

**MINUTES
REGULAR MEETING OF COUNCIL
CITY OF MENTOR-ON-THE-LAKE
MAY 25, 2010**

The Regular Meeting of Council of May 25, 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
Vernita L. Savage (excused)
Aye: Troy D. Elam
Aye: John Hawkins
Aye: Andrew M. Rose, President

PUBLIC HEARING:

The Public Hearing for Ordinance No. 2010-O-06 was Called to Order at 7:01 p.m. by Council President Rose. Mr. Rose read the title of Ordinance No. 2010-O-06.

ORDINANCE NO. 2010-O-06

FIRST READING: 4/13/10 / SECOND READING: 4/27/10 / THIRD READING: 5/11/10

AN ORDINANCE AMENDING ORDINANCE 1284.10 - TEMPORARY SIGNS IN ORDER TO ALLOW BANNER SIGNS TO BE DISPLAYED BY GOVERNMENTAL ENTITIES.

Council President Rose asked the Law Director to give a brief explanation of the Ordinance.

Mr. Lyons explained that this Ordinance would allow government agencies greater ability to display what was formerly known as temporary signs in the city. The reason for advancing this request is that government agencies often have a need to get out their public message in order to educate the public about the services that are being provided or available through the agencies. This is designed whereby it would give those public agencies that are located within the city an opportunity to utilize banner signs in a way that is more favorable than is allowed under the existing law.

(Public Hearing: Ordinance No. 2010-O-06 / continued)

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

There were none.

Mr. Rose asked to hear from persons who wished to speak in favor of the Ordinance. There were none.

Mr. Rose asked to hear from persons who wished to speak against the Ordinance. There were none.

Council President Rose asked if any Member of Council wished to comment on the Ordinance.

Council Member Langbehn said he is the Council Representative to the Planning & Zoning Commission and he did bring this Ordinance to them for their input. They agreed that it was not the thing that we should be doing as they felt that public entities should follow the same rules as businesses within the City.

Council Member Elam said that after reading the minutes from the last meeting, he asked if the Planning & Zoning Commission Board voted formally on this matter. Mr. Langbehn said they each spoke but there was no formal vote taken. Council Member Elam said then it would be his understanding that there would be no problem with Council approving this Ordinance even though the Members of the Planning & Zoning Commission expressed opposition to this. Council President Rose said that would be correct. Mr. Elam said he would speak in favor of this Ordinance as one thing that comes to mind is there is a \$25.00 fee attached to this and it makes to no sense to him that a governmental agency who receives taxpayer's money to pay taxpayer's money to another governmental agency. Mr. Elam said he feels the purpose of this Ordinance is that governmental agencies such as schools, libraries, and city hall are not selling anything but are trying to inform the community as to what is going on and a banner that sits out appropriately for a period of time is a good thing. He said there are some restrictions that go along with this Ordinance such as size of the banner, and the allowed time it can be out there. Mr. Rose said Mr. Elam is correct. Council Member Elam said he feels it should be passed as it is good for the school and library to be able to promote their services to the community in a manner that is pleasing, appropriate and informative.

The Public Hearing for Ordinance No. 2010-O-06 closed at 7:07 p.m.

READING OF MINUTES: May 11, 2010 – Regular Meeting of Council

MOTION MADE BY MR. LANGBEHN, Seconded by Ms. Shirley, to approve the Minutes for the May 11, 2010, Regular Meeting of Council, as submitted by the Clerk. ROLL CALL: Ayes: Council Member Langbehn, Eva, Shirley, Hawkins, Rose. Nays: None. Abstain: Council Member Elam.

MOTION CARRIED: 6/0/1

CORRESPONDENCE: (none)

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor and Safety Director – Mayor Rogers

At the last meeting of Council, Mr. Formberg was present and had given a letter to Council and the Administration regarding a matter on his street. Mayor Rogers and Mr. Lyons met with Mr. Formberg after that meeting. Mr. Lyons and the Service Director / Zoning Inspector reviewed the applicable ordinances and subsequent to that a letter was drafted to Mr. Buell indicating to him that the landscaping business being operated on his property were in violation of the City zoning code. There was a telephone conference between Mr. Buell, Mr. Lyons and the other parties involved, and it is his understanding that he has been advised that he cease the operation of the business from his home by the end of this week. As a result of those communications, he will still have the ability to park one truck in his driveway (pursuant to the City Ordinance) and a trailer that is owned by him.

There was another matter brought up at the last meeting regarding un-kept property. Mayor Rogers said that notification has been given to that particular property owner that he must clean up his backyard within a certain timeframe.

Mayor Rogers asked that Council bring Ordinance No. 2010-O-10 up from the floor and place on First Reading. There is an ongoing problem throughout the nation as well as Lake County regarding foreclosure. One of the problems they have had in past is when there is vacant properties generally speaking either the tenant or property owner who is subject to the mortgage take care of the property. The language in this Ordinance would require the property owner to register the property as being vacant so the City would know who to contact as opposed to trying to contact a lawyer for a bank, etc. Mayor Rogers said this way they would be in a better position to enforce tall grass situations, etc. Mayor Rogers said he would appreciate Council placing this Ordinance into committee for the appropriate review.

MOTION MADE BY MR. HAWKINS, Seconded by Mr. Elam to amend the agenda to add Ordinance No. 2010-O-10 and place it on First Reading for the consideration of Council this evening. ROLL CALL: Ayes: Council Member Langbehn, Eva, Shirley, Elam, Hawkins, Langbehn. Nays: None.

MOTION CARRIED: 6/0

Mayor Rogers said at the last meeting of Council he reported they resolved the issue with the baseball league. Subsequently, one of the league members took it upon himself to grade one of the infields while the field was wet. Unfortunately, that left the infield not playable for the day. They suggested to the league to move their game to another field or reschedule that game. Mayor Rogers said they did play their game that night, and the field was put back into playable condition the next day.

Mayor Rogers said Mr. Molenaar will be discussing the Note Ordinance for the year and health benefit ordinance.

Mayor Rogers reminded everyone that AmVets Post 109 will hold its annual Memorial Day Parade at 1:00 p.m.

Council Member Hawkins asked what equipment they used on the infield. Mayor Rogers said a number of years ago one of the members of the league created a grate to be utilized when the field is dry. It was removed by the Service Department but Mayor Rogers said he asked that it be returned and it was returned the very next day.

Administrative Director – Mr. Molenaar

Mr. Molenaar advised Council that pertaining to Ordinance No. 2010-O-09; he did present the Fiscal Officer's Certificate to the Clerk of Council which states the useful life of the various assets regarding the Note Ordinance.

Mr. Molenaar said he did present to Council a memo regarding an expenditure approval to Shannon Fence Company for the purpose of replacing approximately 950 feet of stockade fence at the North side of McMinn Park in the amount of \$14,741.50 which will be funded from the Recreation Capital Fund. Mr. Molenaar asked for approval of this expenditure at the appropriate time.

Resolution 2010-R-06 is the County's annual budget for F/Y 2011 which sets the millage rates. Mr. Molenaar said the Public Hearing for this Resolution as been advertised, and this Resolution will be on three readings. After this Resolution is passed by Council, it will then be presented to the Lake County Budget Commission.

Mr. Molenaar said that Ordinance 2010-O-08 is somewhat of a housekeeping ordinance which sets the payroll deduction allowance for hospitalization coverage for non-union employees. This ordinance is simply bringing the non-union employee's rates the same as the union contract.

Law Director – Mr. Lyons

Mr. Lyons said that Ordinance No. 2010-O-10 that was just added to the agenda was modeled after the South Euclid ordinance that was passed several months ago. Mr. Lyons said this ordinance has captured the imagination of a lot of communities surrounding Cleveland. Mr. Lyons said South Euclid has been the pathfinder for this type of problem because of the extent of the foreclosure problem that exists there. Mr. Lyons said their ordinance has been in place for a month or so, and he is hoping to find out from them how it is working out and will provide that information to Council.

City Engineer – Mr. Federico

Mr. Federico reported that the bid opening date for 2010 Road Program is June 10, 2010. The Engineer's Estimate for construction is \$22, 500.00.

Fire Chief – Mr. Mahoney

Mr. Mahoney reported they have been very busy with the educational aspect of the department. They will be going to the Senior Center tomorrow for safety training, and to Lake Elementary Schools as well as surrounding schools who have Mentor-on-the-Lake children attending which is a joint effort between Mentor-on-the-Lake Fire Department and City of Mentor's Fire Department.

Mr. Mahoney said he had a discussion with the Mayor, and as everyone is aware that next year there will be a bills coming in because of the new radio system. He approached the Mayor about attempting to get a grant again through the AFG which is the Fire Department side of the Federal Grant Program. There was one slight change in that. There will be two different approaches to this particular issue. The County Fire Chiefs have decided to go for a regional grant and the regional grant is basically for \$1,000,000 to defer a portion of the cost of the whole radio system changeover. This would be for the entire County. Basically what that particular grant was going to cover was what we call portable radios, and those radios are so expensive that the \$1,000,000 is only going to cover the WD portion should we get the grant. Basically, the portion that is not covered is what we refer to as our mobile radios. Chief Mahoney said they would also be responsible for any upgrading that would have to be done to the dispatch center. Further, Chief Mahoney said that Mentor-on-the-Lake Fire Department is going to apply for a grant specifically for those areas. They are aiming to bring the radio system up to the level that it needs to be by the third quarter of next year.

Mayor Rogers said the grants Chief Mahoney explained about are two distinct approaches and does not include the Police Department requirements. This is just for the Fire Department and perhaps a portion of the Communications Department. Mayor Rogers said as he reported in the past there are about 300 radios County-wide and the anticipated expenses are between \$3-6,000 each. Mayor Rogers said whether or not they are successful in obtaining the grants, they will still have to find a way to finance and purchase the radios to upgrade the systems. He said this is a statewide matter. There has been conversation that there may be a statewide scope or specification with respect to the radios so there would be a standard operating unit.

Mayor Rogers said that as a footnote to the Engineer's report, Council may recall they did not allocate funds for the road program. However, the Service Director indicated to him that he would like to look at portions of Seminole & Sunset. The cost would be about \$22,000 for those repairs, and Mr. Bailey convinced Mayor Rogers that they would be able to take the funds out of his Service Department Budget and use for this purpose should Council approve that expenditure once the bids are opened.

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Council Member Elam commended the Mayor and the Service Department for the work they did on the McMinn Fields. He said he walked the outfields for the first time this year, and the fields are in good shape.

BOARD/COMMITTEE/COMMISSION REPORTS: (none)

OPEN TO THE PUBLIC TO SPEAK: 7:26 p.m.

Michael Formberg / 5603 Walnut Street / Mentor-on-the-Lake, Ohio

Mr. Formberg thanked the Administration and Council for listening to their concerns and appreciates their efforts. Mr. Formberg that he and a number of residents had some questions. Council President Rose informed Mr. Formberg that they would meet with them after the meeting to answer any questions or concerns.

Andrea Anderson / 6085 Reynolds Road / Mentor-on-the-Lake, Ohio

Ms. Anderson asked if there is anything the City can do regarding the deer population. Council President Rose said they would be happy to talk about this matter after the meeting.

CLOSED OPEN TO THE PUBLIC SECTION: 7:29 p.m.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2010-R-06 / FIRST READING

(Public Hearing for Resolution No. 2010-R-06 will be held on June 8, 2010 at 7:00 p.m.)

A RESOLUTION APPROVING THE 2011 BUDGET.

ORDINANCE NO. 2010-O-06

FIRST READING: 4/13/10 / SECOND READING: 4/27/10 / THIRD READING: 5/11/10

PUBLIC HEARING HELD ON 5/25/10

AN ORDINANCE AMENDING ORDINANCE 1284.10 - TEMPORARY SIGNS IN ORDER TO ALLOW BANNER SIGNS TO BE DISPLAYED BY GOVERNMENTAL ENTITIES.

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

MOTION CARRIED: 6/0

ORDINANCE NO. 2010-O-08

AN ORDINANCE AMENDING CODIFIED ORDINANCE 250.11 – HEALTH BENEFITS AND DECLARING AN EMERGENCY.

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

MOTION CARRIED: 6/0

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

MOTION CARRIED: 6/0

(LEGISLATION BEFORE COUNCIL / continued)

ORDINANCE NO. 2010-O-09

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$915,000 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 MR. LANGBEHN, Seconded by Mr. Eva for Suspension of the Rules. ROLL CALL: Ayes: Council Member Langbehn, Eva, Shirley, Elam, Hawkins, Rose. Nays: None.

MOTION CARRIED: 6/0

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

MOTION CARRIED: 6/0

ORDINANCE NO. 2010-O-10 (FIRST READING)

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:

Council Member Shirley thanked the Administration for the recent pavement marking that has been done throughout the city in particular the “stop” that was actually painted on the pavement by Eckley’s Corner. She said this has been most helpful when making a right hand turn onto Andrews Road.

NEW BUSINESS:

MOTION MADE BY MR. EVA, Seconded by Ms. Shirley to approve the expenditure to Shannon Fence Co. to replace approximately 950 feet of stockade fence at McMinn Park-North side in the amount for \$14,741.50 (Fund: Recreation Capital Fund). ROLL CALL: Ayes: Council Member Langbehn, Eva, Shirley, Elam, Hawkins, Rose. Nays: None.

MOTION CARRIED: 6/0

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Council President Rose assigned Ordinance No. 2010-O-10 to the Planning & Zoning Commission for their review at their next meeting on June 7, 2010.

Parks & Recreation Board	May 27, 2010	7:30 p.m.
Agenda Meeting of Council	June 3, 2010	6:00 p.m.
Planning & Zoning commission	June 7, 2010	7:30 p.m.
Regular Meeting of Council	June 8, 2010	7:00 p.m.

ADJOURNMENT:

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

MOTION CARRIED: 6/0

The meeting adjourned at 7:40 p.m.

APPROVED:

Date

Andrew M. Rose
President of Council

Attest: _____
Clerk of Council

