

**EASTLAKE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 22, 2009**

The Regular Meeting of the Eastlake City Council was held at Eastlake City Hall, 35150 Lakeshore Boulevard. The Meeting was called to order by Council President Mr. Elshaw at approximately 7:50 p.m.

The Pledge of Allegiance was led by Mr. Lajeunesse.

ATTENDEES

Members of Council in attendance were Mr. Lajeunesse, Mr. D'Ambrosio, Ms. Vaughn, Mr. Knuchel, Mr. Matheke, Mr. Morley and Council President Mr. Elshaw. Also attending was Council Clerk Mrs. Cendroski.

Those attending from the Administration were Finance Director Condron, CBO Stigalt, City Engineer Gwydir, Tax Administrator Mrs. Keneven-Zanella, Police Chief Ruth and Fire Chief Whittington. Mayor Andrzejewski and Law Director Klammer were absent and excused.

APPROVAL OF MINUTES

PUBLIC HEARING – SEPTEMBER 8, 2009

MOTION: Mr. D'Ambrosio moved to approve the minutes of the Public Hearing of September 8, 2009 regarding a Conditional Use Permit request for B & H Events' Party Center, LLC, 34596 Lakeshore Blvd., Eastlake, OH. Mr. Knuchel seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The minutes were approved.

PUBLIC HEARING – SEPTEMBER 8, 2009

MOTION: Mr. D'Ambrosio moved to approve the minutes of the Public Hearing of September 8, 2009 regarding a Conditional Use Permit request for Thomas Michael Hominsky, dba T & J Auto Service, 35788 Lakeshore Blvd., Eastlake, OH. Mr. Knuchel seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The minutes were approved.

REGULAR COUNCIL MEETING – AUGUST 25, 2009

MOTION: Mr. D'Ambrosio moved to approve the minutes of the Regular Council Meeting of August 25, 2009. Mr. Morley seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The minutes were approved.

COUNCIL PRESIDENT'S REPORT – Mr. Elshaw

Meetings Scheduled

The Council-as-a-Whole Committee Meeting is scheduled for Tuesday, October 13, 2009 at 7:00 p.m. The Regular Council Meeting is scheduled for Tuesday, October 13, 2009 at 7:30 p.m.

A WPCC Joint Committee meeting is scheduled for Tuesday, September 29, 2009 at 6:00 p.m. at Willoughby City Hall, Willoughby, Ohio.

COMMUNICATIONS & PETITIONS

A communication was received from Finance Director Condron concerning the acceptance of the 2010 Tax Rate. This was referred to Finance Committee.

A communication was received from Mayor Andrzejewski regarding the implementation of Part-time Firefighters. This was referred to Safety Committee.

A communication was received from the Administration regarding a tax incentive for Stainless Specialties, Inc. This was referred to Finance Committee.

A communication was received from WPCC Superintendant Gorka requesting a joint meeting about the Sewer System Evaluation Survey. Mr. Elshaw explained that this is for each Council person's information – Committee members should attend and the Mayor, Finance Director, Service Director and City Engineer are requested to attend this meeting scheduled for September 29, 2009 at 6:00 p.m. at Willoughby City Hall.

A bid recommendation was received from Finance Director Condron regarding the Towing Service contract. This was referred to Finance Committee.

A communication was received from City Engineer Gwydir regarding the final applications for the OPWC Round 24 projects funding. This was referred to Service/Utilities Committee.

A communication was received from Finance Director Condron regarding the Fact Finding Report for the FOP Dispatchers Bargaining Unit. Mr. Elshaw explained that this rejected by the Dispatch Unit.

A request was received from Councilman Lajeunesse to place on Communications a letter from Wade A. Mitchell, President of the Willoughby-Eastlake Board of Education regarding Issue 7, the levy on the November 3rd ballot.

DISCUSSION

Mr. Elshaw: Mr. Lajeunesse, would you schedule the presentation for one of the Council meetings prior to the election?

Mr. Lajeunesse: I believe they wanted to make the presentation as soon as possible – prior to the distribution of the absentee ballots. I appreciate our conversation that we had just a few moments ago – I will discuss this with Mrs. Cendroski.

COUNCIL COMMITTEE REPORTS

RECREATION COMMITTEE – Mr. Lajeunesse

Mr. Lajeunesse: The Recreation Committee met Thursday, September 17th with discussion in regards to the bid re-advertisement for the Houston Fisher pool rehabilitation. Since most of you were present a few moments ago during our Council-as-a-Whole Committee meeting discussion and so as not to obstruct any processes within my Committee I did have it open for discussion and it was the decision of my Committee to move this forward to this evening's agenda. However, without a major plan and I have been specific and will continue to be more specific as time goes on – I will be voting No on this issue. This concludes my report and I am open for questions.

There were no questions of Mr. Lajeunesse.

PLANNING COMMITTEE – Mr. D'Ambrosio

Mr. D'Ambrosio: The Planning Committee has not met since the last regularly scheduled Council meeting. However, at the last Council meeting a Conditional Use Permit Renewal for the Radisson Hotel was referred into Committee. The Corporation that owns the hotel has changed so they have to apply for a new Conditional Use Permit. If there are no objections this item will be referred out of Committee with no action taken.

This concludes my report and I am open for questions.

There were no questions of Mr. D'Ambrosio.

FINANCE COMMITTEE – Mr. Knuchel

Mr. Knuchel: The Finance Committee has not met since the last regularly scheduled Council meeting, therefore, I have no formal report. As several items have been referred into Finance Committee I will coordinate with my Committee members – Tuesday, October 6th at 6:00 p.m. This concludes my report and I am open for questions.

There were no questions of Mr. Knuchel.

ORDINANCE COMMITTEE - Ms. Vaughn

Ms. Vaughn: The Ordinance Committee met on September 17th with all members of Council in attendance. In attendance from the Administration were Mayor Andrzejewski, Law Director Klammer, Finance Director Condrón, and Fire Chief Whittington. The Committee reviewed the repeal of 132.13 which was discussed at great length – this matter is addressed in the Ohio Revised Code and the Hatch Act. I polled my Committee and we were in agreement and this appears on tonight's agenda and I would like to see it passed this evening. We also discussed 181.02 "Tax Levied" – this will amend the ordinance to delete the section on the non-existent golf course and was moved forward by unanimous decision of the Committee. This concludes my report and I am open for questions.

Chief Whittington: I would like to take this opportunity to at least address 132.13. This ordinance was actually written in 1981. During that time we had a firefighter run for Mayor, we had a police officer's father run for Mayor and that ordinance has never been an issue even through all of that. Having said that, now we arbitrarily want to enforce this ordinance. At least an ordinance should have some credibility issue *inaudible* I think that your goal Mr. President is admirable. My concerns are that the language is already addressed in ORC and

the OAC. No one can contest the fact that we cannot do this stuff on duty – we all know that. Also, this current ordinance is open for interpretation. And I think that is what is being done right now – an interpretation of the ordinance. We have to clarify *inaudible*. I believe in my heart that the right thing to do is to repeal it tonight – get it done with. If Council chooses to prepare a piece of legislation to cover those activities I will be more than glad to help. In the meantime we have the ORC and the OAC that covers those activities that are referred to. It sounds like 2/3 of the *inaudible* However, if you choose not to repeal this tonight I will respectfully ask that there be some immediate clarification of the issues – what we can't or can do. With this ordinance that we see it arbitrarily enforced at best. *Inaudible* And, this ordinance is being challenged and looking to enforce it. *Inaudible* so, I implore you – when you look at this – the right thing to do is make it equal across the complex.

Chief Ruth: I concur with what Chief Whittington said. We under the Civil Service are required to follow the guidelines and also the rules of the Ohio Administrative Code. There are things we can and cannot do as far as political activities. I think this ordinance as it is written is arbitrary at best – it is not across the board in its application. So, I too would also urge you to repeal this *inaudible*. As we have seen here recently this ordinance has been used as a disservice to this Community.

Mr. Knuchel: Chief, I received an email – I think everyone did – from one of the firefighters and there does seem to be quite a bit of confusion about how this is interpreted. Even as I look at his email it brought up questions in my mind to be answered about clarification and what is and what is not permissible. Mr. Drake said something – is that the Ohio Administrative Code that you are speaking of?

Chief Whittington: The Ohio Administrative Code and the Ohio Revised Code provides for this. When I looked into this issue the Ohio Revised Code is almost word for word with the ordinance. The title is “Prohibition against Political Partisan Activities.” In our Charter all of our elections are non-partisan – so, I think that all the issues should be looked at. My problem is this – in the past we had a firefighter run for Mayor – he organized fund raisers – he went door to door – he engaged in politics and nothing was done about that – there was no challenge – and, now we are going to say we are going to challenge it – that is what I don't understand - how that is fair. And, it is only affects the Fire Department. If a Police Officer engaged in activity that would be investigated the first thing they would do would be to go to the ORC and the OAG – it is clearly stated what they can and cannot do. To me it just seems so unfair to try to single out on Department. *Inaudible* across the board *inaudible* and, I would think that you should follow through with it. At this point though if this is not pushed through tonight we are still in a position where we are not uniform – across the board. If we leave here tonight and it is not addressed we will go two more weeks where we have no clarity, we are not sure what is going on. All we are asking for is to make this fair and to do that will be to repeal this ordinance.

Mr. Elshaw: Chief, do you have a concern with the Fire equipment levy?

Chief Whittington: I do and I already have my canvassing material ready to pass out. I expressed this in Committee – every year that I was a firefighter Chief Sabo was there – the two of us would walk and go door to door – we would ask the residents to please pass the levy. The News Herald has contacted me – I know that in the ordinance it clearly states –

political parties and candidates – however, if I express my political opinion on this issue will that be in jeopardy? I do not want to ask my guys and put them in a position where they will be scrutinized. It just seems like – since 1981 it has taken this long for it to be questioned. And we have all these issues that are being brought forward and are being questioned *inaudible* Now, we are going to enforce it. It goes back to the point that it singles out a Department and it is unfair *inaudible* political opinions and that is being scrutinized. Again, be fair tonight. When you walk out of here tonight it needs to be fair – treat us the same as everyone else.

Mr. Elshaw: Chief - I respect both Chiefs – I am speaking to both. I definitely respect your positions on that – and, I understand. I don't have an issue – and, I will repeat my position. I don't have an issue with repealing this ordinance because it is specific and as I said before it only applies to only the Fire Department and it should be applied across the board. I still feel in my opinion that it should apply across the board to all Departments and it would be limited to the working hours. I understand that Civil Service is covered under the ORC and it talks about partisan/non-partisan which I need to understand from our Law Director who is not here this evening. I do not have a problem with the repeal but I would like to see something in its place as a compromise. Our Ohio legislative body is proposing legislation to cut out the acceptance of solicitation, political donations, and contributions because of what was going on in Cuyahoga County. And, we need to learn from those mistakes – not fall into the same. I do believe that – in my opinion – it affords a bit of protection to the employee and also the elected official and the residents through their representatives.

Chief Whittington: You are referring to the new one?

Mr. Elshaw: The new one. I am not talking about the old one – the old one I agree with you is not good and maybe I was not clear. Again, I do not want to strip away any constitutional rights – what happens after hours – you try to protect to a certain point and what happens after that – we can only do so much. I understand – I do not want to impede anything like that. However, I do think it is important and we should have something kept on the books as far as what goes on during work hours. That can be worked out but I would like to also apply this not only to the employees – but if they have to abide by those rules so should we – this needs to apply to elected officials also. And, I know that our Law Director is probably going to get queasy on that one because it is hard to cover and I have already thought of some ways that will be difficult. But, I would like to introduce it with that.

Ms. Vaughn: When you talk about the legislation – it applies to elected officials – not to candidates – these are two different ball games. The legislation proposed is *the tape was turned over at this point* I see no problem with your compromise and I think it should be discussed after the election. This repeal of this legislation is of prime importance because if we keep postponing it will do nothing. It is time for the political *inaudible* or anything else that impedes personal freedom. That is my opinion – I have researched it – I have the ORC and the OAG – it is very clear.

Mr. Elshaw: I do not disagree with you as far as repeal – however, I do disagree with putting off the other piece of legislation. I would rather not have that put off – I don't see the point in putting it off until after the election. There are other things we can put off until after the election. I don't think we should do that – I think what we should do is to take the politics

out of it – which I have tried to do – and think about what is best for the residents, the employees. That is the way we need to look at it – take the politics out of it. I don't see why that is important at this point. As far as the rejection – that is fine – but, as far as the other piece I disagree.

Ms. Vaughn: We agree to disagree.

Mr. Elshaw: That is fine.

Ms. Vaughn: I have one more item in my report – I would like to make a Motion:

Rejection of Fact-Finding Report

MOTION: I hereby move to reject the Fact-Finding Report for the Police Dispatchers Union. Mr. Morley seconded.

ROLL CALL: Yeas: Ms. Vaughn, Mr. Morley, Mr. D'Ambrosio, Mr. Lajeunesse,
Mr. Knuchel, Mr. Matheke
Nays: Mr. Elshaw

DISCUSSION:

Mr. Elshaw: Again, that has been previously rejected by the Dispatch Unit. I took the same position with our Fire Department – I don't feel I should make that decision. As I said in talking to our Chief I do not feel that as a political body I should be making that decision on behalf of the Dispatch Unit – they can make that decision.

Motion carried. The Fact-Finding Report for the Dispatch Unit is rejected.

Additional Comments

Ms. Vaughn: That concludes my report and I am open for questions.

SERVICE/UTILITIES COMMITTEE - Mr. Matheke

Mr. Matheke: The Service/Utilities Committee met on September 17th with me, Mr. Morley, and Mr. Lajeunesse present from the Committee. Also in attendance from Council were Ms. Vaughn, Mr. D'Ambrosio and Mr. Knuchel. In attendance from the Administration were Mayor Andrzejewski, Law Director Klammer, Finance Director Condron, CBO Stigalt, Service Director Semik and Fire Chief Whittington. As we discussed during the Council-as-a-Whole Committee we reviewed the bid authorization for the 2010 Housekeeping Supplies and this appears on tonight's agenda as Legislation No. 09-22-(01). We also reviewed the reject and rebid authorization for the Quentin Road pump station and that appears on tonight's agenda as Legislation No. 09-22-(02). Mr. Semik mentioned he received correspondence from First Energy on the costs of installing streetlights. As of right now First Energy will pick up \$250 of the cost of installing streetlights – the streetlights will cost \$700 a piece if there is an existing pole and \$2,000 - \$3,000 if the pole and wire has to be run. So, we will be looking to add money to the budget next year to beef up that line item so we can get more streetlights in the City. This concludes my report and I am open for questions.

There were no questions of Mr. Matheke.

SAFETY COMMITTEE – Mr. Morley

Mr. Morley: The Safety Committee has not met since our last Council meeting but as the part-time firefighters issue has been referred into Committee I will talk to my Committee. I have a couple of questions still out for the Law Director on this and I will schedule a meeting on its own since it may be a long meeting. This concludes my report and I am open for questions.

There were no questions of Mr. Morley.

RECOGNITION OF THE PUBLIC

Mr. Elshaw recognized the public input at this time; he reminded the speakers that there is a 3-minute limit for their comments; all comments are to be directed to the Chair and not include any personalities or individuals.

Mike Zontini, 560 East Overlook, Eastlake

Mr. Zontini: It is good to see you all tonight. Much has already said and it is probably redundant – I appreciate the Chief’s comments – I also appreciate and commend Mrs. Cendroski and Mr. Elshaw for trying to come up with a compromise. I will tell you that a compromise is probably covered throughout *inaudible* common law *inaudible* you may have a problem with elected officials because by nature *inaudible* that may be difficult. But ordinance 132.13 regarding political activities when it comes to the Fire Department – I read the minutes of the Ordinance Committee meeting and I heard the discussion this evening. First, every law or ordinance when it is passed is presumed to be constitutional. If there is language in that ordinance that is ambiguous the Courts will give it the interpretation that makes it constitutional. So, the language in 132.13 that says “take part in politics” – what does that mean – it is rather ambiguous. Certainly you can give an interpretation that any political activity would be prohibited – that would be unconstitutional – no one can take away ones right to campaign for someone. That is your constitutional right. So, the only interpretation we can give to that particular phrase in the ordinance is – that it means run for office and the Chief pointed one fireman ran for office and there were no objections raised. That is probably what it meant to keep it constitutional. An example given at the meeting and that the Mayor hangs is hat on for not repealing this ordinance is that Mr. Walker got permission – big deal. The difference is Mr. Walker was running for office. We are not talking about running for office – we are talking about campaigning for a candidate. It is not necessary for an employee to *inaudible* the exercise of constitutional rights – to select a candidate they believe in and they campaign for a candidate – they do not need to get permission. If any *inaudible* by anyone who threatened retaliation or action of retaliation I would suggest the ACLU be called. I am not a big fan of the ACLU but rights are rights. Then the City would be faced with another needless lawsuit. Mention was also made to sway you – “except for the title the law is the same as the ordinance” – first *inaudible* is very important. You, in fact, can pass a resolution or ordinance *inaudible*. The State law is for partisan politics – the ordinance however opens the door to all kinds of abuse even *inaudible* politics. But the most important difference in the State law and the ordinance, contrary to the very real misrepresentation made at the meeting – is the State law applies to all Civil Service but the ordinance discriminates against only firemen – and, I think that is a point missed – it is not fair – the fact that it discriminates against one class of employees is not constitutional. Therefore, that is the reason you should *inaudible* I read that some think this protects the employee – I heard that tonight. I ask how is prohibiting someone’s constitutional rights

protection? Being a Civil Servant already protects them. This law and this ordinance will not protect an employee – it arguably protects the employer from an employee’s possible campaign against him. I heard quid-pro-quo thrown around in the minutes and so forth – the thinking being that they are Civil Servants and are protected from retaliation for political activity and they should give up the right to be politically active. That is like saying I am going to give you a life guard to protect you from swimming but you have to give up swimming. It is just ridiculous. It is not a quid-pro-quo. The legislature passed that ordinance specifically for partisan politics because they wanted to avoid a situation where an employer is one party and an employee is a different party and it can cause conflict. That is why it is specifically for partisan politics – not non-partisan. As you pointed out, you definitely should repeal the ordinance tonight but there should be some thought to protecting all the employees – Civil Servant or not. But, regardless this repeal should be done tonight so it *inaudible* open for interpretation and abuse. Consideration should not be given to going for three readings – that should be waived. Historically this is not a three reading issue. You had the discussion – you have read the ordinances – you have everything you need to make a decision right now – tonight. The only conceivable reason for going to three readings would be to stall this very important issue until after the election. *Inaudible* agree with Mr. Elshaw – take the politics out of it. The reality is the politics is in it right now and that is bad for the City. If you go to three readings it would be a shameful act. Thank you for your time.

Mr. Elshaw: I do agree with a lot of what was said – both by our Chiefs and our speaker and others on Council this evening. The question is protection. Again, I will refer over to what is going on with our Ohio legislature – protection in my mind is that – if I as an elected official ask you as an employee to contribute to my campaign – I am trying to talk about these things within the work place. First of all, I feel that is wrong – within the work place. Second of all – if you decide to say no to me – what kind of repercussions may happen? And, we would like to say none – this is all above board – everything is great. But, I don’t have a problem with an ordinance that states that there won’t be any political activity in the work place, during work hours, whether it be an elected official or an employee. I think it protects both sides. Again, after hours I don’t want to prevent anyone from speaking their mind – everyone has their constitutional rights – that is not what we are trying to cut off. I understand the partisan - and, that could be an issue – but, again non- partisan could be an issue too. As far as these things being covered under the Ohio Revised Code – yes – partisan – I don’t see the non-partisan – Civil Service – yes – but, I would like to apply this across the board. Again, I do not have a problem with repealing the ordinance. I don’t know if anyone said anything about going with three readings so I am not sure what that is all about. But, the repeal I don’t have a problem with and it should be straight across the board tonight. But, I would like to ask as part of my vote tonight that at least the amendment be considered –and shortly – not months after the election. If we take politics out of this it does not really matter. Let’s just do the right thing – that is what it comes down to.

Don Clarke, O’Connor’s Towing, 29100 Anderson, Wickliffe, OH

Mr. Clarke: I am here to talk about the tow package – the first package. *Inaudible* which really isn’t fair *inaudible* Before the second bid Mr. Vitalone proposed to split the towing – which would give the City two towing companies which O’Connor would be open to. The second bid came across – he was lowest bid but was it the lowest and best.

Mr. Condron: We rejected the bid because *inaudible* the bid specifications were not that clear – it was decided to rebid and also to have a fixed amount of compensation – that was in the package for both bidders. *Inaudible*

Mr. Clarke: Then O'Connor's is going to have to challenge the bid process.

Mr. Elshaw: Thank you, we will refer that to our Law Director who unfortunately could not be here this evening. It is my understanding that we did have the ability to reject the bids and rebid and that is what happened. But, if you would like to talk to our Law Director you are free to do so.

Richard Gould, 1266 East 343rd Street, Eastlake

Mr. Gould: I was here last year about one of my neighbors – I would like to thank you for the City's efforts – it has been cleaned up and he has moved out. *inaudible* My landscaping company is offering to plow snow for five citizens of Eastlake who need it – shut in's – disabled – handicapped – senior citizens, *inaudible* That is the positive part. The negative part is – I am back about my street. I live on a drag strip *inaudible* I spent my own money and rented a radar gun to measure the speed of vehicles down my street – a tenth of a mile. The average speed of 100 cars over four hours was 39 miles per hour. There are ten or fifteen neighborhood children who play on the street because we have no sidewalks. A few years ago a kid got hit by a car on the street. One car I clocked at 64 miles per hour. I am urging the City – I am begging the City – turn my street into a one-way street – end my street in the summer and open it in the winter for the plows – put in speed bumps or give us sidewalks. I understand what you will say about sidewalks – we don't have the money. No problem – I will fund raise – if you give me the exact amount of sidewalks I will raise every dime – I promise you. I am here to see what the City can do for my street. *Inaudible*

Mr. Elshaw: Thank you for the offer – if you could give us a business card we will send it to the Administration.

Mr. Knuchel: Mr. Gould, what is on the corner of 343rd Street and Vine Street?

Mr. Gould: A quickie mart, a laundromat, and a pizza place and Sears.

Mr. Knuchel: Mr. Elshaw, was that one of the streets that we had discussed in ECDC of closing and rerouting traffic?

Mr. Elshaw: You are catching me off guard – I believe it is – there are certain streets we identified but I am not sure that was one of them – but, it has a good possibility of being one of them. It might fit in with the plans. Actually, the Police Chief sent over a memo about a year ago regarding the same and we did consider that within the Economic & Community Development Council and did agree.

Mr. Gould: As far as dead ending our street. I would not dead end it at Vine Street because of the supplies going to the stores – it would be more feasible to block the end at Eastlawn and 343rd Street. The biggest problem I think with speeders is the high school kids.

Mr. Elshaw: That may be a good possibility or maybe where the businesses end and the residences begin. We would have to discuss it.

Mr. Gould: *inaudible* It is funny and scary at the same time – funny because of people who go so fast in such a short of area but it is scary because of my six year old daughter is out there – my neighbor’s six year old daughter is out there – the ten year old across the street.

Phil Manningly, 747 Stevens Blvd., Eastlake

Mr. Manningly: As long as your are talking 343rd Street – if you are approaching Eastlawn there is a hedge blocking the view on someone on the street. Someone will go through that stop sign because as you are pulling up on Eastlawn you cannot see down the street.

Mr. Elshaw: That will be forwarded to the Building Department.

Rich Sabo, 1814 East 337th Street, Eastlake

Mr. Sabo: Redundancy can be a good thing too – especially with the Safety Forces. I am here also to ask you to repeal Section 132.13 of the Codified Ordinances concerning political activity. As it is now it is very discriminatory and I think that is wrong. We are singling out one small segment of our workforce and I only ask that you give them the same rights and freedoms as everyone else working for the City at this time has. There is really no reason not to repeal it tonight. I totally agree with looking at something else. But, nothing is solved by not repealing this tonight – you are still discriminating against one small segment of your workforce and there is no reason to do that any longer. It is time to move forward and let’s get rid of this part of the ordinance and make things right. I think you are all in agreement – I read your Committee minutes also – and, I think you are all in agreement that it is wrong – that singling out the Fire Department should not be done – it should be all or none. Right now only 1/3 of the work force of this City is affected by this and you need to correct that. You need to correct it tonight. Everything you talked about Mr. President about what is going on in Cuyahoga County I guarantee you within the next two weeks or three weeks that is going to affect the City of Eastlake. You do have some time when working on a change or doing whatever you chose to do. But, what you have tonight – it is just wrong. So, I am hoping you will correct it and do the right thing.

There was no one else who wished to speak.

LEGISLATION PROPOSED - First number will be 2009-105

Requested by: Service Director Semik
Sponsored by: Mr. Matheke

RESOLUTION NO.: 09-22-(01)

A Resolution authorizing and directing the Director of Public Service to advertise for bids for Housekeeping Supplies for 2010, said bids to be in accordance with specifications on file in the Office of the Director of Public Service, and declaring an emergency.

MOTION: Mr. Matheke moved to suspend the rules requiring separate readings and reading in full. Mr. Lajeunesse seconded.

ROLL CALL: Yeas unanimous.

MOTION: Mr. Matheke moved to adopt. Mr. Lajeunesse seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-105.

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Requested by: Administration
Sponsored by: Mr. Matheke

RESOLUTION NO.: 09-22-(02)
A Resolution Rejecting all Bids Received by the City for the Quentin Road Pump Station Improvements and authorizing the City Engineer to Re-advertise for Bids by Addendum, and declaring an emergency.

MOTION: Mr. Matheke moved to suspend the rules requiring separate readings and reading in full. Mr. Lajeunesse seconded.

ROLL CALL: Yeas unanimous.

MOTION: Mr. Matheke moved to adopt. Mr. Lajeunesse seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-106.

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Requested by: Mr. Matheke
Sponsored by: Ms. Vaughn

ORDINANCE NO.: 09-22-(03)
An Ordinance repealing City Ordinance Section 132.13 "Political Activities," adopted August 25, 1981 per Legislation No. 1981-161, and declaring an emergency.

MOTION: Ms. Vaughn moved to suspend the rules requiring separate readings and reading in full. Mr. D'Ambrosio seconded.

DISCUSSION:

Mr. Knuchel: Are we going to look at this expeditiously after we vote on this?

Ms. Vaughn: If it is in my Committee we will.

Mr. Elshaw: I had entered it into Council-as-a-Whole hoping that we could pass it tonight if everyone believed that it was fair. However, our Law Director is not here with us this evening and he has not had the chance to look at it. There were good points brought up. It is something I personally would like to see. I would like to see something out there instead of nothing. With my vote I would ask that Council consider the new proposal or compromise regarding the political activities.

ROLL CALL: Yeas: Ms. Vaughn, Mr. D'Ambrosio, Mr. Lajeunesse, Mr. Matheke,
Mr. Morley, Mr. Elshaw.

Nays: Mr. Knuchel

MOTION: Ms. Vaughn moved to adopt. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas: Ms. Vaughn, Mr. D'Ambrosio, Mr. Lajeunesse, Mr. Matheke,
Mr. Morley, Mr. Elshaw.
Nays: Mr. Knuchel

DISCUSSION:

Mr. Elshaw: In voting yea I would ask that Council please consider the new proposal as a compromise regarding political activities during working hours or while on duty.

Motion carried. Legislation is adopted as Ordinance No. 2009-107.

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Requested by: Mr. Matheke Sponsored by: Ms. Vaughn	<u>ORDINANCE NO.: 09-22-(04)</u> An Ordinance amending Section 181.02 "Tax Levied" of the Codified Ordinances of the City of Eastlake, and declaring an emergency.
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MOTION: Ms. Vaughn moved to suspend the rules requiring separate readings and reading in full. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

MOTION: Mr. Vaughn moved to adopt. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2009-108.

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Requested by: Administration Sponsored by: Mr. Lajeunesse	<u>RESOLUTION NO.: 09-22-(05)</u> A Resolution authorizing and directing the Director of Public Service to re-advertise for bids for the rehabilitation of Houston Fisher Pool, said bids to be in accordance with plans and specifications on file in the office of the Director of Public Service, and declaring an emergency.
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MOTION: Ms. Vaughn moved to suspend the rules requiring separate readings and reading in full. Mr. Morley seconded.

ROLL CALL: Yeas: Ms. Vaughn, Mr. Morley, Mr. Matheke, Mr. Knuchel, Mr. Elshaw.
Nays: Mr. Lajeunesse

MOTION: Ms. Vaughn moved to adopt. Mr. Morley seconded.

ROLL CALL: Yeas: Ms. Vaughn, Mr. Morley, Mr. Matheke, Mr. Knuchel, Mr. Elshaw.
Nays: Mr. Lajeunesse

Motion carried. Legislation is adopted as Resolution No. 2009-109.

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LEGISLATION PENDING

There was no Legislation Pending.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

There was no New Business.

ADMINISTRATIVE REPORTS:

MAYOR/SAFETY DIRECTOR – Ted Andrzejewski

Mayor Andrzejewski was absent and excused.

LAW DIRECTOR – Randy Klammer

Mr. Klammer was absent and excused.

FINANCE DIRECTOR – Brian Condron

Mr. Condron: There are future events coming up in October – our depositories agreements will expire and you will have our recommendations for the next three year period. Also, the five-year forecast *inaudible*. Also, our phone service with AT&T expires *inaudible*. The current agreement expires on November 1st. You will receive recommendations by the next Council meeting. This concludes my report and I am open for questions

Mr. Lajeunesse: Mr. Condron, a little bit more discussion on the pool – and, I will send you a memo again – be specific – you can also read these minutes so you can start answering some of these questions. As we get toward the discussion of the rebid and also when we go into budgets I want the start-up costs. What it will be to open the pool for next year – what you feel those start-up costs are and how are you going to arrive at them – list it all out – and, I expect it to be a long report and I expect it to take some time so I am not going to rush you. But, I just gave you a timeline for when I would like to see it because I feel there is a lot of information before we can just go out and open a pool. If you have any other questions you can feel free to ask me.

Mr. Knuchel: Mr. Condron, will the 5-year plan also include a capital plan for equipment purposes?

Mr. Condron: Yes.

There were no further questions of Mr. Condron.

TAX ADMINISTRATOR – Angela Keneven-Zanella

Mrs. Keneven-Zanella: The Tax Department is working as hard as it possible can. Collections are becoming more challenging lately – we are really work hard to make sure we get the collections. We are trying to work with people on any issues they have concerning tax returns they have not filed in the past. Hopefully, they will feel more comfortable coming forward now *inaudible*. We are working on sending out our forms – we are not

doing it by email right now – I am waiting to see how it works with a couple of other Communities before looking at that option. There is a minimum cost for putting it on the web site and I think it may be beneficial. *inaudible* I have been talking to a couple of small companies who are considering coming to Lake County and I am trying to ensure that they choose Eastlake. *Inaudible* This concludes my report and I am open for questions.

Mr. Lajeunesse: Could you please provide a timeline – I hear from residents about jobs gained and jobs lost – maybe if you could provide a timeline before we went into fiscal emergency up till now – what is the amount of job total that we have gained and lost. Is that possible?

Ms. Keneven-Zanella: It will not really be accurate *inaudible*. I know we have had some go out *inaudible*. I am guessing we lost about 200.

Mr. Lajeunesse: What would you say about the jobs gained?

Ms. Keneven-Zanella: That would be difficult to say – it would be smaller.

Mr. Lajeunesse: Could you get back to me with a memo on this?

Ms. Keneven-Zanella: I could do it more effectively *inaudible* it would be estimates.

Mr. Lajeunesse: Could you give me an estimate now and a more accurate amount in February?

Mrs. Keneven-Zanella: I appreciate it.

Mr. Lajeunesse: The other thing is – I sort of know the background of Valu King and Bryant & Stratton – can you share how this is done – did they come to you or did you search for them?

Mrs. Keneven-Zanella: *inaudible* we were fortunate enough that they were a subsidiary of Giant Eagle – they wanted to see if the concept worked and fortunately it has worked very well *inaudible* they are talking about opening other *inaudible*.

Mr. Lajeunesse: So, did Bryant & Stratton?

Mrs. Keneven-Zanella: Bryant & Stratton came to us through a broker – we kind of gave them an idea of what we thought would be beneficial for them. *Inaudible* The one thing is that they have been more profitable than I expected. *Inaudible*

Mr. Lajeunesse: I saw Willoughby Hills was getting someone to replace them and I just wondered how it all worked.

Mrs. Keneven-Zanella: We were close by *inaudible*. A lot of smaller colleges are relocating in the suburbs and they all seem to be doing well – the only one who walked away was Tiffin. *inaudible*.

Mr. Lajeunesse: I always appreciate your knowledge.

There were no further questions of Mrs. Keneven-Zanella.

SERVICE DIRECTOR – Mike Semik

Mr. Semik was absent and excused.

CHIEF BUILDING OFFICIAL – John Stigalt

Mr. Stigalt was absent and excused

CITY ENGINEER – Tom Gwydir

Mr. Gwydir: The last couple of weeks South Lakeshore Blvd. started up – we will probably be *inaudible* weather permitting. It is progressing nicely. We have been working with ODOT on the City wide signal job – in particular on some non-functioning loops and push buttons. We have been working towards the pool re-bid. We have been preparing the final applications for the OPWC Round 24 – East 347th, East 348th, Edison & Mondomin and we have submitted a communication requesting legislation for the application. Mr. Knuchel, I have gone over with the contractor the cracks in the aprons on Roberts Road. *Inaudible*. This concludes my report and I am open for questions.

There were no questions of Mr. Gwydir.

POLICE CHIEF – John Ruth

Chief Ruth: We have the computers installed in all the cruisers and the fingerprint live scan system up and running. All repairs from the storm damage are completed and everything is up and running. Other than that it has been pretty much business as usual. I am open for questions.

Mr. Knuchel: Are the damages done during the storm covered by our insurance policy?

Mr. Condrón: We have a \$10,000 deductible. We have an adjuster on the case so we will see how high the damages done. *Inaudible* We have a purchase order out for one of the vendors but don't have all the bills in yet.

Mr. Knuchel: Do we know where the funds will come from?

Mr. Condrón: It will come from some of the excess we had in for the generator – probably #314 and the utilities – we have encumbrances for AT&T and the phone vendor *inaudible*.

There were no further questions of Chief Ruth.

FIRE CHIEF – Ted Whittington

Chief Whittington: Thank you for allowing me to have a chance to express my opinion. *Inaudible*. We conducted the first part of our promotional exams on Saturday – we had seven members take it. I will not mention their names but seven guys made a lot of sacrifices over the last two months. It takes away a lot of family time – I am proud of those guys. They are excited to move up in the Fire Department. We continue to be pretty busy. We had another rescue on the lake – we were actually able to make the effect the rescue in a timely

manner. I did not see any injuries. It has been pretty busy summer. *Inaudible* It makes me proud – I stand back and watch them work very, very hard. I know I have mentioned a couple of times the point of distribution for the shots *inaudible*. Willoughby will be operating out of South High. *Inaudible* This concludes my report and I am open for questions.

There were no questions of Chief Whittington.

ADJOURNMENT

The meeting was adjourned at approximately 9:00 p.m.

DEREK W. ELSHAW, COUNCIL PRESIDENT

APPROVED: _____

ATTEST: _____
DEBORAH A. CENDROSKI, CMC
CLERK OF COUNCIL