



City of Mentor-on-the-Lake

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MINUTES VIRTUAL REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE APRIL 27, 2021

The Virtual Regular Meeting of Council of April 27, 2021, 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	(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 in Person)
Aye: Ward 1:	DAVID CHABUT	(Appeared in Person)
Aye: Ward 2:	PAUL MORRIS	(Appeared in Person)
Aye: Ward 4:	DESIREA THOMPSON, President	(Absent/Excused)

READING OF MINUTES: Regular Meeting of Council – April 13, 2021

MOTION MADE BY MR. MORRIS, Seconded by Mr. Bittner, for Approval of the Minutes of the April 13, 2021, Virtual Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris. Nays: None.

MOTION CARRIED: 6/0

CORRESPONDENCE:

Mr. Morris advised he had received an email and had several communications back and forth with Mr. Gray, 7574 Dahlia, regarding selective enforcement of obstructions in the right of way. Mr. Morris did not read Mr. Gray's entire email, but he does make a valid point that there are several areas in the City that have obstructions in the right of way that are just as obstructive as his, if not more. The right of way is designed to protect property from people from parking in yards. He understands that could create a problem for utilities, but the utilities, as Mr. Moore said, is one of his concerns, if the utilities have to come out and take care of anything, they have the equipment to move most of the obstructions. Mr. Morris stated he would like to discuss this further under New Business.

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor & Safety Director – Mr. Eva

Mayor Eva read a letter directed to Chief Gielink dated April 20, 2021, from Commander of Police John Cole, City of Shaker Heights, congratulating the Police Department on achieving final certification on all four groups established by the Ohio Collaborative. The letter also recognized the Department's Administrative Professional Christine Ball. Her conscientiousness, competence, and consistency in acquiring proofs of compliance to meet and/or exceed forty standards during the pandemic was outstanding. Throughout the assessment she was an incredibly knowledgeable and dedicated

professional to the Department. Commander Cole thanked Chief Gielink for granting him the privilege of working with Christine.

Administrative Director – Mrs. Bartone

Mrs. Bartone reminded Council that it still needed to appoint the Board of Tax Reviews for the CCA.

Law Director – Mr. Lyons (No report)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Mr. Morris asked Mayor Eva and Mrs. Bartone about the Lake County Community Guide in which on Page 21 Lake County communities were listed with three things to do in each community. Mentor-on-the-Lake was not listed, and he asked whether Mentor-on-the-Lake was approached. Mayor Eva and Mrs. Bartone said they had not been approached about this. He is going to reach out to the Visitor's Bureau and find out why Mentor-on-the-Lake was not included. This looks like they are going to do this every year and he would like them to remember Mentor-on-the-Lake.

Mr. Morris said he was at the last Ordinance Committee Meeting, and asked if it was possible that the instructions to get online be printed as they could not get on online. Mrs. Bartone said instructions should be in the podium.

Mr. Bittner asked Mrs. Bartone how many had to be appointed for the Tax Review Board. Mrs. Bartone said three members, two had to be appointed by the legislative authority and not be employees, elected officials or contractors within the municipal corporation during their term or in the five years preceding the date of the appointment.

BOARD/COMMITTEE/COMMISSION REPORTS:

Ordinance Committee / April 19, 2021 / Mr. Chabut

Mr. Chabut advised the Ordinance Committee met on April 19, 2021, at 6:00 P.M. Present were Council Members Chabut, Johnson, Wolk, Morris, and Vice-President of Council Lunder. The Committee discussed Ordinance 1036, Trees, and the Committee is waiting for a response from the Planning and Zoning Commission for their input. The Committee then discussed the Charter Amendment concerning the classification of the Part-Time Firefighters. The Committee has decided to leave this as is and let the next Charter Review Commission handle it. The Charter already states that the Part-Time Firefighters can be hired without taking the Civil Services test. The Committee agreed to forward Ordinance 2020-O-28, CRA, to Mr. Lyons for more clarification on the wording of the exemption being transferable to future owners. The Committee also agreed that Council does not need to approve each application but would like to have them for their records. The Committee agreed that any property owner who requests a conditional use permit, the property taxes need to be current. This was forwarded to Mr. Lyons. The next Ordinance Committee Meeting will be on May 17, 2021, at 6:00 P.M. The meeting adjourned at 6:32 P.M.

OPEN TO THE PUBLIC TO SPEAK: 7:09 P.M.

Skip Gray, 7574 Dahlia. Mr. Gray has been talking to the City for ten years about filling in his ditch, and it has finally been done. Once the ditch was filled in, he asked Mr. Moore about putting rocks down like everyone else in the City and was told to go ahead with a minimal one foot off the road. He put the rocks down and then received a visit from the Zoning Inspector who could not cite the Ordinance stating that the rocks were in the right of way. He contacted Mr. Morris and the Mayor. He mentioned there are

other places in the City with rocks, boulders, mail boxes, etc. in the right of way. He received a letter regarding enforcement of the Ordinance and complained of the selective enforcement of the right of way Ordinance. He stated he is at tonight's Meeting to have this violation voided.

CLOSED OPEN TO THE PUBLIC SECTION: 7:12 P.M.

7:13 P. M. EXECUTIVE SESSION OF COUNCIL (to discuss hazard/premium pay for full-time and part-time staff)

Mr. Lunder asked for a Motion to move into Executive Session. Mr. Johnson asked what the reason was. Mr. Lunder stated it was to discuss hazard/premium pay for full-time and part-time staff. Mr. Morris asked if this was a justifiable reason and was told it is.

MOTION MADE BY MR. BITTNER, Seconded by Mr. Johnson, to go into Executive Session. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris. Nays: None.
MOTION CARRIED: 6/0

7:32 P.M. MOTION MADE BY MR. MORRIS, Seconded by Mr. Bittner, to reconvene. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris. Nays: None.
MOTION CARRIED: 6/0

LEGISLATION BEFORE COUNCIL:

ORDINANCE NO. 2020-O-23 (THIRD READING) (TABLED) (REFERRED TO ORDINANCE COMMITTEE)

AN ORDINANCE AMENDING CODIFIED ORDINANCE 232.01 -- COMPOSITION OF FIRE DEPARTMENT

Mr. Lunder asked if this was still tabled. Mr. Chabut said no, it has to be put back on the table, then amended.

MOTION MADE BY MR. BITTNER, Seconded by Mr. Morris, to put Ordinance No. 2020-O-23 back on the Table. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris. Nays: None.
MOTION CARRIED: 6/0

Mr. Wolk asked what the amendment is. Mr. Chabut stated it was being changed to the new reading [a proposed amendment had been sent to all Members of Council]. Mr. Chabut asked that it be read. Mr. Morris read the pertinent part of the proposed amendment. Mayor Eva asked if that matched the Police Department, and Mr. Morris said he believed it did.

MOTION MADE BY MR. CHABUT, Seconded by Mr. Bittner, to Amend Ordinance No. 2020-O-23. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris. Nays: None.
MOTION CARRIED: 6/0

MOTION MADE BY MR. CHABUT, Seconded by Mr. Bittner, for Passage of Ordinance No. 2020-O-23. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris. Nays: None.
MOTION CARRIED: 6/0

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2020-O-28 (REFERRED TO ORDINANCE COMMITTEE)

AN ORDINANCE AMENDING CRA ORDINANCE 2016-O-28 AND DECLARING AN EMERGENCY

Mr. Chabut said the Ordinance Committee is still working on this.

Mr. Wolk asked about a Third Reading on Ordinance No. 2020-O-23. Mr. Lunder stated the Ordinance went to Third Reading, then was tabled.

ORDINANCE NO. 2021-O-09 (THIRD READING)

AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO PROVIDE FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

MOTION MADE BY MR. MORRIS, Seconded by Mr. Johnson, for Passage of Ordinance No. 2021-O-09. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2021-O-11 (THIRD READING)

AN ORDINANCE AMENDING CHAPTER 1466 -- INSPECTION OF VACANT BUILDINGS IN ITS ENTIRETY

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, for Passage of Ordinance No. 2021-O-09. ROLL CALL: Ayes: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2021-O-12

AN ORDINANCE AMENDING ORDINANCE 1242.03(e) -- CONDITIONAL USE PERMITS

Mr. Chabut stated the second line of this Ordinance as printed on the Agenda has to come off as it is a repeat of a prior Ordinance.

There was no Motion for Suspension of the Rules. Ordinance No. 2021-O-12 is placed on Second Reading.

OLD BUSINESS: (None)

NEW BUSINESS:

Mr. Lunder advised this week he sent out an email to everyone in which he asked the Police Chief for a 5-Year Plan. He figured since Council is looking at the Fire Department, he would also ask for a 5-Year Plan from the Police Department. He was going to go one step further and ask the Service Department, but Mr. Moore is retiring and this is his busy season, so he did not want to put the burden on Mr. Moore. When a new person is in his place, they will talk about it.

Mr. Morris asked that the Ordinance Committee take a look at the Ordinance concerning obstructions in the right of way. Mr. Chabut said he has already started working on it, and hopes he will have something together by the next Meeting of the Ordinance Committee. If anyone wants to help him, he would be more than happy to have their help.

Mr. Morris said the point he wants to make is it is the right of the residents to protect their property because it has been done by the City in certain areas. Mrs. Bartone had forwarded an email to everybody from Mr. Sayles about the right of way. There has to be some kind of consistency. Mr. Morris said he would like the Ordinance Committee to look at this and see if they can come up with a solution. Mr. Wolk said he would like to take this a step further and ask that the Administration hold any punitive response to anybody who has rocks in the right of way until the Ordinance Committee can review this. Mr. Morris agreed. Mayor Eva said if you look at what Mr. Sayles said, one of the things he pointed out was ODOT, ODOT being part of the State. The City does not govern the right of way. If you read the Ordinance as it is written, you will not see anything in there except for utilities in the right of way. It is very clear what the State wants, and if the City has to send letters and go around to enforce the right of way, then that is what the City is willing to do. If the City has to do this, this is not selective enforcement. The City was not picking on anybody. This was complaint driven. It did not have anything to do with the resident at all. He believes a call was received stating they saw what someone did and would like to do the same thing. This is what triggered this. If Council wants the Ordinance Committee to take a look at this, that is fine, but he will say, and maybe Mr. Lyons can chime in too, that this is not a City mandate, this is a State mandate. Mr. Morris asked if the State controls the City streets. Mayor Eva said the State controls the right of way on the streets. Mr. Morris said he would still like the Ordinance Committee to take a look at this; there should be consistency. Mayor Eva stated if we are willing to do consistency, if there is a complaint that 75 homes are doing the same thing, then 75 letters would be sent out. Mr. Morris said consistency meaning, the utility poles on his street are about a foot and a half from the street, so that means they can put rocks along the street. Mayor Eva said what he believes Mr. Sayles was referencing was the situation on Dahlia, not the situation on Pinehurst. Mr. Morris said he understands, but Mr. Sayles made a statement and all Mr. Morris is doing is applying that statement throughout the City. He would still like the Ordinance Committee to take a look at it, if that was ok. Mr. Lunder said it was, and the Ordinance Committee can come back and make their report. Mr. Lunder said this was enough discussion tonight on this.

Review of Community Reinvestment Area (CRA) Program Applications:

Mr. Lunder asked if everyone has had a chance to look over the applications. The first application is for 5630 Marine Parkway. It says the completion date is 1/1/30 and is a remodel. Mr. Lunder said he drove by that house and nothing has been done that he could see at this point. He went by there today and the grass is about 6" high. Mr. Morris said he thought the application had to be done while the project was in process. Mrs. Bartone said our program is supposed to apply when the project is complete; she thought there may be some confusion with the date. Mr. Morris said the roof was done a few years ago. Mrs. Bartone said additionally a shed would not count, landscaping would not count, replacement of decking is a maintenance item. Mr. Johnson asked if receipts were provided, which are required; and they were not. Mr. Morris said the application is incomplete.

MOTION MADE BY MR. MORRIS, Seconded by Mr. Johnson, to approve the application. **ROLL CALL: Ayes: None. Nays: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris.**
MOTION DENIED: 0/6

Mr. Wolk asked Mrs. Bartone to contact the home owner and let them know why their application was denied. Mrs. Bartone said everyone gets a letter yes or no and the reason why.

Mr. Lunder advised the second application is for 7457 Salida Road. This is new construction, date of completion was May 11, 2017. Again, there are no receipts. Mrs. Bartone stated the State accepted our CRA Program on May 30, 2017, and was not adopted by the State until May 30, 2017. Mr. Lunder said this one is no good as there are no receipts. Mrs. Bartone said, in her opinion, even if we had receipts, she does not know if legally we can allow this for construction that would have started in 2016, prior to the CRA being enacted by the City, and it was completed and the certificate of occupancy was approved before the State allowed our CRA to be enacted.

MOTION MADE BY MR. MORRIS, Seconded by Mr. Johnson, to approve the application. **ROLL CALL:** Ayes: None. Nays: Council Member Lunder, Johnson, Bittner, Wolk, Chabut, Morris.
MOTION DENIED: 0/6

OPEN TO THE PUBLIC TO SPEAK: 7:51 P.M.

Skip Gray, 7574 Dahlia. Mr. Gray said, clearly in the letter there is no mention of the Ohio Revised Code statement of fact of what he is claiming and alleging of a right of way. It states in the letter is has to be uncurbed. Legally, he can raise his topography 3-1/2" with a tie box. Mr. Moore and Mr. Sayles are not at the meeting. He wants to know tonight, not two weeks, to wonder about getting arrested once more due to selective enforcement of a City Ordinance the past with the City still mandated by Judge Trebets, still not rectified a City Ordinance. Once again, this is a witch hunt of selective enforcement. An ordinance should not be complaint driven, ever, to necessitate a neighbor dispute because someone hit his car as the Mayor alleges someone else wants to do. Uncurbed, curbs, mail boxes are still in the right of way, so he wants a pass on this so he does not have to anguish about this for the next fifteen days starting yesterday, and the onus being, since Mr. Moore and Mr. Sayles are not here, of uncurbed. Legally he could put up a wall up and keep his rocks, or raise his topography 3-1/2". Is Mr. Moore and Mr. Sayles present? He was told no. He said, "how convenient." Mr. Gray would like to know why the City Police Department is leaving open cases open and running it congruently with a secondary police report. Case in point, himself, the April 4th incident pertained to his vehicle has been left open, and a car incident on Goldenrod, Sgt. Daubenmire left it open, transposed that information, lawsuit, DUI, now his name is associated with that account. 48 hours later, Lt. Forsythe has been notified by State Farm as directed by the situation. This has to be looked into, it is egregious, two week delay of closing out a simple car hitting another car parked legally in the right of way of the road where a neighbor could not control his vehicle and that was piggy backed onto an accident on Goldenrod where someone used his driver's license, VIN number, insurance policy. Mayor Eva asked what the date was on that. Mr. Gray thought it was 4/17.

Mr. Wolk asked Mayor Eva to have the Chief send out an email explaining what happened there. Mayor Eva said he would. Mr. Wolk also asked if he could suspend the 15-day time limit. Mayor Eva said yes.

CLOSED OPEN TO THE PUBLIC SECTION: 7:54 P.M.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Planning and Zoning Commission	Monday, May 3, 2021, at 7:00 P.M.
Ordinance Committee	Monday, May 17, 2021, at 6:00 P.M.
Regular Agenda Meeting	Thursday, May 6, 2021, at 6:00 P.M.
Regular Council Meeting	Tuesday, May 11, 2021, at 7:00 P.M.

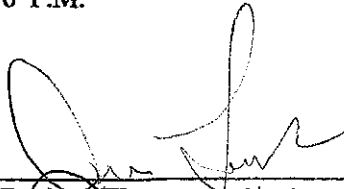
ADJOURNMENT:

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 Virtual Regular Meeting of Council adjourned at 7:56 P.M.

APPROVED:

May 11, 2021
Date


Desirea Thompson Jim Lunder
Vice-President of Council

Attest: 
Clerk of Council