

**COUNCIL AS A WHOLE COMMITTEE MEETING
MINUTES
TUESDAY
DECEMBER 15, 2009**

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

Attending from the Administration were Mayor Andrzejewski, Finance Director Mr. Condron, Law Director Mr. Klammer, CBO Mr. Stigalt, City Engineer Mr. Gwydir, and Police Chief Ruth.

Also in attendance were members of the public.

LEGISLATION PROPOSED:

12-15-(01): Amendment: Conditional Use Permit: Radisson Hotel & Suites, 35000 Curtis Blvd., Eastlake:

Mr. Elshaw: The first item on the agenda is Legislation No. 12-15-(01) Amendment: Conditional Use Permit: Radisson Hotel & Suites, 35000 Curtis Blvd., Eastlake.

Mr. D'Ambrosio: This item was discussed in the Planning Committee Meeting which was held on November 8, 2009. It is an amendment to a conditional use permit. The Radisson changed ownership so they need to reapply.

Mrs. Cendroski: I forgot to mention to you tonight that the gentlemen was suppose to come in and sign the conditional use permit and he has not done so as of yet. Therefore, this will have to be put on First Reading. Also, I suggest the Motion approving the renewal be held until the Regular Council Meeting held on January 12, 2009.

Mr. D'Ambrosio: Okay. I don't have a problem with that.

Mr. Elshaw: Are there any comments or questions?

There were no comments or questions?

Mr. Elshaw: Are there any objections?

There were no objections.

Upon review by the Committee, there were no objections to place Legislation No. 12-15-(01) on First Reading at the evening's regular Council meeting.

Mr. Elshaw: It looks like the rest of the proposed legislation was discussed in the Finance Committee. Mr. Knuchel will read the rest of the proposed legislation.

12-15-02: Adoption: Codified Ordinances Replacement Pages: Invoice: Walter Drane Company: \$1,984:

Mr. Knuchel: The next item on the agenda is Legislation No. 12-15-02 Adoption: Codified Ordinance Replacement Pages: Invoice: Walter Drane Company. This is a housekeeping item that was discussed in the Finance Committee Meeting and forwarded to tonight's meeting.

Are there any questions?

There were no questions.

Upon review by the Committee, there were no objections to move forward with Legislation No. 12-15-(02) for passage at the evening's regular Council meeting.

12-15-(03): Contract: Quentin Road Pump Station Improvements: JTO, Inc.: \$986,100:

Mr. Knuchel: The next item on the agenda is Legislation No. 12-15-(03) Contract: Quentin Road Pump Station Improvements: JTO, Inc.: \$986,100. This is for upgrades of our front load pump station which is in very sad shape. This was also moved forward at the Finance Committee Meeting and will be discussed about tonight.

Are there any questions or comments?

There were no questions or comments.

Upon review by the Committee, there were no objections to move forward with Legislation No. 12-15-(03) for passage at the evening's regular Council meeting.

12-15-(04): Contract: City Hall HVAC System: Honeywell International: \$57,312.51:

Mr. Knuchel: The next item on the agenda is Legislation No. 12-15-(04) Contract: City Hall HVAC System: Honeywell International \$57,312.51. This was for a bid award for Honeywell International for doing the work in City Hall of revamping the HVAC system. Hopefully, there will be some cost savings involved when we look into this.

Are there any questions or comments?

Mr. Morley: I have a comment on the Honeywell HVAC System. On the bids that we received Honeywell International was not the lowest bidder. With the other company that we had there was a 5% savings if they did all the work at the same time. In the Finance Committee Meeting I asked that question specifically. The Honeywell International rep said that they are going to do the system all at the same time. Most of you know from the beginning I have never agreed that Honeywell should come back in City Hall and repair what they should have had repaired all these years. I don't have a problem with awarding the bid to the other company I just don't agree that

it should be Honeywell. With the other company we are saving money. They all can change the thermostats – it doesn't have to be Honeywell changing the thermostats. The gentlemen from Honeywell said in the ten years these things happen. Since I've been in office for 4-1/2 years they have never worked right. So for Honeywell even with the six years they should have always come in and did some warranty work to no charge to the City. To let them have this - I can't agree with this. I don't have a problem with the other company but my vote will be "no" with Honeywell.

Mr. Knuchel: Mr. Morley I did have similar questions to yours. I guess what increased my comfort level with Honeywell coming back in is that they were working on a system that wasn't totally theirs. It was a computer system that was outdated many years ago. That increased my comfort level because they'll be in charge of doing the whole system now instead of just part of the system. They are working on a DOS system which is as we all know is totally outdated because we are into Windows 7 now. There are some issues with the compatibility of the hardware and software to make this system work. So that increased my comfort level a little bit so that is why I will be voting for this.

Mayor Andrzejewski: I'm not pleased with Honeywell either, however, I did sit down and talk with the gentlemen from Honeywell and told them that under no uncertain terms that this is it. You have one last chance to fix this thing. I'm satisfied with what he told me in regard to the equipment that's on there now – what's working and what was not working that they will fix this thing. However, I did tell Honeywell several times that this is it. If you don't fix these thermostats – if I come in on a Saturday and I hear that air conditioning unit running or if I come in here in the winter on a Saturday and or a Sunday or late at night and here the boiler running we are going to have a problem. We will give them one last shot. I think that they have more experience to fix it. The difference between them and the lowest bidder was \$4,000. That's not a significant amount of money.

Mr. Morley: I know Mr. Semik's answer always was if I have a specific model I don't necessarily take that after the warranty to that dealership to get my car fixed. That's why we went out for bids in the first place because I asked Mr. Klammer is this the reason we put it out for bid? The other bid's lower and they are confident that they can fix it. That's my opinion. The others might agree with Honeywell and that's okay with me – I'm just telling you my issues.

Mayor Andrzejewski: If I sit down with someone and I let them know what's going on then that's it. He knows what's expected of Honeywell and he knows this thing better work.

Mr. Morley: I respect you opinion.

Mr. Knuchel: There is one issue that I don't think we brought up in the Finance Committee Meeting. What is the warranty period on this new install and are we going to at some time come up with a service contract? Is that going to be through Honeywell or will we have to bid that, also?

Mayor Andrzejewski: I don't know.

Mr. Knuchel: Do you know Mr. Condron?

Mr. Condron: Not exactly. I think that we will have a maintenance agreement at some point.

Mr. Knuchel: Do you know what our warranty period is?

Mr. Condron: I'm not exactly sure.

Mayor Andrzejewski: We looked at a maintenance contract for the system a year or so ago and it was just way out of line. We're better off with a system like this do what they call "time and material" just like what you would do with your home furnace.

Mr. Morley: After I had talked to Mr. Semik we may look into a maintenance contract. I would just hope that Honeywell, if that's whose chosen or the other company, out of their workmanship just would come and take care of it. Like I said I've been here only 4-1/2 years and it's not worked 4-1/2 years. We've had this Honeywell discussion for 4-1/2 years and I just don't know what's changed now. That's just my opinion and I respect the rest of the Council's opinion. If they want to go with Honeywell I'm fine with it but I won't.

Mr. Matheke: There's one thing that we have to keep in mind and this whole HVAC is not a Honeywell system. Honeywell has been attached with fixing a hybrid system which is a conglomeration of several different systems. It's like taking your Ford to a Chrysler dealer asking them to put a Chrysler transmission and a Chevy engine in it and expect it to work like a Ford. That's the problem we have right now – we don't have a Honeywell system – we don't have a Delta system – we've got "Oh, they're not talking." It's got to go somewhere.

Are there any additional comments or questions?

There were no further comments and questions.

Mr. Elshaw: We do have the option to place this on First Reading if you would like to hear more on their warranty or if that's not an issue we can move it forward.

Mayor Andrzejewski: I would recommend that we move this forward. The more time you wait the more engery is going out this window.

Mr. Elshaw: Okay. That is a choice of ours and I'll leave it at that.

Upon review by the Committee, there were no objections to place Legislation No. 12-15-(04) on the agenda at the evening's regular Council meeting.

12-15-(05): Tax Incentive Grant: MPI Products, Inc.:

Mr. Knuchel: The next item on the agenda is Legislation No. 12-15-(05) Tax Incentive Grant: MPI Products, Inc. This is a marine products company. We moved forward with their grant application which they requested a 5-year and they were eligible for a 4-year. We upped the percentage that they would get on that.

Are there any questions or comments?

There no questions or comments.

Upon review by the Committee, there were no objections to move forward with Legislation No. 12-15-(05) for passage at the evening's regular Council meeting.

12-15-(06): Income Tax Amnesty Program:

Mr. Knuchel: The next item on the agenda is Legislation No. 12-15-(06): Income Tax Amnesty Program. This program will run February 3, 2009 thru February 10, 2009 which there will be a 50% reduction in the fines. There was a lot of discussion in the Finance Committee Meeting about how often we should do this. We decided at that time that we should move forward with this.

Are there any comments or questions?

Mr. Morley: Why did we change the dates from January to February?

Mayor Andrzejewski: Because the person who is going to administer this is going to be out on medical leave the month of January.

Mr. Morley: Okay.

There were no further comments or questions?

Upon review by the Committee, there were no objections to move forward with Legislation No. 12-15-(06) for passage at the evening's regular Council meeting.

12-15-(07): Rescission: Ordinance No. 2009-115, adopted October 13, 2009: North Riverview Property Donation:

Mr. Knuchel: The next item on the agenda is Legislation No. 12-15-17 Rescission: Ordinance No. 2009-115, adopted October 13, 2009: North Riverview Property Donation.

Mr. Klammer: I do remember that apparently there was some confusion as to the delinquent taxes on this property and who should be paying them. They realized their error and proceeded with this.

Are there any questions or comments?

There were no questions or comments.

Upon review by the Committee, there were no objections to move forward with Legislation No. 12-15-(07) for passage at the evening's regular Council meeting.

12-15-(08): ODNR Grant: "Pass Through Agreement: Chagrin River Lakefront Park: \$200,000:

Mr. Knuchel: The next item on the agenda is Legislation No. 12-15-(08) ODNR Grant: "Pass Through Agreement: Chagrin River Lakefront Park: \$200,000.

Mayor Andrzejewski: This is part of our new grant – the majority of this money off the \$12,000 will be used to purchase land which is called the North Island. In talking with the Port Authority they now may also be able to use some of this money. This would be permissible use for this money to leverage it in a fight for other grants to purchase other things. There are a couple of things to be done that is why we want to accept this \$200,000.

Are there any questions or comments?

There were no questions or comments.

Upon review by the Committee, there were no objections to move forward with Legislation No. 12-15-(08) for passage at the evening's regular Council meeting.

12-15-(09): Depositories Designation:

Mr. Knuchel: The next item on the agenda is Legislation No. (09) Depositories Designation.

Mr. Condron: We do this every three years – the last time we did this was December, 2006 for a three-year period. The new bank is the Dollar Bank which was put on the depository list as was discussed in the Finance Committee Meeting they are getting active in public funds. They have a depository credit of 1% which is higher than some of the other depositories. *(Mr. Condron's comment was inaudible.)*

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. 12-15-(09) for passage at the evening's regular Council meeting.

12-15-(10): Fund Transfer: Fund #101 to Fund #301: \$300,000:

Mr. Knuchel: The next item on the agenda is Legislation No. 12-15-(10) Fund Transfer: Fund #101 to Fund #301 for \$300,000.

Mr. Condron: We do this at the end of the year for several of our audit payments – the first and second are just normal activities.

Are there any questions?

There were no questions.

Upon review by the Committee, there were no objections to move forward with Legislation No. 12-15-(10) for passage at the evening's regular Council meeting.

12-15-(11): Fund Transfer: Fund #421 to Fund #301: \$400,000:

Mr. Knuchel: The next item on the agenda is Legislation No. #12-15-(11) Fund Transfer: Fund #421 to Fund #301 for \$400,000.

Mr. Condron: Same as the previous fund transfer.

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. 12-15-(11) for passage at the evening's regular Council meeting.

12-15-(12): Fund Transfer: Fund #101 to Fund #438: \$213,000:

Mr. Knuchel: The next item on the agenda is Legislation No. 12-15-(12) Fund Transfer: Fund #101 to Fund #438 for \$213,000.

Mr. Condron: The Finance Committee looked at the recent money in anticipation of accepting bids for the construction of the pool which we collected from the inheritance tax and the selling of HUD homes - that is where the \$213,000 came from.

Mr. Knuchel: Is it true that we have \$467,000 that we can use to rebid on the pool at this particular point and time?

Mr. Condron: Yes, we do have the money at this particular point and time.

Mr. Knuchel: Thank you.

Are there any comments or questions?

There were no further comments or questions.

Upon review by the Committee, there were no objections to move forward with Legislation No. 12-15-(12) for passage at the evening's regular Council meeting.

12-15-(13): Fund Transfer: Fund #101 to Fund #214: \$50,000:

Mr. Knuchel: The next item on the agenda is Legislation No. 12-15-(13) Fund Transfer: Fund #101 to Fund #214 for \$50,000.

Mr. Condrón: This is money for future payouts forthcoming in the near future.

Mr. Knuchel: I would like to thank Mr. Condrón on his work on this. The Mayor and Mr. Condrón worked on this a few years back so that we would have a little bumper to offset the period of time where we will have quite a few retirements and this will offset some of the costs of the retirements.

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. 12-15-(13) for passage at the evening's regular Council meeting.

12-15-(14): Fund Transfer: Fund #101 to Fund #304: \$150,000:

Mr. Knuchel: The next item on the agenda is Legislation No. 12-15-14 Fund Transfer: Fund #101 to Fund #304: \$150,000 to the Callable Bond Fund. This was originally slated for \$50,000 but after some discussion in the Finance Committee Meeting we put it up to \$150,000. That will be used to pay off stadium debt.

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. 12-15-(14) for passage at the evening's regular Council meeting.

12-15-(15): Re-appropriation: 2009 Expenses:

Mr. Elshaw: The next item on the agenda is Legislation No. 12-15-(15) Reappropriation for 2009 Expenses.

Mr. Condrón: This was discussed in the Finance Committee Meeting. There are certain areas that need some re-appropriations for the 2009 year.

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. 12-15-(15) for passage at the evening's regular Council meeting.

12-15-(16): Appropriation: 2010 Expenses:

Mr. Knuchel: The next item on the agenda is Legislation 12-15-(16) Appropriation for 2010 Expenses.

Mr. Condon: This was discussed in the Finance Committee Meeting. We ended up in leaving 2009 for review and confirmation then we ended up doing the Resolution in March.

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. 12-15-(16) for passage at the evening's regular Council meeting.

LEGISLATION PENDING: (Placed on First Reading 12/01/09)

12-01-(01): Bid Award Recommendation: JFK Senior Center Bus Garage: Casa Bella Construction: \$26,164:

Mr. Elshaw: The next item on the agenda is Legislation No. 12-01-(01) Bid Award Recommendation: JFK Senior Center Bus Garage: Casa Bella Construction at \$26,164. This was placed on First Reading on 12/01/09

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

12-01-(02): Bid Reject and Rebid: Houston Fisher Pool: (Placed on First Reading 12/01/09)

Mr. Elshaw: The next item on the agenda is Legislation No. 12-01-(02) Bid Rejection and Rebid for Houston Fisher Pool. This was placed on First Reading on December 1, 2009.

Are there any comments or questions?

Mr. Elshaw: I know this is going out for bids and this is what we intend to do here, obviously, this is for a rebid – I believe we are going out for \$530,000. Is that the estimate?

Mr. Gwydir: \$531,000 is the estimate.

Mr. Elshaw: We did talk about the pool in the Finance Committee Meeting. We do have available \$463,000 in the Recreation Fund if we want to make transfers. I know that future

Council will have to decide on where the additional money will come from to cover a higher bid above and beyond \$463,000. So that will be a consideration for next year. I know that operations will also be a question perhaps the use of inheritance tax may cover that. I guess as far as your thoughts of the bids – is there a recommendation to continue with \$530,000 or should the estimate be lowered? I think we had talked before that as long as the bids come in within 20% variance from the estimate those can still be accepted.

Mayor Andrzejewski: Here's the reason we put it at that number. We've already tried twice and we know from talking to the main bidders that we have to put it at that price so we can get a couple of good bids in here and finally award the bid. If we try to lower it and nickel and dime it again we are going to end up with the same thing with no bidder or with one bidder and not being able to award it again.

Mr. Elshaw: But what's the 10%?

Mayor Andrzejewski: If the price comes in \$500,000 we are going to be very pleased. That's another thing hopefully this new number will invite and bring more bidders to the table who will say "Yes, we can do it for this amount." The problem before was that we weren't getting good bidders because they looked at it and said "Forget it for the amount of money you have in here we can't do it."

Mr. Elshaw: The amount is 10%?

Mayor Andrzejewski: Yes.

Mr. Elshaw: Does going out with the estimate of \$530,000 does that encourage them to stick close to that number or do you anticipate that they will come in lower?

Mayor Andrzejewski: It's like with any bid you have to look at it from your perspective of how much it will cost you to do the job and how much profit you're going to put in it and then you want to win the bid. So if you get greedy and there happens to be 2 or 3 bidders and you figure you'll go with \$530,000 or \$540,000 because you think you may be the only bidder you may not get it. Somebody could come in now and under bid you. I know it is a calculated thing the contractors do because they are not going to overbid and risk losing the job.

Mr. Gwydir: Part of the strategy for the prior bid was to do what you suggested and that is to keep it low in hopes that the prices wouldn't come in high. Clearly they did not do that. By offering to out for bids for \$531,000 it will be encouraging additional bidding. But I don't know if it will necessarily encourage excessive prices. The bids will come in where they have to be met.

(Mr. Gwydir's comments were inaudible.)

Mr. Elshaw: My concern is that – and I know that it is just going out for bids and I don't have a problem with that – but I want to make sure that we are not encouraging a higher bid when we

just talked about in the fund we have \$463,000 and that Council would have to come up with the difference and if you bid yourself out of that difference for next year – because it is my understanding that it would still come before Council for acceptance or rejection. Is that correct Mr. Klammer?

Mr. Klammer: Yes.

Mr. Elshaw: I just want to make sure that it is not encouraging too high of

Mayor Andrzejewski: That's just the contrary if we put it too low we will be in the same position that we were before. This is fine. I don't understand the thinking that we have to come up with more money from inheritance or somewhere else to make up the difference if there is a difference. We don't do that with police equipment, we don't do that with fire equipment, we don't do that with service department equipment. We go to the service garage and say "Guys, if you want to do snowplow you have to go out and get a quote or a grant or you have to go out and get the tax payer money or something. Why are we saying that in order to do the job in full we can't take money from the General Fund we do that for every other department. The pool and the City deserve...

Mr. Elshaw: We will discuss this in the Regular Council Meeting.

Mayor Andrzejewski: This is just discussion for later. This pool and recreation for the people of Eastlake need to be supported by the General Fund just like every other department in this City. And it's not fair to say if anything you want for the pool you had better go out and get a bid or grant or inheritance tax money or whatever. We don't do that in other departments. Mr. Elshaw why are we picking a particular item and saying in order for you to fund this you have to go out and find the money somewhere?

Mr. Elshaw: Since you asked me specifically I would like to answer that. We allocated \$463,000 for refurbishment of the pool and I'm in support of that and I know that Council for the most part has been in support of that. You're looking for still a difference of maybe \$100,000 or maybe less - hopefully it will come in at \$500,000 and you're not looking at all that much. That is a decision for Council to make next year and if there is money in the General Fund – then yes. You can maybe look at when we did do a onetime infrastructure - we allowed that last year in the budget and those exceeded \$150,000 on a few of the items. So I can understand if Council in the future wanted to allocate additional funding to getting that pool open and running. I guess my thought is that if I have a house and there is a problem with the foundation I would probably put money towards that before I would build a pool or allow any other activities. That's just my thoughts. When you talk about the safety forces – that deals with the safety of our community and that is very important – and I'm not saying that the pool is not important. Again, I've said it before I think the City of Eastlake does need a pool and I've agreed with you Mayor on that and I've heard residents say that. I also understand the impact on home values and I understand that we're compared to other communities such as Willowick and Willoughby. I know that we are compared that way and we want Eastlake to be a desirable place to live. So I understand that but

you only have so much to work with so you just need to see what happens with next year's budget. Like I said I don't have a problem if a certain amount needs to be allocated to opening the pool.

Mayor Andrzejewski: Thank you. Because I don't want to have to sit here and every time we want something for recreation and then be told that you have to go out and get a grant and find money here and find money there. It hasn't happened yet but I'm just saying that recreation in this City is important and you made some very good points. People look at Eastlake and say what do you have to offer as compared to Wickliffe, Mentor and Willoughby? I want to go to the realtors and say now we have a pool and now we have this and now we have that. Not to belabor the point but I will say this again that I'm a strong believer that if we don't attract young families into this community our community will not survive. Because we need the incomes and we need the income tax, we need the younger families to move into the City. If you look at what we have to offer compared to other cities this pool will help tremendously to strengthen our image to bring the young families. That's all I'm going to say.

Ms. Vaughn: I think this whole discussion is premature. We have to discuss the budget for next year. We have to get the bids in and we can't make a decision until we get the quotes back. I want the pool, it's very obvious, it's in my ward. (*Ms. Vaughn's comment was inaudible.*) But we still don't have the facts to make a logical due diligence decision.

Mr. Knuchel: Mayor I understand your points but my only issue is that when we are spending half a million dollars on one item and I think it deserves our scrutiny and it deserves our looking at it. Just as we would look at police cars, fire engines and just as we would look at certain things for the service department. Again, we started off with \$300,000 and now we are up to \$500,000. We talked about it and we set limits and we set goals and I think we should just be cognoscente that we have done that and there are special circumstances where this it has taken on a life of its own.

Mr. Morley: As Ms. Vaughn just said you know we are going to sit down and talk about the budget and you know I want the pool also. But we've seen the budget that's come over and there are things in there as we call the "wish list" of some things that you also wanted – Economic Developer, part time Engineer, grass cutter, we received memos on a Police Dispatcher. So we have a lot of things look at too, so we are going to have look and hope that we have money to do all these things. I'm good with getting the pool but like Ms. Vaughn said once we get everything in we'll take a look at it and we'll do what we need to do to get it opened.

Mr. Elshaw: By the way I'm glad we did go out for outside funding on the pool.

Are there any further comments or questions?

There were no further comments or questions.

Upon review by the Committee, there were no objections to move forward with Legislation No. 12-01-(02) for passage at the evening's regular Council meeting.

11-24-(09): Conditional Use Permit: Castle Café: 33419 Vine Street, Unit E, Eastlake:

Mr. Elshaw: The next item on the agenda is Legislation No. 11-24-(09) Conditional Use Permit: Castle Café: 33419 Vine Street, Unit E, Eastlake. This was held in Council-as-a-Whole because there were some issues with the Police Department.

Mr. D'Ambrosio: At the last Council Meeting on December 1, 2009 Police Chief Ruth provided Council with some police reports and some calls that the Police Department had received and they had to actually go to this establishment. It's kind of thought as a BYOB (bring your own bottle) atmosphere which could actually escalate with problems. With the BYOB there really is no way that the police department can actually know what's going on and whose being served so there could be a problem with this. It may not be in the best interest in the City for this type of atmosphere because we would be setting a precedent. Chief Ruth do you have anything that you would like to add to this? Is what I'm saying pretty accurate?

Police Chief Ruth: Yes, you pretty much summarized what my thoughts are. There is a reason why we have licensing in the State of Ohio to set controls. This would be an establishment that has no licensing and there would be no controls other than what you might try to impose. I don't need any more establishments where they may be a potential for problems.

Mr. Elshaw: I'm sorry I was mistaken on this one. This one was actually placed on First Reading on November 24, 2009 and placed on Second Reading on December 1, 2009. This would be the Third Reading.

Mr. Knuchel: I just want to take the opportunity to thank Mr. Stigalt because I had some questions also concerning the building itself and parking requirements and if that was a use that was permitted or a conditional use in that area. I would like to thank you for responding to my e-mail. Do you have anything that you would like to contribute Mr. Stigalt?

Mr. Stigalt: Again, I agree with Chief Ruth on this because there have been problems there. I think that without controls it would make it difficult for the Police Department.

Mr. Elshaw: Are there any further comments or questions?

There were no further comments or questions.

Upon review by the Committee, there were no objections to place Legislation No. 12-01-(02) on Third Reading at the evening's regular Council meeting.

MISCELLANEOUS

Optional Redemption: Various Purpose Bonds: Series 2004

Mr. Elshaw: The next item on agenda is Optional Redemption for Various Purpose Bonds for Series 2004. Mr. Knuchel will make a Motion to add Legislation No. 12-15-(17).

Mr. Codron: This is the second time that we actually used it, obviously, the first time was in July. It's something that we use every year. It's like an audit trail and it would keep documentation of the bond registrar. *(Mr. Condron's comments were inaudible.)*

Are there any comments or questions?

There were no comments or questions.

Upon review by the Committee Mr. Knuchel will make a motion to add Legislation No. 12-15-(17) to the agenda for passage at the evening's regular Council meeting.

Amendment: WPCC Agreement:

Mr. Elshaw: The last item is an amendment to the Water Pollution Control Center (WPCC) Agreement. This is between the City of Willoughby and Eastlake. This would be added by Mr. Knuchel as Legislation No. 12-15-(18). This was amended to put a cap on the amount to be spent before coming to Council for a new approval. We did cap that at 50% of the \$550,000. Is that correct?

Mr. Klammer: Mrs. Cendroski graciously incorporated some of the comments that Mr. Condron and Mr. Gwydir had and advised the cost of the engineers to get a total of \$550,000, prior to additional authorizing legislation by the City of Eastlake. The cost will be divided equally by the City of Willoughby.

Mr. Morley: In the last e-mail the City of Willoughby is at \$650,000 has that been changed? So we are going to pass our legislation at \$550,000 and hope that Willoughby wants to come down from their \$650,000. Unless there is another e-mail those are the only two e-mails I have seen.

Mr. Klammer: That was the number that was worked out give or take unless you want to hold it. *(Mr. Klammer's comment was inaudible.)*

Mr. Morley: No I don't want to hold it I just wanted to know if I missed an e-mail because the last e-mail I saw was in the afternoon.

Mr. Klammer: *(Mr. Klammer's comment was inaudible.)*

Mr. Condron: We did put it there for the ability to authorize additional funds in response to the e-mail. *(Mr. Condron's comments were inaudible.)*

Mr. Elshaw: On behalf of the residents Mr. Morley did bring up a good point. We put out the WPCC minutes and you can go on the website and read the minutes. Basically, this is a study for an infiltration which is mandated by the EPA. With the City of Willoughby and the City of Eastlake it is mandated to conduct a study to see where we have infiltration into our water systems and those need to be corrected in the future. But the study itself is a very expensive study and we're assuming that it is going to be around \$550,000 and that will be divided between the City of Eastlake and the City of Willoughby.

Mr. Gwydir: By and large you are correct. Every four years the water pollution control center has to be licensed. It was licensed this year and the renewal acquired for the sanitary sewer system studied in its entirety for Willoughby and Eastlake. The flows in the system are to be characterized and we look for sources of a sanitary system because it needs to overflow at certain stations. For examples we have to find out what is going on in the system and analyze what the causes are of the infiltration and make any number of recommendations that will correct that infiltration. There are a number of scenarios and we will have to examine and look at them and then go back and choose the most cost effective means to do that and present that plan to the EPA.

Mr. Elshaw: Again, the full discussion and the minutes are on the City website for your review.

Are there any comments or questions?

There were no comments or questions.

Upon review by the Committee Mr. Knuchel will make a motion to add Legislation No. 12-15-(18) to the agenda for passage at the evening's regular Council meeting.

ADJOURNMENT

The Council-as-a-Whole Committee meeting was adjourned at approximately 7:42 p.m.

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