



City of Mentor-on-the-Lake

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MINUTES REGULAR/VIRTUAL MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE APRIL 12, 2022

The Regular/Virtual Meeting of Council of April 12, 2022, for the City of Mentor-on-the-Lake, Ohio, was called to Order at 7:00 P.M. by Council Vice-President Kevin Bittner.

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**
Ward 3: ROB JOHNSON, President (Absent/Excused)

READING OF MINUTES: Regular/Virtual Meeting of Council – March 22, 2022

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, for Approval of the Minutes of the March 22, 2022, Regular/Virtual Meeting of Council. **ROLL CALL:** Ayes: Council Member Bittner, Lunder, Moore, Chabut, Morris. Nays: None.

MOTION CARRIED: 5/0

CORRESPONDENCE:

Mrs. Moore advised Mrs. Miller, 7597 Salida, expressed concern about the traffic on Salida Road. Speeding and the amount of traffic are also concerns. She asked if a traffic light could be put back at Salida and Andrews. Mrs. Moore shared this information with Ward Councilman Chabut.

Mrs. Moore stated a resident on Primrose has concerns about trash pickers coming up to the front door trying to take an appliance that had been set out. The resident had caught the person. Mrs. Moore encouraged the resident to notify the Police about the situation.

Mrs. Moore stated she was contacted by an anonymous resident who has concerns about the charity collection bins in the Giant Eagle parking lot looking unsightly because items overflow into the parking lot or people just set items beside them. Can anything be done to clean this up or keep people from setting things around the bins?

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor & Safety Director – Mr. Eva

Mayor Eva advised the Police Department will be adding two full-time officers. They had five candidates, all of whom were internal, and are all part-time for the Police Department right now. They will be adding the two additional full-time officers around May 1st.

Mayor Eva read the Fire Department Report for March 2022. During the month of March, there was a total of 86 calls for service as follows: Fire/Service – 15 calls; Rescue/EMS – 71 calls of which 15 calls were for invalid assist, and 2 of the calls were overdoses requiring Narcan. Service anniversaries in March: Lt. Tony Konte – 33 years. For the First Quarter of 2022, there was a total of 339 calls for service as follows: Fire/Service – 42 calls; Rescue/EMS – 297 calls of which 80 calls were for invalid assist, and 6 of the calls were for overdoses requiring the use of Narcan.

Mayor Eva gave Mrs. Bartone's report as she was not here tonight. There is a salt Resolution on the Agenda tonight and this needs to go back to the Ohio Department of Transportation by the end of March. He asked if this could be passed tonight. There is also an insurance expenditure on the Agenda which is due the beginning of April. This expenditure was included in the current budget. Council should have received the Amended PUD, the overlay zoning version. The Codified Ordinances have been updated and distributed. This is also on the Agenda tonight, and he asked Council to pass this Ordinance tonight.

Law Director – Mr. Lyons

Mr. Lyons stated the salt Resolution is due by April 29th, 2022. Other than this, he has no report.

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS: (None)

BOARD/COMMITTEE/COMMISSION REPORTS:

Parks and Recreation Board / March 23, 2022 / Mr. Morris

Mr. Morris stated the Parks and Recreation Board met on March 23, 2022, at 6:00 P.M. Present were Committee Chairperson Samantha Wolf, Members Tim Covelli, Renee Shaefer, Jennifer Jakosh, Carol Stafinski, Council Member Morris, Council Vice-President Bittner, Council President Johnson, and Mayor Eva. Reports were given by Mr. Morris and Mayor Eva. Samantha Wolf also gave her report and mentioned the Volunteer Availability sheets for people to fill out indicating their availability to volunteer for events. There was a recap of the events for 2022, and a lengthy discussion concerning the table for senior citizen's information. The Committee discussed the possibility of offering various children's activities during the summer, including wiffle ball, kick ball, and kite flying among other suggestions. There was also a brief discussion on a movie night. There was discussion on getting a mural painted on the side of the Service Garage or fence. The work would be done by volunteers. There was a brief discussion on suspending the April Meeting because there is no important business to be taken care of. A vote was taken and this passed. The next Meeting will be on May 25, 2022. The Meeting adjourned at 6:35 P.M.

Planning and Zoning Commission / April 4, 2022 / Mr. Chabut

Mr. Chabut stated the Planning and Zoning Commission met on April 4, 2022, at 6:00 P.M. Present were Committee Chair Suzanne Cason, Members Mike Sweeney, Al Buescher, Brent Moore, Council Members Chabut, Lunder, Moore, Morris, Council Vice President Bittner, Council President Johnson, Mayor Eva, and several residents. (1) Mario's Bar presented a request for a 40' x 28' pavilion to be added to the business. The Commission explained that there was only 15' from the property line and the zoning

requirement was 30'. The Commission requested them to resubmit their request at the next Meeting showing this change and to also show the required amount of parking spaces. (2) The Commission discussed the option of an overlay or rezoning of the properties included in the proposed PUD Ordinance. This PUD Overlay District gives property owners the ability of developing according to the regulations, while also retaining the base zoning district designation. The Commission agreed to forward this Addendum to the next Council Meeting. (3) The Commission received the proposal of MS Properties concerning a Dollar General Store and apartments to be constructed at the property located at 5758 Andrews Road (the former St. Andrew's Church). The Commission asked MS properties to provide an environmental impact assessment to be available to the Commission by the next Meeting for the Commission's further consideration. The next Meeting is May 2, 2022, at 6:00 P.M. The Meeting adjourned at 7:05 P.M.

The Zoning Committee Meeting was cancelled for several reasons. The Ordinance Committee did not meet as a member was not present due to unforeseen circumstances.

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

Jennifer Simmons, 7858 Richwood Drive. She has concerns about the proposed Dollar General and apartments at the end of Andrews. She wanted to know why the leadership of the City would even consider adding another dollar store to the area. This is the last thing needed in the City. She asked where is the foresight of leadership. There is a jewel here called Lake Erie and they should be utilizing the properties up for sale, to provide entertainment, fine dining, recreation, to draw in young families and people of a certain age whose children are older. As a taxpayer and homeowner since 2013 she pleaded with Council and the Mayor to be a little more forward thinking in their leadership and not live up to the status quo, be more progressive thinking and add more value to Mentor-on-the-Lake.

David Scarnati, 7545 Salida Road. He wanted to make some comments on the Dollar General and PUD. He agrees with the prior resident's comments. He does not think another discount store is needed. There was discussion in the community about an extension to Anna Court which then would dump out onto Salida Road which opens up a lot of other concerns of residents on Salida Road. He heard that had been squelched. Mr. Chabut said it was squelched; Anna Court is not big enough to handle this. Mr. Scarnati said, regarding the PUD, he did not know the extent of the PUD until he came to tonight's meeting. He is all for development but to give a developer the wide spread latitude that is in the PUD needs further consideration. Apartments there and the possibility in ten years of turning it into Section 8 property concern him. There are already several Section 8 properties, and he is concerned about the crime rate and other factors. There is a lot of valuable properties in the City with a very wide swath of the lake, they would like to keep the community safe and protect themselves from Section 8 properties. He asked that the PUD be really dug into, lock these guys up and not give them free rein to what they want to do; he does not want a free for all in the PUD District.

Earle Kurress, 7523 Salida Road. First, it took a lot of research and homework to find this information, because as a resident it should be more available. His biggest concern is the PUD and what is going on, what area the PUD affects. After finally getting a copy of Chapter 1255, it is very vague. He went over the permitted uses. This gives a developer total control and the right to put in anything they chose. A developer will make the most profit they can on that piece of land and will build the cheapest, maximize the most money they can get out of that lot so they can fill it with as many people as they can. Meanwhile residents are stuck with a property for the next 15 to 20 years that they have no say anymore. He read a section of the Ordinance at Page 5, and said it was very vague and open ended, lets the developer do whatever they want, and taxpayers and members of the community will have to look at this thing for 20 years because they have no say. He believes if Council really wants to better the town and make it a great community for family and friends, if there is a multi-use facility, there should be shops below with town

houses/condos up above. Nowhere is retail mentioned or anything having to do with a Business District anymore. His concern is to tighten the PUD down so they are not left on the hook by some developer to put whatever they want, laughing to the bank.

Tess Turi, 7373 Salida Road. She has the same concerns as the previous speakers. She is a new resident to Mentor-on-the-Lake and the same frustrations in that period of time. She likes change if it is done well and well thought out. She asked how many acres in the plot in question. She was told just under 3 acres. Ms. Turi said there is a different set of criteria for minimum, and was this change brought by a single owner of the property, are there adjacent property owners that will be impacted. Her concern is that the biggest jewel is that chunk of property, lake front view, and she does not think it should be a piece meal building. She agrees what brings money to a community, if there is a coffee shop they will sit there and spend their money in Mentor-on-the-Lake. She is tired of driving up and down Andrews and seeing crap businesses with paper for window covering. She thinks it is hap-hazard when they cannot control what is there now from a visual stand point, and is concerned about how these plans going forward; how will this increase the quality of life for everyone living in Mentor-on-the-Lake, how many extra people will want to stay here if they come to the park. People should be coming from all over to enjoy the lake front. She stated let's make change, but make it the right way; she is not convinced she understands this enough to say she is behind this, so if there is a way to simplify this from a point by point process what this means for members of the community, she thinks this would relieve fears. People are angry because they are scared and don't want their properties diminished in any way. They want to know obstacles are being handled before they create more. She would like more information in order to really stand behind this.

Juanita Miller, 7597 Salida Road. She has the same concerns are the previous residents. Another concern she has is if there has been any type of traffic study done if apartments or condos are built on that corner. Salida has been used as a thoroughfare for anyone coming from west to east; why was the traffic light taken down. Mayor Eva said he can tell her after the meeting, this is open to the public and there is no back and forth here. He would be willing, to anyone who wants to stay after the meeting, to show them both proposals and go through it, and answer any questions, after the meeting. Ms. Miller said traffic on Salida has increased, and they understand development has to happen, but they are also concerned about increased traffic; increased traffic, and was glad to hear Anna Court is not going to be opened, as they were concerned about that, but they literally take their life in their hands when they go to the mailbox. She knows we don't have policemen to patrol the street 24/7, but in the morning and evening, some type of presence needs to be there. This is a major concern. Any development on Andrews will filter down to Salida. Another concern is the City Website. It is very difficult for the normal person to try to find out information or to read it. The Agenda was not posted this morning. There needs to be more open information to the community so they can work with the City, know what is going on, know what is proposed, and if they can help in any way, they will. We love the community and have to admit this is a unique area, and we need to make the best of the jewel of a lake. Why are more apartments needed, we don't need any more renters. Commercial property, yes, Dollar General, just because they come to the City do we automatically have to have one. We need to look into things more.

David Wroblewski, 5470 Woodside. Regarding the Dollar General, you would not be doing your duty if you have not taken a look at Shaker Heights who developed a set of rules to limit dollar stores as they have found dollar stores create a negative influence. You would also not be doing your diligence if you have not looked at Broadview Hts., who also has some ordinances. You should look into that before you come to a decision, otherwise you are not doing your diligence. Regarding the PUD area, certainly there is going to be an issue with traffic, and if you look at the intersection of Lake Shore and Andrews, and a traffic light would be the worst solution. You should investigate, as he did, a modern round-about. The Ohio Department of Transportation has spent a lot of money to develop those in a modern way. It would be very efficient to transmit mostly right turning traffic coming up Andrews and mostly southern traffic

going down which doesn't need a traffic light, doesn't back up more traffic, and would stop blocking driveways.

Virginia Wong, 7573 Salida Road. Ms. Wong read a letter from Ninette Murzyn, 7708 Twilight, who was unable to attend the Meeting. Ms. Murzyn is strongly opposed to the PUD as it does not align with existing home structures, and she believes it would be an eyesore and not an enhancement to the community. She is concerned about the traffic. She also asked that the Do Not Enter sign be replaced westbound on Twilight where Chagrin Drive intersects. She has concerns about drivers on Chagrin Drive cutting through to avoid the intersection of Salida and Andrews. Drivers drive at high rates of speed, do not stop at the stop sign at Chagrin and Twilight, and cut the corner coming down Twilight. One of her suggestions would be to install speed bumps on Chagrin. A copy of her letter is attached.

Bill Cleveland, 7607 Salida Road. Mr. Cleveland said there is significant precedent, mostly negative, for the issues being addressed tonight. One of them is the Monterey Bay Condos. It is a nice development and certainly better than having Section 8 housing, but it brought more traffic to Salida. At least they are residents, they own and pay taxes. Most residents of Salida were not happy at the time they were built and probably still are not happy. Very few people that live in the City who pay taxes want to see more apartments of any kind, particularly low income or subsidized apartments. As of the last publication by the school board 52% of the children in school live with one parent or less, and a huge percentage of those children live in low cost housing. The proportion is very obvious; the low cost housing other than say the apartments on the corner which is older people, bring in families or partial families generally with a lot of kids. His school/property taxes are currently over \$1,000.00 a month, and he does not have any kids in school. We all know that the Supreme Court has twice ruled it illegal to base school taxes on property value, so here we are still doing it. He wanted to say for him and his family that they oppose any kind of new rental properties in Mentor-on-the-Lake, any kind at all, be it behind the third dollar store. There are 2 dollar stores by Marc's and one by Corduroy Road. How many do we really need? We like competition but there is adequate competition in that category. We don't need any more apartments, and anybody that doesn't quite understand what he is saying, let him know and he will try to be more clear.

Scott Spence, 5412 Woodside Road. One thing about education, free and reduced lunches are an indication of poverty in any given community so if free and reduced lunches increase then you know the poverty level is also increasing. He agrees with the traffic pattern issues in this area, and more residents would add to that. It was mentioned that the Police Department now has two new full-time police officers. How many more safety people will be needed if there is an apartment building or some such development over there, he had heard it will be somewhere in the area of 70 units. We can't handle that with the existing safety forces, fire and emergency as well as the police department. Transparency is an issue and lack of transparency will continue to rear its head. More to the medical care aspect, what kind of quality of life are we looking for in the neighborhood, what quality of life do you want, what kind of quality of life do you want to have for people new to the area. This is very important, and this has to do with his opinion as to what is the long range plan for development of the neighborhood and how can we handle that, and how can we do that that is beneficial to all parties involved. Economic development does not revolve itself around discount stores. We want to increase our economic base and development of the community. It will not come through dollar stores.

Jeff Shick, 7533 Salida. He complimented everyone on their wonderful comments, and echoed the issue of transparency. It is sometimes hard to get information, even when we are late getting information, it should be easier. He has not seen on the website anywhere is there a 5-year plan, or a 10-year plan for the City with regard to balance in quality of life for residents, quality of life for commerce, traffic patterns, all of those things we heard about this evening. He asked the Clerk if she was required to write everything that was said or if it was recorded. Because he was going to ask everyone to come back up and do it

slowly because without a doubt there are very significant things in the heart, minds, and thinking of the people behind him. Council's responsibility is to hear those things and relay those things to the Administration so we can have government action on those two properties which will be needed. He hopes it reflects what a part of the community has said tonight. He asked how to get a copy of the tape. The Clerk told him it is recorded and he can probably contact City Hall tomorrow on how to get to the recording. Comments were made about the website. The Clerk said it is on UTube, Zoom. He asked how to get a copy of the tape to understand what the citizens said. It is a matter of public record, and you should be able to come in and listen to the recording or make a copy. Mr. Lyons said his understanding is the Clerk is making the recording for herself and is being taped also for UTube. A resident said the UTube quality is not good. Mr. Lyons said the recording the Clerk has is public record and if someone asks, probably call Mrs. Bartone, they will make a copy of the tape. He does not know the level of the technology or how quick it will be, but it is a public record. He was asked if it will be available before the next Council meeting. Mr. Lyons said what typically happens is that the Clerk will listen to the tape she has to do the Minutes that reflects, not word for word, but a slightly condensed version of this. It was mentioned by a resident that they also make inexpensive software programs that would do text to speech. There was a short discussion between Mr. Lyons and the resident as to this software. Mr. Lyons said you are entitled to a copy of the tape; it is not the actual Minutes. Mr. Schick asked if the residents would be able to talk about impact studies ongoing now, planned going on, what is the usually customary process for the PUD.

Another resident said this is a second reading, and asked for clarification from Council, second reading to him means it has gone through zoning and approved and has come in front of Council once and been approved. Mayor Eva said the normal process is three readings. The first reading was before Planning and Zoning met to look at the overlay. The overlay would allow the property to remain as commercial business and would not have to be rezoned to residential. The reason the overlay was looked at by Planning and Zoning is if for some reason the developer decided to back out of this, and Council had rezoned the property, then Council would have to go through the whole process all over again to rezone the property. With the overlay, it is zoned business, on top of that the overlay would be zoned residential. Mr. Lyons said this is on second reading which means Council is notifying the community this is up for consideration. There is still going to be a public hearing where people can come and say the same thing that is being said today. If the PUD Overlay District gets approved, then developments where the PUD applies would then be allowed, provided it meets the requirements of that particular ordinance. As part of the PUD, which he understands was modeled after Willoughby's, it indicates the terms and review required. He believed the PUD was being proposed to more effectively control what goes into a particular place rather than what can happen there now. This hopefully gives Council and the Administration more control over development in this area. If it is approved, at that point of time the developer has to come before the Planning Commission and the Administration to seek approval of what their plan is. Again, this is an open process where people can give their input.

Mr. Bittner said this is now past the ten minutes, and as the Mayor had said, he can stay after the meeting and answer any questions he can, but Council has to get to its legislation.

David Scarnati had one quick follow-up. A lot of people have expressed their opinion about multi-family, so how can a change be made to the PUD that strikes the ability for this property to have multi-family. Someone else asked what the status was of the PUD, can it be altered, or is it done? Mr. Bittner said as of right now, it is in the legislation tonight and is currently referred to the Zoning Committee. Depending on what happens tonight, it can be brought out of the Zoning Committee back to Council, at which point, depending on the recommendation, it can be changed or kept, but either way it will go to third reading because there is going to be a public hearing which is where you can come to express your concerns about it. It is the third and final reading and at that point it can be referred back to committee if Council

so decides, or it could be voted on that night. The resident said it should be referred back to zoning. Someone asked who the developer was, and someone else said they thought it was Somers.

Mr. Bittner said Council has to get back to its legislation, and can talk to the residents after the meeting. Mr. Cleveland said they are less concerned about Council's bureaucratic legislation than what Council is doing for our community, and they really want to know if it is too late to effect a change, who is in charge of making those changes or not, and when will they know. He does not feel they are getting anywhere to getting closure on this. Mr. Bittner referred to Mr. Lyons. Mr. Lyons said Council is in charge, and Mr. Cleveland interrupted. Mr. Lyons said it currently has multi-family language. Mr. Cleveland asked if that was approved by Council. Mr. Lyons said no, it has not. Mr. Cleveland asked if it had been approved by the Zoning Committee. Mr. Bittner said no. Mr. Cleveland said so it is not too late. Someone said he thought it had already gone through the Zoning Committee. Mr. Lyons said it had gone through the Planning and Zoning Commission. It currently has been referred by Council to the Zoning Committee. Mr. Bittner has indicated it will not be voted on tonight, it is going at the very least to the next Council Meeting. It cannot be voted on tonight because there has to be a public hearing. Can it be changed, the answer is yes. Any Member of Council can make a motion to amend it by striking multi-family, get a second and it is approved, then the legislation can be amended. Everything can be changed until it is passed.

William Welker, 5884 Thunderbird. He thinks the City should have a group of residents along with Council people, there should be a 10 to 20 year plan out there to get different property in the City that has been empty for years, there should be something structured so a quick decision does not need to be made. Quick decisions never end up good. He grew up in Mentor-on-the-Lake. We need to make sure we keep this community a nice beach front community. You can't get to the beach at Overlook Park or Mentor Beach Park anymore. It was quick decisions that resulted in that happening. We need to have a plan and the community needs to be involved.

Ralph Boomer, 5995 Cedarwood. He addressed the residents and stated everyone here, with the exception of Mr. Lyons, lives within a quarter of a mile from the property. They love this City more than you know. These are not fly by ideas, they put a lot of time and effort into everything they do. Their heart is in the right place, and they are going to do the best for you they can. It's not something they are trying to sneak through or pass. It is going to affect them probably more than the guy who lives on Thunderbird or anywhere else. Mr. Scarnati said they can listen to the comments and act accordingly, and he doesn't need lectured by Mr. Boomer. Mr. Scarnati said he should address the Council and not the room. Mr. Boomer said it was not a problem and went back to his seat.

CLOSED OPEN TO THE PUBLIC SECTION: 8:01 P.M.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2022-R-10

A RESOLUTION AUTHORIZING THE ADMINISTRATIVE DIRECTOR TO PARTICIPATE IN AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT) FOR THE 2022-2023 WINTER SEASON AND DECLARING AN EMERGENCY

Mr. Bittner said this is the one Mrs. Bartone asked to be passed tonight. Mrs. Moore explained this Resolution to the residents attending tonight's Council Meeting. She is in support of suspending the Rules, and looking at this on First Reading so we can get the paperwork in and be included in that program to get a better rate for the residents.

LEGISLATION BEFORE COUNCIL (Continued):

RESOLUTION NO. 2022-R-10 (Continued):

MOTION MADE BY MRS. MOORE, Seconded by Mr. Lunder, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Bittner, Lunder, Moore, Chabut, Morris. Nays: None.

MOTION CARRIED: 5/0

MOTION MADE BY MR. LUNDER, Seconded by Mr. Morris, for Passage of Resolution No. 2022-R-10. ROLL CALL: Ayes: Council Member Bittner, Lunder, Moore, Chabut, Morris. Nays: None.

MOTION CARRIED: 5/0

ORDINANCE NO. 2022-O-04 (SECOND READING)

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

Mr. Bittner stated he did some research on this Ordinance himself and it is his understanding that most of Council wishes to ban the use of fireworks. If we currently leave the Ordinance in place that we have, it will actually allow the use of fireworks because the Ohio Revised Codes are changing. In order to reflect this he talked to Mr. Lyons and made the changes that needed to be put into this to not allow it. Everyone has received a copy of the changes. He asked for a Motion to Amend this Ordinance. Mrs. Moore said she just got this just before the Meeting and has not had a change to review it. Mr. Bittner asked Mr. Lyons to explain the changes. Mr. Lyons said the State Legislature in Columbus and the Governor signed an ordinance allowing people to purchase and retain consumer grade fireworks in the State of Ohio, and allowed under the State Law to use the fireworks on certain days. In H.B. 172 they allowed a community to opt out of that particular statute that was passed by the State so that we can retain our own codified ordinances to prohibit the use consumer grade fireworks in the City. Mr. Bittner, who has a lot of experience in the fire area, reviewed our current Ordinance in conjunction with the passage of H.B. 172 and made some recommendations to make it crystal clear that despite the passage of this new law, consumer grade fireworks cannot be used in the City. A resident asked if this only applied to citizens or does this refer to the City and everybody else. Mr. Lyons said this is only consumer grade firework, as defined in the Federal law. This does not affect firework displays by a trained person who has a person. Mr. Cleveland asked if a private person be allowed to get a permit to hire a professional to come in and have fireworks. Mr. Lyons said he did not know. Mr. Cleveland asked who would know. Mr. Morris said the Ohio Fire Code states what requirements are needed to have a professional exhibitor set off fireworks, and there is a safety zone of 75 foot per inch for a safety zone. It was asked if the City would be able to do this. Mr. Morris, said yes, the Yacht Club does it every year. It is in Mentor-on-the-Lake. Mr. Bittner said they have the distance to be able to do that; they applied for a permit through the State. Mr. Morris asked Mr. Lyons if the current ordinance would prohibit sales of fireworks in the City and can it be done. Right now, if someone wants to legally purchase fireworks in the State of Ohio, prior to this Bill, they can purchase but within 48 hours they have to take them out of State. People are allowed to sell fireworks in the City right now, provided they take it right out of State. This ordinance would not prohibit someone from buying fireworks in the City and they can then go to one of the Townships to shoot them off. Mr. Bittner said as of July 1st these places that want to sell fireworks will have to go to the State and get a permit. Mr. Morris asked if the State Fire Marshall's requirements are incorporated into the current ordinance. Mr. Lyons said we are a home rule city, we have a Charter, we can probably do that. This was a specific opt out that was incorporated into the law. A resident asked if the City adopts the Ohio Fire Code; he is sure it does. The thing is the State is saying you can shoot off fireworks

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2022-O-04 (SECOND READING) (Continued):

in the State. You have to opt out to say in Mentor-on-the Lake you are not allowed to shoot off fireworks. Mr. Lyons said this is what this Ordinance does.

MOTION MADE BY MR. LUNDER, Seconded by Mr. Chabut, to amend Ordinance No. 2020-O-04 to add in the language proposed by Mr. Lyons that you cannot discharge fireworks in the City of Mentor-on-the Lake. ROLL CALL: Ayes: Council Member Bittner, Lunder, Moore, Chabut, Morris. Nays: None.

MOTION CARRIED: 5/0

There was no Motion for Suspension of the Rules. Ordinance No. 2022-O-04 goes to Third Reading.

ORDINANCE NO. 2022-O-05 (SECOND READING) (REFERRED TO ZONING COMMITTEE)
AN ORDINANCE CREATING CHAPTER 1255 – LAKEFRONT PLANNED UNIT DEVELOPMENT (PUD) DISTRICT OF THE CODIFIED ORDINANCES

There was no Motion for Suspension of the Rules. Mr. Bittner said in light of the overwhelming response, this Ordinance will stay on Second Reading and will be kept in the Zoning Committee.

It was asked if it was too late for the Dollar General. Mayor Eva said nothing has been decided on that. Mr. Bittner said there is nothing to vote on.

ORDINANCE NO. 2022-O-06

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

Mrs. Moore explained this Ordinance to the residents attending tonight's Council Meeting.

MOTION MADE BY MRS. MOORE, Seconded by Mr. Chabut, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Bittner, Lunder, Moore, Chabut, Morris. Nays: None.

MOTION CARRIED: 5/0

MOTION MADE BY MR. LUNDER, Seconded by Mr. Morris, for Passage of Resolution No. 2022-O-06. ROLL CALL: Ayes: Council Member Bittner, Lunder, Moore, Chabut, Morris. Nays: None.

MOTION CARRIED: 5/0

OLD BUSINESS:

Adoption of Council Rules. Mr. Bittner asked if any Council Member had any questions, corrections. Mr. Johnson said he was ok with passing them now with the corrections that were made. Mr. Morris had a question that can be addressed about the co-chairs of the Committees, if that was a Council Rule change or if it is something that we can just do. He asked if Council wanted to wait on this, table it, or go ahead and pass this and change it later. Mr. Morris said to ask Mr. Lyons. Mr. Bittner said after a recent meeting, Mr. Johnson and he decided they wanted a Chair and Co-Chair of each Committee in the event a

Chair could not be there, the meeting could still be held by the Co-Chair. Mr. Lyons said it would be better to call it a Vice-Chair. You can do this by motion at the time of the Committee, or you can add it to the Council Rules. Mr. Morris asked what would be best. Mr. Lyons said it would probably be better to put it in Council Rules. If something is not written down, people wonder where the authority came from. Mr. Morris said he would recommend we wait and add this to the Council Rules. Mr. Bittner said Council would hold off approving the Council Rules until this can be added.

NEW BUSINESS:

Expenditure Approval

Vendor: Travelers Insurance Company
Cost: \$78,399.00
Item: Renewal of various insurance policies

<u>Coverage</u>	<u>Premium</u>	<u>Deductible</u>
Property	\$12,004	\$1,000
Inland Marine	\$ 1,384	\$1,000
General Liability	\$ 6,518	\$25,000
Employee Benefits Liability	\$ 192	\$25,000
Employers Overhead Liability	\$ 521	\$25,000
Law Enforcement Liability	\$10,803	\$25,000
Public Entity Mgmt. Liability	\$ 2,381	\$10,000
Public Entity Empl. Practices Liability	\$ 8,514	\$25,000
Auto	\$28,490	\$ 1,000-\$10,000
Umbrella - \$2m	\$ 7,592	\$25,000
	\$78,399	

(per Memorandum of March 28, 2022, from Mrs. Bartone)

MOTION MADE BY MR. MORRIS, Seconded by Mr. Lunder, to approve the Expenditure to Travelers Insurance Company in the amount of \$78,399.00. ROLL CALL: Ayes: Council Member Bittner, Lunder, Moore, Chabut, Morris. Nays: None.

MOTION CARRIED: 5/0

Mayor Eva said during the last Ordinance Committee Meeting, the decision was made by the Committee to leave the Public Right-of-Way Ordinance the same. His question to either the Committee or Council is how is he enforcing the public right-of-way based on Council's interpretation today. He asks this question because he does not know from the Ordinance Committee Meeting, the impression he got was they didn't care what was in the public right-of-way. He said the current Ordinance states differently. He asked Council either at the next Committee Meeting or the next Council Meeting to let him know how he can enforce this Ordinance. Mr. Morris suggested this be sent back to the Ordinance Committee. Mr. Bittner said in light of the conflicting decisions this will be sent back to the Ordinance Committee to revisit the public right-of-way.

OPEN TO THE PUBLIC TO SPEAK: 8:23 P.M.

Mr. Scarnati asked if the Zoning Committee will be open to the public. Mr. Bittner stated all of our meetings are open to the public.

Scott Wilhelm, 7573 Salida Road. Mr. Wilhelm is a surgeon with University Hospitals and discussed the fireworks bill and the current Ordinance and the opt out provision. He commented on the traffic on

Salida Road and feels that one thing that should go into a traffic assessment is the potential impact of accidents that could happen, especially with children and pedestrians.

Stan Kowalski, 7589 Salida Road. Mr. Kowalski thought the fireworks Ordinance was very appropriate. He talked about an incident last year when the ATF, Police, and State Fire Marshall representatives in his front yard and saw what was taken out of a neighboring garage.

CLOSED OPEN TO THE PUBLIC SECTION: 8:29 P.M.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Board of Zoning Appeals	Monday, April 18, 2022, at 6:00 P.M.
Zoning Committee	Wednesday, April 20, 2022, at 7:00 P.M.
Ordinance Committee	Thursday, April 28, 2022, at 7:00 P.M.

There was discussion among the residents attending tonight's Meeting and with Mr. Bittner and Mr. Lyons regarding the scheduling of the Public Hearing on Ordinance No. 2022-O-05 as well as the Zoning Committee meeting and the meetings being open to the public.

Public Hearing on Ordinance No. 2022-O-05 Tuesday, May 24, 2022, at 7:00 P.M.

Regular Agenda Meeting	Thursday, April 21, 2022, at 6:00 P.M.
Regular Council Meeting	Tuesday, April 26, 2022, at 7:00 P.M.

Mr. Bittner thanked everyone for coming tonight and reminded them that the Mayor and Council Members will be staying after the Meeting to talk to anyone with any questions.

ADJOURNMENT:

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, for Adjournment. **ROLL CALL:**
Ayes: Council Member Bittner, Lunder, Moore, Chabut, Morris. Nays: None.
MOTION CARRIED: 5/0

The Regular Meeting of Council adjourned at 8:39 P.M.

APPROVED:

Date

April 26, 2022



ROBERT JOHNSON
President of Council

Attest:



Clerk of Council

NINETTE S. MURZYN ♥ 7708 TWILIGHT DR ♥ MENTOR, OH 44060

4/10/22

Dear Mentor-on-the-Lake Council,

I wanted to have my voice heard at this meeting and since I will be out of town my neighbor Jeannie has kindly offered express my opinion and concerns.

I am a home owner of 30 years as of this month at the address of 7708 Twilight Drive, Mentor on the Lake! I love our community!

On the subject matter of a potential townhouse PUD development at the intersection of Andrews/Twilight/Lakeshore, I am strongly opposed to such a development. It does not align with existing home structures in our community, and I believe it would be an eyesore and not an enhancement to our area. It does not reflect the ambience of Mentor on the Lake. In addition, that intersection is a high traffic, and that corner is notorious for drivers not stopping northbound on Andrews Rd and westbound on Lake Shore Blvd. Adding additional cluster of housing will only enhance this problem.

I would also like to address and request the Do Not Enter sign be restored west bound on Twilight Dr where Chagrin Drive intersects. This is a dead end street that can fit 1 ½ cars on the roadway, with 3 residential driveways, there is absolutely no need for drivers to be there unless there are going one of our homes. It is a constant problem with our driveways blocked, loud music, running cars, while people attempt to use this portion for sightseeing. This situation escalates each year. While I understand the view is tempting, there is a wonderful park adjacent with ample parking for those to walk and sight see. There used to be a sign many years ago which blew away in a significant storm.

The other problem our neighborhood is drivers on Chagrin Drive (north off Salida) cutting through to avoid the intersection of Salida & Andrews. Drivers continually drive at a high rates of speed (well over the 15mph), do not stop at the stop sign Chagrin & Twilight, and cut the corner coming down Twilight. This is a highly walked street with kids and residents, and we would like to see this addressed. One of the suggestions and ideas is to install speed bumps on Chagrin to force the traffic to slow down and reduce the cut through traffic.

I appreciate my voice being heard and I would like a follow up on some of these issues.

Warm Regards,

Nina Murzyn
nsmurzyn@ameritech.net



**Memorandum
Office of
Administrative Director**

To: Members of Council
From: Hollie Bartone
Administrative Director
Date: March 28, 2022
Subj: Expenditure Approval

Vendor: Travelers Insurance Company
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Umbrella - \$2m	<u>\$ 7,592</u>	25,000
	TOTAL:	
	\$78,399.	

Cc: David R. Eva, Mayor
James Lyons, Law Director
Council Clerk
Insurance File