

**COUNCIL AS A WHOLE COMMITTEE MEETING
MINUTES
TUESDAY
OCTOBER 12, 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, and Council President Mr. Morley. Also attending was Council Clerk Mrs. Cendroski. Mr. D'Ambrosio was absent and excused.

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

Also in attendance were members of the public.

LEGISLATION PROPOSED:

10-12-(01): Application: OPWC/Edwards Avenue Drainage Project:

Mr. Morley: The first item on the agenda is Legislation No. 10-12-(01), an Application for OPWC/Edwards Avenue Drainage Project.

Mr. Gwydir: We made an application to the OPWC for Edwards Avenue drainage improvements. We applied for the job at a total cost of \$284,700 – of that OPWC in grants and loans are providing 70% to the City and the City is providing 30% local funds. On November 1, 2010 I have to turn in the final application to them and as part of that authorizing legislation from this body is required.

Mr. Morley: 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. 10-12-(01) for passage at the evening's regular Council meeting.

10-12-(02): Amended Agreement: City of Eastlake & City of Willoughby – WPCC SSES Study:

Mr. Morley: The next item on the agenda is Legislation No. 10-12-(02) which is an amended agreement for the City of Eastlake & City of Willoughby – WPCC SSES Study.

Mr. Slocum: As we said last week in the Finance Committee Meeting which met on October 5, 2010 we are looking into entering into a loan through the City of Willoughby for the funds for SSES Study. The loan would be repaid over 5 years. That will give us possession to obtain funding in the event that the study results in us having to enter into major capital projects.

Mr. Morley: I believe Willoughby has already passed this over to us.

Mrs. Cendroski: Willoughby passed this on October 5, 2010.

Mr. Morley: Willoughby has passed this ordinance to us. This is the agreement between us and the City of Willoughby and we just need signatures. Are there any comments or questions?

(Mr. Semik joined the meeting.)

There were no comments or questions.

Upon review by the Committee, there were no objections to move forward with Legislation No. 10-12-(02) for passage at the evening's regular Council meeting.

10-12-(03): Re-Appropriations:

Mr. Morley: The next item on the agenda is Legislation No. 10-13-(03), Re-Appropriations.

Mr. Slocum: In addition to what we covered last week – I talked with the Finance Committee Chair and we have added an additional appropriation change to the State Highway Fund #201. The purpose of this fund is used, solely, for the Route 2 maintenance. Last week after the meeting we got a bill from the County which resulted in us needing at least \$15,000 more in appropriations to pay the bills for this year. We have the money in the fund already to cover this. We are asking for appropriations up to \$90,000 in the event that we get another bill in from the County and that's the change that we have.

Mr. Morley: Mr. Knuchel is there anything that you would like to add?

Mr. Knuchel: No. Mr. Slocum, covered that quite well. We did speak quite a long time on re-appropriations - looking over each one of these items in the budget on our October 5, 2010 Finance Committee Meeting. Although, the debate got heated at times - because times are tough – I think we all agreed that these re-appropriations were both necessary and needed.

Mr. Morley: 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. 10-12-(03) for passage at the evening's regular Council meeting.

10-12-(04): Approval and Acceptance: City of Eastlake Commercial Design Standards & Guidelines:

Mr. Morley: The next item is Legislation No. 10-12-(04) - the approval and acceptance of the City of Eastlake Commercial Design Standards & Guidelines which was heard in the Planning Committee for which Mr. D'Ambrosio is the Chair. Mr. Knuchel would you like to speak on this item?

Mr. Knuchel: There were two items that were on that agenda. A Conditional Use Permit Request for the Yu Super Seafood Buffet which we put in Council-as-a-Whole pending employee information. Did we receive that information?

Mrs. Cendroski: Mr. D'Ambrosio asked that be put that on the agenda for October 26, 2010 because that is when their Public Hearing is scheduled. We have not received any employee information.

Mr. Knuchel: Okay. I did not write that date down. The other two items were the additional Conditional Use Request for Agapeland Daycare and Preschool. That moved forward.

Mrs. Cendroski: There will be a Public Hearing on October 26, 2010.

Mr. Knuchel: The third item was acceptance for the City of Eastlake Commercial Design Standards and Conditions. This was a part of our master plan. This was one of the first steps we took. What this does is gives the Architectural Board of Review guidelines that they can go by. This was worked on by folks in our Economic Committee and Development Council. It was worked on by Lake County Planning Committee which comprised Mr. Jason Boyd and his staff as well as the Architectural Board of Review. Mr. Stigalt was, also, in our last meeting. That's all I have to say on that issue.

Mr. Morley: 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. 10-12-(04) for passage at the evening's regular Council meeting.

10-12-(05): Amendment: City Ordinance Section 155.01 "General Administration":

Mr. Morley: The next item on the agenda is Legislation No. 10-12-(05) - Amendment: City Ordinance Section 155.01 "General Administration."

Ms. Vaughn: This item was discussed in the Ordinance Committee meeting which met on October 5, 2010. There is an employee retiring in our Tax Department and for that reason her position was looked at very carefully by our Finance Director and our Tax Administrator and it was proposed that we change the position to meet our needs in a better fashion. Therefore, we are going to add a new position in City Ordinance Section 155.01. The Committee looked at it and reviewed it and feel we should move forward with this Tax Auditor's position. It is on tonight's agenda as Legislation No. 10-12-(05).

Mr. Morley: Are there any comments or questions?

Mr. Knuchel: I really appreciate Mr. Slocum's looking into this and his Administrative foresight in revamping the Tax Department and giving them a little bit more flexibility on what they could and should do and hopefully that will bring in more revenue in our collections department.

Ms. Vaughn: And the salary is not increasing.

Mr. Knuchel: Absolutely – I forgot that. Thank you, Ms. Vaughn – point well taken.

Mr. Morley: There were no further comments or questions.

Upon review by the Committee, there were no objections to move forward with Legislation No. 10-12-(05) for passage at the evening's regular Council meeting.

LEGISLATION PENDING:

There was no legislation pending.

MISCELLANEOUS

NOTE ISSUANCE: SANITARY SEWERAGE SYSTEM: \$450,000:

Mr. Morley: The next item on the agenda is a Note Issuance for Sanitary Sewerage System for \$450,000.

Mr. Slocum: This is a very important piece for us – if you remember when they passed the sewer rate increase - at that time based on our analysis we were going to need to transfer \$390,000 from the General Fund to the Sewer Fund which was then going to be put in our General Fund in absolutely and total risk of closing at zero or below. By getting this loan - and Huntington has approved the loan - I need Council's acceptance. We'll borrow the money at 1.9% for a year and we will not have to make that \$390,000 transfer from the General Fund. I do anticipate that we will pay this loan back next year with the funds that we collect from the increased sewer revenue.

Mr. Morley: That's for the reconstruction of the pump station on Quentin Road?

Mr. Slocum: That's right.

Mr. Morley: 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. 10-12-(06) to the agenda to move forward at this evening's regular Council meeting.

LEASE AGREEMENT: CITY OF EASTLAKE, CITY OF WILLOUGHBY & EASTLAKE
PORT AUTHORITY:

Mr. Morley: The next item on the agenda is the Lease Agreement for the City of Eastlake, City of Willoughby and Eastlake Port Authority.

Ms. DePledge: I will refer this to the Law Director.

Mr. Klammer: There were some comments from the Port Authority and some questions about the legal description. I sent an e-mail right after that meeting to Mr. Wiles, the Law Director from Willoughby, and I haven't heard back his response on whether they would agree to that provision to terminate with cause. I'll follow up with Mr. Wiles to see if he has an opinion on it so we can make that change.

Ms. DePledge: There was also a question regarding the legal description or the outline of the actual property "Exhibit A".

Mr. Klammer: I promised myself that I would get with Mr. Gwydir and see if he could help me. There are notes in the file that we went through once before and I'm fairly confident there is a description of the property in the deed in "Exhibit A." I'll double check what Mr. Gwydir has done in the past and I'll get with him again.

Ms. DePledge: I could make a Motion to add it to tonight's agenda and put it on First Reading.

Mr. Klammer: It doesn't matter to me, obviously, we want to hear back from Mr. Wiles to see if he has any objection to it before we do anything.

Mrs. Cendroski: Instead of putting it on the Regular Agenda - because if we put it on the Regular Agenda and something comes back from Mr. Wiles and it has to be changed we then have to do that with a Motion to amend and go through all of that. If we just keep it pending in Miscellaneous in Council-as-a-Whole it can change and it can be a fluid document and we won't have that problem.

Ms. DePledge: That's fine. That's what we'll do.

Mr. Knuchel: Is the Port Authority amendable to going forward with this lease agreement if the "Exhibit A" is still the "Exhibit A"?

Ms. DePledge: The Port Authority meets tomorrow so I haven't had an opportunity to run everything by them. I know that they are very eager to get an agreement in writing. I think this particular agreement will meet their needs as long as we can get the termination clauses...

Mr. Klammer: I don't know if you were at that meeting. The only provision he objected to was the provision that allowed termination with or without cause. Their concern and rightfully so is that if we make this commitment – we're hoping for 25 years – and somebody terminates with cause then we are right back to where we started from.

Ms. DePledge: In 90 days.

Mr. Klammer: Fair enough.

Mr. Morley: Did we have an issue with that "Exhibit A" with the land that Mr. Sima had an issue with?

Ms. DePledge: That's just what we were talking about. Mr. Klammer is going to get with Mr. Gwydir and they are going to check that legal description out.

Mr. Klammer: I think that ultimately they may have some concerns with the property outside the description of "Exhibit A." You are still going to have to work yourselves though it – I know you guys have spent a lot of time on it. That will probably not be a hold up on this lease agreement once they confirm it.

Mr. Morley: Are there further comments or questions?

There were no further comments or questions.

Upon review by Committee, there were no objections to placing this in the Council-as-a-Whole Committee under Miscellaneous.

FUND TRANSFER: FUND #101 "GENERAL FUND" to FUND #438 "RECREATIONAL CAPITAL IMPROVEMENT FUND: \$33,227.19:

Mr. Morley: The last item on the agenda is Fund Transfer from Fund #101 "General Fund" to Fund #438 "Recreational Capital Improvement Fund" of \$33,227.19.

Mr. Knuchel: This item was also discussed in our Finance Committee Meeting which met on October 5, 2010. These are funds to finish up all of our expenses for our pool. Mr. Slocum, do you have anything that you would like to add?

Mr. Slocum: In the past any time that we had a transfer authorization – you know twice I had to come to the Council whenever we wanted to transfer funds – once when we go through the appropriations and when I actually want to do the transfer I have to make sure that there is legislation authorizing me. What we are going to look to do going forward is consistent with whatever we are putting forth for the appropriation change. I will be putting sister legislation with what's going forward that's going to authorize me to make it so that we don't have to discuss the same item twice in a year going forward. This hit me, actually, after the meeting –

the need for this transfer and we discussed it and now I need the ability to do it. Both pieces of legislation will be presented together going forward.

Mr. Knuchel: And we do appreciate that because that saves us a lot of time and aggravation.

Mr. Lajeunesse: I apologize I was not at last week's Finance Committee Meeting because I have been busy since I have a new Union position. Mr. Slocum, if you could give me very briefly why we are appropriating \$33,227.00 as I thought that we already did this once before.

Mr. Slocum: There were additional engineering bills in the tune of about \$15,000 and unbeknown to anybody we needed to purchase a pool cover. In the past we have always been able to just drain the pool and let it be. The fact that we now have a liner in the pool we have to close the pool and we have to have a cover for the pool which cost \$11,400.00. Then the one change order that we have been alluding to in the past was the electrical for \$5,000.00 which brings us up to that total.

Mr. Lajeunesse: With all due respect, Mr. Slocum, we have had a few discussions on it and I have been very disappointed at the financing of the pool. Could you do me a favor now that the pool season is over and break down the expenses and revenues of what that pool has really cost.

Mr. Slocum: I have presented the revenues that we have. I published that last week. The expenses I can pull out of the monthly report.

Mr. Lajeunesse: If you could I would appreciate that so I have a breakdown of it. Thank you.

Mr. Slocum: No problem.

Mr. Morley: Are there further comments or questions.

There were no comments or questions.

Upon review by the Committee, there were no objections to Mr. Knuchel making a Motion to add Legislation No. 10-12-(07) to the agenda for this evening's regular Council meeting.

ADDITIONAL COMMENTS

Mr. Morley: Mr. Slocum, Mr. Klammer and I had a mediation on Friday, October 8, 2010 to try to come up with a settlement with the Superlative Group and we would like to present that in the Executive Session.

MOTION TO ADJOURN INTO EXECUTIVE SESSION

Mr. Morley asked for a Motion to adjourn into Executive Session for discussion of matters of litigation involving Superlative vs. City of Eastlake.

MOTION: Ms. Vaughn moved to adjourn into Executive Session for discussion of matters of litigation involving Superlative vs. City of Eastlake. Ms. DePledge seconded.

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

The meeting was adjourned into Executive Session for discussion of matters of litigation involving Superlative vs. City of Eastlake.

MEETING CALLED BACK TO REGULAR COUNCIL MEETING:

Ms. Vaughn moved to adjourn back into the Council-as-a-Whole Committee Meeting. Ms. DePledge seconded. The meeting was called back to the Council-as-a-Whole Committee Meeting with Ms. Vaughn, Ms. DePledge, Mr. Knuchel, Mr. Lajeunesse, Mr. Hoefle and Council President Mr. Morley.

ADJOURNMENT

The Council-as-Whole Committee meeting was adjourned at approximately 7:36 p.m.

DENNIS MORLEY, COUNCIL PRESIDENT

APPROVED: _____

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

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