



City of Mentor-on-the-Lake

5860 Andrews Road, Mentor-on-the-Lake, OH 44060-2827

Phone: (440) 257-7216 Fax: (440) 257-2766

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MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE NOVEMBER 12, 2019

The Regular Meeting of Council of November 12, 2019, for the City of Mentor-on-the-Lake, Ohio, was called to Order at 7:00 P.M. by Council President Desirea Thompson.

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 22, 2019

MOTION MADE BY MR. MORRIS, Seconded by Mr. Johnson, for Approval of the Minutes of the October 22, 2019, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris. Nays: None. Abstain: Council Member Thompson.

MOTION CARRIED: 6/0/1

CORRESPONDENCE: (None)

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor & Safety Director – Mr. Eva

Mayor Eva read the Fire Department Report for October 2019. For the month of October 2019 there were a total of 92 calls for service as follows: Rescue/EMS – 60 calls, one of which was for an overdose requiring Narcan; Fire/Service – 24 calls; Invalid Assist – 8 calls. For the Fire Prevention Report for October 2019, the semi-annual hood test was conducted at Burger King and Ale Haus; there was a final inspection of Rice Liquidations. Rice Liquidations passed inspection with the Fire Department and County and is now open for business. The alarm test at Lake Elementary was witnessed and a recommendation was made to install a couple more strobes due to some low visibility areas. Inspections were conducted of Action Door, Allstate Insurance, Marco's Pizza, Mr. Tire, and Mr. Pete's Bar. Department Training for October 2019 consisted of the first three Mondays of the month, EMS drills were presented by Lake Health. The training subjects were various EMS topics. On Sunday, October 13, 2019, the training subject was Active Shooter/Violent Incident, and on Thursday, October 24, 2019, the training subject was Perry Nuclear Power Plant Training. On Wednesday, October 2, 2019, the Fire Department participated in Walk to School Day with the students and staff of Lake Elementary.

Mayor Eva advised Megan Carney joined the Police Department as a Part-Time Patrol Officer last week. She is a recent graduate of the 2019 Basic Police Academy at Lakeland and also a graduate of Euclid High School. She has begun her field training with Sgt. Daubenmire.

Mayor Eva stated Resolution No. 2019-R-24, the collective bargaining agreement for the Part-Time Firefighters, is on the Agenda tonight. This is really the fourth reading on this. This agreement was negotiated in good faith between the Firefighters and the Administration. This negotiation was shared with Council during an Executive Session, and this agreement stayed within the parameters of what was appropriate. He had asked Council to suspend the Rules back in September since the Firefighters have worked without a contract since January. One thing he has heard in the past two weeks was a statement to the effect that he was the tie-breaking vote, since the vote was 3 to 3. This is not an accurate statement. He does not vote on any type of legislation. Mayor Eva stated there are three former Mentor-on-the-Lake Firefighters on Council right now. If these Fire Department issues come up and they feel they cannot be objective, he would ask that they abstain when voting on these. He knows this is a little extreme, but asked them to think about it. He asked Council to suspend the Rules tonight on this and get these guys paid.

Administrative Director – Mrs. Bartone (Absent/On Vacation)

Law Director – Mr. Lyons (Arrived late) (No report)

City Engineer – Mr. Sayles (Absent)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS: (None)

BOARD/COMMITTEE/COMMISSION REPORTS:

Parks and Recreation Board / October 24, 2019 / Mr. Chabut

Council Member Chabut stated the Parks and Recreation Board met on October 24, 2019, at 7:00 P.M. Present were Michelle Moore, Chair, Jennifer Jakosh, Carol Stafinski, Catherine Roos, Dorinda Myers, Mayor Eva, and Council Member Chabut. The Board discussed the Andrews Place Luau. Some of the members helped out and enjoyed it very much. The Fall Festival was discussed and how well it went over. The Holiday Lighting Contest will be on December 12, 2019, and the judging will be held from December 13, 2019, to December 19, 2019. There will be a Toys for Tots donation with the boxes located up front at City Hall. The Tutoring Program at Lake Elementary will be held in February and March of 2020, and more information will be provided later. The meeting adjourned at 7:32 P.M.

Council of the Whole / October 28, 2019 / Mrs. Thompson

Council President Thompson stated Council of the Whole met on October 28, 2019, at 7:00 P.M. They held a discussion about City held events and City employees being paid. The meeting ended at approximately 8:00 P.M.

Planning & Zoning Commission / November 4, 2019 / Mr. Johnson

Council Member Johnson stated the Planning & Zoning Commission met on November 4, 2019, at 7:00 P.M. The Commission rejected a lot split at 7074 Sunset due to the creation of non-conforming lots. They can appeal to the Board of Zoning Appeals or they can rethink the lot split to comply with the City Ordinances. The Commission approved the rezoning of all parcels listed in the Ordinances on the Agenda tonight, except for one parcel which is to be removed from the list. Apparently it is zoned Residential E and not Business. This parcel is listed in Ordinance No. 2019-O-30, Parcel No.

19A093F000070, the address is 0 Lake Shore Blvd. Council Member Johnson will make this amendment at the appropriate time.

OPEN TO THE PUBLIC TO SPEAK: 7:07 P.M.

Ward Freeman, 7455 Primrose Drive. Mr. Freeman wanted to say thank you to Council and the City. Some of the debris on a neighbor's property has been cleaned up. He also thanked the Police Department for issuing citations on the vehicles. He asked the City to stay on top of this, including the rest of the City.

Lori Bowens, 7600 Fern Drive. Ms. Bowens asked for some solution to the excessive speeding which occurs on a daily basis on Fern Drive, to the point where she feels it is unsafe. She has had experiences with people driving excessively and recklessly as her yard and driveway have been damaged, and she cannot walk with her grandson on the street. There are also several children playing in the area. She asked the City to get this under control. Ms. Bowens asked how many cars had been pulled over for excessive speeding and what was the minimum speed. Council President Thompson advised this would have to come from the Police Chief. Mayor Eva indicated they would talk after the meeting tonight.

Council Member Wolk asked, when this was being discussed in Council, didn't the Police Chief say it was 15 miles over the speed limit before tickets are issued. Council President Thompson thought this was correct, and this was a concern of Council. Council Member Wolk thought this came from the Prosecutor; other Council Members said this came from the Judge. Mr. Lyons apologized for being late, and stated there is some margin of error with radar and the Court recognizes this; it certainly is not 15 miles over the speed limit and maybe the Judge was using that as a rule of thumb. Council Member Wolk thought that was how he described it, as a rule of thumb. There was a short discussion regarding this. Mayor Eva stated they will get a car out there, similar to what has been done on Pinehurst. Ms. Bowens indicated the officers can park in her driveway any time.

CLOSED OPEN TO THE PUBLIC SECTION: 7:21 P.M.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2019-R-16 (SECOND READING)

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 Third Reading.

RESOLUTION NO. 2019-R-17 (SECOND READING)

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 Third Reading.

LEGISLATION BEFORE COUNCIL (Continued):

RESOLUTION NO. 2019-R-19

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

Council Member Johnson asked Mr. Lyons if he still wanted to do this knowing that he and Council Member Morris were just reelected. Mr. Lyons said only if it passes on First Reading!

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

MOTION CARRIED: 6/1

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Morris, for Passage of Resolution No. 2019-R-19. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 7/0

RESOLUTION NO. 2019-R-20

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF AL BUESCHER TO THE BOARD OF ZONING APPEALS

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

MOTION CARRIED: 7/0

MOTION MADE BY MR. MORRIS, Seconded by Mr. Johnson, for Passage of Resolution No. 2019-R-20. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 7/0

RESOLUTION NO. 2019-R-21

A RESOLUTION CONFIRMING THE APPOINTMENT OF RAY GIELING TO THE BOARD OF ZONING APPEALS

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

MOTION CARRIED: 6/1

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

MOTION CARRIED: 7/0

RESOLUTION NO. 2019-R-22

A RESOLUTION CONFIRMING THE APPOINTMENT OF RON DOHNAL TO THE CIVIL SERVICE COMMISSION

LEGISLATION BEFORE COUNCIL (Continued):

RESOLUTION NO. 2019-R-22 (Continued):

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

MOTION CARRIED: 7/0

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

MOTION CARRIED: 7/0

RESOLUTION NO. 2019-R-23

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

Council Member Wolk stated earlier on Resolution No. 2019-R-21, he voted "No" on suspending the Rules. He mixed up this one and the one he voted no on.

There was no Motion for Suspension of the Rules. Resolution No. 2019-R-23 is placed on Second Reading.

For clarification, Council Member Wolk stated that the ones they are not suspending the Rules for, with the exception of Mr. Lyons, they are actually paid contractors of the City, and the ones they are suspending the Rules for are strictly volunteers.

RESOLUTION NO. 2019-R-24

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 Vice-President Lunder stated he wanted to clarify his voting "No" on this at the last Meeting. As the Mayor said, Council met on February 26, 2019, and they had the contract in hand and everyone agreed to it. What he got upset about was that this was back in February. There were two Committee Meetings after that where most of the Fire Department attended. Each meeting was approximately two hours long, which is four hours. The first meeting was nothing but complaining about the Fire Chief, the Mayor, and the Administrative Director, and the Fire Chief's car. The second meeting was, he felt, the Fire Department attending and trying to negotiate another contract because the discussion was they did not want to go 24/48 on their hours and they were presenting us with different contract negotiation numbers and things like that. This was the reason he voted "No" because it upset him that they came in February with a contract that was agreed upon, and then go through these Committee Meetings which he felt was a waste of his time and then come in September and want the contract passed. He wanted to clear the air because he did get in some trouble voting "No" and he wanted this taken care of now. He plans on abstaining.

Council Member Johnson said he was disappointed this went through three readings without anybody discussing any issues with this. They could have had Committee Meetings if they wanted to, or any other type of meeting. This kind of defeats the point of having three readings if nothing is going to be

LEGISLATION BEFORE COUNCIL (Continued):

RESOLUTION NO. 2019-R-24 (Continued):

done for three readings. They might as well suspend the Rules every time if this is what it is going to take to make a decision and have a discussion on something.

MOTION MADE BY MR. MORRIS, Seconded by Mr. Bittner, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None. Abstain: Council Member Lunder.
MOTION CARRIED: 6/0/1

MOTION MADE BY MR. MORRIS, Seconded by Mr. Bittner, for Passage of Resolution No. 2019-R-24. ROLL CALL: Ayes: Council Member Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None. Abstain: Council Member Lunder.
MOTION CARRIED: 6/0/1

RESOLUTION NO. 2019-R-25

A RESOLUTION CONFIRMING THE APPOINTMENT OF SAMANTHA WOLFE TO THE PARKS AND RECREATION BOARD

MOTION MADE BY MR. BITTNER, Seconded by Mr. Morris, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.
MOTION CARRIED: 7/0

MOTION MADE BY MR. BITTNER, Seconded by Mr. Morris, for Passage of Resolution No. 2019-R-25. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.
MOTION CARRIED: 7/0

ORDINANCE NO. 2019-O-24 (THIRD READING)

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

Council President Thompson asked if this needed a public hearing. Mr. Lyons stated it requires a public hearing when zoning is being changed. The rezoning ordinances will require a public hearing. Simple text amendments, which this is, do not require a public hearing.

MOTION MADE BY MR. MORRIS, Seconded by Mr. Johnson, for Passage of Ordinance No. 2019-O-24. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.
MOTION CARRIED: 7/0

ORDINANCE NO. 2019-O-25 (THIRD READING)

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

MOTION MADE BY MR. MORRIS, Seconded by Mr. Johnson, for Passage of Ordinance No. 2019-O-24. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.
MOTION CARRIED: 7/0

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2019-O-26 (SECOND READING)

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

Council Member Bittner asked if there was any possibility of foreclosure. Mayor Eva said no.

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

ORDINANCE NO. 2019-O-27

AN ORDINANCE REZONING 7840 LAKESHORE BLVD. FROM BUSINESS DISTRICT II TO MULTIFAMILY

Council President Thompson said this Ordinance will require a Public Hearing. Ordinance No. 2019-O-27 is placed on Second Reading.

ORDINANCE NO. 2019-O-28

AN ORDINANCE REZONING FIVE PROPERTIES FROM SINGLE FAMILY B TO THE SINGLE FAMILY A-1 ZONING CLASSIFICATION

Council President Thompson said this Ordinance will also require a Public Hearing. Ordinance No. 2019-O-28 is placed on Second Reading.

Council Member Johnson asked if anyone had any questions on this Ordinance. Council President Thompson added on all of the rezoning Ordinances. There were no questions.

ORDINANCE NO. 2019-O-29

AN ORDINANCE REZONING 5382 LINCOLN FROM THE YACHT CLUB ZONING DISTRICT TO THE RESIDENTIAL SINGLE FAMILY E ZONING DISTRICT

Council Member Johnson stated this property seems to fluctuate on the zoning maps as to what it really is so they are just making sure it is correct. This is the only reason it is being rezoned, to make sure it is right.

Council President Thompson said this Ordinance will also require a Public Hearing. Ordinance No. 2019-O-29 is placed on Second Reading.

ORDINANCE NO. 2019-O-30

AN ORDINANCE REZONING FOUR PROPERTIES FROM BUSINESS II TO THE BUSINESS I ZONING CLASSIFICATION

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Lunder, to remove Parcel No. 19A093F000070, address 0 Lake Shore Blvd., from the list attached to Ordinance No. 2019-O-30.
ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson.
Nays: None.

MOTION CARRIED: 7/0

Council President Thompson said this Ordinance will also require a Public Hearing. Ordinance No. 2019-O-30 is placed on Second Reading.

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2019-O-31

AN ORDINANCE REZONING MULTIPLE PROPERTIES FROM GARDEN CONDOMINIUM TO THE MULTIFAMILY ZONING CLASSIFICATION

Council Member Johnson stated these are the apartment buildings originally built as condominiums but they are apartment buildings and were never used as condominiums, so this is just being corrected. Mr. Lyons stated there actually are condominiums. He knows they are under single ownership, but each of those units are separately owned by one company, so they technically are condominiums and they could be sold right now to individual owners. The owner of the property, for whatever reason, has chosen to rent them out but in the future, he may decide he can maximize his investment by selling those as individual units. The taxes should be marginally higher for these because they are individually owned and theoretically will bring a greater price than if they were viewed as a straight apartment building. Council Member Johnson said it was his understanding this was checked with the Auditor's Office as to how it was taxed. Council President Thompson said she would call and double check on this.

Council President Thompson said this Ordinance will also require a Public Hearing. Ordinance No. 2019-O-31 is placed on Second Reading.

ORDINANCE NO. 2019-O-32

AN ORDINANCE REZONING MULTIPLE PROPERTIES FROM BUSINESS II TO THE SINGLE FAMILY E ZONING CLASSIFICATION

Council President Thompson said this Ordinance will also require a Public Hearing. Ordinance No. 2019-O-32 is placed on Second Reading.

ORDINANCE NO. 2019-O-33

AN ORDINANCE REZONING PROPERTY ON MARINE PARKWAY FROM THE BUSINESS AND/OR INDUSTRIAL ZONING DISTRICT TO MULTIFAMILY

Council President Thompson said this Ordinance will also require a Public Hearing. Ordinance No. 2019-O-33 is placed on Second Reading.

ORDINANCE NO. 2019-O-34

AN ORDINANCE REZONING MULTIPLE PROPERTIES FROM GARDEN CONDOMINIUM TO THE SINGLE FAMILY E ZONING CLASSIFICATION

Council President Thompson said this Ordinance will also require a Public Hearing. Ordinance No. 2019-O-34 is placed on Second Reading.

OLD BUSINESS:

Council Member Johnson asked what is the goal of the items discussed at the Council of the Whole Meeting. Will a decision be made or will they keep pushing this off. Council President Thompson stated everyone received an email today from Chief Pechatsko. Council Member Johnson asked if another meeting would be held to discuss this in detail. Council President Thompson thought having another meeting before this is voted on would be a good idea. Council Vice-President Lunder asked Mayor Eva if the Police Chief was going to send an email on this. Mayor Eva said he talked to the Police Chief and advised another meeting would probably be scheduled, and that he would like him and the Fire Chief to attend that meeting.

NEW BUSINESS:

Mayor Eva asked if the Community Room fees were still on the Ordinance Committee Agenda because Nikki is trying to get next year set up and if there is any change in the fees, organizations can be advised. He thought the Ordinance Committee met next Monday, the 18th, and Council Member Morris confirmed this date.

OPEN TO THE PUBLIC TO SPEAK: 7:45 P.M.

CLOSED OPEN TO THE PUBLIC SECTION: 7:46 P.M.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Ordinance Committee	Monday, November 18, 2019, at 6:00 P.M.
Board of Zoning Appeals	Monday, November 18, 2019, at 7:00 P.M.
Council of the Whole	Monday, November 25, 2019, at 7:00 P.M.

Regular Agenda Meeting	Thursday, November 21, 2019, at 6:00 P.M.
Regular Council Meeting	Tuesday, November 26, 2019, at 7:00 P.M.

ADJOURNMENT:

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, 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 7:49 P.M.

APPROVED:

November 26, 2019
Date


Desirea Thompson
President of Council

Attest: Michelle Moore
Clerk of Council