



# City of Mentor-on-the-Lake

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## MINUTES REGULAR/VIRTUAL MEETING OF COUNCIL CITY OF MENTOR-ON--THE-LAKE MARCH 22, 2022

The Regular/Virtual Meeting of Council of March 22, 2022, for the City of Mentor-on-the-Lake, Ohio, was called to Order at 7:00 P.M. by Council President Robert Johnson.

**CALL TO ORDER: PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

Aye: **At Large: KEVIN BITTNER, Vice-President**  
Aye: **At Large: JIM LUNDER**  
Aye: **Ward 4: DESIREA THOMPSON**  
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 – March 8, 2022

**MOTION MADE BY MRS. THOMPSON**, Seconded by Mr. Morris, for Approval of the Minutes of the March 8, 2022, Regular/Virtual Meeting of Council. **ROLL CALL:** Ayes: Council Member Bittner, Lunder, Thompson, Moore, Chabut, Morris, Johnson. Nays: None.

**MOTION CARRIED: 7/0**

**CORRESPONDENCE:**

Mr. Morris stated he received an email, as did Mr. Lunder, about a woman on Erie Drive in Mentor complaining about storm drainage being operational. He told her she was talking to a Mentor-on-the-Lake Councilman and she needs to approach the City of Mentor instead of us.

Mr. Lunder said he emailed her back when he got the same email and told her who her Council Person was and she should contact that Council Person.

**ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:**

**Mayor & Safety Director – Mr. Eva (No Report)**

**Administrative Director – Mrs. Bartone**

Mrs. Bartone advised she had received a call from Amvets Post 109 that they will not be having a parade this year.

**Law Director – Mr. Lyons (No Report)**

**Police Chief – Mr. Gielink**

Chief Gielink stated on February 24, 2022, the Civil Service Commission conducted a test for the position of a full-time police officer. Eight candidates signed up for the test, and six candidates took it. All six candidates passed and will continue to oral interviews which are scheduled for April 2, 2022. All six of the candidates are currently part-time employees.

Mentor Public Library recently contacted the Police Department and requested that a police officer speak to seniors regarding scams and protecting themselves from fraud. Sgt. Daubenmire is putting a program together and will be speaking sometime next month. Chief Gielink will put this on their Facebook page so everyone knows about it.

Chief Gielink advised the Police Department will again be applying for the Ohio Law Enforcement Body Armor Grant offered through the Ohio Department of Workers Comp. The Grant will pay 75% of the cost of new vests for those officers who need one.

The Police Department has had a dispatcher on extended leave. Chief Gielink acknowledged and thanked the remaining members of the team who have stepped up to cover the open shifts.

Chief Gielink advised the Police Department had a patrol car taken out of service by an intoxicated driver, who struck it on Andrews Road while an officer was assisting the Fire Department with blocking the road due to a utility pole fire. The officer was uninjured, however, the patrol car had about \$6,500.00 worth of damage done to it. The car was picked up today and is now back in service.

The Police Department's annual jail inspection will be occurring sometime within the next month. Lt. Forsythe, who is the Jail Administrator, is working with the State Inspector and the Police Department's secretary to compile all of the necessary records needed for the review.

#### **QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:**

Mr. Morris asked Mrs. Bartone if Amvets had said why they are not having the parade. Mrs. Bartone said they did not.

Mrs. Thompson asked Chief Gielink if the other driver had insurance. Chief Gielink said no, there seems to be a problem as the driver's insurance had lapsed, and the vehicle belonged to another family member whose insurance is saying the family member was not driving. Chief Gielink said our insurance company is still working that out.

#### **BOARD/COMMITTEE/COMMISSION REPORTS:**

##### **Zoning Committee / March 15, 2022 / Mr. Chabut**

Mr. Chabut stated the Zoning Committee met on March 15, 2022, at 6:00 P.M. Present were Committee Chair Chabut, Committee Members Thompson and Lunder, Council Members Morris, Moore, Council Vice-President Bittner, Council President Johnson, Mayor Eva, and several residents. Al Buescher explained that his goal was to make Zoning Ordinance 1244.05 clearer and easier for the Planning and Zoning Committee to understand. The Committee discussed they needed more time to review his proposal, and it was agreed they would start reviewing it at the next Meeting. The Planning and Zoning Commission forwarded their completed Zoning Ordinance 1255 called "Lakefront Planned Development

District.” The Zoning Committee approved the final copy to be placed, hopefully, on the March 22, 2022, Agenda. The Meeting adjourned at 6:30 P.M.

**Ordinance Committee / March 21, 2022 / Mrs. Thompson**

Mrs. Thompson stated the Ordinance Committee met on March 21, 2022, at 6:00 P.M. The Committee discussed the right-of-way and are asking Council to leave the right-of-way as is stated in our current Ordinances. The Committee discussed the CRA and new construction with different levels for years and also throwing out new construction with a tear-down versus new construction on vacant land. The Committee also discussed looking at the lot sizes by district for CRA’s versus year built. It is looking at all the different possibilities of what can be done with the CRA. The Committee talked about rentals and the Zoning Ordinance. Mrs. Thompson told Mr. Lyons she would be sending something to him tonight to update that, with Council’s approval, of possible owner responsibility for home inspections every three years. They have not tied down if it should be every three years, or every five years, and the owner would be responsible to get the inspection report to the Administration and have it stay on file. This way they would not be putting the City in a liability situation for home inspections.

**OPEN TO THE PUBLIC TO SPEAK: 7:08 P.M.**

Renee Sheaffer, 7761 Sharon Drive. Mrs. Sheaffer, regarding the new sno-cone place, had concerns about cars parking on the wrong side of the road. She thought there was a no parking sign by the speed limit sign, but it is no longer there. She asked if there was anything that can be done about the parking.

**CLOSED OPEN TO THE PUBLIC SECTION: 7:09 P.M.**

Mr. Johnson asked for a Motion to amend the Agenda to add Ordinance 2022-O-05, which is the 1255 Lakefront Planned Unit Development District that Mr. Chabut mentioned.

**MOTION MADE BY MRS. THOMPSON**, Seconded by Mr. Bittner, to amend the Agenda to add Ordinance 2022-O-05.

Mr. Johnson asked for discussion on the Motion. Mr. Morris said he had a problem amending that unless the Ordinance was going to three readings for the reason that this is something important the public should be made aware of and it should not be railroaded through. If it is amended, if it goes for two or three readings, then he does not have a problem. Mr. Johnson said his intent was for this Ordinance to go for the full three readings, but that is up to Council.

**ROLL CALL ON THE MOTION TO AMEND THE AGENDA:** Ayes: Council Member Bittner, Lunder, Thompson, Moore, Chabut, Johnson. Nays: Council Member Morris.

**MOTION CARRIED: 6/1**

**LEGISLATION BEFORE COUNCIL:**

**ORDINANCE NO. 2022-O-03**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE 212.01 – POSTING PLACES**

**MOTION MADE BY MR. BITTNER**, Seconded by Mrs. Thompson, for Suspension of the Rules.

Mr. Johnson asked for any discussion on the suspension of the Rules. Mr. Bittner said the reason he is suspending the Rules is that the more places we are posting, the more people who possibly will see it. Mrs. Thompson said this is her reason also.

**LEGISLATION BEFORE COUNCIL (Continued):**

**ORDINANCE NO. 2022-O-03 (Continued):**

**ROLL CALL ON THE MOTION FOR SUSPENSION OF THE RULES:** Ayes: Council Member Bittner, Lunder, Thompson, Moore, Chabut, Morris, Johnson. Nays: None.

**MOTION CARRIED: 7/0**

**MOTION MADE BY MR. BITTNER,** Seconded by Mrs. Thompson, for Passage of Ordinance No. 2022-O-03. **ROLL CALL:** Ayes: Council Member Bittner, Lunder, Thompson, Moore, Chabut, Morris, Johnson. Nays: None.

**MOTION CARRIED: 7/0**

**ORDINANCE NO. 2022-O-04**

**OPTING OUT OF H.B. 172 AND REAFFIRMING THE BAN ON DISCHARGING, IGNITING OR EXPLODING FIREWORKS IN THE CITY OF MENTOR-ON-THE-LAKE, AS SET FORTH IN CHAPTER 672 OF THE CODIFIED ORDINANCES OF THE CITY OF MENTOR-ON-THE-LAKE, AND DECLARING AN EMERGENCY**

**MOTION MADE BY MRS. THOMPSON,** Seconded by Mr. Lunder, for Suspension of the Rules.

Mr. Johnson asked for any discussion on suspending the Rules. Mr. Lyons recommended letting this Ordinance go for three readings. It does not go into effect until July 1<sup>st</sup>, and this way it can get out to the public a little more. Mr. Morris said he agrees with Mr. Lyons. This is also something the public should have input to, because if the Rules are suspended and this passes tonight, which he supports passing, people will complain about this being done. He would rather try to preempt any complaining. If the public knows we are looking at this, if they do not speak up and it is passed, shame on them. Mr. Lyons said, in arguing against himself, perhaps if this is passed tonight and it is posted on the website right away that it has been banned gives people more notice than passing it at the end of April. There are good arguments on both sides.

**ROLL CALL ON THE MOTION FOR SUSPENSION OF THE RULES:** Ayes: Council Member Lunder, Thompson. Nays: Council Member Bittner, Moore, Chabut, Morris, Johnson.

**MOTION FAILED: 2/5**

Ordinance No. 2022-O-04 is placed on Second Reading.

**ORDINANCE NO. 2022-O-05**

**AN ORDINANCE CREATING CHAPTER 1255 – LAKEFRONT PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OF THE CODIFIED ORDINANCES**

Mr. Johnson asked for any questions or motions. There were none. Ordinance No. 2022-O-05 is placed on Second Reading.

**OLD BUSINESS:**

Review of Council Rules. Mr. Johnson stated since the posting places have been updated, the Council Rules can be updated and approved at the next meeting or the meeting after that.

**NEW BUSINESS:**

Discussion: Summer Meetings/Recess. Mr. Johnson said he has always despised having an August recess as there is a long stretch where there is no meeting between the last meeting in July and the next meeting in September. Mr. Johnson proposed instead having one meeting a month through the summer months. Mr. Morris said unless something comes up. He asked when this would start. Mr. Johnson said that is up for discussion, his preference would be July and August so Council is only missing two meetings. Council Members said they would agree to that. Mr. Johnson said Council would meet for the first meeting of the month, and have the second meeting off. Mayor Eva asked if he is talking July and August, not June. Mr. Johnson said just July and August. Mr. Morris asked if that would apply to Committee Meetings as well. Mr. Johnson said they would meet in the first half of the month; they would not have to in the second half of the month; this would be up to the Committees. Mr. Johnson asked for a Motion for the summer recess.

**MOTION MADE BY MRS. THOMPSON**, Seconded by Mr. Morris, to have a summer recess of the second meetings in July and August. **ROLL CALL:** Ayes: Council Member Bittner, Lunder, Thompson, Moore, Chabut, Morris. Nays: None. Abstain: Council Member Johnson.

**MOTION CARRIED: 6/0/1**

Mayor Eva said with the new district, rezoning vs overlay was discussed. Mr. Johnson said Chapter 1255 which is now on the Agenda, and which as been put on Second Reading, right now that would rezone whatever property we decide to use the PUD on. The question is do we want to add into this legislation anything about making it an overlay district, meaning we would create this PUD but it would be over top of the Business District or whatever District is currently at that location, so if something happens with the PUD, which is dependent upon the actual development plan, so once that rezoning occurs, it is set to that zoning, that plan that has been set forth. The question is do you want it to be reversible so it goes back to Business if something does not happen there. He asked Mr. Lyons if they need to do that, does it need wording for an overlay district, or how does that work? Mr. Lyons said the way this Ordinance is drafted is for each PUD that comes before the City you would have to rezone that lot wherever it is to the District being created. This legislation not only sets the standards for what you can do in a PUD, it also creates a specific zoning classification for this PUD district. If what is proposed for the corner of Andrews and Lakeshore, and it did not get built and was rezoned, that would be the only thing that was allowed there, unless it got rezoned back. A lot of these PUD's are overlay districts in other communities where you designate a certain area as being the PUD overlay district and in addition to what is allowed there under the existing zoning code you can also do a PUD if all the standards are met and it is approved. The way the Ordinance is written now Council has more control; if it is an overlay district, it usually stays with the Planning Commission and the Administration. By Council exercising control over the rezoning, it has to be passed by Council for the rezoning and Council is controlling the rezoning. Mr. Lyons said he thinks it is worth discussing and maybe taking a look at what other cities have done before this is voted on, and look at where you might want to add this overlay district. Mr. Johnson referred this back to the Zoning Committee to discuss the overlay concept and report back to Council.

**OPEN TO THE PUBLIC TO SPEAK: 7:22 P.M.**

Dorinda Myer, 7734 Sharon Drive. Ms. Myer said she agrees with the resident who brought up the parking at the end of Sharon for Pelican Sno-Cones. Customers have parked on the street close to the intersection and on the wrong side of the road. She asked if a no parking sign can be put up, or if the Mayor or a Member of Council could talk to the owners about alternative parking arrangements, it would be nice.

**CLOSED OPEN TO THE PUBLIC SECTION: 7:24 P.M.**

**ANNOUNCEMENTS AND SETTING OF MEETINGS:**

Parks and Recreation Board	Wednesday, March 23, 2022, at 6:00 P.M.
Planning and Zoning Commission	Monday, April 4, 2022, at 6:00 P.M.
Zoning Committee	Monday, April 4, 2022, at 7:00 P.M.
Ordinance Committee	Thursday, April 7, 2022, at 6:30 P.M.
Regular Agenda Meeting	Thursday, April 7, 2022, at 6:00 P.M.
Regular Council Meeting	Tuesday, April 12, 2022, at 7:00 P.M.

**ADJOURNMENT:**

**MOTION MADE BY MRS. THOMPSON**, Seconded by Mr. Morris, for Adjournment. ROLL CALL:  
Ayes: Council Member Bittner, Lunder, Thompson, Moore, Chabut, Morris, Johnson. Nays: None.  
**MOTION CARRIED: 7/0**

The Regular Meeting of Council adjourned at 7:27 P.M.

**APPROVED:**

April 12, 2022  
Date  
**President of Council**

Kevin Bittner  
**ROBERT JOHNSON** *Kevin BITTNER*  
Vice-President of Council

Attest: Joyce M. Day  
Clerk of Council