

**MINUTES  
REGULAR MEETING OF COUNCIL  
CITY OF MENTOR-ON-THE-LAKE  
JUNE 22, 2010**

The Regular Meeting of Council of June 22, 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.

\*Pledge of Allegiance led by Jamie Pechatsko, Eagle Scout Candidate.

**CALL TO ORDER:** PLEDGE OF ALLEGIANCE

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

**READING OF MINUTES:** June 8, 2010 – Regular Meeting of Council

**MOTION MADE BY MR. LANGBEHN,** Seconded by Ms. Shirley, to approve the Minutes for the June 8, 2010, Regular Meeting of Council, as submitted by the Clerk.

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

**MOTION CARRIED: 5/0**

**CORRESPONDENCE:** (none)

**ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:**

**Mayor and Safety Director – Mayor Rogers**

Mayor Rogers had the opportunity recently to meet with Congressman LaTourette and discussed with him two items of importance to the City. They discussed the acquisition of the radios for the City and the Congressman did say he would try to assist in this matter on a County-wide basis.

**(Mayor Rogers)**

Mayor Rogers also discussed the remaining funding for the Andrews Road Project with Congressman LaTourette and he said he is trying to obtain additional funding on our behalf.

Last week was the Mentor Chamber of Commerce State of the City event and it was well attended. Mayor Rogers said Mentor-on-the-Lake does not have their own Chamber of Commerce, however, a number of our area businesses are participants in the Mentor Chamber of Commerce.

Mayor Rogers also added that the retirement party for Ralph Boomer was a very nice affair. Mayor Rogers wished Ralph Boomer and his family the very best and said his services on the Fire Department will be missed.

**Administrative Director – Mr. Molenaar**

Mr. Molenaar said he presented a memorandum to the Mayor and Members of Council regarding the Recycling Program. He said he mentioned several meetings ago that the County will be slowly weaning the City off of the \$1,000,000 grant over the next five years which will force our City to find another method to provide recycling for next year. Mr. Molenaar said he has provided in his memo current facts and options and costs for this service. Mr. Molenaar asked that at the appropriate time this matter be reviewed by the Mayor and Council prior to this going out for bids for an alternate recycling program for next year.

**Law Director – Mr. Lyons (no report)**

**City Engineer – Mr. Federico**

The bids were received for the 2010 Road Program for the asphalt work. Mr. Federico said the legislation is on the Agenda this evening awarding this project, and would recommend passage of this legislation to Council.

**Service Director – Mr. Bailey**

Mr. Bailey reported they just complete replacement of the northern property line fencing at McMinn Park. In the process of doing this project, they discovered that quite a few homeowners are using this area as a yard waste disposal. He said they did remind them that this is not legal for them to be doing this. They were in receipt of a complaint regarding storm water near the entrance to Veteran's Park. Multiple homeowners did receive a door hanger notice informing them that it was not legal to dump their yard waste near a creek area as it would create potential flooding as well as other environmental issues. Mr. Bailey said that several letters were also sent out to various homeowners as well.

**(Mr. Bailey)**

Mr. Bailey said he attended a training class run by the EPA at Lakeland College. The purpose of this class was to provide the EPA's interpretation of MCM6, which is part of our phase 2 requirement that the City has to comply with. Our membership in the Lake County Storm Water Management covers a great deal of this type of information for us and we get our guidance and public information training through them. Although some issues were raised during this training class that are glaring problems for the City, in the very near future they are hoping to have more information for Council to deal with these issues as it corresponds to how the EPA interpreting the Phase 2, Clean Water Act.

There was a bee complaint at McMinn, and an exterminator was hired to take care of this problem.

**QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:**

Council Member Elam said he has had at least two residents in the last week talk to him about speeders and those who are running stop signs throughout the neighborhoods. He said he instructed them to call and ask for special patrols, etc. Mr. Elam said it is an ongoing problem, and he does know the City does address these issues all the time. Also, Mr. Elam said that a neighbor of his has almost had three head-on collisions in the turn lane by City Hall. He was asked if something could be done to make the residents understand that this is not a lane you can travel two blocks in. Mr. Elam said that perhaps something could be done with the design of this area to get the driver's attention that this is not a driving lane.

Mr. Elam said that along the fence area behind Marc's there is a lot of debris and trash back there. He asked if they are being asked to clean this area up. Mr. Bailey said historically this trash does not belong to anyone. He said that people come in the evenings and drop it off. He said he currently he uses community service people from Mentor Municipal Court to get this area cleaned up. Mr. Bailey said if you do not catch the people who are actually doing this, you cannot ticket them.

**BOARD/COMMITTEE/COMMISSION REPORTS: (none)**

**OPEN TO THE PUBLIC TO SPEAK: 7:14 p.m.**

**John Schiemann / 7356 Salida Road / Mentor-on-the-Lake, Ohio**

Mr. Schiemann thanked the Service Department for doing an excellent job in cleaning the Park and keeping it well maintained, and also for the excellent job cleaning the streets in the wintertime.

**(Open to the Public to Speak / continued)**  
**(Mr. Schiemann)**

Mr. Schiemann showed a drawing of showing his home on Salida displaying the problem areas. He built a brand new house thinking this was a nice quiet "on-the-Lake-City." He said it is everything but that now. Mr. Schiemann said the cars travel 50-60 mph around the curve on Salida, and a lot of families with children cut across there to get into the park. He said that eventually someone is going to get hit there. Mr. Schiemann said he sees little law enforcement in this area and it is getting very aggravating to all of the neighbors. The police do sit in the park and catch people running the stop signs, which is about the extent of the law enforcement. Mr. Schiemann said this area is a 25 mph posted zone, and by the time they reach they stop sign to his house which about 110 yards they are already traveling 45-50 mph from that stop sign. By the time they reach the curve they are already up to 50 mph at least. Mr. Schiemann said many of them do not even stay in their lanes. He has complained over the years to police individually and all you hear is lip service. Mr. Schiemann said he told the police to use his driveway to catch these people, and they have done this only twice in 3-4 years. They could also patrol the Melody Lane area also. Mr. Schiemann said you have to hand out tickets if you are going to control this at all.

Also, the second part of his complaint is noise enforcement. He said the vibrations coming from the radios in some of the cars shake his house, and the bikers are uncontrollable particularly after the bars are closed at 2-3:00 a.m. Mr. Schiemann said he is aware of a State Law that says motorcycles are supposed to have baffles in their bikes and they do not. He said there is no enforcement of the baffles. Mr. Schiemann said there are ways to stop all this and it should be up to the law enforcement to do this. He said it has to be stopped and there should be consequences for their behavior. Mr. Schiemann said that he would like to find out before the next Council Meeting how many tickets have actually been issued on Salida for speeding. He said he would almost bet there has not been one ticket issued for noise enforcement in this community.

**CLOSED OPEN TO THE PUBLIC SECTION: 7:20 p.m.**

**LEGISLATION BEFORE COUNCIL:**

**RESOLUTION NO. 2010-R-06 (THIRD READING)**

**First Reading: May 25, 2010 / Second Reading: June 8, 2010**

**Public Hearing was held on: June 8, 2010**

**A RESOLUTION APPROVING THE 2011 BUDGET.**

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

**MOTION CARRIED: 5/0**

**(LEGISLATION BEFORE COUNCIL / continued)**

**(Resolution No. 2010-R-06)**

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

**MOTION CARRIED: 5/0**

**RESOLUTION NO. 2010-R-07**

A RESOLUTION ACCEPTING THE BID OF BARBICAS CONSTRUCTION CO., INC. FOR 2010 ROAD ASPHALTS REPAIRS AND AUTHORIZING THE MAYOR AND ADMINISTRATIVE DIRECTOR TO ENTER INTO AN APPROPRIATE CONTRACT THEREFORE, 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, Elam, Rose. Nays: None.

**MOTION CARRIED: 5/0**

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

**MOTION CARRIED: 5/0**

**ORDINANCE NO. 2010-O-10 (THIRD READING) (placed in Committee)**

**First Reading: May 25, 2010 / Second Reading: June 8, 2010**

AN ORDINANCE CREATING NEW CHAPTER 1466 "CERTIFICATES OF REGISTRATION AND OCCUPANCY FOR VACANT BUILDINGS" "REGISTRATION OF VACANT BUILDINGS AND CERTIFICATES OF OCCUPANCY FOR VACANT BUILDINGS" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF MENTOR-ON-THE-LAKE, OHIO.

**OLD BUSINESS:** (none)

**NEW BUSINESS:**

Council President Rose said all Member of Council are in receipt of Mr. Molenaar's memorandum regarding the Recycling Program. Mr. Rose assigned this matter to the Utilities Committee for their review. Members of this Committee are Mr. Hawkins, Chair, Mr. Elam, and Mrs. Savage. Mr. Hawkins is not present this evening, however, Council President Rose scheduled this meeting for 6:30 p.m. July 13, 2010, prior to the next Regular Meeting of Council.

**(NEW BUSINESS / continued)**

Council President Rose asked Mr. Molenaar if they know what the magnitude of the fines would be from the EPA. He asked if it would be cheaper to take the fine. Mr. Molenaar said it would not, and he will have the figure by the next meeting, but he believes it will end up being multiple thousands of dollars.

Mr. Lyons said he thought that our requirement to recycle was because of our membership in the Lake County Solid Waste District. He said it is a contractual obligation, and he believes they have some sort of consent agreement with the Ohio EPA. Mr. Molenaar said we are part of the Lake County Solid Waste District and along with every community in Lake County made the commitment to recycle. Council Member Eva asked if there is a way for all the Lake County Cities to arrange something with Waste Management for a further discount other than the schedule they now have. Mr. Molenaar said at one of the meetings that were held on this matter, the Lake County Commissioners were asked if they would be willing to re-bid this on a group basis. Since their contractual obligation ends this year, they said that may be a good idea but they preferred that all the communities do it rather than them taking the lead on this. Mr. Rose said he would think this is something the County would do. Mr. Molenaar said the most efficient way of doing this would be having the same contractor who is handling the waste service also handle the recycling. Our problem is that our current contract for the waste portion does not expire until 2014. Mr. Molenaar said that once that date rolls around, they would certainly try to combine those from one vendor to handle both. If they advertise for the recycling, they will advertise the expiring as being the same date as our other contract so they could be put together.

Mr. Molenaar said that would be the cheapest way to get this done. He said that he spoke to the two major companies that would more than likely be bidding on this, and they gave him some rough figures as to what it would cost. Republic, because they are already in our community, would have a small advantage because of the efficiency of their trucks, etc., which would be reflected in their bid. Mr. Eva asked if there have been any discussions with City of Mentor to perhaps do something with them. Mr. Molenaar said he did speak to the City Manager there, but the problem with this they are in a hybrid, and most everyone has Waste Management as the City does subsidize part of that cost. He said he believes there is no restriction for a person to go with another company, similar to what Concord does. Mr. Molenaar said there is no cohesiveness at this time to get together with them on this matter. Mr. Rose said then the residents could not opt out, they would all have to all be in. Mayor Rogers said it is an option, however, that would probably be the recommendation.

Mr. Elam said he understands that this is a requirement of the EPA, and just not something we want to do, it is something we must do as it is State sanctioned. Mr. Molenaar said part of the plan of the Lake County Solid Waste District was to reduce the intake into the Lake County Landfill to expand on the life of the landfill.

**(NEW BUSINESS / continued)**

He said their goal was to reduce approximately 25% of the volume going into the landfill. Mr. Molenaar said there are two methods to do that, one being the recycling that takes the plastic, paper, and can out of the stream and the other one being the yard waste. He said it is not just that they have to continue to do the recycling, but they have to continue to reduce the volume of debris going into the landfill.

**ANNOUNCEMENTS AND SETTING OF MEETINGS:**

Parks & Recreation Board	June 24, 2010	7:30 p.m.
Agenda Meeting of Council	July 8, 2010	6:00 p.m.
Planning & Zoning Commission	July 12, 2010	7:00 p.m.
Utilities Committee	July 13, 2010	6:30 p.m.
Regular Meeting of Council	July 13, 2010	7:00 p.m.

**ADJOURNMENT:**

**MOTION MADE BY MR. LANGBEHN**, Seconded by Mr. Eva for Adjournment.

ROLL CALL: Ayes: Council Member Langbehn, Eva, Shirley, Elam, Rose.

Nays: None.

**MOTION CARRIED: 5/0**

The meeting adjourned at 7:32 p.m.

**APPROVED:**

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Andrew M. Rose**  
President of Council

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