

**EASTLAKE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
DECEMBER 14, 2010**

The Regular Meeting of the Eastlake City Council was held at Eastlake City Hall, 35150 Lakeshore Boulevard. The Meeting was called to order by Council President Mr. Morley at approximately 7:09 p.m.

The Pledge of Allegiance was led by Mr. Hoefle

ATTENDEES

Members of Council in attendance were Mr. Hoefle, Ms. Vaughn, Ms. DePledge, Mr. Knuchel, Mr. Lajeunesse, Mr. D'Ambrosio and Council President Mr. Morley. Also attending was Council Clerk Mrs. Cendroski.

Those attending from the Administration were Mayor Andrzejewski, Law Director Klammer, Finance Director Slocum, CBO Stigalt, Service Director Semik, and Fire Chief Whittington.

APPROVAL OF MINUTES

REGULAR COUNCIL MEETING – NOVEMBER 23, 2010

MOTION: Ms. Vaughn moved to approve the minutes of the Regular Council Meeting of November 23, 2010. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas: Mr. D'Ambrosio, Ms. Vaughn, Mr. Knuchel, Mr. Lajeunesse,
Mr. Hoefle, Mr. Morley.
Abstain: Ms. DePledge

Motion carried. The minutes were approved.

COUNCIL PRESIDENT'S REPORT – Mr. Morley

Meetings Scheduled

Mr. Morley: The next Council-as-a-Whole Committee Meeting is scheduled for Tuesday, December 28, 2010 at 7:00 p.m. The Regular Council meeting will be convened immediately following the adjournment of the Council-as-a-Whole Committee meeting.

I would like to wish everyone Merry Christmas.

COMMUNICATIONS & PETITIONS

Conditional Use Permit referrals were received from the Planning Commission for A & F Automotive, 1517C East 367th Street, Eastlake, Reasonable Auto Repair, 1427 East 328th Street, Eastlake and BMR, LLC dba Wing Warehouse, 35534 Vine Street, Eastlake. These were referred to Planning Committee.

Conditional Use Permit amendment and renewal recommendations were received from the Administration for Foose Enterprises, LLC dba Pete's Tavern, 33274 Vine Street, Eastlake and B & R Vine, Inc., dba Manny's Place, 36547 Vine Street, Eastlake. These were referred to Planning Committee.

A communication was received from the Administration requesting amendments to Codified Ordinance Chapter 1329 "Ohio Building Code," Section 1149.02(c)(1) "M-3 (General Industrial District)," and Section 1147.03 "Area Regulations for B-1, B-2 and B-3 Districts." These were referred to Ordinance Committee.

A communication was received from Finance Director Slocum regarding appropriations for the period beginning January 1, 2010 and ending December 31, 2010 and temporary appropriations for the period beginning January 1, 2011 and ending December 31, 2011. These were referred to Finance Committee.

A recommendation was received from the Administration regarding the bid award for City recycling. This was referred to Finance Committee.

A Conditional Use Permit renewal recommendation was received from the Administration for B & H Events Party Center, LLC, 34596 Lakeshore Blvd., Eastlake. This was referred to Planning Committee.

Documentation was received from the Administration pertaining to a Lease Agreement between the City of Eastlake and the Jean Chase Memorial Fund, Inc. for use of the Community Center. Mr. Morley explained that this was discussed in Council-as-a-Whole Committee and will be added to the evening's agenda as Legislation No. 12-14-(05).

COMMITTEE REPORTS:

RECREATION COMMITTEE – Mr. Hoefle

Mr. Hoefle: The Recreation Committee has not met since the last Council meeting and since nothing has been placed in my Committee I have no report. I wish everyone Merry Christmas. I am open for questions.

There were no questions of Mr. Hoefle.

PLANNING COMMITTEE – Mr. D'Ambrosio

Mr. D'Ambrosio: The Planning Committee has not had a meeting since our last regularly Council meeting so I also do not have a formal report. I would like to ask Finance Director Slocum – I have a motion for \$1,800 for a streetlight. Do we have that in the budget for 2010?

Mr. Slocum: That is in the budget in Account #202.

Mr. D'Ambrosio:

Streetlight Installation

MOTION: I hereby move to authorize the installation of a street light in front of 1462 East 361st Street at the approximate cost of \$1,800. Ms. Vaughn seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The installation of a street light in front of 1462 East 361st Street is approved.

Additional Comments

Mr. D'Ambrosio: I would like to wish everyone a Merry Christmas. That concludes my report and I am open for questions.

There were no questions of Mr. D'Ambrosio.

FINANCE COMMITTEE – Mr. Knuchel

Mr. Knuchel: The Finance Committee has not met since our last regularly scheduled Council meeting. Therefore, I have no formal report. We will be setting a meeting for Tuesday, December 21st. Mr. D'Ambrosio, are you scheduling a meeting?

Mr. D'Ambrosio: Yes, at 6:00 p.m.

Mr. Knuchel: My meeting will be directly after the Planning Committee meeting. I will be making the following Motions:

Legislative Recommendation

Legislation No. 12-14-(04)

MOTION: I hereby move to add Legislation No. 12-14-(04) to the evenings agenda to revise the Codified Ordinances by adopting current replacement pages. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation No. 12-14-(04) is added to the evening's agenda.

Legislation No. 12-14-(05)

MOTION: I hereby move to add Legislation No. 12-14-(05) to the evening's agenda authorizing and directing the Mayor and Director of Finance to ratify the Lease Agreement between the City of Eastlake and the Jean Chase Memorial Fund. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation No. 12-14-(05) is added to the evening's agenda.

Additional Comments

Mr. Knuchel: That concludes my report and I am open for questions

There were no questions of Mr. Knuchel.

ORDINANCE COMMITTEE - Ms. Vaughn

Ms. Vaughn: The Ordinance Committee has not had a formal meeting since our last Council meeting. I will not be scheduling a meeting at this time. I feel our attention should be spent with our Finance Committee meeting and not be obstructed by a long, lengthy discussion on several issues that are sitting in my Committee; and, they will sit there. I wish everyone a Merry Christmas and a Happy, joyous Holiday – stay warm. This concludes my report and I am open for questions.

There were no questions of Ms. Vaughn.

SERVICE/UTILITIES COMMITTEE - Ms. DePledge

Ms. DePledge: The Service/Utilities Committee met on November 16th at 6:00 p.m. with me and Mr. Hoefle present from the Committee. Present from Council were Ms. Vaughn, Mr. Knuchel, Mr. D'Ambrosio and Council President Mr. Morley. Present from the Administration were Mayor Andrzejewski, Finance Director Mr. Slocum, Law Director Mr. Klammer, CBO Mr. Stigalt, and Service Director Mr. Semik. On the agenda were bid advertisement requests for a primary and backup landscaper and City-wide recycling. These items were moved forward. I see the recommendation regarding the bid award for the City-wide recycling has now been referred into Finance Committee. Mr. Stigalt, did you want to comment on the bid advertisements?

Mr. Stigalt: We have had some bid packages submitted and had some bid packages picked up.

Ms. DePledge: There is nothing pending in my Committee and I will not be setting any meetings any time soon. I wish everyone a Happy Holiday and I agree with Ms. Vaughn – stay warm. This concludes my report and I am open for questions.

SAFETY COMMITTEE – Mr. Lajeunesse

Mr. Lajeunesse: The Safety Committee has not met since our last regularly scheduled Council meeting. Therefore, there is nothing to report this evening. I will be making the following Motion:

Legislative Recommendation

Legislation No. 12-14-(03)

MOTION: I hereby move to add Legislation No. 12-14-(03) to the evening's agenda adopting a Multi-Jurisdictional Hazard Mitigation Plan. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation No. 12-14-(03) is added to the evening's agenda.

RECOGNITION OF THE PUBLIC

Mr. Morley recognized the public input at this time; he reminded the speakers that there is a 3-minute limit for their comments; all comments are to be directed to the Chair and not include any personalities or individuals.

Charles Carter, 1306 East 357th Street, Eastlake

Mr. Carter: The Mayor, a member of Council and I discussed this before the meeting so there is nothing to discuss. Thank you.

Joshua Schaffer, 745 Rokeby, Eastlake

Mr. Schaffer: Mr. Chair, Mayor, in a lawsuit filed on behalf of the residents of the City of Eastlake currently before the Lake County Court of Common Pleas the Mayor was found by the Honorable Mary Jane Trapp to have purposely overtaxed the residents of the City of Eastlake for sewer services. This case was taken before the Court of Appeals with the Mayor claiming that he should be exempted from the lawsuit. I am wondering Mr. Chair, Mr. Mayor? Why did you purposely overtax the residents of Eastlake and when can we expect a refund. I yield the floor to the Mayor and reserve the balance of my time for a second question.

Mr. Morley: Actually that would go to the Law Director since it is in litigation.

Mr. Klammer: The quick answer is there was no such finding. That litigation is in its early stages so I don't know how to answer your question.

Mr. Schaffer: Do you know if they did find the residents of Eastlake were purposely overtaxed?

Mr. Klammer: The residents of Eastlake were not purposely overtaxed. There was no decision on it.

Mr. Schaffer: If there was such a finding can we expect a refund?

Mr. Klammer: There was no such finding.

Mr. Schaffer: Okay, forget about hypotheticals. Mr. Mayor, the Consumer Protection Agency has found that the Eastlake Power Plant owned by First Energy is not in compliance with EPA standards. Furthermore, East Energy has refused to produce documents that the EPA has requested of the plant. I wonder what the Administration will do to ensure the compliance and to make sure that the children of Eastlake are breathing clean air and drinking clean water. I yield the floor to the Mayor and the Chair and reserve the balance of my time for a third question.

Mr. Morley: I will yield to the Law Director.

Mr. Klammer: I trust that the Ohio EPA and First Energy will work closely together to resolve any problems.

Mr. Schaffer: I would hope so too. Finally, I would recognize the fact that the Mayor has fought hard for the “Drive 25 Keep Kids Alive” campaign yet it is worth noting that public record indicates he has two speeding tickets.

Mayor Andrzejewski: You have the wrong Mayor. I don’t even know what “Drive 25” is. I never heard of it, never supported it, never said anything about it.

Mr. Schaffer: The signs are all over the City. With that I yield the balance of my time.

Mayor Andrzejewski: Where are the signs?

Mr. Morley: The signs are up – Mr. Semik, you know where they are.

Mr. Semik: Yes, they are scattered throughout the City – directly under the stop signs and say “Keep Kids Alive, Drive 25.”

Mayor Andrzejewski: Is that a program ODOT put up or what?

Mr. Semik: The past Administration undertook this several years back. About 8–10 years ago. It was the previous Administration.

Mayor Andrzejewski: I am speaking the truth that I know nothing about that program and have never said anything about it. If it is drive 25 I certainly would support it.

There was no one else who wished to speak.

LEGISLATION PROPOSED - First number will be 2010-131

Requested by: Planning Commission
Sponsored by: Mr. D’Ambrosio

ORDINANCE NO: 12-14-(01)

An Ordinance authorizing the issuance of a Conditional Use Permit to One Wellness, LLC, 34650 Melinz Parkway, Eastlake, Ohio, 44095, and declaring an emergency.

MOTION: Mr. D’Ambrosio moved to suspend the rules requiring separate readings and reading in full. Mr. Knuchel seconded.

ROLL CALL: Yeas unanimous.

MOTION: Mr. D’Ambrosio moved to adopt. Mr. Knuchel seconded

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2010-131.

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Requested by: Planning Commission
Sponsored by: Mr. D'Ambrosio

ORDINANCE NO: 12-14-(02)

An Ordinance authorizing the issuance of a Conditional Use Permit to Rolling the Dice, LLC, dba Circle Lounge, 34598 Lakeshore Blvd., Eastlake, Ohio, 44095, and declaring an emergency.

MOTION: Mr. D'Ambrosio moved to suspend the rules requiring separate readings and reading in full. Mr. Knuchel seconded.

ROLL CALL: Yeas unanimous.

MOTION: Mr. D'Ambrosio moved to adopt. Mr. Knuchel seconded

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2010-132.

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Requested by: Administration
Sponsored by: Mr. Lajeunesse

RESOLUTION NO.: 12-14-(03)

A Resolution adopting a Multi-Jurisdictional Hazard Mitigation Plan, and declaring an emergency.

MOTION: Mr. Knuchel moved to suspend the rules requiring separate readings and reading in full. Mr. Lajeunesse seconded.

ROLL CALL: Yeas unanimous.

MOTION: Mr. D'Ambrosio moved to adopt. Mr. Lajeunesse seconded

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2010-133.

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Requested by: Council Clerk
Sponsored by: Mr. Knuchel

ORDINANCE NO. 12-14-(04)

An Ordinance to revise the Codified Ordinances by adopting current replacement pages, and declaring an emergency.

MOTION: Mr. Knuchel moved to suspend the rules requiring separate readings and reading in full. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

MOTION: Mr. Knuchel moved to adopt. Mr. D'Ambrosio seconded

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2010-134.

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Requested by: Administration
Sponsored by: Mr. Knuchel

RESOLUTION NO.: 12-14-(05)
A Resolution authorizing and directing the Mayor and Director of Finance to ratify the Lease Agreement between the City of Eastlake and the Jean Chase Memorial Fund, Inc for use of the City of Eastlake Community Center, and declaring an emergency.

MOTION: Mr. Knuchel moved to suspend the rules requiring separate readings and reading in full. Mr. D’Ambrosio seconded.

ROLL CALL: Yeas unanimous.

MOTION: Mr. Knuchel moved to adopt. Mr. D’Ambrosio seconded

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2010-135.

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LEGISLATION PENDING (Placed on First Reading 11/23/2010)

Requested by: Administration
Sponsored by: Mr. D’Ambrosio

ORDINANCE NO.: 11-23-(01)
An Ordinance amending Ordinance No. 2006-108, adopted October 24, 2006, and authorizing the issuance of a Conditional Use Permit to JEC Properties, LLC, dba Chicks Auto, 1422 East 361st Street, Eastlake, Ohio 44095, and declaring an emergency.

There was no Motion suspend the rules requiring separate readings and reading in full.

Legislation No. 11-23-(01) is placed on Second Reading.

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UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

There was no New Business.

ADMINISTRATIVE REPORTS:

MAYOR/SAFETY DIRECTOR – Ted Andrzejewski

Mayor Andrzejewski: I really don’t have anything to report. It has been a couple of quiet weeks. We have been working on the budget. I am open for questions.

There were no questions of Mayor Andrzejewski.

CHIEF BUILDING OFFICIAL – John Stigalt

Mr. Stigalt: We have issued the permit for Key Bank. They should start breaking ground. I have two permits being issued this week for the Western Reserve Society and the County – they are anxious to get started. We have other permits which we hope to get out before the end of the year. It is pretty much business as usual. I am open for questions.

There were no questions of Mr. Stigalt.

FIRE CHIEF – Ted Whittington

Chief Whittington: I have no formal report. I wish everyone a great Holiday. I am open for questions.

There were no questions of Chief Whittington.

SERVICE DIRECTOR – Mike Semik

Mr. Semik: All my reports have been submitted in writing and I am open for questions.

There were no questions of Mr. Semik.

CITY ENGINEER – Tom Gwydir

Mr. Gwydir: Quentin Road pump station is online – we should be finishing this the next couple of weeks and will do the outside restoration next year in the spring. We are working with the DLZ and ODOT in case there is a shut down on the S.R. 283 project as well as working on various projects for the Administration. I am open for questions.

Mr. Morley: How is it going with the Edison/Mondamin project and also the S.R. 283 Slide Project?

Mr. Gwydir: Edison/Mondamin is moving right along – we were shut down for the weather for a couple of days. We expect to be wrapping it up shortly. The slide failure is the one I was speaking about working with the DLZ – we are working to see if we need a winter shutdown and also with ODOT to see if there are extra funds to cover any claims that may arise out of that shutdown period. We are trying to approach that on two fronts.

Mr. Hoefle: Last week we talked about the lane marking on S.R. 91 – did you look into that?

Mr. Gwydir: Yes, I did. I spoke with the Project Engineer for ODOT. Presently ODOT plans on doing nothing – apparently they are going to redeck that bridge next year and take the medium out so it will not be a problem. In the meantime I did advise them that based on conversations with Chief Ruth that there have been a number of strikes on the medium and flat tires. So they are looking at possibly placing some flags – like you would put at a curb to notify a plow driver. The last we spoke they were considering something along those lines.

There were no further questions of Mr. Gwydir.

FINANCE DIRECTOR – Mike Slocum

Mr. Slocum: I would like to update Council on the proposed bond refinancing. As of last week the market is still going against us. We have still not written off the idea that we will be able to do this but will have to wait until next year to see if the bond market is in our favor. I provided everyone with the temporary budget for next year and the final re-appropriations for this year. I am open for questions.

Mr. Morley: I was talking to our Finance Chair Mr. Knuchel. Whenever everyone is ready to get our other numbers we will be ready to sit down and start doing the budget.

There were no questions of Mr. Slocum.

LAW DIRECTOR – Randy Klammer

Mr. Klammer: I have nothing to report and am open for questions.

There were no questions of Mr. Klammer.

TAX ADMINISTRATOR – Angela Keneven-Zanella

Mrs. Keneven-Zanella was absent and excused.

POLICE CHIEF – John Ruth

Chief Ruth was absent and excused.

ADJOURNMENT

The meeting was adjourned at approximately 7:31 p.m.

DENNIS MORLEY, COUNCIL PRESIDENT

APPROVED: _____

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