

**MINUTES
REGULAR MEETING OF COUNCIL
CITY OF MENTOR-ON-THE-LAKE
November 27, 2012**

The Regular Meeting of Council of November 27, 2012 for the City of Mentor-on-the-Lake, Ohio, was Called to Order by Council President, David R. Eva, at 7:00 p.m.

CALL TO ORDER: PLEDGE OF ALLEGIANCE

(Prayer administered by Pastor of Grace Church)

ROLL CALL: Aye: Dale O. Langbehn, Vice-President
Aye: Susan M. Shirley
Aye: Jennifer Bittner
Aye: Jennifer L. Jakosh
Aye: Troy D. Elam
Aye: John Hawkins
Aye: David R. Eva, President

READING OF MINUTES: November 13, 2012 – Regular Meeting of Council

Council Member Jakosh said that on page three underneath Department Heads, it states “thinking” and she believes it should be “thanking”. Council Member Elam said he believes it is correct as written as he was thinking about all that was accomplished.

MOTION MADE BY MR. LANGBEHN, Seconded by Ms. Shirley for passage of the Minutes for the November 13, 2012, Regular Meeting of Council. **ROLL CALL:** Ayes: Council Member Langbehn, Shirley, Bittner, Jakosh, Elam, Eva. Nays: None. Abstain: Council Member Hawkins.

MOTION CARRIED: 6/0/1

CORRESPONDENCE: (none)

ADMINISTRATIVE AND DEPARTMENT HEAD REPORTS:

Mayor and Safety Director – Mayor Rogers

Oath of Office administered by Mayor John M. Rogers: David Trzcinski, Part-time Communications Officer

Presentation: 2012 “Citizen of the Year Award” presented to: Gayle Pritchard

Mayor Rogers said historically the week before or after Thanksgiving, he recognizes individuals from the community who over the years, in his opinion, exemplifies good citizenship or who on any given stage would portray Mentor-on-the-Lake in a positive light. The individuals he has chosen exhibit qualities or characteristic wherein they give selflessly of themselves to others, take the initiative to try to make a difference, and whose actions in simplest terms are of a nature that other might imitate. They are indeed ambassadors of our Community.

Tonight, Mayor Rogers would be recognizing Gayle Pritchard. Gayle lives at Maximum Independent Living, having been diagnosed with Muscular Sclerosis in 2002. A wheelchair bound mother of three and a grandmother to 15, she professes a strong faith in God, attends Grace Church in Mentor where she also sings in the choir.

Her story was brought to the Mayor’s attention earlier in the year in a News-Herald article which described her efforts to keep Andrews Road free of litter. The Mayor observed her on a number of occasions and stopped to both speak with and thank her. What impressed Mayor Rogers was her pleasantness and genuine concern for our City and its appearance. She told him that traveling up and down Andrews Road on her electric wheelchair typically takes about three hours and that it was no uncommon to fill a couple of bags of garbage which she carried along with her.

While doing this, Gayle mentioned that she has met and talked with so many wonderful people walking along the sidewalk, business owners and others in their cars and they would drive by – all expressing appreciation for what she does. She, on the other hand, is thrilled just to be able to be outside. Gayle told Mayor Rogers that she loves to be a servant no matter what – stating, “I am called to serve.”

Gayle has always exhibited a pride in the communities in which she has lived and has been recognized before for similar service both in Willowick and Willoughby. When asked what motivates her to do this, her response was that “God gave us this world and we can’t enjoy his gift if it is littered with trash.”

Gayle’s favorite color is red. She typically wears something red and in fact her wheel chair is red. Her philosophy regarding her medical condition and any impediment she faces is as bright as the color she loves. “Just because I am disabled doesn’t mean I am not able to function. I’ve chosen to turn my disability into an ability!”

Mayor Rogers said that because of her abilities and efforts, that Mentor-on-the-Lake is that much better of a place in which to live.

Gayle mentioned that she is both thrilled and humbled by tonight's honor. Mayor Rogers said her actions and willingness to make a difference are inspiring. She sets an excellent example of the kind of impact just one person can have on all, and especially those who come in contact with her.

Mayor Rogers said he is honored to recognize Gayle Pritchard as the 2012 Mentor-on-the-Lake Citizen of the Year, awarding her with the Vernita Savage Service Award and on behalf of the Community; Mayor Rogers thanked her for her service!

7:12 p.m.

MOTION MADE BY MR. LANGBEHN, Seconded by Mr. Elam for a ten minute recess of Council. ROLL CALL: Ayes: Council Member Langbehn, Shirley, Bittner, Jakosh, Elam, Hawkins, Eva. Nays: None.

MOTION CARRIED: 7/0

7:20 p.m.

Council Reconvenes: ROLL CALL: Ayes Council Member Langbehn, Shirley, Bittner, Jakosh, Elam, Hawkins, Eva. All Present.

Mayor & Safety Director – Mayor Rogers (continued)

Mayor Rogers informed Council that Mr. Bailey would not be present this evening due to a family emergency.

Also, Mayor Rogers said he received notification from John Donahue, a Member of the Civil Service Commission, that he would be resigning his position as he has moved out of the community.

Administrative Director – Mr. Molenaar

Mr. Molenaar said he and Mr. Sayles had a final conference call with ODOT concerning the SIB Loan. They had extended the SIB loan by 10 years, and now it is a 20 year payment for the \$457,000 in overruns. They were hoping to trim that back a bit and they did answer questions and what they presented was correct. What will happen next is they will ask the Attorney General to draft an amendment to our SIB loan, and this should come forward around the first part of January, and the next payment is not due until June. Mr. Molenaar said this will hopefully finalize all of our costs for the Andrews Road/Lakeshore Blvd. Project.

Mr. Molenaar reminded Council that he will be presenting the typical year-end legislation for the next Meeting of Council.

Administrative Director – Mr. Molenaar (continued)

The Resolution that is on the Agenda this evening was requested by the Ohio Municipal League to show our revenue lost which includes the drastic reduction in the Local Government Funds, the elimination of Ohio's Estate Tax and the phasing out of the Tangible Personal Property reimbursement schedule. They have been meeting on this matter for over a year. CCA, who handles our taxes, estimates 1.6 million dollars in losses if this legislation passes. As a member of CCA community, our portion would be a little over \$3,000.

Mr. Molenaar said the valuation figures came out, and we are looking at 5 1/2% on the residential side. There are no figures available as of yet on the commercial side.

Law Director – Mr. Lyons

Mr. Lyons said he is continuing to work on the modification of the vicious dog ordinance, and he is asking Chief Gielink to also review with him the State law regarding this matter. He would hope to have something to present to Council for committee sometime in January.

City Engineer – Mr. Sayles (no report)

QUESTIONS TO ADMINISTRATION AND DEPARTMENT HEADS:

Council Member Elam asked Mr. Molenaar what the total indebtedness is for the City. Mr. Molenaar said the City has \$925,000 in notes consisting of various project, approximately \$720,000 in SIB Loans, and approximately \$200,000 for the various Issue II projects we have had over the years. Mr. Molenaar said the total would be in the 2 million dollar range.

Council President Eva asked what the change would be to the loan payment adding the \$457,000. Mr. Molenaar said they are currently paying approximately \$90,000 in principle and interest on SIB loan, and then the \$457,000 would be added on, and considering the term of the loan, our annual debt payment would be about \$85,000.

BOARD/COMMITTEE/COMMISSION REPORTS: (none)

OPEN TO THE PUBLIC TO SPEAK: 7:27 p.m.

CLOSED OPEN TO THE PUBLIC SECTION: 7:28 p.m.

LEGISLATION BEFORE COUNCIL:

RESOLUTION NO. 2012-R-15

STRONGLY OPPOSING THE PASSAGE OF HB 601 BY THE OHIO GENERAL ASSEMBLY WHICH PROPOSES UNIFORMITY MEASURES FOR MUNICIPAL INCOME TAX IN THE FORM OF UNFUNDED MANDATES AND A SUBSTANTIAL LOSS OF REVENUE, 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, Bittner, Jakosh, Elam, Hawkins, Eva. Nays: None.

MOTION CARRIED: 7/0

MOTION MADE BY MR. LANGBEHN, Seconded by Ms. Shirley for Passage:

Discussion:

Council Member Hawkins said he is uncomfortable with this Resolution. He can understand opposing a reduction of our revenue stream, but he is not certain he opposes anything else they are doing. Mr. Hawkins said he does not know anything about uniformity for the Municipal Tax Codes. He does agree with objecting to our loss of revenue but the rest of this Resolution is very vague.

Council Member Elam said he agrees with that, but he does not agree with the encroachment with the State coming in and taking over more and more of what we do. Mr. Elam said the Federal Government is doing it and now the State is doing it. He feels this Resolution will push them back.

Council Member Jakosh said it is her understanding that this Resolution is on for Passage and it is not on for First Reading. Council President Eva said that is correct. Council Member Jakosh expressed that she would like to have more information about other issues that are in HB 601, to see if there is anything else that will directly or indirectly affect our City. She asked if there is anything other than what we put together tonight that would come into play. Mr. Molenaar said he does not have a copy of HB 601, but he certainly can get copies for Council.

****Council Member Hawkins** said he would like to make a **Motion to Table** this Resolution so they can be better informed on this matter. **Council Member Jakosh** Seconded this **Motion**:

Mayor Rogers said you have to consider the losses the entities might entertain. Currently under Ohio Taxation Laws, they carry the loss 2-3 years, and they are trying to extend the loss out for 5 years. This would have a significant impact on the revenues the communities receive by extending the losses over a longer period of time. Secondly, there is another side to this would effect our ability to collect income tax.

Council Member Hawkins said he understands this and agrees with Mr. Molenaar with regards to income constraints as it reduces the amount of money we have to provide services for our residents. Mr. Molenaar said he would have a copy of this bill in everyone's mailbox by tomorrow.

Council Member Langbehn said he believes this Resolution is to let the Legislature know that we are not in favor of what they are doing with HB 601. Council Member Langbehn said that getting back to Mrs. Jakosh's point, there may be something else that comes up later on that will have to be addressed also. Council Member Langbehn said this piece of legislation indicates our disapproval as to what they are doing. He does not believe we need a lot of research and discussion on this. Council Member Hawkins said he disapproves of part of this Resolution, and isn't certain he is all that concerned about simplifying the Municipal Tax Code and is not certain this constitutes an unfunded mandate.

Council Member Elam asked how soon this Resolution would have to be passed. Mayor Rogers said this matter will probably be acted upon by the end of the year by the State. Council Member Elam said he is in agreement with what Mr. Langbehn said. Even if some of the issues may or may not be good, the continuing reduction of revenues will hurt our City. He would like to go ahead this evening and pass this Resolution.

****ROLL CALL VOTE ON MOTION TO TABLE RESOLUTION NO. 2012-R-15:
Ayes: Council Member Bittner, Jakosh, Hawkins. Nays: Council Member
Langbehn, Shirley, Elam, Eva.
MOTION TO TABLE RESOLUTION NO. 2012-R-15 FAILED: 3 Ayes / 4 Nays**

(Rules were Suspended)

**MOTION WAS MADE BY MR. LANGBEHN, Seconded by Ms. Shirley for Passage
of Resolution No. 2012-R-15: ROLL CALL: Ayes: Council Member Langbehn,
Shirley, Elam, Eva. Nays: Council Member Bittner, Jakosh, Hawkins.
MOTION CARRIED FOR PASSAGE: 4 Ayes / 3 Nays**

OLD BUSINESS: (none)

NEW BUSINESS: (none)

ANNOUNCEMENTS AND SETTING OF MEETINGS:

Planning & Zoning Commission	December 3, 2012	7:00 p.m.
Agenda Meeting of Council	December 6, 2012	6:00 p.m.
Regular Meeting of Council	December 11, 2012	7:00 p.m.

ADJOURNMENT:

MOTION MADE BY MR. LANGBEHN, Seconded by Ms. Shirley for Adjournment.

ROLL CALL: Ayes: Council Member Langbehn, Shirley, Bittner, Jakosh, Elam, Hawkins, Eva. Nays: None.

MOTION CARRIED: 7/0

The meeting adjourned at 7:45 p.m.

APPROVED:

Date

David R. Eva
President of Council

Attest: _____
Clerk of Council