



City of Mentor-on-the-Lake

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

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

www.CityMOL.org

MINUTES REGULAR/VIRTUAL MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE NOVEMBER 9, 2021

The Regular/Virtual Meeting of Council of November 9, 2021, 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)
	At Large:	PRESTON WOLK	(Absent/Unexcused)
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: Regular/Virtual Meeting of Council –October 26, 2021

MOTION MADE BY MR. MORRIS, Seconded by Mr. Lunder, to approve the Minutes of the October 26, 2021, Regular/Virtual Meeting of Council. **ROLL CALL:** Council Member Lunder, Johnson, Bittner, 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 heard from Greg Sommers last week and they have been given a three month extension on the apartment project at Andrews Road and Lakeshore Boulevard. He had mentioned this last night at the Planning and Zoning Commission Meeting. They will probably be coming up with something by the beginning of next year.

Mayor Eva read the Fire Department Report for October 2021. For the month of October 2021, there were a total of 101 calls for service as follows: Rescue/EMS – 56 calls, one requiring the use of Narcan; Fire/Service – 18 calls; and Invalid Assist – 27 calls. The activity for October: the Fire Department hosted the Safety Forces Open House; participated in the Lake Elementary Trunk or Treat. Service anniversaries for the month of October: Firefighter Husted – 7 years; Firefighter Pachinger – 3 years.

Mayor Eva received a Memo from Chief Gielink thanking Communications Officer McPeck and Officer Messinger for participating in the Lake Elementary Trunk or Treat event and Sgt. Daubenmire for representing the City at the Auburn Career Center Mock Interviews on Monday, November 1, 2021.

Mr. Chabut will probably put this in his report, but the Parks and Recreation Board Members have been discussing events not only for families and children but also Seniors in our Community. Samantha Wolfe who is a Member of the Parks and Recreation Board came up with a real nice Senior Survey that is on the Internet and also at City Hall. If Council or the public know Seniors in the area, please have them call City Hall. They can do the survey over the phone or pick one up at City Hall.

Administrative Director – Mrs. Bartone

Mrs. Bartone advised Ordinance No. 2021-O-30 on the Agenda tonight are repeat offenders. Regarding the two Resolutions to appoint new Members to the Tax Incentive Review Council, they are current Members of the CRA Housing Board, and they have graciously agreed to serve on the Tax Incentive Review Council. Members are still needed, so if Council knows anyone who would be willing to serve, please let her know.

She received a call from the Ohio Budget Management Office today. They had received a call from the State Inspector General's Office about someone complaining and inquiring about some of the City's COVID Fund expenditures and a complaint was filed. An audit has been scheduled for tomorrow. Namely this started with the vehicles and trickled down to other things. It is interesting that no one else in the County had any complaints on their purchases, just us.

Law Director – Mr. Lyons (No Report)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Mr. Morris told Mrs. Bartone he hopes everything turns out well with the audit. Mrs. Bartone said she did too as everything that was spent was approved by all the Members of Council.

BOARD/COMMITTEE/COMMISSION REPORTS:

Parks and Recreation Board / October 27, 2021 / Mr. Chabut

Mr. Chabut advised the Parks and Recreation Board met on October 27, 2021, at 7:00 P.M. Present were Committee Chair Michelle Moore, Committee Members Renee Shaeffer, Carol Stafinski, Samantha Wolfe, Council Member Chabut, Vice-President of Council Lunder, and Mayor Eva. The Trunk or Treat event took place at Lake Elementary on October 28, 2021. Council Members and Committee Members judged costumes in three separate age-related categories. The event went well. The Board discussed the Holiday Lighting Contest. The registration process for nominations will begin the week of November 1, 2021. All registration applications need to be received at City Hall no later than 4:00 P.M. on December 8, 2021. Registrations can be mailed, posted on the City Facebook page, or received by phone. All donations received will be given to Sub Zero Mission. Suggested items to be donated included new hats, gloves, blankets and scarfs, and need to be dropped off at City Hall by December 20, 2021. The winners will be announced on December 21, 2021. Council Members and Committee Members will be judging the lights on December 8, 2021, at 7:00 P.M. Limo service may be provided. The Board is now planning the 2022 Fall Festival. The Board discussed some potential programs geared to families and seniors. Samantha Wolfe has put up a real nice survey. The Board will begin by providing a survey to Senior Citizens to determine which types of programs Seniors may be interested in. The next Meeting is scheduled for January 26, 2022, at 7:00 P.M. The Meeting adjourned at 8:05 P.M.

Planning and Zoning Commission / November 8, 2021 / Mr. Johnson

Mr. Johnson advised the Planning and Zoning Commission met on November 8, 2021, at 6:00 P.M. On the Agenda was the landscaping plan approval for the Well Now Urgent Care, 6006 Andrews Road. That was approved with a modification as it was missing the privacy fencing and also some adjustments had to be made to the number of plantings so it does not obscure the public right of way. There was a discussion on Biggie's Custard/All Occasion Limousine non-compliance as they have not combined their lots as required by the Conditional Use Permit. They have been given until November 24, 2021, to initiate the merger of the two lots otherwise their permit will be revoked. Pelican Snow Balls is now coming back on the lot where the Crooked Corner used to be. The Commission decided to reinstate their current conditional use permit instead of extending it longer. They will have to come back for a renewal in June 2022.

OPEN TO THE PUBLIC TO SPEAK: 7:06 P.M.

Domenic Bell, 7725 Southland Road. Mr. Bell has a serious on-going problem with "critters" digging up his yard, tearing up the mulch, and eating plants. He has tried everything, and is asking for any help from Council to fix the problem. Mr. Morris had a few suggestions for Mr. Bell to try, and asked him to stay after the Meeting to discuss this.

Skip Gray, 7574 Dahlia Drive. Mr. Gray brought up Section 6.02 of the City Charter, which addresses the Office of the Administrative Director, and Section (F) which he said excludes her as the Director of the Service Department. He does not think due diligence was done prior to passage of the legislation at the last Meeting. A copy of Section 6.02 is attached.

CLOSED OPEN TO THE PUBLIC SECTION: 7:14 P.M.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2021-R-27

A RESOLUTION CONFIRMING THE APPOINTMENT OF RAY GIELING TO THE TAX INCENTIVE REVIEW COUNCIL

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

MOTION CARRIED: 6/0

MOTION MADE BY MR. LUNDER, Seconded by Mr. Johnson, for Passage of Resolution No. 2021-R-27.

ROLL CALL: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

RESOLUTION NO. 2021-R-28

A RESOLUTION CONFIRMING THE APPOINTMENT OF ANN SHIELDS TO THE TAX INCENTIVE REVIEW COUNCIL

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

MOTION CARRIED: 6/0

MOTION MADE BY MR. LUNDER, Seconded by Mr. Johnson, for Passage of Resolution No. 2021-R-27.

ROLL CALL: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.

MOTION CARRIED: 6/0

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2021-O-30

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

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

MOTION MADE BY MR. MORRIS, Seconded by Mr. Johnson, for Passage of Ordinance No. 2021-O-30. ROLL CALL: Council Member Lunder, Johnson, Bittner, Chabut, Morris, Thompson. Nays: None.
MOTION CARRIED: 6/0

OLD BUSINESS:

Mr. Johnson addressed the comment that the Administrative Director cannot be in charge of the Service Department. The Department of Safety as defined in the Charter, Section 6.05, clearly states that the Department of Safety shall be comprised of the Police Department and the Fire Department. It has nothing to do with the Service Department. A copy of Section 6.05 is attached.

NEW BUSINESS: (None)

OPEN TO THE PUBLIC TO SPEAK: 7:17 P.M.

CLOSED OPEN TO THE PUBLIC SECTION: 7:17 P.M.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Ordinance Committee	Monday, November 15, 2021, at 6:00 P.M.
Regular Agenda Meeting	Thursday, November 18, 2021, at 6:00 P.M.
Regular Council Meeting	Tuesday, November 23, 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, Thompson. Nays: None.
MOTION CARRIED: 7/0

7The Regular Virtual Meeting of Council adjourned at 7:19 P.M.

APPROVED:

November 23, 2021
Date


Desirea Thompson
President of Council

Attest: Joyce M. Saye
Clerk of Council

SECTION 6.02 ADMINISTRATIVE DIRECTOR.

There is hereby created the office of Administrative Director:

- A. Such administrator shall be appointed by the Mayor subject to confirmation by the the majority of Council; provided, however, that if the Council fails to confirm or reject such appointment within thirty (30) days after it is submitted, such appointment shall become final.
- B. The Administrative Director shall be possessed of financial and administrative qualifications.
- C. He or she shall serve as Fiscal Officer.
- D. He or she shall serve at the pleasure of the Mayor.
- E. He or she shall, under the supervision and control of the Mayor, be charged with general supervision of the administration of the affairs of the Municipality and of the departments herein created, except the Safety Department.
- F. He or she shall serve as administrator of all departments except the Safety Department.
- G. He or she shall perform such other duties as may be required of him or her by the Mayor or by ordinance.
- H. He or she shall be the purchasing agent for the Municipality.
- I. Upon re-election of the Mayor his or her appointment is again subject to confirmation by a majority of the members of Council.

(Amended 11-7-73; 11-6-84)

SECTION 6.05 DEPARTMENT OF SAFETY.

The Department of Safety shall be comprised of the Police Department and Fire Department.

SECTION 6.06 DEPARTMENT OF SERVICE.

The Department of Service shall be charged with:

- A. The administration, construction and maintenance of all public works;
- B. The issuance of all building and zoning permits;
- C. The inspection of all buildings, houses, garages and other structures and improvements ;
- D. The administration and enforcement of the Building Code;
- E. The administration and enforcement of the health and sanitation laws of the Municipality;
- F. Such other functions as shall be assigned to the Department of Service by ordinance.

(Amended 11-7-73)

RESOLUTION NO. 2021-R-31

**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**

WHEREAS, the contract with the Law Director and Assistant City Prosecutor expires on December 31, 2021; and

WHEREAS, Section 6.04 of the City Charter establishes the Office of Law Director, appointed by the Mayor annually with the approval of the majority of Council, to serve on a contract basis; and

WHEREAS, JAMES M. LYONS is an attorney-at-law, licensed to practice within the State of Ohio, and possesses the requisite qualifications; and

WHEREAS, JAMES M. LYONS has been appointed by the Mayor to serve, effective January 1, 2021, in accordance with the Contract, a copy of which is attached.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mentor-on-the-Lake, County of Lake, and State of Ohio, as follows:

Section 1. That the appointment of JAMES M. LYONS as Law Director and Assistant City Prosecutor is hereby confirmed and approved by this Council, in accordance with the attached Contract, effective January 1, 2022.


Section 2. That for the services rendered, JAMES M. LYONS shall receive a monthly salary of Two Thousand One Hundred Twenty Dollars (\$2,202.59). In addition, the Law Director may charge the City for litigation, services and appearances for and on behalf of the City at the rate of Ninety Dollars (\$90.00) per hour pursuant to the attached Contract.

Section 3. That all formal actions of this Council concerning the passage of this Resolution were adopted in an open meeting, and all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22, of the Ohio Revised Code.


Section 4. That this Resolution is hereby declared to be and is passed as an emergency measure, the emergency being the necessity to appoint and confirm a Law Director and Assistant Prosecutor in a timely manner to represent the City of Mentor-on-the-Lake. Said Resolution is necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Mentor-on-the-Lake.

WHEREFORE, this Resolution shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

ADOPTED: November 23, 2021


DESIREA A. THOMPSON
PRESIDENT OF COUNCIL

ATTEST: Joyce M. Ayer
CLERK OF COUNCIL

 11/23/21
DAVID R. EVA **DATE**
MAYOR

RESOLUTION NO. 2021-R-32

**A RESOLUTION CONFIRMING THE REAPPOINTMENT OF
MIKE SWEENEY TO THE PLANNING AND ZONING COMMISSION**

WHEREAS, pursuant to Article VII, Section 7.04 of the Charter, Mayor Eva has reappointed **MIKE SWEENEY**, 5862 Springwood Drive, to the Planning and Zoning Commission for the term ending December 31, 2024; and

WHEREAS, **MIKE SWEENEY** possesses the requisite qualifications for reappointment to the said Planning and Zoning Commission; and


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mentor-on-the-Lake, County of Lake, and State of Ohio, as follows:

Section 1. That the reappointment of **MIKE SWEENEY** to the Planning and Zoning Commission for the term beginning January 1, 2022 and ending December 31, 2024 is hereby confirmed.

Section 2. That all formal actions of this Council concerning the passage of this Resolution were adopted in an open meeting, and all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

WHEREFORE, this Resolution shall be in full force and effect immediately upon its passage by Council, and approval by the Mayor.

ADOPTED: November 23, 2021


DESIREA A. THOMPSON
PRESIDENT OF COUNCIL

ATTEST: Jorge M. Lopez
CLERK OF COUNCIL

David R. Eva 11/23/2021
DAVID R. EVA DATE
MAYOR