

**EASTLAKE CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
JULY 13, 2010**

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 7:15 p.m.

The Pledge of Allegiance was led by Ms. Vaughn.

ATTENDEES

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

Those attending from the Administration were Law Director Klammer, Finance Director Slocum, CBO Stigalt, Service Director Semik and City Engineer Gwydir. Mayor Andrzejewski was absent and excused.

APPROVAL OF MINUTES

PUBLIC HEARING – JUNE 22, 2010

Re: Conditional Use Permit: Northeast Players Club, LLC, 34578 Lakeshore Blvd., Eastlake

MOTION: Mr. D'Ambrosio moved to approve the minutes of the Public Hearing of June 22, 2010 regarding a Conditional Use Permit for Northeast Players Club, LLC, 34578 Lakeshore Blvd., Eastlake. Ms. Vaughn seconded.

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

Motion carried. The minutes were approved.

PUBLIC HEARING – JUNE 22, 2010

Re: Conditional Use Permit: Xtra Innings Bar and Grill, LLC, 35400 Vine Street #10,  
Eastlake

MOTION: Mr. D'Ambrosio moved to approve the minutes of the Public Hearing of June 22, 2010 regarding a Conditional Use Permit for Xtra Innings Bar and Grill, LLC, 35400 Vine Street #10, Eastlake. Ms. Vaughn seconded.

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

Motion carried. The minutes were approved.

REGULAR COUNCIL MEETING – JUNE 22, 2010

MOTION: Mr. D’Ambrosio moved to approve the minutes of the Regular Council Meeting of June 22, 2010. Ms. Vaughn seconded.

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

Motion carried. The minutes were approved.

COUNCIL PRESIDENT’S REPORT – Mr. Morley

Meetings Scheduled

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

An Economic & Community Development Council meeting is scheduled for Wednesday, July 21, 2010 at 6:00 p.m.

Special Council Meetings are scheduled for Tuesday, July 20, 2010 at 6:30 p.m.; Tuesday July 27, 2010 at 6:30 p.m.; and, a Public Hearing is scheduled for Tuesday, August 3, 2010 at 6:30 p.m. with the Special Council Meeting to follow immediately. During our mid-year Finance Committee meeting we found out we may have a possible shortfall in the sewer service charge. These three Special Meetings meetings will be held to review the possible increase in the sewer rates.

COMMUNICATIONS & PETITIONS

A referral was received from the Administration regarding a Conditional Use Permit renewal for Frank Zummo dba Classic Billiards, 34525 Vine Street, Eastlake. This was referred to Planning Committee.

A Liquor License Transfer Request was received from Mandarin Buffet Eastlake, Inc., dba Mandarin Seafood Buffet, 33550 Vine Street, Eastlake to Yu Super Seafood Buffet, Inc., dba Super Seafood Buffet, 33550 Vine Street, Eastlake. Mr. Morley explained that this was discussed in Planning Committee and Council-as-a-Whole Committee. Mr. D’Ambrosio would be making a Motion to approve during the Council Meeting.

A recommendation was received from the Administration regarding a contract for the S.R. 283 Slide Stabilization Project. Mr. Morley explained that this was discussed in Council-as-a-Whole Committee and would be added to the evening’s agenda as Legislation No. 07-13-(06).

A recommendation was received from the Administration regarding a contract for the roof repair at the JFK Senior Center. Mr. Morley explained that this was discussed in Council-as-a-Whole Committee and will be held until the next meeting and we receive an answer from our Law Director.

COMMITTEE REPORTS:

ORDINANCE COMMITTEE - Ms. Vaughn

Ms. Vaughn: The Ordinance Committee has not met, nor am I planning on having another meeting until after we return to regular session. I would like to make note that I will be asking some questions of our Service Director when he concludes his report. I have nothing additional to report and 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 currently pending in Committee therefore no future meeting is scheduled. I am open for questions.

There were no questions of Ms. DePledge.

SAFETY COMMITTEE – Mr. Lajeunesse

Mr. Lajeunesse: The Safety Committee has not met since our last scheduled meeting, therefore, there is nothing to report. However, I would like to welcome the interns from Judge Klammer's Lake County Probate Court, including my son Adam Lajeunesse. This is a very fine and important learning experience for them as for eight to ten weeks this summer they go to different areas of the County such as nursing homes, Lake Farm Park and get some real life experiences. I think it is a really important program and I thank Judge Klammer for that. This concludes my report and I am open for questions.

There were no questions of Mr. Lajeunesse.

RECREATION COMMITTEE – Mr. Hoefle

Mr. Hoefle: The Recreation Committee has not met since our last scheduled meeting. After Council break I will start to lay the ground work for the Hearts and Hammers project. Currently I have several individuals who have expressed interest and I will be contacting them to schedule a meeting. I have nothing else to report and am open for questions.

There were no questions of Mr. Hoefle.

PLANNING COMMITTEE – Mr. D'Ambrosio

Mr. D'Ambrosio: The Planning Committee met on July 6, 2010 at 6:00 p.m. with all members of Council in attendance except for Ms. Vaughn who was absent and excused. In attendance from the Administration were Mayor Andrzejewski, Finance Director Slocum, Law Director Klammer, CBO Stigalt, and City Engineer Gwydir. Three items were on the evening's agenda with the first being a Conditional Use Permit for Northeast Players Club, LLC, 34578 Lakeshore Blvd. We discussed this briefly in Council-as-a-Whole Committee. This was the one that wanted to open up a billiard/Texas Holdem place. Our Law Director said it was illegal gambling and we referred it out with no action taken. The other items discussed in Council-as-a-Whole. They were two liquor license transfer requests – these are pretty standard and transfer from one business to the next. These items were moved forward by the Committee and I will be making Motions to approve these.

Liquor License Transfer Requests

Xtra Innings Bar & Grill, LLC

MOTION: I hereby move to approve and send back to Columbus, Ohio with no objections the Liquor License Transfer Request from John Werner Enterprises, Inc., dba Beef O’Bradys, 35400 Vine Street Unit J & Patio, Eastlake to Xtra Innings Bar & Grill, LLC dba Xtra Innings Bar & Grill, LLC, 35400 Vine Street, Unit 10, Eastlake. Mr. Knuchel seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The Liquor License Transfer Request for Xtra Innings Bar & Grill, LLC is approved.

Super Seafood Buffet

MOTION: I hereby move to approve and send back to Columbus, Ohio with no objections the Liquor License Transfer Request from Mandarin Buffet Eastlake, Inc., dba Mandarin Seafood Buffet, 33550 Vine Street, Eastlake to Yu Super Seafood Buffet, Inc., dba Super Seafood Buffet, 33550 Vine Street, Eastlake. Mr. Knuchel seconded.

ROLL CALL: Yeas unanimous.

Motion carried. The Liquor License Transfer Request for Super Seafood Buffet is approved

Additional Comments

This concludes my report and I am open for questions.

There were no questions asked for Mr. D’Ambrosio.

FINANCE COMMITTEE – Mr. Knuchel

Mr. Knuchel: The Finance Committee met on July 6<sup>th</sup> at 6:05 p.m. with all members of Council in attendance except for Ms. Vaughn who was absent and excused. In attendance from the Administration were Mayor Andrzejewski, Finance Director Slocum, City Engineer Gwydir and CBO Stigalt. We had four items on the evening’s agenda – one being the acceptance of the 2011 Tax Budget which we discussed in Council-as-a-Whole Committee and moved forward. The third item was the ODOT S.R. 283 Slide Failure project proposal for \$30,000. This contract was discussed in Council-as-a-Whole Committee and moved forward for a vote this evening. The fourth item on the agenda was a contract for the East 347<sup>th</sup> Street and East 348<sup>th</sup> Street pavement replacement. This was awarded to a bid of \$977,507.50 – this was also discussed in Council-as-a-Whole Committee and moved forward to this evening’s agenda. The second item on our agenda was re-appropriations. For the most part the re-appropriations were minimal. I found great disappointment in three areas – one being the Recreational Capital Improvements Fund and how we funded and spent the money in that fund. I still have some issues with the #501 and #423 funds which were the Sewer Fund and the Sewer Rehab Fund – they were woefully underfunded. I don’t think anyone here in these seven chairs knew how woefully funded they were. We have taken steps to make sure these underfunding problems do not happen again to the extent that they happened this year. I have had several meetings with the Finance Director in which we talked about changing the way we do appropriations and information provided to us – tying it

out to certain projects. So, we don't want this to happen again. I will be making several Motions:

Legislative Recommendations

Legislation No. 07-13-(06)

MOTION: I hereby move to add Legislation No. 07-13-(06) to the evening's agenda authorizing and directing the Mayor and Director of Finance to enter into a Contract with Trax Construction Co., the most responsible and lowest and best bidder, for the Ohio Department of Transportation (ODOT) funded S.R. 283 Slide Failure Project for the total amount of Three Hundred One Thousand Four Hundred Ninety-Six Dollars and Seventy-Cents (\$301,496.70). Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation No. 07-13-(06) is added to the evening's agenda.

Legislation No. 07-13-(07)

MOTION: I hereby move to add Legislation No. 07-13-(07) to the evening's agenda rescinding Resolution No. 2010-032, adopted April 27, 2010. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation No. 07-13-(07) is added to the evening's agenda.

Legislation No. 07-13-(08)

MOTION: I hereby move to add Legislation No. 07-13-(08) to re-appropriate for the expenses of the City of Eastlake, State of Ohio, for the period beginning January 1, 2010 and ending December 31, 2010. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation No. 07-13-(08) is added to the evening's agenda.

Additional Comments

This concludes my report and I am open for questions.

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.

John Facce, 34747 Glen Drive, Eastlake

Mr. Facce: I have a copy of the 1985 study of which the City of Eastlake charged me \$2.00 per page. In the conclusions it states the sewers are not large enough to handle even a 2-year rain in that area. Every time I call and talk to anyone in Eastlake I get the run around and I get talked down to and I just wanted to let Council know that we are not as stupid as you think we are. On the way over I took a detour through the Valley Creek area and the Glen Drive area – the dry side of Glen Drive. All your downspouts are connected – none of them

have been disconnected. I drove around Eastlake for about ½ hour. I found 5 houses where downspouts were disconnected – 5. It also has a recommended fix for this. It says – construct local parallel storm sewers in the tree lawns – construct a parallel storm trunk on S.R. 91. The cost is \$2,337,000 in 1985 dollars. I would like someone from the City to stand up and tell me that you are just not going to do anything about it instead of giving me the run around and telling me it is my fault. If my house was at fault all your houses would be flooded too. My downspouts are connected exactly the way everyone else's is. And, I am not going to pay to put a back flow preventer in my house. None of you have them in your houses.

Mr. Morley: The Mayor is not here. Like I said at the meeting Ms. Vaughn had – honestly, if there was not \$3 million in 1985 – I don't know how much it would be right now. Since the last meeting we have been trying to work with Mr. Semik's Department to try to alleviate some of the issues in the Iris and Glen areas. We have installed covers – Mr. Semik?

Mr. Semik: The storm mains are flushed – they have also been videoed. We removed some calcium debris that was in there and has accumulated over the years. At the time of the rain on the 6<sup>th</sup> that did not contribute – it actually helped alleviate the problem.

Mr. Facce: That is not going to increase the size of the sewers. I don't know if someone is trying to hide something. What was going on back in the early 70's – but, there seems to be a problem with that area and the Surfside area - because they were picketing in 1975 when I was in Surfside. And, it seems the same company installed the sewers in both areas.

Mr. Morley: The only thing I can tell you is – if you are looking for answers – I would have to say right now is the cost could be \$5 million. We don't have \$5 million dollars.

Mr. Facce: I understand that.

Mr. Morley: What we are going to try to do is to work with the residents as much as we can to get this problem resolved. That is all I can assure you, Sir.

Mr. Facce: I went through this with Bert Huffman in 1992-1993 – the same thing. Everything fell on the residents. They wanted all the residents to have their sewers televised for \$450 each. Now, I get a letter that they want us to raise our fees which I have no idea how much it will cost. Every time we come to the City for help the only thing the City does is try to get us to pay more money. The financial burden is put on the residents. This is a City problem. It is not a resident problem. Why would everyone from 346<sup>th</sup> Street to S.R. 91 have the same problem if it was an individual problem?

Mr. Knuchel: Know that you are not alone. The Surfside area is not the only area – nor is Glen and Iris. There are areas in my Ward also. I do not want to make you feel like you are the only one who has this problem because you are not. It is a City-wide problem. There are areas in the City that are prone to flooding. Some of them we can do something about. Some of them we can plan to do things about. None of us on Council were here in the 1970's. This information that has been brought to light by Ms. Vaughn and yourself and a few of the other residents has just been brought to us. We have never seen these studies before. We were not even aware of them. So, we have to deal with it. I know you have it now – I have it now to.

But, you are saying we have not acted. We did not have that information, Sir. We just received it. Mr. Semik, maybe you can comment on some of the issues that are going on down there and how they are being addressed?

Ms. Vaughn: The City is not blaming the residents. It is not the residents fault that you are being flooded. I think the problem is the City does not have the \$3 million or \$5 million or even \$1 million to fix the problem totally. So, it is my impression that we are trying to come up with a solution that individuals can take to help themselves until we come up with the money to fix it. There has been a suggestion that we run a lateral on Glen. We cannot do it on Iris because there is a sewer on each side of the street. They could run a lateral on a small portion – maybe two tree lawns – on Glen to alleviate some of the flooding in that direction – with the water going down Willowick Drive. That was a suggestion made in our meeting. I know you were at the meeting and I think you remember us talking about that.

Mr. Facce: I suggested it.

Ms. Vaughn: Thank you. Because that could be a short term fix that is not as costly. I know the Service Department has been out installing fabric over the grates to try to slow down the water running into the sewers. Therefore, the water will slow down and there will not be such a big rush. And, hopefully we can prevent some flooding. But, in turn people will have to live with more water in the streets and tree lawns. It is a brand new process and we are just trying it and I think there will be an opportunity for us to fine tune it. Those are some of the questions I was going to ask Mr. Semik during his report. I know you have been on top of this since 1991 and 1992 because we have talked about it several times. And, I wish we had the money to tear up the street and put in all new sewers. But, the City does not have the money and it is not going to have the money. We will apply for a grant. Mr. Gwydir was very honest and candid with all of you in saying this is a low priority with State and Federal Government. It is a high priority with me and you but unfortunately we are not the ones who control the purse strings – they do. But, he is going to pursue that – correct, Mr. Gwydir?

Mr. Gwydir: Yes, Mam.

Ms. Vaughn: There are also problems on Edwards and North and South Riverview that I am aware of. I have had conversations with the residents on Edwards. There are bad problems on Glen and corner houses on East 348<sup>th</sup> and 347<sup>th</sup> Street and S.R. 91, Iris, Amy Court. There is no quick fix for any of them I am afraid. But, we appreciate you coming. This is your forum to express your thoughts and ideas and I appreciate the fact that you came this evening.

Mr. Morley: We are always glad when residents tell us – we have no issues with that.

Mr. Facce: All I am asking is when we call you don't tell us to do something to our house – do this – do that. We know it is a City problem because we do not have a problem until the street floods.

Mr. Morley: And, if you were at that meeting you heard me say and Ms. Vaughn say we are going to try to do as much as we can. We are working with the Service Department to provide some alleviation. I understand. If I had to spend the money in the numbers I have

been hearing I would be upset to. We understand and we are going to try to do the best we can. That is all I can say.

Mr. Facce: I have not been here since 1993. I got dragged into it this time.

Mr. Morley: That is fine. Like I said we will do what we can and try to take care of the problems.

Phyllis Hosterman, 32871 Edwards, Eastlake

Mrs. Hosterman: I want to thank Council for what little they have done to help relieve our flooding problem. And I want to thank whoever came to the meeting two weeks ago. But, in our meeting two weeks ago it was said that in the past there was a petition for storm sewers for our street. When I asked what happened to the petition no one could give me an answer. I would like to know what happened to that because I know we are a little short street. I have lived there for 43 years and I never asked – no one on our street has asked the City of Eastlake for help until now. And we are asking for help because our houses are worth nothing. Mine has been flooded twice and I am putting a new floor down in my rec room right now and every time it rains I pray. It will come back up. I am retired. I cannot afford to keep replacing things. I want an answer to what happened to that original petition to put storm sewers in. In the conversation someone mentioned there had been a petition put in for storm sewers and when I asked what happened I was told it was before he was born.

Mr. D'Ambrosio: They said a petition at that meeting?

Mrs. Hosterman: You were there – we were all – but, I had heard there had been a petition in the past for storm sewers and when I asked what happened to it I was told “it was before my time – I was not even born”.

Mr. D'Ambrosio: Who was it that said that?

Mrs. Hosterman: I do not remember.

Mr. D'Ambrosio: Mr. Semik, you have been here almost 30 years – do you remember that?

Mr. Semik: *comments could not be heard due to microphone not being turned on.*

Mr. D'Ambrosio: If I knew.

Mrs. Hosterman: I know you would. I even thanked Ms. Vaughn for talking to me the other night. But, I am retired and my house is worth nothing. If I wanted to sell it to travel I could not get anything out of my house. Being retired I am about ready to walk away from my house. That will not be good for the people on my street or for the City of Eastlake. So, something has to be done. And, I just wanted to see if someone could track down that information for me.

Mr. D'Ambrosio: I will try. I don't know where to begin to look but I will give it a shot – I would like to see it.

Mrs. Hosterman: If you need help call me. I would be glad to help you look through everything.

Mr. D'Ambrosio: Mr. Semik, if you can think of someone who is retired from the Service Department and had any knowledge of that – maybe you could find out.

Mr. Semik: I will be glad to look from my end.

Mr. D'Ambrosio: As you know Mr. Gwydir is looking for a grant.

Mrs. Hosterman: And, I know you will let me know if it goes through.

Mr. D'Ambrosio: We should hear either way sometime in September or so.

Mr. Gwydir: Early fall is correct. We also indicated we would speak with the Willowick Engineer. In fact, I did. The Willowick Engineer is looking at their drainage system for the houses to the south of Edwards. I also spoke to him about the Legion Hall and the water coming off of there and if they could address that matter to see if they cannot get some of that water back up to Vine Street – in addition to the other items we spoke to.

Mr. D'Ambrosio: Do you think possible you could call him the end of next week to see if he has gotten anywhere – did he give you a timeframe?

Mr. Gwydir: I believe the residents over there are as equally concerned about the flood water and he is on it like we are. It is actually a joint venture because of the way the sewers are tied in. There is a Willowick system and an Eastlake system. Willowick wants to be sure Eastlake is not dumping a lot of water into theirs and we want to make sure our water is draining the way it should and we are working between the two of us on that.

Mr. D'Ambrosio: I will keep in touch and I will let you know Mrs. Hosterman. I think I got the map for you.

Mrs. Hosterman: When you can stand at my back door and watch East 328<sup>th</sup> Street and the rain coming down into your yard it is a little sickening. When we first moved Heinz turkey and chicken farm was behind us. So, that is how long. And, we never had any problems when that was there – when Vine Street started building up.

Mr. Morley: I stopped by the Legion on Saturday and talked with them – I know they had talked to Mr. D'Ambrosio – they put in a new culvert.

Mrs. Hosterman: I don't think it will do any good but I hope.

Mr. D'Ambrosio: How did it work last night – was there anything this morning?

Mrs. Hosterman: I don't think we had as hard a rain. I turned my light on to see the back yard and it was fine. It will have to be a hard rain like what Mentor had last night.

Mr. Hosterman: That new drain the put in is right now  $\frac{3}{4}$  covered with mud. You won't get water through that tee they put in. The dirt is all lose in there – they did not do anything to anchor all that fill dirt or top soil they put in. They just put down top soil and drove away.

Mr. D'Ambrosio: Did you see that Mr. Semik?

Mr. Semik: It was top soil and that is the final finish on that. There is nothing to anchor down. We can put straw down but the intent of the tee is not to take the water – it is the opening on the other end - as I explained to you when you were down there. We filled the ditch in and put on a finish grade and will plant grass. We will not plant seed now because it will not grow – it will burn out. My concern was adding the additional 40 feet to pick up the water quicker so we don't have that problem as it approaches Edwards. We get it to the catch basin. The tee was only to fill in the ditch and swale it to that. We can have someone go there tomorrow and clean it. That is not a problem.

Mr. Morley: Can we have someone go over there tomorrow?

Mr. Semik: I will send someone over first thing.

Mr. Gwydir: Just so the folks at Iris and Glen know. Similar to us looking at Edwards we got information from the Service Department and we are putting that together on our side of the engineering fence to see what went wrong. Also, I was recently advised in the sanitary sewer study we are doing we may have captured that June 6<sup>th</sup> storm and been able to meter it and pick up a couple of other rain gauges so we can have more information. I wanted them to know even though we were just talking about Edwards that we are giving similar attention to Iris and Glen as well.

Mr. D'Ambrosio: Mr. Gwydir, I know they rank storms like the one that happened in 1997 – they said it was a 200 year storm. Was there a ranking for the June 6<sup>th</sup> storm – 25 years or 30 years?

Mr. Gwydir: I had not heard that. Unfortunately what we captured in the available rain gauges on the equalization dome on Erie Road and at the treatment plant is not indicative of the flows we saw on Edwards and Iris and Glen and in Willowick. That is why we are hoping that some of our other metering we are doing as part of the sanitary study may have captured it. Because even though the treatment plant and equalization dome saw very high large flows – it peaked very fast – their rain gauges did not show any rain until it was further south of the system. That is entirely possible. You can have a downpour at S.R. 91 and Vine and almost have sun here. That is why we are looking at that other data because clearly there was more rain and flow than what we see in what we monitor day to day.

Diane Miller, 34779 Iris Lane, Eastlake

Ms. Miller: I am wondering if the City is actively looking for grants for the sewers because on our end of Iris we do have the smaller sewers. I am getting a back flow preventer. People are talking about raising their tees – how much good is this actually going to do?

Mr. Semik: The idea of raising the tees is twofold – 1 – for us to locate them because that is how we will camera to the main and the house. Once you have located the tees – in our

opinion – it is best you raise them up to grade – about six inches below the surface. So if there is any problem that is where you would do a cleanup from. Some of them are down all the way. These tees should be brought up to grade to benefit the homeowner and for us in the event there is a problem.

Ms. Miller: Is the City actively looking for grants for the sewers?

Mr. Morley: Mr. Gwydir said that they are looking for grants.

Mr. Gwydir: We do actively seek grants. Mr. Slocum and I were at a seminar put on by the State on ways to find funding and look for it.

Ms. Miller: My final question – you said in your meeting the finances for the sewers was too low and we are talking about possibly raising the sewers. Are you talking about the extra money we pay on our water bill or actual sewer charge?

Mr. Morley: That would be a surcharge on your water bill. We are having a Special meeting next Tuesday, one on the 27<sup>th</sup> and a third on August 3<sup>rd</sup>. We will have handouts with numbers showing where we are compared to other Cities. One of the main reasons which you heard Mr. Gwydir talk about – the SSES mandated study that costs almost \$600,000. We have to split this with Willoughby. We each pay \$275,000. We talked about why our rates have fallen so short when compared to other cities – if you wish to stay around after the meeting I have my paperwork on it and I can show you the different rates of the other cities and where our sewer rates are. We will all be here after the meeting if anyone wishes to talk.

There was no one who wished to speak

LEGISLATION PROPOSED - First number will be 2010-064

ORDINANCE NO.: 07-13-(01)

Requested by: Planning Commission

An Ordinance authorizing the issuance of a Conditional Use Permit to Sherwin Shooting Sports, LLC, 33140 Vine Street, Eastlake, Ohio, 44095, and declaring an emergency.

Sponsored by: Mr. D’Ambrosio

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. 2010-064.

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ORDINANCE NO.: 07-13-(02)

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

An Ordinance authorizing the issuance of a Conditional Use Permit to Karl W. Koch dba K & E Automotive, 1585 East 361<sup>st</sup> Street, Unit M, 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. 2010-065.

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RESOLUTION NO.: 07-13-(03)

Requested by: Finance Director Slocum  
Sponsored by: Mr. Knuchel

A Resolution accepting the Tax Budget for 2011 as presented by the Director of Finance, 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. 2010-066.

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RESOLUTION NO.: 07-13-(04)

Requested by: Administration  
Sponsored by: Mr. Knuchel

A Resolution authorizing and directing the Mayor and Director of Finance to enter into a Contract with DLZ Ohio, Inc. for Construction Administration and Inspection Services for the Ohio Department of Transportation (ODOT) funded S.R. 283 Slide Failure Project for an amount not to exceed Thirty Thousand Dollars (\$30,000.00), 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. 2010-067.

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Requested by: Administration  
Sponsored by: Mr. Knuchel

RESOLUTION NO.: 07-13-(05)

A Resolution authorizing and directing the Mayor and Director of Finance to enter into a Contract with Tri Mor Corporation, the most responsible and lowest and best bidder, for the Base Bid (Limestone Base) for the East 347<sup>th</sup> Street and East 348<sup>th</sup> Street Pavement Replacement Project for the total amount of Nine Hundred Seventy-Seven Thousand Five Hundred Seven Dollars and Fifty Cents (\$977,507.50), 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. 2010-068.

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Requested by: Administration  
Sponsored by: Mr. Knuchel

RESOLUTION NO.: 07-13-(06)

A Resolution authorizing and directing the Mayor and Director of Finance to enter into a Contract with Trax Construction Co., the most responsible and lowest and best bidder, for the Ohio Department of Transportation (ODOT) funded S.R. 283 Slide Failure Project for the total amount of Three Hundred One Thousand Four Hundred Ninety-Six Dollars and Seventy-Cents (\$301,496.70), 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. 2010-069.

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Requested by: Administration	<u>ORDINANCE NO.: 07-13-(07)</u>
Sponsored by: Mr. Knuchel	An Ordinance rescinding Resolution No. 2010-032, adopted April 27, 2010, 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. 2010-070.

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DISCUSSION:

Mr. Morley: The original Legislation No. 07-13-(08) was removed from this evening's agenda.

Mr. D'Ambrosio: Mr. Klammer, Mr. Slocum – there is a representative from the Senior Center who walked in after the discussion on the roof for the Senior Center. Mr. Klammer, would you explain?

Mr. Klammer: There was notice that came in yesterday – it shows a date of mailing of yesterday and was received by fax in the Mayor's office – showing a protest by another company T & F Systems. They were another bidder who claims to be the lowest and best bidder and the letter is a protest of awarding the bid. Council has decided to put this on the agenda at the Special Council meeting next week. I will have recommendations to you before the next meeting.

Mr. D'Ambrosio: We just found out during the meeting that this letter was sent. We are having a Special Council meeting on Tuesday, July 20<sup>th</sup>. I just wanted you to hear why we are not doing this tonight. We are waiting for Mr. Klammer's opinion as to whether these people are right with their protest.

Mr. Klammer: I do not expect it to be a conflict.

ORDINANCE NO.: 07-13-(08)

Requested by: Finance Director Condron  
Sponsored by: Mr. Knuchel

An Ordinance to re-appropriate for the expenses of the City of Eastlake, State of Ohio, for the period beginning January 1, 2010 and ending December 31, 2010, 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 Ordinance No. 2010-071.

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LEGISLATION PENDING (Placed of First Reading 06/08/10  
(Placed on Second Reading 6/22/10)

ORDINANCE NO.: 06-08-(04)

Sponsored by: Charter Review Commission  
Sponsored by: Ms. Vaughn

An Ordinance to provide for an election on the adoption of a proposed amendment of Article II, Section 2, of the Charter of the City of Eastlake, and declaring an emergency.

MOTION: Ms. Vaughn moved to adopt. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2010-072.

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ORDINANCE NO.: 06-08-(05)

Sponsored by: Charter Review Commission  
Sponsored by: Ms. Vaughn

An Ordinance to provide for an election on the adoption of a proposed amendment of Article III, Section 2, of the Charter of the City of Eastlake, and declaring an emergency.

MOTION: Ms. Vaughn moved to adopt. Mr. D'Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2010-073.

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ORDINANCE NO.: 06-08-(09)

Sponsored by: Charter Review Commission An Ordinance to provide for an election  
Sponsored by: Ms. Vaughn on the adoption of a proposed amendment  
of Article VIII, Section 2, of the Charter  
of the City of Eastlake, and declaring  
an emergency.

MOTION: Ms. Vaughn moved to adopt. Mr. D’Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2010-074

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ORDINANCE NO.: 06-08-(10)

Sponsored by: Charter Review Commission An Ordinance to provide for an election  
Sponsored by: Ms. Vaughn on the adoption of a proposed amendment  
of Article VIII, Section 4, of the Charter  
of the City of Eastlake, and declaring  
an emergency.

MOTION: Ms. Vaughn moved to adopt. Mr. D’Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2010-075.

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ORDINANCE NO.: 06-08-(11)

Sponsored by: Charter Review Commission An Ordinance to provide for an election  
Sponsored by: Ms. Vaughn on the adoption of a proposed amendment  
of Article XI, Section 3, of the Charter  
of the City of Eastlake, and declaring  
an emergency.

MOTION: Ms. Vaughn moved to adopt. Mr. D’Ambrosio seconded.

ROLL CALL: Yeas unanimous.

Motion carried. Legislation is adopted as Ordinance No. 2010-076.

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UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

There was no New Business.

ADMINISTRATIVE REPORTS:

MAYOR/SAFETY DIRECTOR – Ted Andrzejewski

Mayor Andrzejewski was absent and excused.

CHIEF BUILDING OFFICIAL – John Stigalt

Mr. Stigalt: Walgreens is speeding along. Dollar General is trying to catch up. Both projects are moving quickly and Walgreens is targeting to have a January 1, 2011 opening. We are moving along with our property maintenance in the commercial area. In December and January we went through the residential areas and sent over 850 letters. 75% of the people have complied with the first letters sent. We have been very surprised and happy that a lot of people are showing that they are reinvesting into their homes and having pride in their Community. We are still busy with decks, driveways – we just got a new house on Traymore. We have one going on Plymouth and West Island – there are four or five new houses going up right now. We are growing and moving forward with a lot of things. This concludes my report and I am open for questions.

Mr. Morley: *Comments could not be heard due to the microphones not being turned on.*

There were no questions of Mr. Stigalt.

LAW DIRECTOR – Randy Klammer

Mr. Klammer: I have nothing to report and am open for questions.

There were no questions of Mr. Klammer.

FINANCE DIRECTOR – Michael Slocum

Mr. Slocum: I distributed to Council earlier today as part of our ongoing review of the sewer operations - we received data from the Lake County Department of Utilities. Eastlake has dropped significantly from 2006 to 2009. In fact it is off 15%. The reason I am using 2006 is because the last year the rates were increased was January 1, 2007. So, it was based on the usage projections that would have been in existence at that time – in 2006. We are down at the end of 2009 15%. In 2006 there were a total of 864,000 units and in 2009 that dropped to 732,000. This trend is only getting worse. From last year to this year we are down another 9.5%. So if I look at the first two quarters of the year we are down actually 23% from 2006 levels. I know with the budget they had projected an increase in collections but the fact is that the usage is mandating a decrease in the actual amount being billed. Fortunately like with any other type of utility there are a lot of fixed costs in running the utility. You need to collect more when you start seeing a decrease in usage. Interestingly enough in the decrease from 2006 to 2009 there was a decrease of 131,000 units – 96,000 of those units came from a decrease in our business/commercial customers. They were using a third less water – which is the base for our sewer bill – then they did three years ago. I will be presenting that and whatever other findings I can gather at next week's meeting. This concludes my report and I am open for questions.

Mr. Knuchel: At our July 6<sup>th</sup> meeting we proposed a rate of \$3.20 – did that take into account the lessening of the amounts of units used per household?

Mr. Slocum: The \$3.20 that we came out with is overcoming a lot of the issues we are seeing with the decrease in usage. As I stated at the meeting I think the rates need to be monitored on a year to year basis. To see what the problem is – are we billing and not collecting – is it a collection issue - which I don't believe this is. Or, is it a usage issue – which I do believe it is.

Mr. Knuchel: In your research you did find in our ordinances that we are to review those rates on a yearly basis. So, I think we will look at doing that as part of our budgeting process next year.

Mr. Slocum: I believe our ordinances call for it to be done by March 1<sup>st</sup> of each year. I think once you have the annual budget coming in from the plant operations that is the appropriate time to review that as a total picture.

Ms. Vaughn: This talk about sewer rates has nothing to do with replacing sewer lines but with the operation of the sewage treatment plant – am I correct?

Mr. Slocum: This is dealing with sanitary sewer operations – which can include and does include at times sanitary sewer type of projects but not storm sewer projects which is what the people here today were talking about. This does not generate any money for storm sewers.

Ms. Vaughn: I just wanted to make sure that was perfectly clear with everyone.

Mr. Lajeunesse: The other day when we had a brief discussion. I asked you a few questions but did not have my papers in front of me – so, I apologize that I was not fully informed at that time. But, was there every a start up budget for the Houston Fisher pool?

Mr. Slocum: I did not find items budgeted over the contract amounts coming out of Fund #438 “Recreation/Capital Improvement Fund.” We found money in there for the contracts but none of the other items such as the engineering bill, other betterments that were required –the stalls and the like. There was no other money specifically budgeted.

Mr. Lajeunesse: I had to vote yes on the re-appropriations but how much was the total amount that we had?

Mr. Slocum: \$36,000.

Mr. Lajeunesse: That was not budgeted for the pool?

Mr. Slocum: Yes.

Mr. Lajeunesse: What are we going to be doing in the future to prevent a \$3,000 expenditure at Lowes for Christmas lights which was taken out of that fund?

Mr. Slocum: Number 1 – as it relates to this fund there is not going to be any money in this fund to begin with. We will ensure the money is properly appropriated. Council has the ability to put their handcuffs on the Administration as to what they are allowed to spend.

Mr. Lajeunesse: For the record, I just wanted to make sure this was all done prior to you coming on board. I appreciate your efforts.

Mr. Slocum: There were things paid after I came on board relative to the pool for painting and stuff like that but there were no non-pool related expenses that were paid out of this fund since I have been here.

Mr. Knuchel: Mr. Slocum and I had discussions concerning this #438 Fund. As we go into the budgeting process for next year he will tie out costs to projects and projects to costs. So we have an idea when we are going into the budgeting cycle what projects are being proposed, what projects are still left from last year. And, when we go into the budget we will have a number that we can put in there. As you all remember the Recreational Capital Improvements Fund is funding through the inheritance tax. We decide at the end of the year on the inheritance tax and how much money is transferred to that Capital Improvements fund and how much stays in the General Fund. These items will be taken care of through some of the things Mr. Slocum and I have already discussed. And, it should make the budgeting process much easier in the future.

Ms. Vaughn: In that particular fund are things I would consider normally being charged to parks. Like top soil and fences. There is a park that has nothing to do with a swimming pool – you have a park to maintain.

Mr. Slocum: The top soil was used for the areas immediately around the pool.

Ms. Vaughn: It is confusing because I am thinking this is not pool – this is park.

Mr. Slocum: A lot of these items were expended or approved prior to my coming. I do not necessarily disagree with you. I think this fund is a Capital Improvement fund. When I hear Capital Improvement I am hearing big project and that is what it will go for. These other types of expenses – you will not see that next year.

Ms. Vaughn: They paid for ice skates out of this fund. Not when you were here – prior to you being here.

Mr. Slocum: Right.

Mr. Knuchel: In looking at these funds what we have to remember is that they are again for Capital Improvements. I think that is one of the big things we all had a problem with. We also had a problem with – as we discussed in the Finance Committee – one of the things we discussed - we were under the impression was that the only thing to be taken out of that fund was the pool rehabilitation. And, when we saw other things taken out of that fund – we mentioned that way back when we were doing appropriations for this year. There were things that came out of that fund – we can stop it. And I think next year it will be a much cleaner budget because we will know what the Mayor and Administration have appropriated for – again, we control how much money is taken from the Inheritance Fund and transferred into that fund.

Ms. Vaughn: What is happening is we are finding out after the fact. Then we cannot do anything. That is what I would like to find a solution to.

Mr. Knuchel: That is why Mr. Slocum and I have talked about it.

Mr. Slocum: As for the top soil – why is that part of the project? When the kiddie pool was pulled out the top soil was used.

Ms. Vaughn: It was also used around the horsey rides and the swing sets.

Mr. Slocum: But, not all that got charged to the pool.

Ms. Vaughn: It is hard to tell.

Mr. Slocum: You would have to look at every expenditure within the parks. I know a lot of those types of expenses did get charged to the parks. However, I know this top soil – I know that is the case.

Mr. Lajeunesse: The engineering costs taken out of the Recreation Fund – what were the reasons for that?

Mr. Slocum: These were the engineering costs related to the development of all the specs for the pool and I honestly think that is a correct call that it be paid out of this – because that is a Capital type of expenditure. That was proper. But, the problem was it was not budgeted.

Mr. Morley: I have had talks with Mr. Slocum the last couple of weeks. Right now the changes he is working on are different from our previous Finance Directors. I know he has been working with Mr. Knuchel.

Mr. Slocum: We are just finishing up the second quarter and I will be providing to every member of Council an excel sheet with all the expenditures from day one of this year forward. You will have the ability, independent of what I give you on a monthly basis, to actually take a look and see how did we get to the numbers we got. You will have the building blocks for that. I will have that out before the end of this month.

There were no further questions for Mr. Slocum.

TAX ADMINISTRATOR – Angela Keneven-Zanella

Mrs. Keneven-Zanella was absent and excused.

CITY ENGINEER – Tom Gwydir

Mr. Gwydir: We have been working on flooding issues and funding matters -getting the slide failure work together. We will be starting East 347<sup>th</sup> and East 348<sup>th</sup> Street pre-con shortly. In addition to that we have been making inquiries with the railroad CSX and Norfolk Southern about the railroad crossing at East 361<sup>st</sup> Street – to see about improvements for that. We are also doing work on the map and flood zone by Galalina.

Mr. Morley: When you get any information on that I would appreciate a copy.

Mr. Gwydir: We are working on that – I can do that. This concludes my report and I am open for questions.

Mr. Knuchel: When is the slide failure due to commence?

Mr. Gwydir: The one piece to close is ODOT has to prepare a contract for the City. So, once we get a fee from DLZ we will get a contract drawn up by ODOT and we can proceed. I would anticipate the middle part to latter part of August. Possible sooner – it depends on how quickly we can move along with ODOT.

Mr. Knuchel: How long is that project slated to take?

Mr. Gwydir: Until October 30<sup>th</sup>.

Mr. Knuchel: As soon as you find out please let me know – I have to go through some processes to let people know that project will take place. Because that is going to be another traffic congestion problem of great magnitude – especially with school starting the end of August.

Mr. Gwydir: It will be challenging and I believe there are some other challenges coming which I will discuss with you later.

Mr. Morley: I spoke with Mr. Semik today – they are going to be closing Erie Road.

Mr. Gwydir: That was the other challenge.

There were no further questions of Mr. Gwydir.

SERVICE DIRECTOR – Mike Semik

Mr. Semik: There will be a meeting on Erie Road Thursday at the Willoughby Fire Station – which I was invited to attend – it will be affecting our City – both Police, Fire and Service. That road will be closed approximately 30 days as they attempt to widen the bridge. It will reopen for about a week to 10 days and will be closed another 15 days. That may be running alongside of the Lakeshore slide improvement project. Willoughby will also be working on S.R. 91 to the Euclid intersection. They will be doing road and shoulder and will be upgrading the signalization and at times it will be down to one lane. I know it has been a trying time on S.R. 91 – we keep trying to adjust the lights for traffic but it is an ODOT project and they are controlling the timing on that and they let us know what is acceptable and what is not acceptable. But, they do try to work with us. Tomorrow we will be paving St. Lawrence from the dead end up to Kalene or Howell Court. We will pave the one side and finish the other on Thursday. I have asked Mr. Gwydir to look into some possible help on repairing or installing a new water line on Forest. There were 7 breaks in the last two months. We paved the road two years ago and it is now a wash board. I have also marked out some more areas for them to tear out and replace – they tried to keep it to a minimum but there was more damage done to our roadways. We are continuing to flush and video the mains – both sanitary and storm and will provide more information as it becomes available. This concludes my report and I am open for questions.

Ms. Vaughn: At our meeting on the flooding we talked about back yard storm drains. I understood at that point in time – as did Mr. Morley – that you suggest people block the

drains to help the problem. Is that what you said and is that what you meant? We all, and some of the neighbors, understood the same thing.

Mr. Semik: I do not know how that conversation arose. I did talk with Mr. Gwydir. I do not recall – we do not want the rear yard drains blocked. As pointed out in all the studies – that was a suggestion in one study – we do not advocate it. I do not think it is a big contributing factor. At this time – keep them open.

Mr. Morley: We have also been getting a lot of calls on the construction. ODOT sends us emails and that is basically all we have. Mr. Gwydir, can you explain how they do the adjustments because S.R. 91 is a nightmare?

Mr. Gwydir: Every time we get a complaint we speak with the project engineer on the job. They are continuously fooling with the timer on the traffic lights and adjusting things as best they can. It is clearly a capacity issue. If you have one lane open there will be delays despite what they do. But I am aware that they take the calls and complaints seriously and they do what they can.

Mr. Semik: One final note on the Lakeshore Blvd. project – we will be posting signs within the next week advising people the road will be down to one lane. It will be controlled by traffic lights and we will use an approximate time frame for the construction to begin. If you can get that out in your letters and in the Gazette it may help, especially with Erie Road and Lakeshore Blvd. going at the same time. That will create a big problem.

Mr. Morley: *Comments could not be heard due to microphone not being turned on.*

There were no further questions of Mr. Semik.

POLICE CHIEF – John Ruth

Police Chief Ruth was absent and excused.

FIRE CHIEF – Ted Whittington

Chief Whittington was absent and excused.

ADJOURNMENT

The meeting was adjourned at approximately 8:27 p.m.

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DENNIS MORLEY, COUNCIL PRESIDENT

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

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