

Minutes of the City Council
Sheffield Lake, Ohio
June 22, 2010

The regular meeting of the City Council was held Tuesday, June 22, 2010. Council President Edward Podmanik called the meeting to order at 7:03 PM.

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

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

Present: Podmanik, Rosso, Huska, Kovach, Bring, Elliott, Smith, Mayor Piskura, Finance Director, Service Director Smith, Treasurer E Hoenig

Absent: Law Director Graves, Safety Director Arendt (excused)

Attending: Concerned Citizens, Zoning: Ebenschweller, Members of the Media

*Motion by Bring/Second by Elliott to approve the minutes of the City Council meeting of June 8, 2010 with any corrections. Yeas All.

*Motion by Bring/Second by Elliott to approve the minutes of the City Council Worksession meeting of June 15, 2010 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS: None.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: None./Stormwater Utility: Representative Bring reviewed the minutes of the June 10, 2010 meeting. *Motion by Huska/Second by Rosso to accept the report. Yeas All./**Safety: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Claims:** Chairman Elliott reviewed the minutes of the June 15, 2010 meeting. *Motion by Huska/Second by Bring to accept the report. Yeas All./**Investment: None./Council Representative to the Community Center: None./Council Representative to the Zoning Board of Appeals: None./Council Representative to the Planning Commission:** Representative Huska reviewed the minutes of the June 17, 2010 meeting./**Council Representative to the Park Board: None.**

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

MAYORS REPORT: Mayor Piskura reported I have a couple of things tonight, the first of which is as Councilman Kovach talked about the vacancies in Park Board. We have with us Lisa Cerankowski who has been attending our meetings pretty regularly lately has volunteered to get involved. Myself and the Park Superintendent talked with her at length, I believe she is a great fit and I would like to appoint her and I would like for you to consider confirmation tonight. In the paper today, I apologize for not contacting all of you last night but I was told that you discussed it at the last meeting where I was unable to attend about the bowling

alley. I am not sure how much you discussed or what you know. Basically we are evicting them, they are significantly behind on their rent. They came in about 2 or 3 weeks ago and said they were going to pay up and they haven't paid. They knew when the court date was and haven't paid a dime, so we finally said enough is enough and rent through with the eviction and it was granted and right now there is a question about the property inside which David is working on. However I want to make it clear that at least for the time being into the short term near future, the intention here is not to get rid of the bowling alley, it is not get rid of the business. I have already had a discussion with Brett and so has David about staying, keeping the place open, running it as a bowling alley, just possibly structuring our relationship a little bit differently. I am hoping that we can come to some kind of terms and if we can't we will try to figure out how to keep it open another way but I wanted to let you and everybody else know that we are not trying to chase off that tenant. However they can't continue to stay there rent free. So it is what it is.

Councilwoman Huska talked about the Grantwood area mound and I wanted to refresh everybody's memory with the issues about that mound very quickly because myself and the Service Director went out and looked at it and we kind of have a plan of attack on what we would like to see happen down there, absent to any objection from you. Duane Burgess owned the house to the west; it was the white house and I believe that is the house where the people live that were asking for the street to be vacated. Garth McCaffree owned the house to the east where he put the little boat launch in and when the outfall was put in the current Service Director back then and the Mayor back then thought it was a good idea to let that mound go in to keep people out of there because they didn't want people falling off the cliff. That stirred up the whole Grantwood area neighborhood and when I took office, one of the first things that I had to deal with was that situation and what we said was Duane would mow and upkeep half to the west and Garth would mow and upkeep the half to the east and that we would put that cut through the middle of the mound so that the residents to the south could use it. Well Duane moved to the Columbus and Garth is in foreclosure and neither one of them are mowing and the mound is sitting there overgrown. My intention basically is to completely open it up the way it was prior to those 2 landlords having it and getting rid of the mound in its entirety and I have been talking with the Service Director about even the possibility of friendlier access kind of down to the beach the way it was prior to when we put the outfall in. So that is what we are going to be working on, absent of any objections from you in the near future. I am proud to toot my own horn a little bit, last week I was unanimously elected to sit on the Board of Directors for the Great Lakes Cities Initiative. If you remember that was a spin off from the Regional Task Force to the Great Lakes Collaboration. That is when I went to Chicago and that helped us get the boat launch. It is all Mayors from the Great Lakes/Saint Lawrence Seaway. There is about a dozen of us sitting on the Board of Directors and they are mostly big cities/the Mayor of Chicago, Toronto, Grand

Rapids, Saint Catherine's, Quebec, Duluth, Superior, Erie and Montréal are some of the bigger ones. That should give us a great voice with regards to state and federal legislation concerning the lake. That is where we got the rain barrel if you remember. It was the Rege award and we are proud about that. The very last thing I have is I would like to request an executive session for the sale or lease of public property/compensation of a public employee and collective bargaining and I would like to consider having that executive session prior to ordinances and resolutions.

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

/FINANCE DIRECTOR REPORT: None./TREASURER REPORT:

None./SAFETY DIRECTOR: None./SERVICE DIRECTOR: Service Director Smith reported I have 4 things; first is to bring you up to date on Walker Road – the east side is pretty much done and starting the clean-up over on the west side and that started yesterday. Hopefully we will have that section done within the next realm of 30 days. The wind turbine at Shoreway; this week doing the electrical and I believe the finish on the electrical is being done and the erection of the uprights and the main frame will probably be within the next I am going to estimate 10 to 14 days. It will be a 2 or 3 day process. Properties with high grass throughout the city, I wanted to bring everybody up to date on what has been going on. I am sure you are getting calls like I do, there is the process that Council has given us the ability to speed the process up and currently right now we are in that process in a couple more days we will be starting to mow several properties. The certified have worked and we have had a couple of them that were mowed within the allocated time frame. The last thing in conversations with Allied Waste concerning our bulk pick up and our grass clippings pick up. It had come to our attention that we have a need for lawn refuge or the ability for residents to take lawn refuge somewhere else beside curb side. Allied Waste has given us for free of charge of free dumps a 20-yard dumpster for lawn refuge only. It is going to sit next to the recycle dumpster for recyclables for commercial properties and apartment buildings that we have east of the Water Department right there and it will be for grass clippings, brush, shrubs – but not tree branches or big logs or trees. We have the dumpster in the back – the 40-yard for that. This is strictly basically for grass clippings, brush and shrubs but no bags, no paper, no plastic and if people do bring grass clippings up then they have to cut the bag open and let the grass clippings go loose into the container. This is going to be a free service for the citizens of Sheffield Lake in addition to helping be able to give them another option to get rid of their lawn refuge. Councilman Rosso asked would you be able to dump grass clippings here on the weekend? Service Director Smith answered yes that is why it is out in front of the gate so that the residents have access to it 7 days a week. Councilman Rosso stated on the mound which is a great idea but if you would be able to save and reuse some of those plants on there? Mayor Piskura stated I was hoping to save them and use them here on the grounds. Councilman Rosso stated I don't care where we use them, would be able to do something with them hopefully? Mayor

Piskura answered yes. Councilman Rosso replied great, good. There is some good stuff there and we might as well use them. Mayor Piskura stated oh there is really good stuff there, yes. Councilman Elliott asked Len is that dumpster there now? Service Director Smith answered yes it is. He clarified there are residents who for whatever reason because of their scheduling, their time frame when they mow don't want to sit with the grass clippings rotting in their garage or on the side of their house. If they transport them down here to the dumpster it is right there for their use 7 days a week – or anybody but you still have the paper bag pick up. Paper bags can go in there that are used for lawn refuge that are for curb side pick up can go in there – they can throw them in there too. That is the only exception – plastic bags – no. We are going to have to police that because we can't have that dumpster leaving our property with plastics in it. *Motion by Huska/Second by Bring to accept the report. Yeas All./**LAW DIRECTORS REPORT:** President Podmanik reviewed legislation on the agenda and to be added.

CITIZENS COMMENTARY:

Ledia Taylor, 325 Lynne stated I live on Lynne Drive and about 2 or 3 weeks ago they came and patched the holes in our street. They patched the ones across the street but I had let the Water and Sewer Department know that we have a big huge pothole at the end of our driveway. They looked at it but they didn't patch it and it still keeps on eating my car. Service Director Smith advised I will check on it tomorrow. Ms. Taylor continued also I wanted to ask you, you were talking about the Grantwood hill opening up the beach. How would you prevent that turning into another Avon Lake situation? Mayor Piskura stated I am not sure I understand your question. Ms. Taylor clarified where there is going to be a bunch of kids coming in from out of town or even kids from here going down there swimming without being supervised and turning into a hang-out? Mayor Piskura stated you are talking about a problem that doesn't exist at the moment, let's start there. That property prior to the Grantwood mound being put there was always used by the area residents. It used to have a nice little meander path down the ravine going down to the beach. There wasn't a problem there before, we don't intend to put any parking there so I don't anticipate any cars coming and boat loads of people getting out of cars and going down there frequenting it. It is more for the local area residence that kind of have been slighted a little bit in the past by having that access taken away from the. If there are problems down there we do have codes on the books that allow us go down there and enforce – you know no profanity, no drugs, no beer, curfew and all that. We have a Police Department that will go down there and do that. Ms. Taylor stated I have noticed that a lot of the kids climb over the rocks over by the pier and there is like a small beach or something. Mayor Piskura asked by which one? Ms. Taylor answered the new one, there is like a small beach or something over there and they go swimming in the lake. Mayor Piskura stated we are promoting that, I would like them to go swimming in the lake. Ms. Taylor continued there is some sort of cavern under there that my son went in and I told

him not to go in because it collapsed. Mayor Piskura stated you are going to have to show me. Ms. Taylor stated I am just letting you know that way you know it is there and they were trying to build a fort in there and I told him no don't go there. Mayor Piskura stated I appreciate the heads up and we will look for it.

Bob Ebenschweller, 362 Cove Beach stated I had an occasion to go where I haven't been in quite a while, I got a call from the lady a week or so ago on an issue that she had and that has been resolved – a health and safety issue. But I am starting to get really concerned about the southeast corner of Lake and Abbe. That area in there is starting to look like an urban blighted area, overgrown weeds. Recently discovered there was a lot of dumping going on back in there of debris, possible contaminated stuff that shouldn't be put on the ground and again further down where the auto repair shop used to be – Nay's changed hands. Now apparently there are 2 businesses in there, that Auto USA is one and I don't know if I brought that up before and I had occasion to go out to the county office and check out the vendor's license issued to that. The guy is from Avon Lake and used to be in Elyria and kept a nice place – there is a picture of it. The complaint I made about the cars being over the sidewalk and trailers on the tree lawn and all that. He pushed the cars back and put the trailer on the driveway going in but still doesn't satisfy our ordinance for Industrial area property. It has been rather dismissive by the people who are supposed to enforce it and 1 member of the Administration when they "you know it is Industrial". I mean Pin Oak Parkway is Industrial and you see how that looks, that is all nice and landscaped and everything. It just appears like people taking advantage of the fact that maybe we are a little bit loose about enforcing our property maintenance codes. I think we ought to take a hard look at what is going on over there. I feel bad about Abbe Road Lumber, a lot of material for my house and garage went in from there but big box stores and family problems or whatever cause that to go under. Recently tried to revive it by opening up a retail type sales in there and everything and that went nowhere and now it is storing a bunch of trucks and vehicles in there. It just doesn't look very neat, grass growing up all around the fence area. That is probably one of the main entrances to our city/doorway and that is what people see when they come in here. I think that we ought to start adhering to the ordinances, even though it is an Industrial area there are certain things that they have to comply with and part of it is trimming and keeping the front landscaped. I don't whether it is a good idea to put one business in there on top of another, how they got an occupancy permit to do something like that. It is hard to trace those things. Sometimes I get the feeling that when you talk to people over there, they don't want to make a move unless somebody verifies or says yea go ahead and do it. They are afraid to issue a citation for fear that somebody might come down on them about it. Is it recognized that that is becoming kind of run-down over there and whether we are going to try to do anything about it? Councilman Bring advised I contacted Len about it and we have been talking about it but the thing of it is some of these people are dumping over

there and you got to catch them to do it and that is part of the problem. I know Mr. Smith has looked into it several times. Service Director Smith stated I don't think that anybody is holding back on keeping people from issuing citations Bob and you know that is not true. I think the situation is more of an illegal dumping situation which has been documented through Stormwater Utility over the last week. We are trying to get to the bottom of it, trying to catch who they are. And yes, we are aware that the weeds are growing up on the fence and stuff like that but I mean I just took care of Pleasantview - you came in with the pictures. I don't mind but we are a big city and we are doing what we can, we are not neglecting anything on purpose and I kind of urge you to reconsider what you said because I don't think it is true. Mr. Ebenschweller stated let's look at it this way, let's look at the property where the main dumping of what I consider hazardous material - we know who the owner is, does anybody believe that that was done without his knowledge - I don't think so. I think he needed fill in there and somebody arranged for it to be put there and maybe we need to have an investigation/maybe we need to call people in under oath if necessary. Service Director Smith stated I don't know what else to say except that we will treat it like every other complaint without escalating anything verbally. I know that Mr. Ebenschweller has an on-going issue with the owner of the property and has for many, many years and I don't believe the city has any business in that fight. I will try to take care of the complaint, just like I do any other complaint and I will address it and I will take care of that. Mr. Ebenschweller stated you are new to it and you are not involved in any way with what happened before because that was before you got appointed. Mayor Piskura stated Mr. President this is becoming a citizens debate and while we try to answer as many questions and take care of problems as we can - this is becoming inappropriate, I ask that you put a stop to it. President Podmanik stated I would agree, Bob we will look into it. I would probably suggest that you and Mr. Smith sit down at this office and go over your complaint with him, let him investigate whatever he has to investigate. Mr. Bring and Mr. Smith have already discussed the dumping problem, so they are addressing it somehow, somehow. It may take a little more time than you would like it to but give them a chance. Mayor Piskura stated I would like to say for the record that Mr. Ebenschweller neither contacted me or anybody in my office or the Service Director, just so it is on the record. Mr. Ebenschweller stated I talked to the Service Director about the vehicles being pulled over the sidewalk and that was partially taken care of but to answer your question, I don't feel that I - there is a chain of command to go through. Mayor Piskura stated Bob I didn't ask you a question. Mr. Ebenschweller continued I don't go to you for every little problem. Mayor Piskura stated Mr. President. President Podmanik stated Bob I think your point has been made, you would be best to talk with Mr. Smith and possibly the Mayor tomorrow. Remember you want some things done, you bring them to the right people and they will look into it but it does take some time. We got a lot on our plate and we do the best we can with what we have got.

UNFINISHED BUSINESS: None./NEW BUSINESS: Mayor Piskura advised Mr. President in my report I neglected to bring up the appointment of one additional seasonal employee for the Service Department and he has actually worked for us in the past and his name is Brandon Danchisen and I would like to have him work for us again this year with your confirmation. *Motion by Huska/Second by Rosso to amend the agenda to include Council#029, Council#030 and Council#031. ROLL CALL TO AMEND THE AGENDA: Yeas All – Smith, Rosso, Huska, Kovach, Bring, Elliott. *Motion by Bring/Second by Kovach to accept the appointment of Lisa Cerankowski to the Park Board. ROLL CALL FOR APPROVAL: Yeas All – Elliott, Bring, Kovach, Huska, Rosso, Smith. Mayor Piskura swore in Lisa Cerankowski for the Park Board. *Motion by Bring/Second by Elliott to accept the appointment of Brandon Danchisen for seasonal employment. ROLL CALL FOR APPROVAL: Yeas All – Bring, Rosso, Elliott, Huska, Kovach, Smith. *Motion by Bring/Second by Kovach to go into an executive session for the purpose of sale or lease of public property/compensation of an employee and collective bargaining. ROLL CALL FOR EXECUTIVE SESSION: Yeas All – Huska, Smith, Rosso, Bring, Kovach, Elliott. *Motion by Bring/Second by Elliott to return to regular session: Yeas All – Smith, Huska, Rosso, Bring, Elliott, Kovach. *Motion by Huska/Second by Elliott to appoint Leanna Stark to Ward 1 City Council. ROLL CALL FOR APPROVAL: Yeas All – Huska, Elliott, Kovach, Bring, Smith, Rosso. Mayor Piskura swore in Leanna Stark for Ward 1 City Council seat.

ORDINANCES AND RESOLUTIONS:

Council#027 – THIRD READING – an ordinance authorizing the Mayor to enter into contract with the lowest and best bidder to repair and/or replace 4500 square feet of roof of the Joyce E. Hanks Community Civic Center. The bid will include engineering and installation services as part of State, Federal and First Energy grant applications for 15KW solar energy panels, metering and connections contingent upon receipt of grant funds.

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#27-10

Council#028 – THIRD READING – an ordinance by the Council of the City of Sheffield Lake establishing employee eligibility and contribution rates for participation in the Lorain County Health Insurance Plan.

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#28-10

Council#029 – EMERGENCY – an ordinance amending Chapter 1301.01 of the codified ordinances of Sheffield Lake so as to clarify and reflect the changes made to the Ohio Building Code in July 2009, and the declaring of an emergency.

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

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

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

Ordinance Passes#29-10

Council#030 – EMERGENCY – an ordinance establishing Chapter 1303 of the codified ordinances of the City of Sheffield Lake for the purpose of enforcing the most current form of the residential code of Ohio as passed in July 2007, and the declaring of an emergency.

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

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

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#30-10

Council#031 – FIRST READING – an ordinance of the Council of the City of Sheffield Lake adopting an identity theft prevention policy.

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Rosso/Second by Bring to adjourn at 8:20 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 June 22, 2010.

COUNCIL PRO TEM

Richard Rosso

ACTING PRESIDENT OF COUNCIL

Diana Huska

MAYOR

John J Piskura