

ORDINANCE COMMITTEE MEETING
NOVEMBER 20, 2018

Committee Co-Chair Mr. Kasunick opened the meeting at approximately 6:36 p.m. Members of the Committee in attendance were Co-Chair Mr. Overstreet. Present from Council were, Mr. Zuren, Mr. Hoefle, Mr. Evers, and Council President Mr. Meyers. Mr. Spotton was absent and excused.

Present from the Administration were Mayor Morley and Law Director Klammer.

PROPOSED

1. For the Eastlake Port Authority to discuss with the council and administration in accordance with sunshine laws regarding planning, funding and ultimately executing improvements to park and lake shore properties.

Mr. Kasunick: We have a representative here tonight from the Eastlake Port Authority and it is Mr. Marchand. At this time I would like to turn the meeting over to Mr. Marchand.

Mr. Marchand: I don't know the formality so and I really don't have a planned speech but we've been...I'm the most junior member of the Port Authority. The Port Authority is on a collision course to being bankrupt. We've been working with the County Port Authority on a couple of resolutions...Mr. Kasunick, Mayor Morley, and a couple of us met with the County and kicking around some ideas, but the big problem at this point is the grant funding for dredging the river has dried up. So they are not awarding any grants for river dredging and the logic is or the theory is that all the money that was being awarded is going toward the...loan in the western basin. So the Port Authority is raising the sticker fees for the boats by about 30% this year to help mitigate some of those costs. We spent about \$40,000.00 last to dredge the river and I think that we've collected about \$40,000.00 or \$42,000.00 in sticker fees, fines, and things like that. That is the only revenue stream that the Port Authority has. And that does not cover any of the admin costs or trees that fall down in the river and things like, which we've had a couple this year that we've had to get out. I don't know if any of you are boater but if you go down the river now the water level was up and the lake level was up four feet this year. So all of the rivers and the adjacent river beds all of the trees along there are under water...so they are just going to start falling off. We have some problems there and we are looking at some resolution there and the boaters are not going to be happy. So if you start to look at the solutions we want to engage the Lake County Port Authority and they have no interest in dredging that river and they have no interest in combining the port authorities or absorbing the Eastlake Port Authority. Their primary focus is really economic development; which they do a pretty good job of. On the air port they are spending millions of dollars, admiration bonds for capital improvements and all of this kind of stuff. Then as I looked up and down the river when Mayor Morley first came down to my neighborhood chasing babies and passing out lollipops so I said...river...this should all be a million dollar projects down here. When we look around and see Borax falling and the walls are caving in...across the river we lost a ton of land next to the marina over there...I forget what its call.

Mayor Morley: South Shore.

Mr. Evers: South Shore.

Mr. Marchand: South Shore...if you go on the other side of the bridge and you have Kirby's places is that whole wall is caved in. Then if you go down the river near the mouth across from the gas docks it's breached the gapping on baskets and it's starting to cut across that part over there as well. We all know that the fishing pier is caving in and so we have to in my mind start to initiate a group of guys together and attack all of this. Get a visual on how to draw and then some investors, developers, grant personel or someone like that...and if we have planned how can we get from point A to point B and from point B to point D. We had Peter in here and he is from the Coastal Management gentleman for Lake County Port Authority. He really likes the idea of this bike path. Mr. Kasunick probably knows more about it than I do. That's a continuation from the Chagrin River Park and it was a conceptual plan to cross the river and all the way on up to the fishing pier.

Mr. Kasunick: It's almost entirely like First Energy property, because this here is Woodland Park and when you cross Lakeshore here you will be over by the old fairgrounds, which is First Energy. Then you would probably cross Erie Road and Admiral Drive here and over to the other side; which is also First Energy. That was the concept it doesn't really...it would be really neat if it could be done; because if you look down here the red line is conceptual and what's in black is already pathway. So that's Chagrin River Park and it has all kinds of trail way here. This little red part is going back towards downtown Willoughby and that's Erie Road. Basically the concept here is you're connecting downtown Willoughby to the lake through a single trail way. That's kind of the big broad concept there.

Mr. Marchand: So we do have some things...the County Port got us a grant for the kayak and handicap ramp...there is supposedly some money coming to put in what they call I guess a natural park. So one of the trees that fell in the river I put it over in the parking lot over there. They have this new concept now where they have logs at different heights and you can crawl over them and do some exercises or whatever you want to do. But it's kind of a new concept now instead of throwing all of this stuff out to do that. My company volunteered to do the excavating of that, but I guess the money has fallen through. We want to over at boat ramp 2 they channel the river that goes over by the Eastlake Public Access boat ramp...it is all washing back now and there are two light poles that have wire going across them and they are getting ready to go into the water. We've been talking and I think that Chris has been talking to you...those are kind of erosion issues that we have. It's the high water and the damns that are falling down and the trees that we have to constantly get out of the water, it's just time to start thinking about lighting the first match and try and catch fire to attract the right people. I know that Borax has been looked at by a few different developers, it's suck a pain in the...to get all the Army Corp, ODNR, and all of these different governmental agencies...one developer had a bad experience with a similar project in Fair Port I think. He was only allowed to dig in the water for about thirty days or something like that. I think that the Lake County Port Authority could help us communicate with the appropriate governmental agencies. I think that with the power that the city has, the Lake County Port Authority has, and the Eastlake Port Authority that we can start too...we have a pretty good relationship with the Chagrin River Watershed fellows and I think that we can start kicking around some ideas. Instead of giving all the community property away to the Metroparks and what not, we should be looks of bringing quality businesses. I know that a lot of the marina owners are getting older and they are trying to sell and I think that there is an opportunity to really...when I was an original investor in the Willoughby Brewing Company in downtown Willoughby. That one place spawned downtown

Willoughby. Ten or twenty years later it has completely revitalized the whole thing. I'm just trying to bring the issue to the table. Try to get a few people together to come up with some ideas and start to get a strategic plan or something a little bit more formal and present it to the appropriate people.

Mayor Morley: Some of the things that I've looked at and we've been working with Mike Hoffman. I've been working with Mr. Hoffman to try and get the development on the other side...on the north side of the river. We are trying to get the entire red tape done before it comes to the Planning Commission. Again when he does make that presentation at the Planning Commission I will let you know. He wants to put sixteen houses in at least with all boat slips to where his land is over by the old Sema Marina and the hill and then down East Island. So I think that when that starts and we can get some more boating people to look at our area. The Borax land...and to the discussion...this is one of the things that Kathy and I talked about. Some of the things that I would look at 2019 is that I talked to Borax and see what they are looking to get that property. So if the city possibly can get that property and I'm saying possibly get that property...then I will get with both the Port and one of the investors that I talked to before to see if we can get through the entire red tape. Then this person can just come in and put some...whatever they can build. We get the walk way or the bike path all the way down to Reeves Road on the river side; we may be able to enhance that area. The problem with where Loretta owns that property by Woodland Drive is that they don't have any sanitary. So whoever goes in and wants to develop there, if they do want to develop. They are going to spend a ton of money on pump stations and sanitary sewers. My other thought is and after I do some more investigating on the Borax land is to give it to the Port Authority, because of the bed tax that the Commissioners passed last year it's a mile in. What can we get from them to enhance the docks and different things over there and go from there. I did talk to the Metroparks before and they really didn't want any involvement and probably continue not. So if there is something that we can use like land acquisition money that we do have that we charge when a new house is being build...I believe it's \$160 to \$170; somewhere in there. Again I will talk to Borax and see, but have a plan. I would not think about purchasing any property unless everything else was in place to get done. That's part of what I'm thinking of.

Mr. Marchand: I think that's a great idea. I mean if the city can just control that strip that the problem strip...the right folks to get the walls put in, or the stone put in, or whatever it is. That's the problem that any developer is going to have. I know that this meeting is in this room, but there was some guy from Cleveland and I forget his name, but he was talking about the problems all along the Cuyahoga. And that they had acquired along the river for them to fix the river. Now they are responsible for fifteen to twenty feet up to the river. So they own that land now and if they have to go in and pound some steel in or whatever it is. But we are at a disadvantage because we don't have ships coming up from down the river. But we don't have...and we are trying to capture this data now but we have over 500 boats on the river. Somebody told me I don't know if it's accurate or not I think that the NKSK guy...that each boat brings in about \$15,000.00 in revenue to the city. So for 500 boats what's that \$7.5...so you take \$7.5...fifteen or then thirty or forty it all pays for itself and establish yourself as kind of the premier area for recreation. You would be on par with Mentor Lagoons.

Mayor Morley: That's what I've been looking at and doing some research on. We will continue that in 2019. Just have to make sure everything is in place before I can say "Hey let's buy some

property." I would have to make sure everything else was done before we would even think of doing that.

Mr. Marchand: I would like to get a couple of guys to just kick around some ideas. Here's one idea, here's one idea, and what's the long term vision and how is this going to correct itself. I think that we've been at a disadvantage. If you go to a Lake County Port Authority meeting their finance person is the CFO of Lincoln Electric. Their attorney is a big time law guy down in Cleveland. They have power people on their board. So they do strategic plans and all this kind of stuff and they have people that pull members together and make it look sexy so that you can sell it. Then Mr. Kasunick and I are planning to meet with the Commissioners and things like that as well. I want to get the ball rolling.

Mr. Kasunick: I think that there is quite a bit of untapped potential especially...with Cuyahoga that's the industrial river and the next closets would be the Grand River. I think that the Chagrin River really is best suited for recreational purposes of any of those. And I think that we've made some progress in that direction as far as getting the livery back up and that type of thing and the park on Erie Road.

Mayor Morley: I think once First Energy comes out of bankruptcy and sit down with them about some of their real estate, because I've sat down with the County Port Authority on that. If we can get some of that land...like I said I don't know if anyone's been at Fairport Harbor that Sunset Grill. It's nothing fancy, but there are always people there. If we can get that land...my goal in my head has always been if we get the land again that we make our...end of Erie go out just like the one that they have in Painesville Township. That would obviously help with some of the erosion too...it should be good there.

Mr. Kasunick: That's one of the biggest complaints that I get about Eastlake in general...maybe a person who is considering either moving here or somebody who already lives here and is deciding whether they want to stay or what they feel their quality of life is. I think that one of the biggest complaints is that you have the lake front right there but I can't really get to it. I can't see, can't access it...so I think that is something really big that really needs to be looked at in this community.

Mr. Marchand: You solve that and...

Mr. Kasunick: Property values go up.

Mr. Marchand: If you do it the right way you'll attract the right people and people will spend money.

Mr. Klammer: What's the only...First Energy is the only...

Mayor Morley: First Energy owns all of it.

Mr. Evers: All of it.

Mr. Klammer: Other than that you have nothing.

Mr. Marchand: Up until recently we have this lease to the city, which was leased to the port authority...so they really don't have any designs for it that I'm aware of. It's just that the lake being up and everything being up the last couple of years. I just chained it off and every bodies like I don't have the...to fix that...so we pay a couple a million dollars. The government has all kinds of money and they steal it from us.

Mr. Klammer: If CEI is in bankruptcy, because if the property has any value they're going to want to sell it in the bankruptcy to whoever is going to buy it.

Mayor Morley: That's what we're waiting on.

Mr. Kasunick: Is there any further discussion on...

Mayor Morley: No I'm good with it...Committee...I'm good with that.

Mr. Marchand: And just so you know to that wall is starting to cave in down at the harbor. Last year a couple of big stones...they are at about a twenty degree angle now. And if that goes over you're going to have some problems down there.

There were no questions or comments.

PENDING

1. Amending: Section 1347.08 "Relations To Premises."

Mr. Kasunick: This was dealing with the sign issue. Mr. Klammer in the last Council Meeting we voted the sign down, but we left this item on the agenda thinking that maybe it's still something worth having without that. We were kind of...

Mayor Morley: I told him to discuss it with you if you still think that we need that changed or whatever.

Mr. Klammer: It's up to you guys. If you're going to want to have the option over there; what we did is we added this whole section (b) as a new section; that if you're going to put something along the sound barrier that has advertising other than on premises then these are the conditions. It's up to you guys whether you want to have that there or not.

Mayor Morley: It's up to you...like they said they turned down the other sign so this would be the only thing this would be if other people decided to approach the city or the Council on it.

Mr. Klammer: Yeah so people would re-apply...at least if they re-apply...

Mayor Morley: It's there yeah.

Mr. Klammer: It's just up to you guys if it's something that you want to do.

Mr. Kasunick: Alright thanks. So are there any further discussions on this issue?

Mr. Overstreet: What specifically does it cover?

Mr. Klammer: Well if you were to look at...I don't know why she didn't give you the marked up version, but the section that exists now is...Section (a) here. It says "that you can't have any off premises advertising," so I added subsection (b) saying "with the exception that you can have it so long as you satisfy these conditions." Which are along the ODOT sound barrier, will include some on premises advertising, height regulations and all that stuff. Reference the Administrative Code where we talked about regarding to ODOT regulations...500 feet, so it's all there if you want...if it's something that you want to do at least people know that they can buy it. And with an ordinance like this there then you guys can consider is appropriately.

Mr. Kasunick: Any further discussion? Mr. Overstreet you're the other committee member here do you think that this should be moved forward or do you think we should just cross the bridge when we come to it if somebody wants a sign like that there?

Mr. Overstreet: I think that we should just wait and see if somebody comes back wanting one in my opinion.

Mr. Klammer: I suspect those people that did it are going to want to come back. So you mind as well decided one way or the other.

Mr. Overstreet: We've already turned them down once.

Mr. Klammer: Yeah I get the impression from their lawyer that they are going to want to come back. They just didn't think about the chance to think about how much they could afford to give you for community advertising. So I think that's where it's at with them. I would suspect that they are going to come back.

Mr. Meyers: I think that we discussed that we were looking for like a time.

Mr. Klammer: Yeah that was my email to their attorney saying that Council just wants to know how much time they would be able to give them. You can't ask for really any money if it's not our property. I just think that they have to communicate it on their end. So I suspect that you are going to hear from them again, because they put a lot of effort into it to get it through Planning Commission. So I know that they have an investment there that they will probably want to bring...

Mayor Morley: It doesn't hurt anything putting the ordinance in.

Mr. Klammer: Other than once you put it in there people have the right to apply and do all that stuff.

Mr. Zuren: My concern is the sign it's self. There's already a big sign...I mean how many signs do we want like that if it's not a good look to the city?

Mr. Klammer: That's why you have the conditions in here of 500 feet from any direction from any other sign and structure; comply with ODOT, no adult materials, and no sexually oriented material. So we tried to put everything in there that was...I know without regulation there is the maximum barrier location and how he has approval by the Chief Building Official.

Mayor Morley: ODOT's going to have more push than we do.

Mr. Klammer: I don't think you're going to have them anymore. I think that 500 feet you're running high...

Mr. Zuren: The fear I think from some of us is that these aren't even Eastlake companies so there's very little benefit even if you get some free advertising for the city and you're putting up these giant signs that...they don't look good, even if you have five of them.

Mr. Klammer: I don't think that you can get five I think that you are probably down to two and that probably...

Mr. Evers: Three.

Mr. Klammer: But to say that they are not Eastlake...I mean it's a policy decision for you guys, but the point is that they are advertising on premises advertising for Eastlake companies to get over that sound barrier. That was the point of it all. I don't care one way or the other I'm just the Law Director.

Mayor Morley: I don't either. All I keep telling you guys is that you have to make one decision or the other, instead of just hanging it out there.

Mr. Overstreet: As far as advertising for the companies that are on premises how many of those companies have walk-in business that would have been seen from the sign in the first place without the barrier's there? Those signs aren't that big. You have to be right on top of it on Curtis Blvd. before you can even read it.

Mr. Zuren: If I owned a house around one of those signs I would not be happy. I know that there...I know that you're a little bit always from them, but if you are really the closest house from the gigantic signs that just....

Mayor Morley: We've had no complaints with the Firenza Stone...

Mr. Zuren: You start lining them up and you get two or three of them.

Mayor Morley: I'm good with whatever you guys want to do. All I continue to ask you guys is to make a decision one way or the other instead of hemming and haying saying no and move on. That's my response when we get to this point.

Mr. Klammer: I don't remember us ever...some of those businesses that were there did we get complaints about...they have huge signs in...

Mayor Morley: I agree and we have not gotten any Firenza...and that's a huge sign.

Mr. Klammer: Some of those businesses have huge signs on their building that can't be seen now with the barrier.

Mayor Morley: Right.

Mr. Zuren: At least their employing people and paying pay roll taxes and stuff to the city, but this particular...

Mr. Klammer: But what I'm saying is those businesses that are there they are not little tiny signs.

Mr. Zuren: Right.

Mr. Klammer: They are huge signs that they have on their buildings that you can't see from the highway.

Mr. Zuren: But there's a benefit to the city. There is income coming in.

Mr. Klammer: What I'm saying is the sound barrier is blocking those huge investments that those businesses put into their buildings. I don't what those people feel like. They might be saying "God I put this huge sign on my building now there's a stupid sound barrier why did I waste my money. And I'm employing all of these people that work in the City of Eastlake." I don't know we haven't really asked them, but it's up to you guys. I'm just the Law Director. I can see it both ways in the sound barrier blocked all of those businesses with the signs on the side of the businesses. There are only a few that are small most of them have a big sign on the side of the building that you can't see any more unless you're on Curtis Blvd.

Mayor Morley: You can't see Astro's or any of those.

Mr. Klammer: You can't see Astro's and what was the new one that went in that you may be able to catch that one on the corner. But I don't know how important that is to them as far as...I'm certain that they wouldn't have spent all that money on a sign if they knew a sound barrier was sitting there. It's up to you guys it doesn't matter to me one way or the other.

Mr. Kasunick: I think that if somebody does want such an application again it would be a benefit so that they know what to expect so they know some general rules that they will have to follow. I can see a benefit to moving it forward. Personally I would vote to move it forward so Mr. Overstreet if that still your vote I guess it would come down to Mr. Meyers to decide whether to move it forward or not.

Mr. Meyers: I agree and I think that it's important to have some parameters in place. I think that Law Director Klammer seems to indicate that they are going to come back. If they are going to come back at least this gives them a reference and it gives them a starting point. So move it forward and let Council decide it.

Mr. Overstreet: Okay.

2. Amending: Section 155.01 "General Administration" specifically subsection (d).

Mr. Kasunick: This deals with Council pay specifically...what we wanted it to say was something to the effect of...it would whatever the state retirement PERS plus one dollar or something would be the constant pay rate for City Council. As opposed to have these incremental pay raises. In the past we've usually voted down anyway except for last time, because last time it put it above the threshold for the PERS. So basically what we want it to...so that we don't have to keep doing that is to make Council pay whatever the PERS rate is plus the one dollar...so that will solve that issue. Moving forward is there any discussion on this? Mr. Meyers?

Mr. Meyers: I think Mr. Spotton forwarded some information...

Mayor Morley: Sent it to Ms. Schindel.

Mr. Meyers: To Ms. Schindel so I think that we are waiting for a draft from Ms. Schindel as to the exact wording.

Mayor Morley: Yeah she was looking at the Ohio Revised Code. I think that she is almost there, but she was obviously working on the appropriation.

Mr. Klammer: It doesn't matter one way or the other we had for Dan's salary. It was set to be one dollar more than any other.

Mayor Morley: We need that back.

Mr. Klammer: Yeah but we removed that because...keeping that salary increase is something out of your hands. It would take effect for you guys anyways. It would take effect at the next Council.

Mayor Morley: Yeah if they run again.

Mr. Klammer: Yeah upon the next election I should say.

Mayor Morely: Yeah for 2020.

Mr. Klammer: Yeah so you can't change it mid-term.

Mr. Meyers: I think that Mr. Spotton indicated it was...yeah I think he indicated the increases were minimal. It was \$20.00 or \$30.00 every couple of years or something like that.

Mayor Morley: The way that I looked at it is there was a...Mr. Hoefle and I talked about this and Mr. Evers came late, obviously you guys are one of the lowest Council. I know that we gave back \$1,200.00 or your salaries would be \$1,200.00 more...we turned down especially during...coming to fiscal and all of that. You guys know my feelings...you guys especially more...mine is a thankless job and it's not about the money. I'm good with it if that's what you guys want to do.

Mr. Meyers: I think also to it's not a large amount. It's not like your looking to restore...make everyone full-time with benefits like some other communities obviously.

Mr. Klammer: We don't have any...I guess we haven't decided that we don't have any levies on uh? I always get worried about how those things work together. Whatever you decide to do whenever Council...who is up next Council-at-Large?

Mayor Morley: No the Wards.

Mr. Evers: Wards.

Mr. Klammer: The Wards are up next so it would have an effect on the Wards and then the Council-at-Larges wouldn't get it until they're up again.

Mayor Morley: Yeah 2020.

Mr. Klammer: You can't make it effective mid-term.

Mayor Morley: Right.

Mr. Klammer: So just let me know what you need from or are we just waiting for Ms. Schindel.

Mayor Morley: I think she just had...and I think if you want to move it pending Ms. Schindel. If you move it you can do First Reading if she doesn't have everything.

Mr. Klammer: I didn't see a draft. There's no draft legislation...

Mayor Morley: No. What I'm saying is move it and then I don't know with the holiday's...

Mr. Klammer: We should see some...

Mayor Morley: Put it on First Reading.

Mr. Evers: Put it on First Reading and it will go six weeks and that will give Ms. Schindel a chance to get it done.

Mr. Meyers: That will take us to the end of the year.

Mayor Morley: Yeah.

Mr. Evers: Yeah.

Mayor Morley: That's what I would suggest.

Mr. Klammer: You should have some legislation to review it.

Mr. Meyers: Certainly.

Mr. Klammer: We need to figure out what we're saying here. I'm not even sure how this is going to work but I understand the concept.

Mr. Meyers: Actually we have about four or five weeks because we are moving the last meeting.

Mr. Klammer: Let's not put it on until we have draft legislation.

Mayor Morley: I will talk to her tomorrow...if she has something tomorrow she can give it to Mrs. Simons and we'll have it on. I'll talk to her in the morning.

Mr. Klammer: What days does Mrs. Simons come in?

Mr. Meyers: She's here tomorrow.

Mayor Morley: I think she's here tomorrow.

Mr. Klammer: I will try and get a draft for her on Wednesday instead of Fridays...because sometimes I get distracted then I have to try and change them before the end of the day.

Mayor Morley: I agree.

Mr. Klammer: So you guys have them for next Tuesday.

Mr. Kasunick: Even though it's lacking an official proposed ordinance from my understanding we can move it forward on the premises that it's going to be the PERS rate plus one dollar and we place it on First Reading by the next Council Meeting. So Mr. Overstreet is that your vote?

Mr. Overstreet: Move it forward.

Mr. Klammer: Is there a reason for the one dollar? Why is it not just the PERS rate?

Mayor Morley: I think from what they were saying just they don't have to go...you know how every so often we have to go and say "do you want the \$300.00 or not?" This will just continue it to move it on from what I understand looking at the Ohio Revised Code.

Mr. Klammer: I don't know why it can't just say PERS rate?

Mr. Kasunick: I'm not sure if the PERS rate...if that's the...if it says that it has to be an excess of this amount or?

Mr. Klammer: No maybe it doesn't.

Mayor Morley: It has a certain amount of a threshold that they have to hit.

Mr. Klammer: Okay.

Mayor Morley: I don't have that number in front of me.

Mr. Kasunick: So the plus one dollar would put it just over that threshold.

Mr. Klammer: Yeah I'll have to get with Ms. Schindel and see.

Mr. Kasunick: It doesn't matter. I don't think that matters.

Mayor Morley: Like I said you have time.

Mr. Kasunick: We will go ahead and move this forward to First Reading at the next Council.

Mr. Klammer: Provided I get the legislation and I will let you know.

Mr. Kasunick: That's all that's on the agenda.

There were no further questions or comments.

MISCELLANEOUS

There was nothing under Miscellaneous.


There were no questions or comments.

RECOGNITION OF PUBLIC

There was no one wishing to speak at this time.

The meeting was adjourned at 7:00 p.m.

tms

APPROVED: 

DATE: 1/8/19