

**COUNCIL AS A WHOLE COMMITTEE MEETING
MINUTES
TUESDAY
MAY 25, 2010**

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

Attending from the Administration were Mayor Andrzejewski, Finance Director Mr. Slocum, Law Director Mr. Klammer, Service Director Mr. Semik and Fire Chief Whittington. City Engineer Mr. Gwydir was absent and excused.

Also in attendance were members of the public.

LEGISLATION PROPOSED:

05-25-(01): Repeal: Ordinance No. 2005-045, adopted April 26, 2005: Conditional Use Permit: Miss Kimberly’s Day Care Center, 34799 Curtis Blvd., Eastlake:

05-25-(02): Conditional Use Permit: JZD, LLC dba Eastlake Child Care Center, 34799 Curtis Blvd., Eastlake:

Mr. D’Ambrosio: The first item is Miss Kimberly’s Day Care and they were purchased by JZD, LLC. JZD, LLC is going to be putting in its own day care. We had to repeal Miss Kimberly’s Day Care because they are no longer going to be there. We are going to give a new Conditional Use Permit if it passes today to JZD, LLC. We just did a Public Hearing on JZD, LCC today.

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. 05-25-(01) and Legislation No. 05-25-(02) for passage at the evening’s regular Council meeting.

05-25-(03): Amendment: Section 125.08 “Petty Cash”

05-25-(04): Amendment: Section 939.015 “Definitions”

05-25-(05): Amendment: Section 939.21 “Discharge Prohibitions”

05-25-(06): Amendment: Section 939.28 “Administration for Industries”

05-25-(07): Amendment: Section 939.29 “Records, subsection (a)”

05-25-(08): Amendment: Section 939.35 “Operating Upsets”

05-25-(09): Amendment: Section 939.39 “Annual Publication”

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”

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

Mr. Morley: These items were discussed in the Ordinance Committee Meeting held on May 18, 2010.

Ms. Vaughn: As you can see I had a full agenda at my Ordinance Committee Meeting held on May 18, 2010. Legislation No. 05-25-(03): Amendment: Section 125.08 "Petty Cash" is providing a minor change to the "Petty Cash" disbursement. We are increasing it to approximately \$300 and it's to be distributed at the discretion of the Finance Director. The Committee recommended that this appear on this evening's agenda.

The following next items are Legislation No. 05-25-(04): Amendment: Section 939.015 "Definitions;" Legislation No. 05-25-(05): Amendment: Section 939.21 "Discharge Prohibitions;" Legislation No. 05-25-(06): Amendment: Section 939.28 "Administration for Industries;" 05-25-(07): Amendment: Section 939.29 "Records, subsection (a)," Legislation No. 05-25-(08): Amendment: Section 939.35 "Operating Upsets;" Legislation No. 05-25-(09): Amendment: Section 939.39 "Annual Publication" are EPA requirements to our Chapter on sewers. They appear on tonight's agenda with full Committee recommending that they move forward.

The following items are Legislation No. 05-25-(10) New Enactment: City Ordinance Chapter 1371 "Small Wind Energy Systems" and Legislation No. 05-25-(11) New Enactment: City Ordinance Chapter 1373 "Solar Energy Systems." Although we spent a great deal of time and received a great deal of information it is my understanding that after the completion of the Committee Meeting there were some changes by the Administration and since neither City Engineer Mr. Gwydir or CBO Mr. Stigalt are here to explain them I am going to ask that this be placed on First Reading. This applies to Legislation No. 05-25-(10) New Enactment: City Ordinance Chapter 1371 "Small Wind Energy Systems"; Legislation No. 05-25-(11) New Enactment: City Ordinance Chapter 1373 "Solar Energy Systems" and Legislation No. 05-25-(12) Amendment: Section 1301.01 "Permits and Fees."

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. 05-25-(04), Legislation No. 05-25-(05), Legislation No. 05-25-(06), Legislation No. 05-25-(07), Legislation No. 05-25-(08) and Legislation No. 05-25-(09) for passage at the evening's regular Council meeting.

Upon review by the Committee, there were no objections to placing Legislation No. 05-25-(10); Legislation No. 05-25-(11) and Legislation No. 05-25-(12) on First Reading.

Special Comment:

Mr. Morley: The following legislation was placed on First Reading May 11, 2010 because we did not have enough Council members at the last Council Meeting.

LEGISLATION PENDING: (Placed on First Reading 05/11/2010)

05-11-(01): Christie A. Eville dba Diamond Cremation Service, 34670 Lakeland Blvd., Eastlake, OH:

Mr. Morley: The next item on the agenda is Legislation No. 05-11-(01) – a Conditional Use Permit for Christie A. Eville dba Diamond Cremation Service, 35670 Lakeland Blvd., Eastlake.

Mr. D’Ambrosio: We did have a Public Hearing on this item. We only had 5 members of Council here that evening so we weren’t able to vote on it and that is why we had to put it on First Reading.

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. 05-11-(01) for passage at the evening’s regular Council meeting.

05-11-(02): Bid Advertisement: East 347th Street & East 348th Street Project:

05-11-(03): Bid Advertisement: Edison & Mondamin Storm Drainage Project:

05-11-(04): Bid Advertisement: S.R. 283 Slide Failure Project:

Mr. Morley: The next items on the agenda is Legislation No. 05-11-(02) – a Bid Advertisement for East 347th Street and East 348th Street Project; Legislation No. 05-11-(03) – a Bid Advertisement for Edison & Mondamin Storm Drainage Project and Legislation No. 05-11-(04) Bid Advertisement for S.R. Slide Failure Project.

Ms. DePledge: These items were discussed in the Service/Utilities Committee held on May 11, 2010. We are seeking permission to go out and ask for bids for these projects. The Committee recommended that it be moved forward and placed on tonight’s agenda.

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. 05-11-(02), Legislation No. 05-11-(03) and Legislation No. 05-11-(04) for passage at the evening’s regular Council meeting.

05-11-(05): Amendment: Section 969.01 “Swimming Pool Fees, subsection (a)”

Mr. Morley: The last item on the agenda is Legislation No. 05-11-(05) – an Amendment: Section 969.01 “Swimming Pool Fees, subsection (a). We discussed this in the Council-as-a-Whole Meeting on May 11, 2010. This has to do with Timberlake and Lakeline paying the same residents’ rates as the residents of Eastlake. We had some discussion on it last time and there are some members that weren’t here last time.

Are there any comments or questions?

Ms. Vaughn: Although we have agreements with both Timberlake and Lakeline to provide services which they pay a portion for we have no agreements as to what they pay for our pool maintenance. Therefore, I am not for this particular amendment. The taxpayers of Eastlake paid for this pool. The taxpayers of Timberlake and Lakeline did not.

Mr. Hoefle: I, also, am not in favor of it. I checked the minutes of the last meeting which I was not present at and it was brought up about the City of Willoughby and the City of Mentor where they offer the residential rate for other neighboring Cities. Those Cities also have a reciprocal fee agreement with each of those Cities where they in turn get paid back by that City. The City of Mentor would get money back by the City of Kirtland and Kirtland Hills. The City of Willoughby would also get back the difference from Willoughby Hills and Kirtland. So I'm also not in favor of that.

Mr. Morley: I think it makes good sense. We have agreements with them on the Police and Fire. Also, when we didn't have a pool we asked the surrounding neighborhoods to give us a break and they didn't. So I just think that it is a good, neighborly thing to do with Timberlake and Lakeline and if it is 20 families I don't think that is going to put a big hurt on the City of Eastlake but that's only my feelings.

Mayor Andrzejewski: To me it doesn't make any difference. I hope that you would pass this but I just want you to know that the reason I submitted this is exactly what Mr. Morley said - that it is a good, neighborly thing to do. If you could consider the fact that they will be paying a fee for using the pool that it would help our fixed cost. If we get 20 – 25 residents from Timberlake or Lakeline to buy a pool pass it would help defray the costs of the pool without the significant change in lifeguards or anything like that. It's up to Council but I think that this is a good neighborly thing to do. We are being nice to our neighbors who don't have a pool. As Mr. Morley said when we didn't have a pool a few years ago and Willoughby and Wickliffe extended their courtesy to us. I know the situation in Willoughby – they allowed Willoughby Hills and Kirtland to pay resident's rates. Again, it doesn't matter to me anyway Council wants to go. That's fine but I would be in favor of it just as a neighborly thing to do and it would help defray some of the costs.

Mr. Knuchel: Mr. Hoefle, you stated that there was some kind reciprocal agreement between the certain cities. Could you explain how that works?

Mr. Hoefle: The City of Willoughby will offer a reciprocal rate. The difference between a resident rate is if Kirtland or Willoughby Hills has a resident they will pay the difference back to the City of Willoughby and that's per Donna from the Recreation Department. I talked to Paula from the City of Mentor - they offer it for Kirtland, Kirtland Hills and Mentor-on-the-Lake. If anyone from those Cities purchase a pass those Cities will pay the difference.

Mr. Knuchel: If we are at an impasse would that be an option that we are willing to explore?

Mr. Morely: I'm going to give you my opinion. I think we make a big project out of something. I'm with the Mayor – if we don't want to pass this and be neighborly and we think that it is going to impact the residents of Eastlake that badly then whatever the vote is that's the way it will be. I'm not going to put any more time and have our Law Director go and spend more money on letting 20 families come into this. That's how I feel on the issue.

Mr. Lajeunesse: Since we are talking about being neighborly, Timberlake has a public access to the Timberlake beach. Maybe we could ask them if the Eastlake residents could have public access to Timberlake's beach and then we in turn can allow them to use our pools at the resident's fee.

Mayor Andrzejewski: We have 20,000 residents.

Mr. Morley: We're done.

Mr. Lajeunesse: That was just my thought on this issue.

Mr. Morley: Duly noted.

Mr. Morley: 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. 05-11-(01) on the agenda at the evening's regular Council meeting.

MISCELLANEOUS

There was nothing in Miscellaneous.

ADJOURNMENT

The Council-as-Whole Committee meeting was adjourned at approximately 7:10 p.m.

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