



City of Mentor-on-the-Lake

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MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE JULY 25, 2023

The Regular Meeting of Council for the City of Mentor-on-the-Lake for July 25, 2023, was called to order at 7:00 P.M. 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

7:01 P.M. PUBLIC HEARING:

ORDINANCE NO. 2022-O-25

(First Reading: December 13, 2022; Second Reading: January 10, 2023; Third Reading: since January 24, 2023)
AN ORDINANCE AMENDING APPENDIX A TO THE CODIFIED ORDINANCES – ARTARP AREA, AND DECLARING AN EMERGENCY

The Public Hearing on Ordinance No. 2022-O-25 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 stated back in the early 1970's the City was eligible for federal funds but in order to do that, the funds had to be targeted into an area that met income guidelines in the City. As a result, the ARTARP area was described on the zoning map, to the best of his knowledge, ARTARP stands for Andrews Road Targeted Area Rehabilitation Project, and the City became eligible to receive funds. As a result, Andrews Place was built. Over the years, the uses that could be put into that ARTARP area has not occurred and it is his understanding Council does not feel there is a need, 40 or 50 years later, to still have that big of an area and wanted to shrink that area down. This shrinking now takes up the footprint where Andrews Place is located. This is a zoning amendment, and in order to have a zoning amendment, you have to have a public hearing.

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. Mayor Eva asked to speak. This area was designated many years ago, and he is hoping this is not a reaction from Council based on the Dollar General development, as what Dollar General would like to do in Phase 2 is put in senior housing behind the Dollar

General. He hopes this is not a reaction to keep Dollar General from going in there by limiting what they can do in the back lot. He spoke to Diana Samson, the Property Manager at Andrews Place. Andrews Place is the only senior housing development in the City. There are 50 units there; the waiting list is 86 as of July 17th. This is why he does not see why this is a viable option to get rid of ARTARP.

Mr. Johnson asked if any members of Council wished to comment on the Ordinance. Mr. Johnson said the proposal behind Dollar General was apartment buildings. It was not senior apartments until they were told no. The only reason ARTARP still exists is when we rezoned Andrews Road, we decided we wanted to protect that property. While ARTARP was not repealed at that point because we were concerned if something happened to Andrews Place, they would not be able to rebuild it as a senior apartment building; that is the only reason it still exists. Mr. Bittner said he has been against limiting this from the beginning, and intends to vote "no" on this. He feels there is a need for it and gives us options to look at areas that cannot be developed in other ways. Mr. Johnson argued that if we wanted to expand the PUD, this would allow senior housing where they could rezone into multi-family, so there are still options out there. Mr. Morris agreed with Mr. Johnson's statements, as he believes he is supporting this as it has outlived its usefulness and doesn't stop anybody from developing other properties in the City into senior living, but leaving the ARTARP in place is not going to be the correct thing to do. Mr. Chabut agreed with Mr. Johnson, the PUD can be adjusted if we so determine, and as Mr. Morris stated, ARTARP has outlived its usefulness. A resident attending this meeting asked what went into the opinion that it was no longer needed. Mr. Johnson explained why the ARTARP was created. The resident asked if the issue was about limiting senior housing. Mr. Johnson said no, absolutely not. Mr. Johnson explained the ARTARP further. The resident had questions regarding values of ARTARP property. Mr. Morris said Council is not against senior housing per se, he was pretty sure the ARTARP area is mostly Section 8 housing which is one of the big reasons why they have such a long waiting list, it has a reduced rental area. He said he was not necessarily against that either, but would rather see someplace else be developed for that rather than something right along Andrews Road which should be held for more commercial stuff. The resident had further comments about senior housing, and said there is a great need for affordable senior housing. Mrs. Moore said through her research and discussions, the ARTARP was designed so that the area could receive special funding to build Andrews Place which is subsidized housing through the Housing and Urban Development Program, not Section 8 nor is it Metropolitan Housing. It is income-based housing. There is a need for that; there is nothing stopping a private business person from building a 55 and older apartment, that is up to the person building, not Council. Since the reason for the ARTARP no longer exists, she does not see a need to keep it as large as it was and can see condensing it down a little. If someone comes in with a project, there are a lot of ways of doing it. Mr. Johnson added the plan for housing behind Dollar General wasn't part of senior housing, he saw the plans, and it was definitely not going to be affordable. Jeff Shick commented on the PUD which is a more modern tool for the City to do planning around housing of all kinds, and he understands about senior housing. He had further comments about the zoning and senior housing as well as a city plan.

The Public Hearing on Ordinance No. 2022-O-25 closed at 7:17 P.M.

READING OF MINUTES: Regular Meeting of Council – June 27, 2023

MOTION MADE BY MR. MORRIS, Seconded by Mrs. Thompson, for Approval of the Minutes of the June 27, 2023, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Moore, Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.

MOTION CARRIED: 7/0

CORRESPONDENCE:

Mr. Morris advised he had received two phone calls, one from Lynn Hawkins and one from Susan Lenihan, concerning Air BnB's on Salida where the renters ignore the no trespassing signs on their property and continue

to do things on their property. They asked if there was anything Council can do. He told them Council has looked into that before and there are only limited things we can do. They are afraid there will be confrontations down there. He requested the Ordinance Committee look into this and check out Eastlake's ordinances.

Mr. Chabut said he received an email about a short-term rental at 7061 Sunset Drive. He also believes there is one across the street from him. He doesn't believe either of them have registered and they need to be registered. Mr. Johnson asked if he had sent a note to the Administrative Director to see if they are registered. Mr. Chabut said he has on one, but just got the other one.

ADMINISTRATIVE AND DEPARTMENT HEADS

Mayor and Safety Director - Mr. Eva

Mayor Eva discussed last Thursday's storm. Our staff did an amazing job taking care of residents. Chief Forsythe called in Third Shift early. Chief Pechatsko was here with the firefighters. There was a gas leak, power lines down on Salida. He was at a meeting at the Main Library and came to City Hall after the meeting. He contacted Wendy Zele at First Energy right away, and at the time they talked there was about 2100 outages. Going through the City with Patrolman Matson, everybody seemed to be in pretty good shape. A tree fell on a house on Salida; also he received a message from Bill Bowers, Aqua Ohio, all that was down. Wendy Zele had teams come in from Toledo Edison and other contractors to take care of things. He received a note from Bill Bowers yesterday that power was restored on Sunday at the water plant. Mayor Eva said, as a reminder, there were so many calls about power outages, and Dispatch does not handle power outages. He asked Council, and they will put this out, when you experience a power outage, please call First Energy at 1-888-544-4877 to report the outage. The Dispatch Center is for Police and Fire incidents only. We were lucky there were no police or fire incidents Dispatch could not get to.

Mayor Eva read the Fire Department Report for June 2023. During the month of June there were a total of 114 calls for service as follows: Fire/Service – 20 calls; Rescue/EMS – 94 calls, of which there were 29 calls for invalid assist, and there were no calls requiring the use of Narcan. Service anniversaries in June: Firefighter Wheeler – 4 years; Firefighter Smith – 4 years. The Year-to-Date Fire Department Report: through the Second Quarter of 2023, there were a total of 712 calls for service as follows: Fire/Service – 102 calls; Rescue/EMS – 610 calls of which there were 125 calls for invalid assist and 3 call requiring the use of Narcan. Mayor Eva also read an email from Chief Pechatsko dated July 21, 2023, commending the people who worked through the storm. The severity of the storm caused two major incidents, a utility pole with live wires came down on an unoccupied vehicle and a tree caused a major natural gas leak at a resident on Salida. The on-duty crew of Firefighter Campaign, Firefighter Corbe, Firefighter Santos, and Firefighter Brown did an exceptional job mitigating these incidents along with several other calls for trees and wires down. Chief Pechatsko commended Dispatchers Storey and McPeck for handling the influx of calls that came in; Sgt. Daubemire, Ptl. Bradic, Ptl. Matson and Ptl Brodzinski from the Police Department for assisting in closing down roads and protecting the public from downed power lines; the Service Department for their quick response to put up road closed signs and clear away trees blocking major roads. Chief Pechatsko said, speaking not only as the Fire Chief but also as a resident, he is very proud of how all of our City services performed their duty. Mayor Eva said he could not be prouder of what everybody did here.

Administrative Director - Mr. Ness (Absent/on vacation)

Law Director – Mr. Lyons (No Report)

Service Director – Mr. Ness (Absent/ on vacation)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Mrs. Thompson added to Mayor Eva's statement about calling Dispatch for no power. She also added that in addition to calling First Energy, the Service Department could be contacted the next day to advise them of trees and limbs, etc. down.

BOARD/COMMITTEE/COMMISSION REPORTS:

Parks and Recreation Board / June 29, 2023 / Mrs. Thompson

Mrs. Thompson advised the Parks and Recreation Board met on June 29, 2023. They talked about the stargazing event they had and they have asked Kyle, who has headed up stargazers, to come up with dates for monthly gazing events from now until October, break in November and December, and come back in January with more dates, for the next Meeting. They discussed having more events for seniors, one of the topics discussed was bring in Silver Sneakers, which they will research to see if this could be done. Also discussed was getting more events for kids, like rock painting, and setting up a table at the Fall Festival.

Planning and Zoning Commission / July 10, 2023 / Mr. Chabut

Mr. Chabut advised the Planning and Zoning Commission met on July 10, 2023, at 6:00 P.M. Present were Committee Members Suzanne Cason (Chair), Mike Sweeney, Gary Leonard, Brent Moore, Council Members Chabut, Lunder, Morris, Council Vice-President Moore, Council President Johnson, Mayor Eva, and a few residents. The conditional use permit for Get-Go was approved for another five years. The Commission discussed and approved the removal of the fence at the Mentor-on-the-Lake Library. The next Meeting is scheduled for August 7, 2023, at 6:00 P.M. The Meeting adjourned at 6:16 P.M.

Finance Committee / July 13, 2023 / Mrs. Thompson

Mrs. Thompson advised the Finance Committee met on July 13, 2023, to review the levy for the Fire Department. Chief Pechatsko did send them a Memo of the things he was asking for. Some of the things were for annual inspections, annual upkeep, list for nozzles and a price range for the cost of the nozzles but did not say how many were needed. The Committee asked to see if some of the nozzles they have, if expired, can be recertified to extend the life of the nozzles. Another item was mattresses for the bunk house, but there was no number given for how many were needed or the price. The Finance Committee collectively said they wanted to recommend to Council not to increase that levy but leave it as it was.

Ordinance Committee / July 13, 2023 / Mr. Bittner

Mr. Bittner advised the Ordinance Committee met on July 13, 2023. Present were Council Members Bittner (Chair), Chabut, Morris, Council Vice-President Moore, Council President Johnson, Mayor Eva, and Mr. Gray. The Committee decided to approve the changes made to 1462, rental housing, and send it back to Council. It also adjusted the fee on the fireworks permit and sent it back to Council as well.

OPEN TO THE PUBLIC TO SPEAK: 7:31 P.M.

Barb Holzhauser, 7593 Primrose. Ms. Holzhauser had a number of complaints and comments on Republic Waste Management.

CLOSED TO THE PUBLIC TO SPEAK: 7:33 P.M.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2023-R-20

A RESOLUTION DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS TO BE INSUFFICIENT AND DECLARING THE NECESSITY TO LEVY AN ADDITIONAL 0.75 MILL TAX LEVY FOR FIFTEEN YEARS FOR THE PURPOSE OF PARKS AND RECREATIONAL PURPOSES IN THE CITY AND DECLARING AN EMERGENCY

Mr. Johnson stated this is the final wording for saving Lake Overlook Beach Park through a tax levy. He asked Mr. Lyons if this had to be passed tonight. Mr. Lyons said that was correct, it has to be to the Lake County Board of Elections by August 9. Mr. Lyons reviewed the levies being considered and the SID program. Mrs. Moore said she is in favor of suspending the Rules and sending this to the Board of Elections because this gives the residents a chance to weigh in on how they feel about spending that amount of money.

MOTION MADE BY MR. MORRIS, Seconded by Mrs. Thompson, to Suspend 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-20. 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)

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

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, for Passage of Ordinance No. 2023-O-25. ROLL CALL: Ayes: Council Member Moore, Thompson, Morris, Chabut, Lunder, Johnson. Nays: Council Member Bittner.
MOTION CARRIED: 6/1

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

AN ORDINANCE AMENDED CHAPTER 1462 - RENTAL INSPECTIONS OF THE CODIFIED ORDINANCES.

Mr. Johnson said this has been returned from the Ordinance Committee. He asked for discussion. Mr. Chabut said he did not believe this needed a public hearing; we do have some current situations with short terms rentals and he would like this suspended and put into place right away. Mr. Chabut said he would make the motion to approve and Mr. Morris said he would second. Mr. Lyons said there were some amendments that were recommended and this needs to be amended.

MOTION MADE BY MR. BITTNER, Seconded by Mr. Chabut, to amend Ordinance No. 2023-O-06 as presented. ROLL CALL: Ayes: Council Member Moore, Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.
MOTION CARRIED: 7/0

MOTION MADE BY MR. CHABUT, Seconded by Mr. Morris, for Passage of Ordinance No. 2023-O-06. ROLL CALL: Ayes: Council Member Moore, Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.
MOTION CARRIED: 7/0

LEGISLATION BEFORE COUNCIL (Continued):

ORDINANCE No. 2023-O-07 (THIRD READING) (AMENDED) (ASSIGNED TO COUNCIL OF THE WHOLE)

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

Mr. Johnson stated this is still assigned to Council of the Whole.

ORDINANCE 2023-O-12 (THIRD READING)

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF MENTOR-ON-THE-LAKE AUTHORIZING THE AMENDMENT OF ARTICLE XII, SECTION 12.05 IN ORDER TO CONTINUE THE EXISTING 1.1 MIL TAX LEVY FOR THE PURPOSE OF PROVIDING FOR FIRE OPERATIONS OF THE CITY FOR FIVE MORE YEARS THROUGH TAX YEAR 2028.

MOTION MADE BY MR. LUNDER, Seconded by Mr. Chabut, for Passage of Ordinance No. 2023-O-12. ROLL CALL: Ayes: Council Member Moore, Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.

MOTION CARRIED: 7/0

ORDINANCE 2023-O-13 (THIRD READING)

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF MENTOR-ON-THE-LAKE AUTHORIZING THE AMENDMENT OF ARTICLE XII, SECTION 12.04 IN ORDER TO CONTINUE THE EXISTING 1.5 MIL TAX LEVY FOR THE PURPOSE OF PROVIDING FOR POLICE OPERATIONS OF THE CITY FOR FIVE MORE YEARS THROUGH TAX YEAR 2028.

MOTION MADE BY MR. LUNDER, Seconded by Mrs. Thompson, for Passage of Ordinance No. 2023-O-13. ROLL CALL: Ayes: Council Member Moore, Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.

MOTION CARRIED: 7/0

ORDINANCE 2023-O-14 (THIRD READING)

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF MENTOR-ON-THE-LAKE AUTHORIZING THE AMENDMENT OF ARTICLE XII, SECTION 12.06 IN ORDER TO CONTINUE THE EXISTING 1.2 MIL TAX LEVY FOR THE PURPOSE OF PROVIDING FOR ROAD CONSTRUCTION AND REPAIR PURPOSES OF THE CITY FOR FIVE MORE YEARS THROUGH TAX YEAR 2028.

MOTION MADE BY MRS. THOMPSON, Seconded by Mr. Lunder, for Passage of Ordinance No. 2023-O-14. ROLL CALL: Ayes: Council Member Moore, Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.

MOTION CARRIED: 7/0

ORDINANCE NO. 2023-O-17

AN ORDINANCE REPEALING CHAPTER 893 – COMMUNITY REINVESTMENT AREA

Mayor Eva said he gave Council three pieces of paper, one was a list of the abatements the City has granted, and to the comment this program is not working as intended, he thinks this shows this is exactly what we thought the program would be. His thought was do we go from a full-blown CRA program to no CRA program, and he does not know if our community can prosper or grow by just eliminating any incentive there. He suggested Council may want to look at revising what we have or explore other options rather than just discontinuing the program.

LEGISLATION BEFORE COUNCIL (Continued):

It does not have to be ten or fifteen years. Mr. Johnson addressed the comment about changing the CRA, and how this affects residents' taxes. Mr. Morris did not see in the current legislation anything about a grace period if we are going to change it, and we should accommodate that. There was discussion about possibly reducing percentages and the number of years.

Mr. Johnson advised he is referring this to the Zoning Committee.

ORDINANCE NO. 2023-O-19

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

Mrs. Thompson asked if these were repeat offenders. Mayor Eva said yes, a lot of them. Mr. Lunder said he was talking to the Service Department about repeat offenders. They have residents telling them they would rather have the City do this than a private contractor as the City is cheaper. Mr. Johnson asked Mr. Lyons about the possibility of adding fines for each offense. Mr. Lyons commented on adding fines. There was discussion about collecting these fees and what can be done about people who do not pay. Mr. Johnson referred this to the Service Committee to review the Ordinance to see if anything needs to be revised or any other issue as raised by Mr. Lunder.

MOTION MADE BY MR. BITTNER, Seconded by Mrs. Thompson, to Suspend 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 Ordinance No. 2023-O-19. ROLL CALL: Ayes: Council Member Moore, Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.
MOTION CARRIED: 7/0

ORDINANCE NO. 2023-O-20

AN ORDINANCE AMENDING ORDINANCE 672.111(b)(1) – PERMIT FOR PUBLIC FIREWORKS EXHIBITION; FEE AND DECLARING AN EMERGENCY

Mr. Johnson asked for any questions. Mr. Lunder asked if there was anything coming up that this would need to be passed right away. Mr. Bittner said he could not say, this purpose of this was to raise fees to cover the City's costs. A short discussion followed.

MOTION MADE BY MR. LUNDER, Seconded by Mr. Bittner, to Suspend the Rules. ROLL CALL: Ayes: Council Member Moore, Thompson, Bittner, Chabut, Lunder, Johnson. Nays: Council Member Morris.
MOTION CARRIED: 6/1

MOTION MADE BY MRS. THOMPSON, Seconded by Mr. Morris, for Passage of Ordinance No. 2023-O-20. ROLL CALL: Ayes: Council Member Moore, Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.
MOTION CARRIED: 7/0

OLD BUSINESS (None)

NEW BUSINESS: (None)

OPEN TO PUBLIC: 8:09 P.M.

Jim Haas, 8050 Harbor Creek Drive. He seconded the nice things about the crews after last Thursday's storm, and he appreciates everything the City does for its residents. He had questions on the Fire Department levy and the hiring of another Firefighter which Mr. Johnson explained. Mr. Haas complimented the Fire Department for doing a great job.

Barb Holzhauser, 7593 Primrose. Ms. Holzhauser complimented the City and EMS. She commented on the CRA and appreciates the vision of the Mayor and Council for growth.

CLOSED TO THE PUBLIC: 8:13 P.M.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Planning and Zoning Commission
Zoning Committee
Ordinance Committee

Monday, August 7, 2023, at 6:00 P.M.
Thursday, August 10, 2023, at 6:00 P.M.
Monday, August 21, 2023, at 7:00 P.M.

Next Regular Agenda Meeting
Next Regular Meeting of Council

Thursday, August 17, 2023, at 6:00 P.M.
Tuesday, August 22, 2023, at 7:00 pm

ADJOURNMENT:

MOTION MADE BY MR. BITTNER, 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 8:17 P.M.

APPROVED:

August 22, 2023
Date

Attest: Joyce M. Anz
Clerk of Council



ROBERT JOHNSON
President of Council