

**Minutes of the City Council**  
Sheffield Lake, Ohio  
March 16, 2010

The regular meeting of the City Council was held Tuesday, March 16, 2010. Council President Edward Podmanik called the meeting to order at 7:07 PM.

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

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

Present: Podmanik, Bring, Kovach, Huska, Smith, Elliott, Mayor Piskura, Treasurer E Hoenig, Finance Director Smith, Safety/Service Director Arendt, Law Director Graves

Absent: Rosso, Diebold (excused)

Attending: Concerned Citizens, Planning; Belaska, Members of the Media

\*Motion by Bring/Second by Elliott to approve the minutes of the City Council meeting of February 23, 2010 with any corrections. Yeas All.

**CORRESPONDENCE/COMMUNICATIONS:**

A – Monthly report of court receipts for month of February - \$7800.85 – receive and file.

**PRESENTATIONS: None.**

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

**Roads, Drains, Water, Sewer, Refuse:** Chairman Smith reviewed the minutes of the March 1, 2010 meeting. \*Motion by Smith/Second by Huska for approval of sewer credit in the amount of \$108.78 for 897 Dillewood. Yeas All. \*Motion by Smith/Second by Huska for approval of sewer credit in the amount of \$194.04 for 694 Sunset. Yeas All. \*Motion by Smith/Second by Huska for approval of sewer credit in the amount of \$1,170.12 for 4646 Lake Road. Yeas All. \*Motion by Smith/Second by Huska for approval of sewer credit in the amount of \$94.08 for 4212 Belle Avenue. Yeas All. \*Motion by Huska/Second by Bring to accept the report. Yeas All./**Stormwater Utility:** Representative Smith reviewed the minutes of the February 11, 2010 meeting. \*Motion by Huska/Second by Bring to accept the report. Yeas All./**Safety: None./Buildings, Lands, Vehicles & Equipment:** Chairman Kovach reviewed the minutes of the March 4, 2010 meeting. \*Motion by Huska/Second by Bring to accept the report. Yeas All./**Ordinance:** Chairman Elliott reviewed the minutes of the March 4, 2010 meeting. \*Motion by Huska/Second by Bring to accept the report. Yeas All./**Finance & Claims: None./Income Tax Review Board:** Law Director Graves reviewed the minutes of the March 1, 2010 meeting. \*Motion by Huska/Second by Bring to accept the report. Yeas All./**Investment:** Mayor Piskura advised this quarters meeting is scheduled for next Thursday at 10 am here at city hall./**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 reported I have nothing specific to report but I would like to request a brief executive session to talk about some employee issues that we have; to consider the appointment, employment, dismissal and/or compensation of a public employee./**FINANCE DIRECTOR REPORT:** Finance Director Smith reported you will see in your packet that Kay added to tonight's meeting appropriation changes. You will see several listed for workers compensation, when I appropriated for that or estimated for that I estimated last July/paid \$84,000.00 last year and I bumped that up a little bit to \$87,000.00 and it is actually going to be \$115,000.00. That is in a group rating which still makes me crazy. Also, there is a line for grant expenses – that is Phase II of the Police Car Computer grants for the computers in the cruisers. 205 – employee salaries, actually when you guys passed the budget that line was in there for \$20,000.00 but it didn't get added to the grand total of the budget. When I did the excel sheet it missed that cell, so I am adding it – you have already approved it but I am adding it so that I can actually put it on the books. Ferndale Avenue – that is still part of Phase II on-going for payment after we have gotten some money from the state. Shoreway note principal – that is just what we are going to do in November anyway, so I am just getting ahead of the ball on that one. President Podmanik asked you say that \$20,000.00 was not totaled in, was not tallied into the total. Finance Director Smith explained it was listed and it showed \$20,000.00 on what I gave you for the budget at the end of December. However it wasn't listed at the total at the bottom. That cell just didn't get added at the bottom. President Podmanik asked does this create a problem for us with the county? Finance Director Smith answered no not at all. \*Motion by Huska/Second by Bring to accept the report. Yeas All./**TREASURER REPORT:** Treasurer E Hoenig reported the February report is attached./**SAFETY/SERVICE DIRECTOR:** Safety/Service Director Arendt reported I would like to report on Walker Road Phase III. They will restart in the last week of this month, it will take them approximately 2 weeks to do the rest of the piping on the northern side catch basins and it will take approximately a week to do the curbs and gutters and that would co-inside with those 3 weeks with the plant opening in the middle of April for them to tear the road apart and put the top right back on. If they start now and the weather gets in and puts stone in; all we would have is a lot of mud, a lot of stone so we are going to have them wait until the week of the month to try to co-inside for those 3 weeks. They are out there every day pumping out the ditch so there is no flooding problems in the neighboring house. The pot holes; we have been doing them just about daily in the city and they are popping up constantly. We can't keep ahead of it, we have ordered over 2600 ton of cold patch. We have done about 15 of that in

Shoreway and if you have ridden down of the roads 2 or 3 days after they are cold patched – the holes are popping back up because of the drastic weather changes that we have had. But we are going to continue it until the plant opens on April 15<sup>th</sup> which is the earliest that the plant opens. Also, I would like to report yesterday we had 260 people pay their water bill at the Service area and over 50% used the drive-thru window. They all love it – only 1 car has hit the building so far. It has been a success, everyone has come in – we have done some painting, we put some new carpeting in. Everybody has been real thrilled with that. I think Kay has been there. Clerk Fantauzzi concurred it looks fantastic. Service Director Arendt continued the citizens love the drive-thru window, like I say only 1 person and he was so embarrassed he didn't even bother to really do anything – just backed out and looked at his car a little bit and took off. President Podmanik stated you mentioned Walker Road, a resident Mrs. Dorothy Wisnieski contacted me last week and she is concerned about a drainage issue that has been created that wasn't there before – are you aware of that? Service Director Arendt answered Councilwoman Huska had called me that morning that she had called her and I know Councilman Bring had brought it to our attention as well. That same day I had Don Mould's out there pumping the ditches and they are continuously pumping, they pumped yesterday and they pumped today. We are going to do the very, very best – obviously her basement does not flood, it has not flooded. They are keeping that down, they are pumping every day. President Podmanik stated eventually we will alleviate this problem, we won't have to keep pumping this? Service Director Arendt answered absolutely as soon as they can get in there, reopen that ditch, put the pipe in, put the catch basins in, tie that together. She was here earlier today and I believe was mistakenly told by somebody who was pumping out that they could out there and they were going to come out there yesterday and today and just dig out that ditch and it would be alleviated. That is nowhere possible to happen that way. But we are out there pumping. As I say Councilmen were aware of this and brought it to our attention and hopefully we will be able to handle it. Service Director Arendt added we started our test program with the Badger meters, we put 12 in and they did their first reading with the computer and the computer picked it up several blocks away. Actually picked up a leak for somebody at 4900 Madison Avenue, we found it through the computer system that there was a leak and we contacted the homeowner and sure enough they had a toilet leak which eventually would save them a lot of money and save us time from searching. That is just the first reading, we are going to read it every 2 weeks for the first few months and then the next 3 months they are going to read once a month and get the computer readings off of that and match to what we have/see if we have any more leaks but the first one was a success. The second thing I would like to say about the drive-thru window, it was the Mayors idea. He told me that he wanted a drive-thru window at the Service area for the water bills and he said go find one and get it and put it in – I found one, got it and put it in. All

it did was costs us a few hours of labor and it is a tremendous success. \*Motion by Huska/Second by Bring to accept the report. Yeas All./**LAW DIRECTORS REPORT:** Law Director Graves reported we continue to work on a number of projects which Council is aware of. The Civil Service Commission will be conducting the Fire Chief's tests on Wednesday, March 31, 2010 – we have 5 very good quality candidates who are going to tests for that position. As I reported earlier the Income Tax Board of Review did meet last night and heard an appeal and that appeal is continued to their next scheduled meeting. As for legislation to this evening, you have a third reading on the resolution to rename the Community Center after the late Councilwoman Joyce Hanks/you have a second reading on the ordinance authorizing the Mayor to extend the health care agreement with the county – that does not make any substance of change to the plan, it just extends it and it actually gets our plan on the same schedule as the rest of the county. We are kind of staggered and this would co-inside with everyone else. Also tonight should Council choose to add them to the agenda, you have got the appropriations that the Finance Director talked about as well as a resolution authorizing us to make our application for the CHIPS grant program. We would really like to get this passed tonight by emergency to make our application so that we can recommence that program. I know that Patty Lines has been here a number of times and had meetings and is ready to get that program going again. He continued as Councilman Elliott discussed we will have legislation for next Council regarding authorizing the Mayor to enter into an agreement with the highest and best bid/bidders to lease space on top of the Ferndale water tower for cell phone towers. We do have 1 up there now and there is space for at least 1 or more and we have a proposal. I think that would be a good thing. Also, legislation authorizing the city to correct a break on a private sanitary line and charge the homeowner or if they don't pay in a reasonable amount of time to put that as a lien on their tax bill. \*Motion by Huska/Second by Bring to accept the report. Yeas All.

**CITIZENS COMMENTARY:**

**Debbie Belaska, 4014 East Lake Road** stated I would like to know what has happened with the bowling alley now, have you got anything updated on that? Law Director Graves answered yes, as I reported we have agreed to allow them to make weekly payments and they have been doing that now for probably about 6 weeks now. Every Monday he comes in with a cashiers check, so we have continued the hearing another 30 days but it seems like they are doing well and continue to make their payments and on this pace they should be ahead of the game by May. Mrs. Belaska stated under stormwater utility from the February 11, 2010 meeting, I guess Mr. Dan Brady was asking a question about plowing across Lake Road. Law Director Graves stated I talked to him. Mrs. Belaska stated that is against the law, it is under the Ohio Revised Code correct? Law Director Graves answered I don't know the section of code that you are talking about but I can assure you that in my opinion you can't your snow on someone else's property.

**Mark J Erdei, 4015 Tennyson** asked did we finalize with Allied Waste and are we going to get flyers and when is this thing going to start? Law Director Graves answered the Mayor did sign the agreements and I guess they are going by BFI now. They have signed, we have signed it and we have provided them with a master list of our residents and they are going to be mailing out pamphlets letting them know the details of the new plan and hope to have that up by the end of April I would say.

**Kerry McCullough, 685 Roberts** asked we all are going to those big cans? Law Director Graves answered that is right. Mr. McCullough asked Joe did you say you are using cold patch at Shoreway? Service Director Arendt answered yes sir. Mr. McCullough asked did Shoreway pay for that or are we paying for that as tax payers because I was assured that we were never going to co-mingle anything. Service Director Arendt answered I give Mrs. Smith each and every month or every 2 weeks a full report of separation of what we used at Shoreway and what we used in other areas and it is a bill back on a percentage basis from what I believe. Finance Director Smith concurred. Service Director Arendt added but she gets that report from me basically weekly. Mr. McCullough asked whose labor? Law Director Graves answered Apples and the Bowling Alley are responsible for their own common area maintenance which would include patching the parking lot – the portion that they are responsible for and the rest will pay a pro-rated share. Mr. McCullough asked who is paying the labor? Mayor Piskura answered we pay the labor but we bill it back to them so anything that we do there we are reimbursed. Mr. McCullough stated I will just get a hold of you Tammy because I want to see that. He continued the other question or comment that I have is, actually I have a couple of things. With the city owning that, I still can't get any call backs – the trash is overflowing at the Bowling Alley and that is of today, is not like well they didn't get out the Monday to pick up. The trash is overflowing at the Bowling Alley, it blows all over the parking lot. The parking lot looks like it is downtown Bagdad after a bombing, it is nasty on everybody's end – on Apple's end, on the Bowling Center's end, on our end. Due to a couple of things that happened with scheduling I just wasn't able to make it here for the last few meetings and I had some concerns when they pushed the snow up on the walks. People had to get out of their cars and walk behind the vehicles to get into little areas to go into the stores, just made a mess of the entire area. It looks bad, we are not being very good at what we are supposed to be doing. The Shoreway Lounge come in here and cried that they didn't want to their rent increased and that they needed this and they needed that but their sign is still not fixed. I mean it is just a matter of being a good corporate citizen. The split rail fence is down in park, I noticed 3 times – 2 guys drove past that in the last 2 days but they are driving past a broken fence in the park and we got 2 guys in the parks department riding around in a truck and nothing getting done. We got some nice days and they show up and then all of a sudden this is going on. My main concern is the filth and the look of

that entire center and it doesn't look good. There is trash blowing around and there is trash that blows over all the way to our place from there and I know it is winter time and it is hard for everybody to be caught up and then you say that Apple's is in charge of their stuff. Well they plowed the lot, rather than plowing it all the way to the tree lawn where they are at – they plowed it to where they covered up a whole row of parking spots and what is left there now is a bunch of dirt and dust and all that is going to do is blow around and make everybody's home in the area filthy because it has nowhere to go. It is very easily picked up rather than being in the grass where it belongs. It is just we are not doing a very good job with the center.

**Debbie Belaska, 4014 East Lake Road** stated with those big garbage cans and that, are we going to because my yard sits back – is there going to be a way that we can make it if you had a fence or something or maybe an ordinance being passed or something so that we are not dragging it that far because if you only got the one and they are heavy like that. How are you going to get them all the way up there if you got snow stacked up like that? You know you were able to take bags up and everything, that was easier to tote, how are we going to do these big garbage cans? Law Director Graves answered all I can say is there is 3 different sizes and they roll very easily, they roll like a dolly. Mrs. Belaska stated they aren't going to roll in snow. Law Director Graves stated they have pretty large wheels, other communities seem to be able to handle it.

**UNFINISHED BUSINESS: None./NEW BUSINESS:** \*Motion by Huska/Second by Bring to amend the agenda to include Council#011 and #012 to tonight's agenda. ROLL CALL TO AMEND: Yeas All – Huska, Bring, Kovach, Elliott, Smith.

**ORDINANCES AND RESOLUTIONS:**

Council#009 – THIRD READING – a resolution to rename the Community Civic Center the “Joyce E. Hanks Community Civic Center”.

\*Motion by Huska/Second by Bring for ADOPTION:

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

**Resolution Passes#9-10**

Council#010 – SECOND READING – an ordinance authorizing the Mayor to enter into an agreement extending the agreement regarding officer and employee health care benefits program with the County of Lorain, Ohio.

Council#011 – EMERGENCY – 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, declaring an emergency.

\*Motion by Bring/Second by Elliott for SUSPENSION OF RULES:

ROLL CALL FOR SUSPENSION OF RULES: Yeas – Bring, Kovach, Smith, Elliott/Abstain – Huska.

Motion fails for emergency – stands as first reading.

Council#012 – 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, Smith, Kovach, Huska, Bring.

\*Motion by Huska/Second by Bring for ADOPTION:

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

**Ordinance Passes#10-10**

\*Motion by Bring/Second by Huska to go into executive session for the purpose employee issues; employment, dismissal, discipline or compensation of a public employee. ROLL CALL TO GO INTO EXECUTIVE SESSION: Yeas All – Bring, Huska, Smith, Kovach, Elliott.

\*Motion by Bring/Second by Kovach to return to regular session.

ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Bring, Smith, Huska, Kovach, Elliott.

Law Director Graves advised let the record reflect that the City Council of Sheffield Lake did adjourn into executive session to consider the employment, dismissal, discipline, compensation of public employees pursuant to 121.22 of the Ohio Revised Code and Sunshine Laws.

**COUNCIL PRESIDENT: None.**

**MEETING ADJOURNED:** With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 8:03 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.

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CLERK OF COUNCIL

*Kay Fantauzzi*

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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 March 16, 2010.

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COUNCIL PRO TEM

*Richard Rosso*

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MAYOR

*John J Piskura*