

Minutes of the City Council

Sheffield Lake, Ohio

October 26, 2010

The regular meeting of the City Council was held Tuesday, October 26, 2010. President Edward R Podmanik called the meeting to order at 7 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, Treasurer E Hoenig, Finance Director Smith, Safety Director Arendt, Service Director Smith

Absent: Law Director Graves (excused)

Attending: Concerned Citizens, Zoning: Ebenschweller, Planning: Belaska, SUAB: Gee, Members of the Media

*Motion by Bring/Second by Elliott to accept the minutes of the City Council for October 12, 2010 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS: None.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: None./Safety: None./Buildings, Lands,

Vehicles & Equipment: None./Ordinance: None./Finance & Claims:

None./Investment: None./Council Representative to the Community Center:

Representative Stark advised we just have one thing to report right now and that is to go on the record to thank not only Lowe's but the Administration for everything that they have done for the grant money from Lowe's and all the work they did over at the Civic Center. So we would just like to go on record as saying thank you for that. Some of the work is already being done and it is looking really nice right

now./**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 October 18, 2010 meeting.

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

MAYORS REPORT: Mayor Piskura reported I don't have anything new that you are not aware of. I would like to request an executive session for a number of reasons; first of which is to discuss the sale or lease of public property, to discuss the consideration for the discipline of a public employee and the investigation into complaints of a public employee./**FINANCE DIRECTOR REPORT:** Finance Director Smith reported I have in your packet this evening that can be added to tonight's agenda a list of appropriation changes. These are all net 0, these are really

just little things to tidy up towards the end of the year. Increases are the RITA contract, that is our fee we pay to them. I anticipate paying some additional utilities this year. The Treasurer fees are for the county auditor fees for fees they charge us back for the money they send us. Gas and oil, I am looking that we are going to need some more in police. Equipment and repair for Fire and vehicle expenses for Fire. We have had several things go wrong with the ambulance and the fire truck, little things but they have all kind of nickel and dimed us so I would like to move some money around just to make sure we are good through the end of the year for any of those. Good news, the electrical inspector that means that we need more money in there means we have had more inspections which always generates more money for the city. I am asking for an increase in education expense for the Building Department because our Building Inspector has the ability to go to a free class in Columbus but he will need money to stay over night. The class is free but we have to pay for room and board. Through the end of year for our parks people; medicare, PERS. You will see that I would like to establish a general fund sub-fund called capital fund and also establish the appropriate expense line which we are not going to put any money in now but I would like to do that for the revenue from our sweepstakes cafes so we can direct to some specific projects and it won't get muddled in with other revenue and expenses in the general fund. This way we can take a quick look and see where the money is and what we can do with it.

601/611 just basic office expenses just to get us through the end of the year. 630 which is our stormwater, we have an MS4 report that we have to pay \$245.00 and I am just trying to fund that. Councilman Rosso stated the educational – the class in Columbus for the Building Inspector, how many days is that? Finance Director Smith answered it is 4 days, he would stay 3 nights. He probably won't use all that money, pretty much guaranteed but we usually pay for gasoline because he is going to use his own vehicle which is 20 cents a mile. We haven't gone up to what the state or even federal pay for mileage. It has probably been 20 cents for the last 20 years but that is what our ordinance reads and we pay for food and lodging since he is going to get it for free. Councilman Rosso stated you probably I assumed a day and I was like \$700.00 for one day was a lot but 4 days I can understand. Finance Director Smith advised well traveling back and forth and 3 nights stays. Councilman Rosso stated yes 3 nights is probably close to \$400.00 there. Finance Director Smith stated like I say it is just to have it there, we will certainly not use it if not need be. *Motion by Huska/Second by Bring to accept the report. Yeas All./**T REASURER REPORT: None./SAFETY DIRECTOR:**

Safety Director Arendt reported first I would like to start off with the Police Department, since Shawn Corr has taken over the maintenance of the vehicles and checking on vehicles. On shift change what they do now is all the Officers actually check all the fluids before they go out and check the tire pressure which helps a lot and Mr. Smith has been able to provide us with the oil so if they are short a quart of oil they will put it in. They will do this all themselves on a shift which will help

with the maintenance of the vehicles. Except for the fact they we have 2 vehicles now that have been down for a couple of weeks – 726 has a lot of issues to it. They had to take it some place and get it checked with whatever that meter is. They have a lot of codes in there that have some problems. Unit#730 is speeing anti-freeze and we haven't figured out what that is as of yet. On Halloween night they will have 3 Officers on duty that evening which will be one more then normal. The last issue with the Police, they are still having a problem with the 911 line. It still won't support the second line and what they state from centurylink is that the software wasn't designed for that feature. So what they are doing is having a meeting with centurytel and 911 departments to find out what can be done about that because it is not rolling over. So if 2 people are calling at the same time they are only getting 1 line so that is still an issue. As far as the Fire Department as the Finance Director indicated having issues with the squads consistently nickel and dime-ing, nickel and diming with the fire truck but not as much as the squads but the squads seem to be going down quite often. So we are trying to address that situation without trying to propose an idea of purchasing a new one but that is what we have to do and I have asked Acting Chief Langin and he hasn't gotten back to me, I asked him a couple of weeks ago and even longer then that to check on the costs of leasing a vehicle but we haven't got any prices on that. To purchase a demo one is about \$280,000.00. *Motion by Huska/Second by Bring to accept the report. Yeas All.

/SERVICE DIRECTOR: Service Director Smith reported I will give Council a heads up on the public auction, I am looking to it and have supplied a list as you know and hopefully we will have a public auction around the 13th around the 20th of November which is the week before Thanksgiving pending everything goes okay with legislation and the time frames and time parameters required by law for notification. The second thing is that I want to bring you up to date that we have had 6 internet sweepstakes applications. Companies are requiring 6 applications that have been handed out, 4 of which are currently in the state of rental obligations with a landlord on specific property going through the proper building stuff at this time. I have 1 application back in the process of being evaluated and that would be the Pizza Hut building. *Motion by Huska/Second by Bring to accept the report. Yeas All./**LAW DIRECTORS REPORT: None.**

CITIZENS COMMENTARY:

Debbie Belaska; Planning Commission, 4014 East Lake asked Mayor what time is Halloween this year? Mayor Piskura answered 6 to 7:30 pm. Mrs. Belaska stated number two – Pride Day. Service Director Smith advised if I may, I forgot – I want to thank everybody for Pride Day on Saturday. It worked out great, we had a lot of participation and we filled up 5 – 40 yard dumpsters and the city employees and all the people that helped were extremely nice and fun. The whole thing had festive atmosphere and I think that the residents that were bringing their stuff up felt that too because they were amazed when a truck would pull in – they would just be swarmed with people to unload it. Everything went real good but you figure 5 – 40

yard dumpsters that is still a lot of garbage. So it went really well and I would like to thank everybody and of course Debbie because they are bringing in Christmas light and challenge that she had and we had several takers on them. Mrs. Belaska advised we had somebody offer us – they didn't know that we had the donations going but they actually went out to the store and bought 9 more boxes of Christmas lights. I was offered cash but I refused the cash, I am not accepting any cash at this time. Maybe next year, we can set up for something but I have also contacted the Chronicle, the Morning Journal and once again the Avon Lake Press and pleaded with them to put a little miniature article in asking if someone wanted to give a semi-used donations. I am asking again to challenge all of you, I bought a case but I had to take the case back because they were inside lights but I did buy outside lights. Mark Erdei donated a big wreath and they found 2 other wreaths that is in the Minotti's that are in semi good shape so we get materials for them and decorate and put lights on them so we can have a nice Christmas here. One more question to you, what time do you think you are going to have your Parks people start setting up? Service Director Smith answered let's see how much inventory we end up with and then we will arrange it accordingly.

Bob Ebenschweller, 362 Cove Beach stated in reading about various city's have – Brunswick, Avon, Sheffield Village last night that are kind of pulling back their horns on these internet cafes and putting a moratorium on them. Tonight when Len said they had 6 people or something like that in the works, a friend of mine who used to live in Sheffield Lake called me and I don't get the Journal but I get the Chronicle and he said hey did you read the Journal that Gus's is going to be an internet café and I said you are kidding. So I went on-line and read it and it is a total surprise to me that the public has not had an opportunity for like in the past we have had public hearings as to whether one are would want those things in their area because frankly we don't know what it is going to bring in. There are all sorts of ideas going around on whether it is good or bad or indifferent and there is all these problems. Number one I mentioned to Dennis when I heard the rumors about possibly Duff's and Gus's and I said well Duff doesn't have enough on-site parking and Gus's has a bar. We are specifically that you can't have alcohol and I wonder if that is going to have any effect on that site and there is already a sign up there saying coming soon and to me it is like jumping the gun here on this stuff. I am surprised and I try to keep aware of what is going on and I know you guys are doing a lot of talking in executive sessions about different things that you don't want to let out but the public has a right to know on these things. If Gus has a liquor license at that address can he really put one of these in there when our ordinance specifically says no liquor and we seem to be and I hate to say it a tin cup city. We are always looking for getting grants, getting grants and now we are getting these internet cafes – we will be the first and we are going to get this money coming in. Those things – they pray upon the weakness of a human condition, to go in there thinking that you are going to make some money and

maybe you will make \$10 or \$15 or \$20 bucks or something like that but most of the people lose and the conditions in this city with all the foreclosures and people down on their luck and people don't have any hope for anything else but to go in some hidey hole and start spending money hoping to make it. It may sound a little idealistic but we should take a look at whether we want to do these things or not – we are talking 6 of them, that is a little bit of over-kill. I know I addressed last week about the shopping center; where we were and I guess the answer was that they are still going to work with us and the question there is are we going to extend the contract and pay them. I did a little investigation on the one person involved in it and his office is some hidey hole down on Franklin Avenue and it looks worse than our shopping center does and the first thing that popped into my mind is the blind leading the blind. We are dealing with guys that buy houses and rehab them and then rent them out and not really planners. We have had no more community communication about what people want to see or what peoples ideas are, it is all being done and all of a sudden it is sprung on us just like overnight. On this thing with Gus's, I had no idea that this was coming down this close. Where was the public hearing? Councilman Rosso answered Bob a couple of points that you brought up or answers. You know we went through that legislation at a Worksession line by line and discussed it for an extensive amount of time in a public meeting. So maybe you weren't here for that at Worksession but we went through it all. Second of all these aren't any sort of – there is nothing to stop that business from opening up before any of our legislation passed. They are not illegal and there is nothing that we did that allows them to come in where they couldn't come in. We can't control over that, you can't control what goes in Gus's whether you like it or not, if it is zoned for business and it is business they can go in there. Mr. Ebenschweller rebutted our zoning laws tell us what we can have in a particular business district and what we can't have. Now internet cafes are specifically not addressed in that issue, you have something that might be similar like an arcade and if we wish to say well this is going to be an arcade – that is not something that you can say or the Mayor can say or the Law Director can say. Those designations have to be made by the Zoning Board and it is right there in our rules and we need to put that somehow in – if we want to change that; what can go in a B1 then we need to say internet cafes but we don't have that designation. Councilman Rosso stated if you feel that an internet café does not meet a zoning requirement and the Law Director would agree with you that it doesn't meet a zoning requirement then there would be an issue and I would say they could not go in there. But the Law Director has said that they just have to follow the current zoning law, so there is nothing that we have done that allowed them to go somewhere they couldn't go. Mr. Ebenschweller stated if the zoning law specifically doesn't address that issue. Mayor Piskura stated Bob the zoning is for retail, it is a retail business and you are making the leap from a retail business to a gambling establishment. Councilman Rosso pointed out correctly that that retail

establishment or whatever they call can go in any place where it is properly zoned. I think B2 and above, I am not sure exactly whatever it is – if there is one that goes into Mr. Duff's property and there the square footage or usage becomes an issue with parking – we have a Building Department that will not allow that establishment to be in violation of it. As far as extending the contract, you understand that the contract that we had with North Coast Capital Partners didn't require them to do anything. What it did was give them an option to purchase, they have had several good projects under their belt. Now might we continue to still work with them, yes – we might continue to still work with them but extending the contract for what and to pay them to do what. I don't understand what your question was because we never had any services that they were to provide that we were paying them for. Mr. Ebenschweller stated I thought we had like \$26,000.00 in order to investigate the possibility and the option at the end of the contract was to either make a purchase offer for like 2.8 million or something like that. Mayor Piskura explained that contract was an option purchase and there was no liability on the city to pay them anything other than to give them the right to buy it within a year from the time frame that they signed it and we had multiple public presentations, public consensus meetings where I put together a presentation. Probably what you are talking about with that is when we were working with Paul Volpe from City Architecture to develop the conceptual plan of what we wanted to go into the shopping center that we took to public consensus where the public agreed on what we wanted to do which we have never deviated from. So nothing is being sprung on anybody. Mr. Ebenschweller stated well I was referring to that coming up with these internet outfits, it is just like they are springing up. Mayor Piskura stated you understand that there is nothing that deems them illegal. Mr. Ebenschweller stated no they are not illegal but only to the point that they are not defined in our ordinances as a business that can be. It says under there, any other use other than the above is not allowed. Mayor Piskura answered they are a retail business and I believe retail business is in there. It is not a casino, they sell phone cards and that is their business – it is a retail business. Mr. Ebenschweller stated I don't know, sometimes I think it might be a stretch but I will look at it again. Mayor Piskura stated I believe that where the thinking was is that if we weren't going to fight to outlaw it as other city's are trying to do that we should have some kind of regulation to make sure that the proper fees were being paid and that we had at least some additional restrictions or rules that they would have to comply with to get a license to actually do that. Mr. Ebenschweller stated I was trying to get around what I was reading in the ordinances about outlining what can be put there and what can't be put there. Mayor Piskura answered it is a retail establishment. Councilman Rosso stated Bob one last thing, in regards to Gus's – there will not be access to the bar from the internet café. If it goes in there, that has to be walled off and there will be no access. They will not be able to put one in there if there is access from the internet café portion of the building to the back

portion of the building. So that would satisfy not having liquor in one of these establishments. Mayor Piskura stated it would be like having multiple addresses at the shopping center and one of the addresses at the shopping center happens to be in the same building that serves liquor but there is no communication between the 2 spaces. Councilman Smith stated your points are duly noted, we have had several meetings on this where we have been over the ordinance. It has been in the papers for I don't know how long and I just wanted to say for the record I have had everybody asking me when it is going to open. You are the only person that I have come across personally yet that has even had a negative say about it and I just thought that that should be said because everybody just wants to know when it is opening. Mr. Ebenschweller stated well it is in my neighborhood now. Councilman Smith stated right now you are the only person that I have heard being negative, everybody else that I have talked to that has come up to me wanted to know when it is opening. Councilman Bring stated one of Bob's concerns when he came to me – he said what would stop them from walking into the bar and then walking into there and then going back over to the internet. I did tell him that if they do violate that, they could lose their license. Mayor Piskura stated well there is nothing that would prohibit somebody from walking, other than a good business practice – there is nothing that would prohibit somebody from walking into the internet café a little tipsy and deciding to purchase some phone cards and set down at the computer. They could leave from the lounge, they could whatever so if they leave from a separate address that is completely separate space – they exit building where there is liquor and they go into another area of the building where there is not liquor but there is phone cards for sale. There is nothing we can do about that. President Podmanik stated I believe there is no actual consumption inside the confines of the internet café. Service Director Smith stated the opening between the 2 building spaces has been blocked in with a 2-hour burn time with cement block according to the commercial Building Inspector. He has been in there and inspected it and he has told them what they need to do to meet the requirements of separation – legal separation of the premises and that is being complied with, it is a non-issue.

Rosa Gee, 588 Kenilworth stated you said that we will have 3 police cars for Halloween, what are the chances of having some of the bike patrol on? Safety Director Arendt answered I will talk to the Chief and see if he wants to do that. Mrs. Gee stated that would be really helpful.

Mark J Erdei, 4015 Tennyson stated I didn't really go over the ordinance good but do we have a limit on how many we can have in our city? Mayor Piskura answered I don't believe so. We had briefly talked about limiting the licensing to a certain amount of terminals but at this time there is no restriction at all. Service Director Smith stated if I may without anyone taking the wrong approach, we don't have a limit on vacating buildings either and right now we are sitting in a city with a lot of vacated buildings that don't anything but sitting vacant for extended period of

time. You have people spending money investing money, I don't necessarily see that that is a bad thing. Mr. Erdei stated no I am not against it, I am just saying are these other places that got these internet cafes do they have more than one because I am not real familiar with it? Finance Director Smith answered it is \$5000.00 per year per establishment, it is \$30.00 per terminal per month. So if you even have 10 terminals, that is \$300.00 X 12 months and then you have 6 of these establishments. You know what it is the difference between life and death in this area. We have lost so much revenue in the last 2-12 – 3 years especially in Sheffield Lake. I see it as only a positive thing and see it as us staying afloat versus other city's having problems. Councilman Rosso advised Debbie I talked to Jason Stifel after the last meeting, the gentleman that rented the old Schueneman's and his business alone will generate \$41,000.00 a year for this city. Mrs. Belaska stated that is awesome, I remember hearing of little rumor about like a medical mart or something coming in – is there anything going on with that. President Podmanik answered not at this point and time that we are aware of.

Bob Ebenschweller, 362 Cove Beach state several weeks ago I tried to see the Building Inspector several times but wasn't in his office and I was like what is this guy doing you know. I found out because I happened to have been a recipient of 2 roofs within a months time. I got one of those deals with damaged roof, so first outfit that came out did a shoemaker job – they were from out of town and I found some things wrong and I caught him in there and asked him about some things that didn't look quite right. He said you are right and what is your address and I told him. He turned around and looked at me with a really ticked off look on his face and he said they never got a permit for your place. I said oh boy, that is what I need. I am on the Zoning Board and got a roof put on without a permit. So he came over and contacted the guy and pulled his license, he said you can no longer do anything in this city and the guy said I got 4 other jobs and he said you are not going to get your license back until you finish the house you screwed up on Gayle and my house (Cove Beach). So another crew came out in a day and they ripped off the new roof and put another new one on it and the Building Inspector was back on there 3 times at my house. Once he said 11:30 I will be back – don't put any shingles on until I get back and he came back a little later after they had put all the drip edges and everything on to make sure like they were supposed to. Then the last time he came for the final inspection he said you are good to go. He said the last guys that put it on never put the drip edges along the sides of the eaves like they were supposed to. Other things that they didn't do, they patched the holes, they took my vent caps out with tin and it is supposed to be plywood. So I just want to say that I hope he handles everybody the way he handled this, he was rough on them guys but they performed well and came out to be satisfied and I got to thank Steve on his persistence on that. He told me because I told him I was looking for you last week and he said I was on 42 roofs last week. I said I believe

you because all the jobs that are going around town with the various contractors – you see the signs all over. He might need help.

Mark Erdei, 4015 Tennyson stated all these cafes and all this money coming in, where is that money going to go – is that going to be in the general fund? Finance Director Smith answered well if Council would like to approve my ordinance tonight, I have a general sub-fund line. Councilman Bring answered line 106. Finance Director Smith explained it will be a general fund but it will be in its own sub-fund and that way we can just glance at it and we know exactly what kind of revenue we are getting.

UNFINISHED BUSINESS: None.

NEW BUSINESS:*Motion by Huska/Second by Bring to amend the agenda to include Council#044 and 045. ROLL CALL FOR AMEND THE AGENDA: Yeas All – Bring, Smith, Kovach, Rosso, Stark, Elliott, Huska.

Councilman Rosso asked Tammy do you have any idea how many times that people use their own vehicles to travel on city time that we reimburse them?

Finance Director Smith answered I use my car every day to go to the bank and go a lot of places. Occasionally if I have to go out to the county for certain things I might reimburse myself but it is very few and far between. Councilman Rosso stated because I believe we should take a look at that ordinance, that guy at 20 cents is not even going to cover his gas money going back and forth to Columbus – he will make \$40 bucks or something. Mayor Piskura stated that is more then enough. Councilman Rosso asked you don't think it costs more then \$40.00 worth of gas to drive. Mayor Piskura answered I think he is going to get a wealth of knowledge that he can take elsewhere and I think we are putting him up in a hotel for 3 nights. It is going to be professional development for him and if he has to get paid every cent in gas on the way down there then I am not sure that we want him working for us. It is more then enough and I won't authorize anymore. Councilman Rosso stated it goes by whatever is in the ordinance correct? Mayor Piskura answered we don't have to pay – you could put a million dollars there. Councilman Rosso asked why wouldn't we pay what standard rates are that any business would pay? I mean that is not that big a deal to me but I am just saying. Mayor Piskura answered because we are putting him up for 3 nights. Finance Director Smith stated the 20 cents when you figure it out, it is really not that much in gas honestly. The 20 cents does cover it, I have never noticed that it has been a huge difference. You know we have paid for other people to go to seminars in Toledo and to use their own vehicle and things like that and honestly it is not that big of a deal. It is not like they are going to be making money but they are breaking even at least if not more. Councilman Rosso stated I don't think they are breaking even but I don't feel that passionate about it that it is worth an argument. I just wanted to make sure we weren't taking advantage of someone. Mayor Piskura stated he is being well taken care of. There was a brief discussion on writing off the difference.

ORDINANCES AND RESOLUTIONS:

Council#044 – 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 – Stark, Bring, Elliott, Kovach, Smith, Huska, Rosso.

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#44-10

Council#045 – EMERGENCY – an ordinance authorizing the sale of personal property not needed for municipal purposes 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, Smith, Kovach, Rosso, Stark, Huska, Elliott.

*Motion by Huska/Second by Bring for ADOPTION:

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

Resolution Passes#45-10

*Motion by Rosso/Second by Kovach to go into executive session for the discussion of complaint of a public employee, the consideration of discipline of public employee and sale or lease of public property.

ROLL CALL TO GO INTO EXECUTIVE SESSION: Yeas All – Stark, Kovach, Huska, Elliott, Rosso, Smith, Bring.

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

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

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Elliott to adjourn at 9:20 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 October 26, 2010.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura