

**EASTLAKE CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
MARCH 25, 2008**

The Regular Meeting of the Eastlake City Council was held at Eastlake City Hall, 35150 Lake Shore Boulevard. The Meeting was called to order by Council President Mr. Elshaw at approximately 7:49 p.m.

The Pledge of Allegiance was led by Mr. D'Ambrosio.

ATTENDEES

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

Those attending from the Administration were Mayor Andrzejewski, Finance Director Mr. Condron, Law Director Mr. Klammer, and City Engineer Mr. Gwydir.

APPROVAL OF MINUTES

COUNCIL-AS-A-WHOLE COMMITTEE WITH ADJOURNMENT INTO EXECUTIVE SESSION – MARCH 11, 2008

MOTION: Mr. D'Ambrosio moved to approve the minutes of the Council-as-a-Whole Committee Meeting with adjournment into Executive Session of March 11, 2008. Mr. Morley seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The minutes were approved.

REGULAR COUNCIL MEETING – MARCH 11, 2008

MOTION: Mr. D'Ambrosio moved to approve the minutes of the Regular Council Meeting of March 11, 2008. Mr. Lajeunesse seconded.

ROLL CALL: Yeas unanimous.

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, April 8, 2008 at 7:00 p.m. The Regular Council Meeting is scheduled for Tuesday, April 8, 2008 at 7:30 p.m.

COMMUNICATIONS & PETITIONS

A communication was received from the Administration requesting to go out for bids for carpet for the JFK Senior Center and to go out for bids to upgrade or replace the windows at the JFK Senior Center. This was referred to Recreation Committee.

An Ordinance was received from the City of Willoughby amending the sanitary sewage system charges, specifically the surcharge for extra-strength wastes. This was referred to Ordinance Committee.

A communication was received from Fire Chief Sabo concerning the Fire Ambulance Trust Fund. This was referred to Finance Committee.

A communication was received from the WPCO requesting legislation to access the replacement fund for the replacement of the programmable logic controller and the heated sample system at the Continuous Emissions Monitoring System at the WPCO Plant. This was referred to Service/Utilities Committee.

### COUNCIL COMMITTEE REPORTS

#### PLANNING COMMITTEE – Mr. D’Ambrosio

Mr. D’Ambrosio: The Planning Committee met on March 19<sup>th</sup> at 6:00 p.m. with himself and Mr. Knuchel in attendance from the Committee. Committee member Mr. Zontini was absent and excused. In attendance from Council were Mr. Lajeunesse, Ms. Vaughn, Mr. Morley, and Council President Mr. Elshaw. In attendance from the Administration were City Engineer Mr. Gwydir, Finance Director Mr. Condon and Law Director Mr. Klammer. The Committee discussed two Conditional Use Permit Renewals with both being moved forward – one was for Eastlake Marathon and the other was for C & C Auto Repair. The third item on the agenda was the request to vacate City right-of-way adjacent to 38 Pinehurst – this matter was also discussed in the Council-as-a-Whole meeting.

Mr. D’Ambrosio made the following Motions:

#### Conditional Use Permit Renewals

##### Eastlake Marathon

MOTION: I hereby move to approve the Conditional Use Permit Renewal for Eastlake Marathon, 33650 Vine Street, Eastlake, Ohio. Mr. Knuchel seconded.

Roll Call: Yeas unanimous.

Motion carried. The Conditional Use Permit Renewal for Eastlake Marathon is approved.

##### C & C Auto Repair

MOTION: I hereby move to approve the Conditional Use Permit Renewal for C & C Auto Repair, 35760 Lakeshore Blvd., Eastlake, Ohio. Mr. Knuchel seconded.

Roll Call: Yeas unanimous.

Motion carried. The Conditional Use Permit Renewal for C & C Auto Repair 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 March 17<sup>th</sup> to discuss the budget which was the only item on the agenda. The budget was moved forward. I would like to take this opportunity to thank all involved in the budgeting process – Mr. Mayor, Mr. Condrón, all the Council members who spent three long meetings discussing and revising this budget. There was a lot of time spent on it and I appreciate it. This is a conservative budget – there were many reasons for this including Union contract negotiations, costs for fuel and utilities, forecasts indicating a possible downturn in our National economy. With these things in mind the conservative approach seemed the best. From articles I have read in the News Herald most of our sister Cities in this general area are taking the same approach. We have come a long way since last year. We have emerged from Fiscal Emergency but we still presently do not have a Capital Improvement Fund or a Rainy Day Fund. We do have a cash carry-over. We have come a long way but I believe we should proceed with caution. With this current budget, depending on many factors, our carry-over into next year could be anywhere from \$65,000 to \$137,000 – this does not seem like very much considering we have a \$14 million budget. If we increase our spending anymore at this time we may be looking at deficit spending. There were two items brought up in this meeting that will be discussed at a later date. The first being the use of funds from the Fire Ambulance Trust Fund which Chief Sabo had kindly submitted more information on and this matter was referred into my Committee tonight. The second item was the Five-Year City Forecast of expenses and revenues. Those numbers will be adjusted to reflect the adjustments made in the budget. Our full attention needs to be focused on these two items – that is why we decided to take them out and view them separately. Items in the 2008 General Fund budget that were not included in the 2007 budget or paid for by other means were salaries of two police officers, a Port Authority grant, money to keep the mouth of the river open and clear of ice during flooding situations, Chagrin River Watershed Partners, demolition for Surfside Pool, and a Building Inspector moving from part-time to full-time. The last item was – we have three pump stations that will be fixed this year – Robin, Forest and King Drive. According to our Finance Director we should not have to raise the garbage fee for the three-year contract period that we are presently in – the third year is iffy from what I understand. Caution was also recognized when looking at our revenues – especially in the delinquent tax collection area because a lot of these delinquent taxes are one-time revenues and they cannot be counted for in the future budgeting process. The budget will move forward with the changes mentioned by Mr. Elshaw earlier.

Mr. Knuchel made the following Motion:

Legislative Recommendation

MOTION: I hereby move to add Legislation No. 03-25-(07) to the evening's agenda authorizing and directing the Mayor and Director of Finance to enter into an Agreement with the Village of Timberlake to provide wastewater conveyance, treatment and disposal services. Mr. Morley seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation No. 03-25-(07) is added to the evening's agenda.

Additional Comments

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

There were no questions of Mr. Knuchel.

ORDINANCE COMMITTEE - Ms. Vaughn

Ms. Vaughn: The Ordinance Committee met on March 19<sup>th</sup> with herself, Mr. D'Ambrosio and Mr. Morley present from the Committee. In attendance from Council were Mr. Lajeunesse and Council President Mr. Elshaw. In attendance from the Administration were Law Director Mr. Klammer, Finance Director Mr. Condron and City Engineer Mr. Gwydir. The Committee discussed a proposed amendment to City Ordinance 125.09 "Financial Disclosures." After discussion the changes were recommended and moved forward and appear on the evening's agenda as Legislation No. 03-25-(02). This concludes my report.

Ms. Vaughn made the following Motion:

Legislative Recommendation

Legislation No. 03-25-(06)

MOTION : I hereby move to add Legislation No. 03-25-(06) 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 set of oxygen masks for use on animals to be used by the City of Eastlake Fire Department. Mr. Morley seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation No. 03-25-(06) is added to the evening's agenda.

There were no questions of Ms. Vaughn.

SERVICE/UTILITIES COMMITTEE – Mr. Zontini

Mr. Zontini was absent and excused.

Acting Service/Utilities Chair Mr. Morley: The Service/Utilities Committee met on Wednesday, March 19<sup>th</sup> at 6:30 p.m. with himself and Mr. Lajeunesse present from the Committee. Committee Chair Mr. Zontini was absent and excused. Also in attendance were Council members Mr. D'Ambrosio, Ms. Vaughn, Mr. Knuchel and Council President Mr. Elshaw. In attendance from the Administration were Service Director Mr. Semik, Finance Director Mr. Condron, Law Director Mr. Klammer and City Engineer Mr. Gwydir. The Committee discussed for items on the agenda – one being a bid advertisement for the 2008 Concrete Road Program which was discussed and moved forward to this evening's agenda. We also had the bid advertising for the 2008 Asphalt Road Program for which Mr. Semik advised this work would be done in-house – the item was removed from the agenda with no action taken. Also discussed was the bid advertisement for Robin, Forest and King Drive pump station construction for August – September, 2008 – this was discussed and moved forward. The Committee also discussed the proposed service contract for the Honeywell heating and air conditioning systems – this matter was held in Committee pending receipt of information from Service Director Mr. Semik after which we will decide if it should go out for bids or if there is some other way to do the HVAC in the City. There was nothing under Miscellaneous or Recognition of the Public. The meeting was adjourned at 6:51 p.m. This concludes my report and I am open for questions.

SAFETY COMMITTEE – Mr. Morley

Mr. Morley: The Safety Committee has not met since the last regularly scheduled Council meeting and nothing is pending in Committee. There is no meeting scheduled. 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 officially met since the last regularly scheduled Council meeting. However, Service/Recreation Director Mr. Semik and I met with the volunteer sports league programs representatives and presidents – had some discussions and answered some of their concerns. We plan to meet again in about a month and in the meantime will try to address some of their concerns. One of the opportunities they thought was pretty important to a couple of the leagues was the Bruce Yee Park – the under utilization of Bruce Yee Park – I believe Mr. Semik is going to be working with a couple of leagues to utilize that – the Eastlake Youth Baseball League will be putting some money into that area. That says a lot for volunteers who raise those funds and I thank the residents for those donations. Also, at our last Finance Committee meeting I had mentioned I would do some research regarding other financing opportunities – the Community Development Block Grant can be used for the demolition of the Surfside Pool in place of the playground equipment – that can take place with just the matter of a letter from the Council President and the Mayor. There are also other opportunities for funding – by freeing up that \$8,000 we can put it towards the surveillance system for Jakse Park which has a lot of vandalism going on. These are just some of the opportunities. I believed when we have money coming out of the General Fund if there are other opportunities to seek other ways we should do so. Also, at the next Council meeting we will be recognizing Mr. & Mrs. Marchand of Resource Imaging, LLC who will be presenting quite a large check to the K-9 Unit and I believe they want to make this an ongoing contribution for the next couple of years. Donations still are coming in. Also, on August 7<sup>th</sup> there will be a fundraiser at the Captains in regards to the K-9 Unit and there will be more details on that later. This concludes my report and I am open for questions.

Mr. Lajeunesse made the following Motion:

Fee Waiver Request

MOTION: I hereby move to approve the Fee Waiver Request for the B.A.T. Girls for use of the Community Center on Saturday, May 17, 2008 for a fund raiser for the Susan G. Koman Breast Cancer 3-Day. Mr. Morley seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The Fee Waiver Request is approved.

There were no questions of Mr. Lajeunesse.

## 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.

### Marie Habat, 1319 Hulett Avenue, Eastlake, Ohio

Ms. Habat: I have lived in Eastlake 59 ½ years – I am here to speak for having renter’s inspections and incorporating into that making sure that renters are required to carry renters insurance. I live next door to rental property. As you are aware there are over 1,100 homes in Eastlake that are rental properties. Are you aware that, as a homeowner, when you carry your own insurance – the house next to us caught fire – they are renters and the smoke from that fire could be seen all the way to Willoughby. When we called 911 Eastlake responded immediately. Officer Clayton was the first to arrive and get the people out of the house and I wanted to give him kudos because the teenage boy tried to run back towards the fire so that officer had to go back and get that boy. Not only was the garage on fire – two cars were totally engulfed in flames. On the side of my house almost from the front to the back of the house to the back of my yard was burned. The side of my garage which is only three years melted. I have Nationwide Insurance which is here in Eastlake. The owner of the home had All State – the renters carried nothing. Unless you have suffered damage like we have you will find out the hard way that because they Eastlake Fire Department could not determine the cause of the fire there is no one to subrogate against. Of course, the renters – I call them transient and not in a demeaning manner – in two years there have been over six people move in and out of that house. I have lived there 18 years. When you suffer a damage like we did – the homeowner who lives in Ashtabula does not have to pay for my damage – my insurance company does. I must pay out of my pocket my deductible – I have replacement value but they depreciate your replacement value. My out of pocket is \$1,000 initially and I cannot sue regardless of what you may think – I cannot sue the owner of the house or the renters because they did not have any money but were getting out in less than a year. It is important to protect all homeowners and all the residents of Eastlake – I live here – I contribute – I take pride in this City. Renters do not have this. Now I know you are concerned about the senior citizens having to maintain their home but all you have to do is encounter something like me. My insurance cost used to be \$341 and is now \$485. I am not charged with the fire but because Nationwide Insurance had to pay off the claim they have the right to raise my rates. So, when you think about renters think about the homeowners and the resident homeowner who takes pride in the City. A lot of the landlords do not live in the City – there is no protection. Now, guarantee you the new renters do not carry renters insurance. They have two vicious dogs in the back yard, they plowed a stone driveway during the snow storm – I have my whole front yard filled with stone. When they had it plowed they did not think about the railroad ties along the side – they are sitting in the front of my yard. We have to clean it up. Who do I go after? Who is protecting me? Who thinks about the homeowner? To those on Council, especially those who voted against it or decided to shelve it for a while – rethink this – please. Do not talk to an insurance agent – talk to an insurance adjuster. They will explain the law and they will tell you every bit of information. Most of all I also wanted to say after this happened I was irate – we work hard – I am tired of improving my house and living next to a house that is not being maintained at the level it should be. The only one of you who responded back to me was Councilman Morley and for that I thank him and I appreciated it – not only did he talk to me on the phone - he came and spent a good 45 minutes at my house – he viewed the damage – he at least let me vent and I understand he was one who voted against it but if at any

time you are interested in seeing true facts I have nothing to hide. I think if I were you I would protect the people of the City of Eastlake.

Mark Elsing, 36360 Reeves Road, Eastlake

Mark Elsing: I am not here to thank you for being nice folks. You find more ways to take my money out of my wallet – the \$6.00 fee you are charging is ridiculous –I think we have other ways to bring the money to the City. It is not a matter of the \$6.00 – it is a matter of how this Administration is finding ways to nickel and dime me to death. Not only do I have to pay this but it will be put on a garbage fee I do not have a choice. I am getting tired of you people – this Administration finding ways to take my money. I have a few suggestions for you if you would like to raise money for the City. We have an empty grocery store over there – the one in Cleveland was turned into a Save-A-Lot – I think it is time to start looking into bringing in major, major stores or something in this City. You just bought seven new cars – none of them have logos on them – let’s sell the cars – we don’t need these cars. I do not know why it was passed to buy these cars – who is to say they are not being driven home at my expense? I think it is time you get rid of the cars. You can sit some police officers on Route 2 – I do not think it is necessary to put them on Reeves Road where they can catch City residents speeding. 90% of those residents are Eastlake residents that are cutting through there. This is not necessary. Other cities make tons on money putting police officers on those highways. Not only are you stealing my money you are collecting more money from the residents. Don’t you guys have any smarts here? I would also like to make one other comment about our Police Force. On March 15<sup>th</sup> I had a major accident on my front yard – someone hit a telephone pole going 35 mph. The police responded fast – when the police stopped them the fellows took off – there were four cops out there as fast as I can remember. I have never seen the City respond to something so fast. But, to their discredit the next day there were parts of that car and all kinds of junk on my driveway. I called the Police Department about 8:00 a.m. and someone answered the phone – I got disconnected – I called back and got an officer named Christian. I asked why my yard was not cleaned up – he said he would file a complaint and it would be taken care of Monday but I should just go out there and clean it up. I don’t think so. I got the name of the towing company and they were out there in one half hour – why could the Police Department not do this for me? This is ridiculous. We pay them \$80,000 and they do sit in an office – they won’t even be out on the highways. Let’s get real – it is time you start bringing money where you need to bring it in and quit spending it where you don’t need to spend it. If you have enough money to sit here and sue Timberlake for not paying their water bill you have enough money to not charge me the \$6.00. I think the City is regressing back to the old days instead of progressing. It is time we start realizing that you should not be stealing our money – let’s go out and get other people’s money on those highways.

Kim Evers, 34137 Beachpark, Eastlake, Ohio

Mr. Evers: I am also here about the letter all residents received. I am not going to question the amount you but I am going to question and I would like some answers. The letter was not signed by anyone – it was sent out by a Finance Director who has no authority to collect any money in this City, unless directed by the Mayor or the Council. My next question is it leads us to believe the EPA is mandating this – the EPA mandates you must take action but not about the amount. My third question is did Council approve this? My final question will be what is the money earmarked for? The letter said for future projects. I called the Finance Department and they said that fund could raise \$20,000 - \$30,000 per year –for what? It brings back a memory of – “Trust me, there will be no City funds used to build the stadium.” If we are going to earmark this

money for storm water management then it is Council's responsibility to work with the Administration and the Finance Department to earmark that money and specifically put it into fund so it cannot be used for any other purpose but that. The letter says for future projects but it does not say what kind of projects. And, for years I have been after the Administration to help with the dredging to help alleviate some of the flooding. The City has not been able to do that – now we are going to collect money.

Mayor Andrzejewski: Council did pass legislation and there is a specific line item where that money goes – it can only be used for storm water management programs. What that letter does not say is the Storm Water Management Program was mandated by the EPA. It was mandated 3-4 years ago and we have stalled to this point – our other choice would have been to join the County Storm Water Management Program – their fee would have been \$10.00 for households and the late Steve Guard advised not to do it because we would get nothing from the County. So, when the letter says for future projects – that is exactly what it is going to be used for – for future storm water management projects and that is it – it cannot be diverted to any other fund and cannot be diverted in any other way. The budget Council will pass tonight has a specific line item for that. We wanted to let the residents know what is going on rather than just letting them see a \$6.00 charge on their garbage bill – it is a yearly charge – it is \$6.00 per year and will raise about \$30,000 which will probably be a drop in the bucket of what we need to do the storm water requirements – what we have to do to comply. We thought it would be better use of the money to charge less than the County to do what we had to do.

Mr. Knuchel: We did appropriate money this year for the Port Authority - \$15,000.

Mr. Evers: This is a good start – I don't question the amount – there are many open questions – that is all.

Doug Fogel, 35517 King Drive, Eastlake

Mr. Fogel: I emailed Mr. Knuchel and the Mayor the storm sewer in front of my property being blocked with snow. He said he would pass the information onto Mr. Semik to get the problem solved. Why was it not taken care of?

Mr. Knuchel: I received an e-mail from Mr. Semik saying the problem was taken care of. I will forward that to you.

Mr. Fogel: No one showed up – my neighbor's son has to shovel the snow away.

Mr. Knuchel: Is that on private property?

Mr. Fogel: It is.

Mr. Knuchel: That may have had something to do with it. I will contact Mr. Semik and do a follow-up. I assumed that when I get an e-mail from the Service Director saying the problem was looked at and taken care of that it is indeed taken care of. I am sorry. If you need to contact me again please feel free to do so.

There was no one else who wished to speak.



LEGISLATION PROPOSED - First number will be 2008-016

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

ORDINANCE NO.: 03-25-(01)  
An Ordinance vacating a portion of  
land in the City of Eastlake, Ohio  
Right-of-Way adjacent to 38 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. Lajeunesse seconded.

ROLL CALL: Yeas unanimous.

MOTION TO AMEND: Mr. D'Ambrosio moved amend Legislation No. 03-25-(01) authorizing the vacation of a portion of land in the City of Eastlake, Ohio Right-of-Way adjacent to 38 Pinehurst Blvd., to include the added verbiage by the City of Eastlake Law Director. Ms. Vaughn seconded.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2008-016.

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

ORDINANCE NO.: 03-25-(02)  
An Ordinance amending City Ordinance  
Chapter 125 "Department of Finance",  
specifically Section 125.09 "Financial Disclosure,"  
of the Codified Ordinances of the City of Eastlake,  
and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2008-017.

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RESOLUTION NO.: 03-25-(03)

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

A Resolution authorizing and directing the Director of Public Service to advertise for bids for the 2008 Concrete Street Repair and Replacement Program, said bids to be in accordance with the specifications on file in the Office of the Director of Public Service, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2008-018.

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RESOLUTION NO.: 03-25-(04)

Requested by: Administration  
Sponsored by: Mr. Zontini

A Resolution authorizing and directing the City Engineer's, C.T. Consultants, Inc., to advertise for bids for construction projects involving the Robin/Forest/and King Drive Pump Stations, 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. Morley moved to suspend the rules requiring separate readings and reading in full. Mr. D’Ambrosio seconded.

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2008-019.

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ORDINANCE NO.: 03-25-(05)

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

An Ordinance to re-appropriate for the expenses of the City of Eastlake, State of Ohio, for the period beginning January 1, 2008 and ending December 31, 2008, 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 Ordinance No. 2008-020.

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Requested by: Fire Chief Sabo Sponsored by: Mr. Morley	<u>RESOLUTION NO.: 03-25-(06)</u> A Resolution authorizing and directing the Mayor and Director of Finance to accept on behalf of the City a donation of a set of oxygen masks for use on animals to be used by the City of Eastlake Fire Department, and declaring an emergency.
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MOTION: Ms. Vaughn moved to suspend the rules requiring separate readings and reading in full. Mr. Morley seconded.

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2008-021.

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Requested by: Administration Sponsored: Mr. Zontini	<u>ORDINANCE NO. 03-25-(07)</u> An Ordinance authorizing and directing the Mayor and Director of Finance to enter into an Agreement with the Village of Timberlake to provide wastewater conveyance, treatment and disposal services, and declaring an emergency.
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MOTION: Mr. Morley moved to suspend the rules requiring separate readings and reading in full. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2008-022.

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### LEGISLATION PENDING

There was no Legislation Pending.

### UNFINISHED BUSINESS

There was no Unfinished Business.

### NEW BUSINESS

There was no New Business.

### ADMINISTRATIVE REPORTS:

#### MAYOR/SAFETY DIRECTOR – Ted Andrzejewski

Mayor Andrzejewski: I would like to read a statement on my thoughts about the budget.

“The Administration would like to state to the residents of Eastlake, especially the youth of our City that the Administration had submitted as part of the budget a request for funds to repair and reopen one pool, Jakse Pool, for 2008. I am disappointed that Council has decided not to approve the money to reopen the pool. Once again for another summer the young people of our City will not have a City pool to go to when temperatures reach 85 or 90 degrees. In addition it leaves the entire park area open to further vandalism and misuse. I am sure that the residents surrounding the pool area will not be pleased with Council’s action and will once again call this year about young people of our City hanging out and causing problems. It is further disturbing to me in this year’s budget that Council has allocated another \$175,000 to reduce stadium debt. This is in addition to the approximate \$1.1 million that we need pay each year to pay the stadium bond payments. We did not need additional money to go to the stadium debt. Instead, in my opinion it should have been used to open the pool. One of the things that young families look at when looking to move into a City is the type of recreation programs including the pool that the City has. When they look at all of our surrounding cities we are the only city without a pool or for that matter any summer recreation programs except those provided by the sports leagues.

The Mayor and Finance Director recommended several items to be included in the budget to improve the level of services for our residents. We recommended an additional mechanic for the Service Department, another Building Inspector to speed up the permit and inspection time, and either another Policeman or a Dispatcher. We always talk about the need for economic development yet our request for an Economic Development person was also turned down. Yet when the Fire Department requested \$70,000 in overtime expense just for training it was not questioned except by the Administration, and it is included in this budget. I am not against training for our Firemen but certainly \$70,000 just for overtime for training is considered by me to be too high for a city our size. As a comparison I called the City of Willoughby – they have 12 more full-time firemen than we do and there expense for overtime training is \$55,000 - \$15,000 less than our City.

The Mayor and Finance Director Mr. Condron worked diligently over many hours to submit a budget we felt was conservative but with additions to the budget that we felt were needed to improve the level of service we provide to our residents. I would never submit a budget to Council that would cause the City to go back into deficit spending. We have proven this over the last two years. In 2006 the revenues were \$14.5 million and expenses were \$12.59 million for a surplus of \$2.05 million. In 2007 revenues were \$14.3 million and expenses were \$13.22 million for a surplus of \$1.75 million. In 2007 an additional \$775,000 was set aside to

retire stadium debt and another \$100,000 was put aside to cover employee termination pay for future years. This would add another \$877,000 to the budget surplus. This year Council adjusted many items in our expenses after we submitted them as part of the budget so that the budget appears to be overspending. This caused our \$350,000 in additions to the budget to be rejected by the Council.

I will give you a few examples. The Administration recommended \$67,000 for outside legal expenses. In spite of our objections the final budget was increased to \$100,000 or \$33,000 more than we expect to spend. The amounts for natural gas and electricity and other costs such as these were also increased over and above what the Administration recommended. Almost every expense item that was put forward by the Administration and was discussed was raised above the amount that the Administration had recommended. By the time everything was adjusted upward Council concluded that we would be overspending if the Administration's \$350,000 in additions were added to the budget. I firmly believe that this is not the case that even with our additions we would have a balanced budget as of 12/13/2008. It is the Administration's belief that the cuts we made two years ago have proven to be more than was needed and we wanted to restore some of the services and personnel that were cut at that time. Now we will have to wait another year to do that. It is the Mayor's and Finance Director's job to accurately project what revenues and expenses will be. We have done a very good job over the past three years in doing that yet this year just about every department or category was adjusted upward. In a worst case scenario if we had to dip into our surplus for the \$350,000 for the items that the Administration requested this would have used 13% of the surplus. If you multiply that into the surplus it would have taken care of the additions for another eight years. Isn't that what surpluses are for – to cover expenses that exceed revenues in short term situations? Recently I have read where Mentor's budget expenses are projected more than revenues and I have also talked with the Mayor of Willoughby whose budget also projects more expenses than revenues. You would be surprised to know what Willoughby's budget expenses as compared to revenues are projected to be and how they passed their budget. Both feel that expenses will come in lower than projected on paper and if not their carryover surplus will be used and adjustments made for 2009 forward if needed.

Now before anyone misunderstands my statements I want to say that City Council has been very diligent in their actions. I have a good working relationship with most members of Council and they are very dedicated public officials. We have a difference of opinion here and I wanted to express my opinion so the people of Eastlake know what recommendations we have made for this budget. This is not a knock on Council. But, I felt I had to put on record the Administration's view of this year's budget. I believe we need to start restoring some of the programs and services that were cut when we were in Fiscal Emergency.

The past two years through efforts by the Tax Department, cases taken to Court by the Tax Collection Agency we have collected \$390,000 in delinquent taxes. That is an average of about \$195,000 per year. To be conservative for 2008 we only put in the budget half of that. Over the past two years we have looked at some of our big ticket items such as health insurance. By joining the County's plan we have stabilized our health insurance costs – instead of 20% which was the rate increase we were going to get the County's cost was an 8% increase. So, I wanted to point out the Administration has looked into some big ticket items and have done our part to try to reduce or stabilize costs and I felt some of that money could have been used in this year's budget to add a few things.

My final statement is for Mr. Lajeunesse that is the CDBG Grant will be used to purchase playground equipment – it will not be used for that other purpose. It has already been submitted to the County and we already approved it and we will use it to buy playground equipment for the kids in this City.”

With that, I am open for questions.

Mr. Elshaw: I respect the Mayor’s opinion and I respect his stance on the budget. I would like to try to express Council’s opinion on the budget. I know there are seven members here so it is difficult for me to get all the points in – if I miss anything let me know.

First of all, I think we want most of the items on the list and maybe I am just speaking for myself but I think I am speaking for most of Council, if not all. I think we all want those items on the list – it is an issue of timing. Maybe not every item on the list – I will have to say that I do not agree with every item on the list the Mayor presented to Council on items he would like to add to the budget. But we definitely need some of them. We all want to improve the City. We all want to see services restored. The issue is – is there money for that? I get nervous myself and I would have trouble sleeping at night if we are spending money we do not have. We have gotten into a situation in the past and I do not want to see that happen again. We need to proceed with caution. We were just removed from Fiscal Emergency. There is a projected economic downturn across the nation. We cannot ignore that.

The current budget – revenues exceed expenditures by \$137,000 – the pool alone in the budget was \$190,000 – so, that is difficult. Right now all these items are not in there and we are still only at \$140,000 revenues exceeding expenditures. And, that is not considering the Union negotiations and other items that may come up which could reduce it to \$65,000. That is \$65,000 away from deficit spending this year. The original budget presented by the Administration including those items was up to \$300,000 in deficit spending for the current year. And, yes you can use the surplus which is a cash balance that sits out there right now and we can pick away at that – we can keep doing that – when you add head count and when you add items that need sustained cash flow it will deteriorate that so called surplus that we have. We talked about increasing expenses and the fear – at least my fear – was that perhaps we are low-balling some of the items in the budget in order to squeeze some of these items in and then later on we come back and say – “Oh, we missed projections on some of these expenditures – they should have actually been higher – now we need to re-appropriate – Oh, but we did already hire this person, this person and this person and we brought back a pool and we did this and that. I guess we will just have to lose those things now.” Do we want to see that happen? I think we just need to move slowly.

Another item was the original budget that was presented – we were presented with forecast numbers to compare to that were only 10 months through October. Not through a full year of 2007. Right away we are comparing it to lower numbers. \$175,000 went to stadium debt. I think we have done a fantastic job of trying to tackle the debt – whether it is for a stadium – it does not matter – it is a debt that the City is responsible for that we have to take care of. Again, we have to get beyond brick and mortar and understand that there is a debt out there that the City has to take care of... period. And, we need to take care of that. I think \$175,000 – the Mayor and I have had this conversation – I want to see the City’s finances stabilize and again what I mean by that is that we have to manage our long term debt – we cannot be deficit

spending in current years – we have to have a balanced budget. We also have to see a forecast – and that has been presented by Mr. Condron and thank you for that. We are going to review the five-year forecast next and see how all these things fall into place. But, we need to manage that stadium debt. I am not saying we have to pay it all – we have to get it to a point where it is not impacting our current operations. We all want to bring back services and we may be impeded by that – so, if we need to put down some principle to remove some interest along with that I think it is smart. Again, Mr. Condron – 97 cents to the dollar on paying off stadium debt – is there a better investment? I don't know. Hopefully, this budget is a worst case scenario but it is about as good as it is going to get. We tried to make the best projections – the Administration did come forward with their projected budget – we asked questions which Council has a right to do by City Charter to make adjustments to the budget – we reviewed the budget and we went through it with a fine toothed comb – line item by line item to make sure that we were not going to come back later on and say we need more money in these areas.

Right now the budget is extremely tight for the current year and I think we need to proceed with caution. Again, we all want to bring back City services – we all want to improve the City – we just need to do it at a pace that is acceptable.

Mr. Morley: I was caught off guard. We all worked hard on the budget and the meeting we had – the meetings Mr. Knuchel talked about and I am not going into a long drawn out thing. I am just going to bring up a couple of points. I think in the budget meetings we talked about all the things – I am not prepared for this because you caught me off guard with your statement – that Mr. Knuchel had the list when we were in the budget meetings – we passed a budget last year for 2007 but then we had things above and beyond that cost almost another \$300,000 that we did okay and re-appropriate during the year. One of the things the Mayor did not talk about that we talked about in the budget – we told him we would look six months down the line if the projections were different in June and July of what they are now and what we are seeing – that we would look at hiring an economic developer – we would look at some of these things.

All of us obviously would love to have a pool for the kids of this City. There is not one of us up here who does not have kids and would want to have our kids swimming in the pools. There are other things we are trying to do. The other cities did not just come out of Fiscal Emergency like we have. So, they may be a little more aggressive then we are. We are trying to take steps – we have not asked for a levy and from my view we are not asking for a levy that we know will probably not get passed in this City. So, we are trying to stay above so we don't have to have a levy.

Also, when it comes to the Police and Fire Departments we have a little bit different view than the Mayor on that – on the training and different things. I don't want to be the resident that calls for the Fire Department at 3:00 a.m. and they don't have enough people and I am the one with the heart attack and I can't be taken to the hospital. The training is – there is always something new going on for the safety of the residents of this City – we look at it a little bit differently than the Mayor. I talked with the Chief before about some of the things and people don't understand how much training they have to do just for that hybrid car that is out there now – if there is an accident. We want our firemen to go out there and be safe and the residents in this City to be safe – that is why we talked about the training.

We have also talked about the economic developer – we would love to have one. But, right now is not the time. We sat in meetings for about 12 hours over three meetings and did a lot of talking back and forth. I respect the Mayor’s statement as much as those of Mr. Condrón’s but there are seven of us, the Mayor, the Finance Director, the Law Director – but we all think on our own and I think we are all doing a good job right now and we want to continue to do that. But, I do not want anyone to think we do not look out for the youth of this City – we are trying to do the best we can with what we have.

Mr. Knuchel: I would like to reiterate one of Mr. Elshaw’s points – which is stadium debt. For 97 cents on the dollar – for every dollar we put towards stadium debt now we get a 97 cents return on – do the math, folks. We have to pay for this building – where do you get two for one? Anything we can put towards stadium debt towards bringing it down to a point where it is manageable I think it is fiscally irresponsible for us not to do.

As far as the pools are concerned. Absolutely, every single one of us wants a pool here – I don’t think the discussion was – do you want a pool or do you don’t want a pool – it is how you get there. We put forth to the Mayor - #1 – we wanted money not to come out of the General Fund to fix the pool but there are programs with the Ohio Department of Natural Resources which can be applied for to take that money from a grant instead of taking that from our General Fund money. I have been advocating this since 2005 and it has never been acted on. 2<sup>nd</sup> – training of our firefighters – if I am not mistaken Willoughby also has part-time firefighters that they probably use to supplement when their regular officers go to do training. I do not think that point was brought up either. Could you please check into that?

As far as economic development. I am on the Economic & Community Development Council – do I want someone in here doing economic development? Yes. We had two options that were presented to us – and this was not brought forth either – one was to hire someone with the second being to bring in a company to do economic development on a project level – so each project they would come in and do work on – they are supposed to do a presentation.

Mayor Andrzejewski: It was scheduled for this month and the meeting was cancelled.

Mr. Knuchel: Absolutely – that was because we had another meeting with ODNR which was also cancelled. These people were supposed to be brought into the Economic & Community Development Council to do a presentation to see what they were about and what they could offer us.

It is not that we are sitting still. We want to move forward – we want to move forward cautiously. I do not think there is any animosity here – it is just there is a different way that we feel that we can reach the goals to make this City again a great City. Mayor, I appreciate your time and your ability – I disagree with you on some of your statements as well as you disagree with me – we will work them out. But, Council does look forward to working with the Administration on that six month basis when we decide to look at things again to see how the economy is going to be – and, we want what is best for the people of Eastlake that is most economically responsible.



Ms. Vaughn: Council also had a wish list which we did not get. I for example wanted a custodian over at the Senior Center – it is unconscionable that you have a person over there only 8 hours a week maintaining lavatories that several hundred people use. I did not get my wish list. I wanted a pool – that is my Ward. I hear from everybody about the vandalism over there. I have talked to the Police Department about how they supposedly take their coffee breaks down there. Hopefully the Council President and I will get together with the residents about a Block Watch program because our hands are tied. Right now there doesn't seem to be funding for our wish list. Council raised utility costs which I think was a prudent thing to do. I do not know about the rest of you but my gasoline is more expensive, my natural gas is more expensive, my electric has been kept under control – even the water is more expensive. And, as prudent managers of your money we wanted to be sure the necessary expenses were covered before we could give people the things we would like to give them – we just can't right now. I too look forward to meeting with the Administration in a few months to take a look at our revenues – hopefully, we will be able to make some adjustments.

Mr. Lajeunesse: Mayor, you and I have sat in your office and had our discussion – I mentioned an alternative to you. I know you did not like the alternative but the alternative for our residents was to use the Willoughby pool at an Eastlake subsidized non-resident fee so the same residents of Eastlake that pay to swim in Willoughby can also swim there for the same amount of money. Kirtland does it – Willoughby Hills does it. I know you are going to say – they don't have a pool – we do. But, when you are talking about the finances we have and we are trying to control our expenses how much is going to be – maybe \$10,000 - \$20,000 to subsidize those pool passes rather than putting \$190,000 into a pool which you don't even know if it is compromised under the ground. The report I had in front of me said that they are not sure what the in-ground equipment is like. I thought we discussed that the payroll for the pool was estimated this year, 2008, to be less than in 2004 – as I brought out a copy of the budget from four years ago. So, I am questioning – we can't be doing this – obviously there is some kind of discrepancy in the estimation of what it is going to cost to run Jakse Pool. My kids do swim team and swim at other pools. The Swim Team has to pay to swim at the Willoughby Pool. Would the swim team like to swim in their own pool – absolutely. I gave you some alternatives for funding. There are other options out there for funding – I believe your videographer could be funding through a grant or foundation. I believe the surveillance system for Jakse could be funded through a grant or foundation. I believe that the \$8,000 for demolition that is put in the budget could be spent through the CBDG Grant. There are other alternatives besides the General Fund money to be expended in other areas. So, it is a difference of opinion.

Mayor Andrzejewski: Mr. Lajeunesse, obviously you did not read the last memo we sent over to you. In response to your statement that we underestimated what it would cost for people to run the pool we pointed out to you in that memo which was sent three or four days ago that what you were referring to was just one of the points I made – in the 2004 budget...

Mr. Elshaw: Mayor, we did not get that memo.

Mayor Andrzejewski: We sent it.

Mrs. Cendroski: I did not receive a memo like that Mayor.

Mayor Andrzejewski: We sent it.

Mr. Condron: I will check.

Mrs. Cendroski: Can you tell me exactly what was in it?

Mayor Andrzejewski: It said that we looked at the 2004 budget and the projected cost was \$50,000. The actual cost was \$47,000 therefore when we said it would cost \$50,000 for help at the pool it was based on the actual numbers and \$3,000 more for inflation.

Mrs. Cendroski: No, we received nothing like that – if you can get it to me I will see it is distributed.

Mayor Andrzejewski: What you were looking at Mr. Lajeunesse was the projected costs – not the actual costs – the actual cost in 2004 was \$47,500.

Mr. Knuchel: Was that the budgeted amount?

Mayor Andrzejewski: The budgeted amount was \$50,000 but the actual spent amount was \$47,500, therefore the \$50,000 we put in for this year was a fair and accurate number. It was \$2,500 more than the last time. I wish I could but I have said over and over again – I have called Steve LaTourette's office, Lorraine Fende, Tim Grendell – please understand there are no grants available for pools. There are no grants available for pools. If one of you gentlemen or ladies can get a pool grant I would be the first to praise you to high heaven – there is no money for that. There is money for Homeland Security, roads, fixing up bridges – there is no money for recreation other than the money we get from the CDBG Grant which we instituted three years ago – the previous Administrations never applied for it. So, if there are grants available – go out and get them for us. Ladies, go out and get them.

Mr. Elshaw: I do not want to turn this into one big pool discussion, but recently it was in the paper where Mentor received a grant from ODNR.

Mayor Andrzejewski: I spoke with Curt Krauss and asked how we could get that money – he said to forget it – it is not available. Talk to Curt Krauss. When you read something in the paper it does not necessarily agree it is available to Eastlake, Willoughby, Wickliffe.

Mr. Elshaw: So, there you have it – and, if you would like to read it all you can go to our web site soon and we will have all the Finance Committee meeting minutes on the web. We spent hours going over the same discussion we had tonight – we kind of summarized tonight. I would encourage people to read those minutes and they will see the deliberations on each line item. The Mayor had good points – our Finance Director had good points but so did Council. We all considered everybody's points when we went through the discussions. Again, it is difficult – the final number is \$137,000 to the good this year and when you take into consideration other items that may arise it could be as low as \$65,000. That is not that far away from deficit spending.

There were no further comments.

LAW DIRECTOR – Randy Klammer

Mr. Klammer: I do want to compliment all on the dialogue you had. I think for those of us who attended these meetings – the Committee meeting – for the past year or so the last few months have seen a tremendous growth in the way we treat each other. Even the Mayor ended his statement ended with his respect to Council and you started that dialogue back and Mr. Knuchel continued with words recognizing and appreciating the Mayor’s time and ability. Those are all marks of the way we dealt with each other. I would like to compliment you on that and you should continue that. And, you should all be complimented on the dialogue and analysis you have put into the budget because it was a lot of work. Thank you to all for your assistance in the vacating property legislation. I would like to thank Mr. & Mrs. Kleber who are here for one purpose and they had the good fortune of sitting through all of this – I thank them for staying and executing the waiver. Also, thank you for approving the Timberlake legislation – I would like to thank the Mayor and City Engineer for their efforts in that and I really would like to thank Mr. Condrón who worked with the public records requests and analysis he had to do going back to 1959 – it was quite an effort. Every time I called the records would show up ½ hour later. This was not just a dispute over sewer services – that will also return to the City in excess of \$45,000 that is due to this City – so that effort was time well spent. Thank you for your consideration in Executive Session. This concluded my report and I am open for questions.

There were no questions of Mr. Klammer.

FINANCE DIRECTOR – Brian Condrón

Mr. Condrón: Besides the budget, the summer sprinkling registration starts on Monday, March 31<sup>st</sup> through April 30<sup>th</sup> – it is our first year of the program. I am excited about working with the County Department of Utilities in forwarding the applications – the application mirrors the Council ordinance.

There were no questions of Mr. Condrón.

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 – Joe Voros

Mr. Voros was absent and excused.

CITY ENGINEER – Tom Gwydir

Mr. Gwydir: I have been working with the Finance Director on the property maintenance issues that have come up and working on drainage studies for North and South Riverview as well as the Mondomin area. Regarding the comments on the Storm Water Utility – I have had the pleasure of attending six sessions with the EPA and the requirements of the new EPA permit for storm water are rather stringent and will take considerable time and effort on behalf of the City – the fee is very modest in comparison to what other fees I see being charged in the area by Counties or Governmental Bodies. This concludes my report and I am open for questions.

Mr. Lajeunesse: I believe that our Service Director has mentioned that the EPA will mandate in the future that the salt in our bins will not be permitted to sit on the ground – it will have to be changed eventually to a new storage facility?

Mr. Gwydir: That is a possibility – there are several new rules about run-off and what is in the run-off and where it goes. The run-off may have to be controlled – I do not know if that will require new salt storage facility but it may require addressing where the drainage in the parking lot goes that picks up that salt and there is some monitoring. One of the concerns of the EPA is the illicit discharge and educating the public.

Mayor Andrzejewski: When are we supposed to have done some of these things?

Mr. Gwydir: We are supposed to be in the implementation phase of it over the past five years – they are renewing the permit this May and with all programs as time goes on they are down a little bit on the expectations.

There were no further questions of Mr. Gwydir.

POLICE CHIEF – John Ruth

Chief Ruth was absent and excused.

ACTING FIRE CHIEF – Daryl O’Neal

Acting Chief O’Neal was absent and excused.

ADJOURNMENT

The meeting was adjourned at approximately 9:08 p.m.

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DEREK W. ELSHAW, COUNCIL PRESIDENT

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

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

