



City of Mentor-on-the-Lake

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**MINUTES
REGULAR MEETING OF COUNCIL
CITY OF MENTOR-ON-THE-LAKE
MARCH 28, 2023**

The Regular Meeting of Council for the City of Mentor-on-the-Lake for March 28, 2023, was called to order at 7:00 pm by Council President Rob Johnson.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

Roll Call:

Aye: At Large:
Aye: Ward 4:
Aye: Ward 2:
Aye: At Large:
Aye: Ward 1:
Aye: At Large:
Aye: Ward 3:

Michelle Moore, Vice-President
Desirea Thompson
Paul Morris
Kevin Bittner
David Chabut
Jim Lunder
Rob Johnson, President

PUBLIC HEARING:

ORDINANCE NO. 2022-O-27 (THIRD READING)

(First Reading – 12/13/22; Second Reading – 1/10/23; Third Reading – 1/24/23, 2/14/23)

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

The Public Hearing on Ordinance No. 2022-O-27 was called to order by Council President Rob Johnson at 7:01 P.M.

Mr. Johnson asked the Law Director to provide a brief explanation of the Ordinance.

Mr. Lyons explained this is a zoning ordinance, which is why we have to have a Public Hearing. There has been quite a bit of discussion last year about whether or not we needed additional small box stores in the City. As a result, Council decided to refer this to one of the Committees to study, and this is the result. His recollection is to ban new small box stores because we feel we have enough already. Mr. Bittner said it was limited to two.

Mr. Johnson asked if anyone in the audience had questions regarding the Ordinance. There were none.

Mr. Johnson asked if anyone wished to speak in favor of the Ordinance. No one wished to speak in favor of the Ordinance.

Mr. Johnson asked if anyone wished to speak against the Ordinance. No one wished to speak against the Ordinance.

Mr. Johnson asked if any members of Council wished to comment on the Ordinance. No Member of Council commented on the Ordinance.

The Public Hearing on Ordinance No. 2022-O-27 closed at 7:02 P.M.

READING OF MINUTES:

Special Meeting of Council – March 7, 2023

MOTION MADE BY MR. MORRIS, Seconded by Mr. Bittner, for Approval of the Minutes of the March 7, 2023, Special Meeting of Council. ROLL CALL: Ayes: Council Member Moore, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None. Abstain: Council Member Thompson.

MOTION CARRIED: 6/0/1

Regular Meeting of Council – March 14, 2023

MOTION MADE BY MR. MORRIS, Seconded by Mr. Bittner, for Approval of the Minutes of the March 14, 2023, Regular Meeting of Council. ROLL CALL: Ayes: Council Member Moore, Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.

MOTION CARRIED: 7/0

CORRESPONDENCE: (None)

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor and Safety Director - Mr. Eva

Mayor Eva advised representatives from the Central Collection Agency will be here this Friday, March 31, 2023, from 3:00 P.M. to 7:00 P.M. to handle any City Tax questions from residents. This will be posted on the Website and Facebook pages after tonight's Meeting.

Mayor Eva stated a couple of Members of Council have had questions about the Fire Department appropriations. Letters from Chief Pechatsko and Mr. Ness were emailed to Council. Mayor Eva read Chief Pechatsko's letter and a copy is attached. Mayor Eva said we have talked many times; both Chiefs have been in front of Council, and have expressed the need for full-time personnel. Mentor-on-the-Lake, any other City in Ohio, even outside the State, there are not enough candidates to fill Police and Fire Departments. We have had a full-time Dispatch position open for at least two months, zero candidates, zero applications. With the retirement of Lt Conte and giving us three openings, he still thinks we could add that third new one sometime in September. We would look at that as we go throughout the year. If we thought the appropriations were not quite there to do that, then we would not do that, and he would let Council know one way or the other whether or not we added the third. By adding that third, that would give us two full-time personnel for each shift.

Administrative Director - Mr. Ness

Mr. Ness stated he has been working on the state audit. They are making progress on the police locker room. He is still learning and catching up.

Law Director: Mr. Lyons (No Report)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Mr. Johnson asked Mayor Eva if he would be amenable to adding a third firefighter later in the year then he would assume Mayor Eva would be amenable to amending the budget later in the year to add that person rather than having it in the budget now. It would still allow you to hire that third firefighter if we

see the appropriations as being adequate at that time. Mayor Eva said his concern is when the Ordinance is passed, it is turned over to the County Auditor. The County holds the City to it for 2023, no more, no less. He would rather have more than less. If something is decided in September, whichever way we go, it would go through Council first. Mr. Johnson asked how would it go to Council, and Mayor Eva said he would make sure it goes through Council as a resolution.

Mrs. Thompson asked if we put this into the allocation for the line item for the Fire Department, and it does not work out, those funds could be moved to another Department later on. Is it just accounting for those funds? Mayor Eva said that was correct. If we don't use those funds, then our carry-over for the year would be higher than we thought it would be.

Mr. Morris said he has concerns with this, as he said at the last Council Meeting, about the timing to do the additional hiring of these firefighters. It is bad considering we are going back to the voters and asking them to approve the Charter Amendments in the Fall. With that being said, he sees a lot of things going on within the Fire Department. One he sees this could create a problem because in reviewing Section 1409 of the full-time contract, it states all of the part-time firefighters must be laid off before the full-time firefighters. If the Charter Amendments do not pass, then what are you going to do. All of the part-timers would have to be laid off before you can lay off any one of the full-timers, by contract. What he is suggesting is replacing Lt. Conti's position this year, and leave the rest be until next year. That way you can at least keep the staffing the way it was set. Next year, in 2024, if it looks like the Fire Department needs these people, then handle the two, but get past the Charter Amendment renewals. Mayor Eva said the Charter renewals will go on the ballot this year, but do not expire until next year. If they do not pass this year, then they can go on the ballot next year. Mr. Morris said if Council approves it. Mayor Eva said that was right, unless he doesn't know something Mr. Morris knows about changing those levies. Mr. Morris said he does not know anything specific, but knows that there are some people who are frustrated with the Fire Department. Mayor Eva asked who these people are; Mr. Morris said he is not going to mention names.

Mr. Morris said the other thing that comes to mind is in reviewing the Fire Department reports, in July 2022 the report said all the full-time firefighters had gone to Fire Officer Class, so he suspects there is a motion afoot to make those gentlemen officers within the Fire Department. That is going to increase the cost of operating the Fire Department, because these guys are not going to take a lieutenant's badge without an increase in pay. That's going to be by contract. Mayor Eva said he was assuming they are all going to be lieutenants. Mr. Morris said yes. Mayor Eva asked why would he assume that. Mr. Morris said usually there is an A, B, and C shift, and he has heard conversations have been had by someone in the previous administration that they wanted no part-time officer to give a full-timer orders. They have run the Department this way for a long time. He has heard stories from some of Chief Pechatsko's officers that he treats the full-timers more like officers than he does the officers. He does not know if this is true, and he is not here to micromanage the Chief's Department. Mayor Eva said he thinks Mr. Morris is making a lot of assumptions maybe he shouldn't be making. Mr. Morris said maybe he is, but he could also be making predictions of things that could be coming true, and he does not want us to put the City in a position if the Charter Amendments do not pass. Mayor Eva and Mr. Morris discussed the Charter Amendments further.

BOARD / COMMITTEE / COMMISSION REPORTS:

Ordinance Committee / March 20, 2023 / Mr. Bittner

Mr. Bittner advised the Ordinance Committee met on March 20, 2023, at 7:00 P.M. Present were Council Members Bittner, Chabut, and Morris, and Mr. Grey. The Committee went over the right-of-way Ordinance, finished it and sent it on to Council, and it is on the Agenda tonight. It also went over rental inspection legislation and sent to Council as well. Future legislation coming up is parking on private

property, and they have agreed to adopt what Mentor has in its ordinance. The Meeting adjourned at 8:09 P.M.

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

CLOSED OPEN TO THE PUBLIC TO SPEAK: 7:17 p.m.

LEGISLATION BEFORE COUNCIL

Mr. Johnson said Council has been asked to amend the Agenda tonight by adding Resolution No. 2023-R-07. He assumes we have a grant we are trying to accept right now and that is why we have to pass this tonight. Mayor Eva said yes, it has been a couple of years since we have used NOPEC money, and the plan is to use the NOPEC money at least partially on the Police Department locker room renovations.

MOTION MADE BY MR. MORRIS, Seconded by Mr. Bittner to amend the Agenda to add Resolution No. 2023-R-07. ROLL CALL: Ayes: Council Member Moore, Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.

MOTION CARRIED: 7/0

RESOLUTION NO. 2023-R-07

A RESOLUTION AUTHORIZING THE ADMINISTRATIVE DIRECTOR TO PERFORM ALL ACTIONS TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2023 ENERGIZED COMMUNITY GRANTS FUNDS

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

MOTION CARRIED: 7/0

MOTION MADE BY MR. LUNDER, Seconded by Mr. Morris, for Passage of Resolution No. 2023-R-07. ROLL CALL: Ayes: Council Member Moore, Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.

MOTION CARRIED: 7/0

RESOLUTION NO. 2023-R-08

A RESOLUTION RATIFYING THE AGREEMENT WITH THE PART TIME FIREFIGHTERS AND AUTHORIZING THE MAYOR AND ADMINISTRATIVE DIRECTOR TO EXECUTE A WRITTEN AGREEMENT WITH THE MENTOR-ON-THE-LAKE PART TIME FIREFIGHTERS ASSOCIATION, AND DECLARING AN EMERGENCY

Mr. Johnson asked if anyone had any questions. Mr. Bittner asked if this is a contract that everyone has settled on, reached, and everybody has agreed upon. Mayor Eva said yes.

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

MOTION CARRIED: 7/0

LEGISLATION BEFORE COUNCIL (Continued):

RESOLUTION NO. 2023-R-08 (Continued):

MOTION MADE BY MRS. THOMPSON, Seconded by Mr. Morris, for Passage of Resolution No. 2023-R-08. ROLL CALL: Ayes: Council Member Moore, Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.

MOTION CARRIED: 7/0

RESOLUTION NO. 2023-R-09

A RESOLUTION DECLARING THE MONTH OF APRIL, 2023 CHILD ABUSE PREVENTION MONTH IN MENTOR-ON-THE-LAKE, OHIO

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

MOTION CARRIED: 7/0

MOTION MADE BY MR. MORRIS, Seconded by Mrs. Thompson, for Passage of Resolution No. 2023-R-09. ROLL CALL: Ayes: Council Member Moore, Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.

MOTION CARRIED: 7/0

ORDINANCE NO. 2022-O-25 (THIRD READING) (ASSIGNED TO PLANNING AND ZONING COMMISSION).

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

Mr. Johnson stated this Ordinance is still assigned to the Planning and Zoning Commission and will remain on Third Reading.

ORDINANCE NO 2022-O-27 (THIRD READING)

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.

Mr. Johnson said he is glad we are going to regulate the small box discount stores and not allow them in the Business I District. His concern is with the Business II District limiting it to only two stores overall in the entire City, not just in that District, so that if one of the existing ones close, another could not come in and take its place. He is not a fan of dollar stores, but he doesn't like the idea of limiting the number in the actual Business II District. Mr. Bittner said they talked about that in great detail. Mr. Morris said he thought there was also discussion about if one of those closing, another could take its place. Mr. Johnson said it couldn't. There was further discussion on the limitation of small box stores in Business I and Business II

Districts. Mr. Morris asked what Mr. Johnson's recommendation would be. Mr. Johnson said he is recommending that we amend it to being a limit of two in Business District II, none in Business District I, maximum of two in II. The proposed amendment was discussed. Mr. Morris said he would make that motion.

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO 2022-O-27 (THIRD READING) (Continued):

MOTION MADE BY MR. MORRIS, Seconded by Mrs. Thompson, to amend Ordinance No. 2022-O-27, to limit the number of small box stores in Business District II to two. ROLL CALL: Ayes: Council Member Moore, Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.

MOTION CARRIED: 7/0

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, for Passage of Ordinance No. 2022-O-27 as Amended. ROLL CALL: Ayes: Council Member Moore, Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.

MOTION CARRIED: 7/0

ORDINANCE NO. 2023-O-02 (AMENDED) (THIRD READING)

AN ORDINANCE PROVIDING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MENTOR-ON-THE-LAKE FOR THE YEAR 2023, REPEALING ANY ORDINANCE PRIOR THERETO, AND DECLARING AN EMERGENCY.

Mr. Johnson said he has already stated he is perfectly ok with adding one new firefighter and replacing one who is leaving; what he is concerned about is adding a second new firefighter. He has concerns over whether the budget can afford that over the long term. One of the promises we made when we put the levies on the ballot originally was if we did start seeing improvements, we would reduce those levies. We weren't going to tax people more, so he has a concern over that. He understands the need to hire full time people because it is so hard to fill with part-timers, but he wants to see the budget stay strong enough so he can feel confident we can afford to hire that person and keep them. We have to ask for those levies again, and there is no guarantee they will pass. Let's take the baby steps of adding in one firefighter and then we can add another, but this jump about adding two right now doesn't seem logical to him, it is not a good idea, and he will not support it.

Mr. Morris said he mirrors Mr. Johnson's sentiments. We did make a promise to the voters, they were done to stave off any more erosion of the services. Doing what they want to do now is not staving off the erosion necessarily, and he has asked that the timing be improved. Wait until next year, it won't hurt that bad, at least he doesn't think it will. He feels that the voters will feel that Council and the Administration have let them down. He thinks things could be done in a better time. Mr. Johnson said he will disagree that hiring those new firefighters isn't going to help stabilize our Department, he thinks it definitely will, and they are good things we need to be looking at, but we should do them in steps not as a giant leap. Mr. Morris said he won't even say it is not necessary, it very well might be. Every fire department across the nation is having trouble getting volunteer or part-time firefighters. It doesn't exist like it did when Mr. Lunder and he was first on the Department. That Department is gone, but timing for tax dollars is important.

Mrs. Moore said right now, across the nation, we are having trouble filling full-time and part-time positions, safety forces, no one wants to do those jobs. She thinks we can attract more people by offering full-time positions with benefits than we will with part-time positions. This gives our part-timers an opportunity to apply for those full-time positions and advance within the Fire Department. She sees adding one firefighter and considering a second firefighter later this year a bonus to our residents. If she was a resident and hears that we are fully staffed 24/7 and if I am having an emergency your response time is going to be quicker because we don't have to recall firefighters or wait for someone to come from Mentor.

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO 2022-O-27 (THIRD READING) (Continued):

Mrs. Thompson said she would like to mirror off that and say that even as the Mayor said, even if we just keep the line item there for the County records, if we use it for that firefighter this year or if we need it and pull it, we can put it to another line item and revisit the second one next year. She thinks having those monies on that line item is very important right now as a back-up, as a just in case. We can do it and it is possible within our means.

Mr. Lunder commented on the levies. People are used to paying that money now in taxes. He has never seen his taxes go down when we lose a levy anywhere in the County. Our taxes won't go down, and he feels that the levies will pass if they are presented in the right way.

Mrs. Thompson asked Mayor Eva if he remembers how much that was per \$100,000. Mayor Eva said he was not sure but the letter we sent to the residents that we all signed pledged that a Charter Fire Levy would go for Fire Department personnel and equipment. The Police Charter Levy would go for the Police Department personnel and equipment specifically.

MOTION MADE BY MRS. MOORE, Seconded by Mrs. Thompson, for Passage of Ordinance No. 2023-O-02. ROLL CALL: Ayes: Council Member Moore, Thompson, Bittner, Chabut, Lunder. Nays: Council Member Morris, Johnson.

MOTION CARRIED: 5/2

ORDINANCE NO. 2023-O-03 (THIRD READING)

AN ORDINANCE PROVIDING FOR THE COMPENSATION OF ELECTED AND APPOINTED SALARIED AND HOURLY EMPLOYEES OF THE CITY OF MENTOR-ON-THE-LAKE; REPEALING ANY AND ALL OTHER ORDINANCES AND PARTS THEREOF WHICH MAY BE INCONSISTENT HERewith OR WHICH MAY BE REDUNDANT HERETO, AND DECLARING AN EMERGENCY.

MOTION MADE BY MR. MORRIS, Seconded by Mr. Lunder, for Passage of Ordinance No. 2023-O-03. ROLL CALL: Ayes: Council Member Moore, Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.

MOTION CARRIED: 7/0

ORDINANCE NO. 2023-O-06

AN ORDINANCE AMENDING CHAPTER 1462 – RENTAL INSPECTIONS OF THE CODIFIED ORDINANCES

Mayor Eva said he had a couple of revisions, if possible. The second sentence starting with "Whereas Council" it reads conduct inspections of the exterior, there are two things in there that state "of rental units" so we could lose one of those; so it says "exterior of rental units." 1462.01, Purpose, it reads "BOCA National Maintenance Property Code," we follow the "International Property Maintenance Code, or IPMC." In that same paragraph about halfway down, it says "occupants of the dwellings with respect to sanitation" he would lose "repair and maintenance" because it repeats itself. After "respect to sanitation" he would recommend "alterations, repairs and maintenance." In 1462.02(a) it also references "BOCA" if that could be changed to "IPMC."

Mr. Johnson referred this Ordinance back to the Ordinance Committee to make the corrections and anything else to review on that before it comes back to Council.

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2023-O-06 (Continued):

Mayor Eva asked if he should continue. Mr. Johnson said to give Mr. Bittner the whole list after the meeting.

ORDINANCE NO. 2023-O-07

AN ORDINANCE CREATING NEW ORDINANCE 1022.12 LOCAL TREE LAWN REGULATION NOT INVOLVING UTILITIES AND/OR TELECOMMUNICATION DEVICES

Mr. Johnson asked if there was any discussion. Mayor Eva said yes. Mr. Johnson said he can discuss this after the Meeting, and referred the Ordinance back to the Ordinance Committee for review. Mayor Eva said they met as a staff yesterday afternoon, and when they look at these, Council makes the laws, we have to enforce the laws. This is where they are coming from.

OLD BUSINESS: (None)

NEW BUSINESS: (None)

OPEN TO THE PUBLIC TO SPEAK: 7:40 P.M.

Skip Grey, 7574 Dahlia Drive. Mr. Grey had questions on the expenditures and carry-overs, and the Charter Amendments.

CLOSED OPEN TO THE PUBLIC SECTION: 7:43 P.M.

ANNOUNCEMENTS AND SETTINGS OF MEETINGS

Park and Recreation Board	Thursday, March 30, 2023, at 7:00 P.M.
Planning and Zoning Commission	Monday, April 3, 2023 at 6:00 P.M.
Ordinance Committee	Monday, April 3, 2023, at 7:00 P.M.
Community Development Committee	Thursday, April 13, 2023, at 7:00 P.M.

Regular Agenda Meeting	Thursday, April 6, 2023 at 6:00 P.M.
Regular Meeting of Council	Tuesday, April 11, 2023 at 7:00 P.M.

ADJOURNMENT:


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

The Regular Meeting of Council adjourned at 7:46 P.M.

APPROVED:

April 11, 2023
Date

Attest: Joyce M. Dape
Clerk of Council


ROBERT JOHNSON
President of Council

Our goal is to maintain daily staffing at 4 personnel 24/7. The original 2023 budget completed by Mrs. Bartone included the addition of two new full time firefighters which would allow us to be fully staffed.

Why is this important? It provides our personnel more safety while performing the duties of their job. Federal guidelines, supported by the National Fire Protection Association (NFPA) and adopted by federal OSHA, require a minimum of four firefighters to be present before any interior attack on such a fire when there is no immediate threat of loss of life. Simply put, with our current staffing levels, we cannot begin our interior attack of a structure fire until our recall personnel and auto aid companies arrive on scene. This wastes valuable time that could be used to fight the fire

It also allows us to provide more efficient services to our residents. In 2022, there were 81 times that we were called for a backup rescue that was handled by the on duty crew. Because we had 4 personnel on duty, these back-up rescues were answered immediately and the resident didn't have to wait for recall personnel or a mutual aid squad to arrive. If we didn't have 4 personnel on duty for those 81 calls, they would have been department recalls. We average 2 personnel responding to recalls which means that having 4 personnel on duty saved the City \$11,600 last year.

This brings us to why we need to hire full time personnel. In 2022, there was 2,217 uncovered shift hours. We have also lost two part time personnel that worked over 2,000 hours each last year (average part time hours per year is between 600 and 1200). If you look across the County and the State, every fire department that utilized part time personnel are suffering because the number of available candidates has been drastically reduced.

Our plan was to bring on the two new firefighter and then when the senior member retired in the near future, to replace him. However, since he retired earlier than expected, we need to replace him and add one more now. We can then look to add another one in the near future. I feel this is an acceptable concession with regard to some having concerns with the budget.