

**MINUTES
REGULAR MEETING OF COUNCIL
CITY OF MENTOR-ON-THE-LAKE
MARCH 8, 2011**

The Regular Meeting of Council of March 8, 2011 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
- David R. Eva (absent)
- Aye: Susan M. Shirley
- Aye: Vernita L. Savage
- Aye: Troy D. Elam
- John Hawkins (absent)
- Aye: Andrew M. Rose, President

READING OF MINUTES: February 22, 2011 – Regular Meeting of Council

MOTION MADE BY MRS. SAVAGE, Seconded by Mr. Langbehn, to approve the Minutes for the February 22, 2011, Regular Meeting of Council, as submitted by the Clerk. **ROLL CALL:** Ayes: Council Member Langbehn, Shirley, Savage, Elam, Rose. Nays: None.

MOTION CARRIED: 5/0

CORRESPONDENCE: (none)

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor and Safety Director – Mayor Rogers

Mayor Rogers reported that due to the heavy rainfalls, the Fire Department has assisted approximately 13 property owners with flooding issues. Of the 13 incidents, 3-4 were sanitary sewer backups. Mayor Rogers has asked the Fire Chief to take a look at the history of those properties to see if there have been problems in the past so they can address them accordingly.

Mayor Rogers said there is legislation on the Agenda this evening addressing the internet cafes. He would recommend that Council pass this legislation this evening.

(Mayor Rogers / continued)

Mayor Rogers spoke with Mr. Rose prior to this meeting, and there is some concern with regards to some language that was passed regarding the ball fields. Last year they requested a list of the players which they did receive. It is a concern that once the application is filled out there is an indemnity clause and technically that is the information they are looking for. In speaking with Mr. Powalie, 5-6 other communities will be coming into our community to play, and that language does not address those children. His thought is that we should eliminate the language regarding the addresses and names of the children. The information regarding the indemnity clause should be maintained for a period of 5 years in case of injury. Mayor Rogers said he would recommend a redraft of this Ordinance to reflect that change.

There was a moratorium passed with regards to cybercafés, whereby they would not let any other cybercafés into the community to operate. With the passage of the legislation this evening, that moratorium would be eliminated. Mayor Rogers asked that Council amend the agenda to bring Ordinance No. 2011-O-06 from the floor for the consideration of Council.

Administrative Director – Mr. Molenaar (no report)

Law Director – Mr. Lyons

Mr. Lyons said he would like to clarify that Council originally passed a temporary moratorium on November 23, 2010. That temporary moratorium would expire on April 23rd. If Council does decide to pass the licensing requirement for both existing and any future internet/cyber cafes then they should repeal the temporary moratorium.

City Engineer – Mr. Sayles (no report)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Council Member Elam said the drainage on his end of Miami Dr. worked very well through the storm. Mr. Elam said he looked at other areas of the street, as well as other streets throughout the City and it is an embarrassment to him to see ditches full of water. He said he would like to reiterate his desire to see some of these drainage needs addressed.

Mayor Rogers said he will pass Mr. Elam's concerns on to the Service Director. The majority of the areas that flooded were by Overlook Beach Park and Salida Road.

Council President Rose asked Mr. Molenaar if there were any previews on the Governor's proposed Budget. Mr. Molenaar said the budget will be displayed next Tuesday.

BOARD/COMMITTEE/COMMISSION REPORTS:

Parks & Recreation Board / Meeting of February 24, 2011 / Mr. Rose

The Parks & Recreation Board met on February 24, 2011 at 7:30 p.m. Present were Recreation Director Mr. Crocker, Suzanne Durachinsky, Jennifer Bittner, Diana Remaley, and Mr. Rose as Council Representative.

The election of officers was tabled until all members could be present. Mr. Crocker made arrangements with Mr. Lynch, Principal of Lake Elementary School regarding the annual yard sale posters for the annual yard sale poster contest. This will be judged at the May meeting prior to school letting out.

There were discussions regarding the Labor Day Parade, and they will be waiting to do any further planning until they see what the budget looks like.

They anticipate a terrific baseball season this upcoming year. Mr. Crocker has been in contact with the various leagues working on permit issues, etc.

The meeting adjourned at 8:15 p.m.

Mr. Molenaar said he would like to remind the leagues, that if the fields are not dragged, they do not play.

Ordinance Committee / Meeting of March 8, 2011 / Mr. Elam

The Ordinance Committee met on March 8, 2011 at 6:00 p.m. The purpose of meeting was to review Ordinance No. 2010-O-21. In attendance were Mr. Elam, Ms. Shirley, Mrs. Savage, and Law Director Mr. Lyons.

This Ordinance has been revised and reviewed by the Committee a couple of times. The Ordinance Committee recommends passage of this Ordinance as amended. There is one change they would recommend in Section 878.05 License Revocation; Hearing Procedure that the language in paragraph (a) Creation of Commission / in the last sentence / that "of City Council" be removed / and it should read "and one additional member appointed by the Mayor.

Council Member Elam said they feel this is a good ordinance and has already survived the legal challenges in Summit County and they feel it would withstand any challenges that may present itself to the City. Also, it lays the foundation for the City to license control for businesses such as this and to make sure they maintain a legal operation status. Currently there is nothing on the books to control or oversee this type of business. It will also bring in some income to the City. There are other communities that have instituted the fee schedules. It is anticipated that this ordinance should raise approximately \$30,000 per year as income to the City.

(Ordinance Committee Meeting / continued)

The Ordinance Committee recommends passage of Ordinance No. 2010-O-21 (as amended).

The meeting adjourned at 6:45 p.m.

OPEN TO THE PUBLIC TO SPEAK: 7:22 p.m.

Jack Horrigan / 6005 Cedarwood Road / Mentor-on-the-Lake, Ohio

Mr. Horrigan said the Fire Department arrived on March 1, 2011, after they woke up to 8" of water in their basement. They arrived within the hour and checked the safety issues first, and then set up equipment to pump the water out of their basement. Unfortunately, the water was coming in as fast as they could pump it out. They had to leave for other calls, but before they left, they helped them set up a pump they purchased to keep the water at a minimum.

Mr. Horrigan said he wanted to say the professional and considerate behavior of the two firefighters helped them get through this very stressful situation. The firefighters were Lt. Kevin Bittner and Gabe Annea. Mr. Horrigan said they wanted to commend them on the fine work they did for them, and he thanked them for their assistance. Mr. Horrigan said he did put his comments in letter form and presented same to Mayor Rogers, Chief Mahoney, and Council President Rose.

Desirea Thompson / 54846 W. Lawnfield / Mentor-on-the-Lake, Ohio

Ms. Thompson said they have lived in their home for 4 years and it has been hit twice by a car in the past 8 months. The first time it was hit by an underage drinker, and the second time it was hit this past Sunday by elderly gentleman who had also been drinking. She is asking for a guardrail or cemented posts be installed as protection. Mayor Rogers said he will be talking to the Service Director regarding this matter for her to see what can be done.

CLOSED OPEN TO PUBLIC SECTION: 7:24 p.m.

Mayor Rogers said he wanted to add that it is important that Council understand that the language they will be passing regarding cybercafés does not necessarily limit the number of cafes in our community. On one hand he would like to have the income, but he does not want the City to become the gambling capital of Lake County. This may be something that Council would want to consider addressing.

Mr. Lyons said he would change the language the Mayor is using, as we cannot have gambling places. Under Ohio laws they have taken advantage to operate a sweepstakes. Mr. Lyons said this Ordinance was upheld by a Summit County Judge.

Mayor Rogers said he wants Council to be cognizant of the fact that they have had inquiries as to whether or not the City is allowing additional cybercafés. He said if this Ordinance is passed tonight, 5 people could come in and apply for a business license tomorrow.

Council Member Elam said the Ordinance Committee is aware of the fact that other businesses such as this may want to come into the City. They chose not to state that in their report, but they are aware of this.

The Ordinance Committee feels this is a good Ordinance for legal entities to have to conform to. This issue was factored into their recommendation.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2011-R-02

A RESOLUTION AUTHORIZING THE ADMINISTRATIVE DIRECTOR TO PURCHASE ONE 2011 POLICE CAR FROM CLASSIC FORD, AND DECLARING AN EMERGENCY.

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

MOTION CARRIED: 5/0

Council Member Elam said he knows it has been the practice of the City to turn over our vehicles on a scheduled basis because in the long run it does save money. Mr. Elam said he supports the purchase of the car, but he asked if they could get by another year without purchasing another vehicle. Mayor Rogers said that historically they try to replace their vehicles every 3 years. Mayor Rogers said they are replacing a 2005 vehicle with a 2011 vehicle. The Police Chief asked to replace 2 vehicles, but because of budget, they are only replacing one vehicle. Mayor Rogers said this is a balancing act and they are being cognizant of the budget. Council President Rose added that this will be the last year that Ford will be making the Crown Victoria police car. They will be taking all of their existing equipment and roll it over onto the new vehicle. Mr. Rose said the next car they buy down the road will require new light bars, etc. and this will add considerable expenses.

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

MOTION CARRIED: 5/0

(Legislation / continued)

ORDINANCE NO. 2010-O-21 / (Remains on Third Reading)

**(First Reading: December 14, 2010 / Second Reading: January 11, 2011 / Third Reading: January 25, 2011
Assigned to Ordinance Committee / February 22, 2011)**

AN ORDINANCE ADOPTING BUSINESS REGULATION CODE, CHAPTER 878-MECHANICAL AMUSEMENT DEVICES AND GAME ROOMS OF THE CODIFIED ORDINANCES OF THE CITY OF MENTOR-ON-THE-LAKE, OHIO AND DECLARING AN EMERGENCY.

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

MOTION CARRIED: 5/0

MOTION MADE BY MR. LANGBEHN, Seconded by Ms. Shirley to Amend the existing Ordinance 2010-O-21 in its entirety, and for Council to consider the ordinance as reviewed by the Ordinance Committee at their meeting of March 8, 2011, including amending the title and to change Section 878.05 License Revocation; Hearing Procedure, paragraph (a), last sentence to delete the words “of City Council that is” to read and “one additional member appointed by the Mayor”, as recommended by the Ordinance Committee. ROLL CALL: Ayes: Council Member Langbehn, Shirley, Savage, Elam, Rose. Nays: None.

MOTION CARRIED: 5/0

Council President Rose said he understands the Mayor’s concerns with regards to turning our community into a Las Vegas Mentor-on-the-Lake. Mr. Rose said he does not share that thought process. He believes they may pick up one or two more of these establishments. He said several other communities have these and he does not think we will see an overwhelming amount open up. Mr. Rose said this is the same as when Council passed the sandwich board ordinance and everyone was opposed to this. He thinks they have only seen 3 sandwich boards to date. Mr. Rose said he feels this is a good ordinance, and he thanked the Ordinance Committee, the Administration, the Law Director, and Planning & Zoning for all of their hard work on this piece of legislation. Council President Rose said he would strongly recommend passage of this ordinance as amended.

Council Member Elam said he commends Mr. Lyons for his work on this Ordinance.

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

MOTION CARRIED: 5/0

(Legislation / continued)

ORDINANCE NO. 2011-O-05

AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO PROVIDE FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

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

MOTION CARRIED: 5/0

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

MOTION CARRIED: 5/0

MOTION MADE BY MR. LANGBEHN, Seconded by Ms. Shirley to Amend the Agenda to bring Ordinance No. 2011-O-06 from the floor for the consideration of Council. ROLL CALL: Ayes: Council Member Langbehn, Shirley Savage, Elam, Rose. Nays: None.

MOTION CARRIED: 5/0

ORDINANCE NO. 2011-O-06

AN ORDINANCE REPEALING THE TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF INTERNET GAMING/SWEEPSTAKES CAFES IN THE CITY OF MENTOR-ON-THE-LAKE, OHIO AND DECLARING AN EMERGENCY.

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

MOTION CARRIED: 5/0

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

MOTION CARRIED: 5/0

OLD BUSINESS: (none)

NEW BUSINESS: (none)

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Agenda Meeting of Council	March 17, 2011	6:00 p.m.
Regular Meeting of Council	March 22, 2011	7:00 p.m.

ADJOURNMENT:

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

MOTION CARRIED: 5/0

The meeting adjourned at 7:50 p.m.

APPROVED:

Date

Andrew M. Rose
President of Council

Attest: _____
Clerk of Council