

**EASTLAKE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
AUGUST 25, 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 7:30 p.m.

The Pledge of Allegiance was led by Mr. Matheke.

ATTENDEES

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

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

APPROVAL OF MINUTES

PUBLIC HEARING – JULY 14, 2009

MOTION: Mr. D'Ambrosio moved to approve the minutes of the Public Hearing regarding the Conditional Use Permit for Fire Station Parking & Storage, Inc., of July 14, 2009. Mr. Knuchel seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The minutes were approved.

REGULAR COUNCIL MEETING – JULY 14, 2009

MOTION: Mr. D'Ambrosio moved to approve the minutes of the Regular Council Meeting of July 14, 2009. Ms. Vaughn seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The minutes were approved.

SPECIAL COUNCIL MEETING – JULY 27, 2009

MOTION: Mr. D'Ambrosio moved to approve the minutes of the Special Council Meeting of July 27, 2009. Ms. Vaughn 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, September 8, 2009 at 7:00 p.m. The Regular Council Meeting is scheduled for Tuesday, September 8, 2009 at 7:30 p.m.

An Economic & Community Development Council meeting is scheduled for Wednesday, September 16, 2009 at 6:30 p.m.

COMMUNICATIONS & PETITIONS

A communication was received from the Administration regarding the Police Contract between the City of Eastlake and the Village of Lakeline. This was referred to Safety Committee.

A communication was received from the Administration regarding a donation of land to the City of Eastlake. Mr. Elshaw explained that per consultation with Law Director Klammer this will be placed on the Miscellaneous portion of the agenda for the September 8th Council-as-a-Whole Committee meeting.

A communication was received from the Walter Drane Company regarding acceptance of the July, 2009 Replacement Pages to Eastlake Codified Ordinances and an invoice for services rendered. This was referred to Finance Committee.

A communication was received from Finance Director Condron regarding an Agreement with CSX Transportation for the Roberts Road Grade Crossing Improvements. This was referred to Finance Committee.

A communication was received from the Administration proposing the repeal of City Ordinance No. 1147.04(b)(1) & (2) "Supplemental Setbacks." This was referred to the Eastlake Economic & Community Development Council.

A donation request was received from the North High School Rangers Volleyball Team. Mr. Elshaw explained this was for each Council person's individual consideration.

A bid award recommendation was received from City Engineer Gwydir for the South Lakeshore Blvd. Improvements. Mr. Elshaw explained that this was discussed in Council-as-a-Whole Committee and will be added to the evening's agenda as Legislation No. 08-25-(13).

A communication was received from City Engineer Mr. Gwydir recommending the bid received for the rehab of Houston Fisher Pool be rejected. Mr. Elshaw explained that this was discussed in Council-as-a-Whole Committee and the bid rejection would be added to the evening's agenda as Legislation No. 08-25-(15). The revised re-bid will be referred to Recreation Committee.

A liquor license request was received for B & H Events' & Party Center, LLC, 34596 Lakeshore Blvd., Eastlake. This was referred to Planning Committee.

COUNCIL COMMITTEE REPORTS

SERVICE/UTILITIES COMMITTEE - Mr. Matheke

Mr. Matheke: Since we were just on Council break the Service/Utilities Committee has not had any formal business before us – nothing has been referred to my Committee, therefore we will not be meeting. I would like to remind everyone that on Sunday, September 6th is the 911 Remembrance commemoration here at the Blvd. of Flags – according to the flyer it is at 11:00 a.m. but the City web site has it listed at 11:30 a.m. – I believe it is at 11:00 a.m. This concludes my report and I am open for questions.

There were no questions of Mr. Matheke.

SAFETY COMMITTEE – Mr. Morley

Mr. Morley was absent and excused.

RECREATION COMMITTEE – Mr. Lajeunesse

Mr. Lajeunesse: The Recreation Committee has not met due to our summer break – however, with the rebid for the pool we will be planning a meeting and I will coordinate with the Council Clerk to schedule this. Mr. Gwydir, I will get together with you in order to go over some questions so we can expedite the meeting. The Port Authority has not met as they were on summer break and I will be bringing everyone up to date on the Recreation Advisory Committee at our next meeting. I will be making the following Motion:

Legislative Recommendations

Legislation No. 08-25-(15)

MOTION: I hereby move to add Legislation No. 08-25-(15) to the evening's Rejecting the Bid Received by the City for Renovation of Houston Fisher Pool. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous

Motion carried. Legislation No. 08-25-(15) is added to the evening's agenda.

There were no questions of Mr. Lajeunesse.

PLANNING COMMITTEE – Mr. D'Ambrosio

Mr. D'Ambrosio: The Planning Committee had a meeting on August 18th at 6:00 p.m. with myself, Mr. Matheke and Mr. Knuchel present from the Committee. In attendance from Council were Ms. Vaughn, Mr. Morley, Mr. Lajeunesse and Council President Mr. Elshaw. In attendance from the Administration were Mayor Andrzejewski, CBO Stigalt, and Law Director Klammer. There were two Conditional Use Permit renewals on the agenda and they were discussed in Council-as-a-Whole and they were approved to move forward. There were also two Conditional Use Permits that were moved forward by the Committee – the first being for B & H Events Party Center, 34596 Lakeshore Blvd., Eastlake – this used to be the old Horizon Party Center and it is under new ownership and it will handle events like weddings and parties. The other item was T & J Auto Service, 35788 Lakeshore Blvd., Eastlake – this business has been around for a while – the father previously owned the business now the son does – this permit will allow the storage of marine vehicles and other storage. Both were moved forward and public hearings are scheduled for September 8th. I will be making the following Motions:

Conditional Use Permit Renewal

MOTION: I hereby move to approve the Conditional Use Permit renewal requests for: R & L, Inc., dba Lucio's Restaurant, 35583 Lakeshore Blvd., Eastlake
Beef O'Brady's, 35400 Vine Street, Eastlake.
Mr. Matheke seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The Conditional Use Permit renewals for R & L, Inc., dba Lucio's Restaurant, 35583 Lakeshore Blvd., Eastlake and Beef O'Brady's 15400 Vine Street, Eastlake are approved.

Legislation No. 08-25-(14)

MOTION: I hereby move to add Legislation No. 08-25-(14) to the evening's agenda authorizing and directing the Mayor, Director of Finance and Director of Law, on behalf of the City of Eastlake, to enter into a Settlement Agreement with the Director of Transportation of the State of Ohio, American First Federal, Inc., Mark E. Dottore, the court-appointed receiver and AMM Construction, Inc., per Cuyahoga County Court of Common Pleas Case No. DV-02-478552 *Director of Transportation of the State of Ohio, et al., v. Eastlake Land Development Co., et al.* Ms. Vaughn seconded.

ROLL CALL: Yeas unanimous

Motion carried. Legislation No. 08-25-(14) is added to the evening's agenda.

Additional Comments

This concludes my report and I am open for questions.

There were no questions of Mr. D'Ambrosio.

FINANCE COMMITTEE – Mr. Knuchel

Mr. Knuchel: I would like to express my condolences to Mr. Lajeunesse on the recent loss of his mother-in-law – my thoughts and prayers are with you. Secondly, I would like to thank the Police and Fire Departments for responding very well to a situation that happened at the place where I work. I was just informed by our Fire Chief that the person who was injured is doing much better. I have heard that the job done by the Police and Fire Departments was done and done well. I appreciate that. I have no formal report as nothing was in scheduled in my Committee – I will be scheduling a meeting in the near future and will coordinate with the other Committees in hopes of holding all meetings on one night. This concludes my report. I will be making the following Motions:

Extension of Towing Contract

MOTION: I hereby move to authorize the extension of the towing contract between the City of Eastlake and O'Connor's Towing Services, Inc., authorized per Legislation No. 2006-070 and adopted by Council on July 11, 2006, with said extension to be until October 15, 2009.
Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous

Motion carried. The towing contract with O'Connor's Towing Services, Inc., is extended until October 15, 2009.

Legislative Recommendations

Legislation No. 08-25-(10)

MOTION: I hereby move to add Legislation No. 08-25-(10) to the evening's agenda Rejecting all Bids Received by the City for Towing Services for the City of Eastlake and Authorizing the Director of Public Safety to Re-advertise for Bids. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous

Motion carried. Legislation No. 08-25-(10) is added to the evening's agenda.

Legislation No. 08-25-(11)

MOTION: I hereby move to add Legislation No. 08-25-(11) to the evening's agenda authorizing and directing the Director of Public Safety, or his duly authorized representative, to proceed with the Solicitation of Bids through an Online Public Auction for the City of Eastlake Police Department for the Sale of Item(s) enumerated herein. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous

Motion carried. Legislation No. 08-25-(11) is added to the evening's agenda.

Legislation No. 08-25-(12)

MOTION: I hereby move to add Legislation No. 08-25-(12) to the evening's agenda authorizing the sale of personal property no longer needed for Municipal Purposes by Internet Auction in accordance with Section 721.15 of the Ohio Revised Code. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous

Motion carried. Legislation No. 08-25-(12) is added to the evening's agenda.

Legislation No. 08-25-(13)

MOTION: I hereby move to add Legislation No. 08-25-(13) to the evening's agenda authorizing and directing the Mayor and Director of Finance to enter into a Contract with Perk Company, Inc., the lowest and best bidder, for the South Lakeshore Blvd. Road Improvements, in the total amount of Nine Hundred Thirty-Six Thousand Six Hundred Thirty-Five Dollars and Seventy-Five Cents (\$936,635.75). Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous

Motion carried. Legislation No. 08-25-(13) is added to the evening's agenda.

ORDINANCE COMMITTEE - Ms. Vaughn

Ms. Vaughn: The Ordinance Committee met on August 18th with myself, Mr. D'Ambrosio, and Mr. Morley present from the Committee. In attendance from Council was Mr. Matheke. Mr. Lajeunesse was late in arriving. We amendments which appear on the evening's agenda

as Legislation No. 08-25-(01) through Legislation No. 08-25-(08) *inaudible* Also, Legislation No. 08-25-(09) amending Chapter 1321 “The Residential Code of Ohio for one, Two and Three Family Dwellings.” Also, discussed was information I forwarded to the Chief Building Official – this was ordinances from the Village of Middlefield on property maintenance which are easy to understand by the residents. Mr. Stigalt is requested to review this and get back to the Committee. We also had discussion on fence legislation and it was agreed to hold this matter in Committee. This concludes my report my report, I will not be setting a meeting but I am open for questions.

There were no questions of Ms. Vaughn.

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.

Mario Vitalone, 4041 Erie Street, Willoughby, OH

Mr. Vitalone: Can you explain to me – you are going to rebid the towing contract?

Mr. Elshaw: Yes, if we pass the legislation.

Mr. Vitalone: I am concerned – did he reject his bid? Did he pull his bid out?

Mr. Klammer: I do not know the specifics of that –*inaudible*. The bids will be rejected. The bid package will be revised with a set amount for the City – so it will be whoever has the lowest and best bid for the charges to the residents.

Mr. Vitalone: What I was concerned about was if he pulled his bid out then I would automatically win – isn't that how it normally goes?

Mr. Klammer: Theoretically you would but Council has the authority to *inaudible*.

Mr. Vitalone: If we both bid and we tie how will the bid be awarded? These are the things that can pop up. If his bid was ridiculously low – I heard a rumor that he was going to bid zero but if I bid zero and he bids zero we have another problem.

Mr. Klammer: Council has a wide variety of authority to look the package *inaudible*.

Mr. Vitalone: *inaudible* the company I bought out that I worked for since I was twelve years old and I have been working with the City for 40 years and not one time were we written up, reprimanded, sued or anything. I just wanted to bring that up.

Mr. Klammer: I cannot speak for everyone but this is one situation where we are fortunate to have two very fine companies *inaudible*.

Mr. Vitalone: We have equipment to do the job – when we had a lady stuck under a vehicle – when a tractor trailer rolled on top of her – we got her out. We have the equipment – we purchased air cushions – we are serious about this towing business. We are certified and we know the *inaudible* that is our business. We are serious about it. *Inaudible* I suggested to the Mayor – and he really worked with me – he suggested maybe we two could split. The

benefits of splitting it – you would have control of two towing companies – if a natural disaster happens you have us on call – not only one company but two companies with wide experience and we would respond to you guys immediately like we do. I tow for nine police departments and there is a reason why – I am honest – I am there – I do my job. Just a suggestion that it be split – I do not have a problem with that. One more thing – the natural rate for towing in Northeast Ohio – the average – is anywhere from \$90 to \$100. The State recognizes a private tow rate of \$90 a day *inaudible* – the average rate now is \$100 – *inaudible*. I just purchased a quarter million dollar truck and pay for it in six years – my wife was not happy but we got it. The bottom line is it costs us to operate – *inaudible*.

Len Vovko, O’Connor’s Towing, 29100 Anderson Road, Wickliffe, OH

Mr. Vovko: I was there when we opened the bids – we were the lowest – the Finance Director opened the bids and we were the lowest. Regardless of *inaudible* clerical error and it was understood. We bid it – we were the lowest bidder *inaudible* vehicle accident, truck accident – we tow for *inaudible* police departments. Regardless of what you hear we were the lowest bidder.

There was no one else who wished to speak.

LEGISLATION PROPOSED - First number will be 2009-084

ORDINANCE NO: 08-25-(01)

Requested by: CBO Stigalt
Sponsored by: Ms. Vaughn

An Ordinance amending City of Eastlake Ordinance Chapter 1301 “Permits and Fees” to include new Section 1301.18 “Permits; Fees; Notices,” 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: Mr. Vaughn moved to adopt. Mr. D’Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2009-084.

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ORDINANCE NO.: 08-25-(02)

Requested by: CBO Stigalt
Sponsored by: Ms. Vaughn

An Ordinance amending Section 1351.04 “Service of Notice,” of the Codified Ordinances of the City of Eastlake, 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: Mr. Vaughn moved to adopt. Mr. D’Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2009-085.

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Requested by: CBO Stigalt
Sponsored by: Ms. Vaughn

ORDINANCE NO.: 08-25-(03)
An Ordinance amending Section 1387.19
“Removal of Weeds and Litter by Owner or
Occupancy; Assessment of Cost by
Municipality,” of the Codified Ordinances of
the City of Eastlake, specifically subsections (c)
and (d),” 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. 08-25-(03) pertaining to the amendment to Section 1387.19 “Removal of Weeds and Litter by Owner or Occupancy’ Assessment of Cost by Municipality, subsection (c)” to change the days for compliance from three to five days.” Mr. D’Ambrosio seconded.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as amended as Ordinance No. 2009-086.

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Requested by: CBO Stigalt
Sponsored by: Ms. Vaughn

ORDINANCE NO.: 08-25-(04)
An Ordinance amending Section 1387.20
“Cost of City Removal,” of the Codified
Ordinances of the City of Eastlake, 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: Mr. Vaughn moved to adopt. Mr. D’Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2009-087.

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ORDINANCE NO: 08-25-(05)

Requested by: CBO Stigalt
Sponsored by: Ms. Vaughn

An Ordinance amending City Ordinance
Section 1387.22 “Notice of Violation; Legal
Service,” 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: Mr. Vaughn moved to adopt. Mr. D’Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2009-088.

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ORDINANCE NO.: 08-25-(06)

Requested by: CBO Stigalt
Sponsored by: Ms. Vaughn

An Ordinance amending Section 1389.10
“Removal of Weeds and Litter: Cost
Assessment,” specifically subsections (c) and
(d), of the Codified Ordinances of the City of
Eastlake, 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. 08-25-(06) pertaining to the amendment to
Section 1389.10 “Removal of Weeds and Litter: Cost Assessment, subsection (c)” to change
the days for compliance from three to five days.” Mr. D’Ambrosio seconded.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as amended Ordinance No. 2009-089.

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ORDINANCE NO.: 08-25-(07)

Requested by: CBO Stigalt
Sponsored by: Ms. Vaughn

An Ordinance amending Section 1389.11
“Cost of City Removal,” of the Codified
Ordinances of the City of Eastlake, 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: Mr. Vaughn moved to adopt. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2009-090.

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Requested by: CBO Stigalt Sponsored by: Ms. Vaughn	<u>ORDINANCE NO.: 08-25-(08)</u> An Ordinance amending Section 1389.13 "Notice of Violation; Legal Service," 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. 2009-091.

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Requested by: CBO Stigalt Sponsored by: Ms. Vaughn	<u>ORDINANCE NO.: 08-25-(09)</u> An Ordinance amending City Ordinance Chapter 1321 "The Residential Code of Ohio for One, Two and Three Family Dwellings," 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. 2009-092.

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Requested by: Finance Director Condron Sponsored by: Mr. Morley	<u>RESOLUTION NO.: 08-25-(10)</u> A Resolution Rejecting all Bids Received by the City for Towing Services for the City of Eastlake, and Authorizing the Director of Public Safety to Re-advertise for Bids, and declaring an emergency.
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MOTION: Mr. Knuchel moved to suspend the rules requiring separate readings and reading in full. Mr. Matheke seconded.

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-093.

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Requested by: Administration
Sponsored by: Mr. Morley

RESOLUTION NO: 08-25-(11)

A Resolution authorizing and directing the Director of Public Safety, or his duly authorized representative, to proceed with the Solicitation of Bids through an Online Public Auction for the City of Eastlake Police Department for the Sale of Item(s) enumerated herein, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-094.

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Requested by: Administration
Sponsored by: Mr. Morley

RESOLUTION NO: 08-25-(12)

A Resolution authorizing the sale of personal property no longer needed for Municipal Purposes by Internet Auction in accordance with Section 721.15 of the Ohio Revised Code, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-095.

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Requested by: City Engineer Gwydir
Sponsored by: Mr. Knuchel

RESOLUTION NO.: 08-25-(13)

A Resolution authorizing and directing the Mayor and Director of Finance to enter into a Contract with Perk Company, Inc., the lowest and best bidder, for the South Lakeshore Blvd. Road Improvements, in the total amount of Nine Hundred Thirty-Six Thousand Six Hundred Thirty-Five Dollars and Seventy-Five Cents (\$936,635.75), and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-096.

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Requested by: Law Director Klammer

RESOLUTION NO.: 08-25-(14)

A Resolution authorizing and directing the Mayor, Director of Finance and Director of Law, on behalf of the City of Eastlake, to enter into a Settlement Agreement with the Director of Transportation of the State of Ohio, American First Federal, Inc., Mark E. Dottore, the court-appointed receiver and AMM Construction, Inc., per Cuyahoga County Court of Common Pleas Case No. DV-02-478552 *Director of Transportation of the State of Ohio, et al., v. Eastlake Land Development Co., et al.*, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-097.

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RESOLUTION NO.: 08-25-(15)

Requested by: Administration
Sponsored by: Mr. Lajeunesse

A Resolution Rejecting all Bids Received by the City for Renovation of Houston Fisher Pool, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-098.

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LEGISLATION PENDING

(Placed on First Reading 06/23/09)

(Placed on Second Reading 07/14/09)

ORDINANCE NO.: 06-23-(01)

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

An Ordinance authorizing the issuance of a Conditional Use Permit to King Excavating Co., Inc., Eugene Marous, Jr., agent, 35080 Lakeland Blvd. Eastlake, Ohio, and declaring an emergency.

MOTION: There was no Motion to adopt.

Legislation No. 06-23-(01) fails.

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(Placed on First Reading 07/14/09)

RESOLUTION NO.: 07-14-(02)

Requested by: Administration
Sponsored by: Mr. Morley

A Resolution authorizing and directing the Mayor and Director of Finance to enter into a Contract with Connor's Towing Service, Inc., the lowest and best bidder, to provide Towing Services on an as-needed basis for the costs as outlined, and declaring an emergency.

MOTION: There was no Motion to adopt.

Legislation No. 07-14-(02) fails.

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(Placed on First Reading 07/14/09)

(Placed on Second Reading 07/27/09)

RESOLUTION NO.: 07-14-(12)

Requested by: Administration
Sponsored by: Mr. Knuchel

A Resolution authorizing and directing the Mayor and Director of Finance to enter into an amendment to the Lease Agreement between the City of Eastlake and Cascia, LLC, and declaring an emergency.

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

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

Motion carried. Legislation is adopted as Resolution No. 2009-099.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

There was no New Business.

ADMINISTRATIVE REPORTS:

MAYOR/SAFETY DIRECTOR – Ted Andrzejewski

Mayor Andrzejewski: We had our first movie night at the Classic Park last Friday – it was very successful – we sold 405 tickets – it was not the fact of selling tickets but that people really liked seeing the movie – most that were there had two or three children. Hopefully we can do more of these next year. We also got some good news on the next round of the Issue 2 grants – the City has been awarded two more grants for fixing streets – we will receive \$299,000 each to completely redo East 347th Street and East 348th Street – we will cover about 40% of the costs – that is \$598,000 that we will not have to use out of the road fund. Also, we also received a \$70,000 grant to ditch and pipe Mondomin and Edison Roads – they have water problems. Thank you for approving South Lakeshore – that will now proceed – our next step will be to meet with the residents like we did with Roberts Road.

Mr. Gwydir: As soon as the contractor is on board we can schedule a meeting.

Mayor Andrzejewski: We will solicit Council's help in that area to encourage the people to attend. The 2004 bonds are paid off – they are now gone – this is a big achievement for the City and the 2002 bonds are now in the process to be completed by the end of next week. That will complete the retirement of \$11.5 million worth of bonds and also will save us in interest. This concludes my report and I am open for questions. There were no questions of the Mayor.

LAW DIRECTOR – Randy Klammer

Mr. Klammer: There are two cases still pending on the Court of Appeals schedule. There are some other issues that have come up which I have tried to send copies to Council and the Administration. *Inaudible* The Tesar pathway – the last email contained the revisions and I am hoping we can complete this. I am finalizing the deed on this property to be donated – I copied the Clerk on a lot of it. Other than that, Chief Ruth, thank you for getting the Court Order for the auctioning of the boat. This concludes my report and I am open for questions.

Mr. Elshaw: Thank you for keeping up on the Tesar property lease.

There were no questions of Mr. Klammer.

FINANCE DIRECTOR – Brian Condron

Mr. Condron was absent and excused.

TAX ADMINISTRATOR – Angela Keneven-Zanella

Mrs. Keneven-Zanella was absent and excused.

SERVICE DIRECTOR – Mike Semik

Mr. Semik: The traffic lights are being upgraded – ODOT is out there doing the long awaited signalization upgrade. The next week or two is striping – we will be doing the crosswalks, school crossings in house. The DuraPatcher is still out there working on the streets that are still in need of patching. The leaf boxes are all set for leaf season – they have been refurbished so when the leaves start to fall we are set. We are also working on the asphalt program for next year so if there are any asphalt streets you want included please forward them to me. This concludes my report and I am open for questions.

Mr. Lajeunesse: I appreciate your road crew allowing me some time to share with them at the fishing pier. As always, I got quite an education. Thank them for their patience as well as showing me how their operation works.

There were no further questions of Mr. Semik.

CHIEF BUILDING OFFICIAL – John Stigalt

Mr. Stigalt: Thank you for passing the legislation tonight. *Inaudible* Dollar General has submitted its application to the Planning Commission for its site approval. We are processing applications for driveways, sidewalk repairs, additions. Biagios is moving along very well – they will be done with the parking lot tomorrow and will be working on the right of way. Next week they will be framing and installing drywall. I am open for questions.

Mr. Lajeunesse: Mr. Stigalt, there have been some complaints about the former HUD home which is now City owned property on Courtland Blvd. I was wondering what the maintenance program is for this property?

Mr. Stigalt: That property is serviced by the Service Director. It has been scheduled to be cut.

Mr. Lajeunesse: It was cut as of?

Mr. Semik: That grass at the property was cut today.

Mr. Lajeunesse: Numerous residents have called City Hall over the last few months and have received the run-around about that piece of property. I would like to know and understand as far as the garage that sits on that property that was not demolished with the rest of the home – will that remain standing?

Mr. Semik: That is correct. The decision at the time of the demolition of the house was to keep the garage for future buyers. The garage is a newer garage and it was the decision to keep it due to the condition it was in – it has a concrete floor. Also, that property has been on a schedule to be cut and we try to get it at least every three weeks – sometimes due to weather it can go a little longer.

Mr. Lajeunesse: The only reason why I question is because I see property maintenance compliancy issued to our residents and by our own Building Department – and, certainly when I took a walk on that property the other day I noticed there was also a bundle or two of brush by the garage – do you know if that has been picked up?

Mr. Semik: I do not have an answer to that question.

Mr. Lajeunesse: If you could do me a favor – I have Mr. Jack Rhinehart’s number – he seems to have gotten the run-around within City Hall the last couple of months in regards to that piece of property.

Mayor Andrzejewski: Mr. Chairman – please.

Mr. Elshaw: He is just making a comment.

Mayor Andrzejewski: The word run-around is very inappropriate. I have never talked to a Jack Rhinehart – I do not know if Mr. Semik has. When Mr. Lajeunesse uses words like run-around – I thought we had agreed.

Mr. Elshaw: Let’s stay calm.

Mayor Andrzejewski: No one has received a run-around and I strongly object – Mr. Semik, I think you will too. No one receives a run-around.

Mr. Elshaw: Let me summarize.

Mayor Andrzejewski: It has been stated that the property is under a maintenance program – has always been under a maintenance program. Mr. Lajeunesse has always had an issue with the HUD properties we have purchased – this is nothing more than an extension of those issues.

Mr. Elshaw: Alright, now you are insinuating. Let’s just summarize – the grass has been cut – it is on a program – it may have been long for a bit but it has been cut – trash will be checked on. Mr. Lajeunesse, you said there is a bundle?

Mr. Lajeunesse: I walked over by the garage – there is brush.

Mr. Elshaw: Alright, so that is going to be looked into and you got your answer on the garage.

Mr. Lajeunesse: Yes, and Mr. Semik – after this meeting I will give you Mr. Rhinehart’s phone number and I am sure he would appreciate a phone call.

There were no further questions of Mr. Stigalt.

CITY ENGINEER – Tom Gwydir

Mr. Gwydir: I would like to thank you for the quick action on South Lakeshore Blvd. – we will be starting the construction project because snow is right around the corner. The Robin, Forest and King pump stations are now substantially complete – we are wrapping those up. We put the Quentin Road pump station out to bid and had a pre-bid meeting here at City Hall

to answer any questions. In terms of Issue 1 the City put in for approval of six projects – we made eight applications for funding – and we did receive a total of \$671,400 in grants and a \$50,000 low interest loan. I believe we received the most project funding of those communities who applied at this time. ODOT is working on the City lights equalization – I have been working with ODOT on some issues. I am also working with Councilmen D’Ambrosio and Mr. Knuchel on matters involving their constituents. And, we have been working on the pool. This concludes my report and I am open for questions.

Mr. Knuchel: I would like to thank Mr. Gwydir for taking that walk up and down Roberts Road to check out the apron and the situation that is going on there. And, his speedy reply to the company that put those aprons in. The other thing I wanted to bring up about Mr. Gwydir – he has diligently sought out Issue 1 and 2 money and we do appreciate that because every dollar that comes in helps us.

Mrs. Vaughn: I appreciate on East 347th and East 348th Street *inaudible* long going situation in which they find themselves. Thank you, Sir, for your help.

Mr. Elshaw: I know we will be discussing this in Committee and I don’t want to take anything away from that – but, Mr. Gwydir, just a brief summary of what we will be talking about as far as CSX – it sounds like we have an agreement now in front of us.

Mr. Gwydir: CSX provided an estimate of \$155,000 *inaudible* we made sure we were not double billed - I got the information and checked it before the recommendation that the City *inaudible* for the track improvements.

Mr. Elshaw: Very good, and thank you for getting us to this point – I know there is a lot more to go but it is appreciated. I know it has been a struggle.

Mr. Knuchel: A follow-up to your question. Was that in the Roberts Road fund – the \$155,000?

Mr. Gwydir: We funded a portion of that by a zero interest loan – of the monies that Council allotted and that awarded for Roberts Road approximately \$95,000 is coming back – the figures are still being settled upon with the contractor. The contractor is coming in \$95,000 under and the State Funds remain to cover those costs.

Mr. Knuchel: And \$5,000 was from a low interest loan through who?

Mr. Gwydir: The OPWC.

There were no further questions of Mr. Gwydir.

POLICE CHIEF – John Ruth

Chief Ruth: For those of you who don’t know the recent bad storm the other day resulted in the Police Department taking a pretty good hit. We lost our phone lines and 911 system – our satellite signalization clock *inaudible*. Everything is up now except the 911 system which is still being handled by Willoughby. On the bright side the generator is up and running – it did fail us on the night of the storm – *inaudible*. Additionally, we received the grant for the digital cameras for the police cruisers – they are being installed in the vehicle.

We are also installing the live scan digital fingerprinting system *inaudible* and is a big step forward. This concludes my report and I am open for questions.

There were no questions of Chief Ruth.

FIRE CHIEF – Ted Whittington

Chief Whittington: *inaudible* we were awarded the 31’ Sea Ray which we are going to sell on the internet. The dive team tried out the boat which will be a nice asset for the City – it is a hard bottom boat which will allow the divers to dive off the back. We are going to use it for emergency response. *Inaudible* One thing – the night of the storm – I would like to extend kudos to the dispatchers *inaudible* they did what they were trained to do. When you lose phone lines and 911 simultaneously a lot of things have to happen real quickly. They were very quick to react in getting the message out to the news channels and rolling it over to Willoughby right away. They were using their personal cell phones to make phone calls. We got very quick reaction. *Inaudible* The girls in the dispatch worked very hard. With the upcoming flu season – a lot of things are happening in the newspapers right now regarding the H1N1 virus – also referred as the swine flu. I want to try to be very active in trying to separate the *inaudible* our community the differences *inaudible* This concludes my report and I am open for questions.

Mr. Lajeunesse: Chief, you just reminded me of something – I believe it will be in this coming months Eastlake Gazette – you are doing an article.

Chief Whittington: I am actually waiting for information from the Health Department – *inaudible* – I wanted to get an article out right away but there is information from the Health Department that I wanted to cover the right information at the right time. So, I had to wait for the information *inaudible* information about how to get vaccinated – who gets vaccinated. At this point it does not seem like a huge deal but if it gets to the point where we need a mass inoculation *inaudible* get the information out. Do expect that article to be out there.

Chief Ruth: Regarding Chief Whittington’s recognition of the dispatchers – I was remiss – the dispatchers did a suburb job in handling this type of loss of power – they are the most unappreciated group we have working for us. I am glad Chief Whittington mentioned them and I agree.

There were no further questions of Chief Whittington.

ADJOURNMENT

The meeting was adjourned at approximately 8:53 p.m.

DEREK W. ELSHAW, COUNCIL PRESIDENT

APPROVED: _____

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