

**EASTLAKE CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
APRIL 28, 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 7:36 p.m.

The Pledge of Allegiance was led by Ms. Vaughn.

ATTENDEES

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

Those attending from the Administration were Mayor Andrzejewski, Finance Director Mr. Condron, Law Director Mr. Klammer, CBO Mr. Stigalt, City Engineer Mr. Gwydir, Police Chief Ruth and Fire Chief Whittington.

APPROVAL OF MINUTES

PUBLIC HEARING – APRIL 14, 2009

MOTION: Mr. D'Ambrosio moved to approve the minutes of the Public Hearing regarding a Conditional Use Permit for North Coast Café, 34516 Lakeshore Blvd., Eastlake. Mr. Lajeunesse seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The minutes were approved.

REGULAR COUNCIL MEETING – APRIL 14, 2009

MOTION: Mr. D'Ambrosio moved to approve the minutes of the Regular Council Meeting of March 24, 2009. Mr. Lajeunesse seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The minutes were approved.

SPECIAL COUNCIL MEETING – APRIL 20, 2009

MOTION: Ms. Vaughn moved to approve the minutes of the Special Council Meeting of March 24, 2009. Mr. Morley seconded.

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

Motion carried. The minutes were approved.

## COUNCIL PRESIDENT'S REPORT – Mr. Elshaw

### Meetings Scheduled

Mr. Elshaw: A Council-as-a-Whole Committee Meeting is scheduled for Tuesday, May 12, 2009 at 7:00 p.m. The Regular Council Meeting is scheduled for Tuesday, May 12, 2009 at 7:30 p.m.

### COMMUNICATIONS & PETITIONS

A communication was received from Thomas Coggins, Willoughby Taxi Service, Inc., 34799 Curtis Blvd., Eastlake and the Administration requesting an amendment to City Ordinance 751.24 "Rates of Fare." This was referred to Ordinance Committee.

A request was received from the Administration to advertise for bids for Towing Service for a three year period. This was referred to Safety Committee.

A communication was received from the Administration proposing amendments to City Ordinance Sections 1359.03 "Plans, Specifications, and Data for Residential Pools, subsection (c)"; 1145.10 "Projection into Yards by Residential Buildings in any District, subsection (b)"; 1149.07 "Yard Regulations for Limited and General Industrial Districts, subsection (e)"; and, 1387.19 "Removal of Weeds and Litter by Owner for Occupancy; Assessment of Cost by Municipality, subsection (c)." These were referred to Ordinance Committee.

Conditional Use Permit Renewal recommendations were received from the Administration for Kastner Daycare Center/Childcare on the Vine, 33122 Vine Street, Eastlake; Manny's Place, 35647 Vine Street, Eastlake; and, Patrician Party Center, 33150 Lakeland Blvd., Eastlake. These were referred to Planning Committee.

A communication was received from the Planning Commission recommending Conditional Use Permits for WalMart, 34440 Vine Street, Eastlake; HBII, Inc./Handle Bar II, 34471 Vine Street, Eastlake; High Point Restaurant & Bar, 1366 East 346<sup>th</sup> Street, Eastlake; and, Erie Shore Beverage & Bait, 35608 Lakeshore Blvd., Eastlake. These were referred to Planning Committee.

A communication was received from Mike Sharb, Esq. of Squires Sanders & Dempsey regarding the renewal of the Fire Levy. This was referred to Council-as-a-Whole Committee.

A communication was received from the Administration proposing an amendment to City Ordinance No. 969.03 to include the Eastlake Historical Society as an affiliated group. This was referred to Ordinance Committee.

### COUNCIL COMMITTEE REPORTS

#### ORDINANCE COMMITTEE - Ms. Vaughn

Ms. Vaughn: The Ordinance Committee met April 20<sup>th</sup> with all members of the Committee in attendance. Also in attendance were members of Council and the Administration. One the agenda were amendments to City Ordinance Chapter 155. *inaudible* Also, I received a request for donations from the Eastlake Lacrosse Club which I am presenting to Council for consideration. I will be scheduling an Ordinance Committee meeting. This concludes my report and I am open for questions.

There were no questions of Ms. Vaughn.

SERVICE/UTILITIES COMMITTEE – Mr. Zontini

Mr. Zontini was absent and excused.

SAFETY COMMITTEE – Mr. Morley

Mr. Morley: The Safety Committee has not met since our last meeting. I do see the towing bid advertisement request was referred into my Committee so I will be scheduling a meeting next week. I met with the Police Chief and Fire Chief last week where we discussed a possible advisory committee – we discussed the different things we may want to look at – getting some residents involved. As it stands all of us were going to make a list covering what we would like to see covered out of this Committee and we will get together again in the next few weeks.

I will be making the following Motion:

Legislative Recommendation

Legislation No. 04-28-(13)

MOTION: I hereby move to add Legislation No. 04-28-(13) to the evening's agenda regarding a Resolution of Commitment to every extent possible to purchase materials, goods and services for projects from Companies that are produced within the United States. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried Legislation No. 04-28-(13) is added to the evening's agenda.

Additional Comments

Mr. Morley: This concludes my report and I am open for questions.

There were no questions of Mr. Morley.

RECREATION COMMITTEE – Mr. Lajeunesse

Mr. Lajeunesse: The Recreation Committee has not met since the last regularly scheduled Council meeting, therefore, there is nothing to report. However, this coming Thursday evening at 6:30 p.m. we will be having a Parks and Recreation Advisory Committee meeting. I have been doing a lot of research on this. This is definitely something for the future of this Community and from the residents viewpoint and those involved in the Committee the intent is to move recreation along and hopefully that is what we will be able to do. I would like to ask if anyone in the Administration has received a letter from our Eastlake Swim Team in regards to financial support - due to the fact there is no pool this year and we waited until the last minute to let them know – therefore their funding and donations have basically been zero. Has anyone from the Administration received that letter and are we able to help them out – there is a deadline of May 1<sup>st</sup> or May 6<sup>th</sup>? I thought there was a letter sent.

Mrs. Cendroski: There was a letter and it was also sent to the Administration.

Mayor Andrzejewski: Yes. I have no comment.

Mr. Lajeunesse: So, we are not going to help a financially strapped youth organization at all?

Mayor Andrzejewski: That is not what I said. Please do not put words into my mouth.

Mr. Lajeunesse: You said you had no comment.

Mayor Andrzejewski: That is what I said.

Mr. Lajeunesse: Okay – when would you like.

Mayor Andrzejewski: Mr. Klammer, you looked into this.

Mr. Klammer: I am not aware...

Mayor Andrzejewski: We don't support any organizations. As you heard me say many times I am in full agreement and I wish we would have put in money for baseball, soccer, basketball, football, cheerleading, gymnastics and the rest. I advocated putting in \$1,000 which I have in the past. And, if that was the case absolutely the Swim Team would have been included in my list of recommendations. However, it was decided as a whole to not include the money for organizations because we have a tight budget this year. Therefore, why would you advocate giving money to one organization but not the rest of the fine programs in the City? I am absolutely for giving it to all of them but if we are not going to give it to them all we cannot give it to one.

Mr. Lajeunesse: Actually Mayor, don't we give in-kind donations such as doing work for the lacrosse team, or improving the fields for soccer – we do things like that and have our Service/Recreation Department involved – can't we give something equal to what we pay those guys and maybe donate that to the Swim Team so they can rent some time at the Willoughby pool?

Mayor Andrzejewski: We are going to put a tremendous amount of money into the pool for which the swim team will use for 15-20 years – I would consider that an in-kind thing – just like we do for everyone else. I do not know what you are fishing for or what your motives are but I think I have answered your questions.

Mr. Lajeunesse: I appreciate your answer – thank you.

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 but as items have been referred into Committee I will be scheduling a meeting for next week.

At the last Council meeting I mentioned about the flag raising at the Blvd. of Flags – we had about 50 volunteers show up – representatives of the Girl Scouts, PAL, Fire Department, Police Department, some members of the audience, Council and in about 2 ½ hours the flags were completely put up. We have never done it that fast. If you have time drive around the back and check it out – it looks great with the wind blowing. The Flag Committee thanks you for the support. 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 met on April 20, 2009 at 6:28 p.m. and concluded at 8:52 p.m. In attendance were myself, Mr. Lajeunesse, Mr. Morley and Council President Elshaw. In attendance from the Administration were Mayor Andrzejewski and Finance Director Condron. Also in attendance were Mr. Pete Carfagna, Senior Vice President of the Captains and Mr. Brad Seymour, Vice President and General Manager of the Captains. We had several items on the agenda that evening with the first being fund transfers from the General Fund to Fund #301 “Bond Retirement Fund” for our June 1<sup>st</sup> bond interest payment of \$335,000 and from the General Fund to Fund #404 “Callable Bond Fund” - \$125,000 which will be used to retire stadium debt in August – these were both moved forward. The second item was a rental agreement for the City parking lot for a fruit and vegetable stand – this was moved forward. The next item was a bid recommendation for HD Supply Waterworks for piping for the South Riverview project – the rejection of that bid was moved forward. The fourth item was the release of restrictions of the JFK Senior Center deed – this was moved forward. Mr. Klammer, I would like to read into the record your comments to the Mayor and Council President concerning some concerns that Mr. Zontini had:

“Council President/Mayor:

Again, I may not make it tonight. I understand the issue of the Nike Site is on the agenda. There has been no memo addressed to me for my opinion although I've been asked a couple of questions apparently based on a recent memo from Councilman Zontini. I would like to be available to answer any question. Since I may not, I would simply explain that the issue is removing the deed restriction. As I understand the property has been titled to the city for some time. Everyone can and will understand that a deed restriction is just that a restriction on the use of the property. Any environmental concerns existing on the property remain the obligation of the present owner, in this instance, the city. As such, should there be any present environmental concern, it would rest with the city.

Should the city decide at some point sell all or a portion of the property, the environmental diligence would be a subject of those packages. Environmental concerns are typical in every real estate transaction and it can certainly be expected that the parties could manage their way through any such concern.

I hope this provides some useful guidance in case I don't make it. Thanks.”  
Joseph Randolph Klammer, Esq.

The final item that evening was the lease agreement between the City of Eastlake and the Lake County Captains – this was a lively discussion. This item was held in Committee pending receipt of a final letter from the attorneys. This concludes my report and I am open for questions.

There were no questions of Mr. Knuchel.

### 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.

Warren Staton, 36687 South Lakeshore Blvd., Eastlake

Mr. Staton: I did want to comment on the proceedings and the following News Herald article of April 22<sup>nd</sup>. In the third paragraph our City Administration commented that they hoped the amendment turned out to be a win-win for all. My question is simply this – what happens if it does not turn out to be a win-win for all? The Captains are going to win, the City may win, but is your average \$35,000 per year making, come home, pat the dog, resident going to win? Do our residents have to continue to have tax dollars or more realistically funds that are coming into this City for City resources pay for and support private enterprises. We see it on the national level, we see it on a state level, and now we are having it crammed down our throats on City level. Why are we bailing out the richest man in the City of Eastlake? In 2003, 2004 and 2005 when the Captains were drawing great crowds did Peter Carfagna come to you folks or the City Administration and say “I am making money hand over fist – I am going to pay you more” – no. So, when bumps in the road come along he comes with his hand out. Why are we depending on the Captains to run a stadium that belongs to me, and you and you and you? It is very much like me owning a part of a building and relying on the current tenants to fill my empties. That is exactly what it is. It is time for our Council to stand up to the Administration of this City and do what is right for the residents. Please, finally do so – you did not do it with the pool it is time to do it now.

Mr. Elshaw: I would like to make a comment. We appreciate your comments tonight, Mr. Staton. I strongly suggest that you take a look at our Finance Committee minutes – they will be posted as of the end of this week. That was the Finance Committee minutes of April 20<sup>th</sup> – they are rather long but it will give you a good idea of what detail went into the discussions that night with Mr. Carfagna and Mr. Seymour, the GM. Also, right now it has been held in Finance Committee until we see a formal agreement from the Captains and we will see if that is indeed a win-win document.

Leonard Mullen, 1323 East 346<sup>th</sup> Street, Eastlake

Mr. Mullen: It has been a while since I have been here but apparently things have not changed very much. Finance Director – please did we make a surplus this year? Did we have a surplus – I would like to know. What I would like to know is this – about a month ago the Mayor came over to the Senior Center and I asked him if the pool would be open and he said he had a \$150,000 grant and I said good. Then I saw him in a couple of weeks at a meeting for the seniors at the Center – he came in and had a meeting and said the pool would not open this year even though we had a \$150,000 grant. Then he asked them to sign a petition for his run for Mayor. I would like to see the Mayor resign and not run for Mayor no more. Now about the pool – there is \$150,000 – I want to see that the money does not go into the General Fund – I would like to see it put into an account and keep it for next year to make sure the pool will be open and finished. Not use the money and not have the pool open. It seems like ever since he took over the pools have been shut down. They shut one down completely at Surfside. I would like to see Council at least take a stand and tell the Mayor not to spend that money unless it is for the pool and do it right. Anyone in the City knows if you want to draw people into your City you have to have a pool or recreation for the kids. There is nothing now. Soccer, football is great but we need somewhere for people to go who don't play those sports. No one wants their kids riding down to the pool by S.R. 91. Now, we have money to help pay for the stadium. This is not a time to help out the stadium when our kids are *inaudible* if you don't have money for a soccer field then you sure don't have money for that stadium. You people are here to support us – we are here to help support you but it is a two way street – it is not only your way or our way. So, nothing for

the kids and everything for everything else. At the Senior Center every time it rains it seems like a rain forest inside that building. You don't get to see the barrels in the hallway and the new carpet – you don't see the stains on the new carpet. *Inaudible* The Mayor said he wants the money to do both parts of the building – let's get the part at the Senior Center fixed first. That is what we have to repair the most. It is time – we need money for a pool to be fixed – not partial – not say we are going to do it and then turn around and say we aren't doing it – on an election year. It seems like the same system as when the Mayor first started. All of a sudden we don't have any money or *inaudible* Mayor, if anyone runs against you I will vote for them *inaudible* and ever since you have done that there has been nothing for the kids to do – no swimming or very little recreation. It is time to get off your \_\_\_ and *inaudible*.

Mayor Andrzejewski: Mr. Mullen, everybody has the right to speak and I appreciate your having the wherewithal to come up and speak – that is what America is about. However, during your talk there are many things that have to be corrected. First of all – there is no bigger advocate for recreation programs for the City than me – I challenge anybody to look at all the minutes – the budget hearings – not just this year but in past years and find out who out there is seeking to bring recreation programs to the City. *Inaudible* Check the record. The Senior Board decides what repairs will be made at the Senior Center – not the Administration – not the Mayor.

*\*\* the following section contains inaudible comments as speakers were not at the microphone\*\**

Mr. Mullen: *inaudible* check for mold – it has never been checked for...every time.

Mayor Andrzejewski: The Senior Board gets money from the Senior levy and other sources and it is the Board of Directors at the Senior Center who decide what will be fixed. It is not the Mayor – it is not Council who decides. I happen to know that one of the items they have scheduled for this year is to start fixing the roof a third at a time. The \$150,000 for the pool cannot be spent anywhere else but on the pool – that is it – it is earmarked for the pool – it is in the State budget for the pool – it can only be used for the pool – it cannot be used on the stadium – it cannot be used for police and fire – it cannot be used for salaries. You said you don't want the pool done half way. That is exactly why we decided not to open the pool this year. Our City Engineer, Service Director and Pool Consultant advised me not to open the pool. I pushed them to a point where I aggravated them. They told me we could not open the pool this year – it will not hold the water – don't do it. So, on their advice and so we don't do it halfway we decided to do a thorough job on the pool and fix it once in for all. It comes to a point where you have to say it is not practical.

Mr. Mullen: *inaudible*.

Mr. Elshaw: For clarification purposes, the money for the pool/recreation is set up in a separate fund that is not part of the General Fund – that was on purpose. The grant money, if it is approved tonight, would go into that fund – the \$150,000. In the past we talked about putting the inheritance tax money in that fund for recreational purposes – we set that aside in that fund in hopes of opening the pool. I understand that because of what had to be done on the pool this year it could not be opened, unfortunately. However, that money is set aside in that fund in hopes of opening that pool next year.

Mayor Andrzejewski: We will be using it this year to fix the pool.

Mr. Mullen: What about the pool you filled in at Surfside. Will that be a park or will it be sold?

Mr. Elshaw: I will answer this question. I know there are other questions out there – we will be around after the meeting. As far as Surfside Park – that is intended to be a park at this time. We have one more question – Mr. Staton, for the record.

Mr. Staton: For the record - we have \$150,000 coming from the State of Ohio and about \$190,000 from the inheritance tax – I read what the Mayor said in the Eastlake Gazette – if we go over that amount and if the pool costs \$500,000 - \$600,000 to fix – where does the overage money come from? I would really like an answer – a real answer – what Peter are we going to steel from to pay Paul?

Mr. Knuchel: In our budget meetings we specifically said we will not go over the \$320,000 or \$330,000 mark that we have in the budget this year – we will not allow any expenditures out of the General Fund to fund this pool.

Unidentified Speaker: So, you will get halfway in and stop?

Mayor Andrzejewski: It is not fair for you to say the pool will cost \$500,000 to \$600,000 – do you know how much it will cost? We are getting those costs together.

Unidentified Speaker: *inaudible*. What if?

Mayor Andrzejewski: What if it comes back to \$150,000?

*Inaudible comments due to speakers not being at a microphone and multiple speakers.*

Mr. Elshaw: This is the final answer – this is done. I know people want to hear about this – it is an issue that is near and dear to many peoples’ hearts and I understand that. It is important to many of us. I can understand that – it has been discussed many times in the Finance Committee minutes – which are hours and hours of discussion – and those are on-line. You can see why we did certain things – why we put things aside. It is in the Council meeting minutes of the past. That is why we have talked about this many times and we have tried to answer those questions as best we could. I understand – those are good questions and I think we have tried to answer those at this point.

There was no one else who wished to speak.

LEGISLATION PROPOSED - First number will be 2009-031

Requested by: Planning Commission  
Sponsored by: Mr. D’Ambrosio

ORDINANCE NO.: 04-28-(01)

An Ordinance authorizing the issuance of a Conditional Use Permit to Auto Dynamics, LLC, Almir Duheric, Agent, 35060 Lakeland Blvd., Eastlake, OH 44095, and declaring an emergency.

MOTION: Mr. D’Ambrosio moved to suspend the rules requiring separate readings and reading in full. Mr. Knuchel seconded.

ROLL CALL: Yeas unanimous.



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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2009-031.

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Requested by: Planning Commission Sponsored by: Mr. D'Ambrosio	<u>ORDINANCE NO: 04-28-(02)</u> An Ordinance authorizing the issuance of a Conditional Use Permit to Catherine Bradley dba Lin-E of Eastlake dba Final Score Sports Bar & Grill, 33329 Vine Street, Eastlake, Ohio, and declaring an emergency.
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MOTION: Mr. D'Ambrosio moved to suspend the rules requiring separate readings and reading in full. Mr. Knuchel seconded.

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2009-032.

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Requested by: Administration Sponsored by: Ms. Vaughn	<u>ORDINANCE NO.: 04-28-(03)</u> An Ordinance amending Chapter 155, "Employment Provisions and Compensation" of the Codified Ordinances of the City of Eastlake, specifically Section 155.01 "General Administration," and declaring an emergency.
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MOTION: Ms. Vaughn moved remove from the evening's agenda and refer back to Ordinance Committee. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation No. 04-28-(03) was removed from the evening's agenda and referred back to Ordinance Committee.

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Requested by: Administration Sponsored by: Ms. Vaughn	<u>ORDINANCE NO.: 04-28-(04)</u> An Ordinance amending Chapter 155, "Employment Provisions and Compensation" of the Codified Ordinances of the City of Eastlake, specifically Section 155.02 "Vacation Pay, subsection (g)," 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: Ms. Vaughn moved to adopt. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2009-034.

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RESOLUTION NO.: 04-28-(05)

Requested by: Administration  
Sponsored by: Ms. Vaughn

A Resolution repealing City Ordinance Section 155.15 "Clerk of Council," adopted March 24, 1987, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2009-035.

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ORDINANCE NO.: 04-28-(06)

Requested by: Administration  
Sponsored by: Ms. Vaughn

An Ordinance amending Chapter 155, "Employment Provisions and Compensation" of the Codified Ordinances of the City of Eastlake, specifically Section 155.16 "Director of Law," and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

MOTION TO AMEND:

Ms. Vaughn moved to amend Legislation No. 04-28-(06) amending City Ordinance 155.06 "Director of Law," subsection (b) to delete the reference of the "Lake County Bar Association fee schedule of October 20, 1970" and to add "rate of Thirty-Five Dollars (\$35.00) per hour." Mr. D'Ambrosio seconded.

MOTION TO ADOPT AS AMENDED: Ms. Vaughn moved to adopt as amended. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2009-036.

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Requested by: Administration  
Sponsored by: Ms. Vaughn

ORDINANCE NO.: 04-28-(07)  
An Ordinance amending Chapter 155,  
“Employment Provisions and Compensation” of  
the Codified Ordinances of the City of Eastlake,  
specifically Section 155.21 “Uniform  
Allowance,” and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2009-037.

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04-28-(08)  
Requested by: Finance Director Condron  
Sponsored by: Mr. Knuchel

RESOLUTION NO.: \_\_\_\_\_  
A Resolution authorizing the Director of  
Finance to transfer funds, with said funds to be  
transferred From Fund #101 “General Fund” in  
the amounts as listed into Fund #301 “General  
Bond Retirement” for interest payments on the  
2002 Stadium Bonds, and declaring an  
emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-038.

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Requested by: Finance Director Condron  
Sponsored by: Mr. Knuchel

RESOLUTION NO.: 04-28-(09)  
A Resolution authorizing the Director of  
Finance to transfer funds, with said funds to be  
transferred from Fund #101 “General Fund” in  
the amounts as listed into Fund #304  
“Callable Bond Fund” for payment on the City’s  
Long Term Debt, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-039.

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Requested by: Administration  
Sponsored by: Mr. Knuchel

RESOLUTION NO.: 04-28-(10)  
A Resolution authorizing and directing the Mayor and Director of Finance to enter into a Rental Agreement between the City of Eastlake and Gezim Selgjekaj for use of a corner of the City Parking Lot at the Eastlake Municipal Baseball Stadium West Parking Lot, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-040.

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Requested by: Finance Committee  
Sponsored by: Mr. Knuchel

RESOLUTION NO.: 04-28-(11)  
A Resolution Rejecting the Bids Received by the City for SDR PVC Pipe for the South Riverview Project, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-041.

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Requested by: Administration  
Sponsored by: Mr. Knuchel

RESOLUTION NO.: 04-28-(12)

A Resolution authorizing and directing the Mayor and Director of Finance on behalf of the City of Eastlake (the “Grantee”) to forward payment in the amount of Thirty Thousand Dollars (\$30,000.00) to UNITED STATES OF AMERICA acting by and through the Administrator of the General Services Administration (the “Grantor”) for the release of Restrictions set forth in the deed dated June 20, 1964, recorded in the Recorder’s Office of Lake County, Ohio at Volume 601, Pages 40, and declaring an emergency.

MOTION: Mr. Knuchel moved to suspend the rules requiring separate readings and reading in full. Mr. D’Ambrosio seconded.

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

Motion failed. Legislation No. 04-28-(13) is placed on First Reading.

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Requested by: Administration  
Sponsored by: Council

RESOLUTION NO.: 04-28-(13)

A Resolution of Commitment to every extent possible to purchase materials, goods and services for projects from Companies that are produced within the United States, and declaring an emergency.

MOTION: Mr. Morley moved to suspend the rules requiring separate readings and reading in full. Mr. D’Ambrosio seconded.

ROLL CALL: Yeas unanimous.

MOTION: Mr. Morley moved to adopt. Mr. D’Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-043.

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LEGISLATION PENDING (Placed on First Reading 04/14/09)  
(Placed on Second Reading 04/20/09)

Requested by: Administration  
Sponsored by: Mr. Lajeunesse

RESOLUTION NO.: 04-14-(04)

A Resolution authorizing and directing the Mayor and Director of Finance to file an Application with the Ohio Department of Natural Resources (ODNR) for the purpose of acquiring funds for the development of Houston Fisher Pool, and declaring an emergency.

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

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

Motion carried. Legislation is adopted as Resolution No. 2009-044.

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Requested by: Administration  
Sponsored by: Mr. Knuchel

RESOLUTION NO.: 04-14-(05)

A Resolution authorizing and directing the Mayor and Director of Finance to enter into a "Pass Through Agreement" between the Ohio Department of Natural Resources (ODNR) and the City of Eastlake for the acceptance of a capital earmark in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00) for Houston-Fisher Memorial Park with the total amount received for the Capital Improvement Grant to be One Hundred Forty-Eight Thousand Five Hundred Dollars (\$148,500.00), and declaring an emergency.

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

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

Motion carried. Legislation is adopted as Resolution No. 2009-045.

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UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

There was no New Business.

ADMINISTRATIVE REPORTS:

MAYOR/SAFETY DIRECTOR – Ted Andrzejewski

Mayor Andrzejewski: I would like to start this by asking Mr. Lajeunesse a question – you just had Legislation No. 04-14-(04) and Legislation No. 04-14-(05). Legislation No. 04-14-(04) is a request by the Administration to apply for a grant found by our Service Director and

Council Clerk – it is a grant request for another \$75,000 for the pool – it is free money – no strings attached. Mr. Lajeunesse, why did you vote no on that and why did you vote no to accept the \$150,000 in free money again from the State of Ohio to fix the pool when on Thursday you are going to hold an Advisory Committee meeting specifically designed to bring recreation programs into this City. The pool is a major part of recreation programs in the City – and you just voted no twice – can you explain to the Administration, Council and everybody why you voted no?

Mr. Lajeunesse: Because Mayor I have asked you for a plan. You are going to take taxpayers money or wherever the money comes from it is by the taxpayers anyway and you are going to expend their money and right now you still don't have a plan on how you are going to rehab that pool.

Mayor Andrzejewski: That is the standard answer you give all the time.

Mr. Lajeunesse: Yes, Mayor it is a standard answer since I sat in your office in December, 2007 and January, 2008 when I asked you for a plan. I brought you my plan and you asked for my answer.

Mr. Elshaw: He was against it – we know that – he voted against it.

Mr. Lajeunesse: Mayor, I am against accepting money for something that I don't have a plan for.

Mayor Andrzejewski: Again, I am going to ask you very clearly – are you for or against the pool – yes or no.

Mr. Lajeunesse: Mayor, I am going to give you my answer. My answer is I am not going to accept money for something that I do not have a plan.

Mayor Andrzejewski: I think we all know your answer. For those of you out there – when you hear the Mayor say he is for recreation programs in this City – we went out for a grant – Mr. Semik and Mrs. Cendroski are going out to find more money for the pool. We are doing what we said we were going to do. You just had a Councilman vote no on those two things. I would like to thank Mr. D'Ambrosio for bringing up the Blvd. of Flags – I would also like to express my heartfelt attitude on behalf of the City for all of those volunteers who came out and worked on the flags – you did a tremendous job – the Girl Scouts, the Women's Club, several of the Councilmen and others did a great job. Thanks for passing the rental agreement for the vegetable stand – I think that will be a big addition to the City. I know our residents would like to purchase fresh fruits and vegetables – this is the same person who is operating the west side market – that should start this weekend – the flea market will start May 30<sup>th</sup> and it was very successful for us last year. The Captains have announced a concert for July 11<sup>th</sup> – it will be Willie Nelson, Bob Dylan and John Mellencamp. They are also working on another concert for this year. The tickets will go on sale on Saturday. This concludes my report and I am open for questions.

Mr. Lajeunesse: Mayor, I agree to disagree on some things and I have from the very beginning. So, since you said you have a plan and I don't really have a plan – I know how to start one and I came to you with that start in the beginning. That was 1 ½ years ago. So, you wanted to know why I voted no tonight – it is because I waited 18 months and you still do

not have a plan. So, the Parks and Recreation Advisory Committee will begin to come up with a plan and not only just for the Houston Fisher pool park area but all the parks and the recreation in this Community – as they do all over the country. You come up with your plan and I will come up with mine and we will go from there.

Mayor Andrzejewski: The plan you keep referring to – I don't know whether you mean a plan for recreation or a plan to fix the pool.

Mr. Lajeunesse: Both.

Mayor Andrzejewski: Mr. Gwydir I would appreciate if you would mention in your report all we have been doing and why we are waiting to announce how much has to be fixed and how much it will cost. Mr. Lajeunesse, I said this at the last meeting and I will say it again – I am not going to come to Council with what it would cost to fix that pool until our Engineer and our consultant puts down on paper what needs to be fixed and approximately how much it will cost to fix. We met again last week – we are very close to the final stages where they will say what has to be fixed and this is what it will cost – and it will all be in a bid package to present to Council to put out for bid. As I told you many times I am not going to come to Council or the residents and say – I think it will cost \$75,000 and find out it will cost \$300,000. The proper plan is to get the experts to put everything in detail so we know what we are putting out for bid. After discovering all the repairs needed and the time required to do the repairs we decided to postpone opening the pool until next year. That is all I am going to say on the matter – the funding you are referring to is not a plan – I don't know what you are referring to.

Mr. Morley: I know what plan Mr. Lajeunesse's is – we will get it on the table since the residents did come out to hear this. What Mr. Lajeunesse would like, unless I am mistaken, is that we knock down Surfside Pool. We have all talked about this – about building a new recreation park. To do that obviously we are going to have to have a levy. And if anyone in the audience will vote for a levy to get a new pool then I applaud you to get a petition out to get a levy put on to build a new pool.

Unidentified speaker: Only if we sell the stadium.

Mr. Morley: You know that can't happen. The other item is and we have had discussion on this – a new pool would be \$4 million to \$5 million. So, it is either try to get this one fixed or if a levy is wanted someone should try to put a levy on but I don't think in the economic times we are in that we are going to come out and ask the residents of the City of Eastlake to build a new pool and recreation. That is what I believe is going on.

Mayor Andrzejewski: Thank you Mr. Morley. I was trying to be nice enough not to bring that out but I think if Mr. Lajeunesse is honest with the people his real reason for voting no on these things is because he wants to build a new pool complex. I have said to him many times – build it but where are you going to get the money from. So, we either take the money we have to fix the pool or go to the people to get \$5 million – you know where I stand – I am going to fix the pool. I judge people's opinions by the number of people who come to meetings and the number of emails and calls I get on a subject. When it comes to the pool there is overwhelming support for opening the existing pool because people want somewhere to go in the summer. There is no support for a new pool. That is why we are fixing the pool.



If this was so controversial and people did not want it this place would be packed. But, there are not because the people out there are agreeing with what we are doing.

Mr. Elshaw: To finalize that topic – for the next meeting and the next meeting – I think all of us want to see a new pool – we talked about this two or three years ago when we were talking about doing a lower level levy and presenting it to bring back some of the services. We talked about a rec levy but in that we talked also about a nice spray park – something nice that our neighboring communities have – I think we all want that. Right now unfortunately just getting out of fiscal emergency and then taking a nose dive into the economy it is difficult. And, I think at this time we are trying to do our best to have something available for the residents. I too have heard quite a bit from people that they want to have a pool in the City and I understand that – I understand the impact on home values. We went through that whole conversation – I understand that and we are trying to do the best with what we have and try to open up a pool until maybe that day when we can go out for a levy and the residents are willing to pass it. But, in the meantime we are looking for an interim solution.

There were no further questions of the Mayor.

LAW DIRECTOR – Randy Klammer

Mr. Klammer: I thank the Council Clerk for making the changes. There was a point in time tonight when discussion got pretty heated and I want to make sure to focus on that – to the extent of the legal process. The process we must go to in regards to the repairs of the pool – we have the Service Director, City Engineer, and consultant review the pool so that you can have the City Engineer draft the bid packages. Then we would go out for bids to do the repairs and the Council and the Mayor will have the opportunity to review those bids and how much it will cost. To the extent that there were concerns on being over budget or under budget there is an inherent protection in the bid process – to understand exactly what it will cost. Even though there may be a disconnect between the Mayor and Council on the issue of the pool this is designed to be budget neutral *inaudible*. As to the Captains lease – we are trying to use that lease on a day to day basis – a lot of the proposals are designed to eliminate things that did not work *inaudible* to give the City more flexibility. *Inaudible* Other than that I am open for questions.

There were no questions of Mr. Klammer.

FINANCE DIRECTOR – Brian Condron

Mr. Condron: During the last two weeks we have been working with the State Auditor's office on the 2008 annual report. That report is done – we will meet the deadline. *Inaudible*. Congress issued the Federal Register on Monday and the final payment on the Transportation Bill - \$959,310 will become available to us. We are working with their fiscal office. This concludes my report and I am open for questions.

Mr. Lajeunesse: Mr. Condron, I realize you and the Mayor had to spend several months on proposing the agreement with the Captains so Council can pass it. So, in preparation so I don't hold anything more up in regards to this – going through the contract it says that the City of Eastlake already has a suite at Classic Park. So, I was curious as to why there is a suite being offered in this agreement – I guess for me for clarification because it was added into the agreement as a \$15,000 bonus for the City I am trying to understand – is it something in the contract I am not understanding or is it something in the agreement I am not understanding – not only are we going to have one suite but we will be getting another suite?

Mayor Andrzejewski: I think you need to read the lease more carefully – the part you read said the City has the opportunity to use a loge twice a year.

Mr. Lajeunesse: I will have to re-read the line that says twice a year.

Mayor Andrzejewski: The City has the right to use the loge twice a year – I have read that lease backwards, forwards, sideways many times. The News Herald misrepresented it – what I said was – the late Steve Guard told me many years ago that the City should have a loge in that lease. So we proposed to use the loge half the time for economic development – to invite businesses and companies in Eastlake to use the loge – the second half which the News Herald did not print but was in the minutes – I propose to use half the games and offer them to the residents of Eastlake – the loge has 16 seats – we would have a raffle where we would pull three families names out and those three families would get to use the loge. Unfortunately the News Herald did not print that part and I have asked them to put in a correction. Right now we have the right to use the loge for only two games – this will give us a loge for the whole season.

Mr. Lajeunesse: Well, that speeds things up – thank you very much Mayor for the clarification.

Mr. Elshaw: To me the loge is a nice extra but what is important – and it is in the minutes – in my opinion is the guarantee of the concerts.

Mayor Andrzejewski: Don't overlook the concession part.

Mr. Elshaw: I just offered my opinion. The guarantee.

There were no further questions of Mr. Condron.

TAX ADMINISTRATOR – Angela Keneven-Zanella  
Mrs. Keneven-Zanella was absent and excused.

SERVICE DIRECTOR – Mike Semik

Mr. Semik: We have been doing concrete work and working on catch basins and will continue to use the DuraPatcher. I want to thank Council for passing Legislation No. 04-14-(04) – and I am requesting that Council and the Administration sign off on it as soon as possible so we will can this to Columbus in hopes of receiving the grant. This concludes my report and I am open for questions.

Mr. Knuchel: I would like to thank you and your road crew – they were up on Robin and Oriole Drive with the DuraPatcher. That was caused by a residents call and telling me about it – and, my talking to the Mayor and going up and looking at the situation. Thanks for taking care of that for me. The resident was very happy it was taken care of and it was a job well done. Thank you.

Ms. Vaughn: I was contacted by a resident about a sinkhole – I hope you answered his questions about the sinkhole and he is comfortable with the actions being taken. Also, it has been brought to my attention that cars are going to be swallowed by a pothole at the intersection of East 346<sup>th</sup> and Glenn – can you please check into this?

Mr. Lajeunesse: Mr. Semik, is there a report from the past in regards to the Houston Fisher pool?

Mr. Semik: All the report have been forwarded to the Administration. We are still compiling information – some additional information has been requested. That should be coming to Council and the Administration shortly.

Mr. Lajeunesse: So, the report or study that C.T. Consultants did – I thought I had sent a memo to everyone but as you are point person for this project I am trying to understand was there not a report done in regards to that pool somewhere in the past?

Mr. Semik: I believe there was preliminary report form Mr. Whitmer and it was forwarded – it was the initial evaluation.

There were no further questions of Mr. Semik.

CHIEF BUILDING OFFICIAL – John Stigalt

Mr. Stigalt was absent and excused.

CITY ENGINEER – Tom Gwydir

Mr. Gwydir: Following along with the pool issue late last year the Mayor asked the Service Director and myself to conduct an evaluation of the pool in order to determine what would be necessary to fix the pool and to follow along with the cost associated. It has taken sometime and we are presently developing a scope of work of what needs to be done. That will be costed out and will be presented to the Administration for further consideration. It took quite a bit of time to get the nuts and bolts of the situation and to find out exactly what we need to do. *Comments inaudible.* On other matters the Quentin Road pump station design is continuing – Robin, Forest and King pump stations are still under construction. Regarding the railroad crossing at Roberts Road we seem to be making a little headway – I received some correspondence on this and I will respond to CSX. This concludes my report and I am open for questions.

Mr. Knuchel: What is the timeframe of that railroad crossing getting fixed?. We have asked this every Council meeting now for the past two years. And I know you have had a difficult time interfacing with CSX because of their lack of response.

Mr. Gwydir: CSX late last week sent me an agreement for the crossing that I have to review to determine the cost to the City. Upon communication with CSX in Jacksonville it was indicated it would probably be a while so I am going to try to speed this end along to see what we can do.

Mr. Knuchel: Thank you, because Mr. D’Ambrosio and I have received numerous complaints about that crossing and to the best of our ability it has been patched but once it gets warm outside that patch is going to kick out of there.

Mr. Gwydir: About a month ago CSX repaired a broken rail and when they did that they stripped out the track protection strips and sat them on the side. Mr. D’Ambrosio asked me if I could contact CSX to see if we could get those removed and as part of that contact I asked them to remove that and fix that crossing.

Mr. Knuchel: Thank you, I appreciate your time.

Mr. Elshaw: For further clarification on the CSX railroad crossing. What is CSX planning – what are they committing to – what do we expect from them? Aside from expecting the road to be prepared and be all new because Roberts Road was done 3 years ago. I am assuming they are going to put in all new asphalt – are they also going to extend sidewalks? What do we expect from them?

Mr. Gwydir: They will patch the road and we expect them to put in new sidewalks and drainage so people can cross.

Mr. Elshaw: Are they agreeing to do that? Are we just trying to narrow down when they are going to do this? Or have they not agreed to do anything yet?

Mr. Gwydir: We have had the plans in place for at least 3 years for the sidewalks, the grade at the crossing. There has been years of correspondence from me to CSX saying they are to do the signal work with gates and lights with the paving and sidewalks. CSX ignored all that communication and came in late last year and put in the gates and lights and did it incorrectly. Since that time I have been going back and forth with CSX and the Ohio Rail Development Commission trying to get CSX to move their wires out of the way, put in drainage, and take care of the other things. I met with CSX in February and I have heard nothing until the recent communication from CSX *inaudible*.

Mr. Elshaw: Very good. And we appreciate all your efforts – I have seen the correspondence many times over and see the lack of response from CSX and hopefully you are getting somewhere – it is just three years later.

Mr. Gwydir: It seems we have reached a recommendation so we can move forward.

There were no further questions of Mr. Gwydir.

#### POLICE CHIEF – John Ruth

Chief Ruth was absent and excused.

#### FIRE CHIEF – Ted Whittington

Chief Whittington: Yesterday we received a notice of retirement of Battalion Chief Darrell O’Neal – he has been a figure in the Fire Department for 33 years. I know it is a very exciting time for him and I wish him luck on his retirement. It is also an exciting time for the Fire Department also because there will be new, young officers. There will be a road closing on East 361<sup>st</sup> Street due to the road construction. We have coordinated with Willoughby Fire Department and any emergencies that occur on Lakeland Blvd. east of S.R. 91 and south of the freeway will be responded to by Willoughby *inaudible* We had a power outage the other day – I was coming in early and ended up helping the dispatcher. Please do not call the dispatcher when there are power outages – call CEI because the number of calls coming into dispatch is too much to handle by one person. We are following up with the CDC and the Ohio Department of Health on the swine flu – I think we need to keep this in perspective – annually about 35,000 die because of the flu. We need to use caution but it is what it is and we will get through it. We have been selected by Lake Hospital systems to do a trial on new equipment – EKG’s can be forwarded to the hospital during transmission so the doctor can

read it and be prepared and the patient can be sent directly to the cath lab if necessary. This concludes my report and I am open for questions.

There were no questions of Chief Whittington.

ADJOURNMENT

The meeting was adjourned at approximately 9:01 p.m.

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DEREK W. ELSHAW, COUNCIL PRESIDENT

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
DEBORAH A. CENDROSKI, CMC  
CLERK OF COUNCIL