



City of Mentor-on-the-Lake

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MINUTES REGULAR/VIRTUAL MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE JANUARY 11, 2022

The Regular/Virtual Meeting of Council of January 11, 2022, for the City of Mentor-on-the-Lake, Ohio, was called to Order at 7:00 P.M. by Council President Robert M. Johnson.

CALL TO ORDER: PLEDGE OF ALLEGIANCE

ROLL CALL:

Aye: **At Large:** KEVIN BITTNER, Vice-President
Aye: **At Large:** JIM LUNDER
Ward 4: DESIREA THOMPSON (Absent/Excused)
Aye: **At Large:** MICHELLE MOORE
Aye: **Ward 1:** DAVID CHABUT
Aye: **Ward 2:** PAUL MORRIS
Aye: **Ward 3:** ROB JOHNSON, President

READING OF MINUTES: Regular/Virtual Meeting of Council – December 14, 2021
Organizational Meeting of Council – January 3, 2022

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, to approve the Minutes of the December 14, 2021, Regular/Virtual Meeting of Council. **ROLL CALL:** Ayes: Council Member Bittner, Lunder, Chabut, Morris, Johnson. Nays: None. Abstain: Council Member Moore.
MOTION CARRIED: 5/0/1

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, to approve the Minutes of the January 3, 2022, Organizational Meeting of Council. **ROLL CALL:** Ayes: Council Member Bittner, Lunder, Moore, Chabut, Morris, Johnson. Nays: None.
MOTION CARRIED: 6/0

CORRESPONDENCE: None.

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor & Safety Director – Mr. Eva

Mayor Eva introduced Brandon Towns who is present tonight to answer any questions regarding his appointment to the Board of Zoning Appeals and the Board of Local Tax Review. Mr. Towns stated he has lived in Mentor-on-the-Lake for four years; his wife is a life-long resident of Mentor-on-the-Lake, he has two children ages 6 and 4, and he is looking forward to serving on these two Boards. Mayor Eva asked if anyone had any questions for Mr. Towns. Mr. Morris said he was present at the Mentor Racial Justice Week program at Mentor Beach Park, and some of Mr. Towns comments left him very frustrated. Mr. Morris also voiced some concerns about Mr. Towns postings made when he was running for the Mentor School Board. Mr. Morris also stated he would like to get to know Mr. Towns outside of

business meetings, and he had some concerns about Mr. Towns making decisions on the CRA and other Committees.. Mr. Towns responded to Mr. Morris' comments. Mr. Morris asked Mr. Towns what type of work he did. Mr. Towns advised he is an Assistant High School Principal and taught Science on the high school level. Mr. Johnson thanked Mr. Towns for applying for these positions. He thinks having a diverse group of people on the Committees is good. Mayor Eva said he got to know Mr. Towns over the last couple of years and is very thankful he is in the Community. He thanked Mr. Towns for being at tonight's Council Meeting. Mr. Morris thanked Mr. Towns for his honest answers to his comments. Mr. Towns said Mr. Morris had valid questions and valid concerns, and he appreciates his asking these questions.

Mayor Eva read two Memos from Chief Gielink. The first Memo is dated January 11, 2022, and is addressed to Mayor Eva, Council Member Thompson, Council Member Moore, FF Langford, FF Corbe, FF Dan and Communications Officer Jennifer Coughlin, Ptl. Skaricich, Ptl. Braidic and Cassie, and Ptl. Mastrocola and Grace, thanking them for participating in the 2021 Santa's Blue Helpers Program. The second Memo is also dated January 1, 2022, and is addressed to Ptl. Tina Messinger, thanking her for her time and effort for the 2021 Santa's Blue Helpers Program.

Mayor Eva read the Fire Department Report for December 2021. For the month of December 2021, there were a total of 148 calls for service as follows: Rescue/EMS – 93 calls, two of which required the use of Narcan; Fire/Service – 25 calls; and Invalid Assist – 30 calls. In the month of December Lt. Konte, Lt. Langford, and FF Sedmak completed the Blue Card Command training program, which consists of 50 online hours of study following by 25 hours of hands-on experience. The Blue Card Command System is the fire industry's standard for Incident command and is utilized throughout Lake County. The Fire Department Year End Report: in 2021 there were a total of 1,382 calls for service as follows: Rescue/EMS – 836 calls, eleven required the use of Narcan; Fire/Service – 274 calls; and Invalid Assist – 272 calls. This is an increase of 147 calls from 2020 and the highest number of calls for service in the history of the Fire Department.

Mayor Eva advised over the weekend he had received an Email from Mr. Johnson concerning his appointments and Council appointments to Boards and Committees. Going back, during Mrs. Bartone's report at the Council Meeting on April 13, 2021, the make-up of the Local Board of Tax Review was determined to be incorrect. Three openings to the Tax Review Board and CRA positions are still open. If anyone has any thoughts or ideas for someone to volunteer please let Mrs. Bartone know. This was addressed to Council. During the Council Meeting of April 27, 2021, Mr. Bittner asked Mrs. Bartone how many had to be appointed for the Tax Review Board. Mrs. Bartone responded three Members, two of which are appointed by the legislative authority, being Council. They have not heard anything from Council since April. Mayor Eva stated Board and Committee openings are listed on the City of Mentor-on-the-Lake Website under Office of the Mayor/Mayor's Report, which says in part if you are interested in how our City works, we have volunteer opportunities on the City's Boards and Commissions. The link on the home page of the Website goes to Newsletters. There is a link to the Newsletters. The Fall 2021 Newsletter contains a section titled, "Board and Commission Opportunities Available" and lists the CRA program, the Income Tax Board of Review, and Parks and Recreation. The newsletter is published on all social media sites, with a link with a notation "Click here to submit your letter of interest." Mayor Eva said they will continue to work to fill these positions, but he would ask Council to be on the lookout for individuals to volunteer. The City cannot conduct business without these Boards and Commissions.

Administrative Director – Mrs. Bartone

Mrs. Bartone said the budget will be done this weekend, so Council can schedule the review of the budget.

Law Director – Mr. Lyons

Mr. Lyons said to follow-up on the end of the Mayor's Report, he also was asked by Mr. Johnson to weigh in on that issue. It was his opinion that the two people that were already appointed to the Board of Tax Review were appointments of Council and they continue to serve until the end of the year. This is based on statutory construction. Mr. Johnson said to clarify, the writing of the actual Resolutions to appoint the two members said appointed by Mayor Eva, not by Council, so he was checking to see if it was a valid appointment. Mr. Lyons said there was enough in those Resolutions to support the appointments as being by Council so when it was passed by Council they knew what they were doing. This brings up Mr. Towns, as he has two appointments, one to the BZA which is a normal resolution done all the time, and the second one is for the Board of Tax Review. This particular appointment is actually the Mayor's appointment and does not have to be approved by Council. With that being said, he still does not think there is anything wrong with approving it tonight. If Council did not approve it, it would not matter, but he thinks it creates a nice record in the Minutes to show who was appointed. In the other appointments, the Whereas clause was probably taken from another resolution. Mr. Lyons said "pursuant to Article VII, Section 7.04" can be eliminated and just say he is appointed. Mr. Lyons said the first time he sometimes sees legislation is when he comes to an Agenda Meeting, and he asked Mrs. Bartone if she could send the legislation to him a day or two before so he can take a look at them.

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Mr. Morris told Mrs. Bartone he was challenged last week to try to watch or listen to the recordings on line, and asked if she had ever listened to them. Mrs. Bartone said they are working on an enhanced microphone system. Mr. Morris said you cannot understand anything that is said. Mrs. Bartone said it picks up most of Council. The microphones they have used have stopped working. She asked about six weeks ago to get a new plan to put in place, unfortunately the sound person had COVID for about a month, and he is supposed to get back to her. Mr. Morris said several of the links do not work. Mrs. Bartone said the space has to be updated. Mr. Morris said there were a couple of Committee Meetings where there was no video or there was a delayed video. Mrs. Bartone said some of that is user set-up issues. The instructions are there, but she is not there so she cannot always help what is happening. Mr. Morris asked if they can try to improve what is happening, to make sure the Chair of the Committee understands how to use it. Mrs. Bartone said generally if the laptop is open you can see if everything is working.

BOARD/COMMITTEE/COMMISSION REPORTS:

Board of Zoning Appeals / December 20, 2021 / Mr. Bittner

Mr. Bittner stated the Board of Zoning Appeals met on December 20, 2021. They were there to discuss the property at 5446 Coronado. He was asking for a couple of different variances. Unfortunately it was beyond the 20% the BZA would be allowed to permit. At this time the request was tabled.

Organizational Meeting of Council / January 3, 2022

Mr. Johnson said we have the Minutes of that Meeting so there is no need for this report.

OPEN TO THE PUBLIC TO SPEAK: 7:28 P.M.

CLOSED OPEN TO THE PUBLIC SECTION: 7:28 P.M.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2022-R-01

A RESOLUTION CONFIRMING THE APPOINTMENT OF BRANDON M. TOWNS TO THE BOARD OF ZONING APPEALS AND DECLARING AN EMERGENCY

Mr. Johnson said he would like to entertain a Motion to correct this in the first paragraph from Article VII, Section 7.04, to Article VII, Section 7.03.

MOTION MADE BY MR. BITTNER, Seconded by Mrs. Moore, to correct the first paragraph from Article VII, Section 7.04, to Article VII, Section 7.03. ROLL CALL: Ayes: Council Member Bittner, Lunder, Moore, Chabut, Morris, Johnson. Nays: None.

MOTION CARRIED: 6/0

Mr. Johnson asked if there were any questions. Mr. Morris said if he understood Mr. Lyons correctly, Council does not need to vote on this. Mr. Lyons and Mr. Johnson said this is for the Board of Zoning Appeals. Council does not have to vote on the second one.

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

MOTION CARRIED: 5/1

MOTION MADE BY MR. BITTNER, Seconded by Mr. Lunder, for Passage of Resolution No. 2022-R-01. ROLL CALL: Ayes: Council Member Bittner, Lunder, Moore, Chabut, Johnson. Nays: None. Abstain: Council Member Morris.

MOTION CARRIED: 5/0/1

RESOLUTION NO. 2022-R-02

A RESOLUTION CONFIRMING THE APPOINTMENT OF BRANDON M. TOWNS TO THE BOARD OF LOCAL TAX REVIEW AND DECLARING AN EMERGENCY

Mr. Johnson said Council does not have to vote on this, it can be removed from the Agenda if Council so desires.

MOTION MADE BY MR. MORRIS to remove Resolution No. 2022-R-02 from the Agenda. There was no Second.

Mr. Johnson asked for any other discussion. Mr. Bittner made a Motion for Suspension of the Rules, then apologized, as the first section needed to be removed. Mr. Johnson asked for a Motion to Amend. He said Article VII, Section 7.04 of the Charter needs to be replaced to read Title IV, Chapter 891, Sub-section 18 of the Codified Ordinances. Mrs. Moore asked if this is the one Mr. Lyons talked about. Mr. Lyons said Mr. Johnson quoted the section of the City Income Tax Code, and Chapter 891, Subsection 1.8 is the correct one.

MOTION MADE BY MR. LUNDER, Seconded by Mr. Bittner, to amend Resolution No. 2022-R-02 to replace Article VII, Section 7.04 of the Charter to read Title IV, Chapter 891, Sub-section 18 of the Codified Ordinances. ROLL CALL: Ayes: Council Member Bittner, Lunder, Moore, Chabut, Morris, Johnson. Nays: None.

MOTION CARRIED: 6/0

LEGISLATION BEFORE COUNCIL (Continued):

RESOLUTION NO. 2022-R-02 (Continued):

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

MOTION CARRIED: 5/1

MOTION MADE BY MR. BITTNER, Seconded by Mr. Lunder, for Passage of Resolution No. 2022-R-02. ROLL CALL: Ayes: Council Member Bittner, Lunder, Moore, Chabut, Johnson. Nays: None. Abstain: Council Member Morris.

MOTION CARRIED: 5/0/1

OLD BUSINESS:

Review of Council Rules: Mr. Johnson asked if there were any changes to the Council Rules. He has been emailed by a couple of Council Members and asked them to bring up their suggestions.

Mr. Morris said he brought up in June, actually Mr. Wolk brought it up, that Council should have some kind of bio sheet for people who want to serve on Committees. He said he is equally as grateful to these people who volunteer, including Mr. Towns. They are grossly underappreciated. However, he thinks because Council is being asked to approve the nominations, they should know something about them. He would like to know how many years they have lived in the City, a possible educational background, why are they seeking this appointment, possible employment skills that would help them in this appointment, and if they had any ideas to help the City move along in their appointment if approved. Mr. Morris said Mr. Wolk supported that as well as Catherine Roos. Many times these people are not here for their appointment. Fortunately he heard Mr. Towns speak so he know something about him. When Mrs. Shaeffer came in, other than seeing her at a couple Council Meetings, he knew nothing about her. He would like to include that in Section 26 of the Council Rules.

Mr. Johnson asked for discussion. Mr. Johnson said a couple of years when there was a vacancy on Council, and there was a procedure for interviewing candidates requiring a resume, etc., when Council could not agree on a candidate, the process was completely thrown out and it was treated more like a game show, where they knew nothing about the people coming forward, and this was to be a Member of Council, which is a paid position, versus a volunteer position. He is certainly open to Council getting more information from anyone applying for a Board or Commission, but when we are dealing with a situation where we get a volunteer for a position, he is more than happy to get more information when there are several people for a position, but when there is a single person applying, thank you for applying because we are not getting multiple people.

Mr. Johnson asked if Mrs. Shaeffer had something to say. Mrs. Shaeffer said before she applied for anything, she was at almost every Council Meeting for a whole year. In return, no one came to introduce themselves or to ask her questions; there is nothing stopping Council from introducing themselves and getting to know people.

Mr. Johnson said his inclination is, when there is an applicant, Council is provided a copy of the letter of interest they supply. Beyond that, he is happy to invite the person to come in to talk to Council, and he thanked Mr. Towns for doing that. Again, he is going to say thank you for serving. Mr. Bittner asked if it was possible to create some kind of form instead of a letter of intent for an applicant to fill out. Mrs. Bartone asked if he wanted a letter of interest form. Mr. Bittner said yes, like a formal one that would

satisfy Mr. Morris and all of Council; something that is universal. Mr. Morris said that would be great, especially if it included contact information. Many times they do not know who they are being asked to approve until they get the Agenda, and there is no way for him to contact that person. Mayor Eva said the Administration would be happy to give him contact information. Mrs. Moore said if Council started making more restrictions for people who are applying it will be harder to fill them. Mr. Morris said the questions, comments he asked for is not a full resume by any stretch of the imagination and he did not think it was overbearing. Mr. Lyons suggested Mr. Morris write down his suggestions, or a form for a candidate to fill out, to be approved by Council, and turned into the Administration, and that would be available for Council to review. Mr. Johnson asked Mr. Morris to write this up and provide a copy to Council. Mr. Lyons asked if Mr. Morris could have something by the next Agenda Meeting. Mr. Morris said he could have something by the weekend.

Mr. Johnson asked if anyone else had any additions or corrections to the Council Rules. Mrs. Moore said she had a few. (1) On Page 7, Section 9, regarding the Agenda Meeting, and putting the Agenda in Council mailboxes, in light of our move to electronic mail, can this be amended to include using email. Mr. Chabut asked what Mr. Lyons thought. Mr. Lyons said it could be added. Mr. Johnson asked if there were any objections. There were none. (2) Mrs. Moore said Page 10, Section 14, the last sentence should be amended to change "presented" to "shall be presented." Everyone agreed to this change. (3) Mrs. Moore said Page 13, Section 21, regarding posting of legislation. She knows it has to be posted in five places. Cal's Marathon is now Marathon Auto, which should be changed. Can the posting places be changed to include the City's website or social media site, or does it have to be five physical places. Mr. Lyons said he would have to take a look at the Revised Code.

Mr. Lunder said when we went to Ward's, and he brought this up years ago, in the definition of the Wards and At-Large, he would like to see added that the Ward representative stay in his or her Ward and take care of their Ward and not be jumping all over to other people's Wards, taking complaints or conversations. Mr. Morris said he remembers that conversation, and at that time he believed they said any Councilperson can take a complaint but they should loop in the Councilperson of that Ward. Mr. Bittner said he did not think it was a resolution, but that everyone agreed to it. Mr. Chabut said he thinks by stating it as Mr. Lunder suggested would be too restrictive because you never know who the resident is going to call. Mr. Lunder said there have been cases where Mr. Morris was involved with Mr. Blystone but was not involving Mrs. Thompson and that is her Ward. Mr. Chabut said each Council Member should respect the others.

Mr. Johnson asked if everyone had received their Committee assignments and if there were any issues. There were none, and he asked the Clerk to print those out.

NEW BUSINESS: (None)

OPEN TO THE PUBLIC TO SPEAK: 7:50 P.M.

CLOSED OPEN TO THE PUBLIC SECTION: 7:50 P.M.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Board of Zoning Appeals

Monday, January 17, 2022, at 6:00 P.M.

Mr. Johnson said originally there was an Ordinance Committee scheduled for that date and time, however, that whole Committee has been changed, and the Committee may want to change their date. He has spoken with Mrs. Thompson and she suggested the first or third Tuesday of the month if that works. Mr. Morris said that would not work for him. Mr. Johnson said we would hold off setting an Ordinance Committee meeting until the next Regular Meeting of Council. Mayor Eva said for the last nineteen years

Planning and Zoning has met the first Monday of every month and the Board of Zoning Appeals meets on the Third Monday of every month. Mr. Johnson said the problem was they shifted their time. Mrs. Moore asked Mr. Morris if any Tuesday was good for him. Mr. Morris said pretty much Tuesdays are not good for him.

Mr. Johnson said we still have the CRA to deal with and which Committee it would be assigned to. Mr. Morris said Community Development. This will have to be held off until Mrs. Thompson is available.

Finance Committee/Council of the Whole Monday, January 24, 2022, at 6:00 P.M.
(Budget Meeting)

Regular Agenda Meeting Thursday, January 20, 2022, at 6:00 P.M.
Regular Meeting of Council Tuesday, January 25, 2022, at 7:00 P.M.

ADJOURNMENT:

MOTION MADE BY MR. BITTNER, Seconded by Mr. Morris, for Adjournment. **ROLL CALL:**

Ayes: Council Member Bittner, Lunder, Moore, Chabut, Morris, Johnson. **Nays:** None.

MOTION CARRIED: 6/0

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

APPROVED:

January 25, 2022
Date

Joyce M. Dake
Attest: Clerk of Council

Robert M. Johnson
Robert M. Johnson
President of Council