBLIC SECTION: 7:17 P.M.**

Council Vice-President Lunder stated he wanted to make a comment before Council goes to Legislation. This is one of his pet peeves since being on Council, and being in the situation where he volunteered on various Committees prior to being on Council, it irritates him that Council has to go through three readings on resolutions for people volunteering in the City. He would like Council to pass these Resolutions tonight. There is one person who is on one of the Resolutions tonight who gave a talk on this a couple of years ago, and this upsets him a lot that he has been on there for years and has to go through three readings.

**LEGISLATION BEFORE COUNCIL:**

**RESOLUTION NO. 2019-R-12 (THIRD READING)**

**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**

Council Member Morris asked for discussion. He was an employee of the City for 38 years on both the part-time and full-time Fire Department, he has noticed that for the last 25 years or 30 years, contracts are negotiated on a percentage basis, however, what that tends to do is widen the disparity between the ranks and different Departments. It keeps moving forward, and when he looked at this Resolution, the part-time firefighters are way behind part-time Dispatch. He is not happy with this. He is very set against this. Although the Dispatchers have a very tough job, so do the part-time firefighters. He does not know if it is possible to go forward with future contracts where the increase is a dollar amount, if that is possible to stop this ever widening gap. He knows this is an industry standard, but sooner or later you have to pay the piper and someone will have to catch up somewhere. Council Member Morris stated he is not likely to support this Resolution. He has always said the part-time firefighters need to be caught up to speed. He knows there are only so many dollars, but he also knows Council voted not to hire a fourth full-timer and put \$70,000.00 back in the Fire Department coffers because of that. That \$70,000.00 would go a long way to catching those guys up to speed.

**MOTION MADE BY MR. BITTNER**, Seconded by Mr. Chabut, for Passage of Resolution No. 2019-R-12. ROLL CALL: Ayes: Council Member Johnson, Bittner, Chabut. Nays: Council Member Lunder, Wolk, Morris.

**MOTION FAILED: 3/3**

**RESOLUTION NO. 2019-R-13**

**A RESOLUTION AUTHORIZING THE MAYOR AND ADMINISTRATIVE DIRECTOR TO ENTER INTO AGREEMENTS WITH THE OHIO PUBLIC WORKS COMMISSION FOR THE MIAMI ROAD DRAINAGE IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY**

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

**MOTION CARRIED: 6/0**

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Morris, for Passage of Resolution No. 2019-R-13. ROLL CALL: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris. Nays: None.

**MOTION CARRIED: 6/0**

**LEGISLATION BEFORE COUNCIL (Continued):**

**RESOLUTION NO. 2019-R-14**

A RESOLUTION CONFIRMING THE APPOINTMENT OF ADAM SHELDON TO THE PLANNING AND ZONING COMMISSION

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Bittner, for Suspension of the Rules. ROLL CALL: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris. Nays: None.  
**MOTION CARRIED: 6/0**

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Morris, for Passage of Resolution No. 2019-R-14. ROLL CALL: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris. Nays: None.  
**MOTION CARRIED: 6/0**

**RESOLUTION NO. 2019-R-15**

A RESOLUTION CONFIRMING THE APPOINTMENT OF ANDY ROSE TO THE CIVIL SERVICE COMMISSION

Council Member Morris asked Mayor Eva if he was still looking for more people to serve on the Civil Service Commission and has that been accomplished yet. Mayor Eva said yes, he did find someone. Council Member Morris asked if there was more than one applicant to fill the vacant spot. Mayor Eva said he had received two.

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Chabut, for Suspension of the Rules. ROLL CALL: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris. Nays: None.  
**MOTION CARRIED: 6/0**

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Chabut, for Passage of Resolution No. 2019-R-15. ROLL CALL: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris. Nays: None.  
**MOTION CARRIED: 6/0**

**RESOLUTION NO. 2019-R-16**

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF THOMAS M. GRABARCZYK AS PART-TIME HUMAN RESOURCE SPECIALIST, AFFIRMING HIS CONTRACT, AND DETERMINING COMPENSATION, AND DECLARING AN EMERGENCY

There was no Motion for Suspension of the Rules. Resolution No. 2019-R-16 is placed on Second Reading.

**RESOLUTION NO. 2019-R-17**

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. 2019-R-17 is placed on Second Reading.

**LEGISLATION BEFORE COUNCIL (Continued):**

**RESOLUTION NO. 2019-R-18**

A RESOLUTION CONFIRMING THE APPOINTMENT OF RALPH BOOMER TO THE PLANNING AND ZONING COMMISSION

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

**MOTION CARRIED: 6/0**

**MOTION MADE BY MR. JOHNSON**, Seconded by Mr. Chabut, for Passage of Resolution No. 2019-R-18. ROLL CALL: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris. Nays: None.

**MOTION CARRIED: 6/0**

**ORDINANCE NO. 2019-O-24 (SECOND READING)**

AN ORDINANCE AMENDING CODIFIED ORDINANCE 1252.11(c) REGARDING FENCES IN RESIDENTIAL DISTRICTS AND REQUIREMENTS FOR ERECTION OF FENCES

There was no Motion for Suspension of the Rules. Ordinance No. 2019-O-24 is placed on Third Reading.

**ORDINANCE NO. 2019-O-25 (SECOND READING)**

AN ORDINANCE AMENDING CODIFIED ORDINANCE 1258.05(d)(2)(A) REGARDING FENCES IN THE BUSINESS DISTRICTS AND REQUIREMENTS FOR ERECTION OF FENCES

There was no Motion for Suspension of the Rules. Ordinance No. 2019-O-25 is placed on Third Reading.

**ORDINANCE NO. 2019-O-26**

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

Council Vice-President Lunder asked if this property was in foreclosure. He was advised it was not.

There was no Motion for Suspension of the Rules. Ordinance No. 2019-O-26 is placed on Second Reading.

**OLD BUSINESS:** (None)

**NEW BUSINESS:**

Mayor Eva stated he would like Council to look into and consider the possibility for the City employees to have paid volunteer hours at the regular pay rate at community events. Council Member Morris asked what was meant by volunteer work. Mayor Eva stated once they got, for instance, twenty hours they could put this on their time card as volunteer hours at their regular rate. Council Member Morris stated if they were volunteers they would normally not get paid. Mayor Eva said what he was saying it would be coded as volunteer so the Administration would know, they could look at say, ok are you as a volunteer at twenty hours yet; that would be a code on their part, but he knows what Council Member Morris is saying volunteers are not paid but he is saying that is how they would code it. Council Vice President Lunder asked what Committee would look into this. Mr. Lyons was asked what he thought, and a short discussion as to what Committee to use occurred. Council Member Johnson suggested Council of the Whole, and this was agreed upon.

**OPEN TO THE PUBLIC TO SPEAK: 7:31 P.M.**

**CLOSED OPEN TO THE PUBLIC SECTION: 7:32 P.M.**

**ANNOUNCEMENTS AND SETTING OF MEETINGS:**

Parks and Recreation Board	Thursday, October 24, 2019, at 7:00 P.M.
Council of the Whole	Monday, October 28, 2019, at 7:00 P.M.
Planning and Zoning Commission	Monday, November 4, 2019, at 7:00 P.M.
Ordinance Committee	Monday, November 18, 2019, at 6:00 P.M.

Regular Agenda Meeting	Thursday, November 7, 2019, at 6:00 P.M.
Regular Council Meeting	Tuesday, November 12, 2019, at 7:00 P.M.

**ADJOURNMENT:**


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

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

**APPROVED:**

November 12, 2019  
Date

  
Desiree Thompson  
President of Council

Attest:   
Clerk of Council