

Minutes of the City Council
Sheffield Lake, Ohio
July 13, 2010

The regular meeting of the City Council was held Tuesday, July 13, 2010. Law Director Graves called the meeting to order at 7:02 PM.

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

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

Present: Huska, Kovach, Bring, Elliott, Stark, Mayor Piskura, Finance Director, Service Director Smith, Treasurer E Hoenig
Absent: Podmanik, Rosso, Smith, Safety Director Arendt (excused)
Attending: Concerned Citizens, Zoning: Ebenschweller, Members of the Media

*Motion by Bring/Second by Elliott to nominate Diana Huska for Acting Pro Tem.
ROLL CALL FOR APPROVAL: Yeas All – Bring, Kovach, Elliott, Stark.

*Motion by Bring/Second by Elliott to approve the minutes of the City Council meeting of June 22, 2010 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

Monthly report of court receipts for month of June - \$7975.90 – receive and file.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: Chairman Bring reviewed the minutes of the July 6, 2010 meeting. Mayor Piskura advised we are looking at trying to incorporate the ability to pay bills on-line. Not only pay your water bill or a building permit fee or something like that. In the future if we ever kind of get our water meter thing straightened out, you will actually be able to see your account on-line. The first step is actually setting it up so that we can pay bills on-line and we are working on that.

*Motion by Elliott/Second by Kovach to accept the report. Yeas All./**Stormwater Utility: None./Safety:** Chairman Bring reviewed the minutes of the July 6, 2010 meeting. Chairman Bring recognized Sergeant James Mariner and Patrolman Ken Collins for nominees for **TOP COP** awards. He advised we wanted to recognize them and thank them for their service. *Motion by Elliott/Second by Stark to accept the report. Yeas All./

Buildings, Lands, Vehicles & Equipment: Chairman Kovach reviewed the minutes of the July 8, 2010 meeting. *Motion by Elliott/Second by Bring to accept the report. Yeas All./**Ordinance:** Chairman Elliott reviewed the minutes of the July 8, 2010 meeting. *Motion by Bring/Second by Stark to accept the report. Yeas All./**Finance & Claims: None./Investment: None./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 a couple of things tonight, the turbine was put up today and it is pretty impressive and you want to thank everybody that was involved and all the meetings that everybody had and your support on the whole issue. As a matter of fact I think Councilman Bring and Huska – you guys were out in the forefront long before I even started pushing. This is really a result of Council and you guys deserve some credit. I will let the Service Director report a little bit more on it but if you haven't seen then go down and take a look. In your packets for consideration is legislation that will keep the bowling alley open and I will let the Law Director comment on it a little further. However I believe and somebody can correct me if I am wrong this is the consideration for the sale or lease of public property and if you want to talk about it in executive session prior to passing or adding to the agenda I will be more than happy to entertain answer questions you have or quite frankly we can talk about it outside of executive session. *Motion by Bring/Second by Elliott to accept the report. Yeas

All./**FINANCE DIRECTOR REPORT: None./TREASURER REPORT:**

Treasurer E Hoenig advised I would like to thank Rose for the wonderful job that she does./**SAFETY DIRECTOR: None./SERVICE DIRECTOR:** Service Director Smith reported I have a couple of things tonight, as John had stated the wind turbine was installed today after a long process, a lot of coordination and everything. Tomorrow at 4 pm down at Shoreway there will be a ceremony to kind of commission it via the city – Mayor Piskura and everyone is invited. There is just a couple of days left of internal electrical wiring that they have to do from the base to the stem, run tests and that should be done and should be operational and spinning hopefully by the end of the week. Walker Road is another issue that we are dealing with, they finished the west side with the finish coat today and striping will be done tomorrow. The area that Council had talked to in committee with me about from the section where it ends to the section of the intersection – they did a patch and I was able to only get out of them a little bit radius on the north side and to stretch the area of patch on the south side. They cleaned up and there is hard surface between it so it is pretty much basically the same condition as the road the rest of the way. I did try and I got what little bit I could. The striping on the road like I said will be done tomorrow and then next week the black-out of the lines over on the east side and the crosswalks will be redone. The last thing is we are just dealing with the issues that come about with Shoreway with carnival and everything coming in and we have been moving at a good clip. *Motion by Bring/Second by Kovach to accept the report. Yeas All./**LAW DIRECTORS**

REPORT: Law Director Graves reported a couple of things to talk about and then I will bring you up to speed on what we are doing with the Bowling Alley. First the one registered sex offender that is in violation of our local ordinance did obtain

judgment from the Common Pleas Court granting a injunction to leave and if they have not done so within the prescribed time period I will be filing to show cause motion against that individual which is basically a contempt motion and that person could actually be incarcerated for refusing to comply. In the near future I anticipate bringing discovery of counts regarding project labor agreements on a project by project basis. It is something that we have talked about in the past, we have some samples and it is something I think we are interested in pursuing and would like to discuss that with Council and that will be coming in the near future. We have legislation that is forthcoming regarding pre-imposed construction runoff, these are state required updates to our existing legislation. They are really not due until next year but we have got them ready to go and I would anticipate in the next couple of meetings bringing those to Council for your review and approval. He reviewed legislation on the agenda and proposed legislation. He advised on Council#034, we did obtain an eviction out of Lorain Municipal Court on June 21st and the following week we executed on the writ on Monday, June 28th we did change the locks to secure the building to take possession. I subsequently filed a law suit in Common Pleas Court for preliminary/permanent injunction declaratory judgment and money damages asking that Court to make a determination of what contents of that building are city property and what contents are property of the bowling alley. That injunction was granted, the former owner Mr. Marc Levin as Trustee of the Shoreway Trust has intervened in that law suit – he does have a secure judgment against Northcoast Shoreway Lanes in excess of \$200,000.00. So basically any contents of the building that are not city property; that is property that is determined to be that of the bowling alley business is secured by a lien by Mr. Levin on behalf of the Shoreway Trust. So any plan to go forward to reopen the center would involve the Trust and Mr. Levin as Trustee. What this ordinance does is allow the Mayor to basically reopen the bowling alley on a day to day basis. If this is adopted by Council tonight we would anticipate putting together an agreement and try to get the signatures tomorrow that would basically allow Northcoast Shoreway Lanes to continue to operate on a day to day basis. The city could terminate that arrangement with 1 day notice for any reason. It also would require that we have complete authority to review and familiarize ourselves and scrutinize all the financial records of the bowling alley and also have unlimited say/approval power over the finances and the payment of expenses by the bowling alley. The rent that we would be looking for would be a daily rental - \$142.50 per day and that number was determined by taking their annual rental of \$52,000.00 and dividing it by 365 days. So it would be \$142.50 per day or 75% of their net profits whichever is greater. So we have a much tighter control over it, basically day to day. A lot of public sentiment out there that the bowling alley should remain open and we should try and do every thing that we can. He explained history and there is actually courses of litigation right now. There was a brief discussion.

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

CITIZENS COMMENTARY:

Ann Marie Woltman, 649 Sheffield stated I guess I am not clear on why are they not paying it, why are they in arrears? Law Director Graves stated why is the bowling alley in arrears? That is a good question, either they don't generate enough money or they have had poor business practice or they have gotten in over their head with too many creditors or any other number of reasons but the reality of it is we knew going in when we bought the center and reviewed all of the leases that this tenant had a history of being in arrears with their rent with the prior owner. He explained prior ownership and the judgment Mr. Levin has secured.

Mark J Erdei, 4015 Tennyson stated the wind turbine, the barricades that are going to be surrounding that – when are you going to have those in place? Service Director Smith answered I talked to them about 5:30, I am going to try to move some more concrete tomorrow to secure the area and ribbon it off. The electricians are going to be in there during the festival doing their thing during the day. Mayor Piskura advised the camera has the full view of the whole parking lot.

UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by Elliott/Second by Kovach to amend the agenda to include Council#032, 033 and 034. ROLL CALL TO AMEND: Yeas All – Huska, Kovach, Bring, Elliott, Stark. Law Director Graves advised there is the matter of the Uecker's request, I know that Roads & Drains addressed that and I didn't know if Council wanted to address that tonight or wait until Worksession. *Motion by Bring/Second by Elliott to deny the Uecker request. ROLL CALL TO DENY: Yeas All – Huska, Bring, Kovach, Elliott, Stark.

ORDINANCES AND RESOLUTIONS:

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

Council#032 – EMERGENCY – a resolution adopting the tentative budget for the City of Sheffield Lake, Ohio for the fiscal year beginning January 1, 2011 and submitting the same tax budget to the auditor of Lorain County, secretary for the Lorain County Budget Commission and the declaring of an emergency.

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

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

*Motion by Bring/Second by Elliott for ADOPTION:

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

Resolution Passes#31-10

Council#033 – EMERGENCY – a resolution authorizing the City of Sheffield Lake to accept and approve the donation of \$1500.00 to the City of Sheffield Lake which has been designated for the purchase and implementation of Tazers for the Police Department, and the declaring of an emergency.

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

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

*Motion by Bring/Second by Elliott for ADOPTION:

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

Resolution Passes#32-10

Council#034 – EMERGENCY – an ordinance authorizing the Mayor to enter into a day to day periodic tenancy lease agreement with NCSL, Inc., North Coast Shoreway Lanes, Inc., for the lease of the building located at 4209 Ivanhoe Ave. in the Shoreway Shopping Center, and the declaring of an emergency.

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

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

*Motion by Bring/Second by Elliott for ADOPTION:

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

Ordinance Passes#33-10

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Elliott to adjourn at 7:51 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 July 13, 2010.

COUNCIL PRO TEM

Richard Rosso

ACTING PRESIDENT OF COUNCIL

Diana Huska

MAYOR

John J Piskura