

FINANCE COMMITTEE MEETING  
JUNE 3, 2009

Finance Committee Chair Mr. Knuchel opened the Finance Committee Meeting at 6:01 p.m. In attendance from the Committee were Mr. Knuchel, Mr. D'Ambrosio and Mr. Lajeunesse. Also in attendance from Council were Ms. Vaughn, Mr. Morley, Mr. Matheke and Council President Mr. Elshaw. Committee member Mr. Lajeunesse was late in arriving.

In attendance from the Administration were Mayor Andrzejewski, Finance Director Condrón, CBO Stigalt, Law Director Klammer and Police Chief Ruth.

Also in attendance were members of the public in the audience.

PURCHASE REQUEST: POLICE DEPARTMENT VEHICLE: \$19,353.50

Mr. Knuchel: This is a purchase request for the Police Department Vehicle for \$19,353.50. This vehicle is going to be for the Chief. Mr. Klammer would like to explain before we get started the changes you made and why you made them.

Mr. Klammer: The only thing I added was at the end of the third "Whereas" was that the Chevrolet Impala is an equivalent item. I know that the Chief looked at it and Mr. Condrón is comfortable that the car they found is equivalent to the State bid package.

Mr. Knuchel: Chief Ruth do you have anything that you would like to add?

Chief Ruth: No, unless you have any questions?

Mr. Knuchel: Does anybody have any questions for Chief Ruth?

Mr. Condrón: What are your plans on the current vehicle you have?

Chief Ruth: We haven't made any current plans for the vehicle.

Mayor Andrzejewski: We wanted to request that it be given to the Service Department so that they would have an extra car.

Chief Ruth: If that's what you want that's what you'll get.

Mr. Knuchel: Chief Ruth are there any other needs that you would have for the car?

Chief Ruth: I think we'll be okay without it. It's got high miles on it and it's starting to wear out.

Mayor Andrzejewski: We can use it between the Service Department and the Building Department. Depending who has the extra person and who needs the car.

Mr. Knuchel: How about Council office?

Mayor Andrzejewski: Council office can use it too.

Mr. Morley: Is there anything else we're going to need or is this the total?

Chief Ruth: This should be it.

Mr. Morley: Is there any striping?

Chief Ruth: We may have to put the radio adapter in. We can absorb that within our current budget.

Mr. D'Ambrosio: Chief Ruth what do we call high miles?

Chief Ruth: It has 135,000 or something like that.

Mr. D'Ambrosio: I call that high miles.

Mr. Knuchel: Are there any other questions on this issue?

Mr. Knuchel: Mr. D'Ambrosio would you like to move forward on this?

Mr. D'Ambrosio: Yes.

Mr. Knuchel: As I would like to move this forward. We will move this item forward at our next regular Council meeting.

Mr. Matheke: Who's your other member?

Mr. Knuchel: Mr. Lajeunesse is not present and he called and he said that he would be late.

There were no further questions or comments. The Committee agreed to move forward with this matter for passage at the next regular Council meeting.

#### MISCELLANEOUS

There was nothing to report in Miscellaneous.

#### RECOGNITION OF THE PUBLIC

Mr. Joe Wrayno, 7255 Chardon Rd., Kirtland

Mr. Wrayno: On April 14, 2009 I arrived at my property at 1310 E. 360<sup>th</sup> Street and there was a red dump truck in my driveway removing my stuff. I questioned the man on what he was doing on my property. He was contracted by the City of Eastlake to clean up my yard. We received a Certified Letter of Notice that we were unable to pick up at the Post Office because it just disappeared. That was on April 7, 2009 that we could have picked up this letter. Again, they were on my property on April 14, 2009. We requested why this was going on? They had two dump truck operators, one policeman and three building inspectors on my property. They explained to me that they had sent this letter to me. So in addition to removing some of the tenant's things off my property to clean it up they gave me the letter explaining the ordinances.

In Ordinance 1387.19 explains that a certified letter is sent out and if they are unable to locate me, my name would be put in the News-Herald for contact. After that is done I had a three day notice posted on my property giving me advice that they are going to cut the grass or whatever they were going to do. It was too early for them to cut the grass. None of these ordinances were ever taken care of. I came to the Building Department expecting to get this resolved fairly easily. I talked to the Building Department to resolve this issue and was told by Mr. Stigalt that I pay \$20 and he'll pay \$20 and it would be over with. I've done no wrong. I have photographs that the stuff is picked up. I have a letter from the Post Master explaining to Mr. Stigalt that he explained that on April 14, 2009 that we didn't get the opportunity to retrieve the letter. We're under the understanding that the letter was sent back to Eastlake. I received a bill for \$189 and I've called the Mayor, I've called the Councilman and I've called just about everybody to try to resolve this at the lowest level it could be resolved and it just doesn't seem to get done. I don't know what the next course is but I'll guarantee you that I'm not spending \$300 for an attorney to save \$189 and this is far from over. I would like it to be resolved this evening and you are more than welcomed to look at my photographs, the photographs the City of Eastlake took and see where they felt that \$189 to remove this stuff was adequate.

Mr. D'Ambrosio: I would like to see them.

Mr. Wrayno: These are the pictures from the City of Eastlake. They took those pictures that morning. I would like to expedite this, Mr. D'Ambrosio, and give you all the pictures at once and then you can pass them around while we are continuing to talk. I think that not only for myself but the procedure should be followed properly. I've called my Councilman, I've called the Law Director and I've called everybody to try to get this resolved but this seems to keep dragging on and on. I've liked to get this resolved.

Mr. Morley: I've talked to Mr. Wrayno, I talked to Mr. Stigalt, I've talked to Mr. D'Ambrosio and I've talked to Mr. Klammer. Where are we at Mr. Stigalt, Mr. Klammer and Mayor on this issue?

Mr. Klammer: What is of interest to me is if Mr. Wrayno has this letter from the Post Office. I would be interested in seeing that and I would certainly review this matter. There's been some indication along the way that the Post Office says the letter didn't make it to Mr. Wrayno. This is the first time this has been presented to me. The provision that Mr. Wrayno is relying on is just not the right provision. Candidly, the ordinance only requires Mr. Stigalt to send notice by certified mail. I understand that there was some hiccup in this instance. There is no dispute that Mr. Stigalt's department didn't send that notice. They did what the ordinance in plain language required. The ordinance doesn't require that there was evident that it was received. Mr. Stigalt didn't draft the ordinances - they are what they are. So in substance I'm interested in seeing the letter from the Post Master and I'm not sure it will have any significance but it doesn't seem to be any dispute that the property needed to be cleaned up.

To a certain degree we are getting off the subject and Mr. Stigalt's Department is being unfairly blamed for a lot of this. He did what the ordinance required him to do. *(Mr. Klammer's comment could not be understood.)* I know that Mr. Stigalt did make some proposal. When I talked to Mr. Wrayno I said if you want to talk about splitting the difference as a Moral Claim I will certainly talk to the Mayor about that. That wasn't of any interest to him either. So I would be happy to look at it again, but I think we are going to be involved in litigation over it - so be it.

We've proposed some new ordinances that give Mr. Stigalt greater authority and what we've proposed is just to post it right on the property. Just put a notice right on the property. Quite candidly in this instance Mr. Wrayno might not have seen that either, but there would be no dispute that it was posted right on the property. I think the Building Department did what the ordinances require, I think Mr. Wrayno is using the wrong ordinance and I think that is what has made this so sensational. I know the Building Department has made some efforts to try to find some resolution for a property that no one is disputing had to be cleaned up - this causes more aggravation to the residents than anything - these property maintenance issues and, I know how much it burdens Mr. Stigalt's Department.

I'll be happy to look at it and give it any consideration I can. Mr. Wrayno has always been pleasant with me and I'll be happy to do it.

Mr. Knuchel: Mr. Stigalt, from your perspective have you put together any kind of a timeline of what was done, when it was done and how it was done?

Mr. Stigalt: What we have are copies made from the letter the inspector sent out. There was a notification on April 7, 2009 left at Mr. Wrayno's address to pick up the letter. That it was ready to be picked up because no one was at the home to sign for it.

Mr. Knuchel: That was a certified letter?

Mr. Stigalt: Yes. We have a copy of that letter. It came back April 14, 2009. We tracked it and we received it back at 10:35 a.m. on April 14, 2009. So it was mailed out approximately April 6, 2009. So he, basically, had five days after the time was up. He claims that the trucks weren't marked and these are all the vehicles of the person that we have hired for clean up.

Mr. Knuchel: In my mind that isn't the issue. The issue is a monetary issue of what we are going to do.

Mayor Andrzejewski: The issue is that the property needed to be cleaned up. When we go out for bids in the spring we get quotes from landscapers and the quotes are very reasonable. They are extremely reasonable and I think I told you that on the phone. That if you were to hire a regular landscaper or somebody to come in and clean up your bill would have been much more than \$189. I think the issue is that it needed to be cleaned up. You guys all get calls from people saying this property's grass needs to be cut, this property needs to be cleaned up. You forward it to the Building Department and the Building Department takes the appropriate action. In this particular case there was a hiccup as Mr. Klammer said in the Post Office. The Building Department did their job and I think the issue is that there is no doubt that the property needed to be cleaned up. It was a fair price - no one gouged you - we don't add a tax on - we don't add a profit to the bill from the landscaper - they bill us. It is what it is. Mr. Stigalt takes pictures before he goes after to make sure that the landscaper doesn't overbill for work done, so either Mr. Stigalt, Mr. Vild or Ms. Marshall have an idea and knows what has to be done and should be within this range. We watch to make sure our residents or property owners are not overcharged. So the thing is that you needed to clean that up and you knew you had to clean it up and you didn't clean it up.

Mr. Knuchel: Mr. Stigalt was there any communication with Mr. Wrayno prior to this certified letter being sent?

Mr. Stigalt: No, not to my knowledge.

Mr. Wrayno: There are some things that I would like to touch on. To suggest that there was a sign on that truck is fraudulent. There is one now and he has a photograph of it. We have photographs of that truck in my driveway with no sign on it. Another thing if you are going to send someone a certified letter and you are not going to wait until they accept it you might as well write on a piece of paper and throw it in the street. What is the sense? You deal with certified mail and you give the person the opportunity to receive it. If you read the letter the postal supervisor at the Willoughby Post Office is saying that we were there four times to retrieve that letter. We are not trying to duck anybody. I have property throughout Ohio. I have 20 units. We went there and we did what we had to do. There are photographs on how the property looked before and we did clean that property up.

Mr. Knuchel: Mr. Stigalt how long has this property been in disrepair and what kind of records do you have that can enlighten us on this property?

Mr. Stigalt: Mr. Wrayno came in after this happened and indicated to us that those items were there from a tenant from sometime in late February to early March and they sat through the winter. When Ms. Marshall went out to do her inspections she saw that and sent the letter. The items had been there for at least two months according to a time frame that I could put together from what Mr. Wrayno indicated from the tenants that he has had in there.

Mr. Wrayno: We have a letter that Ms. Marshall was there April 3, 2009. We have a copy of that letter too.

Mr. Knuchel: I guess what this all comes down to, basically, is the Administration's stance on this issue is going to be that he needs to pay this?

Mayor Andrzejewski: Yes. The Building Department did what they had to do. The property needed to be cleaned up. We have many instances where that happens and it is cleaned up and the resident or the owner is billed. I think it was a fair bill, it is not gouging anybody and the property owner just doesn't want to accept that his property needed to be cleaned up.

Mr. Knuchel: Mr. Klammer, is there any wiggle room here or any other possible resolution to this problem?

Mr. Klammer: To prevent this from happening again and again. There was a hiccup – it was with the Post Office and it was with Mr. Stigalt's office and they shouldn't be attacked. But we've changed the policy and they know that they are just going to have to just wait for their evidence that the certified letter was received and unfortunately to the extent that the grass continues to grow during that period of time. This is something that the neighbor has to absorb. You have a new ordinance that we are proposing and it is going to allow Mr. Stigalt to just post it right on the property. There will be no mailings to mess around with. And you folks, if you want to exercise it, have the authority to grant a Morals Claim and waive it if you want. Mr.

Stigalt knows in the meantime that they are going to use a new policy in their office and you have a new ordinance on your legislation tonight.

Mr. Knuchel: Mr. Klammer, my concern is not our future resolution. We need to find resolution to this problem for us.

Mr. Klammer: The only real answer is if we don't want to waive it at the Administration then council has the authority to grant the Morals Claim and waive it that way.

Mr. Knuchel: What's the process in doing that?

Mr. Klammer: You would put it on for a Motion at the next Regular Council meeting if that's what you want to do?

Ms. Vaughn: Mr. Stigalt how did the property owner know he only had three days to get it fixed up if he never got a letter telling him that? He had three days to clean it – I could understand that, that's what the letter said. But he never got the letter he would never know he had three days. It's a catch twenty-two.

Mr. Klammer: In his defense that what the ordinance requires.

Ms. Vaughn: I know – I'm not blaming Mr. Stigalt. This is just an open question. My personal opinion is that I would like to grant this gentleman a Moral's Claim.

Mr. D'Ambrosio: My Wrayno there are two sets of pictures you showed. Did you take the color photographs?

Mr. Wrayno: Yes, that's correct.

Mr. D'Ambrosio: Did the City take the black and white photographs?

Mr. Wrayno: Yes, that's correct.

Mr. D'Ambrosio: Mr. Stigalt, if the City went out there and they saw the first set of pictures that he took and then prior to cleaning the lot up did the City go back there and see that most of that debris was already moved out? Referring to the pictures that the City took.

Mr. Stigalt: I haven't seen those pictures.

Mr. Wrayno: They're circulating.

Mr. D'Ambrosio: That's what I'm asking. If the inspector went and saw that first set of pictures there of those polaroids and saw how messed up it was and then the second time they went there as far as to make sure the property got abated and if they saw a major difference like that they should have recognized that something was being done and possibly try to contact Mr. Wrayno before we went in there.

Mr. Stigalt: Again, I don't know what the inspector saw or didn't see that day. But, I know that our pictures were taken at the time they were there would reflect that there were a lot of items removed. And they are the same items in these pictures that were being removed on the truck. I've never seen these before. But even if Mr. Wrayno was working with us we never received any communication between the property owner and the inspector to say, "Yes, we are acting on this." And as of April 8, 2009 we sent a letter out for abatement. So on April 8, 2009 the stuff was there. The whole month and approximately five weeks before this even happened.

Mr. Knuchel: So we can make an educated decision on this since we are going to have to make one sooner or later - Mr. Stigalt, if you could provide us with a timeline and all your documentation. Mr. Wrayno I think you probably have given us everything you got.

Mr. Wrayno: I climbed in the dump truck and removed 90% of everything because I had shingles in the truck. The tenant's property – by law I'm required to give the tenant 60 days notice to remove the property. There was a race car bed in there that in my opinion had no value, but I didn't want to get rid of it because it was a child's. But I had to climb in that dump truck to remove \$60 worth of shingles. Those were damaged and I didn't complain about that. My pick axes and my shovels were about to be loaded. Surely, you don't go on somebody's property and just start taking stuff away. A lot of the stuff I paid him for. They said that they would give me three days. I said that they could come back later that afternoon and it was in rain. I had everything put in the garage. I feel I did everything to work with the City. As far as the other letter from April 8, 2009 I dispute that. We had one certified letter notice and the Post Master clearly tells you that it never arrived at our house and I have photographs of the truck that arrived at our house with no signs on it.

Mr. Klammer: Are you still at the Euclid/Chardon address?

Mr. Wrayno: Yes.

Mr. Klammer: We have a letter going back to that address in April, 2009 showing it was unclaimed. The address is 7255 Euclid/Chardon showing unclaimed. Then we have one signed card on May 1, 2009 saying that Debbie Wrayno accepted it.

Mr. Wrayno: That was the \$189 fee.

Mr. Klammer: That one was accepted at that the exact same address and the one before was unclaimed.

Mr. Wrayno: The bill was \$139 – as the Mayor says that they don't tack anything on. There was a \$50 fee that was tacked on.

Mr. Klammer: The important part to me is that we are trying to take care of this in the future. Mr. Stigalt and I have talked because of this hiccup, but these guys knew what they were supposed to do. To a certain degree they are being unfairly attacked but I can recognize if you want to give a waiver as a Morals Claim you have the authority to do that.

Mayor Andrzejewski: I think you are sending a very bad precedent. Again, when a property owner does not want to clean up their property - when they don't want respond to calls from the Building Department, now you're telling them the Building Department goes in and cleans it out and all they have to do is come back and say we don't want to pay the bill. Now the bill was very reasonable. Mr. Wrayno told me on the phone that what his intention of what he was going to do was take the debris to each City that he had a rental property at and on their trash days put the debris there. So it's clearly to me a matter of the property owner does not want to pay the bill. He doesn't want to pay money for it and you guys are just buying into it. If he was willing to take all that trouble to take that debris and take it to Willoughby one day, Wickliffe another day and wherever else he has property tells me that he doesn't want to spend a nickel cleaning up his property. The second thing he told us all was that he never had any violations or problems with any other cities and that's not true.

Mr. Knuchel: This is not part of this discussion.

Mayor Andrzejewski: But it is because he doesn't want to pay for cleaning up the property.

Mr. Knuchel: Here's what the problem is in my view. There are three issues here - Mr. Wrayno had not received the letter. He was charged. We are not moving on it. Those are the three issues.

Mr. Stigalt: The outcome would be no different if we posted the home when he was on vacation and if his claim was that we didn't know who he was and we put it in the newspaper it would be the same result.

Mr. Knuchel: Well than I have difficulty in the whole process than because if I'm not notified of something or there is a hiccup in the system, am I going to get charged \$189?

Again, I take all the personalities out of this, is what we're doing correct? Is it giving the landlords or the residents at that particular point of time - time enough to do what he needs to do? Is he properly notified?

Mayor Andrzejewski: If you clean your property up and keep it in good condition we wouldn't even be talking this. We are completely ignoring the fact and all of you guys and ladies get calls from neighbors complaining about property that is not kept. This property was not kept up. If it was we wouldn't be talking about this.

Mr. Stigalt: Agreed. Other cities use that same type of format giving options of certified mail posting or news letter. So the system works but there is nothing full proof. Whether we send something to the home and they don't see it the outcome would be the same. The property owner did not keep up with the home as required and that's the bottom line and we are trying to have the City responsible - people clean up their homes and keep it nice - and, it makes Eastlake a City that people want to stay, come and grow and be a good City to be here.

Mr. Morley: We are going to be lost either way because we could be in another meeting where the next door neighbor to Mr. Wrayno comes and yells at us all night because we didn't get a hold of Mr. Wrayno and we can't get a hold of Mr. Wrayno for five or six months and the garbage is piled up. We can't win in this situation. I don't have a problem waiving the \$189



Ordinance only because he didn't get the first letter but we will continue to have this problem. Take all the personalities - whether it's Mr. Wrayno or Mr. Matheke, the landlord or resident can sit and say he never received a notice and we can do nothing for six months and we are going to be at the opposite end but it won't be for anything financial it will be just a resident or property owner who owns the land next door that's a mess. We can't win in this. We've spent more than \$189 between everyone's time. So, I just say end it and be done with it and we will figure out a full proof way that someone gets their certified mail and they pick it up.

Mr. Knuchel: What would be your solution – to waive this?

Mr. Morley: I would say to waive this one and waive the money and then we'll have to get together and figure out either a better ordinance, give it to the Law Director and just get it figured out. Like I just said if someone doesn't pick up their mail you know we are going to be bothered by it and we will be yelling at the Mayor, or whoever, to clean the area up because the neighbor next door's going to be complaining. We can't win – it's a no win situation.

Mr. Wrayno: The ordinance said certified mail and first class mail then you have documentation if it is returned certified mail or if it is returned first class. Also, I believe that the trucks should be marked and I think that the people should have name tags on. As the police were at my property my wife couldn't get the names of the inspectors. Nobody wanted to give their names and I think we had an opportunity to find out what is going on here. Nobody was more surprised than us but not just \$189 for us but for anybody else. How many times has this happened in the past? I take issue with two things and they are Mr. Klammer is saying that the Ordinance that I am reading is the wrong one. I'm clearly reading 1367.19 that says it's suppose to be certified and there's suppose to be a note on my door giving me three days before they do anything and it should be in the paper. And for them to suggest that we purposely did not clean up our property that is wrong. We made every effort – the fact I took it to other communities – I wanted it cleaned out as quickly as possible and I wanted to keep everybody happy. This is not fun for me to be here today.

Mr. Knuchel: It is not fun for us to deal with but it is part of the job. Mr. Klammer, what do we have to do then - do we need to make a motion to leave it on?

Mr. Klammer: You'll have to make a Motion at the next Regular Council meeting.

Mr. Knuchel: We will make a decision at that time which way we want to go with this. Mr. Wrayno do you have anything else you would like to say before we conclude this meeting?

Mr. Wrayno: No, thank you.

Mrs. Debbie Wrayno, 7255 Chardon, Kirtland

Mrs. Wrayno: I would like to say a couple of things. We have no intention of being a bad neighbor in any community that we have property in. We try being the best neighbor we can because it is for us rental property. Nobody wants to live next to rental property. So we really try to go above and beyond to be a good neighbor and we do spend some money on our property. And to say that we don't I just really feel that is not right. You guys have no idea how insulting it is to pull in your drive and see trucks filling their trucks up with your stuff and not have a clue of what was going on. We thought it was one of these home invasions that you hear about on

TV. It was just wrong and it was wrong on so many levels to just do that to someone's property. If we had a clue that we were not doing anything right we were not moving quick enough and that we were doing anything wrong we would have addressed it like we are now and make it right. We do not want to be a bad neighbor nor do we want any of these problems with anybody.

Mr. Knuchel: How long was this problem before we addressed it?

Mrs. Wrayno: It was a matter of weeks.

Mr. Knuchel: Mr. Stigalt, did you receive this as a complaint from a resident?

Mr. Stigalt: I can't verify that because I would have to ask Mrs. Marshall on that. The letter was sent out because a violation existed. It was there for a full month and he indicated to me that it was from a previous tenant between the one that was just evicted that it was sitting out there.

Mr. Wrayno: The first letter that was sent was April 8, 2009 to the last letter that was sent was April 14, 2009 – I don't see where this is a month. I've been told that somebody said that I said that Eastlake was a hick town.

Mr. Knuchel: We are not going into that. We will deal with the other situation and not the inflammatory stuff that is surrounding it.

There were no further questions.

The meeting was adjourned at approximately 6:33 p.m.

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