



City of Mentor-on-the-Lake

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MINUTES REGULAR MEETING OF COUNCIL CITY OF MENTOR-ON-THE-LAKE October 24, 2023

The Regular Meeting of Council for the City of Mentor-on-the-Lake for October 24, 2023, was called to order at 7:00 P.M. by Council President Rob Johnson.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

A Moment of Silence was held for Marine Lance Corporal Austin Schwenk, who was murdered at Camp Lejeune on October 18, 2023, and who is the grandson of our Substitute Clerk of Council, Virginia Gorg.

ROLL CALL:

Aye	At Large:	MICHELLE MOORE, Vice President	(Absent)
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 – October 10, 2023

MOTION MADE BY MR. MORRIS, Seconded by Mrs. Thompson, for Approval of the Minutes of the October 10, 2023, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.

MOTION CARRIED: 6/0

CORRESPONDENCE: (None)

ADMINISTRATIVE AND DEPARTMENT HEADS

Mayor and Safety Director - Mr. Eva

Mayor Eva swore in Daniel Wheeler as a Full-Time Firefighter/Paramedic for the Mentor-on-the-Lake Fire Department. Firefighter Wheeler was given a round of applause, after which pictures were taken.

Mayor Eva asked Council to suspend the Rules on Resolution No. 2023-R-22, which accepts the bid of Nyman Construction for the Police Department interior improvements.

Mayor Eva stated at the last Council Meeting there was a question about our appropriations. He believes the comment was we have operating excess of \$1,000,000.00, why are we looking at \$60,000.00. Part of the \$1,000,000 are ARPA funds of \$440,000.00 which is being used for the Police Department interior improvements. How the appropriations work, as Council knows, the Administration puts together the appropriations; those appropriations are presented to Council; Council approves them, and they are sent to the Auditor's Office. In the case of the second patrol car, that was not in the appropriations. If there are things we

give to Council that are in the appropriations, we reference the Ordinance that was passed. Along the lines of carrying a practical amount of reserve, as a City we also have to look at our risk rating and credit rating. Every year, as Council knows, we go out and renew our bond. In order to get the best rate, the banks look at what's the risk of Mentor-on-the-Lake defaulting that bond, so we are able to get a better rate on the bond based on our credit quality, what we have in reserve, and other factors. Mayor Eva said he just wanted to explain that as to why we are worried about \$60,000 when we have a pretty good reserve.

Also, regarding the CRA legislation, Mayor Eva read a letter from Al Buescher, 5426 Coronado, regarding the proposed changes to the CRA legislation as well as correspondence from Greg Sommers with Sommers Development and Crane's LSH LLC, regarding the pending CRA legislation. Mayor Eva said he talked to Mr. Sommers after he sent the letter, and he will be at the next Council Meeting on November 14, 2023, with plans to show Council that with the CRA program they have other programs that will replace the money we will be losing.

Administrative Director - Mr. Ness

Mr. Ness stated he has been fielding various questions about the waste management specs and sending out the questions and answers to all the prospective bidders. He also advised we were able to use the NOPEC money that was going to expire in November.

Law Director – Mr. Lyons (No report)

Service Department – Mr. Ness (No report)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Mr. Johnson asked Mr. Lyons, regarding the CRA, isn't it true that the only applicant for the CRA is someone who actually owns the house, not the developer of the house? Mr. Lyons said he can't answer that question accurately without looking at what was passed. There have been a number of proposed changes since about 2016 and he thought at one time that language was either added or proposed. He also thought we had included or were going to include at one time that the actual builder had the right to advertise this in terms of who would have the right to apply for the CRA. The new legislation on the Agenda that is additional language is not in the original legislation and contains grandfathering language. It also indicates you can't file an application until the house is built and it must be done within six months. Mr. Johnson said that was in the original. Mr. Lyons stated if that is in the original then that is who has the right to file the application. If this new legislation passed, and that was in the original, then the person who has the proposed building that has not been built will not count. During the conversation this afternoon that involved Mr. Sommers, it was mentioned about the new legislation. He knows he told him after being asked, and as stated in Mr. Sommers letter, that the term "grandfathering in" is really a zoning term based on a regulatory term. He was not giving that answer definitively as he had to do some research. He is not aware that there have been any cases filed, but if anyone feels the rules don't benefit them and want to take us to court, they can, and the court will decide.

BOARD/COMMITTEE/COMMISSION REPORTS:

Zoning Committee / October 12, 2023 / Mr. Chabut

Mr. Chabut advised the Zoning Committee met on October 12, 2023, at 6:00 P.M. to review Chapter 893 Community Reinvestment. Present were Council Members Chabut (Chair), Thompson, Lunder, Morris, and a resident. The Committee agreed to delete Paragraph (b)(1)(ii). It also discussed asking Mr. Lyons if subsequent paragraphs were numbered correctly. The final draft was approved for Council. The Meeting adjourned at 6:17 P.M.

Community Development Committee / October 12, 2023 / Mr. Morris

Mr. Morris advised the Community Development Committee met on October 12, 2023, at 7:00 P.M. to discuss a proposal of the city master plan or the RFP. Present were Council Members Morris (Chair), Bittner, Thompson, Mayor Eva, and many residents. The meeting was held to finetune the RFP. The Committee went through it section by section and made final modifications. The modifications were then made and emailed to all involved. The Meeting adjourned at 7:35 P.M.

Ordinance Committee / October 19, 2023 / Mr. Bittner

Mr. Bittner advised the Ordinance Committee met on October 19, 2023, at 7:15 P.M. to go over proposed Ordinance 1022.12, local tree lawn regulations. Present were Council Members Bittner (Chair), Chabut, Morris, and a resident. There was a lengthy discussion about trees. There is still a lot to go over on this Ordinance in the future. The Meeting adjourned at 8:00 P.M.

Mrs. Thompson stated the Parks and Recreation Board held an event she wanted to speak on. Parks and Rec held an event on October 19, 2023, starting at 6:30 P.M. at the Mentor-on-the-Lake Public Library. It was NASA International Observe the Moon night. There was a turn out of ten residents. Also present were Bri Moon, Kyle Kozlowski, Mayor Eva, Council Member Morris, Council candidate Moon, and Mrs. Thompson. They used the NASA web site that was created for this event to talk about and learn more about the moon. They also let everyone know that the Star Seekers night planned for October 21st was cancelled due to weather and they will be setting up a make-up date soon. The event ended at 8:15 P.M.

OPEN TO THE PUBLIC TO SPEAK: 7:21 P.M.

Earle Kurrass, 7523 Salida. Mr. Kurrass stated his concerns about the Sommers Group being able to get a tax abatement under the CRA when the City has four tax ballots on the ballot.

Bill Cleveland, 7607 Salida. Mr. Cleveland stated he agreed with Mr. Kurrass on tax abatements being given to the Sommers Group. He then spoke about Mr. Lyons and his statements on the CRA.

Mr. Johnson said he would address Mr. Cleveland's comments about Mr. Lyons. Mr. Lyons gives Council advice. He tells Council what could happen, not what will happen and Council can listen to that advice and take it as it wants to. We appreciate the advice he gives us. He is our counsel. It doesn't necessarily mean we are going to get sued, but we should be aware of the fact that it is a possibility when something is going to happen. He is not defending or fighting for one thing or another. He is giving Council his rational opinion on legal matters, which is what his job is. Mr. Johnson thanked Mr. Lyons for that.

CLOSED TO THE PUBLIC TO SPEAK: 7:25 P.M.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2023-R-22

A RESOLUTION ACCEPTING THE BID OF NYMAN CONSTRUCTION CO. FOR THE POLICE DEPARTMENT INTERIOR IMPROVEMENTS PROJECT AND AUTHORIZING THE MAYOR AND ADMINISTRATIVE DIRECTOR TO ENTER INTO AN APPROPRIATE CONTRACT THEREFORE, AND DECLARING AN EMERGENCY

LEGISLATION BEFORE COUNCIL (CONTINUED):

RESOLUTION NO. 2023-R-22 (Continued):

Mr. Johnson asked for discussion. Mrs. Thompson said she had a tour today of the Police locker room and if any of the residents saw that area, they would be backing this Resolution as well. Mayor Eva said Chief Forsythe was at tonight's Meeting if anyone had any questions. Mr. Bittner wanted to confirm how many bids were received when it was sent out for bid. Mr. Ness said there were two originally and two the second time. One of the bidders the first time did not come back, and it was a new bidder the second time. Mr. Johnson asked why did it have to go out twice. Mr. Ness said both were over the 20% threshold. Mr. Bittner asked if there was a time issue, obviously the sooner the better. Mr. Ness said they had to get the contract done so we can get the Lake County permit process done.

MOTION MADE BY MRS. THOMPSON, Seconded by Mr. Lunder, for Suspension of the Rules. ROLL CALL: Ayes: Council Member Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.
MOTION CARRIED: 6/0

MOTION MADE BY MR. LUNDER, Seconded by Mrs. Thompson, for Passage of Resolution No. 2023-R-22. ROLL CALL: Ayes: Council Member Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.
MOTION CARRIED: 6/0

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 NO. 2023-O-17 (THIRD READING) (AMENDED) (ASSIGNED TO ZONING COMMITTEE)

AN ORDINANCE REPEALING CHAPTER 893 – COMMUNITY REINVESTMENT AREA

Mr. Johnson said the Zoning Committee has come back with a different Ordinance. He asked for a Motion to withdraw Ordinance No. 2023-O-17.

MOTION MADE BY MR. MORRIS, Seconded by Mr. Chabut, to withdraw Ordinance No. 2023-O-17. ROLL CALL: Ayes: Council Member Thompson, Morris, Bittner, Chabut, Lunder, Johnson. Nays: None.
MOTION CARRIED: 6/0

ORDINANCE NO. 2023-O-22 (THIRD READING) (ASSIGNED TO ORDINANCE COMMITTEE)

AN ORDINANCE AMENDING CODIFIED ORDINANCES 1036.04(a) BY CREATING NEW SECTION 1036.04(a)(4) IN ORDER TO REGULATE AND DESCRIBE TREES THAT MAY BE PLANTED ON TREE LAWNS OR WITHIN THE PUBLIC RIGHT-OF-WAY

Mr. Johnson stated this is still assigned to the Ordinance Committee.

ORDINANCE NO. 2023-O-23

AN ORDINANCE AMENDING CODIFIED ORDINANCE 893.04 – EXEMPTIONS FOR COMMUNITY REINVESTMENT AREA

There was no Motion for Suspension of the Rules. Ordinance No. 2023-O-23 is placed on Second Reading.

OLD BUSINESS:

Amendments to Council Rules. Mr. Johnson stated everyone received a copy of the amendments at the last Meeting and asked for discussion. There was no discussion.

MOTION MADE BY MR. MORRIS, Seconded by Mrs. Thompson, to approve the amendments to Council Rules. ROLL CALL: Ayes: Council Member Thompson, Morris, Bittner, Chabut Lunder, Johnson. Nays: None.

MOTION CARRIED: 6/0

Purchase of telescopes for the Parks and Recreation Board. Mayor Eva said that has been taken care of. He purchased a brand new telescope and is donating it to the City. It has a camera on it, and Kyle is very excited about using the camera and putting pictures out on the Facebook page.

NEW BUSINESS: (None)

OPEN TO PUBLIC: 7:30 P.M.

Bill Cleveland, Salida Road. Mr. Cleveland had comments and concerns about the church being torn down, the small box store moratorium, high density housing in the City, and a CRA tax abatement for the Sommers Group.

Skip Gray, 7574 Dahlia. Mr. Gray spoke about additions and changes he feels should be in the CRA legislation.

CLOSED TO THE PUBLIC: 7:34 P.M.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Parks and Recreation Board	Thursday, October 26, 2023, at 6:30 P.M.
Ordinance Committee	Thursday, November 2, 2023, at 6:00 P.M.
Planning and Zoning Commission	Monday, November 6, 2023, at 6:00 P.M.
Community Development Committee	Thursday, November 9, 2023, at 7:00 P.M.

Mayor Eva announced the Trunk and Treat event in conjunction with Lake Elementary is this coming Saturday, October 28, 2023, from 2:00 P.M. until 4:00 P.M. at City Hall, and Halloween Trick or Treat is Tuesday, October 31, 2023, from 6:00 P.M. until 8:00 P.M.

Next Regular Agenda Meeting	Thursday, November 9, 2023, at 6:00 P.M.
Next Regular Meeting of Council	Tuesday, November 14, 2023, at 7:00 pm

ADJOURNMENT:

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

MOTION CARRIED: 6/0

The Regular Meeting of Council Adjourned at 7:38 P.M.

APPROVED:

November 14, 2023
Date

Michelle Moore
ROBERT JOHNSON Michelle Moore
Vice - President of Council

Attest: Jay M. Dase
Clerk of Council