

Minutes of the City Council
Sheffield Lake, Ohio
September 14, 2010

The regular meeting of the City Council was held Tuesday, September 14, 2010. President Edward R 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, Smith, Kovach, Bring, Elliott, Stark, Huska, Mayor Piskura, Finance Director Smith, Law Director Graves, Service Director Smith

Absent: Treasurer E Hoenig, Safety Director Arendt (excused)

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

*Motion by Bring/Second by Elliott to accept the minutes of the City Council for August 24, 2010 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS: None.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: Chairman Bring reviewed the minutes of the September 1, 2010 meeting. Chairman Bring asked I guess we are still waiting for a little bit of money to come back on Ferndale II, is that true Tammy? Finance Director Smith answered yes. Chairman Bring advised when we get that back then we will take that off. *Motion by Huska/Second by Kovach to accept the report. Yeas All/**Stormwater Utility: None./Safety:** Chairman Bring reviewed the minutes of the September 1, 2010 meeting. Chairman Bring asked on the MDT's for the Police Department, did we actually get 2 grants for that and get 2 different times where we got money for that? Finance Director Smith answered yes. Chairman Bring asked do we still have that money sitting there? Finance Director Smith answered we don't have the money yet, we have to draw down that but we have been awarded the grants. One is American Recovery Act grant and the other I believe the Ohio Department of Safety. Chairman Bring asked so we haven't received the \$33,000.00 yet? Finance Director Smith answered no we have not received the cash. Chairman Bring stated so we are working on the matching funds and then we will move forward on that, correct? Finance Director Smith answered yes there is a lot of things to put together. Chairman Bring stated I didn't know if we had actually ever received that money and I just wanted to make sure that we didn't spend it on anything else. Finance Director Smith answered no. Chairman Bring thanked Herb Dela-Port for the donation of time and parts in getting "Officer Garcia" robot back up and running

for educational training in the schools. Officer Corr was always very involved in the kids end for education. *Motion by Huska/Second by Kovach to accept the report. Yeas All./***Buildings, Lands, Vehicles & Equipment:*** Chairman Kovach reviewed the minutes of the September 2, 2010 meeting. *Motion by Huska/Second by Bring to accept the report. Yeas All./***Ordinance:*** Chairman Elliott reviewed the minutes of the September 2, 200 meeting. Internet Cafes – FORWARD TO WORKSESSION. Chairman Elliott requested suspending the rules on Council#038 to get this moving for the driveway pipe installation, the city is making no money on this. Just an option for the residents. *Motion by Huska/Second by Bring 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: None./FINANCE DIRECTOR REPORT: Finance Director Smith advised in your packets tonight there is an ordinance for appropriation changes, Council#037. You will see there is several increases/decreases and establishing some new accounts. The establishing account (107.710.5610) is for the Community Center solar project. Now that we have a better handle on what we are actually getting from where, I have established all those and where all the monies are going to be set up to cover that project. Let me go over quickly; general fund, there are increase and decreases that ends up as a net 0 change to general fund. Any increases are counter-acted with a decrease somewhere else. We have an increase in office expenses for court, there is some new shucks that were required by Lorain Muni. They changed their shucks and then they require us to get the same ones. So that was something that we didn't expect. Law Director Graves added we were able to add our order onto Lorain's so that we got the better rate because they order in such a huge bulk. Finance Director Smith advised I have an increase in insurance, there is a chance that we have to pay a deductible on a very old case that has finally been settled and unfortunately we have to pay our part. So I wanted to be prepared for that. There is an increase in election costs, there is new rule changes in 2007 that allows the Board of Elections to charge back all sorts of fees to city's, villages or schools – they can charge back their part time hours, their supply costs. They weren't allowed to charge all that back prior to 2007, so I got a little surprise just this last week on how they are going to get us for some more money. There is an increase for note principal and interest. There is actually a couple throughout here. Our regular note that we renew in June with First Merit, they just asked us to pay our interest quarterly. It is no big deal, it is not any more – it is just we are paying in shorter increments. So I am just setting that up so we can pay 2 by the end of this year and then 2 more next year, so we will just do that on a regular basis from now on. She continued part-time increase for the Police because

we are still short on some full-time folks. So we have got to make it up there. Increase for the Building Inspector and that is still due to an on-going personnel costs that we can't really get around. Then that all goes down through medicare and PERS. Stormwater in the parks, those are actually revised costs that since the boat launch got changed around we have got impervious surfaces. We did a little reassessment of all our numbers so actually we pay more to stormwater for the boat launch. We have got a little change in 202 and 205 just to make sure that we have money through the end of the year in materials and supplies for repairs. 208 is Ferndale II, they just sent me the statements and I should be getting the schedules on repayment but I went ahead and figured those out for myself because I know what we are going to owe by the end of the year. So then CDBG; solar projects, Solid Waste; solar project and State Grant; solar project – those will all cover and get us ready for that, so we can get our money in and start that project. Councilman Rosso asked on that insurance one; that claim was being settled or we are anticipating that it is going to be settled? Finance Director Smith answered no it has already been settled but there is even an argument that we might not or not sure that we are even going to have to pay the co; our portion – like a deductible. But I am still arguing that fact but I just want to be prepared, trust me I am not going to pay it if I don't have to. Law Director Graves advised this relates to a matter that was recently resolved but when it was pending was filed in a group of different lawsuits, there was several different things going on at the same time. We were represented by insurance defense counsel and we had met our deductible on at least 1 of those matters. I believe at this point they are trying to say that there is another deductible due for a subsequent portion of that and I think we are still looking into whether or not the original deductible would have covered the representation for the whole cumulative matter. Councilman Rosso stated but the whole thing is done now, this is just whether or not we owe the deductible. Finance Director Smith stated splitting hairs. Councilman Bring asked that was for the former Building Inspector – that \$10,000? Finance Director Smith answered he is still not former though but that is what that is. *Motion by Huska/Second by Bring to accept the report. Yeas All./**TREASURER REPORT: None./SAFETY DIRECTOR: None./SERVICE DIRECTOR:** Service Director Smith reported I only have a few items this evening. The street list was completed by Cook Paving on Friday, September 10th. So we are done with what was on the list. We have equipment mobilization of the water tower and the equipment that is being moved into place by Dentz Painting to do that. They have a lifting hoist and stuff like that, that they are procuring which is all supposed to be on site this week. A couple little notes; it is acrylic latex as required by spec and it will be rolling and spraying light blue and traffic will be limited in the park during the time that they are there. I do not have an estimated time of completion at this time. We did get 2 used trucks, now we are totally ready for our winter. We are doing a winter prep on all our winter

equipment so that as soon as the weather turns we will be ready to go. Councilman Kovach stated a couple of weeks ago I received a call from one of our constituents, in regards to clearing the roadway on the south end of all the streets off of Ferndale and we had talked about that. You said that you had had that on your summer list and you hadn't gotten to it yet. Service Director Smith answered no Ed is going to be doing that, we discussed it 2 days ago. He has got a list of stuff to give priority, he had done from Idlewood west and now he is going to do from Idlewood east. Councilman Bring asked at the end of Grantwood going to the lake, we are not going to do that this year? Service Director Smith stated I am going to try to do that this year. It will take approximately 5 working days. *Motion by

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

REPORT: Law Director Graves reported continue to work on a lot of projects that you are aware of, as we have already discussed the internet cafes. I would draw your attention to the Civil Service Commission meeting of September 22nd at 5:30 pm. Their primary topic for discussion will be advertising for an entry level police test and to get an updated eligibility list with the Police Department. That tests hasn't been run in some time. He reviewed legislation that may be added to the agenda. *Motion by Huska/Second by Bring to accept the report. Yeas All.

CITIZENS COMMENTARY:

Doris Nay, Dunny stated I have been there for over 30 years. I would like to know why our Mr. Graves lied on my son in court because he didn't like what he had to say in open court. He is a liar and I don't want him. President Podmanik interrupted and advised Mrs. Nay before you get too far involved in this, this is citizens commentary. If you have something to discuss with Mr. Graves, this is probably not the forum for that. Mrs. Nay stated this is where I have to do it because he will not talk to me on the phone. Law Director Graves answered that is absolutely not true. President Podmanik stated I am not going to speak for Mr. Graves but I will say this – I will maintain civility in this chambers. Mrs. Nay stated that is fine with me, I just want to know why the people in this council put up with him. President Podmanik advised I am not going to get involved with this because I don't know a whole lot about it and I don't think the rest of Council does either. If you have something to take up with Mr. Graves you should probably do it after this meeting, I am sure that he would be more then willing to sit down with you. Mrs. Nay stated no he is not. Law Director Graves stated I have never refused to speak to anyone Mr. President. Mayor Piskura stated I actually am aware of mostly what Mrs. Nay's concerns are. I have talked to her on the phone, I did do a preliminary look into what she is talking about. The fact is that the matter is under investigation, not only from my office but criminally and I went on further to say that I would love to do whatever I can to make sure that she feels like she has been taken care of and that I requested that she put her complaints or concerns in writing and that I will pursue it further. Other then that, there really is nothing else to say

unless you have some new questions which I would be more than happy to discuss with you after the meeting. Mrs. Nay stated let's put this way my house caught on fire 3 weeks – set on fire. My grand-daughter who is 28 years old and she is bipolar, she set the fires. Mr. Graves would not arrest her, the Fire Department told me that she was the one that done it after their investigation and after they took her to the hospital. President Podmanik advised before you get any further, I think we are treading into grounds that are still under investigation. Law Director Graves advised this entire matter is still under investigation by the Police Department and Fire Department and that has been told to Mrs. Nay on numerous occasions. Mrs. Nay disagreed no it hasn't. President Podmanik stated so discussing it here is probably improper. Mayor Piskura stated honestly to keep everybody protected not only Council and the Prosecutor's Office and my office but Mrs. Nay and her family – we would probably be better off to discuss this elsewhere. Even if you would like somebody else present, I would be more than happy to bring a couple of Council people in if you feel like you are not being represented but this really isn't appropriate for a public meeting. Mrs. Nay stated well I am sorry but when somebody sets my house on fire I expect them to be arrested or whatever. But Mr. Graves and Tony Campo told the Fire Department to go home, they weren't going to arrest her. They took her to Community Hospital for 3 days and when she out of Community Hospital she took 27 Seroquel. President Podmanik advised Mrs. Nay before you go any further I am going to stop this, if you don't have anything other than this discussion I am going to ask you to take your seat. We won't discuss this in this forum. If you want to discuss this at any time, I will excuse the Mayor and the Law Director right now if you would like to speak with them. After the meeting if you want to speak with members of Council about it, after the meeting then we are more than willing to listen. As they said this is probably improper to be discussing this as it is still under investigation. Mrs. Nay stated it is not under investigation, that is a lie. President Podmanik stated I don't have anybody's word but theirs and I take their word for it. I am not anything but the President of Council, not the Mayor or the Law Director – they tell me it is under investigation, that is as far as it is going to go. Mrs. Nay stated it hasn't been because he told me. President Podmanik stated they have made the offer – plenty of witnesses, after the meeting they are more than willing to sit down and listen to what you have to say but I don't think you want to discuss this out in the public like this. Mrs. Nay stated I want everybody to know what he has done and what he hasn't done. President Podmanik stated well you could probably do that on your own, contact the media whatever you think you need to do but at this point and time we are not going to go any further with this conversation. Do you have anything else to say, tell us how bad the roads are, tell us how good or bad a job we are doing – this is the time. Other than that, this issue is done. Mrs. Nay stated alright fix my street. They put a pile of garbage in the holes and then 3 or 4 weeks later they are out again. I don't

know how come this can't go a little further when they put it up to 808 Dunny but they couldn't come all the way down. I would like to know why? President Podmanik answered I believe at one point and time when this was discussed, nothing south of Ferndale was going to be worked on until Ferndale was done. Now we are going to start planning to do some of the streets. Mayor Piskura stated we have been knocking them down one at a time. President Podmanik stated we have a plan in place, it is slow but it is working. I am not going to say it is perfect. We do the best we can with what we have got. Mrs. Nay stated for a city that has got so much money and paying him \$95,000.00 a year – that is critical.

Robert Ebenschweller, 362 Cove Beach stated correct me if I am wrong but is the month where the contract with North Coast is up? Law Director Graves answered I will have to look, I think October. Mr. Ebenschweller stated basically is Council, have they had discussions with them on any possibilities that would kind of give us some kind of idea/some kind of hope. You know we hear things like well good things are coming but that is all. Isn't there anything that we could feed on right now? I am tired of looking at the windmill, I want something else to see. Where do we stand? I think Mark addressed this, are we going to issue an extension to them if they haven't come up with anything? Mayor Piskura answered I am with the Law Director/off the top of my head Bob, I am not real sure when that agreement expires – it came to mind that that agreement was just an option. It was an option for them to purchase. Not only have they steered some prospects our way which the Service Director is actually working on right now but we actually have a very good prospect that we were independently working on and to answer your question – no, there is nothing that I can tell you publicly yet. Mr. Ebenschweller stated a time line or anything that you could give us? Mayor Piskura answered I had hoped to already be able to be talking about it publicly. What I can tell you is that the people that we are talking to are rather large and their machine and their red tape bureaucracy is significant. So it is taking them a little bit longer then we thought and if you need any further details I would be more then happy to talk to you after the meeting as well.

Mark J Erdei, 4015 Tennyson stated I was just wondering what Cuyahoga County is going through right now. Have you caught anything from our county, are we going to have to be using these Spanish ballots and all that? Mayor Piskura advised that is actually up to the Board of Elections and I know not sure if they tossed the issue. That is not up to us at all. I haven't heard anything like that, as a matter of fact I don't even know what they are talking about. Mr. Erdei continued I get a lot of people that approach me since our Community Days was over, I don't know if I didn't catch it or I missed it – did we do okay on the festival? Councilman Kovach answered we did okay, just a hair better then last year. Councilman Rosso stated that is not the city – that is Civic Counsel. Councilman Kovach advised but I am answering in that capacity. Mr. Erdei stated well people ask me and I don't have

the slightest clue. Mayor Piskura advised right now there is a partnership between the city and Community Civic Counsel to make sure that the fireworks display continues. Prior to the city owning the shopping center; the Levin Family Trust or the owners of the shopping center put on the fireworks. Beyond that, the function has always been sponsored and run by Community Civic Counsel so right now the city's only involvement other than to logistically help Community Civic Counsel is to partnership in making sure that the fireworks go on. But Councilman Kovach is the President of Community Civic Counsel. Mr. Erdei stated I just didn't know if we leveled out or broke even, I mean people ask me? Councilman Kovach answered just a hair better than year and by a hair I mean a small hair. For the state of the economy and how everything is going and how people are watching their money, basically we did outstanding by last year's standards. Councilman Smith clarified it is not a city function, the city makes nothing.

UNFINISHED BUSINESS: None./NEW BUSINESS:*Motion by Huska/Second by Kovach to amend the agenda to include Council#036, 037 and 038. ROLL CALL FOR AMEND THE AGENDA: Yeas All – Bring, Smith, Kovach, Rosso, Stark, Elliott, Huska.

ORDINANCES AND RESOLUTIONS:

Council#036 – FIRST READING – an ordinance of the Council of the City of Sheffield Lake amending ordinance 01-96, section 1 regarding the rate of pay for part-time dispatchers in the City of Sheffield Lake's Police Department, and the declaring of an emergency.

Council#037 – 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 – Kovach, Bring, Stark, Rosso, Smith, Elliott, Huska.

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#36-10

Council#038 – FIRST READING – an ordinance by the Council of the City of Sheffield Lake establishing section 905.08 of the codified ordinances of Sheffield Lake regarding driveway apron storm drains and the declaring of an emergency.

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

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

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#37-10

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 7:50 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 September 14, 2010.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura