

**EASTLAKE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
FEBRUARY 10, 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. Zontini.

ATTENDEES

Members of Council in attendance were Mr. D'Ambrosio, Mr. Lajeunesse, Mr. Knuchel, Mr. Zontini, Mr. Morley and Council President Mr. Elshaw. Ms. Vaughn 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, Service Director Mr. Semik, CBO Mr. Stigalt, City Engineer Mr. Gwydir, Fire Chief Whittington and Police Chief Ruth.

APPROVAL OF MINUTES

REGULAR COUNCIL MEETING – JANUARY 27, 2009

MOTION: Mr. D'Ambrosio moved to approve the minutes of the Regular Council Meeting of January 13, 2009. Mr. Morley seconded.

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

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, February 24, 2009 at 7:00 p.m. The Regular Council Meeting is scheduled for Tuesday, February 24, 2009 at 7:30 p.m.

An Economic & Community Development Council meeting is scheduled for Wednesday, February 18, 2009 at 6:30 p.m.

Additional Comments

Mr. Elshaw: We had a recent explosion of a home here in Eastlake. Our hearts go out to the Pitchler family, friends and neighbors. We are planning to do something special at the next Council meeting for the heroes who were involved in the rescue of the survivors.

COMMUNICATIONS & PETITIONS

A communication was received from the Administration recommending a Conditional Use Permit renewal for Barb's Tax & Bookkeeping Service, 1315 East 354th Street, Eastlake. This was referred to Planning Committee.

A communication was received from the Council Clerk proposing an amendment to City Ordinance 125.05 "Collection of Fees." This was referred to Ordinance Committee.

A sponsorship request was received from the Eastlake Baseball League. Mr. Elshaw explained this is for each Council person's individual consideration.

COUNCIL COMMITTEE REPORTS

ORDINANCE COMMITTEE - Ms. Vaughn

Ms. Vaughn was absent and excused.

Mr. Elshaw: Ms. Vaughn has scheduled an Ordinance Committee meeting for Tuesday, February 17, 2009 at 6:00 p.m.

SERVICE/UTILITIES COMMITTEE – Mr. Zontini

Mr. Zontini: The Service/Utilities Committee has not met since our last Council meeting as there is nothing pending in Committee – therefore, I have no formal report but I am open for questions.

There were no questions of Mr. Zontini.

SAFETY COMMITTEE – Mr. Morley

Mr. Morley: The Safety Committee has not met since our last regularly scheduled Council meeting, there for I have nothing to report. I will be making the following Motion:

Legislative Recommendation

MOTION: I hereby move to add Legislation No. 02-10-(02) to the evening's agenda authorizing and directing the Mayor and Director of Finance to accept on behalf of the City a donation of a MPH Speed Laser Unit, SN#25607 for use by the City of Eastlake Police Department. Mr. Zontini seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation No. 02-10-(02) 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 I have no formal report. This concludes my report and I am open for questions.

There were no questions of Mr. Lajeunesse.

PLANNING COMMITTEE – Mr. D'Ambrosio

Mr. D'Ambrosio: The Planning Committee met February 3rd at 6:00 p.m. In attendance from the Committee were myself, Mr. Zontini and Mr. Knuchel. In attendance from Council were

Mr. Morley and Council President Mr. Elshaw. Mr. Lajeunesse and Ms. Vaughn were absent and excused. One item appeared on the agenda – a Conditional Use Permit renewal for Aluminum Home Improvement. The Committee agreed to move this matter forward and I will be making the following Motion:

CONDITIONAL USE PERMIT RENEWAL:

Aluminum Home Improvement, Inc., 36225 Reeves Road, Eastlake

MOTION: I hereby move to approve the Conditional Use Permit Renewal request for Aluminum Home Improvement, Inc., Kenneth Swope, Agent, 36225 Reeves Road, Eastlake
Mr. Zontini seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The Conditional Use Permit Renewal request is approved.

Additional Comments

Mr. D'Ambrosio: 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 February 3, 2009 at 6:05 p.m. with myself, Mr. D'Ambrosio and Mr. Zontini present from the Committee. In attendance from Council were Mr. Morley, Mr. Elshaw and Mr. Lajeunesse. Ms. Vaughn was absent and excused. In attendance from the Administration was Service Director Mr. Semik. The Committee discussed two items – one being a Change Order for T.C. Construction for the 2008 Concrete Road Program in the amount of \$24,508 – this was to do the intersection at Waverly and Willowick Drive which was in much need of repair and was added as an extra to our regular road program. The Committee also discussed changing the process in which we do change orders – which will keep everyone up to date on the change orders and when they take place. The second item was a State Bid for a mainline camera. This was being held in Committee after much discussion. We are looking for a little bit more information and would like to see how this will fit into our 2009 budget – it was originally slated to come out of the General Fund but we would like to see other funding opportunities explored – or other line items for it to be taken from – possibly the road fund or sewer fund.

We are in receipt of the 2009 budget and will shortly start budget meetings. 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.

There was no one who wished to speak.

LEGISLATION PROPOSED - First number will be 2009-006

Requested by: Administration
Sponsored by: Mr. Knuchel

RESOLUTION NO.: 02-10-(01)

A Resolution authorizing and directing the Mayor and Director of Finance to accept Change Order No.1 Final for T.C. Construction Co., Inc., in the amount of Twenty Four Thousand Five Hundred Eight Dollars (\$24,508.00), with said new contract total being Two Hundred Fifty Three Thousand Two Hundred Sixty-Eight Dollars (\$253,268.00), 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. 2009-006.

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Requested by: Administration
Sponsored by: Mr. Morley

RESOLUTION NO.: 02-10-(02)

A Resolution authorizing and directing the Mayor and Director of Finance to accept on behalf of the City a donation of a MPH Speed Laser Unit, SN#25607 for use by the City of Eastlake Police Department, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-007.

LEGISLATION PENDING

There was no Legislation Pending.

UNFINISHED BUSINESS (Placed on Temporary Table 01-27-09)

MOTION TO REMOVE FROM TEMPORAY TABLE

MOTION: Mr. Morley moved to remove Legislation No. 01-27-(01) through Legislation No. 01-27-(06) from Temporary Table. Mr. Zontini seconded.

ROLL CALL: Yeas unanimous.

Motion Carried. Legislation No. 01-27-(01) through Legislation No. 01-27-(06) is removed from Temporary Table.

Requested by: Administration
Sponsored by: Mr. Zontini

RESOLUTION NO.: 01-27-(01)

A Resolution authorizing and directing the Director of Public Service to advertise for bids for 1,200 ft. of 18” SDR Storm and Sewer Pipe for the South Riverview Project, said bids to be in accordance with plans and specifications on file in the office of the Director of Public Service, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

MOTION: Mr. Zontini moved to adopt. Mr. Morley seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-008.

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Requested by: Administration
Sponsored by: Mr. Knuchel

RESOLUTION NO.: 01-27-(02)

A Resolution authorizing and directing the Mayor and Director of Finance to purchase through the State of Ohio Purchasing Program, Three (3) 2009 Ford Crown Victoria Police Vehicles from Statewide Ford for the City of Eastlake Police Department for an individual amount not to exceed Twenty-Two Thousand One Hundred Twenty Dollars (\$22,120.00) for an amount of Sixty-Six Thousand Three Hundred Sixty Dollars (\$66,360.00), said total amount to include a manual at the cost of Two Hundred Dollars (\$200.00) for a grand total amount of Sixty-Six Thousand Five Hundred Sixty Dollars (\$66,560.00), and declaring an emergency.

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

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-011.

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Requested by: Administration
Sponsored by: Mr. Zontini

RESOLUTION NO.: 01-27-(05)

A Resolution authorizing and directing the Chief Building Official to advertise for bids for Primary Services for Trash Pickup and Mowing and Trimming of Grass, Brush, Weeds, and other Vegetation, said bids to be in accordance with specifications on file in the Office of the Chief Building Official, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-012.

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Requested by: Administration
Sponsored by: Mr. Zontini

RESOLUTION NO.: 01-27-(06)

A Resolution authorizing and directing the Chief Building Official to advertise for bids for Backup Services for Trash Pickup, Mowing and Trimming of Grass, Brush, Weeds, and other Vegetation, said bids to be in accordance with specifications on file in the Office of the Chief Building Official, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-013.

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NEW BUSINESS

There was no New Business.

ADMINISTRATIVE REPORTS:

MAYOR/SAFETY DIRECTOR – Ted Andrzejewski

Mayor Andrzejewski: The river broke this afternoon at 3:30 p.m. so our concern about possible flooding has passed – the river is clear and everyone did their jobs – Police, Fire, Service and Administration and everything went well. We sent to Council a copy of a check we received from the Lake County Captains for \$996,000 – that is one quarter prepayment of the naming rights which is due on or before June 30th of this year. Mr. Condrón deposited it into our interest bearing account. We thank the Captains for that prepayment. We received two bids on the HUD home on Beachpark with one being for \$41,000. That money will go to the Recreation Fund to be used for the people of Eastlake – to buy things like playground equipment and picnic tables and other incidentals. This concludes my report and I am open for questions.

Mr. Knuchel: Regarding the payment from the Captains – we are looking at renegotiating the contract. Mayor, in lieu of the prepayment of the naming rights it has been said that they do not have to pay their rent payment until February?

Mayor Andrzejewski: This was done a little different than last year. Due to their financial difficulty we agreed to take $\frac{3}{4}$ of the 2008 rent payment in 2008 and collect the rest in February of this year. In return for the prepayment we agreed that they would pay the remaining \$172,000 in June rather than February. Mr. Condrón checked with Law Director Klammer – the amount for the naming rights is to be paid on or before June 30, 2009 – this represents $\frac{1}{4}$ th.

Mr. Knuchel: Mr. Condrón, are there any stipulations in the contract that says the date the Captains need to pay their rent and is it feasible to, without Council's approval, enter into an agreement that the payment would be postponed?

Mr. Klammer: I will have to look at the Lease Agreement again – it does state that the naming rights have to be paid within a certain amount of time.

Mr. Knuchel: That is not the question Mr. Klammer. The naming rights is not my question – it is the other issue – the issue I want to know about is the rent that should have been paid in September or October, 2008 being postponed until June, 2009.

Mr. Klammer: If you so determine to you can instruct me to sue the Captains because they are overdue on their rent – you can do that. The answer to your question is there is always going to be flexibility in dealing with the contract. That is critical in such a relationship.

Mr. Knuchel: I don't disagree – but when we have done that in the past we have entered into side letters that have come through Council. Can you check that for me?

Mr. Klammer: I don't think there has ever been an issue where a late payment has been addressed in a side letter.

Mr. Knuchel: Actually, there has not – but my question still stands – I would still like you to look at it.

The other issue is the bid process on the HUD homes. I spoke with Mr. Condron a couple of weeks ago on this – there was some confusion in my mind as well as in other members of Council's minds. My understanding was that the date for the bids to be in and posted was January 9th – there was another date mentioned – February 9th. Can you please explain what the delay in the process was?

Mr. Condron: We extended the bids for the following reasons – it is near the holidays and people saw the ad near the end – they indicated they would like to submit a bid but needed more time. In addition we seemed to be getting a lot of phone calls from the notice on the web site. It was our first attempt with the revised bid package which lowered the price from \$50,000 to \$40,000 so we left another four weeks to give everyone adequate time to submit bids. In addition, we placed an ad in the January 24, 2009 News Herald announcing the extension of the deadline. Also we feared that with the national credit situation that waiting would not increase the pool of applications.

Mr. Elshaw: The bid situation is fantastic – it is great. We were wondering if it is in compliance with the authorization of Council because the opening was to be January 9th and we are somewhere down the road here accepting the bids. Does that pose a problem?

Mr. Klammer: Section 721.03 ORC indicates the officer in charge of the bids has the flexibility to extend the bid date.

Mr. Elshaw: What is the period of time that you can extend a date?

Mr. Condron: Whatever seems reasonable to make sure you can foster competition – I used 4 weeks.

Mr. Elshaw: I am sure there is not a problem with the rebidding – it is a good situation to be in – we just wanted to make sure we are in compliance – I was wondering what the period of time would be. Is there a limit on that because you don't want to just keep giving the officer the opportunity to keep extending – is it just done once.

Mr. Klammer: The statute was not that specific – it should not be a problem because ultimately the contract must be approved by Council. If it went on for three years or there was a rogue Finance Director ultimately Council would have to approve the contract.

Mr. Elshaw: That is the concern – or that something may be going on that was underhanded.

Mr. Klammer: Council has full discretion – it comes back to Council for approval.

Mr. Condron: This is the third time for the bid advertisement – it looks like we are getting something this time.

Mr. Knuchel: We have done this twice already – why didn't we follow those rules the first time we went out for bids and just extended the period at that time?

Mr. Condrón: We discussed this at a Finance Committee meeting – we discussed the change in the bid process.

Mr. Knuchel: So, there was actually a change in the bid process that actually triggered the need to come back?

Mr. Condrón: Yes, we lowered the price.

Mr. Zontini: Mr. Klammer, with regards to Mr. Knuchel's concern on the rent payment from the Captains. If I could frame the question a little differently - None of us had a problem in the past and have not insisted that the rent be on time and waiting a couple months for them to pay the late payment. But, it is being addressed here tonight, and brought to our attention, that it is an amendment to the contract in exchange for receipt of a partial payment of the naming rights – we are giving them a date certain for the extension of their rent payment. That is a new amendment. Since we approved the initial contract shouldn't we have to approve that amendment?

Mr. Klammer: If that actually occurred. *Comments could not be understood.* I think there is some middle ground on that.

Mr. Zontini: We are happy with that – we just want to do things correctly. What we were given was a memo from the Mayor that says “in exchange for this prepayment the City will allow the Captains to pay the remaining \$172,000 for 2008 rent in June of this year rather than at the end of February.” It appeared to us that it is an amendment to the contract – if that is not the case – fine.

Mr. Lajeunesse: Mayor, I was able to attend the meeting regarding the initiation of part-time firefighters. I was interested in maybe making that more of a public meeting at a time when more Council people can be there. There was a lot of knowledge shared that day – is there any way we can do that because most of that information will have to come back to Council anyway – we will have to make the ultimate decision and it will involve the budget. I just wanted to make that suggestion.

Mayor Andrzejewski: This is not the place for this discussion. If you want to talk about it after the meeting.

Mr. Lajeunesse: Why is that?

Mayor Andrzejewski: This is not the place, Mr. Lajeunesse, and you know it.

Mr. Lajeunesse: No, I don't.

Mayor Andrzejewski: I am not going to get into a discussion...

Mr. Elshaw: I think the contract says there have to be so many per side at the meeting – perhaps that is something you can pose to the Law Director.

Mayor Andrzejewski: The words of the Agreement say this – “there is a management committee to advise on the parameters and the implementation of part time firefighters. That Committee is to be made up of not more than four representatives of the Administration and not more than four of the Union.” If you take it at the purest sense of the word Council is not part of the Administration. I had no objection to Mr. Elshaw or Mr. Morley being there but you don’t have to be there. This is an Administrative matter between the Administration and the Union. It was specified in the contract and was fairly negotiated in the contract and we have the opportunity now to cut the amount of overtime the City is spending on the Fire Department and we are going to proceed with that. This is an advisory committee.

Mr. Elshaw: I have been asked to sit on that Committee. We have already discussed this and I do not want to get into a big discussion. I am good with sitting on that Committee and will be at the next meeting. I have asked Mr. Morley to sit in also as the Safety Committee Chair. As far as being open to the public that is not my meeting – it is not my concern – it is between the Mayor and the Law Director to answer that.

Mr. Lajeunesse: All I did was ask a question. I understand and respect the answer, Mayor. I just asked the question and I was not trying to lead you in any direction.

Mr. Morley: At the end of the last meeting the Chairman for the Administration – the Mayor – and the Chairman for the Fire Department – Lt. Lloyd agreed to alternate meetings. I image the ones scheduled by the Fire Department will be in the evenings or close to it. The Mayor has said he will try to schedule late in the afternoon so Mr. Elshaw and I can make it.

Mayor Andrzejewski: The next meeting is scheduled for February 20th at 4:30 p.m.

There were no further questions of Mayor Andrzejewski.

LAW DIRECTOR – Randy Klammer

Mr. Klammer: *Comments could not be understood* Other than that I am open for questions.

There were no questions of Mr. Klammer.

FINANCE DIRECTOR – Brian Condron

Mr. Condron: You have the 2009 budget and I have been working on the HUD homes. This concludes my report and I am open for questions.

There were no questions of Mr. Condron.

TAX ADMINISTRATOR – Angela Keneven-Zanella

Mrs. Keneven-Zanella was absent and excused.

SERVICE DIRECTOR – Mike Semik

Mr. Semik was absent and excused.

CHIEF BUILDING OFFICIAL – John Stigalt

Mr. Stigalt: We would like to let Mr. D’Ambrosio know that the property at 1200 East 359th Street will be demolished in the next few weeks. That process has taken the City about six

months in contacting various entities. The previous Administrator left some bills which we are trying to clean up. This concludes my report and I am open for questions.

Mr. D'Ambrosio: I wanted to comment on the property at 1200 East 359th Street. This property has been a pain – the people left this house trashed – there were boats in the front yard – animals living in it – the siding was torn off the house. We had it boarded up and the Humane Society became involved. Mr. Stigalt inherited this thing. It has been a very slow process in trying to get something done. Thank you, Mr. Stigalt. The residents will be happy about this.

There were no further questions of Mr. Stigalt.

CITY ENGINEER – Tom Gwydir

Mr. Gwydir: I have been working with the Law Director on some issues. Also I have been going back and forth with CSX and the Ohio Rail Development Commission regarding the crossing at Roberts Road. It appears some headway is being made for possibly some repairs to be made this spring. The designs are moving along Quentin Road pump station and Robin and Forest Drive pump station work has begun. We have also submitted a list for stimulus money to the Mayors and Managers Association, the EPA, the County and the State for funding. This concludes my report and I am open for question.

Mr. Lajeunesse: Mr. Gwydir, I recently received an email from a resident wanting Houston Fisher pool to reopen. Can you tell me if you have been involved with that?

Mr. Gwydir: I have assisted Service Director Semik on this – he is spear heading the work at Houston Fisher pool.

Mr. Lajeunesse: So, if I wanted information on this I could get it from Mr. Semik?

Mr. Gwydir: Yes.

Mr. Elshaw: Nice job on the CSX issue. I appreciate what you put together in your last letter. It was helpful to see the letter – it showed the background on what has been going on over the last couple of years – what we have been doing on our end – the road blocks and walls we have been hitting. It is useful to see that and it proves a good point. Hopefully we will get somewhere on this.

There were no further questions of Mr. Gwydir.

POLICE CHIEF – John Ruth

Chief Ruth: Thank you for approving the legislation for the replacement cars for our fleet. Other than that it is pretty much the same as usual. This concludes my report and I am open for questions.

There were no questions of Chief Ruth.

FIRE CHIEF – Ted Whittington

Chief Whittington: I would like to make some comments on the house explosion. I appreciated the help from the Service Department and Police Department and several other Departments. It was very complicated. With the help we had we were able to locate the victims and have them in the ambulance and transported to the hospital within three minutes. In regards to the flood issue – with the work of Chief Ruth and other Directors we are trying to convert the training room at the Fire Department into an operational center room to use in a major City-wide event. We started to put that together on Sunday in anticipation of the problems with the river. Also, I spoke with the Mayor and Council President about this – but I would appreciate it if a new fire station could be considered for some of the stimulus money. We have been repairing various things at the station and this would give us the opportunity to do something. This concludes my report and I am open for questions.

Mr. Zontini: I would like to let everyone know – and commend both Chiefs and the Safety Forces for the professional experience and the work you put out there – every day and especially during that explosion – in addition with the compassion you showed. I was at the site again the next day – the firemen who were walking around to make sure the fire did not rekindle were stopping to pick up personal belongings and photographs of the family and giving it to the sons that were on the scene. That was remarkable and I appreciate what both Safety Forces do.

There were no questions of Chief Whittington.

ADJOURNMENT

The meeting was adjourned at approximately 8:14 p.m.

DEREK W. ELSHAW, COUNCIL PRESIDENT

APPROVED: _____

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

