

**COUNCIL AS A WHOLE COMMITTEE MEETING  
MINUTES  
TUESDAY  
JULY 13, 2010**

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

Attending from the Administration were Finance Director Mr. Slocum, Law Director Mr. Klammer, City Engineer Mr. Gwydir, Service Director Mr. Semik and CBO Mr. Stigalt. Mayor Andrzejewski was absent and excused.

Also in attendance were members of the public.

**LEGISLATION PROPOSED:**

07-13-(01) Conditional Use Permit: Sherwin Shooting Sports, LLC, 33140 Vine Street, Eastlake, OH:

07-13-(02): Conditional Use Permit: Karl W. Koch dba K & E Automotive, 1585 East 361<sup>st</sup> Street, Eastlake, OH:

Mr. Morley: The first items on the agenda are Legislation No 07-13-(01), a Conditional Use Permit for Sherwin Shooting Sports, LLC, 33140 Vine Street, Eastlake, OH and Legislation No. 07-13-(02), a Conditional Use Permit for Karl W. Koch dba K & E Automotive, 1584 East 361<sup>st</sup> Street, Eastlake, OH.

Mr. D'Ambrosio: These items were discussed in the Planning Committee meeting several weeks ago. We had their Public Hearings tonight and there was no one to speak for them or against them. The Committee agreed to move these items forward.

Are there any comments or questions?

There were no comments or questions.

Upon review by the Committee, there were no objections to move forward with Legislation No. 07-13-(01) and Legislation No. 07-13-(02) for passage at the evening's regular Council meeting.

07-13-(03): Acceptance: 2010 Tax Budget:

Mr. Morley: The next item on the agenda is Legislation No. 07-13-(03), the acceptance of the 2011 Tax Budget.

Mr. Knuchel: I will refer Mr. Slocum to speak on this. We met in his office to discuss the Tax Budget. Please explain what this Tax Budget really means and what do the numbers in this Tax Budget really mean?

Mr. Slocum: What this Tax Budget means and what it doesn't mean is that this is not an accurate portrayal of the overall expenditures of the City or revenues for next year. This is what we have to legislatively do and have it approved in order to receive the money for many of the levies that have been voted on or due the City.

Mr. Knuchel: Thank you.

Are there any questions?

There were no questions.

Upon review by the Committee, there were no objections to move forward with Legislation No. 07-13-(03) for passage at the evening's Council meeting.

07-13-(04); Contract: S.R. 283 Slide Failure Project: DLZ Ohio, Inc.: not to exceed \$30,000:  
07-13-(05): Contract: East 347<sup>th</sup> & East 348<sup>th</sup> Streets Pavement Replacement Project: Tri Mor Corporation: \$977,507.50:

Mr. Morley: The next items on the agenda are Legislation No. 07-13-(04), a contract for S.R. 283 Slide Failure Project with DLZ Ohio, Inc., (not to exceed \$30,000) and Legislation No. 07-13-(05), a contract for East 347<sup>th</sup> St & East 348<sup>th</sup> Streets Pavement Replacement Project: Tri Mor Corporation for \$977,507.50.

Mr. Knuchel: I would like Mr. Gwydir to explain these issues. These two items were brought up at the Finance Committee Meeting which met on June 6, 2010 and were moved forward to this evening's meeting.

Mr. Gwydir: With respect to the S.R. 283 Slide Failure – under ODOT rules the City has to procure a firm to do the construction, administration and inspection for the work that is going to be done and the fee is not to exceed \$30,000. The City had three firms submit for that work and DLZ Ohio, Inc. was chosen as the most qualified firm to do the work. The firm was interviewed by Mr. Slocum and me last Tuesday. They are currently preparing a fee proposal to the City, again, not to exceed \$30,000. We recommend that they be approved contingent upon that fact. With respect to E. 347<sup>th</sup> St. and E. 348<sup>th</sup> St. - Tri Mor Corp. bid on the concrete replacement for those streets. We recommended to the Committee that they proceed at the costs shown at \$977,507.50 which includes virgin limestone in the base for the roads and the drives.

Mr. Knuchel: When will the determination be made to use the limestone or the crushed cement?

Mr. Gwydir: It would be effective upon your award. If you award the current amount then the decision has been made.

Ms. Vaughn: Mr. Slocum, could you please tell me which funds these contracts will be taken out of?

Mr. Slocum: With the Slide Failure it is State paid.

Ms. Vaughn: We don't have to pay for it?

Mr. Slocum: We do not have to pay for it as long as the work gets done for under \$310,000. As for the E.347<sup>th</sup> St. and E. 348<sup>th</sup> St. that will be paid out of the Road Fund.

Ms. Vaughn: *(Ms. Vaughn's comments could not be heard because her microphone was not turned on.)*

Ms. Slocum: Mr. Gwydir could you comment on the Slide Failure?

Mr. Gwydir: On the Slide Failure ODOT allows a 10% fee. That covers all the construction, administration, and inspection. If it goes over that the City would cover that, however, should DLZ come in with a fee proposal in excess of \$30,000, which we do not expect, we would move to the next person in line.

Are there any comments or questions?

There were no comments or questions.

Upon review by the Committee, there were no objections to move forward with Legislation No. 07-13-(04) and Legislation No. 07-13-(05) for passage at the evening's regular Council meeting.

LEGISLATION PENDING: (Placed on First Reading 06/08/2010)

(Place on Second Reading 06/22/2010)

06-08-(04): Ballot Issue: Amendment: City of Eastlake Charter Article II, Section 2:

06-08-(05): Ballot Issue: Amendment: City of Eastlake Charter Article III, Section 2:

06-08-(09): Ballot Issue: Amendment: City of Eastlake Charter Article VIII, Section 2:

06-08-(10): Ballot Issue: Amendment: City of Eastlake Charter Article VIII, Section 4:

06-08-(11): Ballot Issue: Amendment: City of Eastlake Charter Article XI, Section 3:

Mr. Morley: These five pieces of legislation were put on First Reading June 6, 2010 and put on Second Reading June 22, 2010. The Charter Review Commission met beginning of this year we had ten issues that came to Council and ended up putting five Charter Amendments on the ballot in November. They are Legislation No. 06-08-(04), Legislation No. 06-08-(05), Legislation No. 06-08-(09), Legislation No. 06-08-(10) and Legislation No. 06-08-(11).

Ms. Vaughn: These are to be reviewed by the people in the audience so they have some idea of what they will be facing. I assume Council will be writing about the Charter Amendments in their articles in the Gazette – going into greater length of explaining them. One is Article II of the Charter dealing with “Nominations and Elections.” It is a simple change eliminating certain wording and I'll read a portion of it, “...in the case of a Ward Councilman, or if it shall be found that he did not reside in the City, or in the case of a Ward Councilman, in his ward, continuously for a period of three years preceding his election..” The following words from this section are

being removed “...shall draw regular compensation from any other public body...” In Article III, “Initiative, Referendum and Recall” they are suggesting that we take out wordings which say, “Such petition shall be signed by at least that number of electors which equal 20% of the electors voting at the last regular Municipal election. And they are adding, “Such petition shall be signed by at least that number of electors which equals 20% of the electors in the ward voting at the last regular Municipal election for the Ward Councilman, and 20% of the electors citywide voting at the last regular Municipal election for Mayor and a Councilman-at- Large.” The third one deals with Article VIII “City Planning Commission” and they are changing it to read, “Two (2) citizen members shall be appointed by the Mayor and one (1) citizen member shall be appointed by Council.” They are, also, recommending on the Zoning Commission that similar changes be made. Under Article XI, “Miscellaneous”, under “Words Held To Be Inclusive” which says he shall do something which means he or she. They are adding, “The word “elected” includes an appointed person as the position would have been an elected position.” For example if a Council person resigns the person who is appointed is considered an elected position. I think that is as brief a review as I can give on these changes.

Are there any comments or questions?

There were no comments or questions

Upon review by the Committee, there were no objections to move forward with Legislation No. 06-08-(04), Legislation No. 06-08-(05), Legislation No. (09), Legislation No. (10), and Legislation No. (11) for their final reading at the evening’s regular Council meeting.

#### MISCELLANEOUS

Conditional Use Permit: Northeast Player’s Club, LLC, 34578 Lakeshore Blvd., Eastlake:

Mr. Morley: The next item on the agenda is for a Conditional Use Permit for Northeast Player’s Club, LLC, 34578 Lakeshore Blvd., Eastlake.

Mr. D’Ambrosio: This item was discussed a couple of weeks ago at the Planning Committee Meeting. We had the Public Hearing on June 22, 2010. This company wanted to open up a billiards, dart and Texas hold-em type atmosphere. We asked Mr. Klammer for his legal opinion on whether this was considered illegal gambling or not. His short version of it was “Yes. It is considered illegal gambling.” So we did leave it in Committee and we discussed it in the meeting on July 6, 2010. We decided to take this out of Committee with no action taken.

Are there any comments or questions?

There were no comments or questions.

Upon review by the Committee, there were no objections to refer this item out of Committee with no action taken.

Liquor License Transfer Requests:

John Werner Enterprises, Inc., dba Beef O’Bradys, 35400 Vine Street Unit J & Patio, Eastlake to Xtra Innings Bar & Grill, LLC dba Xtra Innings Bar & Grill, 35400 Vine Street, Unit 10, Eastlake:

Mandarin Buffet Eastlake, Inc., dba Mandarin Seafood Buffet, 33550 Vine Street, Eastlake to Yu Super Seafood Buffet, Inc., dba Super Seafood Buffet, 33550 Vine Street, Eastlake:

Mr. Morley: The next items on the agenda are a Liquor License Transfer Request from John Werner Enterprises, Inc., dba Beef O’Bradys, 35400 Vine Street Unit J & Patio, Eastlake to Xtra Innings Bar & Grill, LLC dba Xtra Innings Bar & Grill, 35400 Vine Street, Unit 10, Eastlake and a Liquor License Transfer Request from Mandarin Buffet Eastlake, Inc., dba Mandarin Seafood Buffet, 33550 Vine Street Eastlake to Yu Super Seafood Buffet, Inc., dba Super Seafood Buffet, 33550 Vine Street, Eastlake.

Mr. D’Ambrosio: These are two Liquor License Transfer Requests which are going from one business to another. Beef O’Bradys has closed down and has a new owner and they changed the name to Xtra Innings. So they are just transferring the liquor license. Same with the Mandarin Buffet they are now called Yu Super Seafood Buffet and they are just transferring the liquor license. There were no objections by the Administration so there was no reason for Council not to move these items forward. They will appear on tonight’s agenda. I will make a motion to approve each liquor license transfer requests.

Are there any comments or questions?

There were no comments or questions.

Upon review by the Committee, there were no objections for Mr. D’Ambrosio to make a motion with no objections for the Liquor License Transfer Requests to Xtra Innings Bar & Grill, LLC dba Xtra Innings Bar & Grill, 35400 Vine Street, Unit 10, Eastlake and to Yu Super Seafood Buffet, dba Super Seafood Buffet, 33550 Vine Street, Eastlake.

Contract: Trax Construction Co.: S.R. 283 Slide Stabilization: \$301,496.70:

Mr. Morley: The next item on the agenda is a Contract with Trax Construction Co. for the S.R. 283 Slide Stabilization for \$301, 496.70.

Mr. Knuchel: I will refer this to Mr. Gwydir.

Mr. Gwydir: This was a follow on to the DLZ discussion we just had. We bid the job out recently at an estimated construction cost of \$312,000 of which ODOT is going to pay for - the low bid came in at \$301,496.70. It is by a firm called Trax Construction Co. who is local to the area and whom has had extensive experience qualified to perform the work and we recommend that they be awarded the contract.

Are there any comments or questions?

There were no comments or questions.

Upon review by the Committee, there were no objections for Mr. Knuchel to make a Motion to add Legislation No. 07-13-(06) to the evening's agenda for passage at the regular Council meeting.

Recission: Resolution: No. 2010-032, adopted April 27, 2010:

Mr. Morley: The next item on the agenda is Recission of Resolution No. 2010-032, adopted April 27, 2010. That has to do with the Senior Center – we awarded a bid to a company to do the roof and they ended up backing out, therefore, we had to rebid the job.

Are there any comments or questions?

There were no comments or questions.

Upon review by the Committee, there were no objections for Mr. Knuchel to make a Motion to add Legislation No. 07-13-(07) to the evening's agenda for passage at the evening's Council Meeting.

Contract: JFK Senior Center Roof Repair: A.W. Farrell & Son, Inc.: \$286,000:

Mr. Morley: The next item on the agenda is a Contract for the JFK Senior Center Roof Repair with A.W. Farrell & Son, Inc. for \$286,000.

Mr. Grydir: Regarding this recommendation I would respectfully defer to Mr. Klammer before I move on.

Mr. Klammer: Apparently, a protest from the bidder T&M Systems, Inc. was received yesterday, it was dated July 12, 2010, claiming that they were the lowest and most responsible bidder. From talking with Mr. Semik and Mr. Gwydir it doesn't seem that they were the lowest and most responsible bidder. I am going to review it - I don't expect that there will be a problem. You have two choices - to move forward with it tonight and put it to a vote or put it on the agenda at the Special Council Meeting. If you were to vote on it tonight and I would review it and I saw problems with it I would advise Council right away. It shows a mailing date of yesterday and it happened to be in the Mayor's office by fax today – so I saw it today.

Mr. Morley: We have a Special Council Meeting next week so I think we should wait for your opinion and vote on it then. Is that all right with the Committee?

Mr. Klammer: Unless, there is some kind of urgency with Finance or Engineering?

Mr. Knuchel: Is there a time stipulation when this needs to be signed?

Mr. Slocum: With the County Grant we need to have the project underway by the end of this month or we need to go back to the County for an extension. I don't believe that a one week delay is going to affect anything. We believe an extension from the County would be granted. This would not impact the project.

Are there any further comments or questions?

There were no further comments or questions.

Upon review by the Committee, there were no objections to hold this in Committee until we receive Mr. Klammer's opinion on this matter.

2010 Re-Appropriations:

Mr. Morley: The last item on the agenda is the 2010 Re-Appropriations.

Mr. Slocum: As we discussed at length at last week's Finance Committee Meeting there is a need for re-appropriations in certain areas. You have been given the full details and this legislation reflects what we discussed.

Are there any comments or questions?

There are no comments or questions.

Upon review by the Committee, there were no objections for Mr. Knuchel to make a Motion to add Legislation No. 07-13-(09) to the agenda for passage at the evening's Council Meeting.

ADJOURNMENT

The Council-as-Whole Committee meeting was adjourned at approximately 7:15 p.m.

cr