

**EASTLAKE CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
OCTOBER 26, 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 7:08 p.m.

The Pledge of Allegiance was led by Ms. Vaughn.

**ATTENDEES**

Members of Council in attendance were Ms. Vaughn, Mr. Knuchel, Ms. DePledge, Mr. Hoefle, Mr. D'Ambrosio and Council President Mr. Morley. Also attending was Council Clerk Mrs. Cendroski. Mr. Lajeunesse advised that he would be late in arriving.

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

**APPROVAL OF MINUTES**

**COUNCIL-AS-A-WHOLE COMMITTEE MEETING WITH ADJOURNMENT INTO  
EXECUTIVE SESSION – OCTOBER 12, 2010**

MOTION: Ms. DePledge moved to approve the minutes of the Council-as-a-Whole Committee with adjournment into Executive Session of October 12, 2010. Ms. Vaughn seconded.

ROLL CALL: Yeas: Ms. DePledge, Ms. Vaughn, Mr. Knuchel, Mr. Hoefle,  
Mr. Morley.  
Abstain: Mr. D'Ambrosio

Motion carried. The minutes were approved.

**REGULAR COUNCIL MEETING – OCTOBER 12, 2010**

MOTION: Ms. Vaughn moved to approve the minutes of the Regular Council Meeting of October 12, 2010. Ms. DePledge seconded.

ROLL CALL: Yeas: Ms. DePledge, Ms. Vaughn, Mr. Knuchel, Mr. Hoefle,  
Mr. Morley.  
Abstain: Mr. D'Ambrosio

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, November 9, 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.

I would like to thank everyone that was involved in the dinner dance that we had at the American Legion Post #678 a couple weeks ago. It was great that we sold 217 tickets. The dinner and the dance were great. The Women's Auxiliary donated their time and food to the event. We made approximately \$2,400.00 on that event for the flags. I would like to thank everyone who contributed to that.

### COMMUNICATIONS & PETITIONS

A communication was received from the Administration regarding proposed amendments to City Ordinances 949.11 "Connection to the Storm Sewer; Sanitary Sewer;" 959.01 "Certificate of Inspection Required;" and, 1387.10 "Maintenance of Roofs, Gutters and Downspouts." This was referred to Ordinance Committee.

A communication was received from the Administration regarding the road dedication for Walgreen Drug Store. This was referred to Planning Committee.

A liquor license request was received from Walgreen Co. dba Walgreens 13058, 35279 Vine Street, Eastlake, OH 44095. This was referred to Planning Committee.

Recommendations were received from the Administration regarding Conditional Use Permit renewals for Hideaway Bar & Grill, 35575 Lakeshore Blvd., Eastlake and Auto Dynamics, 35060 Lakeland Blvd., Eastlake. These were referred to Planning Committee.

### COMMITTEE REPORTS:

#### ORDINANCE COMMITTEE - Ms. Vaughn

Ms. Vaughn: The Ordinance Committee has been consumed with information regarding discussion on the proposed Internet Sweepstake Café. Therefore, many of the other issues that we were dealing with have gone to the wayside for the time being. We have come to no particular conclusion yet on the Internet Sweepstake Café issue. I will be having a meeting on Monday, November 1, 2010 because Tuesday, November 2, 2010 is Election Day and we want to make sure everyone gets out and votes. We are going to set a time frame - at the next meeting we will have concluded our discussion and reached an agreement and some sort of action to deal with the Internet Cafes. Also, I did receive a phone call from a resident tonight concerned with the water by the storm sewers on E. 347<sup>th</sup> St and E. 348<sup>th</sup> St. So on my way down here I took a look at our new streets on E. 347<sup>th</sup> St and E. 348<sup>th</sup> St. and there was a great amount of water at the corners where the storm sewers are. I spoke with a gentleman in the audience before the meeting and he explained to me that there is some sort of fabric in the sewers for the time being that is preventing the grass and dirt to go in those sewers. I will call the resident back and explain that we are not getting flooding because we do get flooding in that neighborhood all the time. That 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 has not met since our last meeting and there is nothing pending in Committee and I am not scheduling any additional meetings at this time. As the Port Authority liaison we talked about the lease agreement. That concludes my report and I am open for questions.

There were no questions for Ms. DePledge.

SAFETY COMMITTEE – Mr. Lajeunesse

As Mr. Lajeunesse was late in arriving there was no report.

RECREATION COMMITTEE – Mr. Hoefle

Mr. Hoefle: The Recreation Committee has not met since our last scheduled meeting and there is nothing pending in Committee and I am not scheduling any additional meetings at this time. I am open for questions.

There were no questions of Mr. Hoefle.

PLANNING COMMITTEE – Mr. D'Ambrosio

Mr. D'Ambrosio: The Planning Committee did have a meeting on Tuesday, October 19, 2010 at 6:00 p.m. All members from Council were present except for Mr. Hoefle. He was absent and excused. Members from the Administration were Mayor Andrzejewski, Law Director Mr. Klammer, Service Director Mr. Semik, CBO Mr. Stigalt and Lt. Reik from the Police Department. There were two items on the agenda that evening. The first item was a Conditional Use Permit for Key Bank, 35401 Vine Street. This is going to be on the corner of Vine St. and E. 354<sup>th</sup> St. The Conditional Use Permit is for a drive-thru. They are going to have two lanes – one lane is going to be for an ATM and one is going to be for a teller. We did discuss this because it is in Ward 1. I had received complaints regarding the car dealership because sometimes it would obstruct the view on Vine St. There were a lot of details that were taken into consideration as far as the sign and the setback. Therefore, it should eliminate that problem. This was moved forward by the Committee and there will be a public hearing on November 9, 2010. The other item on the agenda that evening was a liquor license request for Anjalee, Inc. dba Beverage & Tackle, 35579 Lakeshore Blvd., Eastlake, OH. There were no objections from the Administration or from the Police Department. This can be moved forward. I will make a motion on the Super Food Buffet and the liquor license transfer.

Legislative Recommendation

Legislation No. 10-26-(10)

MOTION: I hereby move to add Legislation No. 10-26-(10) to the evening's agenda authorizing the issuance of a Conditional Use Permit to Yu Super Seafood Buffet, Inc., 33550 Vine Street, Eastlake, Ohio, 44095. Mr. Knuchel seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation No. 10-26-(10) is added to the evening's agenda.

#### Liquor License Request

MOTION: I hereby move to approve and send back to Columbus, Ohio with no objections the liquor license request for Anjalee, Inc., dba Beverage & Tackle, 35579 Lakeshore Blvd., Eastlake, OH. Mr. Knuchel seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The liquor license request is approved.

#### Additional Comments

Mr. D'Ambrosio: That 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 Tuesday, October 19, 2010 with one item on the agenda and that was housekeeping supplies for the City of Eastlake Service Department and there are several Resolutions that we will be looking at tonight. These were discussed in the Council-as-a-Whole Committee meeting. That concludes my report and I am open for questions

There were no questions of Mr. Knuchel.

#### 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.

#### Mr. DeRenzo, Sr., 34861 Glen Drive, Eastlake

Mr. DeRenzo: Thanks for this opportunity. The people on the streets that did E. 348<sup>th</sup> St. and E. 347<sup>th</sup> St. did a fabulous job. The question I have is that they have added a drain tile. Back in '71 there was a building ban in Eastlake. I could not build my home on Glen Drive until '72 because of the building ban due to the inadequate sewers. Nothing was changed. We finished the six houses on Glen Drive and three houses on E. 348<sup>th</sup> St. Now you've added a four inch drain tile – not a lateral sewer – not a discharge sewer. That drain tile that was added underneath all those streets was to divert the water from the tree lawn to go out underneath the street so you wouldn't get your winter heaving. This was a good idea and great job per the State. The problem is it goes into Glen Drive sewers. When we had the first floods on Glen Drive back in the early '70's it took \$3.8 million dollars to correct the sewers on Glen Drive, Amy Ct., and Iris Lane - figure that costs five times that cost now. Why can't we fix Glen Drive with a large sewer going across Rt. 91? Go to the State because Forest City undersized these sewers and they knew it. You guys have done a fabulous job in the City and we've turned this City around. There are people you can go to in Washington who have money and go after Forest City where the City of Eastlake doesn't have to pay. You are going have to pay 20%. Why should the City of Eastlake pay 20% when Forest City made this mistake 30-40 years ago? I moved in November 4, 1972 and

I've been flooded three times. My basement is totally finished. Mayor Becker told me to put a sump pump in and I did. In the year 2008 I lost power and my sump pump wouldn't work. I put a whole house generator in and the City didn't know who to charge it to. Do we charge it to the plumbing or do we charge it to the electrical? You guys came over and did the test. You were asked if you could come over and see when we ran the house test. I was the first one with the whole house generator. I put it in because I'm not getting flooded again. And I'm not! Both of my neighbors got flooded this last time – I didn't get a drop. I prevented the problem. The point is that your sewers are undersized and we all know that. You guys didn't install them and I'm not blaming you – but can you help us. To sell your house and move is the wrong attitude. To tell people it's a lateral - to tell people it's a drain that's taking water in pushing it in the ground – no it's not. Drain tile diverts the water to a sewer, to a catch basin, to a retention pond. You are putting the entire length of the street times four into Glen Drive. Now if I ever get flooded again because my sump pump can't hold it I'm going to put my money in escrow and not pay taxes. I'm not going to pay my sewer bill. I'll pay my water bill. I'll get every neighbor to do it because you can do that. You can put the money in escrow until the problem is resolved. Check with your Law Director. I've been in the trade for 43 years. I've run projects up to \$57 million dollars all the way down to \$7 thousand dollars and I've just retired. Those guys on that street did an excellent job. You had a back hoe with a blade that removes concrete only - that's all it does. Then they had a dozer there that graded the uneven stone, which was great, because you are supposed to do that. Then they came in with a smaller back hoe with a twelve inch bucket and dug the trench below the sub-base of the road which you are supposed to do. They applied the 57 stone, put the drain tile in and put the 57 stone over it. Then they put the geo tech fiber down and put the eight inch of base down. Now the only thing I didn't see that they did do was the proof roll prior to the pour. When I saw the trucks back over what they did - nothing pumped. I don't know if anybody from the City has watched this. I watched it every single day. To tell people that you took drain tile out and replaced it is the wrong thing. Ms. Vaughn told me that they took the drain tile out. There was no red clay tile coming out by that company at all. It was State funded money because you can get the report from the contractor because they have to make a record. One goes to the City, one goes to the State and one goes to the contractor that did the work. I want to know what are we going to do now if we get flooded worse than before because the sewers in '71 were inadequate? You guys didn't put them in and I didn't put them in. Everybody that got involved is dead. I bought the house from an Eastlake realtor. I had Mr. Myer Michaels put the shell up. My dad and I did all the rest of the work. That house was built 100% union – I'm proud I'm a union carpenter Local #95. What I'm worried about is the after effect when we have these heavy rains. Nobody can answer the question. It's not your fault but help us.

Mr. Morley: I thank you for your comments. When we had the other meeting here I remember you speaking also. We can look into the grants for the sewer projects and the road projects and any other projects that we have. Mr. Gwydir, do you have anything that you would like to add?

Mr. Gwydir: It's a rather a long answer.

Mr. Morley: We can do it on the side or have it on record.

Mr. DeRenzo: I would rather have it on record. I want to know what's going to happen to us? I have over \$50,000 in my basement invested. I have finish work just as nice as here. Look at our City and how beautiful it's been. Look at the job you guys have done in the past four or five years.

Mr. Morley: We appreciate that.

Mr. DeRenzo: I appreciate it. I don't want to move.

Mayor Andrzejewski: We've applied for as many grants as we can for E. 347<sup>th</sup> St and E. 348th St. and South Lake Shore and this is not something that we cannot overcome. This is something that I would like to point out to you. Let's say the cost to redo Glen Drive is about \$15 million dollars.

Mr. DeRenzo: That's to do both streets Glen and Iris. But, if you just do Glen Drive...

Mayor Andrzejewski: Let's just take \$7.5 million dollars. I'm not trying to put this as an obstacle because it is something we have to deal with. I want you to see the other side of the coin. Let's say we go to the State like we did for E. 347<sup>th</sup> and E348th St. Let's say we are lucky enough to get 50% of the cost. The City has to then come up with \$3.5 million dollars.

Mr. DeRenzo: I understand that but Forest City is still in business. They knew the sewers were wrong back in the '70's and they knew they were undersized. They knew the problem because I couldn't build then.

Mayor Andrzejewski: I believe you. I believe everything everyone has said. I'm just telling you that the practical side of this is that even if the City got half of the project paid for we would have to come up with \$3.5 million dollars.

Mr. DeRenzo: What would you do if the people stop paying taxes and they put it in escrow? You don't get that money.

Mayor Andrzejewski: I don't know and I don't want to go there. I want to try to help you. I'm just saying that's the other side of the coin.

Mr. DeRenzo: I understand.

Mayor Andrzejewski: I wish we could but it isn't 20%. The most we get for these projects is 40%-50%. What did we get for those two streets?

Mr. Gwydir: It was about 40%.

Mayor Andrzejewski: This is great because we are glad to get that.

Mr. DeRenzo: They did a fabulous job.

Mayor Andrzejewski: On a huge project like that it's a lot of money.

Mr. DeRenzo: Do one street at half the cost.

Mr. Morley: Mr. Gwydir, do you want to answer?

Mr. Gwydir: First of all, Mr. DeRenzo, thank you for noticing how fast the crew went. They did that job quite quickly. Just to catch a couple of things - we did a proof roll when we first opened up the street and then we made a decision to undercut and add additional stone and we checked and reproof rolled that and then moved forward just looking for soft spots. That's why you didn't see proof rolls throughout the entire job. It was an effort to speed up the job with a specific respect to the under drain. Flooding usually occurs, as you are well aware, because the system is overwhelmed. It gets overwhelmed because the water literally gets in there very quickly. It comes off the roofs, the downspouts, the laterals into the pipes, off the streets into the catch basins and you get a very high flow very quickly and that leads to flooding. That's what typically causes the flooding. With the curb drains the drains are picking up water that manages to creep through the soil on the outside and that would be the tree lawn area to get to the curb drain. Or water which gets through the pavement at the joints. They open up over time and the concrete is a little porous so you'll get water there.

Mr. DeRenzo: It also prevents the streets from heaving in the winter time.

Mr. Gwydir: It does that by generally keeping it dry but the flows to the under drains are exceedingly low. In other words in a rain event you'll never see those flowing full. If somebody has a waterline break then you'll see a curb drain fill up. You'll hear it running and you shouldn't hear the curb drains running. The water comes through that very slowly so its contribution even in a heavy rain. By the time the water gets through the soil, gets to that curb drain and gets in the system the thing that caused the flood has already caused the flood and is long gone by the time the water gets there. So you are not seeing that contribution to the system.

Mr. DeRenzo: It still adds water.

Mr. Gwydir: It still adds water but it's a question of when it adds the water? So when you have a big storm it's very hard and you get flooding right away and the system is overwhelmed. That hydrographic curve spikes and it goes away in time. Then the water that infiltrates in then that follows but that well after the fact.

Mr. DeRenzo: What do we do two or three days before when we had the big flood?

Mr. Morley: I don't want to interrupt but we need to go on with the meeting.

Mr. DeRenzo: One more question. If we can get the City to get the test plugs with the threaded end because you only have an eight inch sewer back there and the yard drains are twelve inch which are too big for the test plug. If you cut the test plug off you will now have a three inch hole instead of a four inch hole. When I did that it let the water drain slowly

because I used to get about three feet of water in the back yard. The kids were playing back there and they let a baseball go down the drain and what a mess that was, but we got it pumped out and the dad took my test plug out and threw it away. We have all those drains in the back yard and thank God for the City because when my neighbor bought a house the City noticed my riser pipe was cracked which saved me a lot of headache. I had to take my drive up and replace the riser pipe. Good thing the City mentioned it. I had that drain cleaned at my cost, too. Why can't we go on the back of Glen Drive and put a reducer in all of those pipes? Let the water dissipate in a couple of days.

Mr. Gwydir: I just want to finish up on the curb drain really quick. Never in my experience have I ever seen curb drain contribute to flooding. Bless you for your comments. The idea of preventing flooding is to slow the waters entry into the storm system. That is the exact immediate answer and that is not a cure but it is a portion of a solution to the problems in the neighborhood. That's exactly what we have said to the folks that have taken the time to listen to us that if you disconnect downspouts it slows water into the drain that will assist in stopping some of your flooding. I do appreciate your ideas.

Mr. DeRenzo: That's why all of your developments are not allowed to tie into the sewers any more. Every gutter is front on the lawns. Thank you very much.

There was no one else who wished to speak.

#### REGOGNITION OF LAKE COUNTY CAPTAINS ON WINNING THE 2010 MIDWEST LEAGUE CHAMPIONSHIP

Council President Morley and Mayor Andrzejewski awarded plaques of appreciation to the Lake County Captains Minor League Baseball Team on winning the 2010 Midwest League Championship.

Mr. Morley: Congratulations to the owners of the Captains, Mr. Cafagna and Mrs. Cafagna and Mr. Cafagna, Jr. and Mr. Seymour, General Manager.

Mr. Cafagna: Thank you so much for all your support for all these years. Please come see us on November 2, 2010 because we are having a huge celebration party. As our guest please come up to the owner's suite and the City's suite and we are going to celebrate the Championship that night and we are going to have a special announcement relative to the team that is a big secret. It's a Halloween surprise. We would love to see you all in our suite and the City suite on November 2, 2010. We are going to celebrate the Championship with the entire City of Eastlake. Thank you so much. I have chills down my spine and my heart is fluttering because I've never been around a Cleveland champion before.

Mr. Seymour: Check our website tomorrow. It's an evening event on Tuesday, November 2, 2010. Drop me an e-mail if you can make it with a guest or family. There will be a special announcement. We are also bringing in some of the players to celebrate the Championship.

Mr. Lajeunesse: When everything first started I saved everything from the first season as well as pictures of the stadium from start to finish and I would like to present them to you.

Mrs. Carfagna: That's so kind of you.

Mr. Lajeunesse: You have been very special people to the City of Eastlake. Congratulations!

Mayor Andrzejewski: We did invite the News-Harold. We will send them some pictures.

Mr. Morley: Thank you.

LEGISLATION PROPOSED - First number will be 2010-095

RESOLUTION NO.: 10-26-(01)

Requested by: Law Director Klammer

A Resolution authorizing and directing the Mayor, Director of Finance and Director of Law, on behalf of the City of Eastlake, to enter into a Settlement Agreement with The Superlative Group, 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.

DISCUSSION

Mr. Knuchel: What is the amount of the settlement with the Superlative Group?

Mr. Slocum: There are four payments of \$12,000.

Mr. Klammer: The first payment is due immediately.

Mr. Knuchel: So that's \$48,000 – correct?

Mr. Slocum: Correct.

Mr. Knuchel: It's my understanding that the naming rights deal was a result of the efforts of our Administration lead by our Mayor. If that's the case why are we paying them anything?

Mr. Klammer: I think we had this discussion in great, great detail in both of the prior Executive Sessions. I would be happy to have it again now.

Mr. Knuchel: I would appreciate that.

Mr. Klammer: What I would explain for the record is that you have a contract that has a number of different provisions. Sometimes the world doesn't unfold the way we expect when you enter into a contract. Unfortunately, you find yourself in a position where there is a dispute as to who earned that or who caused the naming rights to be secured. There's no doubt that the Mayor took the lead role and deserves great credit for finding that ultimate deal but the Superlative Group thinks that they are entitled, under the terms of the contract, to get paid a certain amount of money. Hence, those are the prime times that you find a

settlement to a case.

Mr. Knuchel: Okay. I guess from there I would go on to say that in that contract there are three levels of compensation for that group. The naming rights over \$4 million, the naming rights under \$4 million and there's a clause there that says that we can get out of the contract at any time given 30 days notice. For the \$4 million dollars or over its \$75,000 and for the under \$4 million dollars it's \$32,500. Invoking, for lack of a better term, the escape clause with 30 days notice there's no compensation. My basic question goes back to if they did nothing why are we paying them and if they did do something why aren't we paying them the \$75,000?

Mr. Morley: Do we need to go back into Executive Session? I understand where you're at Mr. Knuchel...

Mr. Klammer: It's not a secret.

Mr. Morley: We've discussed all of this. We were all in Executive Session so I don't know what we are looking for unless you want this on record. I don't know what we are looking for and I just don't want to beat it into the ground.

Mr. Knuchel: If you ask me what I'm looking for it is the answers to questions that remained. I think it needs to go on to the record exactly what steps were taken and what steps were not taken. If you look at the contract, and I'm not a lawyer, I will freely admit that but I think that there are some serious complications for my vote for \$48,000. In my opinion, we either evoke the escape clause which would put us at no compensation or since the naming rights were over \$4 million dollars I believe they deserve the \$75,000. I think it's a bad business move to do this because we've had comments that the City is difficult to deal with and as Council what is the message that we are sending to those who wish to do business with our City? That concludes my comments and I will be voting "no" on this issue this evening.

Mr. Klammer: Mr. President, just one point. This may settle some concern in your mind. Again, Mr. Knuchel, my opinion was that there was a legitimate dispute. I can't in good conscience tell you whether you win or you lose. As far the City is good to deal with just remember that we spent a lot of time negotiating and everybody was represented by lawyers. We spent a good amount of two to three hours in mediation and this is what the parties agreed to. Certainly, there should be nobody saying that the City was bad to deal with this in this instance. They should be proud and pleased with the relationship that they have with the City. I think the Superlative Group would tell you that this is an agreement that they reached with full opportunity to hear the issues on both sides with the assistance of a mediator to help us bridge some gaps. I think it was a fair resolution to everybody. In this particular instance there should be no complaints about dealing with the City.

Mr. Knuchel: Thank you Mr. Klammer. I do appreciate that and I do appreciate the time you and the mediator, who from what I understand is a top notch mediator. Their efforts were very good. I just don't happen to agree with the way things were done. My vote

remains “no”. Thank you.

Ms. DePledge: Mr. Klammer, if for some reason this were not to pass tonight would that mean that there would be no settlement agreement and we would have to proceed with litigation. Isn't that correct?

Mr. Klammer: Yes.

Ms. DePledge: Then we would have additional attorney fees and expenses associated with that litigation. Isn't that correct? That, also, means that we might not be doing the best service for our residents if we are costing them more money on the long run. Right?

Mr. Klammer: Yes.

Mr. Knuchel: I would like to respond to that. We looked at giving them the \$75,000 which I thought they deserved from the beginning. There would have been no need for any of the legal proceedings that are happening now. Thank you.

Ms. DePledge: Again, if I may, if we could go back and rewrite history I'm sure we would all do a lot of things differently but we need to move forward and we need to make a good decision.

Mr. Knuchel: My comments have always been from the very beginning that we should not enter into mediation for these groups because I didn't believe that medication was necessary because I believed we owed them the \$75,000. Thank you.

Mr. Morley: I wasn't going to comment on this. I agree with Mr. Knuchel because I was against this until I sat in that mediation and sat down with the mediator and looked at what I thought was best for the residents. The Superlative Group was in the mediation and they understood as the same thing we understood that the law was not clear cut to either side. That's why we had the mediator. The Superlative Group also had to go into this agreement okaying the \$48,000 in the four year payment. That's all I have to offer on this.

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

ROLL CALL: Yeas: Ms. Vaughn, Mr. D'Ambrosio, Mr. Lajeunesse, Ms. DePledge,  
Mr. Hoefle, Mr. Morley  
Nay: Mr. Knuchel

Motion carried. Legislation is adopted as Resolution No. 2010-102.

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Requested and Sponsored by:  
Eastlake City Council

RESOLUTION NO.: 10-26-(02)

A Resolution Proclaiming November 14 -20, 2010 as National Hunger and Homelessness Awareness week in Eastlake, Ohio, and proclaiming November 20, 2010 as Lake County Homelessness Awareness Day, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

MOTION: Mr. D'Ambrosio moved to adopt. Ms. DePledge seconded

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2010-103.

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

RESOLUTION NO.: 10-26-(03)

A Resolution authorizing and directing the Mayor and Director of Finance to enter into a Contract with Northeast Lubricants, Ltd., the lowest & best bidder, for the purchase of Motor Oil and Grease as listed for the cost as outlined, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2010-104.

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

RESOLUTION NO.: 10-26-(04)

A Resolution authorizing and directing the Mayor and Director of Finance to enter into a Contract with Osborne Concrete and Stone Co., the lowest and best bidder, for the purchase of Stone & Slag Aggregate Products as listed for the cost as outlined, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2010-105.

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Requested by: Service Director Semik	<u>RESOLUTION NO.: 10-26-(05)</u>
Sponsored by: Mr. Knuchel	A Resolution authorizing and directing the Mayor and Director of Finance to enter into a Contract with Osborne Concrete and Stone Co., the lowest and best bidder, for the purchase of Asphalt/Concrete Products as listed for the cost as outlined, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2010-106.

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Requested by: Service Director Semik	<u>RESOLUTION NO.: 10-26-(06)</u>
Sponsored by: Mr. Knuchel	A Resolution authorizing and directing the Mayor and Director of Finance to enter into a Contract with Specialized Construction, the lowest and best bidder, for the purchase of Asphalt/Concrete Products (Asphalt) as listed for the cost as outlined, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2010-0107

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

RESOLUTION NO.: 10-26-(07)

A Resolution authorizing and directing the Mayor and Director of Finance to enter into a Contract with Osborne, Inc., the lowest and best bidder, for the purchase of Asphalt/Concrete Products as listed for the cost as outlined, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

.  
ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2010-108.

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

RESOLUTION NO.: 10-26-(08)

A Resolution authorizing and directing the Mayor and Director of Finance to enter into a Contract with Karvo Paving Co., the lowest and best bidder, for Planings & Grindings for 2011, with a one (1) year option for 2012, as listed for the costs as outlined, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

.  
ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2010-109.

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

ORDINANCE NO.: 10-26-(09)

An Ordinance authorizing the issuance of a Conditional Use Permit to Willo-Lake Church of the Nazarene dba Agapeland Daycare and Pre-School, 34950 Lakeshore Blvd., Eastlake, Ohio, 44095, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2010-110.

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

ORDINANCE NO: 10-26-(10)

An Ordinance authorizing the issuance of a Conditional Use Permit to Yu Super Seafood Buffet, Inc., 33550 Vine Street, Eastlake, Ohio, 44095, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2010-111.

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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 thank the Chagrin River Salmon Association for Saturday and sponsoring and taking most of the cost for the fish fry at the Senior Center. Mr. D'Ambrosio and I were there. There were about 200 seniors. Is that about right Mr. D'Ambrosio?

Mr. D'Ambrosio: I'd say so.

Mayor Andrzejewski: That's a pretty good deal for the seniors. You'll find on the agenda when it comes to your attention to take a look at it. That is a recommendation from the Administration – that is from Asst. Service Director Mr. Ramski, Service Director Mr. Semik and myself reading the ordinances. There is an ordinance that requires people when they sell their homes when they are not connected to their storm sewer with their gutters, down spouts to be connected to the storm sewer. We said that's ridiculous because if the system is working now where the water drains onto their grass and is causing no problems why force them to tie into the storm system. That's one of the things that you saw in that agenda that we need to repeal that ordinance. If the people have their water draining onto their land then let it stay that way because it is not causing any problems. By putting more water into our storm sewers we are just possibly causing more problems. The second thing I would like to discuss is that I talked to Mr. Morley and you will be seeing a memo come across from us. We want to streamline and eliminate some of the fees in our residents getting permits for water tanks and furnaces. I think you will find that our recommendation helps the residents and streamlines the process. Again, our concern is not to get the fees - our concern is that gas water heaters and gas furnaces are hooked up properly. We have all read, and thank goodness this does not happen often but once is too many, where in an improperly installed water tank or furnace where the gas line causes a mayor problem. So I would ask that you look at both of those when they come across your desks and give strong consideration in doing that. The speaker system in the gazebo is working. Mr. Semik and Mr. Rubertino found some big speakers that we had in a room that we didn't know about. We tested the speakers and they will blast you away. These speakers are huge. So any events we have from now on - there shouldn't be any more problems with hearing them. We went way back behind the Service garage and we heard them.

Mr. Knuchel: Is that for electric and gas?

Mayor Andrzejewski: Yes.

Mr. Knuchel: You just mentioned gas.

Mayor Andrzejewski: That's where most of the problems occur.

Mr. Morley: Hopefully, the conversation that I had with the Mayor today is a step forward that we get the Building Department and the resident together. That we look for the residents needs and we build a friendly process and streamline the process so they don't have go through extra headaches. When it comes over we will take a look at it and it is in the famous Ordinance Committee.

Mayor Andrzejewski: Some of these Ordinances were written in the '60's, '70's and '80's. We appreciate, Ms. Vaughn, you looking at them because as they come across we can look at them and say maybe it made sense in the '60's and '70's but it makes no sense now.

Ms. Vaughn: I'm glad you're bringing it to our attention because they need to be changed.

There were no further questions of Mayor Andrzejewski.

LAW DIRECTOR – Randy Klammer

Mr. Klammer: I would like to thank you all for the healthy debate on this Superlative settlement and all the time you spent on this. I am open for questions.

There were no questions of Mr. Klammer.

FINANCE DIRECTOR – Mike Slocum

Mr. Slocum: I did circulate a memo last week relative to a bond refinancing. We are working with Mr. Mike Sudsina and Mr. Sharp. We anticipate at the end of the day that we are going to save the City about \$950,000 which is knocking off 4% of the \$25 million dollars to \$26 million dollars left. We are going to be knocking off 4% of it and it is due to the favorable interest rate environment. We are looking to refinance some tax exempt bonds that we issued in 2002 due in 2004. The taxable bonds that we issued in 2004 are not callable to 2015 so at this point the math just doesn't work to try to refinance those at this point. We have to really let those set. Come 2015 we will look what the interest rate environment is and proceed at that time. I am open for any questions?

Mr. Knuchel: Are we looking to have that deal in our hands before the end of the year?

Mr. Slocum: Specifically, I'm looking into giving you legislation prior to the next meeting. Our schedule calls for us to have that go to your Finance Committee the following week and to the regular Council meeting on November 23, 2010 for approval. We are looking, hopefully, that this closes in the first week in December.

Mr. Knuchel: Does that have to go to the County level to change our debt service?

Mr. Slocum: We have to prepare an official statement and this will be a public sale that we are doing. We will have some legislation to do before the issuance - not with County at this point. This will put us in a better financial position then we are in today.

Mr. Knuchel: How much is it going to save us per year?

Mr. Slocum: Approximately \$50,000 a year.

Mr. Knuchel: Thank you.

There were no further questions of Mr. Slocum.

TAX ADMINISTRATOR – Angela Keneven-Zanella

Mrs. Keneven-Zanella was absent and excused.

CITY ENGINEER – Tom Gwydir

Mr. Gwydir: I am pleased to report that E. 347<sup>th</sup> St. and E. 348<sup>th</sup> St. are complete. They are under budget in terms of the construction and the engineering. The application for Edward Ave. is going in Friday, October 29, 2010. We are cleaning up miscellaneous items that are hanging out and do whatever else is required. I am open for questions.

Mr. Morley: I have been by E. 357<sup>th</sup> St and E. 348<sup>th</sup> St. with Mr. Semik a few times and that is the nicest curb work I've ever seen. I'm amazed at the work they did there. It was a good job. When there were some issues I went out with Mr. Semik a couple of times and they took care of everyone's needs out there. Thanks.

Mr. Knuchel: Congratulations on E. 347<sup>th</sup> St and E. 348<sup>th</sup> St. – I've walked E. 347<sup>th</sup> St and E. 348<sup>th</sup> St. this weekend and I ran into several residents and they are happy that this job was done. They had problems with the phone lines and problems with the cable lines and not being where they were supposed to be but everything was done professionally. They could not say enough about the crew that did the work. I think we should keep them in mind for future jobs because none of the residents that I spoke with had a bad thing to say.

Mayor Andrzejewski: We keep forgetting and we need to point this out that if it wasn't for the Road Levy we couldn't do these projects. The 60% cost that we have to pay for the South Lakeshore project we had last year and the Quentin Road pump station, which is our biggest pump station, all those are funded by the State but also by the Road Levy. I know that there are only a few people in the audience but I know how we take the Road Levy and stretch it by using matching funds. If the City didn't have that \$1.3 million dollars per year from the Road Fund we wouldn't be able to do any of these projects. As I told the gentlemen in his case there was no way we could come up with \$3.5 million dollars. Hopefully, the residents will pass the Road Levy next Tuesday, November 2, 2010.

Mr. Gwydir: Tri Mor Corp. was the contractor and did a very good job. The President of the company was out there on numerous occasions, himself, speaking to the residents. Quite frankly without the fine job and the fine crew this wouldn't have been possible.

Mr. Hoefle: Mr. Gwydir, I'm not sure if anybody read the article today about the Federal Administration Standards for Street Signs. There are some new federal standards that cities are going to have to replace street signs by the year 2018. They will be requiring a special reflective coding and also larger lower case letters on the signs. I'm not sure if you or Mr. Semik can answer where we stand as a City in regards to that?

Mr. Gwydir: I do have knowledge of that requirement coming down the road. As far as I know there is not a mandate for a specific time for it to be done but they are looking for higher specific standards and different lettering. They are asking that to be done as you move and change signs and for the newer construction for higher reflectivity. That is correct.

Mr. Hoefle: The article states that “The City will have until 2018 to replace all the street signs.”

Mr. Gwydir: The way that I understand it is that it is not forced but it is requiring the cities to do that as they change their signs and 2018 is a far enough horizon where that could potentially happen. I haven’t heard of any penalty for not doing that.

Mr. Semik: We were aware of that a couple of years ago and we have been changing the new signs and Victor Ave. was one of them. As these signs get changed out they are with the high reflective diamond grade. That’s what we are using right now. We have been aware of it and we have been switching them over. Also, on Lakeshore Blvd. because the speed limit is 35 mph they also require those letters to be larger. On the sign streets where it is 25 mph I believe they can still be six inches. But on Lakeshore Blvd. as we change those out they have to be the larger letters. We are already in that transition.

There were no further questions of Mr. Gwydir.

#### SERVICE DIRECTOR – Mike Semik

Mr. Semik: We are still crack sealing and Dura patching and we will end that up this week. We have everything crack sealed that we wanted to. We are just hitting up some of the streets that needed some attention from last year. The salt trucks are up and we have three of them ready – the tandem, the 8-ton and one of the 5-ton just in case. I don’t anticipate any snow. The leaf collection starts next week. We will start running the equipment and getting it tested. Hopefully, we won’t have any problems. This concludes my report and I am open for questions.

Ms. DePledge: I just wanted to bring this to your attention and I didn’t put it in a memo because it just happened last night. I was at Kennedy Junior High School and the Eastlake Basketball Team was playing. I parked in the parking lot and it was kind of nostalgic because I went there. As I was walking it was about 8:00 p.m. and it was so dark that I couldn’t see where the sidewalk was and where the drive was. I was looking around and there was an older couple walking by me and they were complaining about the lighting. I said “It looks like we need a few more light around here.” And I could tell they were not happy. It’s just not safe and I was wondering if there was something you could do around there? When you look at the corner of the building the light shines towards the school. I don’t know if there is another way to put in another light fixture and have a spot light shining towards the parking lot. I know security doesn’t like light shining out while security officers are looking in, but if there is any way to put a light out there I don’t know what you can do. It’s just something that you might want to check out.

Mr. Semik: I would be more than glad to look at it.

Ms. DePledge: Could you look at that for me?

Mr. Semik: Absolutely.

Ms. DePledge: That would be awesome. Thank you.

Mayor Andrzejewski: That's the school building and school property.

Mayor Andrzejewski: We can request the school.

Ms. DePledge: That would be great. However, it works I think it's something that needs to be addressed.

Mr. Semik: I will pass it on to Mr. Roger Miller.

Ms. DePledge: My basketball team won last night. My niece's team won. It was pretty exciting. I don't know how the Eastlake Council team is doing.

Mr. Semik: How old are the girls?

Ms. DePledge: Probably 10 to 14 in age.

Mayor Andrzejewski: What kind of coaching do you do – the zone defense?

Ms. DePledge: I do.

Mr. Morley: Time out.

Mr. D'Ambrosio: Mr. Semik, if you are going to have the Dura patch machine out could you make a pass on 35485 Grovewood Drive. There is a big area that needs it.

Mr. Semik: I know there are two areas as a matter of fact. We were hoping to get to them today but I went over to E. 361<sup>st</sup> St. We've been getting a lot of complaints, although, that is CSX's property where some of these complaints were. There's nothing I can do about the railroad tracks but on the north side heading north towards Vine Street we did fill those. We did patch some additional material to kind of ease that transition on to where it's broken away.

Mr. D'Ambrosio: Since you brought up E. 361<sup>st</sup> St., Mr. Gwydir and I have been discussing that and it is a long process and amazing the hoops you have to jump through. We've been talking about that area and it's pretty bad and we know - Mr. Gwydir filled me in - that you can't just go in there and start fixing that stuff because it is the railroad's property.

Mr. Semik: I'll take a look at it.

Mr. D'Ambrosio: Thanks, Mr. Semik.

Mr. Knuchel: Mr. Semik, thanks for doing the cupola because that has been a pain in my posterior as it has been yours for probably for the last three years. Now that's accomplished and the speakers are up to par I am really looking forward to the Veterans Day Ceremony.

Mr. Morley: The Veterans Day Ceremony will be held on Thursday, November 11, 2010 at 11:00 a.m. Weather permitting it will be outside in the gazebo; if not then it will be in Council Chambers.

Mr. Knuchel: I'm looking forward to giving that a test run. Thank you.

There were no further questions of Mr. Semik.

CHIEF BUILDING OFFICIAL – John Stigalt

Mr. Stigalt was absent and excused.

POLICE CHIEF – John Ruth

Chief Ruth was absent and excused.

FIRE CHIEF – Ted Whittington

Chief Whittington was absent and excused.

ADDITIONAL COMMENTS:

Mr. Morley: In closing we do have five Charter Amendments and the Road Levy on the ballot this Tuesday, November 2, 2010. I am asking the residents of the City to vote "yes" on all those issues. Regardless of your candidate or issues for the remaining of the State go out and exercise your right to vote.

ADJOURNMENT

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

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DENNIS MORLEY, COUNCIL PRESIDENT

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

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

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