

**COUNCIL AS A WHOLE COMMITTEE MEETING  
MINUTES  
TUESDAY  
JUNE 8, 2010**

Council President Mr. Morley opened the meeting at 7:04 p.m. Members of Council in attendance were Mr. Knuchel, Ms. Vaughn, Mr. Lajeunesse, Mr. Hoefle, Mr. D'Ambrosio and Council President Mr. Morley. Ms. DePledge was absent and excused. Also attending was Council Clerk Mrs. Cendroski.

Attending from the Administration were Mayor Andrzejewski, Finance Director Mr. Slocum, Law Director Mr. Klammer, City Engineer Mr. Gwydir, Service Director Mr. Semik, CBO Mr. Stigalt, Police Chief Ruth and Fire Chief Whittington.

Also in attendance were members of the public.

**LEGISLATION PROPOSED:**

**06-08-(01) Agreement: City of Eastlake and Village of Lakeline: Fire Protection and Rescue Squad Services:**

Mr. Morley: The first item on the agenda is Legislation No. 06-08-(01) – an Agreement with the City of Eastlake and the Village of Lakeline: Fire Protection and Rescue Squad Services.

Mr. Lajeunesse: I will turn this over to Fire Chief Whittington regarding the agreement.

Chief Whittington: I'm not part of the negotiation as far as the contract goes itself, however, as to providing service to Lakeline – I ran the numbers for Mr. Slocum and we ran a number of 20 calls for Lakeline for a year. This is not an exuberant amount of times that we service them as far as fire and EMS goes. It is a privilege to serve them and give them the same the same service as we give our residents and if they need anything we'll make sure we are there for them.

Mr. Lajeunesse: Thank you Chief and we appreciate your explanation. This item will be on this evening's agenda.

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. 06-08-(01) for passage at the evening's regular Council meeting.

**06-08-(02): Adoption: Codified Ordinance Replacement Pages:**

Mr. Morley: The next item on the agenda is Legislation No. 06-08-(02) – Adoption for the Codified Ordinance Replacement Pages.

Mr. Knuchel: This item was discussed in our last Finance Committee Meeting which was held on June 1, 2010. This is a housekeeping issue. There were no questions regarding this item. This will be on tonight's agenda.

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. 06-08-(02) for passage at the evening's council meeting.

06-08-(03): Ballot Issue: Amendment: City of Eastlake Charter Article II, Section 1(d):

06-08-(04): Ballot Issue: Amendment: City of Eastlake Charter Article II, Section 2:

06-08-(05): Ballot Issue: Amendment: City of Eastlake Charter Article III, Section 2:

06-08-(06): Ballot Issue: Amendment: City of Eastlake Charter Article V, Section 3:

06-08-(07): Ballot Issue: Amendment: City of Eastlake Charter Article V, Section 5:

06-08-(08): Ballot Issue: Amendment: City of Eastlake Charter Article V, Section 9:

06-08-(09): Ballot Issue: Amendment: City of Eastlake Charter Article VIII, Section 2:

06-08-(10): Ballot Issue: Amendment: City of Eastlake Charter Article VIII, Section 4:

06-08-(11): Ballot Issue: Amendment: City of Eastlake Charter Article XI, Section 3:

Mr. Morley: The next items on the agenda are Legislation No. 06-08-(03) through Legislation No. 06-08-(11) – these are Charter Amendments.

Ms. Vaughn: Some comments made by our Law Director took root and after consideration and many thanks to the Charter Review Commission we feel the number of 9 suggested changes may be a little overwhelming and complex for the electorate, therefore, I would like your permission to pole my Committee and request elimination of Legislation No. 06-08-(03), Legislation No. 06-08-(06), Legislation No. 06-08-(07) and Legislation No. 06-08-(08) from tonight's agenda and request that the rest of the legislation for the Charter Amendments be put on First Reading.

Mr. Morley: No problem.

Ms. Vaughn: May I have a recommendation from Mr. D'Ambrosio?

Mr. D'Ambrosio: We are going to be putting these on at another time – correct?

Ms. Vaughn: That's correct just not at this time.

Mr. D'Ambrosio: I'm fine with it.

Ms. Vaughn: May I have a recommendation from Mr. Hoefle?

Mr. Hoefle: I have no problem with it.

Ms. Vaughn: Legislation No: 06-08-(04) deals with public compensation while you are a public official. Legislation No. 06-08-(05) deals with clarification of the recall issue which we had some problems with the past. Legislation No. 06-08-(09) deals with the appointments to the

Planning Commission. Legislation No. 06-08-(10) deals with appointments to the Zoning Board of Appeals. Legislation No. 06-08-(11) deals with having a comprehensive all inclusive language.

Are there any comments or questions?

There were no comments or questions.

Upon review by the Committee, there were no objections to placing Legislation No. 06-08-(04), Legislation No. 06-08-(05), Legislation No. 06-08-(09), Legislation No. 06-08-(10) and Legislation No. 06-08-(11) on First Reading at the evening's council meeting.

06-08-(12): Amendment: Ordinance Section 132.02 "Composition of the Full-time Division of Fire:"

Mr. Morley: The next item on the agenda is Legislation No. 06-08-(12) – an Amendment to Ordinance Section 132.02 "Composition of the Full-time Division of Fire."

Ms. Vaughn: That appeared in my Committee. The first step in having part-time firefighters is realigning the composition of a full-time Fire Department. For that reason we have made some suggested proposed changes and it appears on tonight's agenda as Legislation No. 06-08-(12) with 2/3 Committee support. The Committee has recommended that it be move forward.

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. 06-08-(12) for passage at the evening's council meeting.

LEGISLATION PENDING: (Placed on First Reading 05/25/2010)

05-25-(10): New Enactment: City Ordinance Chapter 1371 "Small Wind Energy Systems"

05-25-(11): New Enactment: City Ordinance Chapter 1373 "Solar Energy Systems"

Mr. Morley: The next item on the agenda is Legislation No. 05-25-(10) – New Enactment: City Ordinance Chapter 1371 "Small Wind Energy Systems"; Legislation No. 05-25-(11) – New Enactment: City Ordinance Chapters 1373 "Solar Energy Systems."

Ms. Vaughn: These items are on Second Reading because neither Mr. Gwydir nor Mr. Stigalt were are the last Committee Meeting. It was brought to our attention that there were some changes made after the Committee Meeting that the Committee was not aware of. We are quite willing to accept it if we understand what the changes were and why they were made. We did eliminate some verbiage and it was added back on so if either of you care to respond to this we would appreciate it.

Mr. Gwydir: I did hear that this question was going to be asked this evening, but I wasn't certain what changes you were referring to. I know that Mr. Stigalt and myself subsequent to the

Committee Meeting compared notes and sent those on. We were under the understanding that those were consistent with the desires of the Committee based on the testimony heard at the time.

Ms. Vaughn: Can I refer this to the Council Clerk to see if she has the minutes and the revised legislation.

Mrs. Cendroski: Would you please bear with me. I did receive an e-mail on the "Solar Energy Systems" 1373.05(g) "Mounting." The Committee had discussed it and in the discussion they had deleted the following section - "mounting of solar energy systems mounted to any accessory structure including but not limited to detach garages, decks, gazebos, storage shed, barns, etc." I have a note saying to put that section back in. They were wondering why it was put back in when they deleted it during the discussion in the Committee meeting? I had informed Mr. Stigalt about these questions and I didn't think to call Mr. Gwydir since the legislation was coming from Mr. Stigalt.

Mr. Gwydir: As I recall from my notes the accessory use of buildings both on small wind energy and solar energy were deleted. We spoke to both of those issues and both of those particular ordinances and I thought from my notes at the end of the day they weren't going to be allowed on there for the solar energy system or for the wind energy system. If that is not the case then that's a mistake, however, I would say if I am allowed to speak on the matter I think that we should consider not allowing it on the accessory structure.

Ms. Vaughn: That was the Committee's decision and they were added it back in and the Committee didn't want them.

Mr. Klammer: That's what the Ordinance says now.

Ms. Vaughn: No, it's the other way around.

Mrs. Cendroski: The Committee wanted to delete that section and say they were not allowed. They wanted that section removed.

Mr. Klammer: They want to allow them on structures?

Mrs. Cendroski: Right.

Mr. Klammer: I thought that the Committee was in concurrence that they did not want them on.

Mrs. Cendroski: No, not during discussion at the Committee meeting.

Mr. Klammer: They do want them to go on.

Mrs. Cendroski: Yes, they do want them to go on.

Mr. Gwydir: Then that was a mistake in my notes.

Mrs. Cendroski: Again, for the Committee and Council your recommendation is?

Mr. Gwydir: My recommendation is that this not be in there, but having sent the note over I don't mean to go contrary to the Committee's desire.

Ms. Vaughn: That's fine. I will suggest that we put this on Second Reading or we will discuss it at my next Committee meeting. Is that allowed?

Mrs. Cendroski: Mr. Morley would have to refer it back out here and back into your Ordinance Committee or you could discuss it in the Council-as-a-Whole Committee at the next meeting.

Mr. Morley: Which would you rather do?

Ms. Vaughn: I would prefer it back in my Committee so we can refresh our notes.

Mr. Morley: Do you want "Small Wind Energy Systems" and "Solar Energy Systems?"

Ms. Vaughn: Yes, because they are very complex issues. And if we are going to do it I would like to see it done properly. Mr. Gwydir is hearing one thing and some of us heard another thing and I'm not quite sure at this point and time because it was a month ago.

Mr. Klammer: I thought you were disallowing them too?

Mrs. Cendroski: No, it was staying in.

Mr. Klammer: This is where we are talking about removing a section that disallows something – it's like a double negative.

Ms. Vaughn: It is a double negative, but to clarify the issue I would be more comfortable. Is that all right with you Mr. Stigalt and Mayor if we put it back in Committee just to clarify this?

Mr. Stigalt: Yes.

Ms. Vaughn: This is the first time we dealt with this so let's do it properly.

Mrs. Cendroski: Just so you know another issue was under "Setbacks" of the same section. It was 30 feet originally and was moved to 3 feet during discussion saying - "The rear yard setbacks shall be a minimum of originally 30 feet." The Committee changed it to 3 feet. Mr. Stigalt's recommendation was to change it to 10 feet which was another change.

Mr. Klammer: Was that for both of them?

Mr. Stigalt: That was for the Solar Energy System.

Ms. Vaughn: Because we are going to be discussing the one item I would like to discuss the other item also. We should be discussing them both with the language we agreed upon. We would be more accurate in terms to say this is exactly what we want.

Mrs. Cendroski: In the other Ordinance the changes were not really anything profound - it was mainly this Ordinance itself.

Mr. Morley: We will refer both back into Committee.

Are there any comments or questions?

There were no comments or questions.

Upon review by the Committee, there were no objections placing Legislation No. 05-25-(10) and Legislation No. 05-25-(11) will be referred out and put into the Ordinance Committee at the evening's Council meeting.

05-25-(12): Amendment: Section 1301.01 "Permits and Fees"

Mr. Morley: The next item is Legislation No. 05-25-(12) – an Amendment to Section 1301.01 "Permits and Fees."

Ms. Vaughn: Again, this is part in parcel of Legislation No. 05-25-(10) and Legislation No. 05-25-(11). Legislation No. 05-25-(12) is a part of it because it deals with the costs of these apparatuses. Once we have reviewed all of this we can take a firm look at it then.

Mr. Morley: Do we want to refer that back?

Ms. Vaughn: Put it on Third Reading. That's fine.

Mrs. Cendroski: So this one goes to Third Reading and the others are going to be referred out.

Mr. Morley: The others are going on Second Reading tonight and then referred out.

Are there any comments or questions?

There were no comments or questions.

Upon review by the Committee, there were no objections placing Legislation No. 05-25-(15) on Third Reading at the evening's council meeting.

MISCELLANEOUS

Amendment: Section 155.01 "General Administration:" Part-time Firefighters Wage:

Mr. Morley: The next item on the agenda is Amendment: Section 155.01 “General Administration.” Part-time Firefighters Wage.

Mayor Andrzejewski: This is to establish a wage for the part-time firefighters. I think that we all agree with the \$14 rate would be the appropriate wage.

Mr. Morley: We need a motion to add that legislation. Mr. D’Ambrosio will make the Motion. Are there any comments or questions?

There were no comments or questions.

Upon review by the Committee, there were no objections for Mr. D’Ambrosio to make a Motion to add Legislation No. 06-08-(13) on the agenda for passage at the evening’s council meeting.

COMMERCIAL LEASE AGREEMENT: CITY OF EASTLAKE & LAKE COUNTY VISITORS BUREAU

Mr. Morley: The next item on the agenda is the Commercial Lease Agreement for the City of Eastlake & Lake County Visitors Bureau.

Mr. Slocum: The lease is expiring this year which was the initial lease with the extensions that were exercised from when the stadium was originally built. This is for a three-year renewal with a 3% increase each year.

Mayor Andrzejewski: This expires at the end of June.

Mr. Morley: I’ve talked to Mr. Knuchel and Mr. Slocum regarding this issue.

Mayor Andrzejewski: I thought you thought it expired at the end of the year.

Mr. Morley: I was with the understanding that it expired in June that is why we put it on tonight’s Council-as-a-Whole Committee meeting.

Are there any comments or questions?

There were no comments or questions.

Upon review by the Committee, there were no objections for Mr. Knuchel to make a Motion to add Legislation No. 06-08-(14) on the agenda for passage at the evening’s Council meeting.

Rescission: Resolution No. 2010-032, adopted April 27, 2010: Contract: Adler and Sons: Roofing: JFK Senior Center Roof Repair Project:

Mr. Morley: The next item on the agenda is a Rescission of Resolution No. 2010-032, adopted April 27, 2010: Contract: Adler and Sons Roofing: JFK Senior Center Roof Repair Project. What happened was that we accepted a contract's bid to fix the Senior Center and they have pulled out of that contract. Mr. Klammer would like to talk about leaving it on in case they can come back.

Mr. Klammer: Mrs. Cendroski had a good point procedurally withdrawing it and rescinding it. Mr. Slocum made a good point as well saying that maybe we should hold on to it in case they decide they are going to move through with it while we rebid it. The status was that I've put their bonding company on notice as has the City Engineer. I've had conversations with their attorney last week to try to understand their concerns and it appears to be a cash issue. In talking with Mr. Gwydir last Thursday at the Planning Commission Meeting I understand how the billing would work. I haven't had a chance to walk through this with their attorney to see if it is still possible for them to do the work. I recommend doing the re-bidding because I know it's an important project and I know that we have a grant. If we hold on to that contract in the meantime that would give me the opportunity to see if we can't finalize it. You can go out for the rebid without rescinding it until such time as we nail down what we have for the rebidding. If we are fortunate enough to work something out with Adler and Sons Roofing then it would make sense to move forward with it.

Mr. Morley: You said that you set their bond?

Mr. Klammer: We put the bonding company on notice. Mr. Gwydir has some experience as how it worked in the past. I don't imagine that it will work as quickly as we would want it to work. I'm going to see if that will give us some remedy.

Mr. D'Ambrosio: Mr. Klammer, are you suggesting to go out for bids, but we are not going to rescind this just in case during today and the bid process they decide they are going to do the work?

Mr. Klammer: That's my recommendation.

Mr. Hoefle: Mr. Klammer, did we have more than one bid on this project?

Mr. Klammer: I think we had three bids.

Mr. Hoefle: If they're defaulting on it wouldn't we go to the second bidder?

Mr. Morley: It is past the time to give them the bid process.

Mr. Knuchel: Could we move forward tonight with the rebidding?

Mr. Morley: Yes, that's what we're going to do tonight.



Are there any further comments or questions?

There were no further comments or questions.

Upon review by the Committee, the Adler and Sons Roofing Contract for the JFK Senior Center Roof Repair Project will not be rescinded.

Re-bid Authorization: JFK Senior Center Roof Repair Project:

Mr. Morley: The last item on the agenda is a Re-bid Authorization for the JFK Senior Center Roof Repair Project.

Mrs. Cendroski: Mr. Hoefle, on your Motion instead of adding Legislation No. 06-08-(16) it will be Legislation 06-080-(15).

Mayor Andrzejewski: I just want Mr. Doberdruk to know what is going on regarding the bids.

Mr. Morley: I talked to him about it.

Are there any comments or questions?

There were no comments or questions.

Upon review by the Committee, there were no objections for Mr. Hoefle to add Legislation No. 06-08-(15) to the agenda for passage for the evening's council meeting.

ADJOURNMENT

The Council-as-Whole Committee meeting was adjourned at approximately 7:22 p.m.

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