

**EASTLAKE CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
JULY 14, 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 7:47 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. Matheke, Mr. Morley and Council President Mr. Elshaw. Also attending was Council Clerk Mrs. Cendroski.

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

APPROVAL OF MINUTES

PUBLIC HEARING – JUNE 23, 2009

MOTION: Mr. Lajeunesse moved to approve the minutes of the Public Hearing regarding the 2010 Tax Budget of June 23, 2009. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The minutes were approved.

PUBLIC HEARING – JUNE 23, 2009

MOTION: Mr. Lajeunesse moved to approve the minutes of the Public Hearing regarding a Conditional Use Permit: King Excavating Co., Inc., 35080 Lakeland Blvd., Eastlake. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The minutes were approved.

PUBLIC HEARING – JUNE 23, 2009

MOTION: Mr. D'Ambrosio moved to approve the minutes of the Public Hearing regarding a Conditional Use Permit: Top Quality Sealcoating, 1194 East 362<sup>nd</sup> Street, Eastlake. Mr. Morley seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The minutes were approved.

PUBLIC HEARING – JUNE 23, 2009

MOTION: Mr. D'Ambrosio moved to approve the minutes of the Public Hearing regarding a Conditional Use Permit: Farinacci Excavating Co., Inc., 34980 Lakeland Blvd., Eastlake. Mr. Morley seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The minutes were approved.

REGULAR COUNCIL MEETING – JUNE 23, 2009

MOTION: Ms. Vaughn moved to approve the minutes of the Regular Council Meeting of June 23, 2009. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The minutes were approved.

COUNCIL PRESIDENT'S REPORT – Mr. Elshaw

Meetings Scheduled

Mr. Elshaw: In accordance with Article V, Section 5 of the Charter of the City of Eastlake the last meeting in July, 2009 and the first meeting in August, 2009 is cancelled for the summer break, therefore, the next scheduled meetings will be:

The Council-as-a-Whole Committee Meeting is scheduled for Tuesday, August 25, 2009 at 7:00 p.m. The Regular Council Meeting is scheduled for Tuesday, July 25, 2009 at 7:30 p.m.

An Economic & Community Development Council meeting is scheduled for Wednesday, July 15, 2009 at 6:30 p.m. We will be meeting with the developers of the proposed property at the corner of S.R. 91 and Vine Street – we will talk a little about the cut-in that ODOT had reviewed and where that stands.

Captains Lease Agreement

We did talk about putting the Captains Lease Agreement on first reading – I would be willing to hold a Special meeting during our Council break for the second reading if we choose to go to three. We will have a day posted and will have to discuss a date when people are available for that meeting. If we did go to three readings we could have it has a final reading and vote to adopt or deny on our first meeting back from Council break – August 25, 2009.

2009 Comprehensive Plan

We have our third and final reading for the vote of approval and adoption of the City of Eastlake 2009 Comprehensive Plan before us this evening.

The Comprehensive Plan is a major achievement in charting the course for economic development within our City. However, this plan is only the first step in a long list of additional items that will need to be implemented, including commercial design guidelines and land use regulations, etc., in order to assure the appropriate and responsible development of our community. So, there is a lot of work ahead of us.

We have several members in the audience this evening of the Eastlake Economic & Community Development Council as well as Mr. Jason Boyd from the Lake County Planning Commission – I just wanted to quickly recognize them and other members of the Council

who could not be with us this evening. As Chairman of the Eastlake Economic & Community Development Council I would like to thank members: John Bosu, Mark Cain, James Carpenter, Domenick DiFranco, Jackie Hrnayak, Angela Keneven-Zanella, Stan Leff, Robert Majikas, Lois Sbrocco, Councilman Dave Knuchel and the late Tom Rutledge for putting in the long hours at our meetings and the enormous effort and dedication put forth to achieve this very important milestone. A big thank you goes out to Mr. Jason Boyd, Director of the Lake County Planning Commission for his guidance and hard work to help complete the Comprehensive Plan and Amy Brennan, Executive Director of the Chagrin River Watershed Partners, for helping us to secure funding through a grant covering the entire cost of this project. Thank you to the Mayor and members of City Council for periodically attending our meetings and supporting our efforts throughout this process.

An electronic version of our City of Eastlake 2009 Comprehensive Plan is available through a link on the front page of our City website for public review.

#### Farewell Announcement

I do have one other personal announcement. I would like to announce that I have decided not to seek re-election to the position of Councilman-at-Large for the City of Eastlake. I feel that I have achieved what I set out to do and much more. At this time, I would like to seek out and explore other opportunities.

I do wish to thank the residents of Eastlake for your overwhelming support and selecting me to serve as your representative. It has been a great experience – it really has – and I feel very proud and very fortunate that my accomplishments have led to many improvements and positive solutions for our City. I want to thank you for allowing me the opportunity to help make a difference in our Community.

#### COMMUNICATIONS & PETITIONS

Recommendations were received from the Planning Commission for Conditional Use Permits for T & J Service, 35788 Lakeshore Blvd., Eastlake and B & H Events Party Center, 34596 Lakeshore Blvd., Eastlake. These were referred to Planning Committee.

Recommendations were received from the Administration for a Conditional Use Permit Renewal for Lucio's Restaurant, 35583 Lakeshore Blvd., Eastlake and Beef O'Brady's 35400 Vine Street, Eastlake. These were referred to Planning Committee.

#### COUNCIL COMMITTEE REPORTS

##### ORDINANCE COMMITTEE - Ms. Vaughn

Ms. Vaughn: The Ordinance Committee met on July 7<sup>th</sup> with me and Mr. Morley present from the Committee. Mr. D'Ambrosio was absent due to a death in his family. Also present were Mr. Matheke, Mr. Knuchel, Mr. Lajeunesse and Council President Elshaw. In attendance from the Administration were Mayor Andrzejewski, Finance Director Condron, Law Director Klammer, Police Chief Ruth and Fire Chief Whittington. We discussed an amendment that appears tonight as Legislation No. 07-14-(06) – amending Ordinance Section 141.02 “Citizens Recreation Advisory Committee” – it is amended to “Eastlake Recreation Advisory Committee,” - they also added members to that Committee. Also discussed was legislation that appears as Legislation No. 07-14-(13) regarding Chapter 155 “General Administration” which acknowledges a one-time payment of \$500 to covered employees – it was the recommendation of my Committee that this move forward. I will be scheduling a meeting prior to our August 25<sup>th</sup> meeting because there are a large amount of

ordinance changes from the Building Department and we have been waiting at the advice of our Law Director. This concludes my report and I am open for questions.

There were no questions of Ms. Vaughn.

SERVICE/UTILITIES COMMITTEE - Mr. Matheke

Mr. Matheke: The Service/Utilities Committee met on July 7<sup>th</sup> with all members of Council present except Mr. D'Ambrosio who was absent and excused. In attendance from the Administration was Mayor Andrzejewski, Law Director Klammer, CBO Stigalt, City Engineer Gwydir, Police Chief Ruth and Fire Chief Whittington. The Committee discussed, as you heard at the Council-as-a-Whole Committee Legislation No. 07-14-(03) which is the bid request for South Lakeshore Blvd. and Legislation No. 07-14-(04) which is the bid request for the Quentin Road pump station. Both were moved out of Committee and placed on this evening's agenda. This concludes my report and I am open for questions.

There were no questions of Mr. Matheke.

SAFETY COMMITTEE – Mr. Morley

Mr. Morley: The Safety Committee met on July 7<sup>th</sup> at 6:00 p.m. with me, Ms. Vaughn and Mr. Matheke present from the Committee. Also in attendance from Council were Mr. Knuchel, Mr. Lajeunesse, and Council President Mr. Elshaw. Mr. D'Ambrosio was excused due to a death in the family. In attendance from the Administration were Mayor Andrzejewski, Police Chief Ruth, Fire Chief Whittington, City Engineer Gwydir, CBO Stigalt, Finance Director Condron, Law Director Klammer and Officer Little. We had one item on the agenda for the evening which was a bid rejection and authorization to re-advertise for a three-year towing contract. We discussed this in Committee and felt we would accept the bid. There were two bidders. It was requested to re-bid this due to a clerical error from one of the bidders. We did not feel that would be appropriate for the other bidder who would not have won at that time. It will be on the evening's agenda and the bidder who made the clerical error did accept their bid as submitted. So, we will be voting on that this evening. This concludes my report and I am open for questions.

There were no questions or Mr. Morley.

RECREATION COMMITTEE – Mr. Lajeunesse

Mr. Lajeunesse: The Recreation Committee has not met since our last regularly scheduled Council meeting, therefore there is nothing to report. However, the Recreation Advisory Committee will be meeting this Thursday, July 16<sup>th</sup> at 6:30 p.m. in the Council meeting room and this Friday, July 17<sup>th</sup> from 4:30 p.m. to 7:30 p.m. the Eastlake Activities League, otherwise known as PAL will be having an appreciation night at the Surfside Park – this event has been discussed over the last couple of years but it just could not be put together and it has finally come to fruition and it is a good opportunity for the Community to come together and understand a little bit more about what PAL is about. And, I think there will be a Block Watch presentation. 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 on July 7<sup>th</sup> and Mr. Knuchel Chaired the Committee as I was unable to attend. Mr. Matheke was also present from the Committee. All other members of Council were in attendance. In attendance from the Administration were Mayor Andrzejewski, Law Director Klammer, Finance Director Condron, CBO Stigalt, City Engineer Gwydir, Fire Chief Whittington, Police Chief Ruth and Police Officer Little. There were two items on the agenda – one was a vacation of property at 37 Pinehurst Blvd. – this was approved and forwarded to Council-as-a-Whole Committee and it is on the agenda this evening... The other was a Conditional Use Permit Renewal for The Car Wash – this item was approved and moved forward and it will be approved by a Motion.

### Conditional Use Permit Renewal

MOTION: I hereby move to approve the Conditional Use Permit renewal request for The Car Wash, Jill Bruner-Graft, agent, 36161 Lakeshore Blvd., Eastlake. Mr. Morley seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The Conditional Use Permit renewal for The Car Wash, 36161 Lakeshore Blvd., Eastlake is approved.

### Additional Comments:

Mr. D’Ambrosio: Mr. Elshaw, you did not surprise me with your comments because I have been asking questions. But, you will be missed. I have learned a lot from you and I appreciate all you have done for me – and all you have done for this City. You have a lot of accomplishments that you made and I hope I will be able to make some of those accomplishments through my remaining time on Council. Thank you. 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 July 7, 2009 with me and Mr. Lajeunesse present from the Committee. Mr. D’Ambrosio was absent and excused. Also in attendance from Council were Mr. Morley, Ms. Vaughn, Mr. Matheke, and Council President Elshaw. In attendance from the Administration were Mayor Andrzejewski, Law Director Klammer, CBO Stigalt, Police Chief Ruth, and Fire Chief Whittington. Also in attendance were Bond Counsel Mr. Sharb, Financial Advisor Mr. Sudsina, and Mr. Carfagna, Mr. Seymour, and Mr. Slocum representing the Captains as well as members of the public. There were six items on the agenda with the first being a grant acceptance for the Police Department for the cruiser cameras – we would like to thank Chief Ruth and his officers for applying for this grant in the amount of \$15,905 – this was discussed in Council-as-a-Whole Committee. Also discussed a State Contract for the LiveScan Fingerprinting System for the Police Department – this will bring us up to the 21<sup>st</sup> Century – it will allow us the ability to interfase with other Law Enforcement Agencies and hopefully find answers quicker – and, it is a lot better than using an ink pad and roller. The next item was a rescission for the Police Department emergency generator – we had passed legislation to advertise for bids for that item and it was decided to rescind that in lieu of a State Contract for the generator in the amount of \$31,618. The following items was Legislation No. 07-14-(11) which is Bond Defeasance – this was a group effort – everyone participated and we were able to shave \$10.2 million off our stadium debt by paying off bonds early. That took a lot of financial moxie because we were put in a

position where we want to pay these things off and get back to business as usual – and, this will give us the ability to look forward to paying down these debts very quickly. The last and final portion was an amendment of the Lease Agreement between the City of Eastlake and Cascia, LLC which was the Captains. It was my recommendation that we put this on first reading tonight as we just received more information this evening and we may want to look at it and have time to discuss it. This concludes my report.

#### Additional Comments

Mr. Knuchel: I would also like to express my deepest sympathy to Mr. D’Ambrosio and his family on the death of his father-in-law. Mr. D’Ambrosio, I know what it is like to lose a father and it is not an easy thing - my sympathy to you.

I would like to reiterate some of the things Mr. Elshaw has said. I was part of the Council that put together this Comprehensive Plan. When we started out we went off in a lot of different directions – there was a lot of frustration – and, through that three year period we were able to pull things together and things fell together in a manner that was miraculous. We were looking at paying \$10,000 – \$20,000 to get a study like this done. Through Ms. Brennan we were able to do this at no cost to the City which is amazing. The parts and pieces just fell together and I would like to thank all the members for their involvement. Sometimes we butted heads – sometimes we had different opinions – and, sometimes we agreed which sometimes surprised us. But, all in all I want to give accolades to all the people who worked hard and long on this issue. It is great. We are just at a plateau – we have many more steps to accomplish before we hit the peak and I look forward to working with the rest of you and accomplishing those goals.

Mr. Elshaw: Regarding the Bond retirement – this is an outstanding achievement for our Community. Literally, we are cutting our payments in less than half – that is incredible – it is an incredible accomplishment. We should all be proud of that. It was very important that we did sock away an additional \$2.4 million even though we were in fiscal emergency and even though we are faced with a very difficult economic climate we still put that money away and did the right thing with that – that was one of the best things that we have insisted upon and I think that is paying off.

One other item on the Economic & Community Development Council was – yes, there was some head butting at the meetings but it was designed to be that way. We tried to get different aspects of the Community – different members to give their perspective and not everyone always agreed but that is what it was designed for – to come up with the best answer in the end when everyone could agree – that is what we ended up with. That, too, is quite an accomplishment.

Mr. Knuchel: I forgot to thank Mr. Jason Boyd – Mr. Boyd, thank you.

#### 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.

David Sickles, 1337 East 342<sup>nd</sup> Street, Eastlake

Mr. Sickles: I am here again today to discuss the incident of May 14<sup>th</sup>. For those of you who are not familiar with what happened, I will briefly tell you. Since this happened, I have been going door to door and going to places and events where a lot of Eastlake residents are. I have handed them a flyer and I have been horrified by their accounts of animal abuse by Eastlake police officers against dogs and other wildlife. The details are horrific. Most of these people are too scared to come forward, but some may. Before any other people come forward and speak out, the City Council and other officials had better decide if this is the kind of ongoing publicity the City really wants. I watched two Eastlake Police Officers shoot a healthy-appearing raccoon and then watched as they threw her body into a garbage dumpster and saw that the raccoon was still very much alive and writhing in pain and gasping for breath. I pleaded with the officers to come back and shoot her until she was dead, so she would not suffer a horrible death. The officers laughed at me and made some rude comments to me and walked away still laughing. Those two officers intentionally inflicted horrible pain and suffering on this animal for no valid reason. When I complained to Lt. Reich, Police Chief Ruth and even the Mayor - all I got was lies and repeated attempts to justify something that in a civilized society was totally unjustifiable. The Mayor refused to sit down and talk with me about what I had personally witnessed. He made up his mind long before he even talked to me. The Mayor was rude, uncaring and completely unprofessional. The Mayor only spoke with me briefly on the phone after I called him over and over. The Mayor refused to let me tell him all of the facts of what happened. Perhaps if I offered him money for his re-election fund, he would have seen me? When I talked with Chief Ruth all he would say is it was unfortunate what I saw what the two officers did. Not that it happened or how it happened, only that I witnessed it. And he has stated lie after lie in his correspondence with people who have written the Mayor. Police Chief Ruth has told people that he doubts that I even saw the raccoon in the dumpster. I will state for the record here and now. I saw the police officers take the raccoon out of the dumpster on the end of a dog warden type catch pole with the wire rope tightly around the animal's neck choking off her ability to breathe. I then watched as one officer held the animal on the ground while the other officer shot her twice, and then threw her body back into the dumpster and they smiled with pride at what they had done. I then went over to the dumpster and was two feet from the animal. She was fighting to live and probably desperately trying to get back to and save her babies. Once the officers had her out of the dumpster they could just have easily set her free. So Mr. Ruth, I ask you please stop the lies. I also told Chief Ruth that what most likely happened is that since the garbage dumpster lid was left open, the raccoon probably got in the dumpster at night and then spent many hours trying to get out. If anything, this raccoon was mostly exhausted and not "sick" as the Chief likes to tell everyone. Neither Chief Ruth nor any of his men are even qualified to make a determination if a wild animal is sick. The shocking part is that the Police Department's own Police report for this event is time stamped 12:09 p.m. states - and I quote - "the raccoon had been in the dumpster all morning." Police Chief Ruth has also taken it upon himself to also insinuate that those of us who are complaining don't care about human suffering. He must be blind. Several people who have written are nurses and physicians, who at last check were in the field of helping people. Veterinarians have written and they are in the field of helping people's animals keep free of pain and suffering. I also work in the health care field and I do volunteer work at the hospital. I find it very offensive that my taxes pay for someone to slander compassionate people. Mr. Ruth would be wise if he devoted more time to coming up with a written humane policy for animal issues than he does trying to cover up what our paid, public servants are doing under the cover of their badges. One of the many excuses that the Chief likes to throw around about why this incident took place is that the police were concerned about the safety

of the Fire Department's dog. Admirable if true, but the facts tell another story. When I talked to Chief Ruth, I told him that many simple steps could be taken to avoid future conflicts with wildlife. One of the easiest and cheapest is that the Mayor or Chief issue a directive to all involved, but especially the Fire Department, that the lid on the dumpster where this all happened behind the Fire Station be kept closed. That would keep all animals from getting in the dumpster. Since I drive down Lakeshore Blvd. almost every morning, I have pulled into the driveway and I have never once observed that dumpster lid in a down position – never once. That to me is extreme neglect, inexcusable lack of leadership and a complete lack of caring about the welfare of wildlife, our citizens' wishes and the Fire Department's own dog. It is clear that our elected Mayor is not going to lift a finger to do anything, since he apparently condones cruelty to animals by paid, public servants. And, it is just as clear that Chief Ruth intends to do nothing other than keep covering up for his men and spreading misleading statements and lies. The residents of Eastlake are tired of City Officials who are not responsive to them. So, President Elshaw, I am formerly asking the City Council to launch an impartial investigation into what happened. More importantly, an independent group needs to find ways to never let this happen again. I am not saying I have all the answers, because I don't. But I am more than willing to assist any volunteer group that would investigate this whole matter. The City of Eastlake desperately needs a written humane policy on how our law enforcement interacts with wildlife. They need proper training and they need a set of guidelines to appropriately know what is expected of them. The days of police being judge, jury, and executioner are over. Chief Ruth stated back on May 26 that he thinks that I have perpetrated a "disservice" upon the City. When I first started out I repeatedly asked to sit down with the Mayor and talk about this event, my hope was, and I told him this, was that we could work together to fix this and never even have to involve the media or anyone else. That was my goal. When the Mayor refused to meet with me I told him that I would go to media and animal protection organizations. He said "who cares- call the media." City Council members, the citizens expect you to and elect you to act on their behalf when their leaders do not. It is up to all of you to start asking the Mayor and Police Chief what concrete steps they have or have not taken. Don't settle for flip answers, demand results as well as set up that investigative group. Last time I was here the Mayor bristled at my comment when I said the Mayor shirked his responsibility. I am sorry that hit a nerve but I stand by my statement. As Mayor and especially as Safety Director you must set a tone and direction of all your employees, especially the safety forces. They must know what you want, and not be told to just handle it. The Police Chief has done a great job of doing nothing positive on this issue other than try and deflect justified outrage. Perhaps the City Council should look at stripping the Safety Director post from the Mayor. The Police Chief stated that he feels somehow I have given Eastlake another international black eye. They are the ones dug into a defend our position no matter what mentality, not me. My only disservice would be to that harmless raccoon and her babies and all the other animals after her if I had kept quiet. I can assure the Mayor, the Police Chief and the City Council that this issue will not go away, and neither will I. I will use everything at my disposal to seek justice for this murdered raccoon and all the others who have been brutalized by our so called "peace" officers. I will continue to go door to door until I reach every single house in Eastlake plus I will urge everyone in Northeastern Ohio to boycott Eastlake and all the events at Classic Park until someone in this City stands up to the Mayor and does the right thing. As the late actress and staunch animal activist Gretchen Wyler used to say "Cruelty can't stand the spotlight" Thank you.

*(Mr. Sickels comments have been transcribe via tape and documents provided to Council)*



Mr. Elshaw: Thank you, Mr. Sickles. First of all, no one should be afraid, Mr. Sickles, to step forward. If they want to speak about a topic – lobbying is a very noble effort and you should not be afraid to do so. I myself, personally, as I get older I have become more and more sensitive to animal rights and the ethical treatment of animals. And, I understand your concern. We as people develop property, clear land and then we expect the animals to not come back and they should be eradicated from the land and they should be destroyed if they come back. I understand. However, the suspension of rabies is a very serious issue – it is dangerous to other wildlife – it is dangerous to humans – it is dangerous to our pets. It is something that should be taken very seriously. And, I think that our Police Officers did that and if it was handled inappropriately we need to address that – it was my understanding from several Council meetings ago the Police Chief and our Mayor had been in contact with the Humane Society about setting up a policy and perhaps some training for our officers.

Mayor Andrzejewski: Anybody who wants to speak and say what is on their mind is free to do that, however, I have to draw the line when I hear something that is not true. And, Mr. Sickles I will look you right in the eye and I will tell you this – I never, never said to you – “who cares, go to the media.” That is an outright lie and I will oppose that – never said that to you. I do not know where you got that from but that is wrong to say. You can speak whatever else you say here – do not put words in my mouth. Secondly, since this incident the Police Chief and I have probably had I am guessing a dozen or more discussions on this issue. And, to the Chief’s credit he has come up with our request for a written policy. He has also, as he said, talked with the Humane Society and read some other correspondence we’ve got from other groups and we have taken all that into consideration and have come up with a policy. If Mr. Sickles would bother to call me he would have found that out. The Chief and I have also discussed the way the officers treated our resident – we have had numerous discussions about that – we disagree on it – I felt that the officer did not handle the situation properly and wanted that changed and I will see to it that it is changed. So, as a result of this we have taken all the feedback – we have read all the emails and I agree with a lot of the things people have brought up. We have changed our policy and I believe that is what the people wanted. To take a look at this and put together a policy and that is what we have done. I do not think you will see a situation like this ever again in Eastlake. And, I mean that sincerely – I am not just saying it to look for applause or anything. We have had many talks about this and we have discussed this in detail and things will change. But, I don’t like people saying things that are untrue – I really don’t. The policy is here – the Chief also has a video that he is going to talk about. But, I want you to know we recognize that things could have been handled differently and will be handled differently and if that is what the groups that have been writing to us want they have effected change. I don’t think we need to get into anymore personal attacks. The policy is here for anyone who wants a copy.

Chief Ruth: Obviously, Mr. Sickles is a very passionate person and I am not going to disagree with that. I expect everyone’s right to attend this forum and speak what they want - that is what America is all about. We did look into this to see if there was something we could do different and we did see all the correspondence and put together a policy. It will give our officers more guidance but it is a difficult job and the officers have to make a decision based on what is presented to them. The residents may disagree – that is their right to do so. I can assure you the Police Department and my officers do not have any desire to be cruel to animals *inaudible* but there are times when they do have to be disposed of for the protection of the Community. That is unfortunate and I wish it was not part of our job. *Inaudible* Can it be made better? Things can always be made better. As far as anything else,

I respect his right to be here and his right to speak and I think the Mayor has pretty much said everything else.

Beverly Whelan, 1191 East 346<sup>th</sup> Street, Eastlake

Ms. Whelan: Some forty years ago there was a dilapidated house on the corner of East 345<sup>th</sup> Street and Eastlawn. A German shepherd had been tethered to a tree on the property for his entire life – the poor dog had good cause to be angry. When the owner died the police came and arbitrarily decided he had rabies and shot him. The reason this is significant is that nothing has changed much. When animals exhibit normal behavior *inaudible* it is sometimes mistaken as illness. Myths abound – a common one is that only rabid animals come out in the day time. Modern science tells us this assumption is false. Another is that rabies is rampant while statistics tell us there were only five rabies tests proved in 2008 in the State of Ohio. It would appear that the aggressive rabies prevention programs are working. The incident with the raccoon at the Fire Department was a wakeup call. We now recognize that *inaudible*. So, I am pleased to say that Police Chief Ruth stated in our telephone conversation that he is taking steps in a positive direction. I have been informed that a written policy has been developed and the Police Officers have received instructional material that guides our Police Officers when responding to emergency animal incidents and this is highly recommended. We would be privileged to view the policy and to take pride in the fact that Eastlake is setting a new higher standard for other communities to follow. Other positive actions that I suggest include more diligence in keeping trash receptacles secured. In addition the climb out animal escape device that another resident is going to show you should be installed in all dumpsters which abut wooded areas and attract hungry animals. The inclusion of the climb out and the *inaudible* can avoid incidents that require time and energy of our police force that can be better spent elsewhere. Thank you for your time.

Mario Vitalone, Vitalone Towing, 35033 Ridge Road, Willoughby

Mr. Vitalone: I am here to ask if you made a decision on the towing contract.

Mr. Elshaw: Yes, the Safety Committee decided to accept the bids and see what happens from there.

Mr. Vitalone: You are going to accept the bids – are you going to decide which company you are going to pick?

Mr. Elshaw: We decided to go with the lowest and best bidder – that was O'Connor at this point. If O'Connor honors his contract then that would be who we would go with.

Mr. Klammer: If he honors his bid.

Mr. Morley: It was discussed in Safety Committee and they asked us to rescind the bids and readvertise – we did not think that was fair.

Mr. Vitalone: No, it is not.

Mr. Morley: We did not think it was fair to rebid. From what we are being told they are accepting the bid with the clerical error of the \$35.00 tow.

Mr. Vitalone: Here is the confusion I have – it is supposed to be the lowest bid? The bid specs clearly state the highest bid. We went through this before three years ago – I was the

highest bidder. I am confused. I am bidding it to be the highest bidder – I am the highest bidder and they voted me out again.

Mr. Elshaw: I don't think we wanted the highest bidder.

Mr. Vitalone: It is in the bid specs – it says “highest and best bidder.”

Mr. Elshaw: Is that in the bid specs? I am confused myself. Mr. Klammer?

Mr. Klammer: I guess the answer would be that I am not prepared to provide an answer right now – it needs to be looked at.

Mr. Elshaw: Yes – in my opinion we will have to put this on First Reading.

Mr. Morley: The contract extension is until the end of August.

Mr. Elshaw: Are there any objections to putting this matter on First Reading? This matter will be placed on First Reading. Thank you for pointing that out. Mr. Klammer, if you could please look at that and advise?

Mr. Lajeunesse: Would it possible to get a copy of the bids specs.

Mr. Elshaw: Yes.

Ms. Vaughn: Can we also have an animal policy?

Mr. Elshaw: Absolutely – can we get a copy of the policy, Chief.

Chief Ruth: Yes.

Sophie Lessing, 35505 Grovewood, Eastlake

Ms. Lessing: I wrote to the Mayor with a copy to my Councilman expressing my revulsion to the manner in which two Eastlake Police treated a raccoon. This poor animal should never have been shot to begin with and to allow it to suffer by refusing to kill it quickly and throwing it into the trash can for an agonizing death was reprehensible. This animal was not rabid and was not injured until it was shot. Furthermore, any animal that is sick is lethargic and is not foraging for food. If you have pets you know it is the same thing with them. If they are sick they will not eat. This goes beyond a disdain for animals or ignorance of animals. It was cruel and sadistic as evidence by the laughing at the situation. *inaudible* There were two other incidents of which I am familiar. I am sure there are many more because I have heard from many residents. One – and Eastlake Policeman shot a dog that was in its own driveway because he considered this family dog to be a threat to him. I happened to see this dog at the vets where it was still being treated *inaudible* The dog appeared to be a Golden Retriever that was just about anything but menacing. A threat to the officer – I don't think so. Two – this was a case of an Eastlake Policeman who threatened to kill his wife's dog – and did. The story changed of course – he claimed it was an accident. That is as believable as thinking he threw the dog in an Eastlake trash bin accidentally – that is where he put the dog. *Inaudible* It is a strong case for changes and a written policy and protocol regarding animals – both domestic and wild – I hope you have a domesticated

policy too. It is time to end the bombast and arrogance of a few that cast aspersions on all Eastlake cops *inaudible*.

Beth Gregerson, 35362 South Turtle Trail, Willoughby, OH

Ms. Gregerson: I am speaking for Elaine Ferrante who is the Director of the Ohio Chapter of Humane Voters. "I am speaking on behalf of the members of the League of Humane Voters in Ohio. The recent incident in Eastlake regarding the raccoon being shot by the Police Officers has brought a lot of attention around the State. The public will no longer tolerate your animal cruelties as demonstrated in the recent case in Euclid where a woman bludgeoned a fawn to death. People in positions of public trust are now being held to higher standards. We would like to see you redirect your time and energy to developing a new policy and standards for dealing with wildlife *inaudible* rather than defending and excusing those who violate the principles of kindness and sensitivity. There are many wildlife rehabilitators, biologists and other knowledgeable people who would be happy to work with you develop more reasonable and humane approaches to dealing with wildlife. We ask that you answer calls about raccoons and other wildlife – not with a gun but with a reasonable humane approach that reflects the needs *inaudible* and our changing environment. We hope you will consider taking *inaudible* in this worthwhile cause and see this as an opportunity to become leaders of progress in protection. Thank you. I am reading this letter on behalf of the Humane Voters of Ohio.

Patricia Mellini, 7971B Independence Drive, Mentor, OH 44060

Ms. Mellini: First, I would like to thank City Council members and the Mayor and Police Department for having an open mind about ideas that we are presenting and how they are presented. Asking for changes that are necessary for growth and I am hoping that the appalling, unnecessary incident that occurred on May 14<sup>th</sup> can and will lead to positive changes and growth for this Community – as well as others. Eastlake can be an icon – Eastlake can be one of the first communities in this State to increase awareness of how our actions influence the lives of other species here on earth. Awareness leads to change. Where do we need change? In our old, outdated *inaudible* system that don't consider other species. It is part of being green – as example – are dumpsters act as a trap. Once the animal gets in it is nearly impossible for the animal to get out. Why? Because dumpsters don't contain the climb out device – which the investor has asked that his name remain anonymous at this time – but, if you consider that every time an animal gets trapped it costs taxpayer money for manpower, the Police Department, the Health Department to do the testing for rabies, the removal of the animal – the whole manpower of shooting the animal and having the animal tested – the gas and mileage. Not to mention how inhumane it is to shoot the animal several times in the abdomen just to be able to maintain its brain to test it for rabies – they don't die instantly. Also, keep in mind that this particular raccoon was negative for rabies. We don't need to test or kill animals that are trapped in dumpsters if they are just foraging for food. They are not rabid – they have just been basically trapped in dumpsters all night long and you happen to find them in the daytime. Daytime does not necessarily equate to rabies. Please don't resort to killing just because they are out in the daytime – it can also mean that a mother was nursing all night long and she has come out after a long night of nursing to look for food. We ask that you educate - which you already have started a policy – I also ask that you please instruct the officers to use *inaudible* I am sure that is part of the policy. As a nurse we have to take a yearly competency test to prove that we understand what we have learned and I thought that may be something you could have the officers do. This killing is completely unnecessary. Consider that the raccoon that was killed might have appeared to be rabid because it was in the dumpster all night long trying to get out so by the time it was

found in the morning it appeared clearly exhausted. Most non-carrying animals will flee from humans and not attack. This raccoon never had that chance. It would have, however, if the dumpster contained this climb out device. By implementing a very simple, cost effective device – about \$5 and 10-15 minutes to install – this climb out device into every dumpster in Eastlake and I am hoping it would catch on and move along the way. And, also developing the policy that you already did by educating the Police Officers on the current laws concerning wildlife – they will be able to recognize the symptoms of rabies – I think the Division of Wildlife can help you with that. Again, this device has been field tested and it has been proven 100% effective with most healthy animals. This was stated by the inventor and field tester himself – who would like to remain anonymous. I have a blue print which I will pass around for your review. When this device is properly installed - it is very easy to install – there are two bolts – all you see on the outside is the bolts. It also will not impede garbage removal at all as it is slanted.

Mr. Klammer: Has the inventor applied for a patent?

Ms. Mellini: We are in the process of doing that. It would be great if we had some interest from the waste disposal company – we would get them involved. I would like to thank you for being open minded about this.

Mr. Elshaw: If we want that device – where do we get it?

Ms. Mellini: The inventor will start processing them for you.

Mr. Elshaw: Well, he will have to make his name known.

Ms. Mellini: He will. Ms. Whelan will work on getting all this done.

Karen McKinley-Smith, 1722 East 337<sup>th</sup> Street, Eastlake

*Comments have been transcribed as clearly as possible due to the speaker speaking too softly to be understood – the quote was provided to Council office.*

Ms. McKinley-Smith: I would like to read something from *WORKING AT THE ROOTS* Taken from a speech in 1884 to a national meeting of state school superintendents by George Angell, founder of the Massachusetts SPCA.

“Nearly all the criminals of the future, the thieves, burglars, incendiaries, and murderers, are now in our public schools, and with them the greater criminals who commit national crimes. They are in our public schools now, and we are educating them. We can mold them now, if we will. We may teach a child to shoot a little song bird in springtime, with its nest full of young, or we may teach him to feed the bird and spare its nest. We may go into the schools now and make neglected boys merciful, or we may let them drift, until as men, they become lawless and cruel.

I am sometimes asked, "Why do you spend so much of your time and money in talking about kindness to animals, when there is so much cruelty to men?" And I answer, "I am working at the roots." I declare that just so soon and so far as we pour into all of our schools the songs, poems, and literature of mercy towards these lower creatures, just so soon and so far shall we reach the roots not only of cruelty but of crime."

Ken Hoefle, 36683 Valley Ridge Drive, Eastlake

Mr. Hoefle: I would like some clarification – what is the policy as far as the removal of an animal that died on private property? I have been told one thing earlier in the year and I read something just recently and I would like to see what is the policy with the City in regards to this. I had a situation where I had a deer in the back of my property earlier in the year that had to be put out of its misery and I was asked told I had to remove it from the creek which is a forty foot drop, drag it up out of the creek to the street – then the City would remove it. I don't think any homeowner should have to be doing that. I just want to find out what the policy is so everyone is aware of it.

Mr. Elshaw: I think Mr. Matheke had looked into this with Mr. Semik.

Mr. Matheke: I sent him an email yesterday.

Mr. Semik: In regard to deer. They are a problem. When they are on private property – especially in a ravine it is a difficult call. I am against moving an animal on private property because we could damage the property. I am talking about sprinklers, lighting, sanitary storm lines – we may do the damage with a backhoe and incur additional cost. *Inaudible* Deer are not very bright – if we had workers put it out of that ditch we could be looking at an injury to my employees. So, it is a case by case situation. In your case the deer was pretty far down in the ravine. When most animals die they go to *inaudible* unfortunately it can be on private property. How do we extract them out of there – I don't have a set policy. A small animal is disposed of by the Police Department and picked up by the Service Department – when it comes to deer it is a little bit different. It is a case by case basis. We had an incident last year where we would have used a backhoe – there were hidden objects in the way and it caused some serious damage. When it comes to deer we will monitor it on a case by case basis. It is a difficult call – we will do the best we can. Once they are moved we bury the deer.

Mr. Hoefle: If the deer had died on my property from natural causes – I understand it is the homeowner who is responsible for getting it out of the creek. But, a Police Officer had to put it out of its misery – should it not be the responsibility of the City to get it out of there? I was told that I had to get it out of there – after calls finally the City did remove it. If the City has to put it out of its misery it should be responsible by whatever means they need to remove it. I am wondering also what the time frame is to get it out of the creek – or any animal on private property – do they do it right away or does it have to sit there all day. I want to make sure everyone understands the policy when we have something.

Mr. Elshaw: We will discuss the general guidelines and you can discuss it more after the meeting. General guidelines – if it is smaller animal – put it in a bag?

Mr. Semik: Bag it and put it out on the tree lawn and call us and we will pick I up. Larger animals like deer or fawn – notify us – we will get someone out there relatively quick.

John Sima, Chairman, Eastlake Port Authority

Mr. Sima: Over the last few years we have been lax about communicating with everyone in the City. My goal is to give a report to Council at regular intervals. As to what is going on with us right now. We have done minimal dredging this year - due to the high water we have not spent much dredging money. We are suffering right now because we are hoping to get our money from FEMA for the 2006 flood. Funds have been tight for the last 12-18 months

because of that. We are close to getting the money by the end of the month. The operations at the fishing pier are going well very – I would like to thank the Service Department for helping fix up the parking lot – that is going well. I think everyone in the Community is making good comments about the canoe livery being run by the launch ramps. We have had a good response and people really enjoy it. It brings a little bit more recreation to the City. Council has helped with funding a little bit – we made big progress with breaking the ice the last couple of years – it is tremendously helpful in preventing flooding. One thing I am very excited about that we have not talked about in public too much – we are down to the final stretch – the Port Authority is in the process of purchasing Anchor Island on the river. Our real goal to get this is – we want to preserve it for nature which is part of the program and also we feel the erosion of that island is severely affecting the river and causing severe silt. Once we obtain possession we will be able to do some shoring up and whatever process it will take to protect against erosion – which will probably be stone on the banks. With the help of Ms. Brennan of the Chagrin River Watershed Partners we are getting a Coastal Management System Grant for about half the cost of the island and then the other half will be coming from Lake Metro Parks Conservancy easement. It is literally costing us virtually nothing to get ownership of the island. Part of the sale agreement is a conservation easement along with Lake Metro Parks – we will give them a management agreement to run it – so it will be run by the Metro Parks. We are excited about it and feel it is a great step forward for the Port Authority.

Mr. Lajeunesse: I wanted to say – Mr. Sima, I appreciate your time this evening – I called you a few weeks ago with the suggestion to have you come before Council and the Administration to share some thoughts as Chair person of the Port Authority – and, as City Council liaison to the Port Authority you are quite active and I felt it was time some of the good things you have done for the City and the river area should be brought up. I appreciate your involvement.

There was no one else who wished to speak.

LEGISLATION PROPOSED - First number will be 2009-073

ORDINANCE NO.: 07-14-(01)

Sponsored by: Mr. D’Ambrosio

An Ordinance authorizing the issuance of a Conditional Use Permit to Fire Station Parking & Storage, Inc., Earl Hamm, agent, 1341 East 354<sup>th</sup> Street, Eastlake, Ohio, 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: There was no Motion to adopt.

Legislation No. 07-14-(01) fails.

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Requested by: Administration  
Sponsored by: Mr. Morley

RESOLUTION NO.: 07-14-(02)

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 suspend the rules requiring separate readings and reading in full. .

Motion carried. Legislation No. 07-14-(02) is placed on First Reading.

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Requested by: Administration  
Sponsored by: Mr. Matheke

RESOLUTION NO.: 07-14-(03)

A Resolution authorizing and directing the City Engineer's, C.T. Consultants, Inc., to advertise for bids for the South Lakeshore Boulevard Improvements Project, said bids to be in accordance with plans and specifications on file in the Office of the City Engineer, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-073.

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Requested by: Administration  
Sponsored by: Mr. Matheke

RESOLUTION NO.: 07-14-(04)

A Resolution authorizing and directing the City Engineer's, C.T. Consultants, Inc., to advertise for bids for the Quentin Road Pump Station Project, said bids to be in accordance with plans and specifications on file in the Office of the City Engineer, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-074.



Requested by: Administration  
Sponsored by: Mr. D'Ambrosio

ORDINANCE NO.: 07-14-(05)

An Ordinance vacating a portion of land in the City of Eastlake, Ohio Right-of-Way adjacent to 37 Pinehurst Boulevard, Eastlake, Ohio, 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. 2009-075.

Requested by: Administration  
Sponsored by: Ms. Vaughn

ORDINANCE NO.: 07-14-(06)

An Ordinance amending Section 141.02 Citizens' Recreation Advisory Committee" 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: Ms. Vaughn moved to adopt. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2009-076.

Requested by: Administration  
Sponsored by: Mr. Knuchel

RESOLUTION NO.: 07-14-(07)

A Resolution authorizing and directing the Mayor and Director of Finance to accept a grant from the Department of Justice Edward Byrne's Memorial Grant in the total amount of Fifteen Thousand Nine Hundred Five Dollars (\$15,905.00), said grant to be utilized for Five (5) cameras to be installed in the City of Eastlake Police Department Cruisers, 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 unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-077.

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Requested by: Administration  
Sponsored by: Mr. Knuchel

RESOLUTION NO.: 07-14-(08)

A Resolution authorizing and directing the Mayor and Director of Finance to purchase through the State of Ohio Purchasing Program, One (1) Cogent Systems Criminal Livescan Fingerprinting System for the City of Eastlake Police Department for an amount not to exceed Fourteen Thousand Eight Hundred Ninety-Nine Dollars (\$14,899.00) with said amount to include the Interfase charge of One Thousand Dollars (\$1,000.00) for a total amount of Fifteen Thousand Eight Hundred Ninety-Nine Dollars (\$15,899.00), and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-078.

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

RESOLUTION NO.: 07-14-(09)

A Resolution rescinding Resolution No. 2009-055, adopted May 26, 2009, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-079.

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Requested by: Administration  
Sponsored by: Mr. Knuchel

RESOLUTION NO.: 07-14-(10)

A Resolution authorizing and directing the Mayor and Director of Finance to purchase through the State of Ohio Purchasing Program, One (1) Caterpillar Model D100-6 Standby Generator Set for the City of Eastlake Police Department for the total amount of Thirty-One Thousand Six Hundred Eighteen Dollars (\$31,618.00), and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-080.

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Requested by: Administration  
Sponsored by: Mr. Knuchel

ORDINANCE NO.: 07-14-(11)

An Ordinance Providing for the Funding of the Defeasance and Optional Redemption of Certain of the City's Taxable Capital Facilities Bonds, Series, 2002; Providing for the Funding of the Optional Redemption of Certain of the City's various purpose bonds, Series 2004; authorizing and Directing the Call for Optional Redemption of Certain of the Outstanding Bonds of those Series; Authorizing Execution and Delivery of an Escrow Agreement, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2009-081.

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Requested by: Administration  
Sponsored by: Mr. Knuchel

RESOLUTION NO.: 07-14-(12)

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: There was no motion to suspend the rules requiring separate readings and reading in full.

Legislation No. 07-14-(12) is placed on First Reading.

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Requested by: Ordinance Committee  
Sponsored by: Ms. Vaughn

RESOLUTION NO.: 07-14-(13)

A Resolution authorizing and directing the Mayor and Director of Finance to pay a one-time payment in the total amount of Five Hundred Dollars (\$500.00) to all full time Eastlake employees covered under City Ordinance 155 "General Administration," and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-082.

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LEGISLATION PENDING (Placed on First Reading 06/09/09)  
(Placed on Second Reading 06/23/09)

ORDINANCE NO.: 06-09-(05)

Requested by: Eastlake Economic &  
Community Development Council  
Sponsored by: Mr. D'Ambrosio

A Resolution approving the City of Eastlake 2009 Comprehensive Plan, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2009-083.

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(Placed on First Reading 06/23/09)

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 suspend the rules requiring separate readings and reading in full.

Legislation No. 06-23-(01) is placed on Second Reading.

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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 want to thank several residents who stuck around for the rest of the Council meeting. You often hear a lot of negative but in my report I am going to point out a couple of positive things that the City of Eastlake has done. The fireworks display at the stadium was very successful – the Captains estimated 6,000 people were on the inside of the stadium and another 1,000 or more were on the outside of the stadium. I received many, many positive emails and phone calls – even some people wrote cards – and, also for the fact that it was a good family event. The second positive thing for the City of Eastlake – we had 7,500 people at the stadium on Saturday night enjoying the concert. Again, the Captains estimated about 7,500 – great show – great use of the stadium. This morning we received a check for \$38,800 which represents our 8% admissions tax that was instituted several years ago and the \$.25 CRIF fund. Additionally, we netted \$5,800 in parking revenue. The concert alone brought in a little over \$44,000 which we will use to continue to pay down the stadium debt. The Eastlake Home Days is scheduled for the Wednesday thru Sunday at the corner of Erie Road and Lakeshore Blvd. I understand there will be 24 ride vendors this year and a lot of kiddie rides – which is what people requested last year. The usual vendors – food items, entertainment, Monte Carlo. We reached an agreement with ODOT – very significant for the City – many people said you cannot fight with ODOT – the agreement will allow us to build a new plaza where right now sits a junk yard – a old used car lot and old house and a very nice bar – Beanies. I am sure she will be well taken care of. The agreement will allow a deceleration on S.R. 91 – we will keep the two lanes of traffic moving. The developer will be building a new road to connect S.R. 91 with East 354<sup>th</sup> Street that will allow those entering that plaza to enter it without having to go on Vine Street with entrance from the back of the Plaza and exit onto S.R. 91 and East 354<sup>th</sup> Street. There will not only be a new big Walgreens for our City but other significant retail. So, you can picture now we will have from Vine Street, S.R. 91 all the way to the new building Biago's is putting up – new development – new growth for the City. Also, Council passed the legislation tonight for South Lakeshore Blvd. – we received a grant for \$512,000 and the residents on that street have been very patient to work with us. We had a meeting several months ago and asked them to be patient as we were applying for a grant and we would do the entire street at once

instead of piece-mealing it. All the patience and work with C.T. Consultants enabled us to get the maximum value for the grant. One half million dollars will come to Eastlake which will not have to come out of the General Fund. Also, the Quentin Road pump station – this is 20 years old and is causing flooding problems for those residents – that pump station will be replaced. We received a \$314,000 grant from the State of Ohio and a \$150,000 zero percent loan – this will be the last big pump station that we have fixed – it will make all the pump stations in Eastlake, except for three little ones replaced – which all had significant dollars in State grants – money not taken out of the General Fund. The fishing pier – Mr. Semik and I went there last week – we used some of our Community workers and summer help to clean up the fishing pier. We have a commitment from Mr. Semik that any extra asphalt will be used to try to pave that. Lastly, I would like to thank Council for their help over the last four years – I sometimes don't think that the people of Eastlake – a lot do but sometimes they don't - realize the significance of the planning and execution that went into paying off of the stadium debt. This plan was conceived five years ago – in 2004 with the stadium naming rights – in working with Council a strategy was devised – that was to get the naming rights. Mind you the previous Administration in three years did not get the naming rights – we got it in six months. We also refinanced short term debt – for many of you who understand what short term debt is - the City was paying year to year interest only loans on that stadium. We took those interest only loans and with the help of our former Finance Director, Mr. Slocum, we put them into long term bonds. We put on a five-year call feature – we paid a little extra interest but we were able to pay off the bonds in the fifth year and thereafter. So, with that plan in place we also went after the Transportation Bill money – which was not a guarantee - and with the help of Mr. Gwydir and the late Mr. Guard the data was put together to get the Transportation Bill money from the Federal Government. It is in my office – I kept it from that day – for someone who says that this stuff just fell into place and the people here in Eastlake – the Mayor and Council – did very little work – it just kind of fell into our laps – are sorely mistaken. It took a great deal of effort and a great deal of work to get the money that was promised to us. Those monies went into a special fund – the fund was not touched – the money was saved – and, now we are able to pay off \$10 million of stadium debt. As a result of that we will save another \$10 million. It is like paying off your home mortgage – you not only save the interest but also cut down on the amount of the loan. We have removed six years of loan payments. Mr. Knuchel and Council President Elshaw said some nice words – it took a lot of work and a lot of planning by this Council and the Administration to put this plan and it is nice to see that in a few weeks it will come to fruition.

This concludes my report and I open for questions.

Mr. Elshaw: Regarding the bond retirement – one last comment on that. I cannot help but not thank also the help of former Mayor George Spinner and former Council President Mr. Chuck Hillier – they also put in a lot of effort in the beginning. It was a tremendous effort all around.

There were no questions of the Mayor.

LAW DIRECTOR – Randy Klammer

Mr. Klammer: My condolences to Mr. D'Ambrosio. Council President, it was surprising that you are not going to run and it is certainly a disappointment to say the least. When I think back to what you brought to this Council what stands in my mind was the way you responded to every debate with something to the effect of – “That is a good point but here is my perspective” – or – “I can see that point – here is the way I look at it.” Your response to

other viewpoints was always considerate and sincerely appreciative of other people's comments. It shows the kind of leader you are. You will be sorely missed but I think you are leaving this Council in a better position than when you came on. The other comment I have is – what you folks have accomplished with the defeasance of these bonds – there has been no other municipality in Lake County who was faced with the challenges that this Mayor and Council was faced with. You overcame those challenges to the point where we are now on the road to prospering again and I congratulate you all. This concludes my report and I am open for questions.

Mr. Matheke: Mr. Klammer, can you expound on where we are with the Tesar walk-through?

Mr. Klammer: Mr. Tesar had a draft that was circulated –and as of last week he sent me an email in which he must have been having a bad day. I forward some of those since he seemed to have reversed course. He has since then reversed his course again – if I understood his email – that we can move forward to getting that pathway and as recently as the beginning of this Council meeting I sent him an email to indicate he tell us what he needs – does he want change. I kept it to a pretty brief lease agreement and I hope it will be okay and I hope to get a response so we can move forward.

There were no further questions of Mr. Klammer.

FINANCE DIRECTOR – Brian Condron

Mr. Condron: We are in the process of closing up the month of June – you should have the report in your Council packets this week. 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: The latest equipment for skate boarding has been installed and is being utilized. The asphalt paving program is coming to an end – we have one street left at Jennison which we will pave on Monday. We are looking at paving at the seawall and this will be completed after Jennison is. We are also continuing our Dura Patching program and we are concentrating on the concrete road program – all the concrete is being done right now in-house by our crews. This concludes my report and I am open for questions.

Mr. Knuchel: It is nice to see the fountain at Classic Park is up and running again. I would like to thank your guys for the hard work in finding all the leaks.

Mr. Semik: There were four.

Mr. Knuchel: I am aware – I was down there. Also, concerning Classic Park – I understand they are presently experiencing difficulties with their backup generator. Can you provide details on where that is at?

Mr. Semik: The backup generator is malfunctioning *inaudible* – it is used primarily for emergency exit lights - it does not interfere with anything else – it is for exit lighting out of the stadium. I have some information which I can forward.

Mr. D’Ambrosio: Mr. Semik, I know you said the asphalt paving is coming to a close – the Service Department is going to do the section on East 357<sup>th</sup> in-house?

Mr. Semik: That is correct.

There were no further questions of Mr. Semik.

CHIEF BUILDING OFFICIAL – John Stigalt

Mr. Stigalt: We have been busy with grass. We have been assisting with the energy packages that are out there. I would like to remind everyone to make sure they speak with an accountant to see if they are eligible credit for the energy savings devices – there are stipulations involving this. The owner of Lakeshore Plaza is still taking with Dollar General about the construction of the building – they have come up with another preliminary draft of the site plan which they will be forwarding over to me and Mr. Gwydir to look at to try finalize that. This concludes my report and I am open for questions.

Mr. Morley: Is someone looking into opening the Chagrin Tavern again?

Mr. Stigalt: Not that I know of.

Mr. Morley: I have seen a lot of activity over there. Maybe it is the owners of the building doing stuff.

Mr. Morley: There have been no inquiries on that building.

There were no further questions of Mr. Stigalt.

CITY ENGINEER – Tom Gwydir

Mr. Gwydir: We have been working the past couple of weeks with the Mayor on the proposed development of the east corner of S.R. 91 and Vine Street. *Inaudible* We are wrapping up the pump station projects and moving forward to get the documents completed to go out for Quentin and South Lakeshore Blvd. We are working with ODOT on several items on the City-wide signalization. I would also like to note that from time to time – whether it is in this venue or a Committee meeting or otherwise I have received kind words from the Mayor and yourself – I would like to note that it is a privilege and a pleasure to be a service to the City and even more so when it results in grants and loans for improvements and I certainly appreciate the ability to serve. This concludes my report and I am open for questions.

There were no further questions of Mr. Gwydir.

POLICE CHIEF – John Ruth

Chief Ruth: Mr. President, your announcement of not seeking your position is a shock to me also – I have worked with you on Council for the last several years – you certainly brought a lot of civility and insight and we will certainly be a loss with your departure. The Police Department is having a Community Appreciation Day at Surfside Park on Friday – hosted by



PAL. I appreciate the help with the transition of the legislation tonight – it will help us move forward. I think all has been said about the *inaudible* with the policy complete. This concludes my report and I am open for questions.

There were no questions of Chief Ruth.

FIRE CHIEF – Ted Whittington

Chief Whittington: On Thursday afternoon with the help of Mrs. Alford and Lt. Williams and myself we submitted hopefully for a grant for the fire station through FEMA. Countless of hours went into it – regardless of the outcome of the grant we gave it a good shot. Councilwoman Vaughn also supported our efforts and we appreciate her help. We did receive a grant for \$3,500 – Lt. Williams wrote it – we get \$3,500 every year with the money being used for items for the ambulance. Regarding the concert, I worked with Chief Ruth and Lt. Garbo and to make sure all went well with the concert – and the support of the Service Department. *Inaudible* This concludes my report and I am open for questions.

Council President Elshaw, I have known you a long time – we grew up together – I can't say enough about you – you are a credit to the Department – we are definitely going to miss everything you have done for us.

There were no questions of Chief Whittington.

ADJOURNMENT

The meeting was adjourned at approximately 9:34 p.m.

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DEREK W. ELSHAW, COUNCIL PRESIDENT

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

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