

**MINUTES
REGULAR MEETING OF COUNCIL
CITY OF MENTOR-ON-THE-LAKE
SEPTEMBER 8, 2009**

The Regular Meeting of Council of September 8, 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
David R. Eva (excused)
Aye: Susan M. Shirley
Aye: Sharleen Connolly
Aye: Troy D. Elam
Aye: John Hawkins
Aye: Dale O. Langbehn, President

PUBLIC HEARING:

ORDINANCE NO. 2009-O-14

First Reading: July 14, 2009 / Second Reading: September 8, 2009

AN ORDINANCE PERMITTING SANDWICH BOARD SIGNS AND REGULATING THE USE OF SUCH SIGNS, AND DECLARING AN EMERGENCY.

The Public Hearing for **Ordinance No. 2009-O-14** was Called to Order at 7:00 p.m. by Council President Langbehn.

Council President Langbehn asked that the Law Director provide a brief explanation of this Ordinance.

Mr. Lyons explained that currently the City allows temporary signs for a two week period twice a year. The City does not allow what is commonly called a sandwich board sign. Council undertook a detailed review in one of its committees and also through the Planning & Zoning Commission to determine whether or not a sandwich board sign ordinance should be brought forward for Council's consideration. This particular ordinance outlines the definition of a sandwich board sign and also the size for a sandwich board sign. There are various requirements that have to be met in order to have this type of sign displayed in your business. Mr. Lyons said this matter is on Second Reading, but if Council is of mind to consider voting on this they can do that by passing a motion to suspend the rules and consider passing this ordinance this evening.

Council President Langbehn asked if there were any questions from the audience on this Ordinance.

Christine Nash / Owner, Attitudes Salon, 5978 Andrews Road, Mentor-on-the-Lake

Ms. Nash said she is a business owner and has been for eleven years. As of right now with the economy and the road construction has really hurt her business as well as other small business owners in the area. What they would like to be able to do is to be able to put their signs out more than twice a year for the two week period. For her business, in particular, if there is a holiday coming up, she would like to advertise a special, or if she hires new a person she would like to be able to advertise a special for that new person. Ms. Nash said she would like to be able to put the sign out whenever her business warrants it. She is totally in agreement with the way the signs should look since Andrews Road looks very nice since it has been redone. However, Ms. Nash said that twice a year does not help her business.

Mr. Langbehn asked Ms. Nash if she read the ordinance as it will not be for just twice a year. Ms. Nash said she did, but wanted to say that she is in agreement with this ordinance 100%.

Council President Langbehn asked to hear from persons who wanted to speak in favor of the ordinance.

Eileen McFaucik / Owner, Angie's Pizzeria, Mentor-on-the-Lake

Ms. McFaucik said she is in agreement with this ordinance 100%, as the twice a year advertising, as it is now, is not helping her business either.

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

Council President asked if any Member of Council wanted to comment on this Ordinance.

Council Member Elam said this has been on his agenda to do for a long time and he believes we have a good ordinance. The only thing he would like to see it that the \$25.00 permit fee be removed and that the business fee that is paid every year include the permit for this sandwich board. Mr. Elam said he will not make a motion to amend this as it probably will not be seconded to remove that or amend this ordinance. Mr. Elam said that is the only thing he would disagree with.

Mrs. Connolly said she is in favor of the ordinance and the reason for the fee is because there will be stickers issued every year for the owner to put on their sign. That way the City would be able to know the signs are being properly maintained on a yearly basis.

This would be the way for them to monitor who has a permit to display their signs by this sticker. Mrs. Connolly said she wholeheartedly agrees with the minimum fee of \$25.00.

The Public Hearing on Ordinance No. 2009-O-14 closed at 7:10 p.m.

READING OF MINUTES: July 14, 2009 – Regular Meeting of Council

MOTION MADE BY MR. ROSE, Seconded by Ms. Shirley, to approve the Minutes for the July 14, 2009, Regular Meeting of Council, as submitted by the Clerk. **ROLL CALL:** Ayes: Council Member Rose, Shirley, Connolly, Elam, Hawkins, Langbehn. **MOTION CARRIED: 6/0**

CORRESPONDENCE: (none)

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor and Safety Director – Mayor Rogers

7:12

Swearing in of Richard Rousch as part-time Firefighter for the City of Mentor-on-the-Lake, Ohio.

Mayor Rogers reported that the Labor Day Parade was a huge success. There were approximately 125 cars entered in the car show, which is the largest number since they have had the car show. Mayor Rogers thanked the parade judges for their assistance.

Mayor Rogers said there is a Resolution on the Agenda appointing Jennifer Bittner to the Parks and Recreation Board. He has provided all Members of Council with a copy of her resume and asked that Council approve her appointment this evening.

After the last Meeting of Council, Mayor Rogers said he was presented with a preliminary drawing of the proposed pavilion by the McMinn Baseball League. He believes this has been presented to the Parks & Recreation Board, and he met with Mr. Lyons and he will be addressing how legally this can be done.

Mayor Rogers congratulated the existing Members of Council who are running again, and said that Sharleen Connolly will be missed. Mrs. Vernita Savage is the other Council candidate, who was a past president of council who resigned and moved out west to retire with her husband. She has since moved back to the area, and has decided to get back into government work.

Administrative Director – Mr. Molenaar

Mr. Molenaar reported that the State's Ohio Sunshine Law requires all elected officials to have training every two years. Two years ago Council appointed Mr. Molenaar and Mr. Lyons to represent Council at this training session. Mr. Molenaar said there is a training session scheduled for October 15th by the Ohio Attorney General's Office at Lakeland College. Mr. Molenaar said he has registered for this, and would request that during the business session of this meeting that Council make a motion to appoint Mr. Molenaar and/or the Law Director to be the representatives to take this training as required by the State.

Mr. Moleannar said there was a letter received from Richard Osborne's attorney regarding his property along the lake. This happened about a year ago regarding fencing he is saying will be placed along his property line. Mr. Molenaar said that his attorney has been put on notice that they have to come to the City before anything is constructed.

At the last meeting, they were waiting for the State to finalize the budget to pass legislation to allow for an increase in the disposal rates. The bills had to be mailed by the first week in July so they had to go out at the regular rate. They have since passed the budget and the fee is now \$1.25 per ton. The next quarter will see an increase of \$2.00 per quarter in disposal rate and \$1.00 per quarter for those who qualify for homestead exemption.

Mr. Molenaar said they received a preliminary estimate from the County Auditor for next year's real estate taxes and we will be seeing a decrease in at least three of our funds that have inside millage those being the General Fund, the Police Pension Fund, and the Safety Forces Levy. Because of the valuation change and because of the inside millage, there is no tax reduction factor. This means there will be an approximate 8% decrease in real estate revenue for those three funds that will total a reduction of about \$93,000. Also, the State has given the City preliminary estimates for Local Government Funds, and their estimates have decreased about 9 1/2% for next year which will equate to about a \$47,000 decrease. Mr. Molenaar said that between the two the City will see a \$140,000 reduction in revenues for fiscal year 2010.

Law Director – Mr. Lyons

Mr. Lyons met with the Mayor regarding the proposed McMinn Pavilion Project and the number of items that have to be decided upon before this project can go forward. Mr. Lyons said there are several ways to go with this project one being that the league donate the money to City so they can hire a contractor to build the pavilion. Another way this project could be done is that the city could hire the league to construct the pavilion where they would provide labor and materials where the City would have approval over the materials as well as the design and location of the pavilion. Mr. Lyons said they could also do a combination where the City could use its own forces and volunteer labor and the league will provide the materials.

Because of the liability aspects, Mr. Lyons said the first two choices would be the most favorable to the City and the lines of responsibility would be clearer. Mr. Lyons said he would prefer either one of the first two. In order for the City to go forward, he feels it is necessary for the City and the Baseball League to meet to go over the funding they have and to see what method they would prefer. They would then bring this matter back to Council with a report. Mr. Lyons said the pavilion will ultimately be a City owned structure, and CT Consultants will have to sign off on the plans.

City Engineer – Mr. Federico (arrived later in meeting) (no report)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Mr. Hawkins asked if the McMinn Baseball League is a corporation. Mr. Lyons said they are a non-profit organization. Mr. Hawkins said that he is in agreement with Mr. Lyons on this matter. Mayor Rogers said the League expressed the interest to build the pavilion, and not necessarily the City to do so, as many individuals involved in the league are in the trades. Mayor Rogers said they have to come up with the best approach to facilitate this.

Mr. Elam said he is all for any improvements to be done at McMinn Park. Mr. Elam said the one thing that remains to be addressed is the condition of the outfielders, and there needs to be a plan put in place to address this issue. Mr. Elam said the fields have not been in good shape for a very long time.

Mr. Elam said he was notified that the fence behind Marc's was knocked down by some trucks including the neighbor's fences. Mr. Elam said USA Management has fixed their fence, but the neighbors had to prop up their fences. Mr. Elam said he was contacted by Mr. King on Springwood. He believes Mr. King did speak to Mr. Bailey on this matter. Mr. Elam said he told him that he would bring this to the attention of Council and the City. Mr. Elam said that Mr. King said the City also has a fence in that area where a post is broken. Mr. Elam said he is not certain the extent the City would have in this matter, but he asked that someone communicate with Mr. King.

Mr. Hawkins said this is a private dispute and Mr. King should get hold of who hit the fence and this would be the responsibility of the negligent party. Mr. Elam said he agrees with Mr. Hawkins, but someone needs to communicate with Mr. King to address this matter clearly. Mayor Rogers said they will check into this and advise the parties accordingly.

BOARD/COMMITTEE/COMMISSION REPORTS:

Parks & Recreation Board / Meeting of August 27, 2009 / Mr. Rose

The Parks & Recreation Board met on August 27, 2009 at 7:30 p.m. In attendance were Mr. Rose, John Crocker, Nancy Marts, Jim Post and Diana Remaley.

Mr. Rose said they received a letter of resignation from Mrs. Lynn Hawkins due to a conflict in time that she has. Mr. Rose said she will be greatly missed.

Mr. Rose said the Labor Day Parade events were discussed. He said he is happy to report that the Labor Day Parade was very successful and Mr. Rose thanked all volunteers who made this all possible.

Mr. Crocker asked that the board members take one more look at all the City's parks and submit a prioritized list of what they would like to see worked on over the next year. This will enable Mr. Crocker to evaluate the list for the budget cycle. The Board will be giving to Mr. Crocker at their next meeting the prioritized list to evaluate to see what can be budgeted for and what cannot.

The next meeting of the Parks & Recreation Board is scheduled for September 24, 2009, at 7:30 p.m.

OPEN TO THE PUBLIC TO SPEAK: 7:34 p.m.

Brian Jaycosh, representing McMinn Baseball League

Mr. Jaycosh said he has copies of the proposal as to what the League would like to see done at the McMinn fields. Mr. Jaycosh presented this to Council (Mr. Rose). This proposal includes leveling out the fields and fixing the fences. Mr. Jaycosh said that with the way the fields are set up now a foul ball can go directly into the crowds and there is nothing to stop the ball.

CLOSED OPEN TO THE PUBLIC SECTION: 7:35 p.m.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2009-R-12

A RESOLUTION ACCEPTING THE RATES AS DETERMINED BY THE LAKE COUNTY BUDGET COMMISSION FOR TAX YEAR 2009, AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE LAKE COUNTY AUDITOR.

(Resolution No. 2009-R-12)

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

MOTION CARRIED: 6/0

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

MOTION CARRIED: 6/0

RESOLUTION NO. 2009-R-13

A RESOLUTION CONFIRMING THE APPOINTMENT OF JENNIFER BITTNER TO THE PARKS AND RECREATION BOARD, AND DECLARING AN EMERGENCY.

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

MOTION CARRIED: 6/0

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

MOTION CARRIED: 6/0

ORDINANCE NO. 2009-O-14 SECOND READING

First Reading: July 14, 2009

Public Hearing held on September 8, 2009

AN ORDINANCE PERMITTING SANDWICH BOARD SIGNS AND REGULATING THE USE OF SUCH SIGNS, AND DECLARING AN EMERGENCY.

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

MOTION CARRIED: 6/0

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

MOTION CARRIED: 6/0

ORDINANCE NO. 2009-O-15

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

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

MOTION CARRIED: 6/0

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

MOTION CARRIED: 6/0

OLD BUSINESS: (none)

NEW BUSINESS:

MOTION MADE BY MR. ROSE, Seconded by Ms. Shirley to appoint Administrative Director, Mr. Molenaar, and Law Director, Mr. Lyons, to be the representatives of Council and the Administration at the State of Ohio Sunshine Law Training Session to be held on October 15, 2009, at Lakeland College. ROLL CALL: Ayes: Council Member Rose, Shirley, Connolly, Elam, Hawkins, Langbehn. Nays: None.

MOTION CARRIED: 6/0

Council President Langbehn said it was very nice to have the Labor Day Parade back and enjoyed working with the judges. He feels the parade will only grow from here.

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Agenda Meeting of Council	September 17, 2009	6:00 p.m.
Storm Water Management	September 22, 2009	6:30 p.m.
Regular Meeting of Council	September 22, 2009	7:00 p.m.
Parks & Recreation Board	September 24, 2009	7:30 p.m.

ADJOURNMENT:

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

MOTION CARRIED: 6/0

The meeting adjourned at 7:47 p.m.

APPROVED:

Date

Dale O. Langbehn
President of Council

Attest: _____
Clerk of Council