



City of Mentor-on-the-Lake

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MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE MARCH 10, 2020

The Regular Meeting of Council of March 10, 2020, 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
Ward 3: ROB JOHNSON (Absent/Excused)
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 – February 25, 2020

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, for Approval of the Minutes of the February 25, 2020, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

CORRESPONDENCE: None.

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor & Safety Director – Mr. Eva

Mayor Eva advised he had sent an email from Ron Graham, Commissioner, Lake Health District, to Council over the weekend. He said he has been getting updates every Friday on the Covid-19/coronavirus. The email contained a news release dated March 6, 2020, from the Ohio Department of Health, advising the opening of a Call Center to answer questions regarding the coronavirus. The Call Center will be open seven days a week from 9:00 A.M. to 8:00 P.M. at 1-833-427-5634. The News Release included preventative measures to prevent the spread of any virus, including the coronavirus, which included: Wash your hands often with soap and water; avoid touching your eyes, nose, and mouth with unwashed hands; avoid close contact with people who are sick; stay home when you are sick; and cover your cough or sneeze with a tissue, then throw the tissue in the trash. Additional information is available at ODH's new website, *coronavirus.ohio.gov*. Mayor Eva stated the annual meeting with the Lake Health District was held on Monday and most of the meeting was spent going over the coronavirus. Chief Searles from Mentor was there and his first concern is the first responders. If the person was tested at a local hospital and tested positive, the City would get notice and would be able to notify the first responders who responded to that particular call. Ron Graham and the Lake Health District met with all

the Fire Chiefs so they are all up to date. Mayor Eva said he is very confident Ron Graham and the Lake Health District will keep everyone up to date on this.

Mayor Eva read the Fire Department Monthly Report for February which has been sent to Council. For the month of February 2020 there was a total of 104 calls for service as follows: Rescue/EMS – 60 calls, none of which required the use of Narcan; Fire/Service – 18 calls; and Invald Assist – 26 calls. The Fire Prevention Report for January and February 2020 is as follows. There was an apartment inspection for State approval; hood tests were conducted for Breakwall Bar, Giant Eagle, Wendy's and Valhalla MOL Music Venue. They completed the review for renovation of the MOL Library. A fire alarm test at Giant Eagle was completed. Inspections of Ale Haus Tavern, Kenny's Beverage, Spuddy's Tavern, Lakeland Professional Center on Munson Road, and Valhalla MOL were done. An inspection was completed with the State Fire Marshal on Valhalla Music Venue. The State received a complaint about the condition of the building and plumbing issues. The Fire Department completed the inspection and violations were fixed. The State Fire Marshal found no issues with the building. Department Training was as follows. The first three Mondays of the month the EMS drill was presented by Lake Health on various EMS topics. On Sunday, February 9, 2020, the training subject was pediatric advanced life support. On February 26, 2020, the training subject was building construction.

Mayor Eva stated he received an email on February 27, 2020, from Lt. Forsythe which he forwarded to Mrs. Thompson and Mr. Lunder, which probably could be covered more by the Ordinance Committee. Last year there was an ongoing problem on Primrose regarding garbage accumulation. Lt. Forsythe pointed out that Ordinance 1064 states that garbage may not accumulate at a private home for more than one week. Ordinance 678.01 includes garbage and the definition of "litter." Lt. Forsythe recommends changing the language, as one of the Ordinances has fifteen days, to change fifteen days to five days, which will allow the Police Department to take quicker action on an unsightly, unsanitary matter.

Administrative Director – Mrs. Bartone

Mrs. Bartone stated Council has received her email regarding some of the legislation on First Reading tonight. The first is Resolution No. 2020-R-04 which Mr. Lyons can discuss further, and Ordinance No. 2020-O-08 to accept the Lake County Commissioner's Road Improvement Grant. This needs to be sent by the end of the month, and she asked that it be passed tonight so the City can get this money. It is just short of \$45,000.00 for additional road work to be done in the City this year.

Law Director – Mr. Lyons

Mr. Lyons stated, regarding Resolution No. 2020-R-04 to accept the One Ohio Memorandum of Understanding, the Attorney General's Office through the Ohio Municipal League has approached communities throughout the State to support the plan regarding the settlement with the various opioid manufacturers and distributors having responsibility for the opioid situation. The plan has a component that 55% of the money received would be put into a fund to provide treatment and education for the problems people have had with opioid use. 15% would go to the Attorney General's Office to pay legal fees and/or administrative costs. 30%, if a settlement can be reached, would be distributed on a formula basis which he has not seen to the various cities, townships, and villages. Mr. Lyons talked about the lawsuit filed in Federal Court. He has talked to other communities and Mentor considered this the other day. He is not sure if it was passed. Fairport passed it. Painesville considered it, and he is not sure if that passed. He was contacted about two weeks as to what the City's position would be. It seems that this is the right thing to do, and if the City agrees to this understanding, Council still needs to pass something if there is a global settlement. This has a deadline of March 6, 2020, but they are considering responses after March 6, 2020. The City sent an email that Council would be considering this tonight.

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS: (None)

BOARD/COMMITTEE/COMMISSION REPORTS:

Parks and Recreation Board / February 27, 2020 / Mr. Chabut

Mr. Chabut advised the Parks and Recreation Board met on February 27, 2020, at 7:00 P.M. Present were Michelle Moore, Committee Chairperson, Carol Stafinski, Samantha Wolfe, Council Member Chabut, Council Vice-President Lunder, Mayor Eva, and Mr. Moore, Service Director. There was a discussion of possibly a movie night, but Chairperson Moore found out that any movie we showed we would have to pay copyright fees, which is something that is not in the budget. There was a discussion of a dinner for the Seniors, and unfortunately we do not have the facility, funds, nor volunteers. The Bike Rodeo was discontinued because of low participation last year. The date conflicts with activities the children are doing. It was discussed that the Fall Festival, to be held on September 12, 2020, will provide plenty of activities for the children. The Car Wash was cancelled because of lack of volunteers and the school has several other organizations that provide school supplies. The tour for the Holiday Lighting Contest will be on December 10, 2020, and the toy donations will be from December 11 through 27, 2020. It was discussed that with the Newsletter and posting of flyers at local businesses will hopefully increase the participation of homes. The meeting adjourned at 7:30 P.M.

Planning & Zoning Commission / March 2, 2020 / Mr. Johnson

Mrs. Thompson advised we will hold off on this report until Mr. Johnson returns.

OPEN TO THE PUBLIC TO SPEAK: 7:18 P.M.

CLOSED OPEN TO THE PUBLIC SECTION: 7:18 P.M.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2020-R-04

AN EMERGENCY RESOLUTION TO ACCEPT THE ONE OHIO MEMORANDUM OF UNDERSTANDING

Mr. Wolk stated, regarding Section 1, it explains the purpose behind this and that the City Law Director is authorized to accept the One Ohio Memorandum of Understanding on behalf of Mentor-on-the-Lake. He asked Mr. Lyons if this is written concisely enough that he is able to understand exactly what it means. It sounds like there is a question as to the formula that would be used to distribute this money. Mr. Lyons said in the Memorandum of Understanding it is concisely written. This was briefly discussed. Mr. Lyons stated he thought this would be the best way to get a settlement. Mr. Wolk asked Mr. Lyons if he accepted responsibility for understanding this. Mr. Lyons said he understands it, but does not understand what the formula is. He was surprised at the short amount of time in terms of the March 6, 2020, deadline. Attempts at a global settlement have been going on since the Fall. He thinks this was a good idea and understandable. Mr. Wolk asked if Council was voting on whether or not to authorize Mr. Lyons to accept this. Mr. Lyons said this was their sample resolution, and it just means that he is authorized to sign the Memorandum of Understanding. He does not have this authority unless Council says it is ok.

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

LEGISLATION BEFORE COUNCIL (Continued):

RESOLUTION NO. 2020-R-04 (Continued):

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, for Passage of Resolution No. 2020-R-04. ROLL CALL: Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2020-O-02 (THIRD READING)

AN ORDINANCE TO AMEND THE COLLECTIVE BARGAINING AGREEMENT WITH THE FULL TIME COMMUNICATIONS OFFICERS AND AUTHORIZING THE MAYOR AND ADMINISTRATIVE DIRECTOR TO AMEND THE CONTRACT WITH THE OHIO PATROLMAN'S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY

MOTION MADE BY MR. MORRIS, Seconded by Mr. Lunder, for Passage of Ordinance No. 2020-O-02. ROLL CALL: Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2020-O-03 (AMENDED) (THIRD READING)

AN ORDINANCE TO AMEND THE COLLECTIVE BARGAINING AGREEMENT WITH THE FULL TIME POLICE SERGEANTS AND LIEUTENANTS AND AUTHORIZING THE MAYOR AND ADMINISTRATIVE DIRECTOR TO AMEND THE CONTRACT WITH THE OHIO PATROLMAN'S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY

MOTION MADE BY MR. MORRIS, Seconded by Mr. Lunder, for Passage of Ordinance No. 2020-O-03. ROLL CALL: Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2020-O-04 (THIRD READING)

AN ORDINANCE TO AMEND THE COLLECTIVE BARGAINING AGREEMENT WITH THE FULL TIME PATROL OFFICERS AND AUTHORIZING THE MAYOR AND ADMINISTRATIVE DIRECTOR TO AMEND THE CONTRACT WITH THE OHIO PATROLMAN'S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY

MOTION MADE BY MR. MORRIS, Seconded by Mr. Lunder, for Passage of Ordinance No. 2020-O-04. ROLL CALL: Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2020-O-05 (AMENDED) (THIRD READING)

AN ORDINANCE PROVIDING FOR THE COMPENSATION OF ELECTED AND APPOINTED SALARIED AND HOURLY EMPLOYEES OF THE CITY OF MENTOR-ON-THE-LAKE; REPEALING ANY AND ALL OTHER ORDINANCES AND PARTS THEREOF WHICH MAY BE INCONSISTENT HEREWITH OR WHICH MAY BE REDUNDANT HERETO, AND DECLARING AN EMERGENCY

MOTION MADE BY MR. MORRIS, Seconded by Mr. Lunder, for Passage of Ordinance No. 2020-O-05. ROLL CALL: Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2020-O-06 (SECOND READING)

AN ORDINANCE AMENDING CODIFIED ORDINANCE 1456.04(a) RELATING TO FENCES AROUND A SWIMMING POOL

There was no Motion for Suspension of the Rules. Ordinance No. 2020-O-06 is placed on Third Reading.

Mrs. Thompson asked for a Motion to correct the title of Ordinance No. 2020-O-07 to read "Amended."

MOTION MADE BY MR. LUNDER, Seconded by Mr. Morris, to correct the title of Ordinance No. 2020-O-07 to read "Amended." **ROLL CALL:** Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION PASSED: 6/0

ORDINANCE NO. 2020-O-07 (AMENDED) (SECOND READING)

AN ORDINANCE AMENDING CODIFIED ORDINANCE 250.07 –BEREAVEMENT LEAVE

Mr. Lunder stated he would like to see this passed tonight. In regards to what Mr. Wolk said at the last meeting that his company did not have a bereavement program, he would like to get this passed in case something does happen in the meantime. Mr. Wolk said he thought the Ordinance Committee wanted to spend more time with this. Mr. Morris thought it had been resolved at the last Meeting. Mr. Lunder said that is what the amendment was.

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

MOTION CARRIED: 6/0

MOTION MADE BY MR. MORRIS, Seconded by Mr. Lunder, for Passage of Ordinance No. 2020-O-07. **ROLL CALL:** Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2020-O-08

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT THE 2020 LAKE COUNTY ROAD IMPROVEMENT AND ECONOMIC DEVELOPMENT GRANT PROGRAM AND DECLARING AN EMERGENCY

Mr. Wolk asked Mrs. Bartone if there are any conditions in this grant that would allow the City to lose control over what the funds are used for. Mrs. Bartone stated the City had to identify the need and name it in the Ordinance. Since the road program for this year was already established, they just identified the concrete slab replacement program which gives them the allowance to identify and replace any kind of concrete street slab portion in the City. The City has to spend it and then get reimbursed. Mr. Wolk said it is not enough to repair or replace an entire street so it can be used to repair portions of streets and this was stated in a vague manner so it can be used where it is needed most.

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

MOTION CARRIED: 6/0

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2020-O-08 (Continued):

Mr. Lyons stated it might be a good idea to amend Section 1 to add after 73¢, “and to use this money to fund the 2020 concrete slab replacement program.” He had asked on behalf of another community if these funds could be used in place of another program already in place. He was told they just want to know what the money is used for. He thought the money came from the \$5.00 increase asked for by the Lake County Engineer’s Office, and was told no, it is coming from economic development and the Lake County Commissioner’s decided to do this as a one-time only basis.

MOTION MADE BY MR. WOLK, Seconded by Mr. Morris, to add after 73¢, “and to use this money to fund the 2020 concrete slab replacement program.” to Section 1. **ROLL CALL:** Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

MOTION MADE BY MR. MORRIS, Seconded by Mr. Lunder, for Passage of Ordinance No. 2020-O-08. **ROLL CALL:** Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

OLD BUSINESS:

Mrs. Thompson stated she talked to Ben Capelle from LakeTran at the LakeTran meeting tonight. This was their third and last public hearing. He said this was the most attended and biggest meeting they had. She talked to him as Mayor Eva was in a meeting, and stated that Ben would like to meet with Mayor Eva to discuss the routes and see if there were any changes, suggestions he might have. She thought this was a good meeting, a lot of residents came out and there was a lot of feedback.

NEW BUSINESS:

Mrs. Thompson advised there was an expenditure approval which was on the budget submitted to Council in February. Mr. Wolk asked if this was the same dollar amount originally quoted at the Finance meeting. He was told it is.

Expenditure Approval

Vendor: Donnell Ford
Items: 2020 F-250 Utility Body 4x4 with 8' Western Pro Plus Snow Plow Package
Cost: \$40,843.00
Fund: Street Maintenance Fund – Service Department
(per Memorandum of February 28, 2020, from Mrs. Bartone)

MOTION MADE BY MR. MORRIS, Seconded by Mr. Bittner, to approve the expenditure to Donnell Ford for the 2020 F-250 Utility Body 4x4 with 8' Western Pro Plus Snow Plow Package in the amount of \$40,843.00. **ROLL CALL:** **ROLL CALL:** Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

OPEN TO THE PUBLIC TO SPEAK: 7:39 P.M.

CLOSED OPEN TO THE PUBLIC SECTION: 7:39 P.M.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Ordinance Committee
Parks & Recreation Board

Monday, March 16, 2020, at 6:00 P.M.
Thursday, March 26, 2020, at 7:00 P.M.

Mayor Eva asked the Ordinance Committee, to go back to Lt. Forsythe's email, to consider Ordinances 1064 and 678.01 to be consistent on the number of days. Mr. Morris said he was sent an email regarding this from Mrs. Bartone. Mr. Wolk added like any law, it is complaint based, so it is going to be a day or two before someone complains unless garbage has been there awhile.

Regular Agenda Meeting
Regular Council Meeting

Thursday, March 19, 2020, at 6:00 P.M.
Tuesday, March 24, 2020, at 7:00 P.M.

ADJOURNMENT:

MOTION MADE BY MR. MORRIS, Seconded by Mr. Lunder, for Adjournment. **ROLL CALL:**
Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.
MOTION CARRIED: 7/0

The Regular Meeting of Council adjourned at 7:42 P.M.

APPROVED:

May 26, 2020
Date

Desirea Thompson
Desirea Thompson
President of Council

Attest: Jayce M. Sape
Clerk of Council