

Minutes of the City Council
Sheffield Lake, Ohio
November 9, 2010

The regular meeting of the City Council was held Tuesday, November 9, 2010. President Edward R Podmanik called the meeting to order at 7:05 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, Stark, Huska, Mayor Piskura, Finance Director Smith, Service Director Smith, Law Director Graves

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

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

*Motion by Bring/Second by Smith to accept the minutes of the City Council for October 26, 2010 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

Monthly report of court receipts for month of October - \$5137.80 – receive and file.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: Chairman Bring reviewed the minutes of the November 1, 2010 meeting. *Motion by Bring/Second by Huska to approve the sewer credit of \$47.70 for 243Gayle Drive. Yeas All. *Motion by Bring/Second y Huska to approve the sewer credit of \$259.70 for 838 Kenilworth. Yeas All. *Motion by Bring/Second by to approve the sewer credit of \$84.80 for 692 Pasadena. Yeas All. *Motion by Bring/Second by Huska to approve the sewer credit of \$42.40 for 344 Thelma. Finance Director Smith advised buttoning up on Walker Road phase III, will probably be doing a resolution. Chairman Bring asked on the gilsonite problem areas on roads that were gilsonited. Service Director Smith advised I think they are waiting for the temperature to warm up to optimize it but they are coming out to do that. Chairman Bring advised we do have that 20-yard dumpster over there in the Service Department for branches. Actually I was unaware of this but that is being taken care of for free but we do have people dumping some things other then branches in there and we are trying to get that taken care of too. I do appreciate them taking care of that and like I said for being free it has been a blessing. *Motion by Huska/Second by Rosso to accept the report. Yeas All./**Stormwater: None./Safety:** Chairman Bring reviewed the minutes of the November 3, 2010 meeting. Chairman Bring thanked Fire Chief Morris from Avon Lake for the ladder testing. E63 was scheduled for pump test and service and will probably need close to \$4000.00 worth

of repairs. E63 went out Sunday for that service. Hose testing and took a number of old hoses out of service/some dating back to 1977. Those are \$6.00 a foot and I know the ones that hook up directly to the fire hydrant – I think we only have one of those left right now that is in good order. He advised on Police training for this month which is all free. We had discussion on part-time dispatchers, they do need 2. I know we have some applications but we are still waiting for that and that needs to be taken care of. Mayor Piskura advised actually I was hoping to get some more applications. We were actually thinking of advertising it so we could get more applicants. Chairman Bring advised Councilwoman Stark brought up that we had some patrols out for Halloween and we had 0 problems for Halloween and we want to thank the Police Department for that and actually thank the citizens because there were a lot of parents out walking with the children and that is a huge benefit. *Motion by Huska/Second b Kovach to accept the report. Yeas All./***Buildings, Lands, Vehicles & Equipment***: Chairman Kovach reviewed the minutes of the November 4, 2010 meeting. *Motion by Huska/Second by Bring to accept the report. Yeas All./***Ordinance***: Councilman Kovach reviewed the minutes of the November 4, 200 meeting. *Motion by Huska/Second by Bring to accept the report. Yeas All./***Finance & Claims***: **None**./***Investment***: Mayor Piskura advised this quarters Investment Committee meeting has been scheduled for next Wednesday, November 17th at 11 am./***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 only have a couple of things and the first is we have begun the process in negotiating all 3 union contracts on behalf of the city and although here is not a whole lot to talk about, if you would like to have an executive session and talk about at least the direction of the negotiations and the opening proposals I would be more then willing to do that. There is an opportunity for us that I wanted to run by you because it is more then a one time shot. It would be kind of on-going program. We have briefly talked about it but couldn't figure out how to do it until recently and that is a bus for the seniors, some kind of transportation for people to and from grocery store, pharmacy or that kind of thing. Lorain County Transit cut most of our service in county, our service here and we do pay I think \$4500 or \$4900 a year to Lorain County Transit for that service which we are not paying them anymore. We can co-op with another agency and through an initiative that the Department of Transportation has done we can get a bus much like what Lorain County Transit has for about \$8000 – that is what it would costs the city and then the question would be going forward maintenance and operation of the bus. Before I pursue it any further, I am not asking for you to make any decisions about it tonight but I wanted you to know about it and maybe think about it and if you think it is a good idea I will probably talk about it during

budget time next month or something to see if you want to build it into the future for us. *Motion by Huska/Second by Bring to accept the report. Yeas All.

/FINANCE DIRECTOR REPORT: Finance Director Smith advised I do have legislation before you for some appropriation changes for probably all I will need for the month of November. Now as it gets towards the end of the year, squeezing the last blood out of the turnip as they say. There is a couple of items on there that I am going to pass along to our Law Director. He would probably like to have an executive session. Law Director Graves advised yes I was going to request an executive session prior to ordinances and resolutions to discuss current litigation which some of the appropriation changes are related to that. *Motion by

Huska/Second by Bring to accept the report. Yeas All.**/T REASURER REPORT:**

None./SAFETY DIRECTOR: None./SERVICE DIRECTOR: Service Director Smith reported I have a few things tonight. First the city is going to have an auction on the 20th as you know, 10 am in the morning with Mark Standen/Auctioneer and that is Sheffield Lake Service Department at 4750 Richelieu Avenue and the viewing on the equipment is available for inspection will be starting at 8 am. I have received 3 internet sweepstakes café's applications, one of which is in legal review and 2 are soon to be determined and that would consist of the ones that Steve had brought up during his report. We started moving concrete blocks for storage down at the Civic Center and we received our re-approved or re-filed Army Corp approval permit on October 25, 2010. Then finally with the Lowe's grant, dealing with the Civic Center. As Steve has said we have a lot that has been going on. Two days that were divided up for volunteerism and help and the next day is going to be November 11th. The vinyl siding was delivered last week and all the stuff to do the vinyl siding on the west side of the building/above the door and the façade. The arc on the pavilion will be painted dark brown to match that with accordance, we will remove the brick from the façade and use the existing brick as color match repair brick for the other places in the building before we put the siding on. We have outdoor lights have been installed, we also have outdoor lights for the east and west side along with the rear of the building. All the round tables that have come in for the interior and the chairs. We have a painting that was done completely inside and then yesterday we actually received the cabinets that are going to be installed on the 11th for the inside there. There is a lot of cabinetry that Lowe's has done and again I would like to thank Lowe's for their gift here in this whole process. It is just unbelievable the co-operation that we are getting from the store. There are a lot of extras that they are throwing in too which is making it really good. Then of course the lettering for the "Joyce E Hanks" which will be up above where the Sheffield Lake is on the wooden thing up top and the outdoor sign out by the road modifications are going to be done as also part of that. Councilwoman Stark stated Len, a lot of people on election day said some really nice stuff about what they have seen at the Civic Center and they are very happy about talking to the people at the food bank and

secretary's – they are excited and they wanted to say thank you too for all the work that the Administration has done to get that done. Everybody is very happy, very excited – even the voters came in and noticed some of the improvements that have been made so far. Service Director Smith answered Lowe's has just been fantastic. Also, let's not forget Bill Gardner as the Grant Writer – he wrote the grant up, he worked with Lowe's and he worked with the city. He did – he secured that grant, it was a lot of hard work. We are real happy with the results too. Councilman Rosso asked did you speak with the gentleman that I believe owns that Wateredge – those little apartments behind the Beverage Store? Service Director Smith answered yes I did. Mayor Piskura added so did I. Councilman Bring asked on the new applicants for the internet café, do we do any background check with those? Service Director Smith answered we do a background check and then we do an analyzation of what the background check found. Councilman Bring asked we do have electrical plugs down there at Shoreway for the Christmas decorations? Service Director Smith answered currently I have Jerry going around and compiling a list that is electrical feasible. Basically that has the electric outlets and the correct rating and everything so that we can put displays and he will have that back to me this week and then we are going to have an idea of where we can put certain displays. So there is just different areas. Councilman Bring asked the block down there at the Civic Center, we got a grant for that – what are we exactly going to use this for? Mayor Piskura answered that is a seawall. It is probably our fault because it has taken so long to come to fruition but if you remember back about the same time that we were doing, well actually right after we did the boat launch we submitted for an application to do that seawall in the same fashion. We had the engineering work donated to us and that application was approved but we could never figure out a way to fund it. After we got done with the bike trail, we applied some recycle money to get that block. Concurrently with renewing the application that had expired, so now we have a current permit and it was funded through the CDBG grant – you guys passed the CDBG grant. He corrected – no I am sorry the recycle grant and we are using some CDBG money with it although I can't remember what the allocations were into what. You have access to it, you may even have a copy of it somewhere downstairs but it is basically just a seawall. All the rubble and all the concrete; that concrete is going to be brought back, it is going to be dug down and they are going to put the block there and then they are going to back fill it and kind of taper it down. Basically like the lower edge of – you go down to the boat launch and then you go on the concrete boardwalk. It is going to be the equivalent of like that. Councilman Bring stated I saw the block going down there and I was scratching my head because I can't remember it, wanted to find out what was going on. *Motion by Huska/Second by Bring to accept the report. Yeas All.

/LAW DIRECTORS REPORT: Law Director Graves stated I have a couple of pieces of legislation that will be coming in the near future. I do have the updated EPA ordinances for pre-imposed construction run-off. We have to act on those I

believe by spring or summer. So we have some time, so those will be coming soon. Also today I was presented today with a packet from the Lorain Library System requesting that the city place a levy on the ballot in the spring to benefit the Domonkas Library and I will be bringing that legislation forward and at some time we could even discuss that in more detail next week at Worksession. I would also like to request an executive session prior to Ordinances and Resolutions to discuss current litigation. *Motion by Huska/Second by Bring to accept the report. Yeas All.

Mayor Piskura advised we have with us Mark Skellenger; Mark Skellenger is our city engineer, he is on staff. If you remember we discussed this early in the year. He will be coming to meetings and if you feel appropriate you could probably even add an Engineers report and/or place for him to comment and you could ask him questions. Mark has worked with the city for a long time, he is from K&S Associates. Mr. Skellenger stated feel free to call me at K&S, we are in the book or email me. I got some business cards that I will pass out too. President Podmanik directed to put him in right after the Service Director on agenda.

CITIZENS COMMENTARY:

Debbie Belaska; Planning Commission, 4014 E Lake Road stated I would like to take a moment/opportunity to thank everybody; especially Bill and Terry Watkins, Mark and Diane Erdei, Rosa Garcia Gee, Chris Speer, Colleen Ebenschweller, Dave Johnson and Dennis Livchek for making donations to the city on Christmas. That is really appreciative and they went out of their way. Also want to thank Tammy, Wendy, Andrea, Fran, Annie, Lisa and especially Kay because I have to come in and out of here and I know that I am distracting them some and I apologize because I am down there trying to get things organized. I want to tell you as I drove by today down on Lake Road, I was very impressed. The Community Center is being started to be decorated and it looks absolutely beautiful and there is white lights there for the inside for you. I believe you we are not accepting religious articles and we are not allowed to display them and I am asking anybody to please do not donate any type of religious items and for those who have please come back and take them and give them to somebody else that you feel is worthy of them. We appreciate it but we just can't accept. We thank anybody for semi-used lights or lights that are working, please do not bring your lights that are broke. Mayor, I would like to know if I could decorate a Christmas tree and put it in your hall. We have a tree down there, it needs a tree stand and we do have ornaments. Mayor Piskura answered we have done that in the past, if you have a tree that would be great. Mrs. Belaska advised we have one downstairs, we need someone to donate a tree stand if anybody has one. Also if you can't get any of those lights I don't know if they unscrew down at the Shoreway, I would be glad to go out and buy those that we could put the outlets in there. I would be glad to buy them, whatever it takes to get lights up. Service Director Smith answered we just have to make sure that it is right. Mrs. Belaska answered okay just let me

know and I would be glad to buy the fixtures or whatever it takes to do that. Once again I am asking everybody if you want to buy a box or whatever. If you get a chance, go downstairs and look at the wreaths we are going to be hanging up and once again Jerry and his crew from Parks did a beautiful job/awesome job. Finance Director Smith asked do you know of anything in particular other than a tree stand that you need more of? Mrs. Belaska answered it looks like he took the lights, I don't know how much we are short on that. I think we are going to have to speak with Jerry or Len on that, right now probably lights and decorations as long as they are not religious. You know we don't want to offend anybody and we have to keep our beliefs all on the same page. I want to thank everybody and as we are moving forward with this please be patient with me as I am trying to get downstairs and see what we got so that it makes it less work on them to get the stuff out. Mayor Piskura stated thank you Debbie.

Dorothy Arena, 944 Lake Breeze stated I have been here 50 years and the last time I was here I complaining about how it looks down the road, in the 800 block there is 2 people selling wood – I didn't that we had commercial property along there. There is a truck out there that is for sale, sitting partly on their lawn and part in the tree lawn. Now they used to give tickets if you were parked in that. I happened to get one when my kids were graduating and I asked to use the whole yard and I ended up with a ticket. Now they are all over the place, I got one across the street that doesn't have a license plate on their car and they move it from somebody else's driveway and now they have moved into theirs. I thought that they had to be out of sight and covered, it just looks like the garbage cans that sit there. Service Director Smith stated I will send the Building Inspector over again and have him pay close attention. There are several complaints they are on-going and investigating over there – it is an on-going issue, you are correct. Mrs. Arena stated well we have the dogs too that just bark constantly. It just seems like I don't know what is happening to Sheffield Lake, it used to be a nice place to live. So if you could look into it I would appreciate it but even on the garbage, it has been nice to have this new collection but I have neighbors that leave their garbage cans sit out there 2 or 3 days and the ones across the street – they just move them from the top to in their driveway and then you got to look at it all day. Mayor Piskura asked have you called the Building Department or the Police Department on these complaints? Mrs. Arena answered yes nothing has been done.

Debbie Belaska; Planning Commission 4014 E Lake Road asked Mr. Graves are you familiar with this Direct Energy; a lady with a permit was going around door to door last night, yesterday evening. Finance Director Smith answered they do have a permit. Service Director Smith stated I am familiar with them too. Mrs. Belaska stated I just wanted to make sure as I signed it and I wasn't sure. Finance Director Smith advised you are required to sign, I mean that is your choice. We had a company earlier this year that came around and they were very rude, they were in the city about 18 hours and we through them out. These people have the

right documentation, they have the right literature. Mrs. Belaska stated people are going around from Direct and you can either go with NOPEC or you can go with Direct. Mayor Piskura advised we have refused to give permits and have revoked permits to those that we have found to be acting unethically. If they have a permit and as long as they have a permit and it is not forged. Mrs. Belaska reiterated once again about asking everybody in the city; the store fronts – I know Apples ordered their lights, so they are going to be decorating. Asking everybody in the Shoreway and up and down the stretch there; I am not sure who is here but asking everybody light up. If you can't afford lights then go put a green or red light up outside, let's get people to come through our city too. You know you go to other city's and want to look at their lights, let them come over to Sheffield Lake and look at ours.

Mark Erdei, 4015 Tennyson asked are there any plans to light up that wind turbine at night, I mean solar lights or something. It is a beautiful structure and I think it would look nice if you had a couple of lights. Service Director Smith answered I was told that would attract certain species of birds and flying critters when you do put lights on them and the results are not good. It is totally serious, I questioned up lighting and wash lighting and that was something we looked in lieu of. The only thing that we can possibly do is if we get new lighting system down there in the parking lot for any new development and the light itself will light it – it will reflect it but to actually put lights on – no. Mr. Erdei stated so it attracts birds then? Service Director Smith answered birds, bats – things like that and they have already de-tuned for that which means they have the brake and the speed set on the blades for a certain way and they have the pitch set for low speed which creates some type of harmonic buzz or something. The tune through the use of the computer and outside the remote control they actually de-tune it is what they call it to make it have an optimum non-affect on any wildlife. We also have several species of bird that utilize the lake as a migration area. Mr. Erdei continued next question and I have been reading about it in the press about the mono poles that they are trying erect in Avon Lake, you know the wifi mono poles. Did anyone ever approach us about them or do we have an ordinance? Law Director Graves answered no one has approached the city yet for a new construction recently, we have had some had some co-location agreements and that would be what we had on the water tower. Co-location is putting it on an existing tower but we haven't had any request for a new mono pole. The proposed tower in Avon Lake that has been turned down was going to be a stealth mono pole/flag pole – very much like what they have at the Avon Lake City Hall, what they have up at Sheffield Village Hall and I think they have one in Elyria. You have seen it, it is like a straight white pole with a flag – it is a wireless internet service.

Debbie Belaska asked Rick did that woman call you, this lady stopped me over at the Shoreway and I told her to call you because you are the Councilman but I did not have your phone number or your card but she wanted to know about the sand that is piling up over at the boat launch. Service Director Smith explained in the

last 2 storms that came in we did get a lot of sand wash that washed in on one side. One side of the boat launch is okay, you still have a channel there and is after – although we try to keep it open as long as we can. We are going to be moving sand out there and it is on our plan. We just have an extended recreation season this year. But the trap is full again so we have already made plans, like I had said 6 months ago about addressing this in the fall instead of waiting for the spring. We are going to address it in the fall and then come spring we will address it again. **Mark Erdei** asked we have time restrictions for solicitors don't we, I mean a certain time of the day where they got to stop in the evening? Mayor Piskura answered I don't know what they are but yes we do. Mr. Erdei stated so if somebody comes knock on my door at 8 o'clock? Finance Director Smith stated Mark you can throw anybody off your porch, we tell any solicitor that we will not put up with not even one complaint. So if they are asked to leave somebody place of residence they are just to leave – no questions asked. So if you don't want to talk to anybody just feel free to tell them to just go away. Law Director Graves answered 772.04, it is a nuisance for any person to go on any premises soliciting etc., prior to 9 am or after 7 pm, Monday through Friday or on a Saturday or Sunday or a national holiday.

UNFINISHED BUSINESS: None.

NEW BUSINESS: *Motion by Rosso/Second by Huska to go into executive session for the discussion of current litigation prior to Ordinances and Resolutions. **ROLL CALL TO GO INTO EXECUTIVE SESSION:** Yeas All – Rosso, Huska, Smith, Kovach, Stark, Bring.

*Motion by Bring/Second by Smith to return to regular session. **ROLL CALL TO RETURN TO REGULAR SESSION:** Yeas All – Bring, Smith, Rosso, Huska, Stark, Kovach.

Law Director Graves advised let the record reflect the City Council of Sheffield Lake did adjourn into executive session for the discussion litigation.

*Motion by Huska/Second by Bring to amend tonight's agenda to add Council#046 to the agenda. **ROLL CALL TO AMEND THE AGENDA:** Yeas All – Stark, Huska, Rosso, Smith, Kovach, Bring.

ORDINANCES AND RESOLUTIONS:

Council#046 – 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 – Bring, Smith, Kovach, Rosso, Stark, Huska.

*Motion by Huska/Second by Bring for **ADOPTION:** Finance Director Smith reviewed the list of appropriations, like I said before we are just trying to get through the end of the year. I always just go over really the

plus's, the minus's are just to make up for the plus's. Unemployment – I have a sneaky suspicion that we might get a small claim from a summer employee on that. I am just having that there just in case we need it and chances are we may not but I don't want to be left at the last minute and not have it. Insurance – there is currently \$1630.00 in the account and I would like to add \$8500.00 to pay a deductible of \$10,000.00 on a prior case that was settled. Full-time Police – I would like to put \$12,000.00 in part-time from full-time. Their part-time are making up for lack of a couple of people in their full-time staff. Also, there are some increases and decreases, sick time bonus, education expense we have moved to equipment and repair and vehicle maintenance for the Police Department. The full-time Firemen, we would like to increase by \$65,000.00 to \$52,095.20 – settlement in a pending lawsuit. I shouldn't say pending any longer, it is settled and the balance is for salaries due to the several fires that we have had. We have had a lot of action pays that we have had, that gets paid out of the same fund that we didn't anticipate a lot of that through out the year. Fire overtime, pretty much the same because of the fires and along with that goes the pension because if salary goes up pension goes up. The next thing you will see is the Shoreway escrow, we are doing our annual note with the Shoreway and we were required previously when we originally borrowed the money to put \$350,000.00 or 10% into an escrow account. Since we have been so good about doing our business, they will not require that escrow account any longer. I am taking \$250,000.00 of that and paying off a portion of that Shoreway note, anything that we can pay off is certainly going to benefit us in the long run for any developers or anything like that and obviously we are going to be financing less which is good. I need to appropriate that though to get it out of that escrow account and there was \$1309.50 of interest since we have had it in there too which I am taking out. Hospitalization increase in Water and Sewer. Master Meter is up a little bit and then there is a little bit of money that came in for the Library Levy that we didn't anticipate. Pro Tem Rosso asked did you say you were paying \$350,000 down on the Shoreway loan? Finance Director Smith answered \$250,000.00 but in order to get all that I can't leave it in that, it is like an escrow account. I have to appropriate it, what it will show up you will see \$100,000.00 in the 405 which is the capital improvement for Shoreway and we will just hold that there. At a later date can use it to pay off part of the note or if we need it for any large expense too. We want to kind of keep a little cushion there and I am hoping that every year we can pay a little off as we go and make it more attractive. I will give you more details on the whole note when we have it done because I know we are going to save a whole lot on our bond counsel and our investment bankers, it is tremendous. I am really excited about that but I don't have all of the exact numbers but I probably report to you beginning December when it is all finalized, I will show you what we saved.

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

Resolution Passes#46-10

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 8:26 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 November 9, 2010.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura