

Minutes of the City Council
Sheffield Lake, Ohio
August 12, 2008

The regular meeting of the City Council was held Tuesday, August 12, 2008. Council President Edward Podmanik called the meeting to order at 7 PM.

THE INVOCATION WAS GIVEN BY: Clerk of Council, Kay Fantauzzi, who, then led in the Pledge of Allegiance.

*******ROLL CALL OF MEMBERS*******

Present: Podmanik, Rosso, Bring, Kovach, Huska, Diebold, Smith, Mayor Piskura, Treasurer E Hoenig, Finance Director Smith, Law Director Graves
Absent: Elliott, Service Director Gardner (excused)
Attending: Concerned Citizens, Fire Fighter Aaron Crittle, Civic Center: Nicola, Zoning: Ebenschweller, Members of the Media: Avon Lake Press, The Morning Journal

*Motion by Bring to approve the minutes of the City Council meeting of July 22, 2008 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

Monthly report of court receipts for month of July - \$8980.08 – receive and file. Columbia Gas, conservation tips and payment plan/assistance information.

PRESENTATIONS: None.

*******CITY COUNCIL REPORTS*******

Roads, Drains, Water, Sewer, Refuse: None./Stormwater Utility: Representative Smith reviewed the minutes of the July 31, 2008 meeting. *Motion by Huska to accept the report. Yeas All./**Safety: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Claims:** Chairman Rosso reviewed the meeting held prior to this Council meeting. *Motion by Huska to accept the report. Yeas All./**Investment:** Mayor Piskura advised the meeting that we had scheduled in July was cancelled and rescheduled to August 19th at 10 am./**Council Representative to the Community Center: None./Council Representative to the Zoning Board of Appeals: None./Council Representative to the Planning Commission: None./Council Representative to the Park Board: None.**

*******ADMINISTRATIVE REPORTS*******

MAYORS REPORT: Mayor Piskura advised I have a few things to go over. The first thing is that I have a Proclamation here that we wrote up for the Firemen which he read a portion of it. The Proclamation to honor our Fire Fighters in supporting the battle against muscular dystrophy and other neuromuscular diseases

and the declaring August 13th is Sheffield Lake Fire Fighter Appreciation Day and that is tomorrow. He continued I have an appointment to make, I want you to consider confirming 2 appointments actually. The first one is Ken Moore to SUAB and Ken is actually here. He has a EPA class 3 water treatment license and a class 3 wastewater treatment license and he is a Sergeant/Mayor in the Ohio Military Reserve and coincidentally he actually was one of Bill's instructors. Mr. Moore advised that was a water distribution class about 12 years ago. Mayor Piskura continued the second one is of Craig Brusnahan as our City Magistrate. You all know Craig, we have talked about him for a little bit. The idea with Craig was that we would start standardizing a little bit more the whole area. Mr. Provenza has stepped down, he now is out of the area in Parma with a school district. Mr. Brusnahan is also the Magistrate in the Village. He continued I attended a Commissioners meeting the last one last week and thanked them for their contribution to the bleachers up at the High School and also thanked them for the over-flow parking lot at the boat ramp and I had talked to the Commissioners and Mr. Billman at Solid Waste about the possibility of donating some benches and picnic tables for the boat launch area and that looks good. They directed Dan to work with me about getting that into the city. The Latch-key Program is progressing nicely, the sign-up is a little bit slow but it is picking up the closer we get to school. The road projects for the year, I know everybody has been kind of wondering what is going on with them and why they have started so late. They started either yesterday or the day before, there was a nation-wide shortage on the bonding agent that bonds all the aggregate together – they couldn't get a hold of it. We were like second on the list to be done as soon as our suppliers got it. We got it and they started work yesterday, so look for the roads to be done. We have all talked about the Service Department and after we got our major projects for the year done – the need to clean it up. If you haven't seen it, it is in progress. We have started to get rid of the dirt that we have accumulated in a couple of different ways, we found a couple of places to take it. Councilman Bring was kind enough to set us up with a place to get rid of some of the concrete that we had and the rest of the dirt that we are not able to get rid of we are making the privacy mound a little higher and we are going around the entire Service Department including the back area by the church and where the old fence was. What is going to be happening here shortly is as soon as we get the front area dug out because it is all dirt we will start moving our old equipment that we intend to auction off into that area and then we are going to have a live auctioneer auction. But that is a work in progress and we have taken 1 person from the Road Department and 1 person from the Water Department and put them basically on that job fulltime until it is done unless there is some kind of crisis or emergency that they need to be pulled off for. We did make a change in our response for squad runs and as I have told you all before we were taking a hard look at our efficiency of operations and trying to come up with ways to bring in more revenue and/or curb the costs that we are spending. Anyway,

one of the things that we were lacking in was being able to recapture money from our billing for second squad runs because we would have 4 guys on shift, 3 guys would respond to a run and then those 3 guys would take the patient to the hospital and leaving 1 back at the station who couldn't respond to anything. So now what we are doing is if it is a BLS (basic life support) run, that 3rd guy on the first squad is going back to the station was that we can respond to a second squad. The benefit of that is two-fold, first of all we have a second squad available to respond to our residents but in addition to that we also reclaim the billing from that. We are doing a rally on the 18th at 6 pm at the Shoreway Shopping Center, we are doing it at the over-flow parking lot. We are calling it the Shoreway Rally. We have several of the people that have volunteered here, there is a couple of different focuses and themes that we are doing. Basically we want to inform everybody of our situation and how we got here and talk about the property and the property owner and the fact that we all would love Giant Eagle to stay and we would love to have your attendance. Lastly, I would ask for an executive session to discuss the potential sale of property and also personnel matters. Law Director Graves asked for clarification of property? Mayor Piskura advised sale or purchase of real estate.

*Motion by Huska to accept the report. Yeas All./**FINANCE DIRECTOR**

REPORT: None./TREASURER REPORT: Treasurer E Hoenig advised the report is attached./**SERVICE DIRECTOR REPORT: None./ SAFETY DIRECTOR**

REPORT: None./LAW DIRECTOR REPORT: Law Director Graves reviewed legislation that could be added to the agenda if Council so chooses. He advised the real estate within the city located at 348 Maplevue has fallen into extreme disrepair. The owner is no longer living there and they have expressed an interest in simply donating that property to the city. The Building Department has issued them a notice to demolish the property under the dangerous building ordinance and the owners do not have any money to go ahead and repair that. I wanted to bring Council up to speed on that just to start thinking about it. In the future I probably will be bringing legislation to accept that gift of real estate to the city. *Motion by Huska to accept the report. Yeas All.

CITIZENS COMMENTARY:

Barb Mingee, 790 Harris asked did you have a meeting here at city hall last Thursday evening? Mayor Piskura answered I have had all kinds of meetings here. Mrs. Mingee asked no, I asked specifically. Mayor Piskura answered specifically yes, I had all kinds of meetings here on Thursday. Mrs. Mingee asked who was at the meeting on Thursday night? Mayor Piskura asked what is your real question? Mrs. Mingee stated that is my real question. Mayor Piskura answered I can't tell you everybody that was here. Mrs. Mingee asked was there a lot of people here? Mayor Piskura answered I don't know, define a lot? Mrs. Mingee asked were there Council people here? Mayor Piskura answered there were some Council people here. Mrs. Mingee asked how many, do you know? Mayor Piskura answered I can't remember. Mrs. Mingee stated it is my understanding and I could be wrong

but I am asking you directly, I believe you had a meeting and I believe that there were at least 4 Council people here. That would be a violation of the Sunshine Law, that is my whole point. There were citizens here, there were people here and when we asked Mr. Diebold when we were up at the Giant Eagle for the rally he said that they didn't come because it is 3 or more that would be considered a town meeting. Is that correct, am I right 3 people or more at any type of a function that would be considered a town meeting and consequently they weren't there on that Sunday. So I am really confused here, I feel that you violated the Sunshine Law and could you tell me why I am wrong? Mayor Piskura answered you could take that up with the appropriate authorities, I am not going to sit up here and have a debate with you. The fact of the matter is it wasn't a public meeting, it wasn't a public body – it is well defined at the Secretary of States explanation of the Sunshine Law and this is a debate that is germane to this room that I am going to have with you. Mrs. Mingee stated then we are interpreting it wrong. Mayor Piskura stated you can go and seek the advice from the appropriate authority if you think there was some wrong doing. Other than that, do you have another question? Mrs. Mingee stated Mr. Bring told me way back when that the dog warden was coming back and I understand that you fired him and I would like to know why you feel this city is safe without a dog warden? Mayor Piskura asked did I say that the city was safe without a dog warden? Mrs. Mingee stated I think you are saying it because we don't have one. Mayor Piskura stated I don't think I have ever said that the city without a dog warden. Mrs. Mingee asked then why don't we have one? Mayor Piskura stated let's back up the train for a second, have I ever said that the city is unsafe without a dog warden? Mrs. Mingee answered no but we don't have one. Mayor Piskura stated right, so don't put words in my mouth – that is the first thing. I never said that I wasn't going to fire the current dog warden, what I said was the position of dog warden isn't going anywhere. While I was in negotiations with other cities to consolidate the position that I wasn't going to do anything. Now I haven't finished talking with the other cities to consolidate a position that would benefit the 3 cities that I am talking about but if those negotiations go south then I will end up probably hiring another dog warden but it won't be the one that was there. Mrs. Mingee asked why not? Mayor Piskura answered for several reasons, none of your. Mrs. Mingee commented none of my business. Mayor Piskura stated what I was going to say was nothing that we are going to discuss here. Mrs. Mingee stated then the ordinance would have to be changed to reflect the fact because the ordinance states that the dog warden will be on duty 24 hours a day. So if you get somebody from another community, the ordinance would have to be changed. Mayor Piskura stated well it would depend if they were on duty 24-hours a day wouldn't it? Mrs. Mingee stated if they are coming from Vermilion how could they be? Mayor Piskura asked define on duty? Mrs. Mingee answered on duty would mean accessible. Mayor Piskura stated they are not accessible if they are coming from Vermilion? Mrs. Mingee answered it would take them longer, it

doesn't make sense to me. Mayor Piskura asked would they be un-accessible if they are coming from Vermilion? Mrs. Mingee answered it would take them too long to get here. Mayor Piskura stated that is open to debate that I am not going to have with you. Mrs. Mingee stated I am just upset because the dog warden really to my knowledge and I could wrong never really did anything wrong, he was always accessible if someone had an issue – he was there and he lives in this city, it just makes sense. Mayor Piskura stated you are absolutely entitled to your opinion and I thank you for coming and giving it to us. Mrs. Mingee stated I have another question, there was a ordinance in which \$500,000.00 bond was given by Council – it was an extension of the Community Park for the boat dock and the overflow on the boat dock. I don't understand and maybe it is not you that can explain this to me, how you can say it is an overflow to the park when the park is gone. I am really confused about that. There is a boat dock there, there is no park there, there are no benches, there is no grills – the equipment is gone, it is a boat dock. How can you make an ordinance to say it is an extension of the Community Park? That is exactly how it reads, do you know what I am talking about? How can you say that when the park when the park is all gone? Councilman Kovach answered there is still a park there, between the parking lot and the actual pier and launch. The overflow parking is for boat parking. Mayor Piskura stated it was a Park Board project, the entire property is a park. It may not meet your definition of what a park is. Mrs. Mingee stated I sure do, it is a place where I used to go to take my kids and play on the swings. Mayor Piskura stated fortunately you are not our bond counsel. Law Director Graves stated there is a good 60 or 70 feet of sloping grass down at the retaining wall there that they plan to put picnic tables and park benches – that is what he talked in his meeting with Dan Billman, the Solid Waste Director. Mrs. Mingee stated I just was curious because all the equipment was taken out and I am thinking how can you define it as a park, it is not what it used to be. Councilman Kovach stated the project is not completely finished but no means or way.

Mark Erdei, 4015 Tennyson asked I have just got a question for you Mr. Graves about an ordinance that would protect us down the road from the Levin Trust about if they decide to bulldoze it down do we have something to protect us where they won't be building no low-income housing in there and especially behind the Giant Eagle right now. Do we have something in line to protect us so we don't have none what so ever? Law Director Graves answered it is still private property and if they wanted to bulldoze that then they have every right to do that. What they would rebuild there would have to conform with our zoning codes. Mr. Erdei asked do we have something in stone to where we got a say-so on that to protect us. Law Director Graves advised it would have to be within our zoning code, it is zoned B5. The woods behind Giant Eagle is residential. Mr. Bring stated they actually came to us and asked for multi-family and we didn't accept that.

Marlene DeFrenn, 951 Warwick stated in 1980 I moved here and there were 2 vacant stores in that shopping center and now the real estate analyst say if you see

2 vacant stores or more in any area – leave, don't buy a house there. I feel this is like slum-landlord, this has de-valued our properties and it is just not going anywhere. Do we see a light at the end of the tunnel here at all, I mean is this going to be resolved? Law Director Graves answered we are working as hard as we can, it is private property. We recently obtained our certified commercial building department status and have been issuing a barrage of citations, we are in litigation right now over a \$12,000.00 water bill that we put a lien on the property. We are putting the screws to the Shoreway Trust in every way that we can. We have had a number of negotiations with a number of parties that might be able to assist the city in this as far as possibly developing the properties. Ms. DeFrenn stated this is just so long overdue, this has gone on just so long and we are tired of it. Law Director Graves advised as it is private property the city can try an eminent domain case, eminent domain is going to take time and ultimately it is going to cost a lot of money. Even if we are successful, we still have to buy the property and then we have to have the money to develop the property. You are probably talking about 10's of millions of dollars. Ms. DeFrenn stated I understand that now. Law Director Graves advised and it is not easy to take the property anymore for economic redevelopment. There has been a whole series of cases recently, you might be familiar with the Lakewood situation where they were trying to take people's homes by eminent domain and as a result of that and others – the Kelo case in Connecticut and the Norwood case in Ohio. It has become very difficult to take property for economic redevelopment. Ms. DeFrenn stated thank you for asking that, is there anybody here from parks? She advised Councilman Kovach that down at Freedom Park at the end of Warwick – there was a mass of trees planted down there last year during a drought and they were never watered and most of them are dead, some of them have recently been trimmed or cut down, removed or whatever. Those trees – was that a donation or was that taxpayer money? Councilman Kovach answered no, there was almost a hundred trees. Mayor Piskura advised there were several trees donated, almost all of the landscaping in the entire city including the stuff out front was all donated. Ms. DeFrenn stated these trees are bad and some of them have been trimmed down so that there is just 1 branch going this way and only like this high and they were planted too close together. When you plant them in the drought they are never going to take root. My husband who is disabled is always asking me when we go down every day why these trees are there – it is just a mess. If we are going to plant trees, we need to have somebody who knows how to plant trees. My third comment is, well, I had another one I am really disappointed in the slow maintenance going on for this boat ramp/boat dock – like this lady said the park is gone and to me it kind of looks like an eye sore. But my other comment now is back to the storm utilities, I was here for the flood meeting and my basement flooded with 6 inches of water, my backyard was flooded with 8 inches of water and I was promised someone was going to come down immediately and look at it –

my backyard and the way everything runs off and no one came. Now this has escalated into a situation where I have got sanitary water running into my sump pump. Daniels basement has been dragging their feet because this may be a warranty issue – I am getting nowhere. But the backyard and everything still floods, the situation is better then the streets since I reported that the water main broke again. That was just finally patched over last week, the hole across from me in front of Mr. Hall's house. So things on our street just go by really slow but I just don't know where to turn about my drain problems. Somebody from the streets came out and looked at my water where the water main is and said we, there is no water standing and it is probably not our problem. So with my husband being disabled we are in a catch 22, I have filed for assistance with the CHIP program on some other things. I just really hope that we get some place.

Debbie Belaska, 4014 East Lake thanked the Mayor for coming in and he is going to have this rally, the Shoreway rally scheduled on Monday, August 18th from 6 to 7 pm which he will answer questions afterwards and he didn't mention but if it gets rained out it is going to be scheduled for August 21st, Thursday from 6 to 7 pm at the Giant Eagle parking lot so I hope to see everybody there. Also I didn't know if anybody was aware but we do have petitions that we would still like signed, they are located at the Brownie's Market which has been in business in our city since 1953 and I hope you patronize down there too and hope we keep that business here if the Giant Eagle decides to fly. You can sign the petitions down there and I think Crystal has been very generous with doing that because she is a market in herself and she is talking about expanding down at that Brownie's with an extra deli and some meat department so we could get some more service in that community.

Ilene Griffith, 770 Robinwood suggested I know that park projects take a long time, I used to have a boat and too bad I don't now. I am really excited about the project down there, it looks good and it may not be completed but it looks great. As an educator I would encourage anyone in the room that has the wear with all to mention this to school teachers, as a science teacher that is a great place to study some physics and biology. With the costs of gas right now it is hard to get kids on field trips when you have something like that right here, that is a great place for a science field trip.

Mark Erdei, 4015 Tennyson stated I was just curious about the beach by the condos by Lakewood Beach, do we have signs posted there "swim at your own risk" and is the city covered in case we have an episode like at Avon Lake? Law Director Graves answered yes. Mr. Erdei asked that is for all the parks too? Law Director Graves answered yes.

UNFINISHED BUSINESS: ~~None.~~NEW BUSINESS: *Motion by Rosso to accept the Mayors recommendation to add Mr. Ken Moore to the Stormwater Utility Appeals Board. ROLL CALL FOR APPROVAL: Yeas All – Rosso, Huska, Diebold, Bring, Kovach, Smith.

*Motion by Kovach to accept the appointment of Mr. Kreig Brusnahan as our new Magistrate. ROLL CALL FOR APPROVAL: Yeas All – Kovach, Huska, Smith, Bring, Rosso, Diebold. *Motion by Kovach to add Council#060 to tonight's agenda as an emergency. ROLL CALL TO INCLUDE COUNCIL#060 AS AN EMERGENCY TO TONIGHT'S AGENDA: Yeas All – Kovach, Diebold, Huska, Rosso, Bring, Smith. *Motion by Kovach to go into executive session at the conclusion of ordinances and resolutions for the discussion of sale/purchase of real estate and for personnel matters. ROLL CALL TO GO INTO EXECUTIVE SESSION FOR THE SO-NOTED REASONS: Yeas All – Diebold, Kovach, Smith, Bring, Rosso, Huska.

ORDINANCES AND RESOLUTIONS:

1.) Council#059 – EMERGENCY – an ordinance providing for the establishment and increase and decrease of certain funds within the annual appropriations ordinance of the City of Sheffield Lake, Ohio and the declaring of an emergency.

*Motion by Huska for SUSPENSION OF RULES:

ROLL CALL FOR SUSPENSION OF RULES: Yeas All – Smith, Huska, Bring, Diebold, Kovach, Rosso.

*Motion by Huska for ADOPTION:

ROLL CALL FOR ADOPTION: Yeas All – Diebold, Rosso, Bring, Kovach, Huska, Smith.

Ordinance Passes#56-08

2.) Council#060 – EMERGENCY – a resolution in support of and acknowledging the receipt of the collective bargaining agreement between the City of Sheffield Lake and the Ohio Patrolmen's Benevolent Association.

*Motion by Huska for SUSPENSION OF RULES:

ROLL CALL FOR SUSPENSION OF RULES: Yeas All – Huska, Smith, Rosso, Diebold, Kovach, Bring.

*Motion by Huska for ADOPTION:

ROLL CALL FOR ADOPTION: Yeas All – Kovach, Smith, Diebold, Rosso, Huska, Bring.

Resolution Passes#57-08

Resident asked how are we publicizing the rally. Are there going to be signs and so forth? Mayor Piskura answered we are having yard signs made up. Councilmen Bring has said that he would donate some. We are putting out emails and Mrs. Belaska is making phone calls. It has also been mentioned in the Avon Lake Press. Jim O'Connor is putting out a request for coverage with all of the other Media. We are hoping, the other newspapers are going to run a story prior – Chronicle and the Journal. I think we are going to have adequate advertising for the rally.

*Motion by Kovach to go into executive session for the discussion of purchase of property for public purposes. ROLL CALL TO GO INTO EXECUTIVE SESSION: Yeas All – Bring, Elliott, Diebold, Kovach, Smith, Huska.

*Motion by Bring to return to regular session. ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Kovach, Smith, Bring, Huska, Elliott, Diebold.

*Motion by Bring to regular to regular session. ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Huska, Bring, Kovach, Smith, Diebold, Rosso.

Law Director Graves advised let the record reflect that upon entering to executive session it was determined that there was insufficient cause to go into executive session, no topics were discussed and Council has now went back into regular session.

*Motion by Kovach to go into an executive session to discuss the sale of intangible property of the city and the investigation of charges or complaints against a public employee. ROLL CALL TO GO INTO AN EXECUTIVE SESSION FOR SO-NOTED REASONS: Yeas All – Bring, Smith, Huska, Diebold, Rosso, Kovach.

*Motion by Bring to return to regular session. ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Bring, Kovach, Smith, Rosso, Huska, Diebold.

Law Director Graves advised let the record reflect that the City Council of Sheffield Lake did adjourn into executive session for the discussion of investigation of charges or complaints against a public employee and employment matters as well as the consideration of the sale or purchase of public property.

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach to adjourn at 8:36 PM. Yeas All.

CLERK OF COUNCIL AFFIRMATION: This Meeting Of The City Council Of The City Of Sheffield Lake, Ohio Was Held And Conducted Under All Rules And Regulations Governing The Sunshine Laws Of The State Of Ohio As They May Apply. All meetings are recorded and available in council offices.

CLERK OF COUNCIL
Kay Fantauzzi

PRESIDENT OF COUNCIL
Edward R Podmanik

and/or

I, Kay Fantauzzi, duly appointed Clerk of Council of Sheffield Lake DO HEREBY CERTIFY that this is a true and exact copy of the Minutes of Council of August 12, 2008.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura