

**MINUTES
REGULAR MEETING OF COUNCIL
CITY OF MENTOR-ON-THE-LAKE
MARCH 10, 2009**

The Regular Meeting of Council of March 10, 2009 for the City of Mentor-on-the-Lake, Ohio, was Called to Order by Council Vice-President, Andrew M. Rose, 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
Aye: Sharleen Connolly
Aye: Troy D. Elam
Aye: John Hawkins
Dale O. Langbehn, President (excused)

READING OF MINUTES: February 24, 2009 – Regular Meeting of Council

MOTION MADE BY MRS. CONNOLLY, Seconded by Mr. Eva, to approve the Minutes for the February 24, 2009, Regular Meeting of Council, as submitted by the Clerk. **ROLL CALL:** Ayes: Council Member Eva, Shirley, Connolly, Elam, Hawkins, Rose. Nays: None.

MOTION CARRIED: 6/0

CORRESPONDENCE: (none)

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor and Safety Director – Mayor Rogers

7:02 p.m.

Swearing in of Joshua Williams as Part-time Patrol Officer for the City of Mentor-on-the-Lake, Ohio, by Mayor John M. Rogers.

Mayor Rogers reported that on Sunday, with the heavy rains, the Service Department had to unblock culverts in several areas in the central part of the community. It is his understanding that 1-2 homes had water rise to the footers of their homes.

Mayor Rogers asked that at the appropriate time, that Council move recess into Executive Session to discuss the Collective Bargaining Agreements that are on the Agenda this evening for the consideration of Council.

Administrative Director – Mr. Molenaar (no report)

Asst. Law Director – Mr. Gurley (no report)

City Engineer – Mr. Sayles (no report)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS: (none)

BOARD/COMMITTEE/COMMISSION REPORTS:

Parks & Recreation Board / Meeting of February 26, 2009 / Mr. Rose

The Parks & Recreation Board met on February 26, 2009 at 7:30 p.m. In attendance were Chair, Sue Durachinsky, Board Members Nancy Marts and Lynn Hawkins, Council Representative, Mr. Rose, and Recreation Director, John Crocker.

The main purpose of the meeting was to re-emphasize the schedule for the City-wide yard sale coming up in mid-June. Mr. Crocker has been working with Mr. Lynch, Principal of Lake Elementary School, on holding a City-wide yard sale “poster contest”. The Board will select three winners from the entries and they will be color copied and posted throughout the City to advertise the City-wide yard sale.

The meeting adjourned at 8:00 p.m. The next scheduled meeting of the Parks & Recreation Board is scheduled for March 26, 2009, at 7:30 p.m.

Ordinance Committee / Meeting of March 5, 2009 / Mr. Rose

The Ordinance Committee met on March 5, 2009. The purpose of this meeting was to discuss a Nuisance Ordinance, the overweight truck issue with regards to how it is written in the zoning code presently, and the proposed Sandwich/Menu Board Ordinance.

In attendance were Committee Chair, Mr. Rose, Committee Members, Mr. Elam and Mrs. Connolly, Law Director, Mr. Lyons, and Service Director, Mr. Bailey.

The Nuisance Ordinance was reviewed and it was unanimously agreed that this Ordinance would be brought up from the floor, and have the Nuisance Ordinance placed on First Reading so that Council has an opportunity to review this Ordinance thoroughly.

There were discussions that took place regarding the overweight truck issue, and the Law Director is going to be drafting a recommended change to the current code to look at increasing from 3/4-ton to 1-ton with a caveat that will be restricted to non-commercial trucks. Mr. Rose said they believe this will accommodate the residents and alleviate some of the issues they have seen in the past.

The Sandwich/Menu Board Sign proposal was discussed at length. The matter was tabled and will be re-discussed at their next meeting where they will also review the change to the over weight truck issue. The reason the Sandwich/Menu Board Ordinance was tabled was to rewrite certain portions of the draft to make it more conforming prior to having it considered by Planning & Zoning, various committees, and then to Council for their consideration.

The meeting adjourned at 8:05 p.m. The next scheduled meeting of the Ordinance Committee will be on March 19, 2009, at 6:30 p.m.

OPEN TO THE PUBLIC TO SPEAK: 7:08 p.m.

CLOSED OPEN TO THE PUBLIC SECTION: 7:09 p.m.

EXECUTIVE SESSION OF COUNCIL:

7:10 p.m.

MOTION MADE BY MR. EVA, Seconded by Mrs. Connolly for Council to move into Executive Session for the purpose of discussing Collective Bargaining/personnel issues.

ROLL CALL: Ayes: Council Member Eva, Shirley, Connolly, Elam, Hawkins, Rose.
Nays: None.

MOTION CARRIED: 6/0

7:25 p.m.

Council Reconvenes: Roll Call: Ayes: Council Member Eva, Shirley, Connolly, Elam, Hawkins, Rose. Nays: None. All present.

LEGISLATION BEFORE COUNCIL:

ORDINANCE NO. 2009-O-04

AN ORDINANCE RATIFYING THE COLLECTIVE BARGAINING AGREEMENT WITH THE FULL TIME PATROL OFFICERS AND AUTHORIZING THE MAYOR AND ADMINISTRATIVE DIRECTOR TO EXECUTE A WRITTEN CONTRACT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY.

(Ordinance No. 2009-O-04)

MOTION MADE BY MR. EVA, Seconded by Ms. Shirley for Suspension of the Rules.
ROLL CALL: Ayes: Council Member Eva, Shirley, Connolly, Elam, Hawkins, Rose.
Nays: None.

MOTION CARRIED: 6/0

MOTION MADE BY MR. ELAM, Seconded by Mr. Eva for Passage. ROLL CALL:
Ayes: Council Member Eva, Shirley, Connolly, Elam, Hawkins, Rose. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2009-O-05

AN ORDINANCE RATIFYING THE COLLECTIVE BARGAINING AGREEMENT WITH THE FULL TIME POLICE SERGEANTS AND AUTHORIZING THE MAYOR AND ADMINISTRATIVE DIRECTOR TO EXECUTE A WRITTEN CONTRACT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY.

MOTION MADE BY MS. SHIRLEY, Seconded by Mrs. Connolly for Suspension of the Rules. ROLL CALL: Ayes: Council Member Eva, Shirley, Connolly, Elam, Hawkins, Rose. Nays: None.

MOTION CARRIED: 6/0

MOTION MADE BY MR. ELAM, Seconded by Mr. Eva for Passage. ROLL CALL:
Ayes: Council Member Eva, Shirley, Connolly, Elam, Hawkins, Rose. Nays: None.

MOTION CARRIED: 6/0

ORDINANCE NO. 2009-O-06

AN ORDINANCE RATIFYING THE COLLECTIVE BARGAINING AGREEMENT WITH THE FULL TIME COMMUNICATIONS OFFICERS AND AUTHORIZING THE MAYOR AND ADMINISTRATIVE DIRECTOR TO EXECUTE A WRITTEN CONTRACT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY.

MOTION MADE BY MS. SHIRLEY, Seconded by Mrs. Connolly for Suspension of the Rules. ROLL CALL: Ayes: Council Member Eva, Shirley, Connolly, Elam, Hawkins, Rose. Nays: None.

MOTION CARRIED: 6/0

MOTION MADE BY MR. ELAM, Seconded by Ms. Shirley for Passage. ROLL CALL: Ayes: Council Member Eva, Shirley, Connolly, Elam, Hawkins, Rose. Nays: None.

MOTION CARRIED: 6/0

OLD BUSINESS: (none)

NEW BUSINESS:

MOTION MADE BY MR. ELAM, Seconded by Ms. Shirley to amend the Agenda to include the proposed Nuisance Ordinance and place it on First Reading. **ROLL CALL:** Ayes: Council Member Eva, Shirley, Connolly, Elam, Hawkins, Rose. Nays: None.

MOTION CARRIED: 6/0

Council Vice-President Rose asked that the record reflect that Council is bringing up from the floor and has amended the Agenda to include what is now known as Ordinance 2009-O-07. Mr. Rose asked the Clerk to read by title.

ORDINANCE NO. 2009-O-07 FIRST READING

AN ORDINANCE CREATING A NEW SECTION TO THE CITY ORDINANCES RELATIVE TO THE ABATEMENT OF CRIMINAL ACTIVITY NUISANCES AND THE COLLECTION OF COSTS TO THE POLICE DEPARTMENT OF RESPONDING TO SUCH NUISANCES, AND DECLARING AN EMERGENCY.

Council Member Hawkins said he would like to make a comment. The Chair, at the last meeting asked the Ordinance Committee to take a look at the sign ordinance, and that is typically the procedure. Mr. Hawkins said he hopes the Ordinance Committee is not going to be a mini Constitutional Convention with two or three new ordinances that no one has heard about. Mr. Hawkins said it not a well drawn ordinance, and he feels the interpretation of this would be a three bite rule for violating crimes such as drug possession, etc. He hopes this will not be precedence, and this should have been brought up under new business and referred to committee, and also asked the Law Director for his thoughts.

Council Member Eva asked if this is the whole new section or is there a new section that is part of this. Mr. Rose said this is a whole new section, and to set the record straight this was assigned to the Ordinance Committee to review by the Council President at a Council Meeting, and was placed on the Ordinance Committee's Agenda. Mr. Rose said the purpose of this is not so much to target the individual, but to go after those owners who are listed as the owners by the Lake County Auditor in order to further enforce the laws that we have in place. Mr. Rose said he believes this is clearly outlined on the second paragraph/page three, but it is served on the owners and not the tenants. Mr. Rose said it was put on First Reading, as it certainly was not meant for the Ordinance Committee group to set the rules. It was recommended by the Ordinance Committee to place this Ordinance on First Reading so that it can be further reviewed by Council. Mr. Rose said this was reviewed by the Law Director and he was present at the meeting when this proposed Ordinance was reviewed and discussed.

Mr. Hawkins said he remembers a woman who came to a meeting complaining about barking dogs. He said that Mr. Lyons said that was already a violation, and he also recalls him saying this would be a nuisance.

Mr. Hawkins said he does not recall this being referred to the Ordinance Committee by the Chairman. Mr. Hawkins said if the owner is in violation, it appears that you get three bites, and then action is taken.

Mr. Elam said that it is his understanding about this Ordinance, that if we continue to get nuisance calls about a particular address in the City, this Ordinance has to do with recouping administrative costs; costs for sending people out unnecessarily to handle these nuisance calls that continue to come in when there is no compliance by whomever owns the property. Mr. Elam said if it is a rental property then it would be the owner's responsibility to remove them or otherwise they will be assessed a fee for responding unnecessarily. Mr. Elam said he believes the Police Chief would be the person to make this determination if we are going to charge them for unnecessary police/fire calls. If they do not pay, then the costs are added to the owner's tax duplicate. Mr. Rose said that is correct, and the recoupment of costs are outlined on page four.

Mr. Hawkins said that at some point this Ordinance will have to be considered on its merits. Also, Mr. Hawkins said he does not recall the issue of trucks being referred to committee, and feels it is a misunderstanding of the legislative process. Mr. Rose said it is his understanding that the Council President referred the overweight truck issue to the Ordinance Committee to look at what is on the books now. Mayor Rogers said the Administration did request that Council review the truck Ordinance. Mr. Hawkins said he did not recall this and just wants to make sure that proper procedure is followed.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Agenda Meeting of Council	March 19, 2009	6:00 p.m.
Ordinance Committee	March 19, 2009	6:30 p.m.
Regular Meeting of Council	March 24, 2009	7:00 p.m.
Planning & Zoning Commission	April 6, 2009	7:00 p.m.

Mr. Hawkins asked what the purpose of the next Ordinance Committee will be. Mr. Rose said the purpose of the next Ordinance Committee will be to review the Sandwich/Menu Board proposal that was assigned to Committee, and he will table the overweight truck issue and resurrect that at the next Meeting of Council.

ADJOURNMENT:

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

MOTION CARRIED: 6/0

The meeting adjourned at 7:45 p.m.

APPROVED:

Date

Dale O. Langbehn
President of Council

Attest: _____
Clerk of Council