

**MINUTES  
REGULAR MEETING OF COUNCIL  
CITY OF MENTOR-ON-THE-LAKE  
MAY 26, 2009**

The Regular Meeting of Council of May 26, 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  
Aye: John Hawkins  
Aye: Dale O. Langbehn, President

**READING OF MINUTES:** May 12, 2009 – Regular Meeting of Council

**MOTION MADE BY MR. EVA,** Seconded by Mr. Rose, to approve the Minutes for the May 12, 2009, Regular Meeting of Council, as submitted by the Clerk. **ROLL CALL:** Ayes: Council Member Rose, Eva, Shirley, Connolly, Elam, Langbehn. Nays: None. Abstain: Mr. Hawkins.

**MOTION CARRIED: 6/0/1**

**CORRESPONDENCE:** (none)

**ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:**

**Mayor and Safety Director – Mayor Rogers** (no report / excused from meeting)

**Administrative Director – Mr. Molenaar**

Mr. Molenaar stated that he presented the Clerk of Council with the Fiscal Officer's Certificate pertaining to the Note Ordinance No. 2009-O-10. This certificate certifies that the projects listed on the note have a useful life of at least five years.

**Law Director – Mr. Lyons**

Mr. Lyons said that he asked that Council review the amendments to Council Rules that have been presented to them this evening. He said he would answer any questions regarding the amendments that Council may have.

**Fire Chief – Mr. Mahoney**

Chief Mahoney said the Department is continuing on with their educational efforts. The third graders at Lake Elementary have visited the fire and safety house. The Department has also done presentations at the mall. On June 25<sup>th</sup> and 26<sup>th</sup> they will again be holding Camp 9-1-1 which has become a popular activity with the children.

They are working on bringing on two new people from the last round of testing they held. Chief Mahoney said they have been very busy the last few weeks providing mutual aid to Willoughby and also Painesville. Chief Mahoney said they were also busy with a fire on Manor Drive.

**City Engineer – Mr. Sayles**

Mr. Sayles reported that the pre-construction meeting for the 2009 Road Program will be held on June 9<sup>th</sup> at City Hall.

**QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS: (none)**

**BOARD/COMMITTEE/COMMISSION REPORTS:**

**Board of Zoning Appeals / Meeting of May 18, 2009 / Mr. Eva**

The Board of Zoning Appeals met on May 18, 2009 at 7:00 p.m. Members present were Al Beuscher, Dave Baranski, Ed May, Mike Sweeney, David Eva, and Service Director, Mr. Bailey.

The purpose of the meeting was a public hearing for Ralph Capretta at 7929 Driftwood Drive. Mr. Capretta was requesting a variance per Ordinance 1244.05(c)(3) to build an addition/shed/deck requesting a 30 inch side yard set back in lieu of the required 5 foot set back.

Mr. Bailey explained to the Board that Mr. Capretta's shed and deck were built approximately 15 years ago without building permits. Mr. Beuscher, Chairman of the Board, explained to Mr. Capretta the Board could only grant a 10% variance which would be 4 feet for the side yard set back.

Mr. Capretta revised his request to comply with the 4 foot side yard set back. Mr. Capretta understood both the deck and shed would have to be disassembled to meet these requirements. The Board approved the 4 foot set back request with a 4/1 vote.

The meeting adjourned at 7:45 p.m.

Mr. Molenaar added to his report that at the last meeting Mrs. Dietzel was present complaining about the property on Campbell Road. Mr. Bailey received a call from the Attorney who has been appointed trustee of that property. Since that conversation the dumpster has been removed and the brush has been chipped up and taken away. He is also getting an estimate on repairing the fence. Mr. Molenaar said the majority of the problems have been taken care of. Mr. Eva asked Mr. Molenaar if the intent is to sell the home. Mr. Molenaar said he does believe so.

**OPEN TO THE PUBLIC TO SPEAK: 7:09 p.m.**

**CLOSED OPEN TO THE PUBLIC SECTION: 7:10 p.m.**

**7:10 p.m. Recess of Council**

**MOTION MADE BY MR. EVA**, Seconded by Mr. Rose for Council to take a brief recess to review the change of Council Rules (as amended May 26, 2009), Section 3. ROLL CALL: Ayes: Council Member Rose, Eva, Shirley, Connolly, Elam, Hawkins, Langbehn. Nays: None.

**MOTION CARRIED: 7/0**

**7:15 p.m. Council Reconvenes: ROLL CALL:** Ayes: Council Member Rose, Eva, Shirley, Connolly, Elam, Hawkins, Langbehn. Nays: None.

**MOTION MADE BY MR. ELAM**, Seconded by Ms. Shirley to approve Section 3 of Council Rules, as amended May 26, 2009, and the adoption of Council Rules as so amended (May 26, 2009). ROLL CALL: Ayes: Council Member Rose, Eva, Shirley, Elam, Hawkins. Nays: Council Member Connolly and Council Member Langbehn.

**MOTION CARRIED: 5/2**

**LEGISLATION BEFORE COUNCIL:**

**RESOLUTION NO. 2009-R-09**

A RESOLUTION TO RESCIND RESOLUTION NO. 2009-R-08 AND TO ACCEPT 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.

**(RESOLUTION NO. 2009-R-09)**

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

**MOTION CARRIED: 7/0**

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

**MOTION CARRIED: 7/0**

**ORDINANCE NO. 2009-O-09 (THIRD READING)**

**PUBLIC HEARING WILL BE HELD ON JUNE 9, 2009 AT 7:00 P.M.**

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

**ORDINANCE NO. 2009-O-10**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,015,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY A PORTION OF THE COSTS OF IMPROVING STATE ROUTE 283 BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, PAVING, RECONSTRUCTING, WIDENING WHERE NECESSARY, CONSTRUCTING BIKE PATHS, SIDEWALKS, CURBS, GUTTERS, STORM SEWERS, CATCH BASINS, MANHOLES AND DRIVEWAY APRONS WHERE NECESSARY, INSTALLING AND UPGRADING TRAFFIC CONTROL DEVICES AND SIGNALS WHERE NECESSARY, ACQUIRING ANY REAL ESTATE OR INTERESTS THEREIN NECESSARY IN CONNECTION THEREWITH, AND OTHERWISE IMPROVING THE SAME, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND IMPROVING THE ENTIRE LENGTH OF HOLLY DRIVE BY RESURFACING, CONSTRUCTING STORM SEWERS, INLETS AND MANHOLES, AND OTHERWISE IMPROVING THE SAME, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND TO PAY THE COSTS OF IMPROVING AND EQUIPPING CITY HALL BY ACQUIRING OFFICE EQUIPMENT, COMPUTERIZED EQUIPMENT, AND AN EMERGENCY GENERATOR, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, ACQUIRING EQUIPMENT FOR THE POLICE DEPARTMENT OF THE CITY, AND MOTORIZED VEHICLES AND EQUIPMENT FOR THE SERVICE DEPARTMENT OF THE CITY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

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

**MOTION CARRIED: 7/0**

**(ORDINAINCE NO. 2009-O-10)**

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

**MOTION CARRIED: 7/0**

**ORDINANCE NO. 2009-O-11**

AN ORDINANCE LEVYING LIENS FOR EXPENSES INCURRED FOR LAWN MAINTENANCE AND/OR CULVERT REPAIRS, AND DECLARING AN EMERGENCY.

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

**MOTION CARRIED: 7/0**

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

**MOTION CARRIED: 7/0**

**OLD BUSINESS:**

Mr. Hawkins asked Mr. Molenaar if the McMinn Projects have been completed. Mr. Molenaar said the summary he is looking at is a list of the projects that have been done over the years. Mr. Hawkins said he spoke to some of the parents, and they were wondering if it would be better to mix some sand in with the topsoil at McMinn as it may help the drainage. Mr. Hawkins said he would like the City Engineer to look into this and give Council their ideas on the matter.

Council President Langbehn said he did attend the Auditor's exit conference on May 21<sup>st</sup>. Mr. Langbehn said it was a good review and report. He complimented Mr. Molenaar on the excellent job he and the Administration is doing for the City.

Council Member Elam said he will be out of town and will not be at the next regular meeting. He also stated that the AmVets Memorial Day Parade was well attended and an excellent parade.

**NEW BUSINESS: (none)**

**ANNOUNCEMENTS AND SETTING OF MEETINGS:**

Ordinance Committee	May 28, 2009	5:30 p.m.
Parks & Recreation Board	May 28, 2009	7:30 p.m.
Planning & Zoning Committee	June 1, 2009	7:00 p.m.
Agenda Meeting of Council	June 4, 2009	6:00 p.m.
Regular Meeting of Council	June 9, 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, Connolly, Elam, Hawkins, Langbehn. Nays: None.

**MOTION CARRIED: 7/0**

The meeting adjourned at 7:30 p.m.

APPROVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Dale O. Langbehn**  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council