

**MINUTES
REGULAR MEETING OF COUNCIL
CITY OF MENTOR-ON-THE-LAKE
JUNE 23, 2009**

The Regular Meeting of Council of June 23, 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

PUBLIC HEARING:

RESOLUTION 2009-R-10

FIRST READING: JUNE 9, 2009 / SECOND READING: JUNE 23, 2009

A RESOLUTION APPROVING THE 2010 BUDGET.

The Public Hearing for **Resolution No. 2009-R-10** was Called to Order at 7:00 p.m. by Council President Langbehn.

Council President Langbehn asked that the Administrative Director provide a brief explanation of this Resolution.

Mr. Molenaar stated this is the annual budget that is submitted to the Lake County Budget Commission to request millage for the various levies that we have as follows: 2.70 General Fund; .30 Police Pension Fund; 9.20 Police Protection Levy; 7.30 Fire Protection Levy; 4.50 Safety Forces Levy. It is estimated that all of those levies will generate approximately \$1.8 million dollars. Mr. Molenaar said the entire operating budget is approximately \$4.5 million dollars. This is submitted annually to the Lake County Auditor for consideration by the Lake County Budget Commission.

Council President Langbehn asked if there were any questions from the audience on this Resolution. There were none.

(Public Hearing / Resolution No. 2009-R-10 / continued)

Council President Langbehn asked to hear from persons who wanted to speak in favor of the Resolution. There were none.

Council President Langbehn asked to hear from persons who wanted to speak against this Resolution. There were none.

Council President asked if any Member of Council wanted to comment on this Resolution. There were no comments.

The Public Hearing on Resolution No. 2009-R-10 closed at 7:05 p.m.

READING OF MINUTES: June 9, 2009 – Regular Meeting of Council

MOTION MADE BY MR. ROSE, Seconded by Mr. Eva, to approve the Minutes for the June 9, 2009, Regular Meeting of Council, as submitted by the Clerk. **ROLL CALL:** Ayes: Council Member Rose, Eva, Shirley, Connolly, Hawkins, Langbehn. Abstain: Council Member Elam.

MOTION CARRIED: 6/0/1

CORRESPONDENCE: (none)

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor and Safety Director – Mayor Rogers

Mayor Rogers reported the annual City auction will be held on July 25, 2009 at 10:00 a.m. in the City's service garage. The auction will include surplus items as well as items that have been recovered and unclaimed.

Mayor Rogers said that Council, the Administration and their families have been invited to participate in the Lake County Firefighter's Softball Tournament to be held on August 1st at the Mentor High School softball fields. Lunch will be provided at no cost to those attending.

On a few occasions Mayor Rogers said he has reported on the request of Victory Lane Church for a picnic on behalf of the public officials of the City. He has tried to contact them on various occasions, but he is going to try to schedule this date on a Sunday sometime in August.

Mayor Rogers reported that all Members of Council received the annual audit report that was prepared by James G. Zupka, CPA, Inc. that was performed on behalf of the State. It consisted of the regular annual audit and the Federal single audit.

The basis for the Federal single audit was the fact that the City received a State structured bank loan for the Reconstruction of Andrews Road in excess of \$500,000 through ODOT which was facilitated by NOACA. Mayor Rogers said the City of Mentor-on-the-Lake has met all of the necessary requirements of the audits as outlined in this report. He commended Mr. Molenaar for a job well done.

All Members of Council should have received a copy of the recent NOPEC article that was in the newspaper. Mayor Rogers said NOPEC has negotiated a 12% reduction, and it is important residents refrain from signing up with another supplier until they recognize this savings.

Mayor Rogers said that on the Agenda this evening is a solid waste fee Ordinance. Mr. Molenaar prepared a memorandum explaining this Ordinance. Mayor Rogers reported at the Finance Committee meeting there was a discussion regarding the State's budget which has not yet been passed. It is anticipated that there will be an increase in the tier fee structure for waste disposal. Mayor Rogers said that since the City's bills are prepared in early July, and if the Governor signs off on the budget agreement, then the legislation will be in place to reflect this increase. The legislation has been drafted on a contingency basis just in case the State decides not to increase the "tier fees".

Administrative Director – Mr. Molenaar

Mr. Molenaar said he will answer any further questions that Council may have on the legislation that is on the Agenda this evening.

Mr. Molenaar said the State's budget is supposed to be completed by June 30th.

Law Director – Mr. Lyons (no report)

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City Engineer – Mr. Sayles

Mr. Sayles reported that the Concrete Road Program has started and the Asphalt Road Program is scheduled to start this week. Both programs should be completed within the next two to three weeks.

Service Director – Mr. Bailey

Mr. Bailey reported that the Service Department is in "full swing" working on the Parks and various issues around the City most notably on Miami Rd. Mr. Bailey said he would answer any questions that Council may have of him.

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Mr. Eva said they talked at the Finance Committee meeting about concrete and he thought they mentioned sidewalks by Lakeway Woods. Mayor Rogers said that is part of the concrete program this year.

Mr. Elam said that at several of the entrances to the businesses along Andrews Road there are drop-offs at the entry ways. He said that some of them are huge. Mr. Elam said he knows they have been filled in a couple of times, and he assumes that ODOT has good specs on this matter. Mr. Elam asked if there is something that could be done about that other than educating motorists to be careful. Mr. Sayles said that ODOT will make the contractor repair it once, and then the property would be responsible for maintaining it. Mr. Sayles he will check with ODOT to make sure the contractor has made repairs on those areas. Mr. Elam said he has seen new dirt in there at least once. Mr. Sayles said it could be filled with stone and usually it is handled on a case-by-case basis. Mr. Elam said he feels this should be addressed as it continues to happen and feels it is unacceptable and should be dealt with in a permanent fashion. Mr. Sayles said that ODOT has standards and generally will not deviate from them, but he will review the matter to see what could be done.

Mr. Elam thanked Mr. Bailey and his staff for the good work they did on Miami Road putting the drain in. He said he still feels that most of it was not needed, and after looking at what was done he believes it is similar to the project that was done on Holly. He said they did a good job and wanted to commend them for that.

BOARD/COMMITTEE/COMMISSION REPORTS: (none)

OPEN TO THE PUBLIC TO SPEAK: 7:18 p.m.

David Russell / 7607 Pinehurst Rd. / Mentor-on-the-Lake, Ohio

Mr. Russell said he has a tree problem and a water problem. His neighbor was complaining to him the way the water stays in the ditch on Pinehurst. He said he told her to call City Hall and tell them to send a sewer jet out to correct the problem. The City came out and he observed them doing the sewer jet work. He said the culverts were plugged and he watched the worker who was headed east on Pinehurst and he ran the sewer jet west on the south side of the street. He said this process was done one time, and Mr. Russell said if you go to that area today you will see that the culvert is not cleaned to the flow line. Mr. Russell presented pictures to Mayor Rogers showing the problematic area, and he asked that Members of Council also take the time to look at the pictures. Mr. Russell also pointed out the tree problem that still exists on the school property that is very dangerous to the area. Mr. Russell said those trees need to be eliminated. Mayor Rogers said he will review the matter and address the matter immediately.

CLOSED OPEN TO THE PUBLIC SECTION: 7:23 p.m.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2009-R-10 (SECOND READING)

FIRST READING: JUNE 9, 2009 / PUBLIC HEARING HELD ON JUNE 23, 2009

A RESOLUTION APPROVING THE 2010 BUDGET.

ORDINANCE NO. 2009-O-12

AN ORDINANCE TO ESTABLISH THE RATE TO BE CHARGED BY THE CITY OF SOLID WASTE DISPOSAL SERVICES, AND DECLARING AN EMERGENCY.

MOTION MADE BY MR. EVA, 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

Council Member Connolly asked if a new rate is not established then the old bills will be sent out, so would the City be spending money printing bills that we would not have to spend? Mr. Molenaar said the bills go out around July 10th for bills due Aug. 1st. If the State passes their budget then they will implement the new fees when they print the bills. Mr. Molenaar said if they do not settle that then they will send the bills out with the old rates.

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

MOTION CARRIED: 7/0

OLD BUSINESS: (none)

NEW BUSINESS:

Mr. Elam said that based on the quality job that the Service Department did on Miami he would like to see a City-wide study done regarding filling in all of the ditches throughout the City using the same process. Mr. Elam said that everywhere in the City, water stands in ditches. He realizes there is a cost involved in this process, but he would like to see Council change the ordinance which currently calls for open ditching in the City. He would like to see over the next 10-15 years the closing of those open ditches. Mr. Elam said he is not certain about this but he thought that Storm Water Management has project money they can use for different things. Mr. Elam said his concern is that a lot of contaminants may be entering through these open ditches that are unsafe, ugly and cause problems throughout the City. It would be his recommendation that they look at this and try to improve the quality of the City in that regard.

Mr. Hawkins said he believes they have been doing this, and it is the availability of the storm sewers. He thinks that perhaps this should be passed on to the Utilities Committee to discuss further with the City Engineer. Mr. Hawkins said he believes the Administration has been planning for this for years which is why they have pursued the monies for the improvement of Andrews Road. Mr. Hawkins said that perhaps they could do areas 100' at a time.

Mayor Rogers said that Salida Road, Andrews Road, and Reynolds Road have been completed as well as the Lakeway Woods area. He said it is the intent of the Administration to progressively work their way through the center of the city. The City is not in a position to borrow anymore money at this time.

Council President Langbehn said he would like to assign this issue to the Storm Water Management Committee for their review.

Mr. Bailey said they have applied for Issue 2 Funds for Miami and Southland prior to starting the Andrews Road Project. Once the Andrews Road Project began, that was their main priority. It would be his intention to continue to pursue those areas as they are the two worse areas at this time. Doing a job like that 100' at a time is very difficult and it is not easy for them to dedicate their entire staff to a drainage project for a week.

Mr. Hawkins said he understands Mr. Elam's point that it would not be a bad idea to review this matter, and when money does become available determine where the target areas would be within the City for this type of work. Mr. Hawkins said the Administration should be proud of the three major projects that have been completed.

Mr. Elam said his point is that we have the technology, so let's develop a plan and address it to the best of our ability.

Council President Langbehn said that Mr. Elam is Chair of the Storm Water Management Committee and would assign this matter to that Committee. Mr. Elam said that Mr. Eva is also on that Committee and they will schedule a meeting as soon as possible to begin the process.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Parks & Recreation Board	June 25, 2009	7:30 p.m.
Planning & Zoning Commission	July 6, 2009	7:00 p.m.
Agenda Meeting of Council	July 9, 2009	6:00 p.m.
Ordinance Committee	July 9, 2009	6:30 p.m.
Storm Water Management	July 14, 2009	6:30 p.m.
Regular Meeting of Council	July 14, 2009	7:00 p.m.

ADJOURNMENT:

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

MOTION CARRIED: 7/0

The meeting adjourned at 7:35 p.m.

APPROVED:

Date

Dale O. Langbehn
President of Council

Attest: _____
Clerk of Council