

**EASTLAKE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
JULY 8, 2008**

The Regular Meeting of the Eastlake City Council was held at Eastlake City Hall, 35150 Lake Shore Boulevard. The Meeting was called to order by Council President Mr. Elshaw at approximately 7:35 p.m.

The Pledge of Allegiance was led by Ms. Vaughn.

ATTENDEES

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

Those attending from the Administration were Mayor Andrzejewski, Finance Director Mr. Condron, Law Director Mr. Klammer, Tax Administrator/Economic Development Coordinator Ms. Keneven-Zanella, Service Director Mr. Semik, City Engineer Mr. Gwydir and Fire Chief Whittington.

APPROVAL OF MINUTES

REGULAR COUNCIL MEETING – JUNE 24, 2008

MOTION: Mr. D'Ambrosio moved to approve the minutes of the Regular Council Meeting of June 24, 2008. Ms. Vaughn seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The minutes were approved.

COUNCIL PRESIDENT'S REPORT – Mr. Elshaw

Meetings Scheduled

Mr. Elshaw: A Council-as-a-Whole Committee Meeting is scheduled for Tuesday, August 26, 2008 at 7:00 p.m. The Regular Council Meeting is scheduled for Tuesday, August 26, 2008 at 7:30 p.m.

In accordance with Article V, Section 5 of the Charter of the City of Eastlake the suspension of the last meeting in July, 2008 and the first meeting in August, 2008 for the summer break.

An Economic & Community Development Council Meeting is scheduled for Wednesday, June 23, 2008 at 6:30 p.m.

COMMUNICATIONS & PETITIONS

A referral was received from the Planning Commission recommending a Conditional Use Permit for Kristo's Grill, 35757 Lakeshore Blvd., Eastlake, Ohio. This was referred to Planning Committee.

A request was received from Dan Matheke to rename Willow Green Park in Eastlake after Corporal David L. Daugherty. Mr. Elshaw explained this is an Administrative matter but each Council person is urged to make the Administration aware of his or her position.

A communication from the Administration requesting legislation for the ODOT Funding for the S.R. 283 slope failure. This was referred to Finance Committee.

COUNCIL COMMITTEE REPORTS

ORDINANCE COMMITTEE - Ms. Vaughn

Ms. Vaughn: The Ordinance Committee has not met since the last Council meeting. I will be scheduling one during our break or shortly after we resume. I would like to describe our Ward 2, Jakse Park, Houston Fisher Swimming Pool Blockwatch Committee – there were 50 people there Wednesday night – all working together as residents to provide security in that area where we have had problems in the past. I would particularly like to thank our Service Department for removing a big pile of dirt, doing work on the sidewalk, putting up signs, eliminated graffiti and the Police Department who is working in partnership with us – every time we called for a representative they have been down there on the spot to answer questions on safety. That concludes my report and I am open for questions.

There were no questions of Ms. Vaughn.

SERVICE/UTILITIES COMMITTEE – Mr. Zontini

Mr. Zontini: The Service/Utilities Committee met on July 1, 2008 at approximately 6:14 p.m. with all of Council in attendance as well as the Mayor, Finance Director Mr. Condrón, Economic Development Coordinator/Tax Administrator Mrs. Keneven-Zanella and Service Director Mr. Semik. The only item on the agenda was the bid advertisement for the 2008-2009 backup rock salt which is on this evening's agenda. The meeting ended at approximately 6:15 p.m. This concludes my report and I am open for questions, however I do have a couple of Motions.

Mayor Andrzejewski: Mr. Zontini, there was a memo written on July 2, 2008 which reads: "Please provide at your earliest convenience the total amount of wages paid to Ted Andrzejewski for the year 2007, i.e. i.e. box #1 W-2, and to date for 2008. Thank you for your prompt attention to this matter." My question to you is – what was the purpose in writing this memo?

Mr. Zontini: First of all Mayor Council has no obligation to respond to any question you pose to us although you do have to respond to us when we ask you a question – which you refuse on many occasions. That being said, I will state I am a resident of this City – I do have a right to know what our Mayor is paid. There was a previous Ordinance passed prior to your Administration that I believe is detrimental to this City. So, I was checking out exactly how it was being handled with regard to the present Mayor. The reason it was not couched – and I assume you are offended by the fact that I did not ask for the Mayor's salary because in my interpretation of the ordinances it is very possible that a previous Administration has created a situation where the Mayor can get extra pay and I was verifying that was not being done. One of the things the prior Administration has done, and the ordinance so states is although you act as both the Mayor and Safety Director – I don't mean you – I mean the Mayor in general at this point in time. The entire salary of \$82,000 is to be attributed only to the Mayor meaning that the duties of the Safety Director are not being paid. However, it is still on the books an ordinance that says the Safety Director is to get "x" amount of dollars. So, I wanted to verify since the

ordinance was done by a previous Administration in order to protect him from getting his salary cut – I wanted to verify that the present Mayor or any Mayor in the future was not getting two salaries – both Mayor and Safety Director. Because as I read the ordinance it is very possible that the Mayor could get both \$82,000 as Mayor and an additional \$20,000+ as Safety Director – because that is still on the books. I wanted to verify the City was not being cheated out of \$20,000 that they shouldn't be. That is the reason for my question.

Mayor Andrzejewski: And the reason I questioned the memo was because my salary is a matter of public record – it is in the ordinance – it is what it is – I don't do the payroll. The Finance Director does the payroll. Everyone on Council gets a report – and the line item shows what comes from the Mayor's office as far as salary and other things. There really was no need for that because you get that information every month. Just as a point of history – when I was on Council and when the previous Mayor was still here – I led the fight to change the way the Mayor was paid – to say enough where the Mayor can say I will give the highest paid person in the City a \$1,000 raise and my salary will go up \$1.00 above that. I saw the wrong in the way that was written and I said the Mayor should be paid a salary established by Council and that salary would be approved by Council – not having the Mayor being able to raise his salary whenever he wants. We have the Safety Director's position in ordinance and after I became Mayor Council voted on that – the Safety position is unfilled. I could not understand the memo because everything is a matter of public record – it is right there for everybody to see – there is no need for Mr. Condron and the payroll clerk to do extra work to research all of this.

Mr. Zontini: The Safety Director's position – I agree with you – is unfilled because we never approved you as Safety Director. Continually we see after your name the title Mayor/Safety Director – so, I am confused in that regard. But, if you were to be receiving \$20,000 that would not show up in the budget we see because all we see is salaries for the Police Department, salaries for the Fire Department and it is very possible out of those salaries \$10,000 could come to you from Fire and \$10,000 could come to you from the Police. That is why I asked specifically without stating Mayor Andrzejewski – I wanted to know exactly what Ted Andrzejewski has been paid to make sure that whoever was Mayor – it just happens to be you now – whoever was Mayor was not getting \$82,000 as Mayor and then the \$20,000 the ordinance provides for as Safety Director.

Mayor Andrzejewski: I just took a little back on this because everything is right there to see.

Mr. Zontini: If it was right there I would not have asked.

Mayor Andrzejewski: There is no way that I as...

Mr. Elshaw: Alright, you received your answer. We will move on.

Mr. Zontini made the following Motion:

Legislative Recommendation

Legislation No. 07-08-(05)

MOTION: I hereby move to add Legislation No. 07-08-(05) to the evening's agenda regarding a Resolution of Ratification authorizing and directing the Mayor and Director of Finance to purchase HUD property located at 773 East 347th Street, Eastlake, Ohio, P.P. #34A014J000840

as found on "Exhibit A," attached hereto and incorporated herein, for the total amount of One Dollar (\$1.00). Mr. D'Ambrosio seconded.

ROLL CALL: Yeas: Mr. Zontini, Mr. D'Ambrosio, Ms. Vaughn, Mr. Lajeunesse.
Nays: Mr. Knuchel, Mr. Morley, Mr. Elshaw

Motion carried. Legislation No. 07-08-(05) is added to the evening's agenda.

Legislation No. 07-08-(06)

MOTION: I hereby move to add Legislation No. 07-08-(06) to the evening's agenda regarding a Resolution of Ratification authorizing and directing the Mayor and Director of Finance to purchase HUD property located at 34988 Beachpark Avenue, Eastlake, Ohio, P.P. #34A014Q000190 as found on "Exhibit A," attached hereto and incorporated herein, for the total amount of One Dollar (\$1.00). Mr. D'Ambrosio seconded.

ROLL CALL: Yeas: Mr. Zontini, Mr. D'Ambrosio, Ms. Vaughn, Mr. Lajeunesse.
Nays: Mr. Knuchel, Mr. Morley, Mr. Elshaw

Motion carried. Legislation No. 07-08-(06) is added to the evening's agenda.

There were no further questions of Mr. Zontini.

SAFETY COMMITTEE – Mr. Morley

Mr. Morley: The Safety Committee has not met since the last regularly scheduled Council meeting and nothing is pending in Committee and no meeting is scheduled. This concludes my report and I am open for questions.

There were no questions of Mr. Morley.

RECREATION COMMITTEE – Mr. Lajeunesse

Mr. Lajeunesse: The Recreation Committee has not met since the last regularly scheduled Council meeting, therefore there is nothing to report.

This concludes my report and I am open for questions

There were no questions of Mr. Lajeunesse.

PLANNING COMMITTEE – Mr. D'Ambrosio

Mr. D'Ambrosio: The Planning Committee met on July 1, 2008 at 6:20 p.m. In attendance from the Committee were myself, Mr. Zontini, and Mr. Knuchel. In attendance from Council were Ms. Vaughn, Mr. Morley, Mr. Lajeunesse and Council President Mr. Elshaw. In attendance from the Administration was Mayor Andrzejewski, Finance Director Mr. Condron, Economic Development Coordinator/Tax Administrator Mrs. Keneven-Zanella. Law Director Mr. Klammer was excused. There were some questions which I communicated to Mr. Klammer and to which he provided answers. One item was on the agenda which was submitted by the Eastlake Economic and Community Development Council, also known as the ECDC. We discussed this briefly in Council-as-a-Whole Committee and was basically recommending the City of Eastlake to enter into a contract agreement with the Chagrin River Watershed Partners

and the Lake County Planning Commission to update and finalize the City's Comprehensive Plan. It is not the master plan but is the next step in the progression. The ECDC was at the stage and time where this was the next logical step and it appears on the evening's agenda as Legislation No. 07-08-(02). It was agreed by the Committee to move this forward. I will also be make a Motion, as discussed at Council-as-a-Whole Committee, for a liquor license transfer request – this is a time sensitive matter as we will be on Council break and this matter was due before our next meeting on August 26, 2008. I will be making the following Motion:

Liquor License Transfer Request

MOTION: I hereby move to approve, and send back to Columbus, Ohio, the liquor license transfer request from Ponam, Inc., dba Convenient Food Mart, 34556 Lakeshore Blvd., Eastlake, Ohio to Meet, Inc. dba Convenient Food Mart 3-008, 34556 Lakeshore Blvd., Eastlake, Ohio 44095. Mr. Morley seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The liquor license transfer request is approved.

Additional Comments

Mr. D'Ambrosio: This 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 met on July 1, 2008 with all members of Council in attendance. One item was on the agenda – a contract for approval for ABC Piping Company for the Robin, King and Forest Drive pump stations improvements in the amount of \$1,182,670. This was discussed thoroughly in the Council-as-a-Whole Committee meeting and appears on the evening's agenda as Legislation No. 07-08-(04). I was stopped by a resident this week who stated he had a heart attack a few months back and he wanted me to commend the firefighters who were there to help him – he said they were there within 3 minutes, took care of him very well and the whole process ran seamlessly and it made it so much easier for him and his wife to go through a situation like that. Chief Whittington, please pass that along to the guys - we appreciate it. This concludes my report and I am open for questions.

There were no questions of Mr. Knuchel.

RECOGNITION OF THE PUBLIC

Mr. Elshaw 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.

Bruce Cholewa, 1313 Waverly Road, Eastlake

Mr. Cholewa: I wanted to thank Council and the Administration their continued support to the Blockwatch Program. The support that Council shows by coming to our meetings – the people are getting excited about it and it has really become a good thing. I appreciate the Administration taking down the hill and I would like to thank the Police Department because as

shorthanded as they are they have managed to have someone at any meeting so far. Their presence is most appreciated.

Now, I would like to speak about the garbage bill – you all know how I feel about this – I don't care for this garbage fee – I think it was misrepresented. It was promised that it would go away – it has not. I understand all the issues behind that. However, I got my garbage bill and there is a \$6.00 late fee assessed to it. This does not sit very well with me at all. Why this City needs to collect late fees – it was due on the 20th – we mailed it on the 20th. My insurance company honors my postmark – my mortgage company gives me a 10 day grace period and the City feels it is necessary to charge over 15% as a late fee? I do not buy it.

Mayor Andrzejewski: There is no late fee.

Mr. Cholewa: It needs to be changed.

Mayor Andrzejewski: It is not a late fee – you got a letter.

Mr. Condon: We sent out a letter in March advising residents there would be a six dollar annual charge on the first quarter garbage bill that went out in mid-April – that was a fee that Council passed in 2007 – it was initially proposed that the Lake County of Utilities collect that and they would not collect it. So, we made the suggestion instead of paying anyone else or incurring any additional collection expenses we would add it to the garbage bill because we are already doing that in-house and it would not cost any additional fees. We sent out a short letter in March advising that. That is not a late fee – it is \$6.00 that carried over onto your second billing from the first bill – it is not because you were late – it is a one-time fee for storm water management.

Mr. Cholewa: I did receive the letter – but it does say on my bill \$6.00 and right underneath it says “this is a late fee that will be assessed to the taxes.”

Mayor Andrzejewski: Bring in the bill. That was standard language that if you do not pay your garbage bill in general it will be certified to your real estate taxes. It is not a late fee. If you paid \$36.00 the first quarter and did not pay the \$6.00 – the amount would be \$42.00 this quarter. We have no late fees.

Mr. Cholewa: It is a strange bill ...

Mayor Andrzejewski: Bring the bill in.

Mr. Cholewa: I have heard it mentioned at meetings that the HUD houses are only costing the \$1.00 – I wanted to clarify on the point-of-sale inspections pertaining to the sale of these homes. If I sell my house I have to have a point-of-sale inspection.

Mayor Andrzejewski: We verify that the storm water and sanitary sewers are connected by a die test – that is the only point-of-sale we have. And the sidewalk.

Mr. Klammer: The CBO was doing a list of violations so the potential purchaser knows about it – there was a discussion that we were going to run the sewer die test and if there was a violation that would be listed in the list of violations for the potential purchaser to be aware of. The die

testing and the sidewalk should have been done already along with the inspection so the potential purchaser knows the problems. The CBO was going to provide a list of problems as part of the bid package.

Mr. Cholewa: In that case is the City liable?

Mayor Andrzejewski: No.

Mr. Klammer: They did the sewer die test so they could identify the problems so the potential purchaser in the bidding has a list of all the building code violations that the Building Department sees – the point-of-sale inspection which is the sewer die test would have been done already prior to the bid package.

Mr. Cholewa: And whose responsibility is it to fix it?

Mr. Klammer: The new purchaser. We just had to identify the problems so they are fully aware.

There was no one else who wished to speak.

LEGISLATION PROPOSED - First number will be 2008-047

RESOLUTION NO.: 07-08-(01)

Requested by: Finance Director Condron
Sponsored by: Mr. Knuchel

A Resolution accepting the Tax Budget for 2009 as presented by the Director of Finance, 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. Knuchel moved to adopt. Mr. Lajeunesse seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2008-047.

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RESOLUTION NO.: 07-08-(02)

Requested by: City of Eastlake Economic
& Community
Development Council
Sponsored by: Mr. Elshaw

A Resolution urging the Mayor of the City of Eastlake to enter into a Contract Agreement with the Chagrin River Watershed Partners and the Lake County Planning Commission to update and finalize the City’s Comprehensive Plan, 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 Resolution No. 2008-048.

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RESOLUTION NO.: 07-08-(03)

Requested by: Administration
Sponsored by: Mr. Zontini

A Resolution authorizing and directing the Director of Public Service to advertise for bids for Rock Salt for use in the 2008-2009 season, said bids to be in accordance with the specifications on file in the Office of the Director of Public Service, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

MOTION: Mr. Zontini moved to adopt. Mr. Lajeunesse seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2008-049.

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RESOLUTION NO.: 07-08-(04)

Requested by: City Engineer Mr. Gwydir
Sponsored by: Mr. Knuchel

A Resolution authorizing and directing the Mayor and Director of Finance to enter into a Contract with ABC Piping Co., the lowest and best bidder, for the Robin, King and Forest Drive Pump Stations Improvements, in the total amount of One Million One Hundred Eighty-Two Thousand Six Hundred Seventy Dollars (\$1,182,670.00), 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. Knuchel moved to adopt. Mr. Lajeunesse seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2008-050.

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RESOLUTION NO.: 07-08-(05)

Requested by: Council
Sponsored by: Mr. Zontini

A Resolution of Ratification authorizing and directing the Mayor and Director of Finance to purchase HUD property located at 773 East 347th Street, Eastlake, Ohio, P.P. #34A014J000840 as found on “Exhibit A,” attached hereto and incorporated herein, for the total amount of One Dollar (\$1.00), and declaring an emergency.

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

DISCUSSION: I would like to make a comment that I appreciate the ratification process being out there and I sense from some people not wanting to vote for it that it relates to the initial opinion of whether the ratification was important. I would encourage you if that is your only concern – I would hate for the ratification mechanism to pass at less than enough to circumvent the three rules and to pass it as an emergency because procedurally we could create even more of a difficult situation in that respect. I just wanted to bring that concern to those of you who voted no on the motion that it is preferred for the betterment that it be passed – otherwise we have created another step of what may or may not have been necessary in the first place.

Mr. Morley: My problem with the ratification is – they were already purchased. I can understand the concerns of some of the other Councilman – but, they were already purchased. Why would I vote yes to ratify something that is already purchased?

Mr. Klammer: The only thing I can say on that issue is – we did have that debate before and if that is something that is a concern of yours – I think you made that clear on a number of occasions. I think it would not be compromising your position or your judgment or your conscious to at this point pass it by a vote that it needs for the emergency and waive the readings for the betterment of procedurally moving the issue forward. I just wanted to raise that issue in case it was on somebody’s mind.

Mr. Knuchel: If we do these ratifications in the future what will be the procedure?

Mr. Klammer: I guess the answer is you have to handle each matter on a case by case basis – I gave the opinion that the ratification was not necessary but I appreciated Mr. Zontini’s position to help find a compromise to satisfy some concerns. This is a little bit different because you are all considering at the same time the bid packages going out. So, I would prefer to see that if you are going to take the mechanism to ratify it seriously that it be done as an emergency so you don’t have the question of ratifying after the bid packages go out. I gave a different opinion of it being necessary but the fact that you are moving forward with it I would like it to be as clean as possible so we can get it ratified with the bid package going out. It just coincidentally happened to both be up at the same time.

Mr. Knuchel: Does that mean that after the purchase of these properties we ratify or before? I want to make sure that Mr. Morley’s concerns are addressed.

Mr. Klammer: All you are ratifying now is the Mayor’s purchase of the properties. What I would rather see procedurally if there is going to be a ratification that it happen before the bid

packages go out. I would rather the procedural history on the issue be as clean as possible and I just wanted to bring that to your attention. If your conscious is telling you that you can't vote in favor so be it – but, I wanted you to all recall the three readings and the emergency measure because you will be back for more readings and still not have passed it as an emergency measure which would give it an effective date 30 days from now and with Council break you are talking longer.

Mr. Morley: My concern is we could keep doing these ratifications after he buys the property. The Administration is going to possibly continue to buy these HUD homes and we will continually ratify them afterwards – it makes no sense to me. I understand the Council people's concern but that is not my concern – I can't in good faith vote no at last meeting and vote yes tonight – I just can't do that.

Mr. Klammer: And, I can't ask you to compromise yourself. I just wanted to bring that to your concerns.

Mr. Elshaw: I think the point you were making Mr. Klammer as far as the three readings is – you can still vote how you please on this and it can either pass or fail – you are just saying if it is going to pass it should pass now before we go out for bids.

Mr. Klammer: I prefer you all pass it at a sufficient level to make it an emergency so it does not have an effective date of 30 days.

Mr. Morley: So, you are asking me to vote yes then vote no.

Mr. Klammer: I am asking you to vote your conscious.

Mayor Andrzejewski: With all this confusion, Mr. Klammer, what are you saying – if we don't pass this as an emergency we won't be able to go out for bids?

Mr. Klammer: No, I am going to give you opinion to go out for bids because I did not think the ratification was necessary in the first place. I would like it to have the effect – to the extent that Mr. Zontini proposed it as a compromise – I want it to have that affect – to alleviate some of the concerns that Council people may have had to the authority of the Administration to enter into it in the first place. And, for it to have that affect it needs to pass at that certain level.

Mayor Andrzejewski: Regardless, they are going to vote on the going out for bids as a separate item?

Mr. Klammer: Yes.

Mr. D'Ambrosio: It seems there is a question about this – with the HUD homes – the next time the Administration purchases one and comes to us for approval to purchase it for \$1.00 – we approve it and then we don't have to worry about ratifying it again.

Mr. Klammer: That may be what you will see going forward.

Mr. Lajeunesse: I thought I said a few months ago when I brought the information in that

Council people should be involved in the first part of the process – or we would never have been in this position.

Mr. Klammer: I do not want to have that debate because I have already reached the conclusion that the Mayor does not need to do that – so let’s not take a step back into that dialogue. If the discussion I would have with the Mayor would be to obviously pursue this in a process that is most expeditious – if it should happen in the future.

Mayor Andrzejewski: We have to point out – when these homes become available HUD tells us we have to decide or you have two days to decide or HUD will put them back on the open market. When they offer this to us we have to tell them yes or no – otherwise it goes back out to the public. So, there is no time to come to Council and wait until the next Council meeting and Committee. That is fine with me – if you don’t want to buy anymore homes I won’t buy anymore homes. When they come to you we have to decide if we want them or not – there is no time. And, I think that is where Mr. Klammer pointed out that it is well within my discretion to buy something for \$1.00.

Mr. Elshaw: My opinion is – I think it does set a precedent and if that is the precedent we want to set of ratifying then so be it. But, my opinion was if the Law Director didn’t feel we needed to be involved six months ago my question again is why now. I don’t feel that has been answered – nothing against anyone. Are there any more comments before we put this to a vote?

There were no further comments.

ROLL CALL: Yeas: Mr. Zontini, Mr. D’Ambrosio, Ms. Vaughn, Mr. Lajeunesse, Mr. Knuchel,
Mr. Elshaw.
Nays: Mr. Morley

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

ROLL CALL: Yeas: Mr. Zontini, Mr. D’Ambrosio, Ms. Vaughn, Mr. Lajeunesse.
Nays: Mr. Knuchel, Mr. Morley, Mr. Elshaw

Motion carried. Legislation is adopted as Resolution No. 2008-051.

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Requested by: Council
Sponsored by: Mr. Zontini

RESOLUTION NO.: 07-08-(06)

A Resolution of Ratification authorizing and directing the Mayor and Director of Finance to purchase HUD property located at 34988 Beachpark Avenue, Eastlake, Ohio, P.P. #34A014Q000190 as found on “Exhibit A,” attached hereto and incorporated herein, for the total amount of One Dollar (\$1.00), and declaring an emergency.

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

ROLL CALL: Yeas: Mr. Zontini, Mr. D’Ambrosio, Ms. Vaughn, Mr. Lajeunesse, Mr. Knuchel,
Mr. Elshaw.
Nays: Mr. Morley

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

ROLL CALL: Yeas: Mr. Zontini, Mr. D’Ambrosio, Ms. Vaughn, Mr. Lajeunesse.
Nays: Mr. Knuchel, Mr. Morley, Mr. Elshaw

Motion carried. Legislation is adopted as Resolution No. 2008-052.

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LEGISLATION PENDING (Placed on First Reading 06/24/2008)

RESOLUTION NO.: 06-24-(08)

Requested by: Administration
Sponsored by: Mr. Zontini

A Resolution authorizing and directing the Chief Building Official to advertise for bids for the sale of HUD property located at 773 East 347th Street, Eastlake, Ohio, P.P. #34A014J000840 as found on “Exhibit A,” attached hereto and incorporated herein, there will be no bid accepted under Twenty Thousand Dollars (\$20,000.00), said bids to be in accordance with specifications on file in the Office of the Chief Building Official, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2008-053.

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RESOLUTION NO.: 06-24-(09)

Requested by: Administration
Sponsored by: Mr. Zontini

A Resolution authorizing and directing the Chief Building Official to advertise for bids for the sale of HUD property located at 34988 Beachpark Avenue, Eastlake, Ohio, P.P. #34A014Q000190 as found on “Exhibit A,” attached hereto and incorporated herein, there will be no bid accepted under Fifty Thousand Dollars (\$50,000.00), said bids to be in accordance with specifications on file in the Office of the Chief Building Official, and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2008-054.

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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: The fireworks were very much a success – hopefully we will be able to build on this and add more groups and entertainment. The second annual Eastlake Grand Prix – when I was a kid we called them go-carts – but, they are souped up go-carts now that reach about 30-40 miles per hour – this was also a success. Tomorrow we will be hosting 50-60 businesses – we have commitments from 45 – that will be our second Business Appreciation Day – this will be a dinner with the baseball game. Because of the rain today tomorrow will be a double header starting at 5:00 p.m. The Eastlake Festival is this weekend at Lakeshore Blvd. and Erie Road – hopefully the weather will be good. This concludes my report and I am open for questions.

Mr. Elshaw: I was at the firework display, along with other members of Council – it was fantastic – I wanted to thank the Captains for working with the City for that successful events – it was outstanding.

There were no questions of Mayor Andrzejewski.

LAW DIRECTOR – Randy Klammer

Mr. Klammer: I would like to thank Mr. Vild of the Building Department – he has been doing a lot of work lately since Mr. Voros has been gone – it is appreciated. You will have an email from me regarding the 900 square footage requirement. If you would remember – we have an ordinance that provides for 900 square feet per first floor – the subsection (d) of that ordinance provides for if it is a colonial style home for 1,225 square feet. If I understand correctly it has happened on certain occasions – it typically been interpreted by the Building Department that if you are proposing a ranch style home, which does not happen that often, it is a 900 square feet requirement – if you are proposing a colonial style home it is the 1,225 square feet which has the mathematical effect of the first floor being less than 900 square feet. We have talked about that and I routinely called the builders and have talked to the engineer – I think that is a fair interpretation at this point. I wanted to bring it to your attention because I know the first floor square footage and to maintain the housing stock was one of the Mayor's and ECDC's priorities.

What I advised them to do was to just go ahead and continue that policy because I think it is fair and it has been done in the past. If you think it needs to be amended we will have that discussion and start it that way but I do not want to switch gears on them in mid- term. They have some people who have already drawn permits using that interpretation but at the same time I wanted to make you aware of it. Procedurally, I will get with you and if someone thinks that ordinance needs to be amended I will work to do that but I wanted you to be aware of that policy and my interpretation of it as well.

Mr. Elshaw: What is past practice on that?

Mr. Klammer: As I understand we typically – if it goes to a colonial style home we use the total colonial square footage of 1,225 which has a practical effect of the first floor being less than the 900 square feet. What you would hear from the builders – right or wrong – if you were to let it be 1,800 square feet it becomes economically infeasible and not necessarily architecturally prudent to build a 1,800 square foot home on a 40 foot lot size – it is difficult to make that work. Regardless of the interpretation – at least on two occasions – permits have been issued recently where using the interpretation I am suggesting seems reasonable.

Mr. Elshaw: Using that methodology what is typically used for the first floor?

Mr. Klammer: About 680 square feet – between 576 square feet and 680 square feet for the first floor with a minimum of 1,225 for the total. If it is a ranch style home they would insist on the 900 square foot. I have no problems in that regard but I wanted you to be aware that distinction is out there and I think the practice we are currently using is reasonable – Mr. Gwydir and I have talked about it and I think he would tell you my opinion is acceptable but you can feel free to disagree with me.

Mr. Morley: Did we not just change something in that ordinance?

Mr. Klammer: We changed the variance powers of the Board of Zoning Appeals which eliminated their powers to do a variance on interior square footage. That inherently relates to the interpretation you give on the interior square footage ordinance if you use the Building Department's interpretation that if it colonial -1,225. They could not come to the Board of Zoning Appeals and say they want another 100 – the Board does not have that authority. If it colonial you will get the minimum of 1,225 – if it is a ranch you get the minimum of 900. The Board of Zoning Appeals has no authority to deviate from that variance – from those interior square footages.

Mr. Elshaw: I did respond to your email and stated that we could enter this into Ordinance Committee for discussion – I am just trying to understand other than being put on the spot in making a decision – what was the original intent?

Mr. Klammer: The reason I bring it up tonight is obviously those issues are moving daily – for them to stop now and switch course would be difficult and unfair in certain circumstances. They will move forward with the interpretation that they have – if you want to insist on a more stringent one we will have that dialogue but I did not want you to think that they or I were disregarding your thoughts. But the practice is what it is and with people coming in for building permits on a regular basis - two have recently been interpreted so they can move forward.

Mr. Elshaw: So, is your recommendation, Mr. Klammer, to follow past practice and then if we want to further clarify the ordinance we can do so.

Mr. Klammer: Land use is a priority portion of my practice and I would tell you that I think with builders tell you 800 square feet is unreasonable on those small lots that is fair – I think 1,225 colonials seem to be fair homes and has a benefit to the property values – I am comfortable with the existing policy but if you want to address it we can.

Mr. Elshaw: I will give that some thought.

Mr. Knuchel: Your opinion is we do not need to clean up the ordinance the way it is at this present time?

Mr. Klammer: I am comfortable with the way it has been interpreted – if you think you would prefer that the 900 square feet be the minimum no matter whether it is a colonial or a ranch I think we should amend the ordinance to make that clear and in essence change what has become their policy of interpretation.

Mr. Knuchel: If we have let this happen in the past isn't it past practice?

Mr. Klammer: I am not concerned with that. I am concerned with doing it right now without changing the ordinance because they have given building permits to people using a certain policy.

With the Tesar issue we discussed in Executive Session please share with me your comments as quickly as you can on those substantive issues so I can get a consensus and get it back to you during the break for those meetings. I want to do that as quickly as possible.

Mr. Cholewa, I wanted to say to you – you have appeared a few different times – here and at the Board of Zoning Appeals and the Planning Commission – you are always a gentleman – your comments both critical and complimentary are always appreciated and I just wanted to compliment you on how you approach those things and I personally have appreciated it as a Director here in Eastlake.

There were no further questions of Mr. Klammer.

FINANCE DIRECTOR – Brian Condron

Mr. Condron: Not too much since the last Council meeting – I wanted to clarify a date – the State's Auditor has been delayed and the City's audit will begin in late July or first part of August. This concludes my report and I am open for questions.

Mr. Elshaw: The Audit Review Committee will have a preliminary meeting with the State Auditor.

There were no questions of Mr. Condron.

TAX ADMINISTRATOR – Angela Keneven-Zanella

Mrs. Keneven-Zanella: The Tax Department is working hard on its regular day to day duties – it is status-quo. I have some positive news on the economic development end – we have a new owner at 34200 Curtis Blvd. – the building next to King Musical Instruments. I have seen the plans – they are planning on doing some really nice aesthetic improvements to the outside of the building as well as needed structural improvements on the inside. It is presently only 58% occupied and I think with the improvements that will improve. They are to start on that after July 18th. This concludes my report and I am open for questions.

There were no questions of Mrs. Keneven-Zanella.

SERVICE DIRECTOR – Mike Semik

Mr. Semik: We are working on the concrete streets, catch basins – one on Riverdale which will be a total rebuild. We are continuing with our housekeeping items – flushing sanitariums and working on the pump stations. We continue to repair the roads for the final asphalt overlay and hope to get those completed by the end of July. This concludes my report and I am open for questions.

Mr. Knuchel: I would like to thank you and Mr. Gwydir for addressing the needs of the people down on North and South Riverview as far as their flooding situation. I know you have been working closely with the Mayor to come up with plans to address those issues.

We have our new police vehicles on the road now – I know we discussed when we purchased them about purchasing fire suppression equipment for a problem that was inherent with the Fords – have those been ordered yet and are we planning on installing them soon?

Mr. Semik: Mr. Miller and Chief Ruth have been working on that – they are looking into purchasing them – the older models are the ones with the problems – a rep will be coming out to show them how to install them.

Mr. Knuchel: If you can keep me in the loop as to when that will occur I would appreciate it.

Mr. Semik: I will.

There were no further questions of Mr. Semik.

CHIEF BUILDING OFFICIAL –

CITY ENGINEER – Tom Gwydir

Mr. Gwydir: Things have been rather quiet on the engineering front, although Mr. Klammer has been keeping me hopping the last couple of days on various issues from the housing square footage to the Tesar issue. We received a note today from the County that they will be doing the point rankings on the projects we applied for on the 24th of this month. This concludes my report and I am open for questions.

Mr. Klammer: I wanted to thank Mr. Gwydir – he gave a lot of attention to Mr. Tesar’s project and they moved real quickly to review that. I appreciate it and would like to thank Mr. Gwydir and Ms. Brusas.

There were no further questions of Mr. Gwydir.

POLICE CHIEF – John Ruth

Chief Ruth was absent and excused.

FIRE CHIEF – Ted Whittington

Chief Whittington: On the Fourth of July the Fire Marshall spent a lot of time with the people at the stadium – that is an example of a professional organization putting together fireworks – we had no major fires or injuries during the Fourth of July weekend – this was with the help of the Police Department who made sure things were going well and getting into the backyards of people. We did have two rescues off the Lake this past weekend from boats that were in distress, including a family of four. Ironically, the training for this month has been boat training so the guys have been out on the lake and river the last couple of weeks and of course this weekend the training came to fruition as far as going out there and helping people – they were successful. The probationary firefighters are progressing – I have to attribute that to the trainers and the officers on the shifts who make sure these guys are a priority as far as getting them on shift. We did get an EMS grant for \$3,500 which we will use for EMS supplies on the ambulance. We got a tentative award of \$750 which we will probably put toward software for the command vehicle. This concludes my report and I am open for questions.

There were no questions of Chief Whittington.

ADJOURNMENT

The meeting was adjourned at approximately 8:33 p.m.

DEREK W. ELSHAW, COUNCIL PRESIDENT

APPROVED: _____

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

