

**EASTLAKE CITY COUNCIL  
SPECIAL COUNCIL MEETING MINUTES  
AUGUST 3, 2010**

The Special 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 6:31 p.m.

The Pledge of Allegiance was led by Mr. Morley.

ATTENDEES

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

Those attending from the Administration were Mayor Andrzejewski, Law Director Klammer, Finance Director Slocum, and City Engineer Gwydir.

SPECIAL COUNCIL MEETING – JULY 27, 2010

MOTION: Ms. Vaughn moved to approve the minutes of the Special Council Meeting of July 20, 2010. Mr. Lajeunesse seconded.

ROLL CALL: Yeas: Ms. Vaughn, Mr. Lajeunesse, Mr. Knuchel, Ms. DePledge,  
Mr. Hoefle, Mr. Morley  
Abstain: Mr. D'Ambrosio

Motion carried. The minutes were approved.

COUNCIL PRESIDENT'S REPORT – Mr. Morley

Meetings Scheduled

Mr. Morley: Due to summer break the next Council-as-a-Whole Committee Meeting is scheduled for Tuesday, August 24, 2010 at 7:00 p.m. The Council meeting will be convened immediately following the adjournment of the Council-as-a-Whole Committee meeting.

After this meeting we have the National Nights Out about crime at 7:00 p.m. at Houston Fisher Pool.

COMMUNICATIONS & PETITIONS

A Change Order Request was received from the Administration regarding the contract with Miller Plumbing & Heating Company, Inc. for work done at Houston Fisher Pool.

DISCUSSION:

Mr. Morley: Before Mr. Knuchel makes a Motion to add this would Mr. Gwydir or Mr. Slocum like to explain about the change order?

Mr. Gwydir: The change order is in the amount of \$1,700 and it is going to be payable to Miller Plumbing. The reason for the change is – if you recall the pool contracts were broken

up into three contracts – the pool contractor, Patterson Stevens – a plumbing contractor, Miller and an electrical contractor. Each had a defined scope of work. In this particular instance Patterson Stevens was required to furnish and install a boiler to heat the pool. In the specifications for Patterson Stevens it indicated that the mechanical contractor – Miller Plumbing – would install the gas line and vent the boiler through the roof. In the plumbing contract no language was included indicating that Miller would do so. So Patterson Stevens refused to do that in their contract – rightly so by the clause. Miller Plumbing did not have it in their scope by an omission. We asked Miller Plumbing for a price and they gave us a price of \$1,700. I passed that on to the Administration and we asked them to go ahead and proceed with the work which they in fact did.

Mr. Morley: The only thing I really have to say on this is – whether this is a menial cost or not – I look at the change order date of 6/17/2010. In the future we need to get better on these change orders. In the past – I do not think you were here, Mr. Gwydir – we had an issue with a concrete change order that was \$20,000. We found out a long time after – it took two years to get it complete because we kept going back and forth. I want to keep telling the Administration – we need to know about these change orders in a timely manner.

Mr. Knuchel: Mr. President, I concur with your observation. It dismays me to a great degree that the Administration came down on an employee for doing the same thing they are doing in trying to push it through. I see a 7/6 date for an approval of this change order. Change orders are supposed to come to us before the work is approved. I am very troubled by this and I see this as a faux pas by the Administration – something we cannot afford to have happen time and time and time again. Our finances are tight – everyone knows that. I don't care whether it is \$1,700 or \$17,000 this is an issue. You cannot – again – bypass Council once again with costs that we weren't anticipating – what fund is this coming out of? Recreational/Capital Improvements again? These were costs that were not anticipated. Everyone knows my dismay with the Recreational/Capital Improvements fund and how the money has been spent previously. So, to add another \$1,700 really ticks me off.

Mayor Andrzejewski: First of all, the Administration did not – I repeat did not draw up the specs. I will take the heat when we do something wrong. This was omitted in the bid. Don't say the Administration. When you say the Administration you mean the Mayor's office. I will admit to our mistakes. This was an oversight as Mr. Gwydir nicely presented. At the point this happened what were we going to do – stop the pool from opening until we get it approved by Council? What did you want us to do – stop the pool?

Mr. Morley: No, it is two months, Mayor. It is not like it is a week. We understand what you are saying – but time and time again this happens.

Mayor Andrzejewski: It happened twice. The last time this happened you know dog gone well it was Mike Semik and not the Administration – okay.

Mr. Morley: Mike Semik is part of the Administration.

Mayor Andrzejewski: Then let me have the Service Director I wanted.

Mr. Klammer: I appreciate Councilman Knuchel's opinion but change orders happen pretty regularly on a lot of projects and they don't come to you for approval because it would effectively slow the project down when you have guys sitting out on the job. To the point that a change order is approved – it happens regularly...

Mr. Morley: What is going to happen one time when we say we are not paying – then we will be the bad guys? I am not coming down on you, Mr. Gwydir. It was \$1,700 this time. The last time was the issue with \$20,000 and the concrete that we found out a year later that they want to pay someone. That is not fair to us.

Mr. Klammer: That is not what I am telling you. Try to be realistic in expecting Council to approve a change order when you have guys sitting out on a job. We have to be realistic about that.

Mr. Morley: I get what you are saying. All of us are pretty level headed on that.

Mr. Klammer: The point is – two months or not two months – Councilman Knuchel is upset because the change order was not presented to him before they approved the work. If that is what you are saying I am just asking the rest of Council to be mindful that sometimes that is going to have to happen because you have guys sitting out there on the job laying cement, fixing pools – there are those instances where change orders appear and they are appropriate. There is nothing underhanded or wicked that occurred.

Mr. Knuchel: Then maybe we have to look at legislation that will curtail some of this – and make it little bit more user-friendly to everyone - because this is not working for me. I'm sorry.

Mr. Gwydir: Following along with Mr. Klammer's comments – during the course of construction there are unforeseen conditions – omissions and so forth – which occur and require an agreement as to what the revised scope of work will be as well as a price and the work needs to keep moving forward. Traditionally, depending on the particular community a member of the Administration is notified of the extra cost – which could be the Service Director, Mayor or someone else – and also at the pleasure of Council a person of Council could be made award of those costs. As Mr. Klammer noted the problem with the legislative process is it does not match in time with the needs of the construction process. That being said I fully understand your need for oversight of what is being spent under City funds and I am wondering if there is a way – in this particular instance I reported to a member of the Administration – but, can I report to Council in a formal manner? You noted the dates of the change order – well the price and the work go on and the correspondence chases that as it goes on. The final documents may take upwards of a month or two to write out, depending on whether they are complex documents. It gets toward the end of the job so you change order it out – whether positive or negative and you move forth. I think the shortcoming here on my part was not going to a defined member of Council and saying that we were running into extra costs and what they were and what they involved and that we would be needing to come to Council for formal approval but in advance we need that tacit approval just to keep things moving. To not do that and allow it to go through the legislative process in most cases would result in serious delays and additional costs for delays to your project. I have no trouble at all saying to a single member of Council or all members of Council what extra

costs are in any project – whether in fact they exceed the project amount or they subtract from the project amount or whether they are an overrun. Quite frankly, it is protection for myself. Whatever Council decides they want I will be happy to accommodate.

Mr. Morley: What I would like right now – until we can sit down and talk about it – any changes, anywhere in the City – that Mr. Knuchel, the Finance Committee Chair, and I get a copy or it goes to the Clerk and we all get a copy so we all know.

Mr. Gwydir: I have no problem sending the lead-in correspondence to Council.

Mr. Slocum: I would like to apologize as a member of the Administration. I was aware of this – I did not recognize the significance of bringing the change order into Council. I operated in a little bit different manner when I was at Maple Heights. I agree with you – you have a right to be upset that you were not notified and that the notification was so late. You should be notified when we know about it. That does not take any real additional effort on our behalf and I will tell you going forward that faced with another change order you will know about it within 24 hours.

Mr. Morley: I just don't want to get tied into a large amount of money. I am not going to tell you that if we get a large number that we are going to say this is ridiculous and we are not going to let it happen. We are not looking to do that. We just need to know because we are so tight – we want to know where we are at.

Mr. Slocum: And I think you have the right to know with the change order how we are going to pay for it. And I think I have to, as a member of the Administration, demonstrate that very quickly before I can say to go on something. I have to make sure we have the funds or we are looking at another alternative. I would like to suggest that at the next Finance Committee meeting Mr. Gwydir and I can develop some kind of guidelines and present it to the Committee so that you do receive timely notification. If we would have to shut down projects – we could shut down and get your approval and have greater costs – none of us want that to happen either. Or, to not address something that needs to be addressed because we have to take it through Council. I would like to have the opportunity at the next Finance Committee meeting to present how this should be handled going forward.

Mr. Morley: We can do that. I am fine if it is a large amount and we would have to have a special meeting. I am okay with special meetings.

Mr. Knuchel: I would like to thank Mr. Slocum and Mr. Gwydir for their explanations. And, again, we do need to streamline this process so it is affective for everybody. Notification was the big thing – the work has already been done – so, what are we supposed to do – not pay this guy? For this work it was necessary to complete a project. What if the work was not deemed necessary by everyone here on Council? That is where we will run into difficulties. And, I don't want to have difficulties. I want things to run smoothly and the best way to do that is to set up guidelines and ways that we can work around these problems so they don't continually happen and we are not continually up here talking about the Administration.

Mayor Andrzejewski: Mr. Gwydir, on ODOT projects – on their change orders – what do they do?

Mr. Gwydir: In terms of?

Mayor Andrzejewski: How do they approve or not approve change orders?

Mr. Gwydir: They write up a scope and approve the local change. If it is a big change they send it down to District and District approves the change.

Mayor Andrzejewski: How long of a process does it take?

Mr. Gwydir: In the short term?

Mayor Andrzejewski: When a change order comes through – how fast?

Mr. Morley: Mr. Mayor, I think you are making a bigger project out of this.

Mayor Andrzejewski: We don't do things to hide things.

Mr. Morley: We are not saying that. You need to stop – that is the way you get when anyone has a question. We are allowed to ask questions like you are allowed to ask questions of us.

Mayor Andrzejewski: But we gave the answer.

Mr. Klammer: In fairness, the comment was rather critical. I am not even sure that the delay of 40 days was all that unreasonable...

Mr. Morley: We are done.

Mr. Klammer: The point had to be clarified.

Mr. Morley: We are going to move on. Mr. Knuchel, would you make the Motion please?

#### Legislative Recommendation

Mr. Knuchel: I hereby move to add Legislation No. 08-03-(01) to the evening's agenda authorizing and directing the Mayor and Director of Finance to accept Change Order No. 1-Final for Miller Plumbing & Heating Company, Inc., in the amount of One Thousand Seven Hundred Dollars (\$1,700.00), with said new contract total being Eighty-Five Thousand Seven Hundred Dollars (\$85,700.00). Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation No. 08-03-(01) is added to the evening's agenda.

#### 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.

There was no one who wished to speak

LEGISLATION PROPOSED - First number will be 2010-085

08-03-(01)

Requested by: Administration

Sponsored by: Mr. Knuchel

RESOLUTION NO.: \_\_\_\_\_

A Resolution authorizing and directing the Mayor and Director of Finance to accept Change Order No. 1- Final for Miller Plumbing & Heating Company, Inc., in the amount of One Thousand Seven Hundred Dollars (\$1,700.00), with said new contract total being Eighty-Five Thousand Seven Hundred Dollars (\$85,700.00), and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Resolution No. 2010-085.

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DISCUSSION:

Mr. Morley: Before we vote, is there anyone in the audience – I do not know if you read the information that has been provided – are there any questions?

There were no questions.

Mr. Morley: Before we do the final reading on Legislation No. 07-20-(01)A – the Administration has provided us information on the proposed sewer rate increase. I just wanted to make sure that the Mayor was okay with all the increases – and Mr. Slocum, you are okay with everything you have given us and what we are proposing?

Mayor Andrzejewski: Yes.

Mr. Slocum: Yes.

LEGISLATION PENDING (Placed on First Reading 07/20/2010)

(Placed on Second Reading 07/27/2010)

07-20-(01)A

Requested by: Finance Director Slocum

Sponsored by: Council

ORDINANCE NO.: \_\_\_\_\_

An Ordinance amending Section 939.26, "Sewer Service Charges," of the Codified Ordinances of the City of Eastlake, specifically Section 939.26(b), and declaring an emergency.

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

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2010-086.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

There was no New Business.

ADDITIONAL COMMENTS

Mr. Slocum: I would just like to thank Council for their handling of this matter over the last three weeks. I realize it was during your summer break and you gave up your time. Speaking from the Administration – thank you.

ADJOURNMENT

The meeting was adjourned at approximately 6:52 p.m.

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DENNIS MORLEY, COUNCIL PRESIDENT

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
DEBORAH A. CENDROSKI, CMC  
CLERK OF COUNCIL