



City of Mentor-on-the-Lake

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MINUTES REGULAR/VIRTUAL MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE May 10, 2022

The Regular/Virtual Meeting of Council of May 10, 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 – April 26, 2022

MOTION MADE BY MR. BITTNER, Seconded by Mr. Morris, for Approval of the Minutes of the April 26, 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 read a letter from Earle Kurress, 7523 Salida Road, dated May 10, 2022, which was sent to all Members of Council, regarding his group's suggested revisions to the PUD and home ownership versus apartment rentals. A copy of Mr. Kurress' letter is attached. Mr. Morris read an email from Andrea Johnston, 7523 Salida Road, dated May 6, 2022, which was also sent to all Members of Council. In her email, Ms. Johnston stated her opposition to the proposed Dollar Store as well as building multi-family rental units at the corner of Andrews Road and Lake Shore Boulevard. A copy of her email is attached. Mr. Morris read a note from Wayne Pless, 7744 Fern Drive, regarding the proposed Dollar Store and other "junk/slum shops" in the area. A copy of his note is attached.

Mrs. Thompson read a letter from Rhoda Erdman, 7607 Salida Road, dated May 9, 2022, and addressed to the Mayor and all Members of Council. Ms. Erdman wrote of her concerns regarding the number of apartment buildings in the City, and that her tax dollars are paying for the school age children living in the apartments. She stated her concerns about another Dollar Store in the City, and suggested a short moratorium on Dollar Stores and rental units. Ms. Erdman also complained about the City website, it is

not user friendly and does not keep pace with developments. She feels the City should make more of an effort to communicate with the residents. A copy of her letter is attached.

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor & Safety Director – Mr. Eva

Mayor Eva read the Fire Department Report for April 2022. For the month of April 2022 there were a total of 103 calls for service as follows: Fire/Service – 21 calls; Rescue/EMS – 82 calls, of which there were 17 calls for Invalid Assist; there were no calls for an overdose requiring the use of Narcan. On April 9th, 2022, the Fire Department held its Annual Easter Egg Hunt sponsored by the Mentor-on-the-Lake Firefighters Association. Service anniversaries in April: B.C. Paduano – 30 years; F.F. Ananea – 17 years; Lt. Langford – 14 years; F.F. Klems – 5 years; F.F. Padley – 5 years; F.F. Bendlock – 2 years; F.F. Kovach – 2 years; and F.F. Sundbom – 2 years.

Mayor Eva stated all Members of Council were sent an email from Mrs. Bartone dated May 3, 2022, discussing the second round of SID funding which is now open for petitions which must be received by May 31st, 2022, to be included. The stairs and lower portion of the deck at Overlook Beach Park are now completely inaccessible. The playground is approaching a dangerous distance to the erosion area. If the playground has to be closed, it will have to be dismantled and it cannot be reassembled due to its age. The neighbors to the east and the east of LOBA have either completed or are in the process of completing their revetment walls. Mrs. Bartone is waiting for CT's cost estimate but as he and Mrs. Bartone have discussed, they know the cost is going to go up dramatically from the estimate in 2017. Right now, they cannot give Council an estimate but what they are asking is for Council to agree to submit a petition to the SID Board so that the City will be included in Round Two. This petition does not obligate the City to borrow the money, it signifies the City's intent to join the SID. The next step would be to finalize the amount needed and then pass legislation approving borrowing funds which would be spread out over fifteen years. There were photos attached to her email, which he has if anyone from the public would like to see them. Mr. Lyons at some point will draft a resolution for Council to consider, which will need to be passed at the next Council Meeting.

Mayor Eva said he had received a copy of an email letter from Ralph Boomer, 5995 Cedarwood Drive, dated May 3, 2022, which was sent by the Board of Trustees of the Cedarwood Beach Club, regarding the eroding shoreline of its park. June Gehring, a Member of the Board of Trustees, had contacted Representative David Joyce and his response was included. The Board has already investigated several of the Congressman's suggestions, and the cost to make the necessary improvements is an estimated \$300,000.00, which is beyond the Club's financial resources. He wanted to share this. Looking at Representative Joyce's responses, he is working on legislation and grant programs, but at this point there is virtually nothing.

Mayor Eva thanked Mr. Johnson for the quick turnover on his notes from last night's meeting. He did talk to Mrs. Bartone today about a couple of things, one of which was property management issues. He has never received calls from anyone in any of the apartment buildings, and he asked Mrs. Bartone if she had heard anything about property management issues. They have not heard anything as far as existing rentals or problems with property management.

Mayor Eva said he has sat in Council's shoes for nine years and the seven Members of Council have some tough decisions to make. The only thing he can suggest is go out and talk to the residents, either in your Ward or At Large, and talk to the residents on Park Street as a development that goes on that corner will affect them the most.

Administrative Director – Mrs. Bartone (Absent)

Law Director – Mr. Lyons (No Report)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Mr. Morris wanted to clarify, in all these meetings, has the City done anything to cause the property owner to clean up the boats and the property. Several statements were made that if that were private property or residential property the City would have done it by now and sent a bill. He asked what has been done? Mayor Eva said he has talked to the property owner and Chief Gielink has worked with her to try to find the owners of the boats. The problem is with the boats. It is disassembling the motor, the gas and everything and get it taken away somewhere where it can be destroyed. He has not talked to her recently. Mr. Morris asked if Mayor Eva or the Service Department looked at the City cleaning it and giving her the bill for it. Mayor Eva said no. Mr. Morris said there were rumors going around that the City took her to Court and lost, that's not true is it? Mayor Eva said it was not true.

BOARD/COMMITTEE/COMMISSION REPORTS:

Ordinance Committee / April 28, 2022 / Mrs. Thompson

Mrs. Thompson advised the Ordinance Committee met on Thursday, April 28, 2022, at 7:00 P.M. The Committee discussed Ordinance 1242.11(c) possibly adding an exception regarding to repairing a section or a post and having it be a max percentage, which has not been worked on yet. The Committee discussed repairs and using other materials, for example if the current fence is wood, can it be repaired with vinyl. Regarding permits: can the City put on file at the City, surveys, pictures of the stakes, before and after, and email homeowners a follow-up of the inspection details. Trees in the Business District regarding green space in parking lots: the Committee wanted to know how far off is Marc's from following the ordinance., and how can it find solutions for Giant Eagle, the gas station and Marathon, and suggestions for potted trees that can be moved for the snow plowing season. The Committee discussed the possible moratorium for the church property, and put it on hold as a lot of information was just sent out before the meeting which it wanted time to review. The Meeting adjourned at 8:15 P.M.

Planning and Zoning Committee / May 2, 2022 / Mr. Chabut

Mr. Chabut advised the Planning and Zoning Committee met on Monday, May 2, 2022, at 6:00 P.M. Present were Suzanne Cason, Mike Sweeney, Brent Moore, Al Buescher, Secretary Maggie Miller, Council Members Chabut, Lunder, Moore, Morris, Council President Johnson, Council Vice President Bittner, Mayor Eva, and numerous residents. Pelican's Snowballs requested to move the dumpster location to behind their building. A cement pad will be installed with fencing on three sides and a gate in front. It was approved by the Commission. The next Meeting is scheduled for June 6, 2022, at 6:00 P.M. The Meeting adjourned at 6:20 P.M.

Zoning Committee / May 2, 2022 / Mr. Chabut

Mr. Chabut advised the Zoning Committee met on Monday, May 2, 2022, at 6:20 P.M. The purpose of the Meeting was to review 1255 Lakefront Planned Unit Development District. Present were Council Members Chabut, Lunder, Morris, Moore, Council President Johnson, Council Vice President Bittner, Mayor Eva, and twenty plus residents. The Committee distributed copies of the revision of the 1255 Lakefront Planned Unit Development Proposal. The revision included some changes suggested by the public. Several residents voiced their continued concerns. All residents have been encouraged to attend the Sommers presentation, scheduled for May 9, 2022, when residents, Council Members, and City officials will have the opportunity to address their questions and voice their concerns directly to the prospective developer. At this time the Committee has chosen to postpone offering any new

recommendations regarding the matter as the issue warrants further discussion. The Meeting adjourned at 7:47 P.M.

Committee of the Whole / May 9, 2022 / Mr. Johnson

Mr. Johnson advised the Committee of the Whole met May 9, 2022, at 7:00 P.M. for a presentation by the Sommers Group with questions and answers regarding the proposed rezoning and development of parcels on the corner of Lake Shore and Andrews Road. Present were all Members of Council, Mayor Eva, and members of the public.

OPEN TO THE PUBLIC TO SPEAK: 7:23 P.M.

Thomas Shafer, 7701 Pinehurst. He had complained back in February about the house next door to him. They were supposed to survey the land, they have not done this. Mrs. Bartone said no one should be living there until this is straightened out. It has been close to three months and nothing is being done.

Tess Turi, 7373 Salida Road. On the revetment issue, she is one of the property owners on the east side. Mrs. Bartone was very helpful in getting the SID application put through. SID brought the cost down tremendously. She does not know if this would help with the park as both east and west of the park the revetment has been completed.

Scott Wilhelm, 7573 Salida Road. Mr. Wilhelm thanked everyone for their patience and time in listening to their group and for bringing in the Sommers Group. He felt there was a great deal of support from Council at last night's meeting. He also brought up a community development plan and an overall City plan. He asked is there a way for them to go to Elaine Crane either as an invitation to come to one of these meetings and discuss her options with the public, or can they tell her their concerns. There could be other developers interested in the property who could come up with a mixed-use of the property. He understands the City cannot advertise that piece of property unless it is granted access to do so by the owner and is there any way they can approach her further.

Bill Cleveland, Salida Road. Mr. Cleveland said they do appreciate Council listening to them. He has contacted several developers in the area, and of the five he contacted, three would be interested in the development of this area. He will continue to look into this.

CLOSED OPEN TO THE PUBLIC SECTION: 7:40 P.M.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2022-R-11 (SECOND READING)

A RESOLUTION DESIGNATING CERTAIN BANKING INSTITUTIONS TO BE ELIGIBLE DEPOSITORIES FOR THE ACTIVE, INACTIVE, AND INTERIM DEPOSITORIES OF FUNDS FOR THE CITY OF MENTOR-ON-THE-LAKE, OHIO, FOR A FIVE YEAR PERIOD, COMMENCING APRIL 1, 2022, AND DECLARING AN EMERGENCY

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

ROLL CALL: Ayes: Council Member Bittner, Lunder, Thompson, Moore, Chabut, Morris, Johnson.

Nays: None.

MOTION CARRIED: 7/0

LEGISLATION BEFORE COUNCIL (Continued):

RESOLUTION NO. 2022-R-11 (SECOND READING) (Continued):

Mr. Johnson asked for discussion. Mrs. Thompson said this took effect on April 1, 2022, and we are just now getting this approved.

MOTION MADE BY MRS. THOMPSON, Seconded by Mr. Bittner, for Passage of Resolution No. 2022-R-11. ROLL CALL: Ayes: Council Member Bittner, Lunder, Thompson, Moore, Chabut, Morris, Johnson. Nays: None.

MOTION CARRIED: 7/0

RESOLUTION NO. 2022-R-12 (SECOND READING)

A RESOLUTION DESIGNATING CERTAIN BANKING INSTITUTIONS TO BE ELIGIBLE DEPOSITORIES FOR THE ACTIVE, INACTIVE, AND INTERIM DEPOSITORIES OF FUNDS FOR THE CITY OF MENTOR-ON-THE-LAKE, OHIO, FOR A FIVE YEAR PERIOD, COMMENCING APRIL 1, 2022, AND DECLARING AN EMERGENCY

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

MOTION CARRIED: 7/0

Mr. Johnson asked for discussion. Mrs. Thompson said, again, this took effect on April 1, 2022. Mr. Morris asked, if this was commencing April 1st, why did it come to Council the end of April, why wasn't it brought forward earlier. Mayor Eva said this is a cleanup from the audit.

MOTION MADE BY MRS. THOMPSON, Seconded by Mr. Bittner, for Passage of Resolution No. 2022-R-12. ROLL CALL: Ayes: Council Member Bittner, Lunder, Thompson, Moore, Chabut, Morris, Johnson. Nays: None.

MOTION CARRIED: 7/0

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

Mr. Johnson asked if there was any objection from the Zoning Committee if he removed this Ordinance from the Zoning Committee since he placed it there, and place it into a Council of the Whole meeting. There was no objection. He will schedule this meeting when we get to Announcements and Setting of Meetings.

ORDINANCE NO. 2022-O-07

AN ORDINANCE TO AMEND THE 2022 APPROPRIATION ORDINANCES AND DECLARING AN EMERGENCY

Mr. Johnson asked for any questions on this. Mrs. Thompson asked Mayor Eva if there were any time lines on this. Mayor Eva said this is an accounting request. Mrs. Moore asked if this was moving money from the Cares Act to the ARPA Fund. Mr. Johnson asked if someone could remind him what ARPA stands for. M. Lyons said it is the American Recovery Political Act, or something like that. If there are no Motions, Mr. Johnson said this would move on to Second Reading. There was no Motion for Suspension of the Rules. Ordinance No. 2022-O-07 is placed on Second Reading.

OLD BUSINESS: (None)

NEW BUSINESS:

Mr. Morris asked Mr. Lyons if he could bring up the moratorium. Mr. Morris said he brought up a moratorium on Dollar Stores based on a lot of information he had received and also did research on his own about how detrimental they are on communities. Mrs. Johnston also forwarded some information to all of Council concerning that factor. He asked Mr. Lyons if Council could go forward on that, we can go forward on future moratoriums but not the one in the Planning and Zoning Commission, but he does need a co-sponsor for that and asked if anyone was interested. Mr. Johnson said he will refer this to the Ordinance Committee to discuss.

Mr. Bittner asked Mayor Eva if he was going to get the legislation together on the SID petition. Mayor Eva said Mr. Lyons is working on it.

OPEN TO THE PUBLIC TO SPEAK: 7:47 P.M.

Bill Cleveland, Salida Road. Mr. Cleveland asked about the moratorium. Mr. Morris said that is to stop any more Dollar Stores from opening within the City. Mr. Cleveland asked Mr. Morris if at the moment he was the only person introducing this. Mr. Morris said he introduced the idea to the Ordinance Committee and emailed the rest of Council along with the information he had and also asked Mr. Lyons for his legal advice on this. It came down to we cannot necessarily stop this Dollar Store from coming in but we can prevent future Dollar Stores from coming in. There is a possibility that if we act on this suggestion it might deter this Dollar Store from wanting to open in a community that put a moratorium on it, who knows. Mr. Cleveland asked if, for example, you can put a moratorium on rental properties because it is pretty clear that the Dollar Store is attracted to them and they can make a bunch of money off the rest of the four acres they are no putting the Dollar Store on. He has a copy of a moratorium that was passed by the City of North Royalton, they can't be referred to as Dollar Stores, and asked Mr. Lyons if he was familiar with that. Mr. Lyons said they are referred to as small box stores, and it was already sent to him. Mr. Lyons did research on this issue and sent an opinion and legal advice to Council. He has also tried to talk to the four communities named here, Cleveland and three others, and has been able to talk to one of them in terms of their experience.

CLOSED OPEN TO THE PUBLIC SECTION: 7:51 P.M.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Council of the Whole (to discuss the PUD)	Monday, May 16, 2022, at 7:00 P.M.
Board of Zoning Appeals and Public Hearing	Monday, May 16, 2022, at 6:00 P.M.

Mr. Johnson announced the Public Hearing on Ordinance No. 2022-O-05, is currently scheduled for Tuesday, May 24, 2022, at 7:00 P.M. and this may be postponed.

The Ordinance Committee is rescheduled to Wednesday, May 18, 2022, at 7:00 P.M. Mr. Johnson asked if they had a topic for that meeting. Mrs. Thompson said the right of way, fences, and the moratorium. Mr. Johnson said that still leaves rental inspections, point of sale inspections, golf carts, CRA. Mr. Morris asked about the golf carts. Mr. Johnson said the Chief requested it. Mrs. Thompson added golf carts to be discussed.

Mayor Eva said the Public Hearing has been advertised. He asked if it can be cancelled tonight to get it out on the website. Mr. Bittner said they had talked to Mr. Lyons and the reasoning for postponing it is because then if we do decide on something, we don't have to do the advertising for thirty days again. By postponing it, it has already been advertised. This was the thought process behind this. Mr. Lyons said he agreed, but Council could vote tonight to postpone it so it gets posted on the website but then it should be postponed to a definite date. Council could postpone it again, but just to let everybody know what is going on. Mr. Johnson asked if Council wanted to postpone it to the first Meeting in June, June 14th.

MOTION MADE BY MRS. THOMPSON, Seconded by Mr. Morris, to postpone the Public Hearing on Ordinance No. 2022-O-05 until Tuesday, June 14th, 2022, at 7:00 P.M. ROLL CALL: Ayes: Council Member Bittner, Lunder, Thompson, Moore, Chabut, Morris, Johnson. Nays: None.
MOTION CARRIED: 7/0

Mr. Johnson said the Public Hearing will be moved to June 14th, 2022, at 7:00 P.M. Mr. Lyons said perhaps on the Agenda we can also indicate the Public Hearing has been postponed for people who look at the Agenda.

Regular Agenda Meeting
Regular Council Meeting

Thursday, May 19, 2022, at 6:00 P.M.
Tuesday, May 24, 2022, at 7:00 P.M.

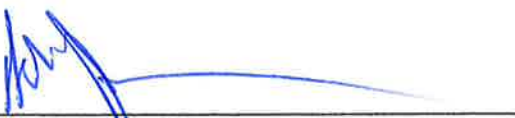
ADJOURNMENT:

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

The Regular/Virtual Meeting of Council adjourned at 7:58 P.M.

APPROVED:

May 24 2022
Date



ROBERT JOHNSON
President of Council

Attest: Renee L Sheaffer
Acting Clerk of Council