



City of Mentor-on-the-Lake

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

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

www.CityMOL.org

MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE FEBRUARY 14, 2023

The Regular Meeting of Council of February 14, 2023, for the City of Mentor-on-the-Lake, Ohio, was called to Order at 7:00 P.M. by Council Vice-President Michelle Moore.

CALL TO ORDER: PLEDGE OF ALLEGIANCE

ROLL CALL:

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

READING OF MINUTES:

Regular Meeting of Council – January 24, 2023

MOTION MADE BY MR. LUNDER, Seconded by Mr. Chabut, for Approval of the Minutes of the Regular Meeting of Council of January 24, 2023. ROLL CALL: Ayes: Council Member Moore, Bittner, Chabut, Lunder, Nays: None. Abstain: Council Member Thompson.

MOTION CARRIED: 4/0/1

CORRESPONDENCE: (None)

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor & Safety Director – Mr. Eva

Presentation of the 2022 “Citizen of the Year Award” to Mentor-on-the-Lake Police Sgt. Tina Messinger.

Mayor Eva stated the 2022 Mentor-on-the-Lake Citizen of the Year is Sgt. Tina Messinger. She has lived in Mentor-on-the-Lake for the last eleven years and joined the Police Department in 2015. She has been very active in the community, and started the Santa’s Blue Helpers Program eight years ago. This program raises donations in order to take children in the City shopping around Christmas. The effort she puts in to organizing this event is amazing; her passion and compassion for our community is amazing. She has also organized food drives around Thanksgiving and participated in several events at Lake Elementary where she is recognized by the students. Our first female ranking officer in the history of the Mentor on the Lake Police Department, she is a role model for all women who wish to enter into this profession. He appreciates all she has done for the City and the Police Department. Mayor Eva then presented Sgt. Tina Messinger

with the 2022 Mentor-on-the-Lake Citizen of the Year Award.” Tina said she is very humbled and grateful for being the recipient of this award for 2022 but she would not be able to do what she does for the community without the support of others. She is very fortunate since starting to work here in 2015 she has had the support from the Administration, the Mayor, Police Chief, Police Department Heads, her peers, and the support of the community. All of the programs she has are funded by members of the community, from businesses, and she is grateful she has all this support. She thanked everyone for allowing her the opportunity to do what she does.

Mayor Eva read the Fire Department Report for January 2023. For the month of January, 2023, there were a total of 135 calls for service as follows: Fire/Service – 14 calls; Rescue/EMS – 99 calls of which there were 22 calls for Invalid Assistance, and two of the calls were for an overdose requiring the use of Narcan. Fire Department members celebrating a service anniversary in January: Firefighter Heimberger – 29 years and Lt. Brown – 28 years.

Council received a Memo forwarded from both Mayor Eva and the Clerk from Lauren Kelly with the Community Cat Companions regarding a TNR Workshop & Ordinance Forum on February 16, 2023. Mayor Eva advised he will attend this Forum. He thinks it will be important to hear if they have made any changes to their ordinance or what they have. He knows they wanted to talk to Council and the Ordinance Committee, and maybe this will allow us to get something from them and update the ordinance without them coming to meet with us.

He asked Council to suspend the Rules tonight for the legislation for the 2023 Road Program, if possible the Development Agreement with MSP Properties, and also liens for lawn maintenance.

Mayor Eva advised Mr. Frederick’s last day was February 10, 2023.

Administrative Director

Law Director – Mr. Lyons

Mr. Lyons stated over time opioid class action settlements have been discussed. He advised another opioid settlement has been reached between the Ohio Attorney General and four pharmacies. Council had passed a Memorandum of Understanding in 2021 when we agreed to join in pursuing a settlement of these matters. In order to participate in this settlement, we now have to agree to opt into the settlement. If we do not opt into the settlement, then the City would have to file its own class action lawsuit. Mr. Lyons asked Council to pass a motion opting into the new settlement under New Business. We are only allowed to use that money for matters relating to opioid type matters.

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Mrs. Thompson asked when Mentor was passing its road ordinance. Mayor Eva advised he believes they have already passed their portion. In talking with Tim Lannon, if the weather is good, they will start the road program in March or April.

Mr. Bittner asked regarding the cat community Forum, since neither he nor Mr. Lunder, Co-Chair of the Ordinance Committee, can be there on February 16, 2023, if he and Mayor Eva could get together after the cat forum to discuss this. Mayor Eva said he will get whatever they need.

BOARD/COMMITTEE/COMMISSION REPORTS:

Community Development / January 16, 2023

Mrs. Moore advised there were not enough Members present for an official meeting, however, an informal meeting was held.

Mrs. Thompson said she would like to make a comment on that Meeting. From her understanding the Meeting was held and it was stated at that Meeting she was not able to attend. Mrs. Thompson said she was never informed there was a Meeting, so she did not know she was supposed to attend as she was not aware of the Meeting. She wanted to clarify that to everybody. Mr. Bittner said he also wanted to clarify he was not informed except by email, which he did not check the night before and did not know anything about the Meeting.

Parks and Recreation Board / January 26, 2023

Mrs. Thompson said she was not available because of a family funeral. Mayor Eva said there was no official meeting as there was not a quorum.

Planning and Zoning Commission / February 6, 2023 / Mr. Chabut

Mr. Chabut advised the Planning and Zoning Commission met on February 6, 2023, at 6:00 P.M. Present were Suzanne Cason (Chair), Members Mike Sweeney, Al Buescher, Brent Moore, Council Members Chabut, Lunder, Council Vice-President Moore, Mayor Eva, representatives of MSP Properties, and some residents. Suzanne Cason was reelected Chair and Al Buescher was reelected Vice-Chair. After a close scrutiny of the MSP Properties Development Agreement, the Commission approved the plan as presented. In review of Ordinance 2022-O-27, the Commission agreed that Council should provide a new Section 1258.02, Section 1, to regulate Small Box Stores in the City. The revision will stipulate that 15% of the store merchandise shall be fresh and frozen foods in compliance with FDA Title 21, Section 10195. The Commission also agreed to Council that the City Ordinance Section 1258.02 in the Retail/Services List should include Small Box Stores. The Commission agreed that Council should designate Small Box Stores in Business District B-1 as NP (nonpermitted) and C (conditional) in Zoning Business District B-2. Both amendments should be amended to Ordinance 2022-O-27. The next Meeting is scheduled for March 6, 2023. The Meeting ended at 6:57 P.M. Mr. Chabut stated Mrs. Moore has incorporated all of this in the Ordinance for Council.

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

Ted Makse, Commander of Amvets Post 109. Mr. Makse said they are still trying to get someone to do the Veteran's Day Parade. If they can't, they will not be able to hold it this year. Amvets Post 109 is doing fundraisers to raise money to get a digital sign to replace the old one, and have collected about \$6,000.00. They are having a Grand Opening for a game room on Saturday, February 25, 2023, starting at 5:30 P.M. and everyone is invited to attend. The Post is having problems with the Auxiliary. The group has decided to vacate the Post and have meetings at City Hall. He wanted to inform the City they have nothing to do with the Amvets Post; they have been turned over to the Amvets State Commander and State Auxiliary for further action. They are not part of Amvets Post 109.

Jeff Shick, 7533 Salida Road. Mr. Shick followed up on the Community Development Meeting. It is hard sometimes to know when meetings are being held, and residents have problems getting it off the City web page or the various email networks they have going. He had talked to Mr. Morris about this at the last Meeting, and he let Mr. Shick know that he would not be available for the next Meeting and if they wanted to keep their energy going, to go ahead and have informal meeting. They are setting up for one; he talked to the Mayor today about using the Community Room on February 16th at 7:00 P.M.; and an

application to use the room has been submitted. He did not hear the time of the other Meeting scheduled on the 16th and asked if that would be a conflict. Mayor Eva said the meeting is in Wickliffe at 6:00 P.M. Mr. Schick asked if Mayor Eva would be available for their meeting and Mayor Eva advised he would not be. Mayor Eva said the Community Development Committee is made up of Council Members. There is not an organized citizen group that runs the Community Development Committee. Mayor Eva said he wanted to make that clear. Mr. Shick mentioned to the Chair of that Committee what they would try to do to keep the citizens informed of what they were doing and what they were thinking about in terms of what a comprehensive plan might look like. They are using the basic information everyone has already seen. He referred to Mrs. Moore's comments from the last Meeting. It should be a city-wide plan, not just a commercial district plan. There have been two contractors who wanted to support the City on that and they want to keep everyone informed on that, which is why they asked to have the meeting; they did not intend for this meeting to be an official City Council Meeting. He apologized for any misunderstanding. The idea is not to help make decisions but to help with a forum for communication so people can understand what they are doing. Lastly, he fully supports anything the City can do to opt in to any kind of addiction education, recovery, support.

CLOSED OPEN TO THE PUBLIC SECTION: 7:27 P.M.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2023-R-02

A RESOLUTION AUTHORIZING AND DIRECTING THE ADMINISTRATIVE DIRECTOR TO ENTER INTO AGREEMENTS WITH THE CITY OF MENTOR FOR THE 2023 ROAD PROGRAM AND DECLARING AN EMERGENCY

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

MOTION CARRIED: 5/0

Mayor Eva asked for a Motion to amend the Resolution to take out Administrative Director. He will be approving the agreement with the City of Mentor.

MOTION MADE BY MRS. THOMPSON, Seconded by Mr. Bittner, to amend Resolution No. 2023-R-02 to state the Mayor instead of the Administrative Director. ROLL CALL: Ayes: Council Member Moore, Thompson, Bittner, Chabut, Lunder. Nays: None.

MOTION CARRIED: 5/0

MOTION MADE BY MRS. THOMPSON, Seconded by Mr. Lunder, for Passage of Resolution No. 2023-R-02 as Amended. ROLL CALL: Ayes: Council Member Moore, Thompson, Bittner, Chabut, Lunder. Nays: None.

MOTION CARRIED: 5/0

RESOLUTION NO. 2023-R-03

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT WITH MSP PROPERTIES OF OHIO, L.P., A PENNSYLVANIA LIMITED PARTNERSHIP FOR THE PROPERTY LOCATED AT 5768 ANDREWS ROAD, PERMANENT PARCEL NUMBER 19A091G000030 AND DECLARING AN EMERGENCY

Mr. Bittner asked Mayor Eva why this was going this route. Mayor Eva said this is something that was talked about during the overlay district meetings, not that this is part of it, but the idea that Council would

LEGISLATION BEFORE COUNCIL (Continued):

RESOLUTION NO. 2023-R-03 (Continued):

be involved in also looking at the Development Agreement, Planning and Zoning has looked at it, so that everyone has had eyes on this to make sure everything is the way it should be. Mr. Bittner asked this just gives us a safety net; Mayor Eva said right, if we did not do this, he could have signed off on it but the idea is that Council has seen it. Mrs. Moore asked if everyone has had a chance to review the agreement, and added that Planning and Zoning did approve this at their meeting.

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

MOTION CARRIED: 5/0

MOTION MADE BY MR. LUNDER, Seconded by Mr. Chabut, for Passage of Resolution No. 2023-R-03. ROLL CALL: Ayes: Council Member Moore, Thompson, Bittner, Chabut, Lunder. Nays: None.

MOTION CARRIED: 5/0

ORDINANCE NO. 2022-O-25 (THIRD READING) (ASSIGNED TO ZONING COMMITTEE)

AN ORDINANCE AMENDING APPENDIX A TO THE CODIFIED ORDINANCES – ARTARP AREA AND DECLARING AN EMERGENCY

Mrs. Moore said the Zoning Committee has not met on this yet, so this Ordinance will stay in Committee.

ORDINANCE NO. 2022-O-27 (THIRD READING) (ASSIGNED TO PLANNING AND ZONING COMMISSION)

AN ORDINANCE AMENDING CODIFIED ORDINANCES 1240.02, 1258.02, AND CREATING NEW SECTION 1258.021 IN ORDER TO REGULATE SMALL BOX DISCOUNT STORES IN THE CITY

Mrs. Moore said Planning and Zoning has approved this, and asked for a Motion to bring this Ordinance back to the table.

MOTION MADE BY MR. CHABUT, Seconded by Mr. Lunder, to bring Ordinance No. 2022-O-27 back to the table. ROLL CALL: Ayes: Council Member Moore, Thompson, Bittner, Chabut, Lunder. Nays: None.

MOTION CARRIED: 5/0

Mrs. Moore said because this is a zoning change, it has to be set for Public Hearing at the end of Announcements and Setting of Meetings. She did send out the changes proposed by Planning and Zoning, if everyone could review this for the next Meeting.

ORDINANCE NO. 2023-O-01

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

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

MOTION CARRIED: 5/0

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2023-O-01 (Continued):

MOTION MADE BY MR. LUNDER, Seconded by Mrs. Thompson, for Passage of Ordinance No. 2023-O-01. ROLL CALL: Ayes: Council Member Moore, Thompson, Bittner, Chabut, Lunder. Nays: None.
MOTION CARRIED: 5/0

OLD BUSINESS: (None)

NEW BUSINESS:

MOTION MADE BY MR. BITTNER, Seconded by Mrs. Thompson, to opt into the opioid settlement agreement. Mr. Lyons named the five participating pharmacies. Mrs. Moore asked if they had to be included in the Motion, Mr. Lyons said they did not; this is a multi-billion dollar settlement paid over a number of years. The City is not going to get a large amount of money from this.

ROLL CALL ON THE MOTION TO OPT INTO THE OPIOID SETTLEMENT LAWSUIT: Ayes: Council Member Moore, Thompson, Bittner, Chabut, Lunder. Nays: None.
MOTION CARRIED: 5/0

OPEN TO THE PUBLIC TO SPEAK: 7:35 P.M.

Skip Gray, 7574 Dahlia Drive. Mr. Gray had comments on the Dollar General Development Agreement that Council passed, which he feels should not have been agreed upon.

Mr. Lyons asked to comment on this. He stated we do not have an agreement, we do not have a lease with Dollar General. Instead, we have a Development Agreement based on zoning for that parcel of land so that the building that will be built there will be as approved in the agreement. The agreement is a contract between the City and the developer and that is the only thing they can build there without further zoning approval. This is all that is. Dollar General is not a party to that agreement. Dollar General may still decide they do not want to lease that spot, but if some other entity does lease that spot, then they have to comply with the building standards in there as well as the fresh food requirement in there, and they also have to adhere to the other standards in the development agreement. Development Agreements are becoming more and more common throughout cities as a way of attracting companies that are trying to come in and is designed to give cities more control than what is actually in the zoning ordinances themselves. This is why the Administration was willing to recommend a development agreement, and he agrees with it.

Regarding Mr. Shick's comments earlier, Mr. Lyons asked to speak to that. He just wanted to say from his prospective that having a meeting like they want to do that is not under the auspices of a Council Committee could cause confusion among residents as to what is going on. It will be held at City Hall, people are being notified to come to City Hall, but it is not an official City function and he thinks people have a hard time trying to separate those two things. He knows that meeting got cancelled or was not set up as well as it should have, but his understanding is that Council is willing to meet and to continue this, they just need new meeting dates. Their group are welcome to meet, but it may cause confusion out there.

Mr. Shick asked to speak. There was no intention to cause confusion. Our people they have talked to want to support the Administration and Council as they move through and finish the process of evaluating all of the Ordinances in the City, and they have not changed their energy level on that. They have had meetings at his house and at other houses, both formal and informal, in the Community Room, meetings

with several Council Members and meetings with all Council Members. He will do his very best not to confuse the situation. He asked Mr. Lyons if he would be willing to review the email he used. Mr. Lyons said no, as then it would like the City is sanctioning the meeting or helping the meeting. We are not opposed to the meeting; they can do whatever they want. In his experience watching things is that people take away different things from a meeting that were not anticipated, and he knows there has been a lot of energy on this community development, and that there was a glitch recently. Mr. Shick said his comment was hoping to solicit advise and coaching, not affirmation. What they did over the summer was try to develop some energy to support the Mayor and Council as the City develops going forward and this is just another step in that. Mr. Lyons made further comments on separating a group event from a City function; Mr. Shick's event is a completely private event that involves public matters, being held at City Hall, and he can just see what could happen regarding transparency issues. Mr. Shick said they would do their best for clarity. Mayor Eva said if he was not busy Thursday night, he would still not be at their meeting, for this same reason. Mayor Eva said he also received a phone call from Mr. Smalley with Envision asking what is the progress of hiring them to do the master plan. Where did he get that from -- there was a Council Member who independently called them to negotiate a contract with them. Mayor Eva asked Mr. Shick if he was aware of that, and Mr. Shick said he was not. Mayor Eva said that is not how this process is going to work. The City would be spending well over \$40,000.00 that would go out for bid; a public notice would be put out there just like the road program and bids taken on somebody coming in and facilitating a master plan for the City. That Council Member did something that not the rest of Council knew, not that he knew, until he talked to Mr. Smalley the other day to say we are not even to that point yet on anything. We will have an appropriations meeting where Council will discuss whether or not that funding will go into the appropriations, and if approved, then the process will be to take bids on someone coming in to do that work. Mr. Shick said he thinks that is the way it should go.

Mr. Lunder said what was just brought up about a Council Member contacting Envision, he is appalled that someone on Council would do that, that upsets him, not letting the rest of Council know what he is doing and he has no business doing it. Mr. Lunder stated he wanted this on the record. Mrs. Thompson said when we were all sworn in, we all were sworn in to say we would not spend dollars that we are not authorized to spend. Mr. Lunder said exactly.

Earl Kessler, 7523 Salida Road. His concern was that he did not know whether the Mayor or Council even wants the public involvement. He truly believes a healthy city is a city that gets ideas from everybody, and the more people involved, the better the ideas. He feels that every door gets shut everywhere possible and that decisions are made behind curtains, and then what is the point. Two Council Members did not even know about a Committee Meeting. You say it can be published on the website, but very little is published on the website. People in the community are getting frustrated because they really do not know what is going on.

Mrs. Moore said she wanted to bring something up. As a Chairperson of a Committee, it is your duty and responsibility to make sure everyone knows when there is a meeting. We all have cell phones, we all have phone numbers, we all have City emails. We are easy to contact, and when that information does not get shared, we cannot attend meetings we do not know about. She has spoken to the gentleman about all these emails that have supposedly gone around with all these residents about this process; as a Council person, she asked about them at that Meeting but has not received one email about that. So when it comes down to transparency and communication, that goes both ways. We can't work with the community when that information is not being shared with us, and what is being done, without that information being shared with all Members of Council. We cannot weigh in on it when one or two people who should be coming back as a Council Member and sharing that with us is not doing so. She apologized if there is a breakdown in communication, but she is getting very frustrated being told by the community that we don't want help and we don't want input when we don't know what is going on at those meetings because it is not being shared with us.

Mr. Bittner commented to Mr. Kessler. He thinks it is pretty evident he likes community involvement. When we did the PUD we did it together. To say we don't like community impute, he disagrees with that. There is a right way to go about it, that is the issue here, and he thinks there are things happening, there is a fine line we have to walk if we have to do it properly. We really should have another Community Development Meeting but there is no Co-Chair to run the meeting, one has not been appointed. Not knowing about a meeting, that is not the right way. He does value input. It is not our community, it is everybody's. Mr. Lyons stated he wasn't trying to stop people from meeting. He just wanted to make sure everybody understood what the rules were and what the forum was. He wasn't trying to suppress anything. Mr. Shick had additional comments regarding this discussion.

Ted Makse commented on not being able to hear what was being said.

CLOSED OPEN TO THE PUBLIC SECTION: 8:00 P.M

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Zoning Committee	Monday, February 20, 2023, at 6:30 P.M.
Board of Zoning Appeals	Monday, February 20, 2023, at 7:00 P.M.
Finance Committee and Council of the Whole	Wednesday, February 22, 2023, at 7:00 P.M.
Utility Committee	Thursday, February 23, 2023, at 6:30 P.M.
Ordinance Committee	Thursday, February 23, 2023, at 7:00 P.M.
Planning and Zoning Commission	Monday, March 6, 2023, at 6:00 P.M.
Public Hearing on Ordinance No. 2022-O-27	Tuesday, March 28, 2023, at 7:00 P.M.

Mrs. Moore spoke to scheduling an official or unofficial Community Development Committee meeting. The Chairperson was asked to choose a Vice Chair, who has not been named yet, therefore we cannot schedule a meeting for the Council Community Development Committee. She apologized to the public, and this will be addressed with the Chairman of that Committee.

Regular Agenda Meeting	Thursday, February 23, 2023, at 6:00 P.M.
Regular Council Meeting	Tuesday, February 28, 2023, at 7:00 P.M.

ADJOURNMENT:


MOTION MADE BY MR. BITTNER, Seconded by Mrs. Thompson, for Adjournment. **ROLL CALL:**
Ayes: Council Member Moore, Thompson, Bittner, Chabut, Lunder. Nays: None.

MOTION CARRIED: 5/0

The Regular Meeting of Council adjourned at 8:11 P.M.

APPROVED:

February 28, 2023
Date



ROBERT JOHNSON
President of Council

Attest: Joyce M. Dake
Clerk of Council