

**EASTLAKE CITY COUNCIL
SPECIAL COUNCIL MEETING MINUTES
JULY 22, 2008**

A Special 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 6:30 p.m.

The Pledge of Allegiance was recited.

ATTENDEES

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

Attending from the Administration was Mayor Andrzejewski. Law Director Mr. Klammer was late in arriving.

COUNCIL PRESIDENT'S REPORT - Mr. Elshaw

Meetings Scheduled

Mr. Elshaw: A Special Council Meeting is scheduled for Tuesday, August 5, 2008 at 6:30 p.m. As I will be out of town, I will be asking our Vice President Mr. Morley to Chair that meeting.

A Public Hearing on the Tesar Rezone Request is scheduled for Tuesday, August 19, 2008 at 6:00 p.m. with a Special Council Meeting being scheduled for Tuesday, August 19, 2008 at 6:30 p.m.

COMMUNICATIONS & PETITIONS

A recommendation was received from the Planning Commission regarding a Conditional Use Permit for Pete's Eastlake Tavern, 33274 Vine Street, Eastlake, OH. This was referred to Planning Committee.

A referral was received from Councilman Mr. D'Ambrosio regarding City Ordinance 741.20 "Ice Cream Truck; Regulations." This was referred to Ordinance Committee.

A communication was received from The Walter Drane Company regarding the update of the Codified Ordinances and an invoice for services rendered. This was referred to Finance Committee.

A communication was received from Law Director Mr. Klammer regarding an Indemnification Agreement between the City of Eastlake and the Chagrin Lagoons Yacht Club, Inc. Mr. Elshaw explained that this was requested by our Law Director Mr. Klammer and if a Motion is made it would be added to the evening's agenda as Legislation No. 07-22-(04). We will hold discussion on this until Mr. Klammer is in attendance.

A communication was received from Service Director Mr. Semik regarding the Honeywell Contract. This was referred to Service/Utilities Committee.

RECOGNITION OF THE PUBLIC: 1/2 hour, 3-minutes per person
There was no one who wished to speak.

DISCUSSION:
Council Update

Mayor Andrzejewski: I would like to update Council – there have been quite a few phone calls back and forth and I wanted to make sure everyone understands the situation with WalMart. There are four parties involved in this matter of expanding WalMart. One is WalMart – they would like to make it a Super WalMart and we were proceeding along until the new owners of the Vineyards – Centra Properties which is a company out of Australia with offices in New York City. I spoke with the real estate agent for Centra and the person who was handling the requirements of the lease for the old TOPS store – TOPS is owned by a company called Giant Foods out of Pittsburgh. In order for the WalMart expansion – the problem is the restriction preventing another store to operate and sell vegetables. We are working with all four parties and it is too complicated to try to explain but the people from Centra promised me an answer by Friday, August 8th – I am holding them to that. I am also holding something they told me in confidence until that point. If anyone asks you about it the truth of the matter is it is proceeding and we have to wait and see.

Mr. Morley: Are they thinking about putting in a grocery store?

Mayor Andrzejewski: I think we are in a win-win situation – if alternative A works out – great – if alternative B works out – great. If a combination of A and B work out – that is what I am shooting for.

Mr. Morley: We need to get a grocery store back in Eastlake – so if it a food place or WalMart – we need to get a grocery store.

Mayor Andrzejewski: I don't think there is any doubt about that one way or another I think that will be the result of all this.

Mr. Lajeunesse: I am a Union steward for Local 880 – which is the Grocery/Retail Clerks Union – that was set up by the Union – there is a lot of history – that was done purposely so WalMart could not – that was the deal between the Union and WalMart – obviously things change over time. That was why I asked the question when we were at the Captains because I hear things outside this Community and I was just trying to continue to be in the loop – there may be a possibility of there still being a Union store in there – probably not but anything is possible.

Mayor Andrzejewski: I am not being evasive – it is because I know all the options but I cannot tell you which one will fall. It was reported in the New York Times that Centra has sold a lot of its properties in the United States.

Law Director Mr. Klammer joined the meeting at 6:40 p.m.

Mr. Elshaw: I thought the non-compete agreement had expired.

Mayor Andrzejewski: The best way to look at is – it is a deed restriction – when WalMart wanted to move from the Vineyards to its own location this was part of the deal so the Vineyards could have a grocery store. In order for WalMart to expand that deed restriction has to be taken off or sold to another entity. It is like a liquor license – it has value and someone will eventually own it and either pay a price to get rid of it or assume it.

Mr. Lajeunesse: There was a big to-do about that – that was a sticking point with the whole thing.

Mayor Andrzejewski: But as you said, times have changed – we need a grocery store. I will let you know as soon as I hear anything – hopefully it will come to conclusion soon.

Legislation No. 07-22-(04)

Mr. Elshaw: We received a communication from Mr. Klammer regarding the Indemnification Agreement between the City of Eastlake and the Chagrin Lagoons Yacht Club – Mr. Klammer, could you please provide some background?

Mr. Klammer: There was a piece of property transferred to the City in 1978-1979 and for some reason the deed was never filed. That is where our King Drive pump station is – so, obviously we have been using the property. It came to light during discussion of the pump station improvements. We spent the last year working on this – at one time they requested payment of back taxes – I stated we would not get into re-calculating that – so, if the Indemnification Agreement was agreed on – should there be any injuries or anything that had occurred on the property that could have been claimed against the Yacht Club they would be indemnified. No one is aware of anything – with this Indemnification Agreement they are prepared to sign the quit-claim deed.

There were no questions on the Indemnification Agreement. Mr. Lajeunesse agreed to make the Motion to add this matter to the evening's agenda as Legislation No. 07-22-(04).

MOTION TO ADJOURN INTO EXECUTIVE SESSION FOR DISCUSSION OF LITIGATION INVOLVING TESAR VS. CITY OF EASTLAKE

Mr. Elshaw asked for a Motion to adjourn into Executive Session for discussion of litigation involving Tesar vs. City of Eastlake.

MOTION: Mr. Lajeunesse moved to adjourn into Executive Session in compliance with Ohio Revised Code Section 121.22, "Open Meeting Law." Mr. Morley seconded. The meeting was adjourned to Executive Session for discussion of for discussion of litigation involving Tesar vs. City of Eastlake.

MEETING CALLED BACK TO SPECIAL COUNCIL MEETING

Ms. Vaughn moved to adjourn back into the Special Meeting. Mr. Lajeunesse seconded. The meeting was called back to the Special Council Meeting with Ms. Vaughn, Mr. Lajeunesse, Mr. D'Ambrosio, Mr. Knuchel, Mr. Morley and Council President Mr. Elshaw.

Also in attendance were Mayor Andrzejewski and Law Director Mr. Klammer.

LEGISLATION PROPOSED - First number will be 2008-055

RESOLUTION NO.: 07-22-(01)

Requested by: Law Director Mr. Klammer A Resolution authorizing and directing the Mayor, Director of Finance and Director of Law, on behalf of the City of Eastlake, to enter into a Settlement Agreement with Timothy P. Tesar and Linda J. Beil, and declaring an emergency.

MOTION: Mr. Lajeunesse moved to place on First Reading. Ms. Vaughn seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation No. 07-22-(01) is placed on First Reading.

ORDINANCE NO.: 07-22-(02)

An Ordinance amending City Ordinance Section 1143.03 "Zone Map" of the Codified Ordinances of the City or Eastlake changing the zone map of the City to provide a change in the zoning of certain lands herein described from S-1 (Suburban) to R-60 (Residential).

MOTION: Mr. Lajeunesse moved to place on First Reading. Ms. Vaughn seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation No. 07-22-(02) is placed on First Reading.

ORDINANCE NO.: 07-22-(03)

An Ordinance providing for the submission to the electors of the City of Eastlake, Ohio, the question of whether Ordinance No. 2008-____ passed _____, 2008, changing the Zone Map of the City to provide that certain land described in said Ordinance be changed in the classification from S-1 (Suburban) to R-60 (Residential) shall become effective.

MOTION: Mr. Lajeunesse moved to place on First Reading. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation No. 07-22-(03) is placed on First Reading.

Mr. Lajeunesse made the following Motion:

Legislative Recommendation

MOTION: I hereby move to add Legislation No. 07-22-(04) to the evening's agenda directing and authorizing the Mayor to enter into an Indemnification Agreement between the City of Eastlake and the Chagrin Lagoons Yacht Club, Inc. Mr. Morley seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation No. 07-22-(04) is added to the evening's agenda.

Requested by: Law Director Klammer

RESOLUTION NO: 07-22-(04)

A Resolution directing and authorizing the Mayor to enter into an Indemnification Agreement between the City of Eastlake and the Chagrin Lagoons Yacht Club, Inc., and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2008-055.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

MOTION TO ADJOURN INTO EXECUTIVE SESSION TO CONSIDER THE APPOINTMENT OF A CHIEF BUILDING OFFICIAL

Mr. Elshaw asked for a Motion to adjourn into Executive Session to consider the appointment of a Chief Building Official.

MOTION: Ms. Vaughn moved to adjourn into Executive Session in compliance with Ohio Revised Code Section 121.22, "Open Meeting Law." Mr. D'Ambrosio seconded. The meeting was adjourned to Executive Session to consider the appointment of a Chief Building Official.

MEETING CALLED BACK TO SPECIAL COUNCIL MEETING

Mr. Lajeunesse moved to adjourn back into the Special Meeting. Mr. D'Ambrosio seconded. The meeting was called back to the Special Council Meeting with Mr. Lajeunesse, Mr. D'Ambrosio, Ms. Vaughn, Mr. Knuchel, Mr. Morley and Council President Mr. Elshaw.

Also in attendance were Mayor Andrzejewski and Law Director Mr. Klammer.

Mr. Elshaw: We need a Motion to approve the Mayor's appointment of a Chief Building Official.

Ms. Vaughn made the following Motion:

Motion to Approve Mayor's Appointment of Chief Building Official

MOTION: I hereby move to approve the Mayor's appointment of John Stigalt to the position of Chief Building Official for the City of Eastlake. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. John Stigalt is appointed to the position of Chief Building Official for the City of Eastlake.

ADJOURNMENT

The meeting was adjourned at approximately 8:09 p.m.

DENNIS MORLEY, COUNCIL VICE PRESIDENT

APPROVED: _____

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