

**EASTLAKE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
OCTOBER 12, 2010**

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. Morley at approximately 7:04 p.m.

The Pledge of Allegiance was led by Mr. Knuchel.

ATTENDEES

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

Those attending from the Administration were Law Director Klammer, Finance Director Slocum, Service Director Semik, CBO Stigalt, City Engineer Gwydir, and Police Chief Ruth. Mayor Andrzejewski was absent and excused.

APPROVAL OF MINUTES

REGULAR COUNCIL MEETING – SEPTEMBER 14, 2010

MOTION: Ms. DePledge moved to approve the minutes of the Regular Council Meeting of September 28, 2010. Ms. Vaughn seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The minutes were approved.

COUNCIL PRESIDENT'S REPORT – Mr. Morley

Meetings Scheduled

Mr. Morley: The next Council-as-a-Whole Committee Meeting is scheduled for Tuesday, October 26, 2010 at 7:00 p.m. The Regular Council meeting will be convened immediately following the adjournment of the Council-as-a-Whole Committee meeting.

An Economic & Community Development Council meeting is scheduled for Wednesday, October 20, 2010 at 6:00 p.m.

COMMUNICATIONS & PETITIONS

A liquor license request was received from Anjalee, Inc., dba Beverage & Tackle, 35579 Lakeshore Blvd., Eastlake, OH 44095. This is referred to Planning Committee.

A request was received from Project Hope for the Homeless that November, 2010 be recognized as National Hunger and Homelessness Awareness Week and November 20, 2010 be recognized as Lake County's Hunger and Homelessness Awareness Day. Mr. Morley explained that if there are no objections from Council this item will appear on the October 26th Council meeting agendas.

A communication was received from Finance Director Slocum regarding a Note Ordinance for pump station improvements. Mr. Morley explained that this was discussed in Council-as-a-Whole Committee and will be added to the evening's agenda as Legislation No. 10-12-(06).

A communication was received from Finance Director Slocum regarding the transfer of funds from the General Fund to the Recreational Capital Improvement Fund. Mr. Morley explained that this was discussed in Council-as-a-Whole Committee and will be added to the evening's agenda as Legislation No. 10-12-(07).

A communication was received from the Administration regarding the bid awards for 2011 Housekeeping Supplies. This is referred to Finance Committee.

A referral was received from the Planning Commission regarding a Conditional Use Permit for Key Bank, 35401 Vine Street, Eastlake, Ohio. This was referred to Planning Committee.

COMMITTEE REPORTS:

FINANCE COMMITTEE – Mr. Knuchel

Mr. Knuchel: The Finance Committee met on October 5, 2010 with three items being on the agenda as well as one under miscellaneous. All four items were discussed in our Council-as-a-Whole Committee meeting. The Edwards Avenue storm sewer project – this is a great project which we need to get done. This was one of our major flood areas a few years ago and I am glad we are moving forward with it. The SSES study amendment agreement – I would like to thank Mr. Slocum for working with the City of Willoughby to pull this together. This will free up a lot of cash for us and we need to thank the City of Willoughby for allowing us the privilege of going in on this with them and saving us quite a bit of money. Mr. Slocum?

Mr. Slocum: City Engineer Gwydir needs thanks on that too.

Mr. Knuchel: Okay. We appreciate your time and energy on this guys – it really makes a difference. Re-appropriations – no one likes re-appropriations but we need to do them every once in a while. In looking over the expenses and revenues - this was looked at very closely - we needed to do re-appropriations for needed items. Some areas like salary line items will be reviewed next year to get a little more accurate on the amount of money we do put in our budgets for salaries because in several areas we were under what we should actually have been. Electric, gas, and water are three issues that come up frequently and Mr. Slocum is working diligently to work out a plan where we can have a little bit better idea where we are and how much money we will spend on that on a yearly basis. This concludes my report.

Mr. Knuchel made the following Motion:

Legislative Recommendations

Legislation No. 10-12-(06)

MOTION: I hereby move to add Legislation No. 10-12-(06) to the evening's agenda Providing for the Issuance and Sale of \$450,000 of Notes, in Anticipation of the Issuance of Bonds, to Pay Costs of Improving the City's Sanitary Sewerage System by Constructing and Reconstructing Pump Stations and Sanitary Sewers. Ms. DePledge seconded.

ROLL CALL: Yeas unanimous

Motion carried. Legislation No. 10-12-(06) is added to the evening's agenda

Additional Comments

Mr. Slocum: Mr. Morley, I will be - with that legislation - signing the Fiscal Officer's Certification today since this is now on the agenda. That has also been provided to Council.

Legislation No. 10-12-(07)

MOTION: I hereby move to add Legislation No. 10-12-(07) to the evening's agenda authorizing the Director of Finance to transfer funds, with said funds to be transferred in the amounts as listed from Fund #101 "General Fund" into Fund #438 "Recreational Capital Improvement Fund." Ms. DePledge seconded.

ROLL CALL: Yeas unanimous

Motion carried. Legislation No. 10-12-(07) is added to the evening's agenda

There were no questions of Mr. Knuchel.

ORDINANCE COMMITTEE - Ms. Vaughn

Ms. Vaughn: The Ordinance Committee met on October 5th with me, Mr. Hoefle and Mr. D'Ambrosio present from the Committee. In attendance from Council were Mr. Knuchel, Ms. DePledge and Council President Morley. Mr. Lajeunesse was absent and excused. In attendance from the Administration were Mayor Andrzejewski, Law Director Klammer, Finance Director Slocum, Tax Administrator Ms. Keneven-Zanella, CBO Stigalt, Service Director Semik and City Engineer Gwydir. The first item we discussed was a recommendation from our Finance Director for an addition to 155.01 "General Administration" creating a new position called "Tax Auditor." An employee will be leaving the Tax Department – she is retiring. In her place it was recommended a new position be created with different duties and responsibilities to provide better coverage and work flow in the Tax Department. The Committee recommended this move forward and it appears on the evening's agenda as Legislation No. 10-12-(05). We also had a lengthy discussion on internet cafés. Many of us were unfamiliar with them and there is currently nothing in the ordinances so we are creating Chapter 761. The discussion lasted for about one hour with no decisions being made during that hour. A lot of information was brought forward. The Committee seemed to feel a Conditional Use Permit should be part of the legislation and we

will continue to work on it. Ms. DePledge, Mr. Morley and I did visit one location that has a proposed internet café to try to understand the function and get a better feel for what they are asking for and why. I will be scheduling another meeting on Tuesday, October 19th around 6:00 p.m. depending on the other Committee meetings. At that time we will continue the discussion on internet sweepstakes cafés and perhaps we can begin to formulate some legislation to cover it should the Committee and Council choose to go in that direction. I also want to get back on property maintenance because that needs to be addressed soon but until we get this internet café off the table I am afraid our hands are tied, Mr. Stigalt. I apologize. This has been a project you and I have both worked on and want to get it resolved. But, we will get to that before the end of the year. This concludes my report and I am open for questions.

There were no questions of Ms. Vaughn.

SERVICE/UTILITIES COMMITTEE - Ms. DePledge

Ms. DePledge: The Service/Utilities Committee met on Tuesday, October 5th at 7:15 p.m. with me and Mr. Hoefle present from the Committee. Mr. Lajeunesse was absent and excused. Also in attendance from Council were Ms. Vaughn, Mr. Knuchel, Mr. D'Ambrosio and Council President Morley. In attendance from the Administration were Mayor Andrzejewski, Finance Director Slocum, Law Director Klammer, and City Engineer Gwydir. The only item on the agenda was the Eastlake Port Authority Lease Agreement. Mr. Klammer, would you like to address this?

Mr. Klammer: If you need anything additional on it – I think we covered it in Council-as-a-Whole Committee.

Ms. DePledge: We are making some changes to the Agreement and if it is approved we will bring it to Council for approval. There is nothing pending in Committee and I am not scheduling any additional meetings at this time and am open for questions.

SAFETY COMMITTEE – Mr. Lajeunesse

Mr. Lajeunesse: The Safety Committee has not had a meeting scheduled; therefore, there is nothing to report. Mr. Slocum, I did find the revenues as I was looking through my information – and I appreciate that. But, if you could please get me all the expenses it would be most appreciated as I am still disappointed that the expenses for the pool continue to come three years after the fact that I asked many questions about what the total cost would be. I always appreciate your openness with me.

Mr. Slocum: I will provide all that.

Mr. Lajeunesse: Thank you.

There were no questions of Mr. Lajeunesse.

RECREATION COMMITTEE – Mr. Hoefle

Mr. Hoefle: The Recreation Committee has not met since our last scheduled meeting and I have nothing pending so I will not be scheduling any meetings. I am open for questions.

There were no questions of Mr. Hoefle.

PLANNING COMMITTEE – Mr. D’Ambrosio

Mr. Morley: Mr. D’Ambrosio is absent but he will be scheduling a meeting next Tuesday and will coordinate with the Clerk when he returns from vacation.

RECOGNITION OF THE PUBLIC

Mr. Morley 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.

James W. Strand, 1223 East 343rd Street, Eastlake, OH

Mr. Strand: I have lived in the Willoughby/Eastlake area for 65 years and for 30 of years have been a resident of Eastlake. I have seen the good and the bad in this City. I came here tonight to thank you. I monitored the pool on my own this summer. You did a very good thing for the kids and families of this City by having that pool repaired. I have never seen so many happy kids in my neighborhood. You did a fantastic job and I appreciate it even with some of the people who threw the dirt and the mud that is okay – we got it done. Justice always prevails. I also wanted to thank the Service Department because I am a volunteer for the Blvd. of Flags and some of the Memorials and with the seasonal help we had this year the War Memorial looked very nice and I had a lot of compliments on it from people from out of the City – Medina, Massillon, Columbus, Cincinnati – who came up to look at it. I could not do it by myself and with the help of the seasonal workers it looked very nice. Thank you, Mr. Semik for having that done and I hope we can continue to keep it up next year. The only complaint I do have is I am very distraught to see that our Charter – that anyone of you people can be recalled by me going out and getting 1,300 signatures to get it on the ballot because I do not like you. That is wrong. I don’t care if the person is in office – if you are immoral or do something illegal then you have to be recalled – but, just because someone doesn’t like you I can have you kicked out of office or have a re-election on you – that is not right. So, you guys have your work cut out for you to rewrite that Charter so it is done right. You can call someone off if they are bad – if they do something illegal or immoral. But, just because you do not like them is no reason to get them out of office and unfortunately we are doing so good in this City and we had that magmire come up there and do this. That is wrong – you have to change that. Thank you for your time – you did a great job.

There was no one else who wished to speak.

LEGISLATION PROPOSED - First number will be 2010-095

Requested by: Administration
Sponsored by: Mr. Knuchel

RESOLUTION NO.: 10-12-(01)

A Resolution authorizing and directing the Mayor to prepare and submit an Application to Participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) and to Execute Contracts as required, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2010-095.

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Requested by: Administration
Sponsored by: Mr. Knuchel

ORDINANCE NO.: 10-12-(02)

An Ordinance authorizing the Mayor and Director Finance to enter into a Ninth Amendment to the WPCC Joint Agreement with the City of Willoughby, as amended, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2010-096.

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

ORDINANCE NO.: 10-12-(03)

An Ordinance to re-appropriate for the expenses of the City of Eastlake, State of Ohio, for the period beginning January 1, 2010 and ending December 31, 2010, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

MOTION TO AMEND

Mr. Knuchel: I hereby move to amend Legislation No. 10-12-(03) with said amendment to include the reappropriation for Fund #201 "State Highway Fund" in the amount of \$30,000. Ms. DePledge seconded.

ROLL CALL ON AMENDMENT: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Amended as Ordinance No. 2010-097.

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ORDINANCE NO.: 10-12-(04)

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

An Ordinance approving the City of Eastlake Commercial Design Standards and Guidelines, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2010-098.

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ORDINANCE NO.: 10-12-(05)

Requested by: Administration
Sponsored by: Ms. Vaughn

An Ordinance amending Section 155.01 "General Administration," of the Codified Ordinances of the City of Eastlake, specifically subsection "(b)," and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2010-099.

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Requested by: Administration
Sponsored by: Mr. Knuchel

ORDINANCE NO.: 10-12-(06)

An Ordinance Providing for the Issuance and Sale of \$450,000 of Notes, in Anticipation of the Issuance of Bonds, to Pay Costs of Improving the City's Sanitary Sewerage System by Constructing and Reconstructing Pump Stations and Sanitary Sewers, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2010-100.

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

RESOLUTION NO. 10-12-(07)

A Resolution authorizing the Director of Finance to transfer funds, with said funds to be transferred in the amounts as listed from Fund #101 "General Fund" into Fund #438 "Recreational Capital Improvement Fund," and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2010-101.

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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 was absent and excused.

LAW DIRECTOR – Randy Klammer

Mr. Klammer: Nothing too earth shattering in litigation. Fatur is still pending. Ms. Vaughn, after your inspection of those internet cafés if anything comes up send me an email if you want me to add anything so it will be productive at the next meeting. This concludes my report and I am open for questions.

Mr. Morley: I would like to thank Mr. Klammer for holding the mediation on Friday for Superlative. We will have legislation for next week.

Mr. Klammer: If anyone needs anything I have it all.

There were no questions of Mr. Klammer.

FINANCE DIRECTOR – Michael Slocum

Mr. Slocum: I have no formal report right now but I would like to thank Council – we have had a lot of different pieces of legislation here. Having worked in a different situation in the past I really do appreciate the cooperation I have experienced since my return. With that I am open for questions.

Mr. Morley: Council is to be told when there is going to be a change order. Today, we found out from Mr. Slocum and Mr. Gwydir that we needed another approximately \$4,000 for the Senior Center roof. Mr. Slocum has advised we have the money – we are going to okay Mr. Gwydir to talk to the contractor about finishing the work and providing a change order with the exact amount after that – this way they can finish up the project. I appreciate both of you guys getting with Mr. Knuchel and me to talk to us about this as we had requested a few meetings ago. We don't want to stop anything from going on in the City but these are still the checks and balances we need to do to monitor ourselves. I appreciate the communication.

There were no questions of Mr. Slocum.

TAX ADMINISTRATOR – Angela Keneven-Zanella

Mrs. Keneven-Zanella was absent and excused.

CITY ENGINEER – Tom Gwydir

Mr. Gwydir: East 347th Street and East 348th Street are very near completion. We will be doing the final major pour on East 348th Street tomorrow and will be buttoning that job up before the end of the month. Quentin Road pump station is well underway – it has been

stripped out and we are waiting for the new pumps to be delivered and anticipate the job to wrap up in early December. I will be making the final application for the Edwards drainage project and doing other miscellaneous items that have come to my attention. I am open for questions.

Mr. Morley: Ms. Vaughn provided you an address – we received a call from the resident at 969 East 348th Street and Alcina saying he believed the cement in front of their property was damaged during the repairs. Mr. Gwydir is going to look at it. Mr. Semik, you may want to look at it.

Ms. Vaughn: I believe his complaint was about the street and not his property. The way the equipment was damaging Alcina – he wanted to make sure it was going to be repaired.

There were no further questions of Mr. Gwydir.

SERVICE DIRECTOR – Mike Semik

Mr. Semik: Leaf pickup is coming up. We have the equipment ready and will be testing it out shortly on the bike path. We had a couple of calls regarding water break repairs. Lake County contacted me about three weeks ago – Ms. Vaughn, I apologize for not getting back to you right away – they are hiring outside contractors. They have had way too many water main breaks this year in the County so they will be hiring contractors to do the concrete and asphalt repairs. Ms. Vaughn, yours will be repaired in concrete. The access lane to Walgreens is now completed along with the road and they will be finalizing the lane markings this week. I am short four people – they are out on the injured reserve list which is really cutting into work getting done. I only have three people now in the Road Department but luckily for us there is nothing earth shaking going on so we are managing to get by. This concludes my report and I am open for questions.

Ms. Vaughn: What is the status of the DuraPatcher? It was broken. I still have that open request regarding a pothole at 34385 Glen.

Mr. Semik: We have had thermostat problems with the DuraPatcher. We have contacted Mike Myers who is the guru on the equipment. He has been trying to figure out the problem. We now have it narrowed down to tar in the bottom. What has happened is when the tack is repeatedly heated over and over again the water that is in the tank sets up in the tank. We have to drain the tank out, replace the heaters and thermostats. If that is not it he will be coming out to see what the problem is – we will be doing that tomorrow. Hopefully, we will be able to drain it and get it cleaned out and rebuilt.

Ms. Vaughn: You can't use cold patch in the meantime on some of these potholes? I know you hate it but residents find it very difficult to navigate throughout the City with the potholes.

Mr. Semik: As a last resort we will do that. We worked on it all day today – we had them on the phone as we were working.

Ms. Vaughn: I know you are trying but I just wondered about some of the options – wintertime is coming and the snow plows will make things worse.

Mr. Semik: If we cannot get it resolved in the next day or two we will resort to cold patching.

Mr. Morley: I saw the developer last week from Walgreens. They are looking at opening Thanksgiving. They are way ahead.

There were no further questions of Mr. Semik.

CHIEF BUILDING OFFICIAL – John Stigalt

Mr. Stigalt: As it has been alluded to Walgreens is ahead of schedule. They are making great progress. The landscaping is being put in this week. They should start putting pictures in next week. They are really ahead of schedule and that is good for us. Dollar General opened and will be having their grand opening Saturday morning between 7:00 a.m. and 8:00 a.m. As you know we have had eight house permits issued – once is final and the other broke ground the other day on Plymouth. There will be three on Plymouth. Hopefully they will get six done by the end of the year and two will be done by spring. We are still issuing permits for decks, furnaces, air conditioners, window replacements, roofs, etc. We are still working on occupancies – about 10 – 15 occupancies in a week – those that never had one. So, we are trying to get a handle on that. Ms. Vaughn, I appreciate you have a handle on the property maintenance. I understand the internet café is a hot issue. I have talked to other inspectors in cities and their councils are having three to six month moratoriums to study what impact will be placed on their communities. Several developers have absolutely refused to have them in their strip malls because they think it is a short term. There are some loop holes that I have been told allow them to get in but the State government is working on closing those up within the next year or so. That is something that I know needs to be studied and decisions made to regulate them so they are good for our community if they are going to be allowed. This concludes my report and I am open for questions.

There were no further questions of Mr. Stigalt.

POLICE CHIEF – John Ruth

Police Chief Ruth: Your Police Department continues to do a fine job and I am open for questions.

Ms. DePledge: Does the Police Department have any position with regard to the internet café that is going in on Lakeland Blvd. as far as whether it is illegal activity.

Chief Ruth: I really don't have a lot of information about the internet café. I have a lot of mixed emotions about these machines that end up in these store front operations and in the different businesses as far as their legality and as far as possibly being gambling machines. It seems to me the State has taken a very wishy-washy position on what constitutes gambling and what machines constitute gambling in the State of Ohio and no one has taken a definitive position from a State level on down and it has kind of been left to each individual community to try to take that task on which is difficult. These machines are constantly being tweaked to try to cross over the line of legality and I think the whole issue is one that needs to be

addressed at a State level. As to what is occurring on the horizon personally I think most of those establishments end up being gambling – I need to be careful saying that – but, it will be whatever our Law Director rules is legal in our community and we will abide by whatever decisions are made. But, there is a lot of controversy.

There were no further questions of Chief Ruth.

FIRE CHIEF – Ted Whittington

Mr. Morley: Chief Whittington is teaching class tonight and is excused.

ADJOURNMENT

The meeting was adjourned at approximately 8:11 p.m.

DENNIS MORLEY, COUNCIL PRESIDENT

APPROVED: _____

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