



City of Mentor-on-the-Lake

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MINUTES VIRTUAL REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE OCTOBER 13, 2020

The Virtual Regular Meeting of Council of October 13, 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	(Appeared in person)
Aye: Ward 3:	ROB JOHNSON	(Appeared in person)
Aye: At Large:	KEVIN BITTNER	(Appeared in person)
Aye: At Large:	PRESTON WOLK	(Appeared virtually)
Aye: Ward 1:	DAVID CHABUT	(Appeared in person)
Aye: Ward 2:	PAUL MORRIS	(Appeared in person)
Aye: Ward 4:	DESIREA THOMPSON, President	(Appeared in person)

READING OF MINUTES: Virtual Regular Meeting of Council – September 22, 2020

MOTION MADE BY MR. MORRIS, Seconded by Mr. Bittner, for Approval of the Minutes of the September 22, 2020, Virtual Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 7/0

CORRESPONDENCE:

Mr. Morris advised he had a call from Mr. Sarna on Dahlia Drive regarding the exit sign at Subway on Dahlia Drive. Mr. Sarna had called City Hall and someone told him it was not something they could deal with as it was on private property. Mr. Morris talked to Mr. Moore who advised he had sent a letter asking them to clean it up and correct it. Mr. Morris will call Mr. Sarna and advise it has been addressed.

Mr. Chabut received a call from Mrs. Kozlovich on Thunderbird Bird regarding her drainage ditch. She was concerned she could not get it fixed before winter. He spoke to Mr. Moore who advised she was on the work order but because they are doing winter prep, they are not able to do it until spring.

Mr. Johnson advised he was stopped by several residents while he was walking his dogs who brought up the possible repealing of the overnight parking ban. They did not want it repealed. They also expressed concern about vehicles parking on the street and blocking their mailboxes and not actually getting their mail because of that, and wanted Council to address something along those lines.

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor & Safety Director – Mr. Eva

Mayor Eva stated he had received a letter from William Chamar dated October 2, 2020, who wanted to thank Chief Gielink, Chief Pechatsko, and Members of the Fire Department. He had an irregular heartbeat, thought he was out of rhythm, and stopped at the Fire Department to have it checked. The firemen put him in the squad and checked him out. His heart was not out of rhythm but it was beating slowly. He told them he would drive himself to the doctor's office to have it checked. They were firm about him not driving himself. One of the firemen called his doctor's office and explained the situation. The doctor told them to take him to the hospital where he was admitted and received a pacemaker the next day. Mayor Eva stated Mr. Chamar is a retired Chief.

Mayor Eva read a Memo from Chief Gielink dated October 13, 2020, to Ptl. Megan Carney, Ptl. Stephanie Kleinsorge, and Nikki Velez, Secretary to Mayor Eva. Chief Gielink thanked them for participating in the Lake County Safety Forces First Annual Trunk or Treat Event held on Sunday, October 11, 2020, at the Lake County Captains Stadium; for taking their time to shop for candy and contents for the treat bags and to preparing 1000 treat bags; and for representing the Department by distributing the treat bags and interacting with the hundreds of children and their families who attended the event. The event turned out to be an outstanding success, and one that all who participated in will look forward to each year.

Mayor Eva read the Fire Department Report for September 2020. For the month of September, there were a total of 105 calls for service as follows: Rescue/EMS – 70 call, none of which required Narcan; Fire/Service – 21 calls; Invalid Assist – 14 calls; and as of the end of September, there are now 33 confirmed COVID cases in the City. The Department has moved to a weekly shift drill where each shift will cover the same training subject all week long. There will be a new training subject each week. Congratulations to F.F. Eric Rosenberger who celebrated his one year work anniversary in September. During the week of 8/31/20 to 9/4/20 all five of the Fire Department's bay doors were replaced as part of its capital improvement plan. During the month of September, ladders as well as both fire apparatus received their annual testing for certification. COVID-19 Tracking as reported by the Lake County General Health District, as of September 29, there has been a total of 33 COVID cases in the City, 16 males and 17 females, with the possibility of one death. Year to date stats for 2020: through the third quarter, there has been a total of 916 calls for service as follows: Rescue/EMS – 568 calls, seven of which required the use of Narcan; Fire/Service – 182 calls; and Invalid Assist – 166 calls.

Mayor Eva wanted to mention tonight is the Third Reading for both the full time and part time collective bargaining agreements. He sat quietly for the last two meetings as Mr. Bittner tried to convince everyone to suspend the Rules and get these firefighters paid already. The First Reading was on Tuesday, September 8, 2020, and they could have been paid on September 11th. The Second Reading was on Tuesday, September 22, 2020, and they could have been paid on September 25th. If this is approved tonight, which is October 13, 2020, they will finally get paid on October 23rd, which is seven weeks that have passed before their get their increase which is retroactive to January. These are the same guys if you need a rescue squad, they would be at your house in four minutes or less, 24 hours a day, seven days a week. These are the same guys that would, if your house was on fire, be there at any time of the day in a matter of minutes. Again, seven weeks have passed and he hoped they would finally get their increase. They deserve better based on all that they do for this community, especially during a pandemic year. They have put themselves out there this entire year and put their families at risk. Mayor Eva stated he sat on Council for nine years and he can say they always suspended the Rules to get them paid as soon as possible.

Administrative Director – Mrs. Bartone

Mrs. Bartone stated on tonight's Agenda is Ordinance No. 2020-O-21 which relates to the third round of CARES Act money and which needs to be passed tonight. Also the expenditure approval is for a pick-up truck. The original pick-up truck that was approved to be ordered for the Service Department will not

come in time for the COVID money so it was cancelled and is being replaced by this vehicle. This is not for a third truck.

Law Director – Mr. Lyons (No Report)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Mr. Johnson asked where the Administration was at on the barren property. Mayor Eva stated this was discussed and there has been no change in the property. The grass is growing back. They have not heard from the property owner but there will be a time, before the end of the year, when it needs to be cut again. When that time comes, the owner will get another notice. Mr. Johnson state 1459.06(d) required that a SWP3 be filed before he started destroying grass, and we should be enforcing that. The owner took action to decimate the grass and destroy the land, and we should be enforcing that as that is what the Ordinance requires. Mrs. Bartone stated, because of the discussion that led up to that, the Engineer came out and decided they did need the required form. The next step in the Ordinance was to notify the owner, which was done. Mr. Johnson said the owner has until November 1, 2020, to have the erosion control in place before winter. Mrs. Bartone stated the owner cannot do anything to that property upon the notification. If he continues and does anything on that property, he must comply with the Ordinance. If he is out of compliance, they can start citing him. This was further discussed between Mr. Johnson, Mayor Eva, and Mrs. Bartone. Mayor Eva stated he will pursue this with Mr. Lyons. Mr. Johnson said he wants to see something happen, and not just let this go. Mayor Eva said it will not be let go.

Mr. Morris thanked Mrs. Bartone for the dividers. He asked if she had video stuff coming as well as an upgrade to the PA system so it can be tied together, as well as a server to improve the connectivity, and if she had an update on when it will be here. Mrs. Bartone advised the audio and video is now sometime in November, the shipments keep being pushed back. Mr. Morris asked if it will be in time for the COVID money. Mrs. Bartone said yes, they are well aware of the COVID deadline. Mr. Morris stated, as he had told her during their phone conversation, he spoke to a company that has the equipment and is capable to install with a phone call. Mrs. Bartone said this equipment is on order and the money has been encumbered.

Mr. Morris stated to Mayor Eva that he chastised Council for not giving the part-time firefighters their due. By the same token, Council will be voting on something for the full-timers that has been in act for two months now, so Mr. Morris was curious how Mayor Eva could do something without Council approval yet he could have paid the part-timers and have Council approve it. We always do, as he said, so you chastising us for not passing this the first time around, Mr. Morris stands on what he said the first time about those guys getting way underpaid. You thump the drum about you wanting them paid on time and so forth, and so does he, but he wants them to have an appropriate paycheck, not to be grossly underpaid.

Mayor Eva said that was not the point.

Mr. Morris said that is the point to him.

Mayor Eva said the point is we have an agreement that all we need from Council is to approve that. Council does not get involved with the negotiations.

Mr. Morris said they were not trying to.

Mayor Eva said no, well, he will not touch that one because he has had conversations with both part-time and full-time. Now, if they decide to file a grievance at any time and name any person on Council in that grievance, then we are in trouble.

Mr. Morris asked what could they possibly grieve, we are following our Rules.

Mayor Eva asked what could they possibly grieve,

Mr. Morris said yes.

Mayor Eva what they could possibly grieve would be someone on Council getting involved with something they should not be getting involved with.

Mr. Morris asked if Mayor Eva would like to be specific.

Mayor Eva said yes, contract negotiations.

Mr. Morris said ok.

Mayor Eva said contract negotiations, there is no reason, he does not follow the argument of, "I don't feel they are being paid fairly so I am not going to suspend the Rules to pay them?" That does not make sense to him, not one bit.

Mr. Morris said that is fine.

Mayor Eva said that is a negotiated contract that simply could say let's suspend the Rules, let's get them paid.

Mr. Morris said by the same token, Sir, the last time we voted on a contract, things were screwed up, things went that they said didn't occur that way. There was a miscommunications between the City Administration and the part-timers concerning their clothing allowance, and all this did was to give them time to make sure everything was right, all the i's dotted and the t's crossed.

Mayor Eva said this is not something you need to get involved with, which I do not think you understand.

Mr. Morris said I do understand, Sir.

Mayor Eva said ok.

Mr. Morris said he fully understands.

Mayor Eva said he does not think he does.

Mr. Morris said oh, I do.

Mayor Eva said no, this contract was negotiated,

Mr. Morris said that's right,

Mayor Eva continued, settled between two parties,

Mr. Morris said Yep,

Mayor Eva continued, the Administration and the Unions,

Mr. Morris said Yes, Sir,

Mayor Eva continued it has nothing to do with what you get involved with.

Mr. Morris said he can say it that way, he doesn't.

Mayor Eva said that's fine.

Mr. Morris said as a former firefighter for this City, he defends them, he will stand by their side, both full-time and part-time, and this City has mistreated, underpaid our part-time firefighters for years, and if it were not for them, we would not have a Fire Department, you would not have the Santa Runs, you would not have the Easter Egg Hunt, or any of the other free-be things that go on over there, that we are now going to pay them for, so we can get people to turn out. Mr. Morris said we could argue this all night, Mr. Mayor.

Mayor Eva said we could.

Mr. Morris said he is ready to move on.

Mayor Eva said, well, there is nobody that is elected to Council to be a Fire Department Administrator.

Mr. Morris said he is not trying to be.

Mayor Eva said he had a different opinion on that.

Mr. Morris said he understands that, he has a different opinion on a lot of things around here, but that's ok.

BOARD/COMMITTEE/COMMISSION REPORTS: (None)

OPEN TO THE PUBLIC TO SPEAK: 7:19 P.M.

CLOSED OPEN TO THE PUBLIC SECTION: 7:19 P.M.

RESOLUTION NO. 2020-R-15 (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

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, for Passage of Resolution No. 2020-R-15. ROLL CALL: Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None. Abstain: Council Member Johnson.

MOTION CARRIED: 6/0/1

ORDINANCE NO. 2020-O-17 (THIRD READING)

AN ORDINANCE TO AMEND THE COLLECTIVE BARGAINING AGREEMENT WITH THE FULL-TIME FIREFIGHTERS AND AUTHORIZING THE MAYOR AND ADMINISTRATIVE DIRECTOR TO AMEND THE CONTRACT WITH THE MENTOR-ON-THE-LAKE FIRE FIGHTER'S IAFF, LOCAL 3049, AND DECLARING AN EMERGENCY

Mr. Morris stated he had sent Mayor Eva an email concerning where one firefighter is covering two shifts a week, Tuesdays and Thursdays, about his overtime, and he said that was covered. Mr. Morris asked Mayor Eva to explain how that was done. According to FLSA, a firefighter is entitled to overtime under many circumstances, and he has been told by multiple people that that shift would generate overtime for him. His concern not that he gets just two shifts a week, which is awesome, but that at the end of his career he could come back to the City and say well you owe me eight hours of overtime a week for the last however many years. Was that addressed? Mayor Eva said there is no overtime involved with that, correct? Mrs. Bartone said as part of the MOU as to what is considered overtime, in general Firefighter Regulations according to FLSA they cannot work more than 212 hours in a 28-day period without overtime pay. Mr. Morris said thank you.

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, for Passage of Ordinance No. 2020-O-17. ROLL CALL: Ayes: Council Member Lunder, Bittner, Wolk, Chabut, Thompson. Nays: None. Abstain: Council Member Johnson, Morris.

MOTION CARRIED: 5/0/2

ORDINANCE NO. 2020-O-20

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

Mrs. Thompson asked if any of the properties are in foreclosure. Mrs. Bartone advised none are in foreclosure, they are all repeat offenders. Mrs. Thompson asked about culvert repairs. Mrs. Bartone stated there are none, they are all for grass cutting. Mr. Morris stated, since Mrs. Bartone said these are all repeat offenders, he will support a motion to suspend the Rules.

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, 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. Lunder, for Passage of Ordinance No. 2020-O-20. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 7/0

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2020-O-21

AN ORDINANCE TO AMEND THE 2020 APPROPRIATION ORDINANCES 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

MOTION MADE BY MR. MORRIS, Seconded by Mr. Johnson, for Passage of Ordinance No. 2020-O-21. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 7/0

ORDINANCE NO. 2020-O-22

AN ORDINANCE AMENDING ORDINANCE 1258.02 – PERMITTED BUILDINGS AND USES OF THE CODIFIED ORDINANCES

There was no Motion for Suspension of the Rules. Ordinance No. 2020-O-22 is placed on Second Reading.

ORDINANCE NO. 2020-O-23

AN ORDINANCE AMENDING CODIFIED ORDINANCE 232.01 – COMPOSITION OF FIRE DEPARTMENT

There was no Motion for Suspension of the Rules. Ordinance No. 2020-O-23 is placed on Second Reading.

OLD BUSINESS: (None)

NEW BUSINESS:

Review of Community Reinvestment Area (CRA) Program applications.

Regarding the CRA Application for 7587 Pinehurst, Mrs. Bartone advised that pursuant to the requirements at the State level, the fence would not qualify as a permanent improvement, and the remodel of the kitchen (cabinets, backsplash, etc.) is a maintenance issue; if it were completely redone, top to bottom, it would qualify. This does not, and it probably will not raise their taxes.

MOTION FOR APPROVAL: Roll Call: Ayes: Council Member Lunder. Nays: Council Member Johnson, Bittner, Wolk, Chabut, Thompson. Abstain: Council Member Morris.

MOTION FAILED: 1/5/1

Regarding the CRA Application for 5845 Lake Road, Mrs. Bartone advised this is an owner purchased lot and was contracted to be built by the owner, so this is a qualified request.

MOTION FOR APPROVAL: Roll Call: Ayes: Council Member Johnson, Bittner, Wolk, Chabut, Thompson. Nays: Council Member Lunder. Abstain: Council Member Morris.

MOTION CARRIED: 5/1/1

Expenditure Approval:

Vendor: Classic Ford
Items: 2020 Ford F350
Cost: \$40,424.00
Fund: CARES ACT Fund
(Per Memorandum of October 8, 2020, from Mrs. Bartone)

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Bittner, to approve the expenditure request to Classic Ford for a 2020 Ford F350 in the amount of \$40,424.00. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 7/0

OPEN TO THE PUBLIC TO SPEAK: 7:32 P.M.

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

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Ordinance Committee	Monday, October 19, 2020, at 6:00 P.M.
Regular Agenda Meeting	Thursday, October 22, 2020, at 6:00 P.M.
Regular Council Meeting	Tuesday, October 27, 2020, 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, Chabut, Wolk, Morris, Thompson. Nays: None.

MOTION CARRIED: 7/0

The Virtual Regular Meeting of Council adjourned at 7:34 P.M.

APPROVED:

October 27, 2020
Date

Desiree Thompson
Desiree Thompson
President of Council

Attest: Joyce M. Dargatzis
Clerk of Council



MEMORANDUM

Office Of
Administrative Director

TO: Members of Council
FROM: Hollie Bartone
Administrative Director
DATE: October 8, 2020
SUBJ: Expenditure Approval

Vendor: Classic Ford
Items: 2020 Ford F350
Cost: \$40,424.00
Fund: CARES ACT Fund

I respectfully request that the above expenditure be passed at the next meeting of Council to expedite the purchase of the new vehicle. The addition to the Service Department fleet will allow adherence to the state guidelines and enable us to follow proper COVID protocol. The proposed bid is at the State Bid Price. This item has already been budgeted into the 2020 appropriations.

HB/

Cc: David R. Eva, Mayor
James Lyons, Law Director
Council Clerk
Insurance File