



City of Mentor-on-the-Lake

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MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE MAY 9, 2023

The Regular Meeting of Council for the City of Mentor-on-the-Lake for May 9, 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:	Michelle Moore, Vice-President
Aye: Ward 4:	Desirea Thompson
Aye: Ward 2:	Paul Morris
Aye: At Large:	Kevin Bittner
Aye: Ward 1:	David Chabut
Aye: At Large:	Jim Lunder
Aye: Ward 3:	Rob Johnson, President

READING OF MINUTES: Regular Meeting of Council –April 25, 2023

MOTION MADE BY MR. MORRIS, Seconded by Mrs. Thompson, for Approval of the Minutes of the April 25, 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 today he swore in Laurie Hughes as a new Part-Time Communications Officer for the Police Department. Tomorrow Donald Taylor will join the Police Department as a Part-Time Patrol Officer and will begin field training on Thursday.

Mayor Eva read the Fire Department Report for April 2023. There was a total of 129 calls for service in April as follows: Fire/Service – 17 calls; Rescue/EMS – 112 calls, of which there were 24 calls for invalid assist. Several Members of the Fire Department celebrated a service anniversary in April: Battalion Chief Paduano, Firefighter Ananea, Lt. Langford, Firefighter Klems, Firefighter Padley, Firefighter Bendlock, Firefighter Kovach, and Firefighter Sundbom.

Today Mayor Eva sent an email he had received from the Ohio Ethics Commission to all Members of Council about filing a 2022 Financial Disclosure Statement which is due by Monday, May 15, 2023.

In the beginning of July Chief Gielink will begin his retirement, and Mayor Eva advised Lt. John Forsythe will take over as Police Chief. In August a Civil Service test will be given to move up one of

the Police Department's two Sergeants to Police Lieutenant, and one of the Department's Police Officers will be moved up to Sergeant.

Administrative Director - Mr. Ness

Mr. Ness advised the concrete paving and asphalt paving has been completed. The Service Department has to fix some berm areas. He is working on the tax budget and hopes to have it to Council by the next Meeting. He is getting estimates on a new curtain for Council Chambers. He has one quote already and is expecting two more.

Law Director - Mr. Lyons (No Report)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Mr. Johnson said the website has a Planning and Zoning Commission Meeting scheduled for May 22, 2023, and he asked Mayor Eva to address that. Mayor Eva said there is a Special Meeting scheduled for May 22, 2023. Mr. Johnson asked him to elaborate on that. Council had business before the Planning and Zoning Commission, and they did not meet for their Regular Meeting, and he asked what the Special Meeting is about that is more important than Council's business that is before them. Mayor Eva said they will go over the ARTARP and he is waiting on information from Greg Somers for that Meeting regarding the development at Andrews and Lakeshore. Mr. Johnson asked why this had to be a Special Meeting rather than wait two more weeks for the Regular Meeting. Mayor Eva said he thought it was because they skipped May and he told them they could have a Special Meeting.

BOARD / COMMITTEE / COMMISSION REPORTS:

Parks and Recreation Board / April 27, 2023 / Mrs. Thompson

Mrs. Thompson said she was not able to attend as she was on vacation.

Ordinance Committee / May 2, 2023 / Mr. Bittner

Mr. Bittner advised the Ordinance Committee met on Tuesday, May 2, 2023, at 7:00 P.M. Present were Council Members Bittner (Chair), Morris, Chabut, President of Council Johnson, Vice-President of Council Moore, and members of the public. The Committee went over a few Ordinances, three of which are being moved back to Council. The Committee also went over the suggestions by the Administration which the Committee is going to leave to the Planning and Zoning Commission to take a look at. The Meeting adjourned at 7:33 P.M. Mr. Johnson asked if the suggestions had been referred to Planning and Zoning, and he would send them directly to the Chair.

OPEN TO THE PUBLIC TO SPEAK: 7:07 P.M.

CLOSED OPEN TO THE PUBLIC TO SPEAK: 7:07 P.M.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2023-R-12

A RESOLUTION AUTHORIZING THE ADMINISTRATIVE DIRECTOR TO PERFORM ALL ACTIONS NECESSARY TO ACCEPT CLASS ACTION LAWSUIT PAYMENT OF \$17,414.03

Mr. Johnson asked Mr. Lyons if he wanted to speak to this. Mr. Lyons said they were notified by way of a class-action notice on the class-action filed against Monsanto which the City was a member of. About

LEGISLATION BEFORE COUNCIL (Continued):

RESOLUTION NO. 2023-R-12 (Continued):

thirty days ago we received notice that we were going to receive, and have received, \$17,414.00 as part of that class-action lawsuit. Other cities in Lake County have also received a similar amount. We can use this for any purpose we deem necessary. We can use it relating to PCB but the City does not have a particular PCB problem at this time. He thinks Mr. Ness might have additional information. Mr. Ness said every city in Ohio received this check except Townships. Some received a little more, but for the most part, everyone got the same amount. Mr. Johnson asked Mr. Lyons if the Resolution should state what the class-action is about for historical purposes. Mr. Lyons thinks for historical purposes that would be a good idea; he can add that in and bring it back for the next Council Meeting, and will also include that the City is not restricted in what its purpose is for the money. Mrs. Thompson asked if there was a time limit for approving this. Mr. Lyons said it is being approved only for historical purposes, to document it has been received and accepted. Mr. Ness added they have not cashed the check yet, but we were asked that it be cashed as soon as possible.

Mr. Johnson stated Resolution No. 2023-R-12 will go to Second Reading pending an amendment.

RESOLUTION NO. 2023-R-13

A RESOLUTION CONFIRMING THE APPOINTMENT OF BRENT MOORE TO THE CIVIL SERVICE COMMISSION

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, 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 MRS. THOMPSON, Seconded by Mr. Morris, for Passage of Resolution No. 2023-R-13. ROLL CALL: Ayes: Council Member Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None. Abstain: Council Member Moore.

MOTION CARRIED: 6/0/1

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.

ORDINANCE NO. 2023-O-06 (THIRD READING) (ASSIGNED TO ORDINANCE COMMITTEE)

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

Mr. Johnson stated this Ordinance has been submitted back to Council from the Ordinance Committee, and asked if any amendments had been made. Mr. Bittner said “BOCCA” was corrected to “International Property Maintenance Code” which is what the City is using; everything else stayed the same. Mr. Lyons asked the Clerk if Council had received the updated version of this Ordinance, and she stated yes. He asked if she had marked it in a special way, and she said not yet, as she was waiting for this Meeting. He

LEGISLATION BEFORE COUNCIL (Continued):

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

asked if it had been distributed as part of the package that was sent out so Council could see the way it reads now. The Clerk stated it was sent to all Members of Council and the Administration this past Thursday as part of the Agenda. Mr. Lyons said there may have been some nonsubstantive changes that are reflected in the Ordinance, so he would say that any motion to amend say per the changes that were submitted last Thursday through the Agenda Meeting. Mr. Johnson asked for a Motion to Amend as submitted. Amendments were made and the Ordinance is different from the first version received.

MOTION MADE BY MR. BITTNER, Seconded by Mr. Morris, to Amend Ordinance No. 2023-O-06 as received. ROLL CALL: Ayes: Council Member Moore, Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.

MOTION CARRIED: 7/0

Mr. Johnson said because he is not comfortable with everybody's reaction to this, this will stay on Third Reading for one more Meeting, and Council should make sure they have read the newest draft. Mr. Morris said he was pretty sure the bulk of it that was changed was from "BOCCA" TO "International Property Maintenance."

Mr. Ness said he had some recommendations for changes to the Ordinance, and clarifications. Mr. Johnson said this is sent back to the Ordinance Committee.

ORDINANCE NO. 2023-O-07 (THIRD READING) (ASSIGNED TO ORDINANCE COMMITTEE)

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

Mr. Johnson said this Ordinance has been sent back to Council from the Ordinance Committee. Mr. Bittner said there were changes, so he recommends this Ordinance be amended.

MOTION MADE BY MR. BITTNER, Seconded by Mr. Morris, to amend Ordinance No. 2023-O-07 as presented. ROLL CALL: Ayes: Council Member Thompson, Morris, Bittner, Chabut. Nays: Council Member Moore, Lunder, Johnson.

MOTION CARRIED: 4/3

Mr. Johnson asked if there were any other amendments to be made. Mr. Chabut said yes, he brought up at the meeting and has been thinking further about this, the clear zone for non-curbed streets, in his opinion, should be 24" for especially large objects. rather than 18"

MOTION MADE BY MR. CHABUT, Seconded by Mr. Lunder, to amend Ordinance No. 2023-O-07 to change the clear zone for non-curbed streets from 18" to 24" especially for large objects.

Mr. Morris asked for discussion. The 18" is part of the State standard, that's where the 18" came from. Mr. Chabut said correct, but Council can override the 18". Mr. Morris asked why would we? Mr. Chabut said because 18" is too precarious to have some of those big stones in it.

ROLL CALL ON THE MOTION TO AMEND: Ayes: Council Member Chabut, Lunder, Johnson. Nays: Council Member Moore, Thompson, Morris, Bittner,
MOTION FAILED: 3/4

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2023-O-07 (THIRD READING) (Continued):

Mrs. Moore said she would like to see something in the Ordinance addressing the trees on tree lawns on a lot of the curbed streets. With this Ordinance, if something happens to that tree, they are not allowed to replace that tree, and she thinks if someone wants to replace a tree on the tree lawn, they should have the option to put the tree back.

MOTION MADE BY MRS. MOORE, Seconded by Mr. Lunder, to allow trees on the tree lawns of curbed streets.

Mrs. Thompson said she would like to add that if it is one tree, one replaces it, so the exact quantity removed, damaged, or destroyed in any manner is replaced with the same value. Mr. Johnson disagreed. If someone just moves into a house that has a tree lawn and doesn't have a tree there, why should they not be allowed to have a tree on that tree lawn. Mrs. Thompson said she was just saying if someone hits a tree on the tree lawn in front of her house, she can put two there? Mr. Johnson said it is her tree lawn. Mr. Bittner said his thought on this, walking around and looking at this area, the sidewalks are destroyed because of the trees, or walking in an area with overhead wires, the first thing done is to trim the trees. Mr. Johnson said living in an area that does have trees and sidewalks, there are no overhead power lines, and depending on the tree that was planted there, the sidewalks look fine. There are certain types of trees that do not belong on the tree lawn and can destroy sidewalks, that is the owner's responsibility. We should not be outlawing this because it "could" do something. There used to be a tree board that actually maintained a list of trees, and he thinks it would be worthwhile to research what trees would be appropriate and have a tree list available to residents. He does not think we should be saying you cannot have trees on your tree lawn. Mrs. Moore asked if this should be sent back to the Ordinance Committee to look at adding a section about trees and to do that research. Mr. Johnson said first we have to see if the amendment passes.

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

MOTION CARRIED: 6/1

Mr. Johnson asked if there was further discussion. Mr. Ness asked for clarification, some residents have filled in their ditches and put gravel, does that mean the 18" applies where they can't park in that 18," park their cars overnight. Mr. Bittner asked if it impedes vision, waterflow, if it does, then the answer is yes.

Mr. Johnson referred this to himself to add that wording in the Ordinance and bring it back to Council at the next meeting.

ORDINANCE NO. 2023-O-09

AN ORDINANCE AMENDING CODIFIED ORDINANCE 452.16 – PARKING OF TRUCKS AND OTHER LARGE VEHICLES

Mr. Bittner explained this was pretty much adding the verbiage of consent to park such vehicle on public, private property. Mrs. Moore questioned how this works with trucks that park by Marco's, does this mean they would have to have permission from the business owner or the property owner, and as a property owner, if you don't want trucks parking there, don't you have to have a sign saying no parking, or something like that. She can see this becoming a problem for the Police Department to enforce. Mrs. Thompson said it was spelled out in the Ordinance. Mr. Bittner said this is a complaint driven ordinance,

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE NO. 2023-O-09 (Continued):

this is going to be the owner of the property saying they did not give permission to park trucks on their property. He brought up campers, cab parking in the City Hall parking lot. Mayor Eva said they have been given permission to park there. As Mrs. Moore brought up, this is going to dictate what happens on private property, which gets a little dicey. Mrs. Moore thinks, and this can be done in this Ordinance or somewhere else, if someone has private property and they do not want overweight vehicles parking on their property, they would probably have to post it. Mr. Lunder said this was complaint driven because of Marco's, the parking lot got torn up by heavy trucks, which goes on every year. Mentor has an ordinance where letters are sent to the property owners of the shopping center, telling them this is the ordinance, putting up signs about no parking, and giving an ordinance number for the Police to use. Mrs. Moore said the sign should also state towing would be at owner's expense. We have to let property owners police their own properties. Mr. Lyons said this is not really designed to tow vehicles, signs can be posted, and gives the Police a basis for issuing a ticket if the property owner calls them.

Mr. Johnson stated Ordinance No. 2023-O-09 is placed on Second Reading.

OLD BUSINESS: (None)

NEW BUSINESS:

Expenditure Approval:

Vendor:	TV Liquidator	
Items:	New LED Sign, including all material and warranty (not including concrete, power, and top soil)	
Cost:	\$14,185.00	
	\$403.00	Concrete
	\$125.00	Top Soil (the City will cover this cost as well as any miscellaneous parts on hand)
	<u>\$14,588.00</u>	Grand Total
Fund:	General Fund	
Expiring NOPEC funds (11/30/23):	\$20,141.00	
Remaining NOPEC Balance:	\$5,553.00	

(per Memorandum of May 3, 2023, from Mr. Ness)

Mr. Morris asked Mr. Ness if there wasn't something else the City needs that we can spend this grant money on? Mr. Ness stated the grant money is specifically for upgrades in energy efficiency. There are a lot of things we could spend money on, but not the NOPEC grant funds. Mr. Morris said they would not meet the NOPEC requirements. Mr. Ness said that was correct; we could do LED lights, which is why we can use it for the Police locker room, so the sign upgrade would fit into that. Mr. Morris said, if he reads the Memo correctly, the majority of funds is coming from the NOPEC grant, with little money coming out of the City's General Fund. Mr. Ness said that was correct. Mr. Ness said these are all funds that are going to expire. He has talked to CT and we don't know if we would have the invoice for the locker room before that date, so rather than take a chance, he would rather spend it then lose it. Mr. Morris asked if there were any plans for the old sign. Mr. Ness said no. Mr. Morris said it could be repurposed somewhere else, Council bought that sign. Mrs. Thompson said we could think about donating the sign to Amvets, they are looking for a sign.

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

MOTION CARRIED: 7/0

Mr. Morris asked if a motion was needed to reach out to Amvets, or is this something the Administration can handle. Mrs. Thompson said she could reach out to Amvets. Mr. Johnson said she could reach out to see if they could use it. Mr. Ness said lead time is 8 to 12 weeks for the new sign.

OPEN TO THE PUBLIC TO SPEAK: 7:39 P.M.

Earle Kurass, 7523 Salida. He thinks getting a new sign is great, and asked if there is any kind of design information. He is not sure what we are getting and how that would fit in with the vision of the City.

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

ANNOUNCEMENTS AND SETTINGS OF MEETINGS:

Board of Zoning Appeals	Monday, May 15, 2023, at 7:00 P.M.
Ordinance Committee	Tuesday, May 16, 2023, at 7:00 P.M.
Planning and Zoning Commission	Monday, May 22, 2023, at 6:00 P.M.
Regular Agenda Meeting	Thursday, May 18, 2023 at 6:00 P.M.
Regular Meeting of Council	Tuesday, May 23, 2023 at 7:00 P.M.


ADJOURNMENT:

MOTION MADE BY MRS. THOMPSON, Seconded by Mr. Morris, 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 7:44 P.M.

APPROVED:

May 23, 2023
Date



ROBERT JOHNSON
President of Council

Attest: Joyce M. Aax
Clerk of Council



MEMORANDUM
Office Of
Administrative Director

TO: Members of Council
FROM: Terry Ness
Administrative Director
DATE: May 3, 2023
SUBJ: Expenditure Approval

Vendor:	TV Liquidator
Items:	New LED Sign, including all material and warranty (not including concrete, power, and top soil)
Cost:	\$14,185.00
Concrete:	\$403.00
Top Soil:	\$125.00 (The City will cover this cost as well as any miscellaneous parts on hand)
Fund:	General Fund
Expiring NOPEC funds (11/30/23):	\$20,141.00
Grand Total:	\$14,588.00
Remaining NOPEC Balance:	\$5,553.00

I respectfully request that the above expenditure be passed at the next meeting of Council to expedite the purchase of the new sign. We will be reimbursed for the sign and all materials required for install.

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