

**COUNCIL AS A WHOLE COMMITTEE MEETING  
MINUTES  
TUESDAY  
FEBRUARY 22, 2011**

Council President Mr. Morley opened the meeting at 7:00 p.m. Members of Council in attendance were Mr. Knuchel, Ms. Vaughn, Ms. DePledge, Mr. Hoefle, Mr. D'Ambrosio and Council President Mr. Morley. Mr. Lajeunesse was absent and excused. Also attending was Council Clerk Mrs. Cendroski.

Attending from the Administration were Mayor Andrzejewski, Law Director Klammer, Finance Director Slocum, City Engineer Gwydir, Fire Chief Whittington and Police Chief Reik. Service Director Semik was absent and excused.

Also in attendance were members of the public.

**RECOGNITION OF CITY OF EASTLAKE POLICE LIEUTENANT ROBERT GONZALEZ  
ON BEING AWARDED THE LAKE COUNTY BLUE COATS JORGE MEDINA  
DISTINGUISHED SERVICE AWARD**

Council President Morley, Mayor Andrzejewski, and Police Chief Reik presented a Letter of Accommodation to Eastlake Police Lieutenant Robert Gonzalez on being awarded the Lake County Blue Coats Jorge Medina Distinguished Service Award.

**LEGISLATION PROPOSED:**

**02-22-(02): AMENDMENT: CODIFIED ORDINANCE SECTION 1161.02 "CONDITIONAL  
USE PERMITS GENERALLY, SUBSECTION (F)"**

**02-22-(03): AMENDMENT: CODIFIED ORDINANCE SECTION 125.05 "COLLECTION OF  
FEES"**

**02-22-(04): AMENDMENT: CODIFIED ORDINANCE SECTION 1347.02 "DEFINITIONS,  
SUBSECTION (w)"**

**02-22-(05): AMENDMENT: CODIFIED ORDINANCE SECTION 1347.14  
"UNAUTHORIZED MATTER PROHIBITED"**

**02-22-(06): AMENDMENT: CODIFIED ORDINANCE SECTION 1347.31 "HEIGHT OF  
POLE SIGNS AT FREEWAY INTERCHANGE AREAS"**

**02-22-(07): AMENDMENT: CODIFIED ORDINANCE CHAPTER 1347 "SIGNS," SECTION  
1347.32 "ELECTRONIC MOVING/DIGITAL DISPLAY SIGNS"**

**02-22-(08): AMENDMENT: CODIFIED ORDINANCE SECTION 155.02 "VACATION PAY,  
SUBSECTION (A)"**

**02-22-(09): AMENDMENT: CODIFIED ORDINANCE SECTION 155.02 "VACATION  
PAY," SUBSECTION (i)**

**02-22-(10): AMENDMENT: CODIFIED ORDINANCE SECTION 155.31 "PERSONAL  
DAYS"**

**02-22-(11): REPEAL: CODIFIED ORDINANCE SECTION 155.30 "ADVANCEMENT OF  
BENEFITS FOR RETIREMENT"**

Mr. Morley: Ms. Vaughn:

Ms. Vaughn: As you can tell from the agenda the Ordinance Committee had a very busy meeting and accomplished a lot. Legislation No. 02-22-(02) is an Ordinance repealing the verbiage requiring someone who obtains a Conditional Use Permit to come before City Council for public hearing because a public hearing was already held at the Planning Commission. That requirement is no longer necessary and because of that Legislation No. 02-22-(03) reduces the charge to the people. We won't need the additional \$200 for publication cost that Council occurred with its public hearing. We are saving the resident seeking a conditional use permit \$200. Legislation No. 02-22-(04) deals with some issues with signs – this is the definition of changeable signs and goes into the requirements for a changeable electronic sign. Legislation No. 02-22-(05) deals with signs by permitting colleges and universities along with hotels and corporations to suspend signs from buildings or a structure and utilize signs like the electronic, rotating signs. Legislation No. 02-22-(06) deals with the height of pole signs at freeways and let's colleges and universities have higher signs. Legislation No. 02-22-(07) deals with complete outlines of electronic, digital display signs and is very comprehensive. We discussed this all in length. Legislation No. 02-22-(08) deals with Chapter 155 which is the codified ordinances dealing with benefits for primarily the Administrative staff. We are clearing up the language for vacation pay upon resignation and retirement. Legislation No. 02-22-(09) is another amendment dealing with vacations and permits the Mayor, with Council's approval, upon hiring a Finance Director, Service Director, CBO or Tax Administrator/Economic Development Coordinator to grant up to four weeks of vacation. This helps him in his search for qualified candidates to give them a little more benefits other than monetary. I will ask that Legislation No. 02-22-(10) be referred back to my Committee because upon review I noticed two paragraphs that need to be examined. Legislation No. 02-22-(11) is the repeal of Section 155.30 "Advancement of Benefits for Retirement" which was discussed thoroughly and was recommended by the Committee.

02-22-(01): CONDITIONAL USE PERMIT: MISS KIMBERLY'S DAY CARE CENTER II, INC., 34799 CURTIS BLVD., EASTLAKE, OH

02-22-(12): CONDITIONAL USE PERMIT AMENDMENT AND RENEWAL: EAST CLEVELAND QUICK DRY CARPET AND UPHOLSTERY CLEANERS, INC., 34092 VICTOR DRIVE, EASTLAKE

Mr. D'Ambrosio: Legislation No. 02-22-(01) is a Conditional Use Permit for Miss Kimberly's Day Care. We just had the public hearing on it. This will appear on this evening's agenda. Legislation No. 02-22-(12) is a Conditional Use Permit Amendment and renewal for Quick Dry Carpet and Upholstery Cleaners, Inc., 34092 Victor Drive. This amendment is changing the original Conditional Use Permit to the business's name and taking it out of the person's name. This was discussed on February 15<sup>th</sup> and was approved by the Committee and appears on this evening's agenda.

LEGISLATION PENDING: (PLACED ON FIRST READING 01/25/11)  
(PLACED ON SECOND READING 02/08/11)

01-25-(04): NEW ENACTMENT: ORDINANCE CHAPTER 761  
“SWEEPSTAKES TERMINAL CAFÉ”

Mr. Morley: Tonight will be the third and final reading on this item. I have received a request from one of the internet cafes about having alcohol in their building. Would anyone like to discuss it?

Ms. Vaughn: I prefer not to discuss that because I am against that but I will be making a motion tonight to add the verbiage “No purchase necessary to participate in this sweepstakes” to this legislation.

Mr. Morley: Mr. Klammer, we have had some emails going back and forth this week and last week. I just want something cleared up. I have been told where 501C3 groups and churches have these monte carlo nights where there is gambling and alcohol – that is permitted but everywhere else is not – is that correct?

Mr. Klammer: The liquor license requirements will prohibit having a liquor license by illegal gambling but there can be legal gambling when it is charitable gambling depending on a 501C3 designation and whatever the games are – that way it does not violate the liquor license prohibition.

Mr. D’Ambrosio: Mr. Klammer, as far as adding that “no purchase necessary” clause – does that make you feel a little bit more comfortable with the legislation?

Mr. Klammer: I think the only case law and legal opinions that have found this game to be legal have done so on the basis of the fact that there was a no purchase necessary option. So, my concern throughout and everyone’s concern throughout was that the residents and people participating in the games are aware of that option. So, yes, in that sense it makes me more comfortable.

Mr. Morley: After all the meetings we have had on this, Mayor, is the Administration good with this moving forward?

Mayor Andrzejewski: Yes.

Mr. Knuchel: I will reserve my comments until the regular Council meeting but I do have one question to ask. Since these machines or devices may be considered amusement devices does our amusement tax of 3% kick in on each one of these machines?

Mr. Klammer: I would have to look at it again. I did look at the amusement licensing revisions at one point and oddly enough some of those definitions are outdated in the sense that they specifically mention coin operated games. But, I would expect we would take a liberal

interpretation and apply the tax to those games. But, I would have to look at it to give you a more complete answer.

Mayor Andrzejewski: Mr. Knuchel, I remember we discussed that a little bit in one of our Committees. The reason Council put on a per month, per device fee is because there is no way of tracking the amount of volume if you are going to do the 3%. Right now, when you do the amusement tax it is a fee due at the beginning of the year for each machine plus 3% of play. In the amusement machines we get the 3% from there is a tally where you can tell the beginning and the end. With these types of games a couple of vendors said there is no way of tracking the amount of play. The per device, per month fee covers the amusement tax.

Mr. Knuchel: We may have discussed that – those were not the conclusions I remembered coming to. As a matter of fact I remember distinctly the people who were there representing the amusement devices said there was a way they could tally these machines. I am not sure we made that connection at those meetings. Ms. Vaughn, can you clear up my recollections?

Ms. Vaughn: I remember discussion that they ran tape but I also remember the Mayor indicating during that discussion that it would be very difficult to calculate it and hard to collect. This way they have a set amount and they can always go in and count the machines. Correct, Mayor?

Mayor Andrzejewski: That is the point. By having a set amount, per machine, per month it is very easy to track – doing it the other way it would be very difficult to track since it is internet based. On the amusement device machines there is a tape and counter in that machine. The per device, per month fee makes it a lot simpler and easy to track.

Mr. Morley: I see Mr. Belich came in. To clarify, just before you arrived I asked about the alcohol and the grandfathering – it is basically a mute point. Mr. Klammer, please explain.

Mr. Klammer: We did not hit on the grandfathering but my conclusion on the liquor prohibition in these ordinances – the question had to do with why is there gambling with charitable gaming I of course clarified that the liquor prohibition has to do with the liquor license because you can't do gambling by your liquor license but charitable gaming is excluded from the definition of gambling, hence, we have monte carlo nights at the churches where they also serve liquor. We did not address the grandfathering.

Mr. Morley: I asked the Committee...

Mr. Belich: I was here.

Mr. Morley: Tonight will be the final vote for the internet sweepstakes café. Ms. Vaughn mentioned the amendment of “no purchase necessary.”

(PLACED ON FIRST READING 02/08/2011)

02-08-(04): CONDITIONAL USE PERMIT AMENDMENT AND RENEWAL:  
CATERED SERVICES, INC. DBA REGOVICH'S CATERING, 35746 LAKELAND BLVD.  
#15, EASTLAKE

Mr. Morley: Mr. D'Ambrosio?

Mr. D'Ambrosio: This was place on first reading because Mr. Regovich did not come in to sign the amendment. He has since come in and signed. I will be making a motion on this during my report.

MISCELLANEOUS

CONDITIONAL USE PERMIT RENEWAL REQUESTS: ALL YOU CAN PRINT, INC., 722  
CREEKVIEW DRIVE, EASTLAKE, OH; LIN-E OF EASTLAKE, INC., DBA FINAL SPORTS  
BAR & GRILL, 33329 VINE STREET, EASTLAKE, OH; JANE PAGE DBA PAGE  
MASSOTHERAPY, 356 WATERBURY DRIVE, EASTLAKE., OH

Mr. Morley: Mr. D'Ambrosio?

Mr. D'Ambrosio: These items were discussed on February 15<sup>th</sup> in the Planning Committee. They were all moved forward by the Committee. I will also be making a motion on these during my report.

LIQUOR LICENSE TRANSFER REQUEST: UPSCALE ENTERTAINMENT, INC. DBA WING  
WAREHOUSE, 35534 VINE STREET, EASTLAKE TO BMR, LLC DBA WING WAREHOUSE,  
35534 VINE STREET, EASTLAKE

Mr. Morley: Mr. D'Ambrosio?

Mr. D'Ambrosio: This was not discussed. However, it is on miscellaneous for that reason. There were no objections by the Administration so if the Committee has no objections I will do a motion on this also during my report.

There were no further questions or comments.

PRESENTATION: NOACA TLCI GRANT

Mayor Andrzejewski: Presenting the grant is Chuck Zibbel from Burges and Niple along with Emil Lizniansky. This grant has been approved by NOACA and they wanted me if I could to explain to Council that it was a very competitive grant process and we were one of the few entities awarded the grant. So, I would like you to give this some very careful consideration in the fact that the grant has already been approved if Council elects to move forward with this.

Mr. Zibbel: This is a grant (*speaker could not be clearly understood as he was not at the microphone*) and requires a 20% match. The total grant is \$60,000 – the match would be \$15,000. Burges and Niple Architects, Engineers and Planners (*speaker was not at the microphone*). The program rules are walkable communities, promoting alternate transportation – walking, bicycle, mass transit – sustainable infrastructure and enhancing aesthetics. One of the requirements of this program is if you get the grant you have to hire an outside consultant – you

cannot hire a third party City consultant to serve as engineer. This is due to federal conflict of interest laws. Also the funds are not eligible for in-house services. As the Mayor explained this is a competitive grant process – there were requests for over \$1 million in funds this year. \$850,000 were awarded by NOACA. Two projects did not make the cut. You were recommended for the full requested amount - \$60,000. This goes a long way to the strength of your project in the eyes of NOACA. As to where we are and what this project means as far as getting something into the ground and getting something built, which I think is what we are overall concerned about, this is the first step of a three step process and it is referred to as planning – I want a bike path here – a sidewalk here – a bus shelter here – I would like to add trees – that kind of things. Your next step would be detailed design and construction plans and the bid documents that go out to contractors when it is time to build something. The final step is construction. You might ask – we know we want to make the City beautiful why do we have to have a plan. Without a good plan you are never going to get money for detailed design and you are surely not going to get money for construction. You think about \$15,000 as an investment on your part. Detailed designs can be a plan for hundreds of thousands of dollars – maybe a million dollars in design and ultimately construction. It just depends on what you want to do with your City. Again, those funds can be highly leveraged. 80% federal transportation dollars and that remaining 20% can be local but not out of your pocket. Maybe it is County engineer funds, other State funds but not federal funds that make up that match. This \$15,000 is an investment on your part and could mean millions down the road.

*Mr. Zibbel referred to a power point presentation reflecting information in the proposed plan involving Vine Street, the use of the City owned parking lot beside the stadium and the possible sale of City property as well as utilizing the ball park to attract people to the City – the development of a streetscape.*

Mr. Zibbel: The benefits are to strengthen your businesses. A good case study is Biagio's Pizza –the owner was kind enough to write a letter to NOACA in support of this application. He is on the North side of Vine Street. There is not a cross walk in front of his place and you think of ways to mitigate that and make it more conducive to pedestrian activity and safety for pedestrians and bicyclists – just to get people out walking and doing things. We can talk about dollars and cents – businesses along the corridor – a restaurant has to hire an extra waiter – it starts to add up from the tax from hiring additional employees. You will see an increase in property values. *Mr. Zibbel's comments could not always be understood as he was not directly speaking into the microphone.* This planning process is a year long process – we don't just go out and design – we talk to you so we know about things like Super WalMart – it is LakeTran, Chagrin River Watershed, ODOT... There is some potential there to bring in some landscaping elements... take an inventory of everything going on in the areas...the guy on the street. We go back to the drawing board and come up with some concepts and come back to you for a second series of meetings. The last part is where we talk about the project – it could be a sequence of projects – a bike path here – a streetscape here... you could apply the same thing to the parking lot... you start to think about partnering... You are not taking curb cuts on S.R. 91 or additional intersections... create a little downtown feel. It is about something that is compatible with the people using the ballpark and the residents and everyday people. Finally, if you decide to go

forward with this and direct the \$15,000 match you need to do so by the end of NOACA's fiscal year – the end of June of this year.

Mr. Morley: If we would do this study and anything that came out of the study – are we committed? Say to do the parking lot it would cost \$10 million – are we committed?

Mr. Zibbel: No, absolutely. There are no legal commitments here. Those are separate applications down the road. This study is a document – it is justification – without the study I don't think you would be able to leverage transportation dollars... This is your chance to maybe tap into some other funds.

Mayor Andrzejewski: I spoke in length to the people at NOACA. They said to make sure I convey the funding for construction down the road is available through the Federal – also our matching part – we could get some or most of that from other sources. She said we were an urban core City and as such we are eligible for more types of construction or planning type grants than a non-urban core City. We have talked in the past about that parking lot and always the drawback was that we would have to have so many parking places for the stadium. But, if you put up a three or four level parking tower with the bottom floor you would still keep the parking area but we can subdivide the front and open it up for more business. I know over the years people have asked about the BP station – picture having another retail or office there rather than a gas station – nothing against BP. Certainly, a better retail, office type environment could be a possibility there because that is a very valuable corner. I would like to ask you to think about this – this is step 1 and along the way there is money available that we can go after to get the rest of this. But, without step 1 we don't have anything.

Mr. Zibbel: The Mayor brings up a point about urban core – the design monies – you would be eligible for it after completing the TLCI studies but Mentor would not – it is based on the age of the City, density, housing stock – basically urban core communities are the inner suburbs. Step 2 could be more expensive and construction could be millions of dollars – at 20% match it is not out of pocket.

Mayor Andrzejewski: State Issue 2 money and stuff like that. Federal and State money – we would go after both.

Ms. Vaughn: Like building the stadium. We were going to get all that money we did not get.

Mayor Andrzejewski: No, you know me better than that. Before we did anything we would know the money is in our hands.

Mr. Knuchel: In the TLCI grant program from NOACA it says “The applicant shall enter into an agreement with NOACA to carry out the recommendations of the planning project” – is that true?

Mr. Zibbel: You are not going to be expected.

Mr. Knuchel: It says required.

Mr. Zibbel: Required – right.

Mr. Liznianski: But, NOACA is a government agency that is reasonable. If you have a \$10 million project with a 20% match and you can't find State Issue 2 funds or County funds you are not legally obligated to come up with the numbers for the project... You are not going to be forced...

Mr. Knuchel: It says applicants are required. What are we required to do?

Mayor Andrzejewski: We are going to do the planning study and have a design of what we want to have there and decide whether or not to continue forward with it. And when we continue forward with it we go ahead and go after the rest of the money that is available through the various other sources. You are just going to have to take my word. I talked to NOACA and asked them the same question. She gave me the same answer – it depends whether or not the City will have the funds. They are not going to force you to do anything if you don't have the money. I want to emphasize – without doing the first step we will not do that side of Vine Street. I don't know where else we will get the money from – certainly not out of our General Fund. But, to get the ball rolling and see what develops requires this first step and the \$15,000. That is what we are looking at right now. You can address each stage as you go along. Without starting somewhere that side of Vine Street will stay the way it is. I don't want to be redundant but I will this one time – think about if you have walked from ValuKing to the stadium – it is not a pleasant walk – it does not present Eastlake very well. The bricks are cracked and uneven – there is very little room – maybe for two people and the trees are horrendous.

Mr. Morley: I appreciate the presentation. We are working on a budget and until we go through the budget we will not have an answer for you. Our budget should be done in mid-March and I know the money was put in the budget for this. When we meet in Committee we will discuss it and see where we go from there. That is the best I can tell you right now.

Mr. Knuchel: First of all, thank you for the time you have spent in putting this project together and the application process. One of my major concerns is I am looking here at a list of six studies. Road Safety Audit, May, 2010; Eastlake Vine Street study, September, 1978; Vine Street 20-20 Plan; City of Eastlake Comprehensive Plan; D.B. Hartt – we have already applied for a bike path renovation grant through NOACA and last but not least the City of Eastlake's Comprehensive Plan which outlines a whole slew of these ideas that you have alluded to. As a matter of fact our Law Director spent some time with us and actually thought of some good ideas for that area across the street from the ballpark which were in fact incorporated into that plan. We worked with the Lake County Planning Commission on that plan. We are very proud of that plan. When we have audits like this it seems to me that a lot of items you are looking at are redundant to the plans that have already been presented and approved by this Council and this City. So, I have a real difficult time seeing what the benefit of doing this study is. We have all these studies lined up and just so you know there they are. So, that concludes my statements for



this time and if we are not going to look at this right now I guess I can wait until a time we do discuss it.

Mayor Andrzejewski: I think the big difference is this. This is a piece of the puzzle we would do from start to finish. And, the difference between this and what you are looking at there is along the way there are funds available through grants to do the work. Those don't mean anything if all the money has to come from our General Fund because you know as well as I do that we don't have it. This allows us to go after grants from couple of different sources to actually do the work. The difference is this takes a piece of that and does it from start to finish. None of that has ever been done because there is no money to do any of it.

Mr. Knuchel: Then, if there is no money to do it.

Mayor Andrzejewski: You just missed my point. I just said there would be grants available to do the work.

Mr. Morley: Let's just move on. I appreciate you coming in. As I said after we go through the budget we will have a more definitive answer for you.

There were no further questions or comments.

ADJOURNMENT

The meeting adjourned at approximately 7:49 p.m.

dac

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

DATE: \_\_\_\_\_