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# MINUTES

## City of Mentor

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### MENTOR CITY COUNCIL REGULAR MEETING June 21, 2016

The meeting was called to order by Council President Dowling at 6:59 p.m.

INVOCATION was given by Councilman Donovan, immediately followed by the Pledge to the Flag.

#### ROLL CALL:

Matthew E. Donovan, Ward 2 Councilman  
Janet A. Dowling, Councilwoman-at-Large  
Ray Kirchner, Councilman-at-Large  
John A. Krueger, Ward 4 Councilman  
Scott J. Marn, Councilman-at-Large  
Sean P. Blake, Ward 1 Councilman  
Bruce R. Landeg, Ward 3 Councilman – Excused

#### ALSO PRESENT:

Richard A. Hennig, Law Director  
Julie A. Schiavoni, Acting Clerk of Council  
Kenneth Filipiak, City Manager  
Anthony Zampedro, Assistant City Manager  
Matt Schweikert, Public Works Director  
David Swiger, City Engineer  
Bonnie Lingafelter, Assistant Finance Director  
Ronald M. Traub, Economic & Community Development Director  
Kenn Kaminski, Parks & Recreation Director  
Andrew Lehner, Acting Police Chief  
Robert Searles, Fire Chief

The Clerk of Council confirmed that notice of the meeting was given in conformity with the Ohio Revised Code Section 121.22.

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#### APPROVAL OF MINUTES:

MOTION by Councilman Kirchner, second by Councilman Blake to approve the minutes of the June 7, 2016 special meeting. ROLL CALL: Yeas: Council Member: Donovan, Dowling, Kirchner, Krueger, Marn and Blake. Nays: None. Motion Passed 6/0.

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# MINUTES

## City of Mentor

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MINUTES OF JUNE 7, 2016 SPECIAL  
MEETING APPROVED.

MOTION by Councilman Donovan, second by Councilman Blake to approve the minutes of the June 7, 2016 Regular Meeting. ROLL CALL: Yeas: Council Member: Donovan, Dowling, Kirchner, Krueger, Marn and Blake. Nays: None. Motion Passed 6/0.

MINUTES OF JUNE 7, 2016 REGULAR  
MEETING APPROVED.

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### PRESENTATION

Presentation of Council Resolution of Appreciation to Don Zimmerman, Mentor Fire Department by Fire Chief Searles.

Presentation by Lake County Health Commissioner Ron Graham about Mosquito Control and Zika Virus.

### NEW LEGISLATION:

#### ORDINANCE NO. 16-O-62:

AN ORDINANCE AMENDING PART THREE, TITLE ONE, CHAPTER 305, OF THE CODIFIED ORDINANCES OF THE CITY OF MENTOR, 2006, AS AMENDED, THE SAME RELATING TO TRAFFIC CODE, ADMINISTRATION, TRAFFIC CONTROL, AND ADOPTING A NEIGHBORHOOD TRAFFIC CALMING PROGRAM, AND DECLARING AN EMERGENCY

Mr. Filipiak reported the proposed would be a formal procedure to largely address speeding in residential streets. If a concern is raised by a resident, would primarily address traffic safety with police enforcement. Should it not resolve the problem, speed and traffic studies would be conducted to determine if there is a problem; and if so, the extent of the problem. From there, a number of options would apply from the Traffic Working Group. The interactive program will be done in cooperation and coordination with the residents directly affected.

Mr. Hennig clarified that the definitions of the traffic calming devices within the ordinance are not identical to what is in the policy and they do not need to be. The definitions were edited down because the policy itself offers explanation as to how that device works in each section and is unnecessary to be included in the Code. If discrepancy is noticed between the policy and the Code, it is intended and does not affect the Code section or the policy.

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# MINUTES

## City of Mentor

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MOTION BY Councilman Blake, second by Councilman Donovan to send the legislation to Second Reading.

ORDINANCE NO. 16-O-62 RECEIVED  
ITS FIRST READING

ORDINANCE NO. 16-O-63:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PENN CARE, INC. FOR THE PURCHASE OF ONE (1) 2016 INTERNATIONAL BRAUN AMBULANCE SUPERCHIEF RESCUE SQUAD, AND DECLARING AN EMERGENCY

MOTION by Councilman Marn, second by Councilman Kirchner to suspend the rule requiring the legislation to be read on three different days. ROLL CALL: Yeas: Council Member: Donovan, Dowling, Kirchner, Krueger, Marn and Blake. Nays: None. Motion Passed 6/0.

MOTION by Councilman Marn, second by Councilman Kirchner for passage. ROLL CALL: Yeas: Council Member: Donovan, Dowling, Kirchner, Krueger, Marn and Blake. Nays: None. Motion Passed 6/0.

ORDINANCE NO. 16-O-63 PASSED

ORDINANCE NO. 16-O-64:

AN ORDINANCE TO AUTHORIZE TRANSFERS OF FUNDS AND REVISIONS TO APPROPRIATIONS, AND DECLARING AN EMERGENCY

MOTION by Councilman Donovan, second by Councilman Kirchner to suspend the rule requiring the legislation to be read on three different days. ROLL CALL: Yeas: Council Member: Donovan, Dowling, Kirchner, Krueger, Marn and Blake. Nays: None. Motion Passed 6/0.

MOTION by Councilman Marn, second by Councilman Kirchner for passage. ROLL CALL: Yeas: Council Member: Donovan, Dowling, Kirchner, Krueger, Marn and Blake. Nays: None. Motion Passed 6/0.

ORDINANCE NO. 16-O-64 PASSED

ORDINANCE NO. 16-O-65:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MIDDLEFIELD FARM AND GARDEN COMPANY

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# MINUTES

## City of Mentor

### FOR THE PURCHASE OF AN EXCAVATOR, AND DECLARING AN EMERGENCY

MOTION by Councilman Krueger, second by Councilman Marn to suspend the rule requiring the legislation to be read on three different days. ROLL CALL: Yeas: Council Member: Donovan, Dowling, Kirchner, Krueger, Marn and Blake. Nays: None. Motion Passed 6/0.

MOTION by Councilman Kirchner, second by Councilman Marn for passage. ROLL CALL: Yeas: Council Member: Donovan, Dowling, Kirchner, Krueger, Marn and Blake. Nays: None. Motion Passed 6/0.

ORDINANCE NO. 16-O-65 PASSED

### ORDINANCE NO. 16-O-66:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS TO CHAGRIN VALLEY PAVING FOR CONTRACT A AND A & J CEMENT CONTRACTORS, INC. FOR CONTRACT B OF THE 2016 ROAD REPAIR PROGRAM, AND DECLARING AN EMERGENCY

MOTION by Councilman Kirchner, second by Councilman Krueger to suspend the rule requiring the legislation to be read on three different days. ROLL CALL: Yeas: Council Member: Donovan, Dowling, Kirchner, Krueger, Marn and Blake. Nays: None. Motion Passed 6/0.

MOTION by Councilman Kirchner, second by Councilman Marn for passage. ROLL CALL: Yeas: Council Member: Donovan, Dowling, Kirchner, Krueger, Marn and Blake. Nays: None. Motion Passed 6/0.

ORDINANCE NO. 16-O-66 PASSED

### ORDINANCE NO. 16-O-67:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SERVICE SUPPLY LIMITED FOR THE PURCHASE OF BMX BIKE/SKATE RAMPS, AND DECLARING AN EMERGENCY

MOTION by Councilman Krueger, second by Councilman Marn to suspend the rule requiring the legislation to be read on three different days. ROLL CALL: Yeas: Council Member: Donovan, Dowling, Kirchner, Krueger, Marn and Blake. Nays: None. Motion Passed 6/0.

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# MINUTES

## City of Mentor

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MOTION by Councilman Krueger, second by Councilman Marn for passage. ROLL CALL: Yeas: Council Member: Donovan, Dowling, Kirchner, Krueger, Marn and Blake. Nays: None. Motion Passed 6/0.

ORDINANCE NO. 16-O-67 PASSED

Council President Dowling expressed that the purchases will be a welcome addition to Ward 4. Had opportunity to attend one of the meetings Councilman Krueger had with the residents; there was a great level of enthusiasm. Commended the administration for working so well with the residents.

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### SECOND READING:

ORDINANCE NO. 16-O-60:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BOLDT CAPITAL, LLC, AND/OR LAKE MENTOR PROPERTIES LLC AND/OR THE LAKE COUNTY OHIO PORT AND ECONOMIC DEVELOPMENT AUTHORITY AND/OR THE BOARD OF EDUCATION OF THE MENTOR EXEMPTED VILLAGE SCHOOL DISTRICT RELATIVE TO THE LAKE HEALTH AND WELLNESS PROJECT, AND DECLARING AN EMERGENCY

Mr. Filipiak reported they are working cooperatively to obtain a good solution to move the project forward; hopeful will be able to meet resolution. Recommend it be read for a second time.

MOTION by Councilman Kirchner, second by Councilman Blake to send the legislation to Third Reading.

ORDINANCE NO. 16-O-60 RECEIVED  
ITS SECOND READING

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### THIRD READING:

ORDINANCE NO. 16-O-51:

AN ORDINANCE APPROVING THE FINAL SUBDIVISION PLAT OF THIRTY TWO (32) RESIDENTIAL LOTS IN PHASE III OF THE VILLAGES OF MARSHVIEW LANDING AND REPEALING ORDINANCE NO. 16-O-31 PASSED ON APRIL 5, 2016, AND DECLARING AN EMERGENCY

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# MINUTES

## City of Mentor

MOTION by Councilman Kirchner, second by Councilman Blake for passage. ROLL CALL: Yeas: Council Member: Blake, Donovan, Dowling, Kirchner and Krueger. Nays: Council Member: Marn. Motion Passed 5/1.

ORDINANCE NO. 16-O-51 PASSED

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### MANAGER'S REPORT:

Pavement Open Cut Request:

JOZO DOMIC – 8315 Johnnycake Ridge Road – Sanitary Sewer Service

MOTION by Councilman Kirchner, second by Councilman Blake to approve. ROLL CALL: Yeas: Council Member: Donovan, Dowling, Kirchner, Krueger, Marn and Blake. Nays: None. Motion Passed 6/0.

PAVEMENT OPEN CUT APPROVED

Mentor on Tap, the newest summer program, was a great success last Saturday with approximately 900 participants and well over a 1,000 total guests. Nothing but positive feedback; no security issues. Commended Mr. Kaminski and his staff for a job well done.

Fire Department would like to remind residents that fireworks are illegal to possess, sell or use. Majority of fireworks injuries are due to firecrackers, sparklers and bottle rockets used in backyard displays during the events that surround Independence Day. Encouraged extra caution.

2016 Pedestrian Safety and Sidewalk Repair Program is under way. Started inspecting the 13.5 miles of sidewalk in Zone 2-C this year, which is between the City of Willoughby, I-90, Garfield Road and Mentor Avenue. Expect all inspections to be completed by the end of the week.

ODOT (Ohio Department of Transportation) Center Street bridgework repair contractor, Union Industrial Contractors, is expected to begin installing falsework under the Center Street bridge over the next couple of weeks. Contractor does not anticipate closing any lanes of traffic on the bridge until the very end of July. Work is expected to be completed by the middle of August.

Today is the first installment of the Summer Concert Series. There are five food vendors on hand and a small beer garden this year, as well.

United Way Day of Caring Volunteers will be on site tomorrow at the Senior Center and Wildwood attending to the grounds.

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# MINUTES

## City of Mentor

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Welcome to: Paladina Health at 7695 Mentor Avenue; Home Care Supply Outlet at 7827 Reynolds Road.

Councilman Blake congratulated all the organizers of Mentor on Tap who did a great job. He attended with his wife and had a wonderful time.

### **CLERK'S CORRESPONDENCE:**

Liquor Permit Request:

TREX Request                      From 18 EUC Lastchance Inc. @ 1800 Euclid Avenue 1<sup>st</sup>  
Fl Unit 4, Cleveland to 18 EUC Lastchance Inc. @ 9055  
Mentor Avenue

No objections.

### **COMMISSION/COMMITTEE REPORTS:**

Board of Building and Zoning Appeals Meeting Minutes – May 10, 2016  
Municipal Planning Commission Meeting Minutes – May 26, 2016

### **OLD BUSINESS:**

Vacancy on the Municipal Planning Commission for an unexpired 4-year term ending 12/31/17.

MOTION by Councilman Blake, second by Councilman Krueger to appoint Alyson Moritz. ROLL CALL: Yeas: Council Member: Donovan, Dowling, Kirchner, Krueger, Marn and Blake. Nays: None. Motion Passed 6/0.

Councilman Marn commended the applicants; all were excellent and very qualified. Any of them would be a great addition to the Commission.

Councilman Donovan echoed Councilman Marn's comments. The applicants were extraordinary. It was difficult choice to make; any of them would be an asset to the Planning Commission.

**ALYSON MORITZ APPOINTED TO  
PLANNING COMMISSION**

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# MINUTES

## City of Mentor

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Vacancy on the Tree Commission for an unexpired 4-year term ending 12/31/16

MOTION by Councilman Krueger, second by Councilman Marn to appoint Rodd Schroeder. ROLL CALL: Yeas: Council Member: Donovan, Dowling, Kirchner, Krueger, Marn and Blake. Nays: None. Motion Passed 6/0.

RODD SCHROEDER APPOINTED TO  
TREE COMMISSION

Councilman Blake stated that on February 2<sup>nd</sup> Council had a Work Session with the County Commissioners and received copies of a study done on the storm and sanitary sewer system, especially in the Bellflower/Palmerston area. Asked if there was any update or conversation with the Commissioners. Mr. Filipiak responded that there were a number of recommendations as a result of the study. Both sides recognize improvements need to be made. The County has some rather large projects under way. Will be getting together with the recently appointed Sanitary Engineer, Randy Rothlisberger. Asked him to identify what he believes the County's position is in terms of moving the project forward. Will stay focused on it, but trying to give some time during their recent change of administration. They are working at a large interceptor project that travels through the Marsh. Will keep Council updated.

NEW BUSINESS:

Councilman Kirchner noted that Nike mentioned Mentor in their recent television salute to the Cavaliers.

Council President Dowling stated that she, along with Councilman Blake and his wife, had the honor of attending an Eagle Scout ceremony for Erik Jeffrey Olree on June 5<sup>th</sup>. It was very moving. Added that Chief Knight's son is beginning a project in the Nature Preserve, as is another Eagle Scout.

PERSONS BEFORE COUNCIL:

Jennie O'Bannon at 5430 Links Road – concerned with ongoing early morning lawnmower noise from the Blackbrook Golf Course. Request that they mow later in the morning on the weekends. Litter has been removed. Since the last Council meeting, another golfer rode on their lawn. Councilman Krueger will be meeting with her tomorrow.

David Lima at 7774 Litchfield Drive - member of SURJ (Showing Up for Racial Justice) involved in research being conducted on community police relations and the use of force policy. Commended Police Chief Knight and James Sersain, Records Department for



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# MINUTES

## City of Mentor

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their cooperation and prompt response in providing the City's Use of Force Policy and related incident reports.

MOTION by Councilman Kirchner, second by Mr. Krueger to go into Executive Session for the purpose of discussing the acquisition or sale of real property. ROLL CALL: Yeas: Council Member: Donovan, Dowling, Kirchner, Krueger, Marn and Blake. Nays: None. Motion Passed 6/0.

Council entered Executive Session at 7:53 p.m.

MOTION by Councilman Kirchner, second by Councilman Blake to reconvene. ROLL CALL: Yeas: Council Member: Donovan, Dowling, Kirchner, Krueger, Marn and Blake. Nays: None. Motion Passed 6/0.

Council returned to Regular Session at 8:39 p.m.

Council President Dowling explained there was confusion of procedure by some residents present that wanted to speak with regard to Ordinance 16-O-51. Will give them the opportunity to do so.

Mr. Hennig added that the referenced ordinance was on Third Reading and is relative to Marshview Landing and the plat.

Russell Berzin - the successor developer of Marshview Landing. Gate at Summerwind Lane was not objectionable to him. Gate was never used. As of the 7<sup>th</sup> of this month, the association was turned over to the residents. They will meet with the gate manufacturer to determine whether or not to keep the entry gate. However, Council voted on the elimination of the gate that separates Grace Court from the development. Would like to revisit the use of Marshview Lane as the sole means of construction equipment access. Has been told the matters are not related; believes they are. Spoke with administration last year to use Becker Avenue again. Expected that the City approved the use of Becker Avenue as the construction road. Sidewalks were not installed in the first phase, was not a problem. The last phase with 32 lots will be constructed. Expressed safety concern for the 40 plus children residing in the development. Asked to be able to use Becker Avenue as the construction haul road. Wished to offer a \$50,000 check to the City of Mentor, which is more than the amount told by City Engineer to repair areas of Becker Avenue now. Expecting, if the economy holds, to use Becker Avenue for 1.5 – 2 years.

Jose' Rivera at 8685 Prairie Grass Lane - has 2 young sons. Requested reconsideration of the ordinance in lieu of unintended consequences of a child being injured or killed by a construction vehicle.

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# MINUTES

## City of Mentor

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Pam Trivisano at 8678 Blue Heron Way - representative of the Marshview Landing transition committee. The gate is a big issue. Development was originally marketed as more of a senior living community. OK with construction traffic in her development; expressed fear for safety of children. Becker access was allowed during Phase I. Against the repeal of the April 7<sup>th</sup> ordinance.

Joanne Warren of 8680 Indigo Trail - against the ordinance. Worried about safety of her grandson and others due to construction traffic; there are no sidewalks. There are only nine homes on Becker Avenue versus more than 120 in Marshview Landing. Becker Avenue is currently in need of repair; if the roads in Marshview Landing get damaged from construction vehicles, repairs will be the responsibility of the homeowners association.

Harley L. Warren at 8680 Indigo Trail - reiterated what others stated. Against the ordinance. Consider use of Becker Avenue as the construction haul road. Who would be responsible for maintenance of a gate between Grace Court and Marshview Landing? Gate at front entrance may not remain.

Councilman Krueger asked for clarification. The residents are asking Council to rescind the ordinance which approves the final subdivision plat of the 32 residential lots in Phase III. Mr. Hennig responded that the ordinance revoked the prior ordinance and replaced it with the current one; the only difference between the two is the issue of the gate. The gate had been established by consensus ten years ago and through inadvertence, it was taken out. When that was discovered, Council determined to put it back in. The change is what had been in place for ten years and now is back in place, and the subdivision plat is approved, so the subdivision can move forward.

Councilman Krueger asked the residents if they understood that even if Council rescinded the ordinance, that does not stop the construction on Marshview Lane; it is not part of the ordinance. Appears they are asking to change the construction haul road from within the development to Becker Avenue. Not aware of any issue with any other developments regarding construction access. Mr. Filipiak responded when developments occur, there is an expectation there will be additional traffic that will include construction vehicles during construction. The scenario is typical.

Ms. Trivisano responded she understands the gate on Grace Court, but it is a bigger issue. Just came together as a homeowners association; were under the developer's reigns until June 7<sup>th</sup>. Came to their attention that something passed on April 5<sup>th</sup> was now being rescinded with the new ordinance.

Councilman Krueger replied it has nothing to do with Becker Avenue or the construction traffic access.

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# MINUTES

## City of Mentor

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Ms. Trivisano replied it also states that no construction access will be permitted via Becker Avenue. Understands that was also part of the original ordinance. It is a bigger issue and the gate in the back is still a function of access in and out of their community. We should have gotten involved sooner.

Council Krueger offered that there was a development plan that was withdrawn and another developer, almost at the same time it was withdrawn, submitted plans for the development for the west side of Becker Avenue. Will need to see how that would impact the subject matter.

Ms. Trivisano acknowledged and said it is an issue of how they get in and out of their development and the safety of their children. Admitted she bought within the development knowing homes would be built and construction traffic would occur. This was an opportunity to make Council aware of the issue. They will become more active as the development moves forward.

Councilman Kirchner explained a commitment that there would never be anything but strictly emergency access to the development was made to the people on Grace Court. Was in place for many years, then through an oversight, it was approved with a connection. Once discovered, we asked that it be rescinded. The original plans had sidewalks; at some point the City discovered the sidewalks were not installed and contacted the developer, who advised it was an oversight. Could have incurred a tremendous cost to install them, so the City waived the sidewalk requirement for his benefit. City did the same thing with the Grace Court issue. Then it was proposed that they would agree, but wanted to use Becker Avenue, which has nothing to do with what is before Council. The only issue was the gate that the City committed to with Grace Court residents. The residents this evening brought up an issue of concern to them. There are children on Becker Avenue as well and to say there are only nine versus another number is disingenuous. Becker Avenue has a grade to it, causing vehicles to go downhill. Suggested the new homeowners association work with the City and their Ward Councilman to obtain a solution. The \$50,000 was previously discussed with the administration. Suggested traffic calming devices could be installed in the development.

Ms. Trivisonno responded that they will be in contact.

MOTION by Councilman Kirchner, second by Councilman Marn to adjourn.

Meeting adjourned at 9:08 p.m.

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President of Council

ATTEST: \_\_\_\_\_  
Acting Clerk of Council