

**MINUTES
REGULAR MEETING OF COUNCIL
CITY OF MENTOR-ON-THE-LAKE
MAY 12, 2009**

The Regular Meeting of Council of May 12, 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
- Aye: Sharleen Connolly
- Aye: Troy D. Elam
- John Hawkins (excused)
- Aye: Dale O. Langbehn, President

READING OF MINUTES: April 28, 2009 – Regular Meeting of Council

MOTION MADE BY MR. ROSE, Seconded by Mr. Eva, to approve the Minutes for the April 28, 2009, Regular Meeting of Council, as submitted by the Clerk. **ROLL CALL:** Ayes: Council Member Rose, Eva, Shirley, Elam, Langbehn. Nays: None. Abstain: Mrs. Connolly.

MOTION CARRIED: 5/0/1

CORRESPONDENCE: (none)

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor and Safety Director – Mayor Rogers

Mayor Rogers reported that he does not remember when he has received so many copies of letters from the Service Dept. regarding un-kept properties. Within the last four weeks there have been at least 35 letters sent out to property owners regarding their un-kept property.

The vehicle was finally removed from the property on Salida Road that has been under construction for sometime. The owner said it was left there to indicate that someone was living in the home.

Mayor Rogers said there have been concerns shared with him by Council regarding the Lakeway Woods property. He said he has been dismayed by the conditions of the buildings. Mayor Rogers said a rental inspection was conducted by the City and he is going to be scheduling a meeting with the property owners. The owners have taken important steps to make the premises safe for the residents as well as clean. Mayor Rogers said he will keep Council up-to-date on their progress in this matter.

Mayor Rogers said he would like to advise Victory Lane Church that several dates in July would be acceptable to Council for the appreciation picnic they would like to have for them.

The Administration has been looking into health care for the full time employees. Under the current plan they are spending approximately \$27,339.00 per month for the employee's health care benefits, with an annual cost of approximately \$328,000 per year. Mayor Rogers said the same insurance company has provided a renewal plan that would increase to approximately \$400,000 per year. Mayor Rogers said they probably will not take advantage of this plan and their insurance agent has presented them with some proposals which he is in the process of reviewing. Mayor Rogers said they will continue to try to provide the best level of insurance for the employees baring their financial constraints.

Mayor Rogers said that Mr. Molenaar attended a conference in Columbus, and during that conference it was evident that the State's Budget continues to regress which will have an adverse effect on the funds that are coming back to us. Mayor Rogers said he directed Mr. Molenaar to revise our budgetary participation from a revenue standpoint for the remainder of this year. He will be talking with his department heads regarding coming into compliance with this matter.

The AmVets Memorial Day Parade will be held on May 25, 2009 at 1:00 p.m. Mayor Rogers said that anyone that may be interested in participating in the parade should contact the AmVets directly.

Mayor Rogers said the road bids are on the Agenda this evening for consideration of Council. The bids that came in have come in under budget.

Mayor Rogers said he has had conversations with Mr. Langbehn regarding animal complaints, and Mr. Langbehn will be addressing this issue at the appropriate time.

Mayor Rogers and Mr. Molenaar will be attending the legislative conference in Washington, DC this week. They will be discussing with Congressman LaTourette the funding that was promised to the City for the Andrews Road Reconstruction Project.

They have been able to generate new grants for the Fire Department, and they have received some funding for the road project, but they have to discuss how they will be receiving the remainder of the funding that was promised. He feels it has been beneficial on behalf of the City for them to attend this conference.

Administrative Director – Mr. Molenaar

Mr. Molenaar said that in reference to the Mayor's report on the State budget, a lot is going to depend upon on whether or not the Governor is going to extract approximately \$900,000,000 from the rainy day fund to make things balance. If they are successful with that, it would change the estimate somewhat. The last half of our fiscal year will still be revised.

On May 21, 2009 at 10:00 a.m. there will be an exit conference with our new auditors. Mr. Molenaar said that if any Members of Council can attend to please let him know and he will advise the auditors accordingly.

Law Director – Mr. Lyons (no report)

City Engineer – Mr. Sayles

Mr. Sayles they have awarded the two road contracts for 2009. The two low bidders are both good contractors. The concrete contract is being awarded to TC Construction who has had many years of experience with the City. They do not have direct experience with Barbicus Construction, but they did check their references with the most recent being Laketran. The reports were favorable from Laketran on their work. Mr. Sayles said he would recommend the award of the contracts.

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Mr. Elam said he would like to commend the Service Department for the quality of work and the professional work they have been doing on McMinn Field. He said the only issue being that he has had to raise the issue four or five years in a row regarding the condition of the fields before somebody took it seriously. He said it is not Council's job to deal with McMinn fields, but it has taken that long to get some attention over there. Mr. Elam asked if there are plans to work on the outfields this year. Mayor Rogers said he spoke to the league members after the last meeting of Council and they are preparing a list for him on things that need to be addressed there. Mr. Elam said he was there today and the fields are beautiful but the outfield does need some attention.

Mr. Elam said he was Chair of the Parks & Recreation Board years ago when the City acquired that property when Frank Stroud was the Mayor. It has been mentioned a few times by Mr. Hawkins that there are tree trunks and rotted material in those fields. As he recalls, there was a company that wanted the sand that was in that area and they worked out a proposal with then Mayor, Frank Stroud, at no cost to the city to remove the trees and all of the roots and take the sand. They would then bring in topsoil to recover the fields. There was a push that year to get the fields opened and the company never had the time to bring the topsoil back in because everyone was pushing to open those fields. Mr. Elam said there is no topsoil on those fields; it is whatever was under the sand when they took the sand off. Mr. Elam said they have been fighting this issue ever since because we did not do that final step to prepare those fields in a proper way. Mr. Elam said in his opinion we are still dealing with this problem and it needs to be addressed in some sort of way. Mr. Elam said he is happy that progress is being done over there.

Mr. Elam said the work that the Service Dept. is doing a good job, and he pleased with the quality of their work on Miami Rd. He said that there is a question though as to whether or not there was a drainage issue there at all. He and his neighbors were wondering what precipitated the Service Department to come out in the first place to dig into the yard out there. Mayor Rogers said there was a heavy down pour and the water was not draining property and with further investigation they found that some of the clay tile had collapsed and some of the tile had roots in the system. Upon further investigation the tile between the driveway aprons was approximately 6" in diameter and the tile underneath the driveway was approximately 10" in diameter. Mr. Elam said that as far as they know this was in one yard. Mr. Elam said someone complained. Mayor Rogers said he does not have that information in front of him. Mr. Elam asked if it backed up into the ditches or into his yard. Mr. Elam said that what needs to be done there needs to be done, but there are a lot of other areas in the City where water stands in ditches for a week after it rains and apparently nobody is complaining about that or nothing is being done about that. Mayor Rogers said that is not true. Mr. Elam asked when was the last time he was on Miami Rd. Mayor Rogers said he has been out with the Service Dept. time and time again whenever there have been flooding issues. In this situation they came to him and asked him how he wanted them to approach the matter. The options were they could ditch everything out, which he did not like to do because the residents do not like the ditching, so he asked if they could restore it back into place with the proper piping that would address the issue. Mr. Elam said he understands all of this. He was wondering why they dug in the first place and who complained. Mr. Elam said he has never seen water backed up on that side of the street, and there are other issues around the City that unless someone complains about them have been left unaddressed. Mr. Elam said there are obvious problems. Mayor Rogers said the Service Department does try to address them. Mr. Elam said that it seems inconsistent as when it rains there is standing water somewhere in the City. He said that he gets water in his front yard because every time the road is paved the road gets higher. Mr. Elam said his concern is that someone can call and the Service Dept. can come out and dig up their yard because they think there may be a problem there.

Mayor Rogers said someone called because their yards were flooding and they went out and found the blockage. Mr. Elam said their side does not back up but the other side backs up all the time. He said it bothers him that someone can make a complaint and they come out and dig without talking to the residents in the area. Mr. Elam said within two hours of digging a letter was hand delivered to the residents that you have 6" pipe in your yards that may need to be removed. Mr. Elam said they have no idea the size of the pipe in his yard or his neighbor's yard. Mr. Elam said they dug into one yard. Mr. Molenaar said the entire pipe there is 6" pipe, and they know this because they dug holes. Mr. Elam said they did not do this because they only dug two holes in one yard.

Mr. Langbehn said that he calls the Administration directly whenever he sees a problem rather than bringing the matter up at a Council Meeting. Mr. Elam said he sent three memos to the Mayor and he responded to this.

Mr. Lyons said he was trying to determine if this was in the right-of-way where the City was digging the holes. Mr. Lyons said that if it was, that land belongs to the City and they are entitled to do that.

BOARD/COMMITTEE/COMMISSION REPORTS:

Parks & Recreation Board / Meeting of April 30, 2009 / Mr. Rose

The Parks & Recreation Board met on Thursday, April 30, 2009 at 7:30 p.m. Members present were Chair, Suzanne Durachinsky, Lynn Hawkins, Diana Remaley, Recreation Director, John Crocker and Council Representative, Andy Rose.

The purpose of the meeting was to conduct their monthly meeting. Mr. Rose reported that they judged the yard sale poster contest. There were over 30 entries. First place was taken by Lake Elementary Student, Olivia Splete, with Second Place being taken by Bryce Sullivan. They received a gift certificate to Biggies Ice Cream Stand on Andrews Road. Thanks to the help of Laura who did the extra part at the bottom of the poster, they then made 15 posters at no cost to the City. They will be placed throughout the City.

They held a short discussion regarding the budget and how much they allocate toward McMinn Park and the parks in general. At the next meeting, John Crocker is going to bring the Board a breakdown what is budgeted and specifically what we spend at McMinn Park and also the ball fields behind City Hall.

The meeting adjourned at approximately 8:30 p.m. Mr. Rose said it should be noted that despite numerous invitations, no members of McMinn Baseball League have attended a Parks & Recreation Board Meeting thus far this year.

OPEN TO THE PUBLIC TO SPEAK: 7:35 p.m.

Amy Dietzel – 5986 Campbell Road, Mentor-on-the-Lake, Ohio

Last year Mrs. Dietzel contacted the City to request assistance with the clean up of property on Campbell Road. She was advised that there were special circumstances and that the property would be cleaned up. She did see some work go on last year.

Mrs. Dietzel presented photographs 1-11 to Council for their review. They showed debris that was piled up in the front yard and this debris has been transferred from the front to the back yard. Last year a dumpster appeared in the front yard and has been sitting in the driveway for about 5 months full of debris and garbage bags. Mrs. Dietzel said she was surprised to see that the City does not have an Ordinance to cover the length of time that dumpsters can remain on residential property. She is concerned this will become a home for wild life. Since there is never any trash place at the curb, one can only assume that trash is also being put into this dumpster.

Mrs. Dietzel said she would like to see the City create an ordinance to limit the amount of time storage such as a pod or a dumpster can remain on a resident's property.

The driveway is currently lined with yard debris along side the dumpster and has been there for more than two weeks. The fence is falling and the neighbor has been trying to keep holes in it covered. This is all dry yard debris and creates a fire hazard. Mr. & Mrs. Miller have to face this every day. If another fire breaks out it could spread to the Miller's home as well as to other homes in the area. The resident's dog constantly tries to get into the Miller's yard. This dog has been in both her yard and the Miller's yard. The dog has prevented Mr. Miller, who is legally blind from planting his garden. Mr. & Mrs. Miller are fearful that the dog will jump on them and knock them over while they are working in the back yard. Mrs. Dietzel said you are talking about people in their 80's.

Mrs. Dietzel is asking the City to take whatever legal action, other than sending letters, and do whatever is necessary to get this health and fire hazard cleaned up before the weather gets much warmer. This resident was given 30 days notice last year and 30 days again this year, and Mrs. Dietzel said we now need action. She would also request that we ensure her that they will have some sort of ordinances to cover this sort of situation to prevent this from happening elsewhere in our pretty little City of Mentor-on-the-Lake.

Mr. Langbehn asked where the debris is coming from. Mrs. Dietzel said he cut down a tree from the neighbor's yard and hauled it over. Mrs. Dietzel said nothing goes to the curb; it either goes into the dumpster or into his backyard.

Don Miller – 5978 Campbell Road, Mentor-on-the-Lake, Ohio

Mr. Miller said this problem has been going on for years with this house. His neighbor will do absolutely nothing and will not repair anything. He will not touch the fence and he waits until Mr. Miller puts it back up. The dog is in his backyard all the time and doing his business. It is a nice pet and could be taught otherwise. He said he tracks the dogs mess into his house because he cannot see it when he walks. Mr. Miller said something has to be done. They use their yard.

Council President Langbehn said they will look into what could be lacking currently in the ordinances regarding Mrs. Dietzel's request.

CLOSED OPEN TO THE PUBLIC SECTION: 7:45 p.m.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2009-R-07

A RESOLUTION ACCEPTING THE BID OF TC CONSTRUCTION CO., INC. FOR 2009 ROAD CONCRETE REPAIRS AND AUTHORIZING THE MAYOR AND ADMINISTRATIVE DIRECTOR TO ENTER INTO AN APPROPRIATE CONTRACT THEREFORE, AND DECLARING AN EMERGENCY.

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

MOTION CARRIED: 6/0

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

MOTION CARRIED: 6/0

RESOLUTION NO. 2009-R-08

A RESOLUTION ACCEPTING THE BID OF BARBICAS CONSTRUCTION CO., INC. FOR 2009 ROAD ASPHALT REPAIRS AND AUTHORIZING THE MAYOR AND ADMINISTRATIVE DIRECTOR TO ENTER INTO AN APPROPRIATE CONTRACT THEREFORE, AND DECLARING AN EMERGENCY.

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

MOTION CARRIED: 6/0

(Resolution No. 2009-R-08)

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

MOTION CARRIED: 6/0

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

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

Council President Langbehn said there will be a Public Hearing on this matter on June 9, 2009. In addition to that, Mr. Langbehn said he wants to assign this Ordinance to Planning & Zoning for their review and for their approval at their next meeting.

OLD BUSINESS: (none)

NEW BUSINESS:

Council President Langbehn said he has had some conversation with residents this week regarding neighbors that are feeding wild animals in particular raccoons and skunks. Mr. Langbehn said he called the health department and was told that it was too bad that this person did not complain last year as Mentor-on-the-Lake was targeted to pick up all those wild animals and capture them and check them for rabies, etc. Mr. Langbehn assigned this issue to the Safety Committee to look at. Mr. Langbehn said that City of Willoughby does have an ordinance with regards to that issue.

With regards to some of the comments from Mrs. Dietzel this evening, Mr. Langbehn assigned to the Ordinance Committee the matter of keeping fences maintained adequately and also dealing with the time limitations for having dumpsters/pods on your premises. Mr. Langbehn said he certainly hopes there is something that can be done with condition of that property. He said we will be getting into mosquito season soon, and this could very much be of interest to the health department. Mr. Langbehn said that Mr. Elam made mention of the nuisance ordinance, but he does not believe this would apply. Mr. Lyons said that he does not believe that exterior maintenance applies to the nuisance ordinance. Mr. Langbehn said there is another piece of property on the corner or Beach where the house behind it is now empty and there is one with lawn mowers and equipment in there. He was wondering if letters have been sent out on this property as it is beginning to look very bad in that area.

Mr. Elam said he thinks it is unfortunate that our residents have to come and see Council to get any action. They have to come to City Council to get things cleaned up even after two citations have been issued. He said not to offend the residents, but it is not their job.

We have taken up all this time dealing with administrative issues and they are not the administration. Mr. Elam said he wants to say to the residents he is sorry they had to come down here to get things done as it should not be that way.

(Transfer of Funds)

MOTION MADE BY MR. ROSE, Seconded by Ms. Shirley to approve the Transfer of Funds in the amount of \$170,000 from the General Fund General Services to the General Bond Retirement for the purpose of OPWC Loans, Note, Interest, and Legal Costs which transfer is authorized as per Ordinance No. 2009-O-02. ROLL CALL: Ayes: Council Member Rose, Eva, Shirley, Connolly, Elam, And Langbehn. Nays: None.

MOTION CARRIED: 6/0

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Board of Zoning Appeals	May 18, 2009	7:00 p.m.
Agenda Meeting of Council	May 21, 2009	6:00 p.m.
Regular Meeting of Council	May 26, 2009	7:00 p.m.
Parks & Recreation Board	May 28, 2009	7:30 p.m.

ADJOURNMENT:

MOTION MADE BY MS. SHIRLEY, Seconded by Mr. Eva for Adjournment. ROLL CALL: Ayes: Council Member Rose, Eva, Shirley, Connolly, Elam, Langbehn. Nays: None.

MOTION CARRIED: 6/0

The meeting adjourned at 7:55 p.m.

APPROVED:

Date

Dale O. Langbehn
President of Council

Attest: _____
Clerk of Council