

**MINUTES
REGULAR MEETING OF COUNCIL
CITY OF MENTOR-ON-THE-LAKE
APRIL 28, 2009**

The Regular Meeting of Council of April 28, 2009 for the City of Mentor-on-the-Lake, Ohio, was Called to Order by Council President, Dale O. Langbehn, at 7:00 p.m.

CALL TO ORDER: PLEDGE OF ALLEGIANCE

ROLL CALL:
Aye: Andrew M. Rose, Vice President
Aye: David R. Eva
Aye: Susan M. Shirley
Sharleen Connolly (excused)
Aye: Troy D. Elam
Aye: John Hawkins
Aye: Dale O. Langbehn, President

READING OF MINUTES: April 14, 2009 – Regular Meeting of Council

MOTION MADE BY MS. SHIRLEY, Seconded by Mr. Rose, to approve the Minutes for the April 14, 2009, Regular Meeting of Council, as submitted by the Clerk. **ROLL CALL:** Ayes: Council Member Rose, Eva, Shirley, Elam, Hawkins, Langbehn. Nays: None.

MOTION CARRIED: 6/0

CORRESPONDENCE: (none)

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor and Safety Director – Mayor Rogers

Mayor Rogers reported that on Saturday at 8:00 a.m. the Police Department will be conducting their annual inspection. The officer of the year will be awarded as well as recognition to the other officers for various activities and/or accomplishments during the course of the year. All Members of Council are invited to attend.

Mayor Rogers said opening day for the McMinn Baseball League is this Saturday. The first game will begin at 9:00 a.m. with other games at Noon and 3:00 p.m. He will be present for the first game to throw the first ball, and he will be asking Mr. Langbehn and Mr. Rose to do so for the other games.

Mayor Rogers received a few phone calls from Victory Lane Assembly of God. Back in February they sent a letter to his office indicating an interest in having a picnic on behalf of the public officials and employees of the City. They had suggested several dates, and Mayor Rogers said that if Council wishes to schedule this, he would recommend perhaps the last Saturday in July prior to summer recess of Council.

The striping purchase order was recently released by the City, and this work will be done in the spring time this year.

Mayor Rogers said they are in the process of preparing with the bond council the \$1,000,000 note which they suspect will be ready for the second meeting in May.

Administrative Director – Mr. Molenaar

Mr. Molenaar reported that the auditors have been here for the last couple of days. They are just about ready to complete this audit, and once the final copy is approved by them and the State Auditor, he will provide Council with a copy of this report. At this point, Mr. Molenaar said there doesn't appear to be any major problems.

Law Director – Mr. Lyons (no report)

City Engineer – Mr. Sayles

Mr. Sayles said the bid opening for the road program is coming up. He expects to have their recommendation to Council available by the first meeting in May.

Police Chief – Mr. Doran

Chief Doran said that after their uniform inspection on Saturday, a few of their officers will be going to the mall to attend the Law Day event.

Last week at the annual Mixers and Shakers event, the department took first place in the best mocktail drink. This is sponsored by the Lake County General Health District, and all of the area departments participate in this event.

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Mr. Elam said that relating to the opening of McMinn Field this week, he learned something about a labor waiver and he was wonder what this was. It is his understanding that if parents and/or league officials want to work on the field they are not permitted to do so unless a labor waiver is signed.

Mr. Hawkins said this is a legal question and Council should be talking to the Law Director regarding this. Mr. Elam said he was just curious as to what a labor waiver was. Mr. Hawkins said he has never heard of this either, but normally they do not discuss legal issues in public. Mr. Elam said if it is a legal issue then they will take it through the proper channels.

Mr. Langbehn asked if anyone could comment on this. Mayor Rogers said the individuals involved in the Mentor McMinn Baseball League approached the City earlier this year to discuss their concerns they have with the McMinn fields. They expressed their willingness to assist the City in taking care of the fields. Mayor Rogers said they would welcome their participation in helping them take care of the fields. There was a proposal where any individual who expressed an interest in working on the fields sign a labor waiver for liability purposes.

Mr. Lyons said he assumes what they are talking about is if somebody is going to be doing work on the fields the City would want a Labor of Liability Waiver signed so they cannot come back and sue the City, if anyone was injured in the process. Mr. Lyons said the Labor of Liability Waiver is a common document that would be signed in this instance.

BOARD/COMMITTEE/COMMISSION REPORTS:

Ordinance Committee / Meeting of April 16, 2009 / Mr. Rose

The Ordinance Committee met on April 16, 2009 at 6:00 p.m. Present were Mr. Rose, Mr. Elam, and Mrs. Connolly.

The purpose of the meeting was to review the proposed ordinance which is entitled: Ordinance No. 2009-O-09 / AN ORDINANCE AMENDING THE CODIFIED ORDINANCE 1280.07(a) RELATING TO PARKING PROHIBITIONS FOR TURCKS AND DECLARING AN EMERGENCY. The Ordinance Committee recommends with a vote of 3/0 that this matter be brought before Council for their consideration. Mr. Rose said that what this ordinance does is that the current ordinance restricts parking trucks in a residential at $\frac{3}{4}$ of a ton, but due to the increase in the number of 1-ton vehicles within the City, they feel that a 1-ton vehicle would be appropriate to park in residential areas.

All the parking restrictions do remain the same. Mr. Rose said there was a question as to whether or not this ordinance has three readings and a public hearing. Mr. Lyons said that because it does change the zoning code, this ordinance has to have three readings and a public hearing and it also has to be approved by the Planning & Zoning Commission. Mr. Rose said that he would then like to put this Ordinance on First Reading this evening.

Board of Zoning Appeals / Meeting of April 20, 2009 / Mr. Eva

The Board of Zoning Appeals met on Monday, April 20, 2009, at 7:00 p.m. Members present were Al Beuscher, Dave Baranski, Ed May, and Mr. Eva.

A Public Hearing was held for Scott Blodgett for a variance per Ordinance 1244.05(c)(3) to build a detached garage at 7582 Miami Drive, requesting a 3 foot side yard set back in lieu of the required 5 foot set back. Since the Board could only approve a 20% variance, Mr. Blodgett's request was denied. Mr. Blodgett decided to revise his garage plans. The proposed 24'x24' garage will be revised to be a 22'x26" garage, not requiring a variance per the side yard set-back ordinance.

This was the first meeting in 2009, and Al Buescher was elected Board Chair with David Baranski being elected Board Vice-Chair.

The meeting adjourned at 7:35 p.m.

OPEN TO THE PUBLIC TO SPEAK: 7:15 p.m.

Ralph Nazario, President / McMinn Baseball League/ 6400 Center St., Condo.52, Mentor, Ohio

Mr. Nazario said he is President of the McMinn Baseball League and he does have some parents accompanying him this evening. He saw the article that was in the Lake County Gazette where Mr. Elam expressed his thoughts on the McMinn fields. Mr. Nazario said they could not agree more with what Mr. Elam said about the condition of the fields. They are a safety concern. He said they did talk to Mayor Rogers and John Crocker to get some things done at the fields. They did make some progress and there were a few new things done which was nice to see.

Mr. Nazario said that this week was the first time anything was done at the fields and it was very rough getting practices in. The safety is the major concern for all of the children this year. There is settling and dips in the fields and the outfields are sagging.

Mr. Nazario said they asked the City if they could assist in getting the fields prepared, and they did offer to the City that they would sign something in the event someone was injured at the fields while they were working on them. That is where the Labor Waiver came from. This would be to do some crowning on the fields so the water would run off in the right direction, as all of the water seems to sit in the middle of the fields every year. They also offered to pay for and build a pavilion at McMinn, and they were told they could not do that this year and he is not quite certain why as he did not get a specific answer on that. Mr. Nazario said if the answer was no because they had not prepared a drawing then by all means someone needs to let them know what they need to do to get this done.

Jennifer Jakosh / 7574 Southland / Mentor-on-the-Lake, Ohio

Ms. Jakosh said that the fields at McMinn are completely inappropriate for playing. They are hard and have not been prepped correctly. When you go to fields like Eastlake where it is properly groomed, and then they come here and see the fields in disarray, un-kept, and the grounds being semi-mowed, it is completely embarrassing to the City. With the fields looking like that it is hard to bring the kids into the City to play ball.

CLOSED OPEN TO THE PUBLIC SECTION: 7:20 p.m.

LEGISLATION BEFORE COUNCIL:

ORDINANCE NO. 2009-O-09 (FIRST READING)

AN ORDINANCE AMENDING CODIFIED ORDINANCE 1280.07(a) RELATING TO PARKING PROHIBITIONS FOR TRUCKS AND DECLARING AN EMERGENCY.

OLD BUSINESS: (none)

NEW BUSINESS:

Mr. Elam asked that the Administration and Law Director investigate the Labor Waiver matter and also to see if there is a way to accommodate the league and the parents to allow them access to work there. Mr. Elam said he would like to get this clarified so there is no confusion about this. Mr. Langbehn said he believes that it is between the Mayor, Mr. Lyons and Mr. Bailey to work this matter out with the members of the baseball league. Mr. Langbehn said he is not quite certain Council should be involved in this unless it requires some sort of legislation. Mr. Elam said that someone has to get involved as nothing is happening. He said it has been years and the fields are an embarrassment so someone has to get involved and someone has to make things happen here or we close those fields.

Mr. Hawkins said he believes this is the second or third time this has come up. He said they did budget money for the McMinn fields this year. It is his understanding that they have not begun work on them as of yet. Mayor Rogers said they started within the last week. Mr. Hawkins said he feels he can speak for the entire Council and the Administration in that they want the fields to be the best they possibly can. Mr. Hawkins said that if members of the league can help and there is some way to facilitate this, the Administration will allow you to work on the fields. The comment at the last meeting was to spend whatever it takes, and Mr. Hawkins said that he does not feel the City is in the financial position to do what it takes to fix those fields. Mr. Hawkins said he applauds the fact that the league wants to get involved. He did not sense on anyone's part to obstruct their efforts to make that field safer for the children. As Finance Chairman for years, Mr. Hawkins said they have spent more money on McMinn Park than all the other parks combined and will continue to do so. He said no one wants to pay higher taxes, so it is a work in progress, and he feels it is progressing. Mr. Hawkins said they will do everything they can within their means and everyone feels that way. The City wants the fields to be as safe and good as possible. Mr. Hawkins said that maybe they should schedule a meeting with the league to go over some of these facts to show that they are making an honest and persistent effort with the fields every year.

Mr. Elam said the fields are no worse this year than they have been over the last 5-6 years. They are in terrible shape and have been for a long time. Mr. Elam said that where the money is going over there he does not know, as it is not going into field preparation. Mr. Elam said he was Chair of the Parks & Recreation Board whenever the fields opened. They got the fields from Forest City and they tried to make them the "crown jewel" of the City. He said if you walk those fields you will see what he is talking about. They need to be repaired or be closed as the City will be sued. He said he is not concerned with the administrative issues but the liability issues. He said that Council will pay the bill if something like this happens, and it is at that point where it needs to be addressed. Mr. Elam said there has to be some money somewhere to do some basic things to make the fields safe and playable. He said that what we are spending on the fields is not being put into the field preparation. Mr. Elam said he is not going to let this issue go until we get something done over there because we are liable and it is a terrible embarrassment to the City. He said if you don't believe him, just walk the fields.

Mr. Langbehn said the Mayor indicated that they just begun working on the fields. He said he will go with the fact that he has spoke to Mr. Bailey and they will do their level best to get the fields ready for the start of the season. Mr. Langbehn said that hopefully it will be to some satisfaction, and they will let the Administration proceed with what they have to do to get the fields ready.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Parks & Recreation Board	April 30, 2009	7:30 p.m.
Agenda Meeting of Council	May 7, 2009	6:00 p.m.
Regular Meeting of Council	May 12, 2009	7:00 p.m.

ADJOURNMENT:

MOTION MADE BY MR. EVA. Seconded by Ms. Shirley for Adjournment. ROLL CALL: Ayes: Council Member Rose, Eva, Shirley, Elam, Hawkins, Langbehn. Nays: None.

MOTION CARRIED: 6/0

The meeting adjourned at 7:30 p.m.

APPROVED:

Date

Dale O. Langbehn
President of Council

Attest: _____
Clerk of Council