

**EASTLAKE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
JANUARY 11, 2011**

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 7:29 p.m.

The Pledge of Allegiance was led by Mr. Knuchel.

ATTENDEES

Members of Council in attendance were Mr. Knuchel, Mr. Lajeunesse, Ms. Vaughn, Ms. DePledge, Mr. Hoefle, 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, Service Director Semik, City Engineer Gwydir, Police Chief Ruth and Fire Chief Whittington.

RECOGNITION OF POLICE CHIEF JOHN RUTH ON HIS RETIREMENT FROM THE CITY OF EASTLAKE POLICE DEPARTMENT

Council President Morley and Mayor Andrzejewski presented plaques of recognition to Chief John Ruth on his retirement from the Eastlake Police Department.

RECOGNITION OF LT. TOM DOYLE ON HIS RETIREMENT FROM THE CITY OF EASTLAKE POLICE DEPARTMENT

Council President Morley and Mayor Andrzejewski presented plaques of recognition to Lieutenant Tom Doyle on his retirement from the Eastlake Police Department.

RECOGNITION OF BATTALION CHIEF MICHAEL PANDY ON HIS RETIREMENT FROM THE CITY OF EASTLAKE FIRE DEPARTMENT

Council President Morley and Mayor Andrzejewski presented plaques of recognition to Battalion Chief Michael Pandy on his retirement from the Eastlake Fire Department.

SWEARING IN OF LIEUTENANT LARRY REIK AS POLICE CHIEF FOR THE CITY OF EASTLAKE

Mayor Andrzejewski administered the Oath of Office to Police Lieutenant Larry Reik as Police Chief for the City of Eastlake.

SWEARING IN OF SERGEANT BOB GONZALEZ AS LIEUTENANT FOR THE CITY OF EASTLAKE POLICE DEPARTMENT

Mayor Andrzejewski administered the Oath of Office to Sergeant Bob Gonzalez as Lieutenant for the City of Eastlake Police Department.

SWEARING IN OF LIEUTENANT KEITH SKINNER AS BATTALION CHIEF FOR THE CITY OF EASTLAKE FIRE DEPARTMENT

Mayor Andrzejewski administered the Oath of Office to Lieutenant Keith Skinner as Battalion Chief for the City of Eastlake Fire Department.

SWEARING IN OF FIREFIGHTER JEFF KIRKNER AS LIEUTENANT FOR THE CITY OF EASTLAKE FIRE DEPARTMENT

Mayor Andrzejewski administered the Oath of Office to Firefighter Jeff Kirkner as Lieutenant for the City of Eastlake Fire Department.

APPROVAL OF MINUTES

REGULAR COUNCIL MEETING – DECEMBER 28, 2010

MOTION: Ms. Vaughn moved to approve the minutes of the Regular Council Meeting of December 28, 2010. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

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, January 25, 2011 at 7:00 p.m. The Regular Council meeting will be convened immediately following the adjournment of the Council-as-a-Whole Committee meeting. Also, scheduled is a Special Council meeting for this Thursday, January 13, 2011 at 5:45 p.m.

An Economic & Community Council meeting is scheduled for Wednesday, January 19, 2011 at 6:00 p.m.

COMMUNICATIONS & PETITIONS

A communication was received from the City's Bond Counsel regarding a City of Eastlake tax levy. Mr. Morley explained that this was discussed in Council-as-a-Whole and as we were not acting on it so it would not be added to the evening's agenda.

A communication was received from the Administration regarding a NOACA TLCI grant. This was referred to Finance Committee.

A communication was received from Finance Director Slocum regarding Change Order #1 for the JFK Senior Center roof. This was referred to Finance Committee.

COMMITTEE REPORTS:

FINANCE COMMITTEE – Mr. Knuchel

Mr. Knuchel: The Finance Committee has not met since the last regularly scheduled Council meeting. Therefore, I have no formal report. I look forward to working on the 2011 budget and looking again at this Eastlake tax levy. This 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 recently met but I am scheduling a meeting for Tuesday, January 18th to follow the Planning Committee meeting at which time we will be discussing legislation and ordinances retained in my Committee. Under discussion will be the internet café situation and several items which have been referred to my Committee by the Building Department. 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 has not met since our last meeting. There is nothing pending in Committee and no meeting is currently scheduled. With regard to the recent retirement of Police Chief Ruth I have a little thing I would like to share with you tonight if I may. When I was a little girl my Mom used to take me to K-Mart and I would walk in and there would be Chief Ruth in his uniform. He got to stand by the door and he had this desk – it was about 4 ft. high and 3 ft. wide with Plexiglas sides. The coolest thing about his desk – you have to remember that I was about 6 or 7 years old – was it had wheels. There was a stool behind it too. So every time we walked into K-Mart there was Chief Ruth, in his uniform, polite, professional, greeting everyone, talking to everyone and he had this really cool desk. I remember thinking this was the greatest job in the world because you got to talk to people all day and have this desk with wheels –and, he was in a toy store. I have vivid recollections of thinking this has got to be the job. So, a couple of years went by. We went there weekly – you were there weekly – I always saw you – always professional – always polite. Then, all of a sudden you weren't there anymore and I found out you became a part-time Police Officer in Eastlake and I thought – that is not going to work because you would not be able to talk to people anymore and you were not going to have that cool desk with wheels and I would not see you. And, I would go and look for you and you would not be there and I thought he has to come back some day. Then, I found out that you were actually going to be full-time Police Officer and my Dad was going to be your boss and I was convinced you were coming back to K-Mart because there was no way you would want to work with him. And, it still did not happen. So, the point is – I was so young and back then we did not have DARE or PAL and you were the only officer I could remember seeing weekly and you were always professional and polite. I don't think as we go through our lives we realize how we impact people or the impressions we leave and that is the impression you always left with me. You were always polite to people no matter who was walking in or out of that store. You always looked like a million dollars. I remember the uniform. I remember the badge. You didn't have a gun – I remember that too. Always polite, always professional and I think that has sustained you throughout your career. That is just how you are. I know you had really big shoes to fill and I think that you filled them and that you stretched them a little bit. On behalf of Council, the Community, and my family we thank you for your service and on a more personal level I wanted to wish you the best and the longest and happiest retirement you can have. This concludes my report and I am open for questions.

There were no questions from Ms. DePledge.

SAFETY COMMITTEE – Mr. Lajeunesse

Mr. Lajeunesse: The Safety Committee has not met since our last Council meeting; therefore, there is nothing to report. Chief Ruth, I want to wish you the best and thank you for sharing your thoughts and for taking me under your wing at times and giving me some insights to many of the things I did not quite realize. In fact, all of the things you told me did become truths and I saw the light at the end of that tunnel. I appreciate all you have done. Thank you.

There were no questions of Mr. Lajeunesse.

RECREATION COMMITTEE – Mr. Hoefle

Mr. Hoefle: The Recreation Committee has not met so I do not have a formal report. Nothing has been put into my Committee at this time. Chief Ruth, congratulations and good luck. 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 the last regularly scheduled Council meeting, therefore, I do not have a formal report. I will be making the following Motions:

Mr. D’Ambrosio:

Conditional Use Permit Renewals

B & R Vine, Inc., dba Manny’s Place

MOTION: I hereby move to approve the Conditional Use Permit renewal for B & R Vine, Inc., dba Manny’s Place, 35647 Vine Street, Eastlake. Mr. Knuchel seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The Conditional Use Permit renewal for B & R Vine, Inc., dba Manny’s Place is approved.

Foose Enterprises, LLC dba Pete’s Eastlake Tavern

MOTION: I hereby move to approve the Conditional Use Permit renewal for Foose Enterprises, LLC dba Pete’s Eastlake Tavern, 33274 Vine Street, Eastlake. Mr. Knuchel seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The Conditional Use Permit renewal for Foose Enterprises, LLC dba Pete’s Eastlake Tavern is approved.

Additional Comments

Mr. D'Ambrosio: Chief Ruth, good luck. You and I have always been "like this." Anytime someone can retire and have their health – God Bless you. I am going to miss you. You have been great. Thank you very much for serving the Community and thanks for all the help you have given me and the residents of the City. That concludes my report and I am open for questions.

There were no questions of Mr. D'Ambrosio.

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.

Fred Herrera, 34080 Rosewood Trail, Willoughby Hills, OH

Mr. Herrera: Thank you, Council members. Good evening. I am a partner in Centennial Plaza which is at the corner of Vine Street and S.R. 91. We just submitted an application for one of the internet cafes and I know there are several applications for internet cafes. Obviously, you are going to discuss it next week in the Special session. I just wanted to ask Council members to please approve this. Internet cafes are interesting phenomena and are now operating in Cleveland, Garfield Heights, Seven Hills, Cuyahoga Heights, Willowick, Willoughby Hills, Mentor-on-the-Lake, Painesville, Streetsboro, Medina, Akron, Canton, Youngstown, Strongsville, Amherst, Elyria, Lorain, Sheffield, Vermillion, Bedford and Brookpark. The latest one was Lorain which just last week established licensing procedures by the Public Safety Director – it is a three-tiered system. Willoughby Hills has five internet cafes. These internet cafes come at a time when retail vacancy in Eastlake is extremely high. Five years ago the retail vacancy was 8% - right now it is 20% in Eastlake. Our particular center is 25% vacant. Lease rates have gone from \$16 per square foot average five years ago and they are now averaging \$8 per square foot which is barely enough for a new center to cover the mortgage. These internet cafes would serve to fill some of the vacancy – at least for the next couple of years. These things have been proven to run their course over time and once they become this prevalent other States have shown that the States eventually step in and make a determination a year or two down the road whether they are permanent or whether they go away. In the meantime this would be a huge help to property owners. It would fill some of the vacancies. There would be security there. They would be well run establishments. I am asking that you please consider the approval of these internet cafes.

Mr. Morley: The meeting on the 18th is not a Special meeting – it is a Committee meeting and you are more than welcome to attend. It is open to the public. If there is any information or paperwork you have you can drop it off to the Council office before next Tuesday's meeting or just bring it the night of the meeting. Ms. Vaughn is the Chair.

Joe Precela, 904 Northmore Drive, Mayfield Village, OH

Mr. Precela: I am partnered with Mr. Herrera on this venture. In addition to that I am real estate consultant and have done work for several of these internet cafes in other municipalities and I am also here asking that you look favorably upon these. As Mr. Herrera

said the last ruling with the State was a case in Toledo and in that ruling they found these were not illegal cafes. Mr. Herrera hinted there are a lot of vacancies now. Other municipalities some as close as Willoughby Hills have enacted ordinances which I am not sure Ms. Vaughn or your Committee has seen. They are taxing these establishments and letting them operate and partner with the private sector to try to make some money because shopping center owners are in a position where they are not getting a lot of rents. I know municipalities as Mr. Slocum has said are having some issues. I would also like to beseech Ms. Vaughn's organization to look at other ordinances in other communities and look favorably at this. When we came in today we thought it was going to be a typical Council meeting. Congratulations to all the people who were sworn in and are retiring.

Mr. Morley: Again, you are welcome to attend the meetings – you will have time to talk.

There was no one else who wished to speak.

LEGISLATION PROPOSED - First number will be 2011-001

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

ORDINANCE NO: 01-11-(01)

An Ordinance authorizing the issuance of a Conditional Use Permit to BMR, LLC dba Wing Warehouse, 35534 Vine Street, 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. 2011-001.

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

ORDINANCE NO.: 01-11-(02)

An Ordinance authorizing the issuance of a Conditional Use Permit to A & F Automotive, LLC, 1517 C East 367th Street, Eastlake, OH, 44095, and declaring an emergency.

MOTION: Mr. D'Ambrosio 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 Ordinance No. 2011-002.

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

ORDINANCE NO.: 01-11-(03)
An Ordinance authorizing the issuance of a Conditional Use Permit to Keith Platz dba Reasonable Auto Repair, 1427 East 328th Street, Eastlake, OH, 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. 2011-003.

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

ORDINANCE NO: 01-11-(04)
An Ordinance amending Ordinance No. 1991-178, adopted September 24, 1991, and authorizing the issuance of a Conditional Use to B & R Vine, Inc. dba Manny's Place, 35647 Vine Street, Eastlake, Ohio 44095, and declaring an emergency.

MOTION: Mr. D'Ambrosio 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 Ordinance No. 2011-004.

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

ORDINANCE NO: 01-11-(05)
An Ordinance amending Ordinance No. 2008-071, adopted September 23, 2008, and authorizing the issuance of a Conditional Use Permit to Foose Enterprises, LLC dba Pete's Eastlake Tavern, 33274 Vine Street, Eastlake, Ohio 44095, and declaring an emergency.

MOTION: Mr. D'Ambrosio 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 Ordinance No. 2011-005.

LEGISLATION PENDING

There was no Legislation Pending.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

There was no New Business.

ADMINISTRATIVE REPORTS:

MAYOR/SAFETY DIRECTOR – Ted Andrzejewski

Mayor Andrzejewski: Chief Ruth, I would like to congratulate you on your retirement. Like Mr. D'Ambrosio you and I were "like this." But, we had good discussions. I hope you feel the same way. As some of the other people have said when you are healthy enough to retire – do it. I am glad you are healthy enough to enjoy whatever retirement you have. Pass the word around that the skating rink is open and will continue to be open the rest of the winter. On Saturday and Sunday PAL will open the concession stand and rent skates for the nominal fee of \$2 – very reasonable. During the week residents are welcome to use the skating rink although they will have to bring their own skates. And, I know a lot of people have asked me – they do have their own skates. I would like to take a minute to answer Mr. Lajeunesse question. The reason we have not brought up a levy until now is simply because if you know me well enough you know I am opposed to going to the residents for any tax increases unless we absolutely have to. Up until this point we did not have to. We relied on the surplus – the surplus is there to carry you through lean years so there was no need to bring this up until this point. So, to answer your question, we did not bring it up until this point because I was not

going to go to the taxpayers until we absolutely had to. It is as simple as that. This concludes my report and I am open for questions.

Mr. Lajeunesse: Mayor, you are entitled to your opinion.

There were no questions of Mayor Andrzejewski.

LAW DIRECTOR – Randy Klammer

Mr. Klammer: I have nothing significant to report. Ms. Vaughn, if you have anything else you want me to look at concerning the internet sweepstakes let me know, otherwise, I will be prepared to handle things on the fly.

Ms. Vaughn: I want to make a copy of the Willoughby Hills ordinance.

Mr. Klammer: Chief Ruth, I am glad you stayed and I wish Lt. Doyle had stayed. I came into being Law Director and you both had the experience of working two Law Directors ago with a grumpier Law Director than me. I always appreciated the fact that you treated me with the respect that the position of Law Director deserves – if it deserves any – there is debate on that. You always listened to my opinion and I always felt like you respected my experience and position on things. If the public could have heard some of the discussions that you and I had and some that Lt. Doyle and I had I think they would have been impressed by the way – even when you and I disagreed – you more so than me always seemed to express you respected my opinion and understood what I was saying. Every time we had those discussions I remember you leaving the discussion smiling about the disagreement we may have had as we were trying to work towards resolution. I think the public would have been well served to see how somebody who has been around the way you have, and heard all kinds of problems, and tried to resolve them. That is something public service could use more and I hope the Chief will do the same as you. You are a good guy and it was a pleasure for me to work with you and I feel the same way about Lt. Doyle. There is a saying I have heard a few times “before you think about immortality think about living a life worth remembering.” And, I think you have done that and should be really proud of everything you have accomplished. Thank you.

There were no questions of Mr. Klammer.

FINANCE DIRECTOR – Mike Slocum

Mr. Slocum: Chief Ruth, I really wish you the best and a long and healthy retirement. It has been a pleasure working with you since my return and four or five years ago. I wish you the best of luck and good health for you and your family. I have nothing further to report other than what we talked about earlier. I am open for questions.

Mr. Morley: I would suggest everyone on Council to look at what Mr. Slocum provided today. If there are any questions you need answered before Thursday’s meeting that you get in touch with him prior so he has time to get his answers so we don’t continue to have meetings.

There were no questions of Mr. Slocum.

CITY ENGINEER – Tom Gwydir

Mr. Gwydir: Chief Ruth, congratulations and best wishes. Have a long, good, healthy and happy retirement. On the engineering front we are wrapping up Edison/Mondamin and getting ready to put that to bed. Lakeshore Blvd. is coming along. We should be done with that sometime in the next three weeks. I am open for questions.

Mr. Morley: It is good to hear Lakeshore Blvd. is moving along. I have not had any calls so it must not be too bad traffic wise. I know it lines up but I think the lights are timed and it moves pretty well.

Mr. D'Ambrosio: What is the status of the Edwards thing?

Mr. Gwydir: The money has been approved and has been made available in July, 2011. I would think sometime before that I will petition the Mayor to let us move forth with the design – as the money becomes available the design will be complete and we can move right into bidding and awarding the contracts so it can be finished before the year is over.

There were no questions of Mr. Gwydir.

SERVICE DIRECTOR – Mike Semik

Mr. Semik: I don't have very much to report. The trucks are up and running. We have not had any significant breakdowns with the plowing. We will continue picking up leaves as weather permits. I will not jeopardize the equipment if there is still snow or ice on them. So, as the piles become more visible and we get another thaw we will be back out there to pick them up. This concludes my report and I am open for questions.

Chief Ruth, you have been a good friend to me. I certainly will miss you and I wish you the best of luck in your retirement.

There were no questions of Mr. Semik.

FIRE CHIEF – Ted Whittington

Chief Whittington: On behalf of the Pandy family and myself I wanted to thank Council for the recognition of him and on behalf of the Skinner and Kirkner families I would like to thank the Mayor for swearing them in. It is actually a big deal for everyone. Those guys study real hard and having been through the process they are family people and they sacrifice a lot. For you guys to recognize them and for the Mayor to swear them in before the group – it means a big deal to those guys. It may not be a lot of effort to put forth for them but it means a lot and I just wanted to make sure you knew and the Mayor knows that I appreciate it. I have nothing to report. I will just say again – I have already talked about Chief Ruth – but, he is my friend and I will miss him and wish him luck. I am open for questions.

There were no questions of Chief Whittington.

CHIEF BUILDING OFFICIAL – John Stigalt

Mr. Stigalt was absent and excused.

TAX ADMINISTRATOR – Angela Keneven-Zanella

Mrs. Keneven-Zanella was absent and excused.

POLICE CHIEF – John Ruth

Chief Ruth: Thank you. I am glad you gave me my proclamation early – it seems my family has left. That said this is tough for me. I have had the opportunity to work over the last 15 years with a number of different Council people and each and every one of you bring something special to the plate. I have had the opportunity to see local government from a different perspective. When you are a police officer out there you really don't care much about what goes on over here unless it affects your paycheck. When you are over here you see things from a little bit different perspective. While I realize a lot of people may see this as a part-time job for you I don't think they realize the commitment and time and thought and heart that goes into serving their community in your capacity. It has been an absolute privilege to have worked with those who are here now and those that were here before you and those I have not had the opportunity to work with. It has been an honor for me to have had the opportunity to serve the City of Eastlake both as the Chief of Police but particularly as a Police Officer. Being Chief is certainly an honor above all but being an Eastlake Police Officer was by far the greatest honor I could ever have. I appreciate the opportunity. I have to acknowledge Ms. DePledge and her father who had the wisdom to hire me. It has been absolutely a privilege to be here. I would certainly miss this. I don't intend to be absent from the City. This is definitely going to be a change for me and I have memories you cannot take away. I have had the opportunity to do things that affected people's lives that I cherish. You can talk about money, you can talk about honors, you can talk about recognition but I don't think there is anything that can give you greater satisfaction than to do something meaningful and make a difference in someone's life. And, I have had that opportunity. I am open for questions.

There were no questions of Chief Ruth.

Mr. Morley: Chief Ruth, good luck and God Bless you and your family.

ADJOURNMENT

The meeting was adjourned at approximately 8:43 p.m.

DENNIS MORLEY, COUNCIL PRESIDENT

APPROVED: _____

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