

**EASTLAKE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
MAY 13, 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 7:30 p.m.

The Pledge of Allegiance was led by Mr. Zontini.

ATTENDEES

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

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

SWEARING-IN OF KEITH SKINNER AS LIEUTENANT FOR CITY OF EASTLAKE FIRE DEPARTMENT

Mayor Andrzejewski administered the Oath of Office to Keith Skinner as Lieutenant for the City of Eastlake.

SWEARING-IN OF MICHAEL PANDY AS BATTALION CHIEF FOR THE CITY OF EASTLAKE FIRE DEPARTMENT

Mayor Andrzejewski administered the Oath of Office to Michael Pandy as Battalion Chief for the City of Eastlake.

SWEARING-IN OF THEODORE WHITTINGTON AS FIRE CHIEF FOR THE CITY OF EASTLAKE

Mayor Andrzejewski administered the Oath of Office to Theodore Whittington as Fire Chief for the City of Eastlake.

Council President Remarks:

Mr. Elshaw: Congratulations to Fire Chief Whittington, Battalion Chief Pandy, and Lieutenant Skinner.

APPROVAL OF MINUTES

REGULAR COUNCIL MEETING – APRIL 22, 2008

MOTION: Mr. D'Ambrosio moved to approve the minutes of the Regular Council Meeting of April 22, 2008. Mr. Lajeunesse seconded.

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

Motion carried. The minutes were approved.

SPECIAL COUNCIL MEETING WITH ADJOURNMENT INTO EXECUTIVE SESSION –
APRIL 28, 2008

MOTION: Mr. D'Ambrosio moved to approve the minutes of the Special Council Meeting with adjournment into Executive Session of April 28, 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, May 27, 2008 at 7:00 p.m. The Regular Council Meeting is scheduled for Tuesday, May 27, 2008 at 7:30 p.m.

An Economic & Community Development Council meeting is scheduled for Wednesday, May 28, 2008 at 6:30 p.m.

COMMUNICATIONS & PETITIONS

A communication was received from Thomas Coggins, Manager, Willoughby Taxi Service, Inc., requesting an amendment to City Ordinance 751.24 "Rates of Fare." This was referred to Ordinance Committee.

A communication was received from Finance Director Mr. Condon requesting to transfer \$335,000 from the General Fund to the Bond Retirement Fund for the June 1st interest payments on the 2004 Stadium Bonds. This was referred to Finance Committee.

A communication was received from Finance Director Mr. Condon requesting the establishment of a fund for the receipt of the proceeds from the sale of the HUD Homes, along with the receipt of Inheritance Tax monies, with said funds to be used for recreational purposes. This was referred to Finance Committee.

A donation request was received from the Eastlake Youth Basketball Lady Rangers Sixth Grade Tournament Team in support of their attendance at the Nationals in Tampa, Florida. Mr. Elshaw explained that this was for each Councilperson's individual consideration.

A communication was received from Walter Drane Company on the cost to install and maintain the City's Codified Ordinances on the Internet. This was referred to Finance Committee.

A communication was received from CBO Mr. Voros proposing the enactment of new City Ordinance Section 1147.15 "Exception for Existing Lots of Record in Business Districts." This was referred to Planning Committee for text review and recommendation to Ordinance Committee.

COUNCIL COMMITTEE REPORTS

SERVICE/UTILITIES COMMITTEE – Mr. Zontini

Mr. Zontini: The Service/Utilities Committee has not met since the last regularly scheduled Council meeting. Two items are pending in Committee for which we are awaiting for information from the Administration. The Drop Hammer and the proposed Service Contract for Honeywell for heating and air conditioning systems. I will turn to Mr. Semik – on the drop hammer and Mr. Klammer on the Service Contract.

Mr. Semik: I have not forwarded anything yet to Council – I am trying to find a used drop hammer – if not I will ask to have it removed from Committee until next year.

Mr. Klammer: I owe you a legal opinion on the Service Contract.

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

There were no questions of Mr. Zontini.

SAFETY COMMITTEE – Mr. Morley

Mr. Morley: The Safety Committee has not met since the last regularly scheduled Council meeting and nothing is pending in Committee and no meeting is 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 met since the last regularly scheduled Council meeting, therefore, there is nothing to report. I am open for questions

There were no questions of Mr. Lajeunesse.

PLANNING COMMITTEE – Mr. D’Ambrosio

Mr. D’Ambrosio: The Planning Committee has not met since the last regularly scheduled Council meeting, therefore, I have no formal report. However I will be making the following Motions concerning items discussed in the miscellaneous section of the Council-as-a-Whole Committee.

Mr. D’Ambrosio made the following Motions:

Liquor License Transfer Request

MOTION: I hereby move to approve, and send back to Columbus, Ohio with no objections, the Liquor License Transfer Request for 35757 Lakeshore, Inc., 35757 Lakeshore Blvd., Eastlake to Ivan Kristo, LLC dba Wings, Food & Spirits 35757 Lakeshore Blvd., Eastlake. Mr. Zontini seconded.

ROLL CALL: Yeas unanimous.

Motion Carried. The Liquor License Transfer Request for Wings, Food & Spirits is approved.

Liquor License Request

MOTION: I hereby move to approve, and send back to Columbus, Ohio with no objections, the Liquor License Request for WalMart Stores East LP dba Store 1863, 34440 Vine Street, Eastlake. Mr. Zontini seconded.

ROLL CALL: Yeas unanimous.

Motion Carried. The Liquor License Request for WalMart 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 has not met since our last scheduled Regular Council Meeting, therefore, I have no formal report. As items have been referred into Committee I will coordinate with my Committee members and scheduling a Finance Committee meeting. 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 has not met since the last regularly scheduled Council meeting. I will be scheduling an Ordinance Committee meeting for Tuesday, May 20, 2008 at 6:30 p.m. as there are items in Committee which need some action. This concludes my report and I am open for questions.

There were no questions of Ms. Vaughn.

RECOGNITION OF THE PUBLIC

Mr. Elshaw recognized the public input at this time; he reminded the speakers that there is a 3-minute limit for their comments; all comments are to be directed to the Chair and not include any personalities or individuals.

Joseph Cappadonna, Biagio’s Donut Shop, 35475 Vine Street, Eastlake

Mr. Cappadonna: My family owns Biagio’s Donut Shop and we are asking Council to support the Ordinance “Exception for existing lots of record in business districts.” We hope you will support it.

Mr. Zontini: I am not sure if Council is aware. I wanted to personally thank Mr. Cappadonna for donating the coffee and donuts for our snowfall crews this winter. He deserves a round of applause for that.

Cassandra Skinner, 36334 South Riverview Drive, Eastlake

Ms. Skinner: I am here to ask a question – we had a meeting with the Service Director, the Mayor and CBO on February 13th in regards to the flooding that is happening on South Riverview. We were promised there would be some kind of solution by the end of this summer

and I was wondering where that plan is at this state in time and are we going to have a solution by the end of the summer?

Mr. Semik: I have spoken with Mr. DiMilta – they are waiting for the ground behind your house to harden up a little bit more – they are going to bring in some dirt and hopefully that will alleviate the water going into your property and the two adjacent properties. As far as the drainage and installing a catch basin and running it out to Erie Road – I have been discussing this with Mr. Gwydir. Mr. Gwydir did some research and found the storm on Erie Road is at capacity now – we do not think we can put anymore into it. They are working on a couple of other alternatives as to what to do with the excess water that is coming down from the west side of DiMilta's property. As of now, I have not seen anything - they are working on it – there have been revisions to it.

Mr. Gwydir: In review of ODOT's drainage calculations the sewer on Erie Road is at capacity. We reworked the report and there are about seven different options for getting drainage out of the area – the report is currently open on my desk and I am going through each of the options to determine which items are viable and which are not viable before sending it to the Mayor.

There were no further questions or comments.

Fred Karaba, 35316 South Riverview, Eastlake

Mr. Karaba: You have just basically touched on every subject I wanted to ask about. For the future can somebody stay in contact with us – like we were promised – when I called I was referred to CT Consultants – the City did not have an answer.

Mayor Andrzejewski: Your point of contact is Service Director Mr. Semik.

Mr. Karaba: When I called Mr. Semik referred me to CT Consultants – when I was told somebody from the City would be contacting us and since that meeting we have not been contacted.

Mr. Semik: That is correct – at the meeting I said I would update you when we had some information to update you with. To simply call and say it is still being worked on and investigated...

Mr. Karaba: It has been several months and no one has contacted us.

Mr. Semik: What we promised to do was – find a solution and hopefully have it taken care of before summer. I believe I spoke with Mr. & Mrs. Skinner and I asked them to be the liaison for the rest of you. I have talked to Mr. Skinner on a couple of occasions and we walked the area and were in agreement as to the areas that are causing this problem. I was under the impression that as neighbors you would contact each other. When I have something from Mr. Gwydir or something developed I will certainly pass that on.

Mr. Karaba: I will keep calling.

Mr. Semik: Absolutely – you can call and ask if there is any further update and I will be glad to tell you where we are.

Mayor Andrzejewski: Since I know now that I am going to receive the report shortly and after review let's have another meeting with all the residents to present the findings.

Mr. Karaba: Are you going to call one neighbor and hope they round everyone up?

Mayor Andrzejewski: If you could obtain the names and phone number of the people who should be at the meeting we will call them.

Mr. Karaba: It affects a lot more people than the ones you are seeing. Everybody complains about it.

Mayor Andrzejewski: We can put it on the bulletin board and on the S.R. 91 sign.

There was no one else who wished to speak.

LEGISLATION PROPOSED - First number will be 2008-035

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

ORDINANCE NO: 05-13-(01)

An Ordinance authorizing the issuance of a Conditional Use Permit to Kamran Afsarifard, agent for R & L, Inc. dba Lucio's Restaurant, 35583 Lakeshore Boulevard, Eastlake, Ohio, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2008-035.

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LEGISLATION PENDING (Placed on First Reading 04-22-2008)

Requested by: CBO Mr. Voros
Sponsored by: Ms. Vaughn

ORDINANCE NO.: 04-22-(04)

An Ordinance amending Section 1149.02 "Schedule of Permitted Building and Uses," of The codified Ordinances of the City of Eastlake, Specifically subsection 1149.02(c) "M-3 (General Industrial District)," and declaring an emergency.

MOTION: Mr. Zontini to place on second reading. Ms. Vaughn seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation No. 04-22-(04) 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: The July 4th Fireworks will be held at the stadium in conjunction with the Captains. If you know any community groups who want to set up a table to sell something or provide information they are welcome to do that on the concourse. Also, if you know any high school bands who want to play - people should arrive around 7:00 p.m. and the fireworks will be at 9:45 p.m. – so, we would like to have a little entertainment. The Eastlake Home Days Festival will be held the weekend of July 10th – 13th at the Lakeshore Blvd./Erie Road site. The Flea Market/Farm Market starts on Saturday, May 31st – we have about 25 vendors so far. I anticipate this will grow as people find out about it and hopefully like it. Willoughby passed the Eastlake/Timberlake Sewer Contract – so that is finished. Mr. Condron will be working with the Timberlake officials to get what money is due to us. I attended the Elected Officials Conference in Washington, D.C. – noteworthy to us – the Federal Government has passed a foreclosure help Bill – it looks like a very good Bbill that will not put the burden too much on the tax payers – it puts the burden on the banks who were partially responsible for this mess – the banks will have to agree to reduce the amount of the loan and refinance it under fixed rate terms and are terms the borrower can afford to pay – if the borrower is qualified. The government will then guarantee the bank the amount of the loan. That is for owner-occupied homes – not for investors which is what I was concerned about – I was concerned we were going to bail out investors on rentals. The government thinks they will be on the hook for about \$7.5 billion. Also, the removal of the deed restriction on the old JFK property is progressing. We are receiving a lot of help from Congressman LaTourette’s office. They are going to try to attach it to a bill that removes the restriction that says we can only use it for recreational purposes. That way we would have a substantial amount of property we can use in the future. The third payment of the Transportation Bill should be coming up shortly and will leave only one more payment to go. I will be forwarding Council information on grants from the Home Ownership Preservation Foundation for residents who are near foreclosure but not in foreclosure – this will provide a hot line to counsel home owners and work with the home owner on a solution and if the home owner qualifies he will be connected to his lender. People are having trouble getting through to their lender so they can’t refinance. This program is paid for by investment people from other countries who bought the packages of subprime loans. We were advised to warn people about scam artists - they are identified by the following – are they calling you – do they want money for their services – you have to sign today. This concludes my report and I am open for questions.

Mr. Morley: Has the Police Department voted on their contract?

Mayor Andrzejewski: Yes, they accepted it.

There were no further questions of Mayor Andrzejewski.

LAW DIRECTOR – Randy Klammer

Mr. Klammer: The Ohio Supreme Court ruled on the appeal for Mrs. Sawyer's case – they affirmed the lower Courts denial of her request for attorney's fees – other than that the case is mute as Mr. Razov is no longer a Councilman. That was a successful result. On the issue of foreclosures the Lake County Bar Association is participating in a Pro Bono program to assist people who are going through foreclosures – if you know anyone with those concerns please have them give me a call and I will point them in the right direction. I would like to thank Mr. Cappadonna – I spoke with him this afternoon and Mr. Elshaw spoke with him also. He has always been very pleasant and understanding and I thank him. I made some changes to the CBO's proposed ordinance which took a lot of work on the CBO's behalf – hopefully we can address these concerns along the Vine Street corridor.

There were no questions of Mr. Klammer.

FINANCE DIRECTOR – Brian Condron

Mr. Condron: We will be reimbursed by FEMA for the snow removal costs incurred on March 8th and 9th. Mr. Semik and I are going over the numbers and I will keep you informed as the process goes forward. We are in the process of closing out the month of April and the report should be out 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: I have nothing formal to report at this time and I am open for questions.

There were no questions of Mr. Semik.

CHIEF BUILDING OFFICIAL – Joe Voros

Mr. Voros: We purchased the palm pilots and started to use them on Friday – they are working well and will be very helpful – thank you for the passage of the budget. This concludes my report and I am open for questions.

There were no questions or comments.

CITY ENGINEER – Tom Gwydir

Mr. Gwydir: Two major items currently on my desk are the North and South Riverview data for review and the Issue 1 applications for the upgrade of the Quentin Road Pump Station as well as system changes and to assist the Service Department in preventing inflow into the system and changing out manhole covers. We will be seeking money for all those items with the application. We will also be submitting applications for the rehabilitation of St. Lawrence Blvd., South Lakeshore Blvd. between Bay Shore and East Overlook and East Overlook. This concludes my report and I am open for questions.

Mr. Lajeunesse: Mr. Gwydir, I appreciate your help. Mayor, I appreciate your initiation of this with the City Engineer. It should reduce the phone calls I have directed to the Service Department, especially the South Lakeshore residents who have reason to be concerned – I hope we get this through because it is sorely needed.

Mayor Andrzejewski: As a caution – I have asked Mr. Gwydir to do this to be ahead of the game – there is about \$200 million in State funding that will be released for infrastructure repairs – it will be filtered down through the Issue 2 Grant process – so, we want to be ready to go when the Governor releases the money for applications. This is part of the Ohio economic stimulus package.

Mr. Lajeunesse: I am not giving out any information – but am directing all calls to the Service Department so the communication is through one person.

Mayor Andrzejewski: We just don't want anyone to be disappointed.

Mr. Lajeunesse: There have been enough calls to the fact that they need some help on that street – so, I felt they should go right to the source.

Mr. Gwydir: It is unlikely you will get all you want in the application period – the reason we are doing this is so we have applications pending – they may just take the applications that were already provided and move them forward.

There were no further questions of Mr. Gwydir.

POLICE CHIEF – John Ruth

Chief Ruth was absent and excused.

FIRE CHIEF – Ted Whittington

Chief Whittington was absent and excused.

Mr. Elshaw: Our new Fire Chief will have his report at the reception at the Fire Department.

ADJOURNMENT

The meeting was adjourned at approximately 8:10 p.m.

DEREK W. ELSHAW, COUNCIL PRESIDENT

APPROVED: _____

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

