

**MINUTES
REGULAR MEETING OF COUNCIL
CITY OF MENTOR-ON-THE-LAKE
FEBRUARY 9, 2010**

The Regular Meeting of Council of February 9, 2010 for the City of Mentor-on-the-Lake, Ohio, was Called to Order by Council President, Andrew M. Rose, at 7:00 p.m.

CALL TO ORDER: PLEDGE OF ALLEGIANCE

ROLL CALL: Aye: Dale O. Langbehn, Vice President
Aye: David R. Eva
Aye: Susan M. Shirley
Aye: Vernita L. Savage
Aye: Troy D. Elam
Aye: John Hawkins
Aye: Andrew M. Rose, President

READING OF MINUTES: January 26, 2010 – Regular Meeting of Council

MOTION MADE BY MR. LANGBEHN, Seconded by Ms. Shirley, to approve the Minutes for the January 26, 2010, Regular Meeting of Council, as submitted by the Clerk.

ROLL CALL: Ayes: Council Member Langbehn, Eva, Shirley, Savage, Elam, Rose.
Nays: None. Abstain: Council Member Hawkins.

MOTION CARRIED: 6/0/1

CORRESPONDENCE: (none)

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor and Safety Director – Mayor Rogers

Mayor Rogers thanked Council for their participation in the annual budget meeting. He thanked Mr. Molenaar for his work on the budget. Mayor Rogers said he directed Mr. Molenaar to request that the Appropriation and Payroll Ordinances be brought up from the floor for action by Council this evening. The operational appropriations for FY 2010 will be \$4,414,000 which is approximately \$414,000 less than last year which is about 8.6%. Including the debt funds they are looking at \$6,165,000.

They are down approximately 9% from last years appropriations and they are trying to maintain normal services to the best of their ability. They will not be replacing police cars this year, and the road program will be minimal. The payroll ordinance provides for approximately a 2% increase for non-union and collective bargaining personnel. The increase is consistent with the union contracts. At the beginning of the year Mayor Rogers said they did not believe they could do that, but with conservative efforts on the part of the department heads towards the end year, there was more to carry forward than anticipated.

Administrative Director – Mr. Molenaar

Mr. Molenaar said he would address any questions that Council may have concerning the legislation that is on the agenda this evening.

Law Director – Mr. Lyons (no report)

City Engineer – Mr. Sayles (no report)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS: (none)

BOARD/COMMITTEE/COMMISSION REPORTS:

Parks & Recreation Board / Meeting of January 28, 2010 / Mr. Eva

The Parks & Recreation Board met on Thursday, January 28, 2010 at 7:30 p.m. Members present were Jennifer Bittner, Suzanne Durachinsky, Nancy Marts, Diana Remaley, Recreation Director John Crocker, and Council Representative David Eva.

Several thank you cards were received by the Board for the Labor Day event and also the Toys-For-Kids Program.

Mr. Crocker reported all prior Parks & Recreation Board events were submitted to Council in his 2010 budget pending approval.

Suzanne Durachinsky will remain as Chairperson and Jennifer Bittner was elected Vice-Chairman for year 2010.

Activity events were scheduled for the year for the City-wide Yard Sale, Labor Day Parade, Boo Bash at Lake Elementary, Toys-For Kids shopping and the Holiday Lighting Contest.

The Toys-For Kids Program was discussed. In 2004, the Program had \$2,377.00 to start, with 16 children. The beginning balance in 2010 is \$886.00. There were 47 children in 2009 Program, and there is currently no toy inventory. Council Member Eva said they will need donations for the 2010 Program.

The meeting adjourned at 8:15 p.m.

Finance/Audit Committee / Meeting of February 6, 2010 / Mr. Hawkins

Council Member Hawkins said that all Members of Council were present for the annual budget meeting. As the Mayor discussed, the budget will be approximately \$400,000 less than the previous year. They will be basically maintaining all of the services as currently provided, however, the road program will be minimal and the City will not be getting new police cruisers. There was also some discussion regarding meeting with the McMinn League and explaining to them that the allocation in the recreation budget does not represent the entire financial commitment this City makes to McMinn Park and the other parks.

There was a vote on each item, and they allowed each department head to speak. All of the department heads were of the mind that although were not happy with the budget they could live with it. The Finance Committee did unanimously approve a motion that this budget be recommended to the Committee as a Whole.

Council Member Hawkins said if any Member of Council feels there is a problem or issue with regard to the budget they can bring that issue or concern to the attention of the Auditor of the Committee.

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

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

LEGISLATION BEFORE COUNCIL:

ORDINANCE NO. 2010-O-01

AN ORDINANCE REVIEWING AND REAFFIRMING THE PROVISION OF CHAPTER 1464, POINT OF SALE INSPECTION PROGRAM, OF THE CODIFIED ORDINANCES OF THE CITY OF MENTOR ON THE LAKE AND DECLARING AN EMERGENCY.

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

MOTION CARRIED: 7/0

Council Member Elam asked how many Point of Sale Inspections were done in 2009. Mayor Rogers said that historically there are approximately 100. Mayor Rogers said the cost is \$100.00 per inspection and \$30.00 for rentals. He said this is the same fee as when the program was first initiated. Council Member Elam said he believes this has been a good program. Mayor Rogers said generally the feedback on this program has been positive. Council Member Elam said he has had comments from 4-5 residents over the years, and apparently improvements had to be made before the home was sold, so apparently the program is working.

Council Member Eva asked if there are any controls in place where we do not miss anyone who may be selling their home. Mr. Lyons said there are a few occasions where one is missed when there may be a private sale. Mr. Lyons said it has not been 100% over the years, but it has been very high. Mr. Molenaar said 95% of the title companies know the title cannot transfer until the point of sale inspection is done.

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

MOTION CARRIED: 7/0

ORDINANCE NO. 2010-O-02

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 Mr. Langbehn for Suspension of the Rules. ROLL CALL: Ayes: Council Member Langbehn, Eva, Shirley, Savage, Elam, Hawkins, Rose. Nays: None.

MOTION CARRIED: 7/0

Mr. Molenaar said this Ordinance reflects lawns that were cut at the end of the cutting season. He said that 95% of those listed are grass problems with 1-2 sewer repairs.

Council Member Eva asked if the City is charged anything to file this lien. Mr. Molenaar informed Council that there is no charge to the City, and once this is passed and certified it is sent to the County Auditor where it is assessed to the property.

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

MOTION CARRIED: 7/0

MOTION MADE BY MR. LANGBEHN, Seconded by Ms. Shirley to amend the Agenda to place Ordinance No. 2010-O-03 onto the Agenda for the consideration of Council. ROLL CALL: Ayes: Council Member Langbehn, Eva, Shirley, Savage, Elam, Hawkins, Rose. Nays: None.

MOTION CARRIED: 7/0

ORDINANCE NO. 2010-O-03

AN ORDINANCE PROVIDING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MENTOR-ON-THE-LAKE FOR YEAR 2010, REPEALING ANY ORDINANCE PRIOR THERETO, AND DECLARING AN EMERGENCY.

MOTION MADE BY MR. LANGBEHN, Seconded by Mrs. Savage for Suspension of the Rules. ROLL CALL: Ayes: Council Member Langbehn, Eva, Shirley, Savage, Elam, Hawkins, Rose. Nays: None.

MOTION CARRIED: 7/0

MOTION MADE BY MRS. SAVAGE, Seconded by Ms. Shirley for Passage. ROLL CALL: Ayes: Council Member Langbehn, Eva, Shirley, Savage, Elam, Hawkins, Rose. Nays: None.

MOTION CARRIED: 7/0

MOTION MADE BY MR. LANGBEHN, Seconded by Mrs. Savage to amend the Agenda to place Ordinance No. 2010-O-04 onto the Agenda for the consideration of Council. ROLL CALL: Ayes: Council Member Langbehn, Eva, Shirley, Savage, Elam, Hawkins, Rose. Nays: None.

MOTION CARRIED: 7/0

ORDINANCE NO. 2010-O-04

AN ORDINANCE PROVIDING FOR THE COMPENSATION OF ELECTED AND APPOINTED SALARIED AND HOURLY EMPLOYEES OF THE CITY OF MENTOR-ON-THE-LAKE; REPEALING ANY AND ALL OTHER ORDINANCES AND PARTS THEREOF WHICH MAY BE INCONSISTENT HERewith OR WHICH MAY BE REDUNDANT HERETO, AND DECLARING AN EMERGENCY.

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

MOTION CARRIED: 7/0

Council Member Elam said that from the Finance Committee Meeting it was his understanding that non-union personnel and some of the union personnel are getting a 2% raise. Mr. Elam said it is his understanding that there are certain union elements in the City that have gotten a 3% raise. Mayor Rogers said they are coming off the last year of their contractual agreement that included a 3% increase. Mr. Elam said they are trying to treat the non-union personnel the same as they are the bargaining personnel within this budget.

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

OLD BUSINESS:

Adoption of Council Rules:

Council President Rose reminded Council that the Rules were currently tabled, so a motion would be in order to bring them off of the Table.

Council Member Hawkins said he has researched consent agenda rules and Roberts Rules does provide for a consent agenda although under another name. Mr. Hawkins said he brought copies of what he found regarding the consent agenda and thought that Council should review it and, if it is to their liking, they could vote on this matter at the next Regular Meeting of Council. He said there is a great deal of information on the internet regarding consent agendas but he picked this one because it also has recommended language for change in the rules.

Council Member Hawkins said that basically the way it works is the President at the Agenda meeting sets a consent agenda typically for things such as approval of minutes or routine appointments, etc., which is then brought up as a lump. He said that if one person objects, then that particular item can be pulled out of the consent agenda for discussion.

Council President Rose asked if there were any other recommended or proposed changes that any Member of Council is looking to bring forth for the next meeting.

Council President Rose said there was a change last year to Council Rules where at the last meeting of the year that Council Members could express their desire for a leadership position. Mr. Rose stated that he is not certain that discussing this in an open forum with the public is the right thing to do. He feels this is something that should be discussed among Council without the public being present.

Council President Rose said if a Council Member has the desire to obtain a leadership position he feels is something that could be discussed with individual Council Members on your own without bringing it to a public forum.

Council Member Elam said it makes no sense to him as to why they would want to keep it from the public. Council Member Hawkins said he believes this is fine as long it is not turned into a long debate. Mr. Elam said there was an extensive article regarding the City of Mentor Council as to their leadership desires. Mr. Elam said his point is why Council would want to keep this a secret. Council President Rose said his concern is also that it does not turn into a heated debate and, looking down the road, is something that he would like to be considered. Council Member Elam said he believes everyone is capable of handling this in a mature manner. Council Member Langbehn said he believes this to be clunky and they are repeating themselves as who wants to be President or Vice President. He said it becomes pretty evident as to what will happen at that meeting and there are nominations from the floor to do that. Mr. Langbehn said the public then knows who is interested in becoming Vice-President or President. Council Member Elam said that is only if they get nominated, and historically that decision has been made before the meeting gets started as it has all been decided ahead of time. Mr. Hawkins said that historically he receives a phone call from someone who wishes to be President, and he will make that commitment and honor it. He said this does not technically seem to be a violation of the Sunshine Laws. Mr. Lyons said the elections certainly has to be in public, but the discussions among Council regarding this matter he does not believe is required of the Sunshine Laws. Mr. Hawkins said he does not suggest that it does, just the spirit of the Sunshine Laws. His feeling is that it is good to get everything up front and then it can go onto the organizational meeting. Council Member Eva said he believes what Mr. Hawkins is saying is that whomever made the first phone call to him would be his choice. Mr. Eva said he feels that is why they changed this in the first place so everything would be open to the public. Mr. Hawkins said he feels everyone on Council is very competent to be President, and Council has had a history of good Presidents.

Council President Rose said the Rules will be brought off of the table at the next Regular Meeting of Council so that Council will have the opportunity to review the consent agenda language.

NEW BUSINESS: (none)

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Agenda Meeting of Council	February 18, 2010	6:00 p.m.
Regular Meeting of Council	February 23, 2010	7:00 p.m.

ADJOURNMENT:

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

MOTION CARRIED: 7/0

The meeting adjourned at 7:35 p.m.

APPROVED:

Date

Andrew M. Rose
President of Council

Attest: _____
Clerk of Council