

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
October 16, 2012**

The regular meeting of the City Council Worksession was held Tuesday, October 16, 2012. Council President Rosso called the meeting to order at 7:16 PM.

ROLL CALL OF MEMBERS:

Present: Rosso, Stark, Kovach, Elliott, Belaska, Smith, McCullough, Mayor
Bring, Finance Director Smith, Service Director Smith, Law Director
Graves
Absent: Treasurer Woods (excused)
Attending: Planning; Erdei, Members of the Media; Avon Lake Press

PRESENTATIONS: None.

*******COMMITTEES*******

**ROADS & DRAINS: None./SAFETY: None./BUILDINGS, LANDS, VEHICLES
& EQUIPMENT: None./ORDINANCE: None./FINANCE: None./PARK
BOARD: None.**

*******ADMINISTRATIVE*******

MAYOR: Mayor Bring advised we had a problem in the dispatch area, there was a recorder or something went down. There is something to do inside, there is a router or something that failed but it shut down the whole dispatch so we had that pulled out and we got somebody looking at that. Once we pull that out and shut that off everything came back on but we have no idea how much it will cost for that. Finance Director Smith explained it records phone calls and the mother board went on it and it is such an old piece of equipment that to find a new mother board is quite costly. We can do it but I am going to try to see if we have the software for that program and if we can just rebuild a new unit that might be newer and better and more updated but I don't know at this point how far along we have gotten with that. Councilwoman Belaska asked when you lose that information have you lost it completely or do you also keep a paperback trail. Mayor Bring advised I think up until that point they still had recordings it is just that from now on they don't have anything but I don't know if Mr. Pozywak switched it over to anything. Council President Rosso advised so we haven't lost anything that we had we just don't have anything new from that point that it broke. Mayor Bring advised on a brighter side we did the cameras back up at the boat launch so that is all up. Councilwoman Belaska asked did you them fixed by the Water Department, are those up and running now? Finance Director Smith answered those are all up. Councilwoman Belaska asked they were down in July correct? Mayor Bring answered yes you will have to go back and you can see it all, they are all back up./**FINANCE DIRECTOR:** Finance Director Smith stated the only

thing I have is which you are all aware of is our reissuance of the Shoreway Shopping Center note and that will be up for emergency passage next Tuesday and it has been posted and the financing will all take place the 6th and 7th of November. Nothing earth shaking there at all. Councilman McCullough asked 6% Tammy this year? Finance Director Smith answered no that is up to but it won't be, they don't expect any change. I think we were at 2-1/4% last year or less than 2./**SAFETY DIRECTOR:** Councilman McCullough asked when do we get that 911 system? Finance Director Smith answered I talked to the county Monday but they put a request in for our funds and it is 6 to 8 weeks until we get our funds. So actually in November I will be sitting up those accounts so we can sit that up to spend that money. Mayor Bring stated I did get a letter from the Commissioners approving it./**SERVICE DIRECTOR:** Service Director Smith reported the salt building; planning and the prep has begun/we have removed the salt and it is all under tarp. We took care of some electrical yesterday and I imagine by next week the old building will be down. The second thing I got we had a group of residents over on Holl that were very, very concerned about they're ditch and the cleaning thereof and the water course and all that across from where Eric lives – still going back to the flooding of February 28, 2011. There were several of them and they contacted me and I tried to help them out and they contacted Sherrod Brown's office who got involved and upon the request the Railroad came out and graded and cleaned the ditch line from Day Ditch westerly. In that process, the Railroad; I stopped to check on the progress of what was going on and the Railroad were very concerned about the illegal dumping that had filled the ditch. They were hauling out all kinds of stuff from the residents; fences, grass clippings, concrete fill, wood, leaves, logs, shingles, debris, air conditioners, etc. They were very upset about it and they kind of demanded that the city enforce they're no dumping policy. First of all I explained to the Railroad that the brush was so overgrown and unmaintained that we couldn't see inside that ditch anyway which you can't. To make a long story short, I walked the whole ditch from Lake Breeze easterly and I saw what was done – they did a great job on grading and cleaning it and then grading it; really, really good job. We came up with a letter; a courtesy letter out to all the residents along that ditch which were mailed out today through the Building Department explaining that the city has gotten complaints from the Railroad about the illegal dumping in that ditch/filling that ditch and impeding its flow. It wasn't a very mean letter, it was a very nice letter and if anyone would like to see it before you start getting phone calls I will be glad to give you a copy of it. We did take pictures all along of the broken areas of debris that were in people's backyards – the whole length kind of afterwards but you could see where the grass clippings/there was 3 feet of grass clippings and they fall right into the ditch line where they cleaned it or the logs or the shingles are everywhere and stuff like that. So a lot of construction stuff. The last thing we have been evaluating the dumpster fees/the costs that we are having every month with dumpsters/maintaining the dumpsters here at the Service Department and it is a losing battle with dollars. I am going to and I brought it to the Mayors attention and David's

about readjusting the fee's and the fee's are set by ordinance but when we are collecting \$300.00 or \$350.00 a month in fee's and we are paying out \$1000.00 or \$900.00 in dumpsters – it is time to end the program or readjust the fee's. So that is something that I am asking Council to look at so you will be hearing more about that through David. Council President Rosso asked some of the dumpsters covered under the contract that they provide or none of them? Councilman Elliott stated I thought some of them were. Council President Rosso stated I thought they were so many a month. Finance Director Smith clarified question; he is asking about Allied Waste provides a dumpster or what? Service Director Smith answered I have a 20 yard dumpster for grass clippings and lawn waste – that is it which is turned into a people trimming trees and I mean acres of trees and bringing truck after truck. Council President Rosso stated to Tammy's point – I thought they provided us with X number of dumpsters a month that was part of that contract. Service Director Smith answered we use them for Pride Day, we use those 6 dumpsters for Pride Day. Council President Rosso asked they do 6 dumpsters a year? Service Director Smith answered yes I believe it is 6. Council President Rosso stated I thought it was so many a month. Service Director Smith stated we can review the contract and I can get back with you exactly or get a copy of the contract from David, I am sure he can tell you. Law Director Graves advised I do not recall a precise number of dumpsters that they are supposed to provide. Service Director Smith stated I believe it is 6 but those dumpsters are not the dumpsters I am referring to. I am referring to the junk dumpsters along with the tree and log dumpsters – it is being totally abused. I caught someone sneaking in yesterday with a dump truck full of branches. Council President Rosso advised well that is what I thought that was for; branches, they fall down and we say hey we are not going to pick them up, take them up to city hall yourself. Service Director Smith advised there is a fee and there has always been a fee – it is a truck fee. Council President Rosso stated we had said that we were going to open that up to yard waste and it would be no charge to the citizens. So don't complain that people are dumping too much in there that somebody brought a truck load in – that was perfectly alright and with inside the rules and that is what it is there for. Now if we have to review it and say hey we are getting more then we need then yes maybe we will have to look at it. But we can't say hey they are doing too much we can't afford it. Service Director Smith stated I beg to differ I think you are drawing a conclusion from not listening to what I am trying to explain or I am explaining it wrong. There is a light brush dumpster – the same material; the yard waste material that every resident can put out with trash in the way they do. We have a dumpster up here – a 20 yarder that is for yard waste; that is not for trees, that is not for logs. It is for yard waste Rick, it is for grass clippings and brown earth bags. Council President Rosso added and branches that you can tie up and put out that people don't want to do correct? Is that what you are talking about or no? Service Director Smith answered I am talking about they are bringing up trees Rick in trucks and truck loads of trees and contractors are using it saying they are residents and it is a lot. Council President Rosso stated so contractors are using so obvi-

ously we are not supervising it well enough. Service Director Smith advised well that is probably part of the reason. Council President Rosso stated but you are not talking branches now you are talking stumps or trunks right? Councilman Smith advised they shouldn't be allowed to put them in anyway. Service Director Smith advised all I am trying to say is I would like Council to re-evaluate the fees – we are paying \$7.50 for a truckload of junk to come up and dump and it is costing \$30.00 to get rid of it. Council President Rosso stated now you are talking about charging somebody to come up and dump but 2 minutes ago we were talking about the yard waste dumpster. Service Director Smith stated we have a 40 yard dumpsters; 1 is for wood/trees and that type of stuff and then we have junk dumpster then we have a steel dumpster. We have all these different dumpsters for different materials because that is how it has to be collected. We also have in addition to that a 20 yard dumpster for yard waste which is free from Allied Waste who gave it to us as a courtesy. Council President Rosso stated which is what I asked David to follow up and read that contract as I thought there was a provision for so many dumpsters, I thought it was monthly but maybe not and if I am wrong we will answer the question next week. Councilman Smith asked is that dumpster strictly for that or do we put in and they put it in city use? Service Director Smith answered it is kind of hard to tell when it gets filled in 4 days. Councilman Smith asked do we use that as the city and put some of our stuff in there along with it? Service Director Smith answered yes but not a lot. I would say it is 85% residents and the rest us. Councilwoman Belaska advised I am going to go forward and I am going to kind of go backwards with questions. I wanted to ask you about at the Water Department I know that we have an issue with property maintenance and people dumping and things like that and I know that we said we couldn't put anything on the water bill because we can't print nothing on it, have we ever thought maybe putting a little flyer you know run off flyers just with the basic city property maintenance like; you have to keep your grass cut, there is no dumping or nuisance laws or time laws at the Water Department to try to share some of the ordinances so like new people moving in have an idea of what is going on. Service Director Smith answered I understand the question and I applaud the question but it is a Building Department issue and we have 1 employee in the Building Department and he can't keep up with all the property maintenance complaints right now and all the construction stuff that is going on at the same time. He has to balance that and it is very hard to do depending on the number of property maintenance code complaints that come in. Councilwoman Belaska stated I am not referring to them I am just saying getting literature out to our citizens so they are aware that these ordinance exist, I am not saying for them to call him but to say here you have to maintain your property and everything else and then have this literature there. We seem to have a lot of renters coming in, we seem to have some turn-overs here in the city and maybe a nice flyer or something – just basic rules that are standard for the Water Department to just put out there because obviously the Building Department isn't open for people to walk in and take the flyer out. Service Director Smith stated someone still has to take

the time to do it and I will take it under advisement. Councilman McCullough stated first of all Len I noticed yesterday that the trucks were slower and they weren't beating our streets up so bad so maybe your call finally got through on Allied Waste. Allied Waste I have never liked them but I think and I understand what you are saying, you said \$7.50 is what they charge for a truck full. I am always getting charged \$20.00, is it me? Service Director Smith answered it is different size trucks, it starts at \$7.00 and this is why I want to re-evaluate the pay schedule. Councilman McCullough stated I want to make a point here, we went through this thing with Allied Waste where we used to be able to put everything to the curb every Monday and we can't do that anymore. However, on the third Monday of the month or third Tuesday depending on which part of the city you live in you have the opportunity to put your grandmother at the curb if you want to and they will pick her up. I think we need to start educating our citizens on using that more and making it so cost prohibitive of using a dumpster that is costing us so much that we got to get our money back. We need to start forcing and I shouldn't say forcing – we need to educate the residents to put this stuff out on the tree lawns; cut their limbs and wrap them and do all this other stuff. Debbie – what you are saying is a great idea about printing something up but Tammy just handed us something that when you add it up over 5 years is 1 whole year of the budget is gone. I don't know if we got enough money next week to print these. I think what we need to start doing as a Council is and it is terrible to say but it is to the point where you can't bring your stuff up unless you really have to bring it up and then you are going to pay for it. It would just be cheaper for us to have them take it to a dump or force them into recycling it, if they would take it over to National Waste paper like they are throwing away all this metal and stuff. Finance Director Smith stated when you sit it at your curb it is gone within a half hour. Council President Rosso stated which is against the law, how many dumpsters did you say you were going through in a month. Service Director Smith answered I think it totaled almost \$1200.00. Council President Rosso stated I am not worried about dollars, number of dumpsters? Service Director Smith answered I didn't look at numbers I looked at dollars, I know that we only collected \$298.00. Council President Rosso stated we get 1 free every month Len so are we making sure that we are not paying for our free one every month. Service Director Smith stated if I may please let me finish Rick, I didn't bring this up to argue over this I brought this up because I am asking for relief from Council to re-evaluate the fees. You guys set them and put them in ordinance form. I can't just change them. Council President Rosso stated so you brought it up and we have asked questions. Service Director Smith stated you did say that it was bad management because you said that it wasn't being done. I have 2 girls in the Water Department that regulate all the dumpster work, they can't be on both sides of the building at the same time. Council President Rosso stated not saying it is those 2 girls responsibility. All I am saying is people are dumping illegally and that we are not doing a good job of supervising – that is not our problem up here, that is Mr. Bring's issue and he will address it accordingly. Mayor Bring advised I actually

went over and talked to Len today and we are going to make up 2 more signs and put them in the front and I am going to add the camera on the side of the building so it will be addressed. I brought the same thing up to Mr. Smith that Kerry just brought up, I said if we raise them up that will stop some of the nonsense – everybody is taking advantage of it and yes we don't have a lot of amenities in this city and sometimes you get to use this stuff. I don't think the residents are abusing this thing, I think the contractors are abusing it and I think if the contractors are going to use it then they are going to pay a higher fee. But until we get the contractors under control the residents unfortunately are going to suffer. It is like I told Mr. Smith I said we are not going to continue to do this and I will just take a couple of the dumpsters away and they will not have them. Councilwoman Belaska stated first of all I think that is a very good idea, put a camera out there and hopefully – we are short on people and we can't sit there and babysit the dumpsters because obviously we are short-handed and something has to discourage these people from doing it. That is why I asked are these cameras up and running over there, we can catch some of these bad guys from doing the wrong thing here. Mayor Bring advised it is very difficult for the girls sitting there and trying to do their job when the guys are just driving through without stopping and they are getting away with it. Councilwoman Belaska stated the girls are working their tails off over there, they are short-handed and it is really hard for them to do everything. Mayor Bring stated unfortunately we don't catch until after we start getting the bills and then we find out they are abusing it. You try to be nice and you let people stuff and then you kicked in the teeth and then you got to stop it. Mayor Bring stated I am going to get 2 signs and we will be nice at first and if they continue to do it that is why we have a Police Department. Council President Rosso stated this was a perfect spot to bring it up but this now should fall under Roads, Drains, Water, Sewer & Refuse which is now referred there. Councilman Smith stated residents are allowed to dump for a fee right? Service Director Smith answered yes. Councilman Smith asked so we are allowing contractors? Mayor Bring answered that is where we think that most of the rubbish is coming from. Finance Director Smith stated they are sneaking in Alan, they are sneaking in at night after hours – they are sneaking in and dumping. Councilman Smith stated I don't believe that we should allow contractors at all. Service Director Smith stated we are cracking down but we are also getting the residents who say I live here who is also a contractor. Finance Director Smith stated but the contractors are bringing their stuff from other city's. Council President Rosso stated I find it hard to believe that anybody is sneaking in after hours when that gate is down. Service Director Smith stated during the day. Mayor Bring stated they are going in the back side of the building during the day because that is open right there. Council President Rosso stated I thought with the gate and all the stones that you can't get around there anymore. Mayor Bring stated we brought them in and I took care of that. Service Director Smith stated this has been an issue going on for the last several months. Council President Rosso stated I just don't know how you could get anything back there between the stones and the gates. Service Director Smith stated

we did that to keep them from getting back there, we just did that. Council President Rosso stated I think you did an fine job and I am amazed that they can still get back through there because God knows I have tried and I can't get through there. Service Director Smith stated the main issue is like Dennis said we have residents who come up and they are saying I got a pickup truckload and they will look at it and go. The next you know that resident is going in the back way an hour later with a different truck and I am running over there checking out the load. I can't tell you how many times I am catching people and they are all residents. Mayor Bring stated they pay once and come back 2 or 3 times and say well I paid. Service Director Smith stated if someone comes in with a light load of fluff and fluff is like light brushes that real plummy and they got it thrown in the back of a pickup truck. If they were to cut it up it would probably be in 2 bundles but they just throw everything in there and they drag it down there and they just throw it anywhere or throw it the grass dumpster or pile it in there. You can't charge a guy coming in with a pickup truck of fluff and you know it is not even a third of a yard of debris and have a dump truck come in and charge him X amount for what he is carrying and we kind of deviate a little bit by what is in the load when we see him but we don't see the second or third time that they are coming back. Council President Rosso stated I understand but here is my issue that ordinance says if it is a passenger car it is X amount and if it is a pickup truck it is Y amount. It is not hey that doesn't look too heavy so even though I am supposed to charge \$20.00 I am going to let you go for \$15.00 – just stick to the rules. I know what you are saying but nobody should be making a call. The vehicle came in, it is X and you charge Y. You don't look at it and say I can't do this and I can't do that. Mayor Bring advised I just thought of something and I will take care of it tomorrow. Service Director Smith stated we will take care of it at Roads and Drains. Councilwoman Stark asked I am going to go back to the ditch problem on Holl, do we have signs posted back there about dumping or can we put signs back there now that it is cleaned up? Service Director Smith answered the Mayor and I discussed that but we don't have them up yet no. Mayor Bring advised part of the problem Leanna is that the railroad owns more of that property and the residents are taking advantage of it and when it was all grown up they were assuming that was their property in which it wasn't but they had no business dumping on that in the first place. Now we looked on the maps and they own a little bit more of that property. That is why we sent the letters out and we took pictures so if somebody dumps back there we will keep an eye on it. If they do that they will get fined. Councilwoman Belaska stated going back to the contractors and maybe them dumping illegally is making sure that they are also registered with the city too and maybe pulling their permit. Service Director Smith advised we started checking ID asking for drivers licenses when they come in to check to make sure they are residents because we stopped 3 or 4 companies that were working for the banks on their properties. You know they say we are from so and so Warwick and these are our clippings from over there and then you say okay let me see your driver's license just to verify residency and they are like well we are actually

working for a company that owns the house or a bank or a mortgage company and then we say then you need to go inside and pay a fee because we weren't really charging a lot of the residents as far as when they brought in light debris because of that dumpster up front. Mayor Bring stated it just recently got out of hand quite a bit. Service Director Smith stated let's not count the rolls and rolls of carpet I have pulled out of there and boxes that we pulled out of the yard. Councilman McCullough stated you said you looked at the aerial maps and that was going to be a question I ask you about the railroad, their property is almost to that fence line isn't it? Isn't there a fence that actually years ago that was put up on Holl and the railroad actually I think put up those fences along the back and that was actually on railroad property right? Service Director Smith answered that fence is on the north side of the ditch, what is left of it in spots. We can see what is left of it in spots. Councilman McCullough asked is that not on railroad property? Service Director Smith answered no from every indication without having it surveyed and all the information we have the railroad owns the north side of the ditch, let's just put it that way. I don't have a survey pin. Councilman McCullough stated but the fence is owned by? Service Director Smith answered you can say the railroad but I don't have proof of that. Councilman McCullough asked is the railroad not in Sheffield Village, that ditch is actually in Sheffield Village is it not? Service Director Smith answered yes it is. Councilman McCullough stated so we can't cite residents? Service Director Smith answered yes we can because I am the flood plain manager and that water is a contributor of the water coming in across the tracks and you can't dump it. That water is coming into our main contributory. It is actually in the flood plain, along that ditch line which is why I walk the ditch. Councilman Elliott stated you are talking about something that is in my ward so I do want a copy of that letter and I will tell that in my opinion if they dump anything they get fined period. If they want to call me I will tell them the same thing - they shouldn't be dumping back there. I mean that is nonsense and they know better but they think that they are not going to get caught and it builds up over time and the next thing is a little problem turns into a big problem. Mayor Bring advised Eric you saw what the railroad did when they cut all those trees down and left them lay there and it as a disaster so we really couldn't say anything for a long time and you really couldn't see anything. They did a really nice job of cleaning out and now there is visible proof and that is why I had them take pictures and document it. We are not going to fool around. Finance Director Smith stated then if it is behind their property they will maybe be the watch dogs. Councilman Elliott stated Len I want to thank you for your help this week and last week, Leanna you too and of course Kay as usual. We are making some changes but Len has been instrumental in helping us out. So I just wanted to thank him personally for everything that he has done. Tammy actually let me borrow her saw-saw and I didn't know that she was the tool carrier around here./**LAW DIRECTOR:** Law Director Graves advised I had some productive discussions with representatives from Rite Aid and you have attached proposed legislation Council#055 with actually a proposed fifth amendment to

their lease and they are looking to make a long term commitment. They are looking for a 5 year extension with another 5 year option and then a second 5 year option after that with the rent staying consistent through potentially the second option. We gave a little break but the percentage rent which is one of the more important aspects of this remains the same. This is a good proposal and I think it shows a lot of good faith on both parts; the city and Rite Aid. The city being willing to work with them and they are willing to make a long term commitment to the city. As I talked about previously we were contacted by the Abundant Life Church in Elyria which owns 6 properties in the city some of which are along the drainage corridor that runs from Holl, Knickerbocker, Belle, Brockley and Forestlawn and this is something that I think we should have some further discussions on. I don't know if you want to refer this to committee, I am not so sure that it is in the city's best interest to accept that donation. Several of the parcels are the parcels of the drainage ditch, they are one of the private property owners that would have responsibility for the maintenance of that ditch. I had a good meeting on Friday with Patty Lines in Vermilion and a representative from the Ohio Department of Development Services which is the new name of the Ohio Department of Development and discussed the reasons why the city was denied the CHIPS grant and moving forward with preparing to reapply. Basically a lot less money and much more competitive, the cut off was 90 points and Sheffield Lake rated about an 85.6 and in previous years they approved it all the way down to 79. So in many of the years we would have been funded but this year it was just much more competitive. One of the things that counted against the city was we really didn't have that great of a number for distressed homes and actually that is something that is out of our control because that is only evaluated on a county wide basis. So Lorain County on a scale of a 1 to 10 had a 4.8 rating, Erie County for example had a 6 and some of these other counties had a much higher rate. They don't review that on a local basis. We got a good handle on why we were denied and try to improve our application going forward. Also began working on an NRA grant to submit for bullet proof vest for the Police Department. Councilwoman Stark asked in looking through Rite Aid proposal, when was the last time just out of curiosity that they have paid a rate hike for that building or that we have increased their rent because if I am reading this right we are giving them another possible 10 years with no rate increase in their rent and if they go farther than that then it goes up to 60 something? Mayor Bring advised originally they wanted us to put \$225,000.00 into that building. Otherwise they said that they were not going to up their rent and Dave and I sat there and talked to them and they said that even if they had free rent that they weren't going to up it. So when that gentleman left we politely talked and I got 2 letters after that and both of them went in the garbage. He just called me the other day and he had asked to look at that so we thought this was a little bit better but we do need to keep that store there with Apples. Finance Director Smith stated the rate hike is just a base they have a percentage that is added to that so they just pay us so much a month and then what they figure out what they made for the year then they give a percentage of the whole thing and give

us the difference. So it doesn't matter we could ask them for more rent, it really isn't going to change our percentages. Law Director Graves stated their sales driven by their pharmacy has actually been doing well and they have been paying us that percentage rent and they were talking about eliminating that percentage and that is something that we said no we are not interested in that. I really think that this proposal is the best way to go. Rite Aid is remodeling stores across the country and one of the goals is to move our store up on the priority list for renovation. We stressed over and over again that we firmly believe that a fresh new renovated store there would just do tremendous business. I think that right now there are a lot of people that are probably driving the extra miles to go to a different drug store that is just newer and people just naturally want to go some place that is newer and if that store got overhauled I think they would do tremendous business and they agree with that. I think this shows a long term commitment on their part and a willingness on the part of the city to work with them. Councilwoman Stark asked can we add a clause, like I know in my mall in my lease I have a clause where they can come in and say you have to do certain renovations over some much time. They have the right to come in and say we don't like your ceiling tiles – you have to fix your ceiling tiles or your carpet or you need to do some repairs. Do we have that option at all on putting that in there where if it starts to look degraded that we can tell them you have to do something? Councilman McCullough stated honestly hasn't that place kind of looked like crap for a while because of the roof problems that we had that you finally got fixed, that was our issue. I like it for the simple fact that they are tying in 15 years and for somebody to give me actually \$5225.50 a month for that little bit of square footage where we are sitting at right now I think it is a great deal. Councilwoman Stark stated I agree the lease is great I am just looking at for businesses now, I know dealing with leases at the mall they are changing it up a little bit with sort of that give and take. It is a great lease, trust me you get anybody to sign 15 years at this point you have hit a gold mine. Mayor Bring advised Leanna we had that accident with the car so we fixed all that up and we did have the roof leaks which was our fault – we fixed the roof leaks and we also changed the ceiling tile and the did a few other things. I think they are very happy with the way that looks but obviously they want new gondola's and everything else and electric doors. They asked for electric doors and they asked for a drive through in the back and it is like said I wouldn't mind doing one thing in one year and maybe something else the next year. Maybe possibly doing electric doors next year but we wouldn't do both things so it would be a slow process and I don't have a problem with doing it. We can't do \$225,000.00 in one single event and go in there and do it. Now if they want to look at doing that but they wanted to stop paying rent for 5 years and we just can't afford to do it. Law Director Graves stated it is a much different approach, much different tone of negotiations then where we were 4 years ago, it was not good then. Councilman McCullough stated the other thing about is too is they are committing to us for a long time, it makes the center a little bit more viable for another investor and actually go wait a minute I have 2 anchor stores; 1 of them

being a grocery store who is paying a good amount of money and now I got somebody else signed up for 15 years. Mayor Bring stated I think they have seen the progress that we have done over there a little bit. There was another gentleman that was involved, this guy was actually from California and all he does is run around and look at stores and that is what his job is. Len also deals with another gentleman and he has seen the improvements and they are paying attention to that and they look at the increase of their sales has gone up a little bit. Finance Director Smith stated right and I think once Speedway is finished that is going to improve, they are going to motivate themselves to do things. Mayor Bring stated the bank is right there and the bank is doing well. Law Director Graves stated they unilaterally replaced that sign, they did that on their own. Mayor Bring stated you don't want to push them too hard, we pushed the envelope as far as I think we could and now I think we are happy that if we can get this it would help us out. Just like Kerry said when you have a couple of main entities there, then you can get to play around with the rest of that stuff and that way Tammy is assured that we are going to be able to pay the mortgage – it is a big plus. Finance Director Smith stated if we find somebody interested in buying the center you want those names in the center as your anchor stores, that all helps. Mayor Bring stated if I look at that next year and possibly look at trying to sale this and we have already got stores in place, it will just help. Finance Director Smith stated much more attractive. Councilwoman Belaska asked what is going on with our Dollar General at this point? Law Director Graves answered all the briefs have been filed and we are just waiting on Judge Rothgerry to rule. Councilwoman Belaska stated I grabbed a piece of lit that was sent to my house about Apples and I think it is issue 4 for alcohol. Councilman McCullough stated they sent to the wrong ward, it had to go to ward 3 and I called them and they sent it right back out. Council President Rosso advised I talked to their manager and he said because it got filed when they were in ward 4, ward 4 will vote on it even though they have been moved to ward 3 – they have checked with the Board of Elections. So yes they are not in ward 4 anymore but ward B will be voting on whether or not to have Sunday sales./**COMMUNICATIONS:** None./**OLD BUSINESS:** Councilman McCullough stated I have spoken with David a couple of times and I guess a lot of the paperwork is already in place if we want to look at taking that shopping center and make it a community investment corporation seeing that we are going to be \$357,000.00 short on our budget we need to do something to create a \$357,000.00 income for the city. If it is a community investment corporation we can to put money to the city as far as operating Police/Fire, if you operate under a community investment corporation in that center. Law Director Graves explained it is a separate non-profit and you would designating it as the Economic Development arm of the city and whether those funds could be utilized for a purpose outside of economic development I don't know. I have look at the statutes. Councilman McCullough stated but I am saying you could probably take funds like that couldn't you seeing it is a non-profit and yes it is community development but community development is also education/your Police/your Fire. A lot of these line items

we see going by us right now as far as equipment could that not help remove some of the burden of. Law Director Graves stated like I said I have to go back and read the statutes and find out exactly what the allowable uses for that would be if we set it up. Councilman McCullough stated I guess I am asking is anybody else in Council interested in getting something off the ground? Councilman Smith stated we hashed this over and over and over back long ago and we came to the conclusion we really didn't want to give up control of that because once it is in the investment we got no say. Law Director Graves stated we would set up a Board which would be made up of city officials. Councilman Smith stated we weren't looking to keep it anyway. Finance Director Smith concurred right. Councilman McCullough stated I know we are not looking to keep it but if it is an asset and David could check statutes and we can actually move money into helping us out we need to do something. Council President Rosso asked Law Director to investigate and report at next Worksession. **NEW BUSINESS:** Council President Rosso asked have we had any other applicants for ward 4 seat. Council Clerk Fantauzzi answered negative. Council President Rosso stated applications are now closed. There was a brief discussion on voting. Councilwoman Belaska stated on Lake Road you are going from 35 to 25 down Lake Road getting into the city and I think we are flying a lot faster through there. How do they regulate that if they were to change that speed limit to go back further, how is that done? You know if it were 25 say where I live and then someone was asking me. Council President Rosso advised we can only change the business district to 25, so the only way to change more is to expand the business district.

ORDINANCES AND RESOLUTIONS: Councils Agenda –

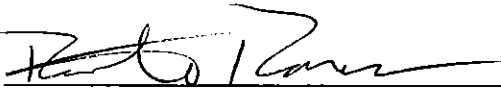
- 1) Council#051 – **THIRD READING** – an ordinance amending Chapter 961.16 of the codified ordinances of the City of Sheffield Lake regarding swimming areas and beaches.
- 2) Council#052 – **EMERGENCY** – an ordinance authorizing the issuance of taxable notes, in a maximum original principal amount of \$3,195,000, in anticipation of the issuance of bonds, for the purpose of retiring certain outstanding bond anticipation notes of the city issued to pay costs of furthering the city's revitalization purposes by acquiring the Shoreway Shopping Center in the city; and declaring an emergency.
- 3) Council#054 – **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.
- 4) Council#055 – **EMERGENCY** – an ordinance authorizing the Mayor to enter into the Fifth Amendment to lease agreement with Rite Aid of Ohio, Inc., for retail space in the Shoreway Shopping Center located at 4100 East Lake Road, and the declaring of an emergency.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Belaska to adjourn at 8:15 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/COMMITTEES
Kay Fantauzzi

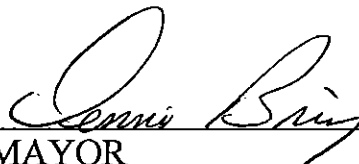


COUNCIL PRESIDENT
Rick Rosso

and/or

COUNCIL PRO TEM
Eric S Elliott

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 WORKSESSION of October 16, 2012.



MAYOR
Dennis Bring