



City of Mentor-on-the-Lake

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MINUTES VIRTUAL REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE OCTOBER 27, 2020

The Virtual Regular Meeting of Council of October 27, 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)
At Large:	KEVIN BITTNER	(Absent/Excused)
Aye: At Large:	PRESTON WOLK	(Appeared in person)
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 – October 13, 2020

MOTION MADE BY MR. MORRIS, Seconded by Mr. Lunder, for Approval of the Minutes of the October 13, 2020, Virtual Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Wolk, Chabut, Morris., Thompson. Nays: None.

MOTION CARRIED: 6/0

CORRESPONDENCE:

The Clerk read a letter from James Pechatsko, Chief of the Mentor-on-the-Lake Fire Department, regarding proposed Ordinance No. 2020-O-23 which amends Codified Ordinance 232.01-Composition of Fire Department. Chief Pechatsko was disappointed in the Ordinance Committee for moving to change the composition of the Fire Department without asking his opinion. Chief Pechatsko advised he is opposed to the proposed change, and suggested this issue could be addressed more efficiently through the Civil Service Commission, or if the Ordinance Committee is going to proceed with the changing of this Ordinance, he suggested that all classified positions be reevaluated or the changes mirror Codified Ordinance 230.01-Composition of Police Department.

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor & Safety Director – Mr. Eva

Mayor Eva advised Harry Burt passed away last week. Mr. Burt was a Parks and Recreation Board Member, and was also a candidate for City Council. He did attend a lot of Council Meetings.

Administrative Director – Mrs. Bartone

Mrs. Bartone read the Service Director's Report. The Service Department received the replacement utility truck which was budgeted for in 2020. It received the two new pick-up trucks from the CARES Act. The Service Department is currently preparing equipment for the upcoming winter season. The Housing Department continues to be busy with point of sale and rental inspections which are near record levels this year.

Mrs. Bartone stated there is one more expenditure approval from the CARES Act Fund on the Agenda tonight. This is for all the equipment to go into the police cruisers that will allow for Mobile Data Terminals, new dash cams, new body cams, along with the data storage for all of those.

Law Director – Mr. Lyons (No Report)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Mrs. Thompson asked Mrs. Bartone if there is a deadline on the CARES Act spending. Mrs. Bartone said yes, she needs the Expenditure Approval passed tonight so she can order the equipment to be here by the end of the year. Mrs. Thompson asked if there had been deadlines on all the CARES Act spending and Mrs. Bartone said yes.

Mr. Wolk asked Mayor Eva if he had any service information for Mr. Burt. Mayor Eva said he did not. He found out through Chief Gielink, and they were having trouble finding relatives in the area.

Mr. Wolk asked Mrs. Bartone to give a little more connection between the Expenditure Approval to COVID related items. Mrs. Bartone said the MDT's will allow the police officers to complete their reports within their cruiser so they can complete the report without having to come back to the Police Department and interact with other people in the Department. The cameras will link to each other so it provides them with more safety so if they are approaching someone, there is a documented procedure as to what is going on. Each camera will automatically sync with other cameras. They are basically geared to less contact within the Department. Mr. Wolk asked if the cameras would only be in the cars and not have anything to do with the body cams. Mrs. Bartone said this is all three. There are five dash cams, one for each cruiser; there are fifteen body cameras, one for each dedicated full-time and the other seven or eight will be shared among the part-time since the part-time do not work as regularly they will have time to be disinfected between uses, and five MDT's. Mr. Wolk stated in the past when body cams have been discussed, there was an issue with data storage. Is that no longer an issue or will that cost more. Mrs. Bartone stated data storage will always cost; it will never go away. This could provide initially up to the first five years of data storage, but the specifics have not been worked out. It is in line with everything else and is cheaper now than when it was looked at a couple of years ago. Mr. Wolk asked if Mrs. Bartone knew what the cost will be after the five years. Mrs. Bartone said right now approximately \$10,000.00 per year for full data storage. All the other necessary upgrades have been made to the server, to everything else needed to sync up. Mr. Wolk said he was relieved to see this did not have anything to do with the cost of putting our meetings on line.

BOARD/COMMITTEE/COMMISSION REPORTS:

Ordinance Committee / October 19, 2020 / Mr. Morris

Mr. Morris advised the Ordinance Committee met on October 19, 2020, at 6:00 P.M. Present were Council Members Morris, Wolk, and Johnson. The Committee discussed various sections of 1035 concerning tree preservation. It was noted that the City has failed to enforce 1036.04(d)-Commercial Building Tree Regulatory Zones. Subsection (2) states, "In commercial building tree regulatory zones, two trees with a two-inch diameter or greater when measured three feet DBH above grade shall be

provided for every five on-site parking spaces, and such trees shall be evenly distributed on the site with a minimum of seventy percent of the planting to be in conjunction with the parking spaces.” Most of the City’s commercial areas have failed to meet this ordinance and are stripped of most trees. There was discussion on what to do concerning this issue, either repeal this section, or come up with a plan to get some compliance. The Committee would like Mr. Moore to attend the next meeting to discuss a plan on how to approach this issue. The Committee discussed repealing 1036.05-Responsibilities of the Tree Board and Beautification Commission as this Board and Commission has not existed for some time. All members present agreed to repeal this section. The Committee also discussed repealing 1036.12-Recommended Tree List as nobody seemed to know where the list is, or if it has ever existed. All members present agreed to repeal this section. The Committee next discussed a request from a resident concerning free roaming pet cats, not feral ones. The issue is that people let their pet house cats out. Mr. Morris stated he has forwarded information to the Committee for the next meeting. The Committee next discussed parking too close to mailboxes in motor route areas of the City. It was brought to the attention of the Committee that the letter carrier on these routes is not obligated to deliver the mail if they cannot pull up to the mailbox. During these trying times, it could mean people on these routes could miss getting important mail. It was decided to do more research into this topic, and it will be discussed further at the Committee’s next meeting. Mrs. Bartone had asked the Committee to look into Ordinance 1024.01 (e) and (f) concerning culvert installation. The issue is that these sections are too ambiguous. The City has never charged for the labor of installing culverts for residents and these sections do not make it clear. Mr. Morris had asked Mr. Moore for a rough estimate as to what the labor cost would be. He was unable to supply that figure because each job is different. He also confirmed that these work requests are completed when time permits, and they do not interfere with the normal work in his Department. The Committee first discussed if there should be a charge for this labor. A position against the charge was that replacing a bad culvert, or placing culverts in an open ditch many times helps keep the ditches flowing correctly. The position for the charge was that not all taxpayers benefit from the work, thus why should taxpayers who do not need the work pay for those who do. After discussion, it was felt that the City should not charge for the labor. There was also discussion concerning having the City repair sidewalks in a similar manner. This issue will be discussed further at the next meeting, and it was hoped that Mr. Moore might be able to attend to give his input. The last item on the Agenda was Ordinance 1060.01 concerning the naming of City parks. It was brought to the attention of the Committee by Chief Gielink, through Mrs. Bartone, that McMinn Park is not listed in this ordinance. The Committee will forward this to Mr. Lyons to draft legislation for Council approval to list McMinn Park. All of the members present agreed. The meeting adjourned at 6:55 P.M.

OPEN TO THE PUBLIC TO SPEAK: 7:14 P.M.

Dorinda Myers, 7734 Sharon Drive. Ms. Myers asked if someone took pictures of people letting their cats out, why can’t that be enforced. People know who the cats belong to. She asked why the City cannot create an ordinance where the police or whoever has to go to the owner to enforce this. Mrs. Thompson said this is something that they would need to discuss with Chief Gielink as she is not sure how that would work or how many man hours it would take police officers to enforce this. A message will be forwarded to Chief Gielink to see what options are available.

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

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2020-R-16

A RESOLUTION CONFIRMING THE APPOINTMENT OF SUZANNE MARTIN CASON TO THE PLANNING AND ZONING COMMISSION

LEGISLATION BEFORE COUNCIL (Continued):

RESOLUTION NO. 2020-R-16 (Continued):

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

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Morris, for Passage of Resolution No. 2020-R-16. ROLL CALL: Ayes: Council Member Lunder, Johnson, Wolk, Chabut, Morris, Thompson. Nays: None.
MOTION CARRIED: 6/0

ORDINANCE NO. 2020-O-22 (SECOND READING)

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 Third Reading.

ORDINANCE NO. 2020-O-23 (SECOND READING)

AN ORDINANCE AMENDING CODIFIED ORDINANCE 232.01 – COMPOSITION OF FIRE DEPARTMENT

Mrs. Thompson asked for discussion. She agrees with Chief Pechatsko that as City Council Members we should have spoken to him and the Safety Director before making these changes when it comes to personnel and positions. We need to do what is right for the Department, and if that means changing our Civil Service Rules, then maybe we should be looking at that more than maybe changing it this way. Mr. Johnson asked if the Safety Director was at that meeting and did he agree to what was proposed. Mayor Eva said he was at the meeting, and he was given about five minutes to think about a decision like that. He did talk to Chief Pechatsko before Chief Pechatsko wrote the letter, and he agrees with him, and with Mrs. Thompson about working with the Civil Service Commission to get the rules changed and give him the flexibility to run his Department the way he wants to run it. Mr. Johnson said what would have been nice if Mayor Eva had decided he did not support that, he would have let them know how he felt. His understanding at the meeting was that Mayor Eva was fine with what was proposed and did not have an objection to it, before it got on the Agenda. Mayor Eva said he remembers the meeting and saying he did not see a problem, but the more this was discussed internally, not just the Chief but it was discussed with the full time and part time staff, and this is what he decided. Mayor Eva did talk with one of the firefighters before the letter was even crafted, and they did not want to lose that flexibility. Mr. Wolk said one of the nice things about the process we go through, we go to Committee, Committee decisions are made, and everybody, including the Fire Chief, has the opportunity to speak up and voice his concerns. He thinks that is important, and one of the reasons why there is three readings because if we did not have three readings, he is sure this would have already passed. What is important to him, and he expressed this during the Committee meeting, is that the Civil Service Rules and the Ordinance matched, otherwise it does not sense. That's why in Committee he was in favor of changing this. He did express concerns a few times that getting rid of a captain's rank would limit a firefighters opportunity to get a job as a chief in another city if they were not a captain here. He was assured by a couple of firefighters on Council that it happens quite often. Mr. Wolk's opinion is if they can make this match by changing the Civil Service tests and allow people the opportunity to become a captain in rank, he would be more in favor of that. Mr. Chabut asked if this could be sent to the Civil Service Commission for review. Mrs. Thompson said yes. Mr. Chabut also thought the Fire Chief should have some input on this. Mrs. Thompson said we should send this to the Civil Service Commission to have them review this with the Ordinance and make sure it matches.

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2020-O-23 (SECOND READING) (Continued):

Mr. Morris said before he proposed the change, he went back in history to when it was last changed in 1994 under Chief Mahoney, in which case he eliminated two captain's positions in lieu of two battalion chiefs, and on the organizational chart which is part of that resolution, it clearly states it is a full-time lieutenant. No one seems to know, not even Chief Mahoney, where this idea of four captains came into play and why that would be. It is not a raise in pay, but seems more like stroking somebody's ego to become a captain versus a lieutenant. Mr. Morris said he doesn't understand this. He talked about the rise in ranks, and Chief Pechatsko knows of a fire department where that has been done, going from firefighter to captain, but in talking with other firefighters throughout the County, no one seems to know where that occurs at. Whether we ask Civil Service to change, or we change it in the Ordinance, he does not see what the problem is, why the flexibility, and asked Mayor Eva if he knew why. Mayor Eva asked what if the Chief wants a lieutenant and a captain. Mr. Morris said the Ordinance does not state both, it states one or the other. Mayor Eva said they will look at the Civil Service Rules along with the Chief, as we normally do, explain what we are looking at, and they can decide a rule change or no rule change. Mr. Morris added, for the record, that the Police Department is set up correctly; police officers test to go to sergeant when that position is available; the two sergeants can test for the lieutenant's badge when that position becomes available, and from there they become the chief or the Mayor/Safety Director has an option of choosing anyone from that Department or outside the Department to become chief. That is set up to do things correctly, and Mr. Morris does not understand the problem doing that correctly within the Fire Department. Mrs. Thompson stated that resolution was drafted in 1994. Times have changed, and we need to be flexible and see what the Fire Chief needs and what his needs are with the Safety Director, and we need to support them. Mrs. Bartone stated back in 1993 Chief Mahoney requested this change to get rid of the Assistant Chief that they had. They got rid of the Assistant Chief and created two battalion chief positions. We do not run by battalion anymore. That in turn created two lieutenant positions, and then they drafted the legislation that started in the Civil Service Commission. He went to the Civil Service Commission asking for the change in the Civil Service Rules. They eventually approved it and it went on to Council. The legislation was drafted as is written today, one lieutenant or captain. There was no discussion in the Minutes during that Council Meeting as to why it was one or the other. It started in Civil Service at the request of Chief Mahoney. Given today, where we are at, things have changed. We are now a 24/48 Department. Perhaps it is time to look at the entire Department as a whole instead of piecemeal. Mr. Chabut said it is good we are looking at it, and we need to work with the Chief to make sure it is all cohesive; he thinks there is good work in there and it needs to continue. Mrs. Thompson asked for a Motion to table this until we hear back from the Civil Service Commission.

MOTION MADE BY MR. CHABUT, Seconded by Mr. Lunder, to Table Ordinance No. 2020-O-23 until this Ordinance is reviewed by the Civil Service Commission. ROLL CALL: Ayes: Council Member Lunder, Johnson, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2020-O-24

AN ORDINANCE AMENDING CODIFIED ORDINANCE 1258.03 – ACCESSORY BUILDINGS AND USES

There was no Motion for Suspension of the Rules. Ordinance No. 2020-O-24 is placed on Second Reading.

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2020-O-25

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

Mrs. Thompson asked if any of the properties were in foreclosure. Mrs. Bartone said no.

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

MOTION FAILED: 4/2

Mrs. Thompson stated, as discussed at the last Council Meeting, these are expenses the City has already paid for and we just need to recoup our expenses. Mr. Chabut said they have been notified more than once concerning the matter so they have had time to discuss this. Mr. Johnson pointed out that while they may not be in foreclosure, they are flippers, at least a couple of them, and so they are going to transfer ownership. We should hold the people who are currently responsible, responsible. Mrs. Thompson added not the people who are acquiring the property. Mrs. Bartone said once the property transfers, she has no legal right to put a lien on the property. Mr. Chabut said it takes a while to put the lien on the property; Mrs. Bartone said it takes three readings. Mr. Wolk asked how many days after it is approved to put the lien on the property. Mrs. Bartone said three days. Mrs. Thompson said if it is a flipped property and we cannot go back and put a lien on the new owner, the City is out that money. Mr. Chabut said we are already giving them a break on some of the culvert repairs. Mr. Chabut asked about a motion for passage, and Mrs. Thompson said it failed and will go on Second Reading. Mr. Morris asked to open the last topic on this Ordinance. He asked if they were all flippers. Mr. Johnson said at least two are, and one is a bank. Mr. Morris asked to revisit and change his vote on the Suspension.

MOTION MADE BY MR. MORRIS, Seconded by Mr. Johnson, to revisit Ordinance No. 2020-O-25. ROLL CALL: Ayes: Council Member Lunder, Johnson, Chabut, Morris, Thompson. Nays: Council Member Wolk.

MOTION CARRIED: 5/1

Mr. Morris wanted to make it clear he supported the suspension because if these people are truly flippers, and once they sell the house, we have no recourse, he thinks this is unjust to the City.

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

MOTION CARRIED: 5/1

MOTION MADE BY MR. JOHNSON, Seconded by Mr. Lunder, for Passage of Ordinance No. 2020-O-25. ROLL CALL: Ayes: Council Member Lunder, Johnson, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

OLD BUSINESS: (None)

NEW BUSINESS:

Expenditure Approval:

Vendor: Brite Computers
Items: Getac Video cameras, mobile data terminals
Cost: \$136,893.00
Fund: CARES ACT Fund
(Per Memorandum of October 22, 2020, from Mrs. Bartone)

MOTION MADE BY MR. LUNDER, Seconded by Mr. Johnson, to approve the Expenditure Request to Brite Computers for the purchase of Getac Video cameras, mobile data terminals, in the amount of \$136,893.00. ROLL CALL: Ayes: Council Member Lunder, Johnson, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

OPEN TO THE PUBLIC TO SPEAK: 7:34 P.M.

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

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Planning and Zoning Commission	Monday, November 9, 2020, at 7:00 P.M.
Ordinance Committee	Monday, November 16, 2020, at 6:00 P.M.
Regular Agenda Meeting	Thursday, November 5, 2020, at 6:00 P.M.
Regular Council Meeting	Tuesday, November 10, 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, Wolk, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

The Virtual Regular Meeting of Council adjourned at 7:36 P.M.

APPROVED:

November 10, 2020
Date

Desiree Thompson
Desiree Thompson
President of Council

Attest: Joyce M. Sage
Clerk of Council