

Minutes of the City Council
Sheffield Lake, Ohio
January 26, 2010

The regular meeting of the City Council was held Tuesday, January 26, 2010. Council Pro Tem Rick Rosso called the meeting to order at 7:15 PM.

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

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

Present: Rosso, Bring, Kovach, Huska, Smith, Diebold, Elliott, Mayor Piskura, Finance Director Smith, Treasurer E Hoenig, Safety/Service Director Arendt, Law Director Graves
Absent: Podmanik (excused)
Attending: Concerned Citizens, Planning; Belaska, Zoning; Ebenschweller, Civil Service; Huffman, Members of the Media

*Motion by Bring/Second by Elliott to approve the minutes of the City Council meeting of January 12, 2010 with any corrections. Yeas All.
*Motion by Bring/Second by Elliott to approve the minutes of the City Council Worksession meeting of January 19, 2010 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS: 2010 Preliminary Coastal Erosion Area Mapping Public Hearing to be held at Sheffield Lake Community Center, 4575 E. Lake on Tuesday, February 2, 2010 from 6:30 pm to 8:30 pm.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: None./Stormwater Utility: None./Safety: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Claims: None./Investment: Mayor Piskura report the next meeting will be February 4th at 10 am./**Council Representative to the Community Center:** Councilman Diebold reported Pat Hastings brought up the Halloween party that they held at the Community Center last year they spilt some chemical on the tile and it ruined a bunch of tile that had to be replaced. So he is contemplating that booking a Halloween party this coming year. I will mention that we had a citizen at our meeting too. Everything else is basically non-eventful and we adjourned at 7:25./**Council Representative to the Zoning Board of Appeals: None./Council Representative to the Planning Commission: None./Council Representative to the Park Board:** Member Kovach reviewed the minutes of the January 18, 2010 meeting. Councilman Kovach advised Mayor Piskura that Mr. Erdei attended the Park Board meeting and asked did you have any discussions with him on that? Mayor Piskura answered I had

discussions with other members of the Park Board individually and I had intended to take care of that tonight. Mrs. Belaska advised Mr. Mark Erdei had me relay a message to you Mayor concerning the Park Board, Mr. Erdei's father is sick and in the hospital and he wanted to relay a message that he is not interested in the Park Board anymore. That if the Planning Commission had a position open he feels that it would be strong in his area because of his involvement with the shopping center. He asked me to relay that and I also have the cell phone if you would like to contact him and he would be open for discussion.

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

MAYORS REPORT: Mayor Piskura advised no report. Councilman Bring advised I apologize, I haven't had a chance to talk to John but there was 2 badges purchased I believe by you and Mr. Gardner for \$242.00 can you explain that? Mayor Piskura answered Homeland Security, we were required to have them. Councilman Bring advised I have one other question, Mr. Gardner I have had some residents call me that were asking about permits and stuff like that and they were actually directed to him. Is he taking on more responsibility? Mayor Piskura asked what was the question? Councilman Bring answered they were talking about adding onto a building over there on Pleasantview and stuff and went over to the Building Department and they were directed to Mr. Gardner. Mayor Piskura answered I have no idea why they would have been. Service Director Arendt added absolutely not they should not have been no where. Councilman Bring stated even some of the road projects it just seems like everybody has been directed to ask Mr. Gardner and it seems to be coming up more and more. I thought specifically he was just a grant writer. Mayor Piskura answered well he is the Grant Administrator so on all the projects we have received state or federal funding he does have some level of involvement. On the road projects I can see where he may be called upon to answer some questions or deal with some small resident issues but I don't see that in the specific questions that you are talking about. So that shouldn't have happened. Councilman Bring advised it has come up more then once with him. Law Director Graves asked was that specific situation with an application on Walker Road? Councilman Bring answered yes. Law Director Graves advised see they probably felt that since Bill is administering the Walker Road project that he would be the one to talk to on that. Councilman Bring advised like I said the other thing came up and actually it was more then one on the building side of the issue too. Service Director Arendt advised I will talk to the Building Department tomorrow. Mayor Piskura stated to answer your question no he hasn't taken on any additional responsibility. Council Pro Tem Rosso asked why would we have to get Bill, why would Bill require a Homeland Security badge? Mayor Piskura answered it wasn't Bill, it was Joe. Finance Director Smith advised it was David and you. Mayor Piskura concurred it was me and David, Joe already had one and then we were clued in by the County that David and I actually needed them. *Motion by Huska/Second by Bring to accept the report. Yeas All./**FINANCE DIRECTOR**

REPORT: Finance Director Smith reported the only thing that I have this evening is to be added section of your paperwork there is authorization to accept donations for the ID system for the Police Department. We talked about this at the last Council meeting. Then also an appropriation ordinance to appropriate the money so the system can be purchased and that is fully funded by donations. *Motion by Huska/Second by Bring to accept the report. Yeas All./**TREASURER REPORT: None.**/

SAFETY/SERVICE DIRECTOR: Safety/Service Director Arendt reported I gave a copy to all members of Council a letter to Don Mould's plantation expressing the dissatisfaction with the way the project is moving along. I haven't heard back from him so I will plan on calling him, I sent the letter last week. Also I provided Council with a number of streets were worked on by Acting Chief Langin for the Fire Department and for our snow plowing equipment. You will see a list of roads that are suggested that we put an ordinance to limit the parking and put the ban on from 11 pm to 6 am. Then I also gave to Council Mr. Rosso requested at the meeting last week that I come up with some approximate figures on what it would cost to have manual reads and that is provided there for your review to take a look at your convenience. All the police cars now have the cameras installed, one of the cars was wired wrong and they took it back in yesterday and that was going to be fixed. Also one of the portable microphones needs a new battery which is \$81.00 but they are going to hold off on that for a while because since there is only 2 cars basically on the road at one time they can take that and move it from car to car. We did have a police cruiser with an idle problem and thanks to Councilman Smith, he and John McCallie were able to straighten that problem out today and also the drive-thru window was completed yesterday for the Water Department and I hope to have some temporary sign up there to tell people that it is there. Law Director Graves asked Mr. Arendt where are we with the dash cam videos, I know there was a couple that were down, one had a video that was stuck in it? Safety Director Arendt answered they are up and running, one was wired wrong and it was supposed to be repaired either yesterday or today. Law Director Graves advised those are a great asset to assist in the prosecution of OVI arrest and for a number of months we haven't had it. Councilman Bring stated my understanding is that recently you had sent the part-time Building Inspector and asked for a \$100.00 clothing allowance, is that true? Service Director Arendt answered yes. Councilman Bring asked why would we do that? Service Director Arendt answered from my understanding it had been in there previously. Councilman Bring asked is he part of the union? Service Director Arendt answered no. Councilman Bring asked then why would we do that? Mayor Piskura stated neither is the full-time Building Inspector. Councilman Bring stated according to the AFSCME contract it is only \$50.00 for one time I believe. Mayor Piskura answered I am not sure but Jon Wiblin got it as well. Councilman Bring stated I could see Jon getting it because he is a full-time employee but this part-time guy is not even a part of the union – how could we actually do that? Law Director Graves stated I think with the

prolonged absence of the full-time Building Inspector we are asking more and more and more of our Assistant Building Inspectors and in going into homes and doing inspections and things like that there is a necessity that they present themselves in a professional well dressed manner. Councilman Bring stated these are uniforms from the city this is just proper attire, if he can't wear proper attire don't you just send them home until he comes back with proper attire. If somebody else showed up like that would you not as a Supervisor send somebody and say go home and dress properly and come back appropriately and if you don't maybe you better look for another job. Service Director Arendt answered well that is always a thought. Councilman Bring stated I mean somewhere in the closet you have to have a decent pair of clothes. Just my opinion but I thought that was a little excessive and I thought because he is not part of the union I didn't think that was proper. Service Director Arendt stated I don't know how it relates to the union because I know Mr. Wiblin was not part of the union but he did receive that so I don't know about that part. Councilman Diebold stated your letter that you wrote I appreciate that and I can verify that there hasn't been a machine move over there for over month but anyway if you don't hear back from that guy maybe you could write up another one a little bit more stern. I know you can't do anything but maybe that would help. Service Director Arendt answered even before I sent this, I had the Law Director review it with me and if I don't get an answer from him I will compose another one and again review it with the Law Director so I don't overstep the bounds. Councilman Diebold stated I appreciate having 1 lane open that is better then nothing – pretty bad. Councilman Elliott asked Joe what would be a proper attire for the building inspector? Service Director Arendt answered dockers pants possibly a nice pair of jeans, the Building Inspector actually goes into the dirt and the mud and everything – proper attire would probably be a real nice pair of jeans or dockers and a button down type shirt or something like that.

*Motion by Huska/Second by Bring to accept the report. Yeas All./**LAW**

DIRECTORS REPORT: Law Director Graves reported as I reported at Worksession I did file a second eviction action on the Bowling Alley and that matter is set for hearing in Lorain Municipal Court on February 8th. I do have a meeting with the owner of the Bowling Alley tomorrow morning and I will keep you posted on how that is proceeding but they are currently in arrears 3 months and soon to be 4 with February around the corner. Today I also filed a lawsuit seeking a preliminary injunction for the registered sex offender who is living on Roberts Street who is living too close Memorial Park. So I will be asking the court to order that individual to relocate./**Civil Service** – Law Director Graves reported the Civil Service Commission met last week and adopted 3 new rule changes most importantly setting forth the procedure to open up the promotional exams to outside the department in the event that 2 successive in-house promotional exams do not produce a passing score or in the event that no eligible candidates expressed a desire to test for the position. They are meeting again tomorrow night to set forth

the formal requirements for this test. They are doing some research and hopefully we will have a posting very soon soliciting candidates from outside the department to test for the position of Fire Chief./**Demolition Board –None./Records Commission –None./Legislation** – Law Director Graves advised you have got the second reading on the payment to Affordable Demolition/you have got the second reading for the CHIPS grant and if Council so chooses to add to the agenda the wind energy ordinance that we talked about in our public hearing that is recommended by Planning Commission. I did note the 4 or 5 suggested amendments to that and I will incorporate them into the draft and then you have got the ordinances that the Finance Director referred to accepting the donations and also the appropriation changes. *Motion by Huska/Second by Bring to accept the report. Yeas All.

CITIZENS COMMENTARY:

Debbie Belaska, 4014 East Lake asked Joe do you know how many days we are allowed in that contract for a rain day from Don Mould's, was there any stipulation put in there? Service Director Arendt answered no, I don't know. Mrs. Belaska advised maybe in any future, we want to have some type of stipulation in there. I know when I worked on the bigger projects. Service Director Arendt answered there is a weather clause I don't know the amount of time. Mrs. Belaska advised Mr. Kovach you stated that Mark Erdei was the one that stated about Joyce Hanks – no the correction is it was me and I was the citizen that went down to the Park Board. I feel very strongly about this that something needs to be done for her. We are coming up on her 2 year passing and she needs to be honored, she is a woman of her time and she has done a lot and a lot of great things for this city. I know very little about her but she moved me and I know that she moved Eric Elliott, I know she moved Bob Ebenschweller, I know that she moved many, many people in Ward 1 – not only in Ward 1 but all the other wards. So I am hoping the something will be done that is deserving of this woman.

Kerry McCullough, 685 Roberts stated I have about 3 questions, the first one reference contacting North Coast for Shoreway Shopping 5 times and have gotten no response via email and phone. Mayor Piskura clarified requesting follow up for a potential business or something? Mr. McCullough answered yes. Mayor Piskura advised I will make sure that they are aware of it and ask them what the problem is. Mr. McCullough continued the next thing I got with that being said and you can't get a return call out of them and it seems nothing is moving anywhere – can something be made and I am not speaking for them and I don't know the whole situation but let's face it a bowling alley is a bowling alley. You can call it a bowling center and you can put lip stick on it – it is still a bowling alley. How many people do we have lined up to rent a bowling alley space, is there something that can be done that can work with them to maybe bring the income into the city because the third thing is you are having a second reading tonight and I apologize I haven't been here in a month and you are paying \$7500.00 because prevailing

wage wasn't paid on tearing down that area of the shopping center and now we are paying this out of city budget or are we paying this out of Shopping Center's budget? To me this looks like it can come out of the city's general fund? Finance Director Smith answered no it is coming out of the capital improvement of the shopping center. Mr. McCullough stated my point is this now you have somebody who is going into 3 months arrears and they are struggling to make their payment which means maybe their rent was set just a little bit too high on what they agreed to and maybe common sense should prevail and say you know what I would rather get something from you then nothing especially since I got a \$7500.00 bill that I now have to pay. Throwing them out of there maybe you should collect this from them and say hey let's renegotiate but it is \$7500.00 here and then you are losing a larger tenant. I can tell you this real quick and I can give you some fire power too I kind of look over there now since it is wide open to see it and I have noticed recently that they have had an increase in traffic, on weekends and nights it has been pretty busy. Law Director Graves answered I think that they are doing alright, we have worked with them from day one and when we took over the center they were embroiled in litigation with the Trust and owed the Trust an enormous amount of money and if you go back through the leases through the years, the renewals – every one of those lease renewals had language that it is hereby acknowledged the Bowling Alley is this far in arrears and that gets paid first. I mean it is a perpetual problem over there and when we negotiated the new lease with the Bowling Alley by stretching it out of 12 months their monthly rent did go down from what they used to pay. I understand what you are saying though and like I say I have a meeting with them tomorrow and hopefully we can work something out. Mr. McCullough stated I am concerned because I can't get calls back, I am concerned because I walk in here and I see \$7500.00 and I am concerned that you got to kick them out but if you kick them out I totally understand, you can't keep going.

John Edwards, Avon Lake Press stated I just wanted to say for what it is worth I did contact the Bowling Alley a guy Ken Norton last week and asked for a quote and he said we are going to pay it up just like we did last time.

Debbie Belaska, 4014 East Lake stated I don't know how this would work but I know 35 years ago I lived in North Olmsted, we went to North Olmsted Junior High. We all used to sign up ladies day and have it at the YMCA or the women's thing or you could go to Buckeye Bowling Alley. I know Bowling Alley's are kind of a thing of the past and that but you know we used to sign up and the kids like from maybe Brookside or something. Maybe we could get with the public schools I don't know how you would go about like the insurance or whatever but maybe we could get something enrolled where maybe you put them on a bus and bring them over here to the Bowling Alley and give them some exercise – you know like gym type of deals instead of sitting there playing text messaging, cell phones and all that – maybe we can get the school involved and maybe they get them loaded

up on buses and take on down to hit some balls and make some money there. I know it worked 30 years ago we had a blast.

John Edwards, Avon Lake Press stated the Bowling Team does practice at Shoreway and the Advanced PE when they do bowling they do it there.

UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by Huska/Second by Bring to amend the agenda to include Council numbers 005, 006 and 007.

ROLL CALL TO AMEND: Yeas All – Huska, Rosso, Bring, Smith, Kovach, Diebold, Elliott, Bring. Councilman Elliott advised I just wanted to congratulate the Brookside Wrestling Team, they had a very big tournament – I think there was 12 teams involved and Brookside took 1st – Congratulations to Brookside!

ORDINANCES AND RESOLUTIONS:

Council#001 – SECOND READING – an ordinance authorizing an additional payment to Affordable Demolition and Hauling for the demolition of a portion of the Shoreway Shopping Center, and the declaring of an emergency.

Council#002 – FIRST READING – a resolution for the purpose of authorizing the Mayor to file a FY 2010 Community Housing Improvement Program Grant (CHIP) application with the Ohio Department of Development, and the declaring of an emergency.

There was a brief discussion on the urgency for the legislation.

*Motion by Bring/Second by Kovach for SUSPENSION OF RULES:

ROLL CALL FOR SUSPENSION OF RULES: Yeas – Bring, Kovach, Rosso, Smith, Elliott, Diebold/Abstain: Huska (conflict of interest).

*Motion by Bring/Second by Kovach for ADOPTION:

ROLL CALL FOR ADOPTION: Yeas – Rosso, Smith, Bring, Kovach, Elliott, Diebold/Abstain – Huska (conflict of interest).

Resolution Passes#3-10

Council#005 – FIRST READING – an ordinance by the Council of the City of Sheffield Lake establishing Chapter 1121 of the codified ordinances of Sheffield Lake regarding wind energy facility.

Council#006 – EMERGENCY – an ordinance amending the City of Sheffield Lake to accept and approve any and all tangible and intangible donations to the City of Sheffield Lake which have been designated for the purchase and implementation of “IDENTISYS” a fingerprint imaging photo identification system, and the declaring of an emergency.

*Motion by Huska/Second by Bring for SUSPENSION OF RULES:

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

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#4-10

Council#007 – 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/Second by Bring for SUSPENSION OF RULES:

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

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#5-10

COUNCIL PRO TEM: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 7:52 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 January 26, 2010.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura