

Minutes of the City Council
Sheffield Lake, Ohio
January 13, 2009

The regular meeting of the City Council was held Tuesday, January 13, 2009. Council Pro Tem Richard Rosso 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: Rosso, Bring, Diebold, Huska, Smith, Kovach, Mayor Piskura,
Finance Director Smith, Law Director Graves, Safety/Service Director
Arendt
Absent: President Podmanik, Elliott, Treasurer E. Hoenig (excused)
Attending: Concerned Citizens, Members of the Media

*Motion by Bring to approve the minutes of the City Council meeting of December 30, 2008 with any corrections. Yeas All.

*Motion by Bring to approve the minutes of the Special City Council meeting of January 8, 2009 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

A.) Monthly report of court receipts for month of December - \$14,264.79 – receive.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: Chairman Smith reviewed the minutes of the January 5, 2009 meeting. He advised on the submitted sewer credit requests; 500 Elm Street for the amount of \$202.86 – we needed further information on that sewer credit so that will be talked about at the next meeting, 4414 Edgewater for the amount of \$166.95 - *Motion by Smith/Second by Huska to approve the sewer credit as noted. Yeas All. He continued 550 Abbe Road in the amount of \$302.78 - *Motion by Smith/Second by Huska to approve the sewer credit as noted. Yeas All. He continued 4865 Lake Road in the amount of \$1001.70 - *Motion by Smith/Second by Huska to approve the sewer credit as noted. Yeas All. *Motion by Huska/Second by Bring to accept the report. Yeas All./**Stormwater Utility: None.**/Safety: Chairman Bring reviewed the minutes of the January 7, 2009 meeting. *Motion by Huska to accept the report. Yeas All./**Buildings, Lands, Vehicles & Equipment:** Chairman Kovach reviewed the minutes of the January 6, 2009 meeting. *Motion by Huska to accept the report. Yeas All./**Ordinance: None.**/Finance & Claims: Chairman Rosso reviewed the minutes of the January 13, 2009 meeting.

*Motion by Huska to accept the report. Yeas All./**Investment:** Mayor Piskura advised the next meeting is February 3 at 10 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 requested an executive session to discuss the compensation of public employees and for the sale or lease of public property.

*Motion by Huska to accept the report. Yeas All./**FINANCE DIRECTOR REPORT: None./TREASURER REPORT:** report attached./**SAFETY/SERVICE DIRECTOR:** Safety/Service Director Arendt reported the city received a letter from Columbia Gas of Ohio, he read a few sections of it – dear public official, we are writing today to inform you that Columbia Gas of Ohio is authorized by Public Utilities Commission Ohio (PUCO) intends to make its first annual filing to adjust its infrastructure replacement program in February. Our application will request an increase of about 16.7 million to be collected through the rider IRPS, part of our distribution rates beginning May 2009. This increase will result in an additional charge of .86 (86 cents) per month per resident, customer represents 1% (1 percent) increase based on previous negotiating cap for this rate. He advised it goes to say that the AMRP program launched in 2008 involves replacing on an accelerated basis nearly 4000 miles of cast iron, wrought iron, unprotected coated steel and bare steel pipes in Columbia Gas distribution systems. Basically in a nut shell, they are going to raise the rates .86 (86 cents) and they are going to replace approximately 162 miles of pipe this year. (this notification is on file with the Service Director and not available through Council files). Service/Safety Director Arendt continued next I have a report on the Service Department building, 85% (85 percent) of the electric work has been completed – completion relies partly on an additional equipment installations. So it is done except until we move over to the lifts, the garage door and the air compressor, so that will be done. 90% (90 percent) of gas heat tubes completed, tubes have been hung and the contractor has completed an interior gas lines including a stub for future hot water tank. We are currently waiting for Columbia Gas to tap a line, we had set a date for them to come and when they didn't show up we called them and they said that they had never had a date. So, they expect that to be done in the next 10 to 15 days. The new garage door is scheduled for installation between now and next week. After the gas heat is completed the lifts will be installed, one will be moved from the existing building and the new one will be put in. He continued the next report that I have is with the Mayors guidance, he asked me to look into a senior watch program for the City of Sheffield Lake. Currently the Mayor told me about his grandmother living in Liberty Township near Youngstown Ohio and they have a senior watch program. What the senior watch program does and I have a report here, more then 12% of the US population is age 65 and older. That is 35 million Americans by the

year 2010, this figure will increase to another 40 million. What the senior watch program will do is for the elderly, we will have our police dispatchers call them at a specific time during the morning or afternoon to make sure that they are home and that they are okay. They will sign up for this program, they will have to fill out a form. The Police, Fire or any other city official will go out and inspect the home. We will require some things from the people; their doctors information, contact information. They will have to contact us if they are leaving so we don't send Police out or anybody out to look for them if they don't answer the phone. I don't know if the Mayor has anymore to add to it but I think it is a fantastic program. My mother happens to be 89 years old, you know we don't intend to have dispatcher call them and carry on an hour long conversation. It is for their safety to call them. Mayor Piskura asked Safety Director Arendt to explain the 3 different levels. Safety Director Arendt explained there are 3 different levels to it; the first one is the check-in program where senior citizens who live alone have the opportunity to become part of our call-in program – they will decide on the day and time that they will call in and check with the police department. If a call is missed then an officer will call them or stop over to see if everything is okay. Benefit to client - doesn't have to be home to call in. The next one is the elderly program where a senior citizen is part of our elderly call list on designated days and times, usually Mondays at 9 to 12 the police department will call the clients homes and check on their welfare. Again if no contact is made then an officer will be sent to the home and check on their welfare. The third is the senior watch program is for seniors who may need help more then others. These seniors may not have a family to check on them or provide assistance. The police department or designated volunteer will visit the client once a week or more to check in on their welfare. So there is 3 different levels, so it is not going to be burdensome. There will be applications for volunteers, they will be able to sign up for any of the programs that they have. I mean I just think it is a great program and I hope Council embraces it. Councilman Kovach asked is that something that maybe we would like to tie in or discuss with the Neighborhood Watch people? Safety Director Arendt answered I think it is maybe more of a separate program, I think the Neighborhood Watch people can get involved as volunteers into this program. We don't want to have a duplication of things. Councilman Rosso stated the Fire Department has a lock-box program, so we should I guess offer that and try to incorporate that too when you go and do your initial visit you can set that lock-box, you will have a key to the house. Mayor Piskura advised our city other then the Lorain County Office on Aging has no social services programs. Mostly because of the lack of funding, this is the first step to our kind of social services to start taking care of the people. The Fire Department and the Police Department both have referral forms, so that if they are responding on a run and they see that conditions in the house are poor, that this person may need help. They have the ability to refer this person to the appropriate agency and yes, regardless of whether or not they just

use the referral form when they are installing that lock-box or when they are making any other calls – that can all be included. Safety Director Arendt advised I have 1 more report, at one of the committee meetings we talked about the water meters and I got a report today, about 11 years ago the city implemented approximately 1100 touch read meters by Neptune that is in use today - those are still good. Eight years ago they implemented about 500 radio read meters - those aren't any good, the company went bankrupt. So totally active touch meters including businesses is 1180. The problem homes that are affected by the inadequate meters equals 920 homes. The rest of the homes are read when they take off the tap and somebody said they stick down the tube and they look at it. Well what happens with that tube, they stick down the tube and look at it with a flashlight but a lot of times it is fogged over because of the condensation underneath there. So sometimes they don't get a chance to read that on every third month, they will have to go a week later or two or three weeks later and it might be on the fourth month instead of an actual read every months. Councilman Diebold asked if they pump that vault out real quick, that would consume too much time correct? Safety Director Arendt answered yes, I kind of have a problem with the amount of time as it is – that it takes to read the meters. Councilman Bring asked when we do estimates for water readings, it seems like we are estimating a bit low and after about 4 or 5 months the residents are getting instead of like a \$40.00 or \$50.00 water bill – they are getting \$90.00 or \$100.00 water bill. Is there anyway to kind of see or check into, it seems like we have done this in the last 90 months or maybe a little longer that we have actually estimated too low and then what happens especially if you get a renter in there or something and they are in there for about 4 or 5 months and all of a sudden they are getting a \$32.00/\$38.00 water bill and all of a sudden they will get a \$90.00 or \$100.00 water bill. Just so you are aware. Finance Director Smith advised the software system actually automatically does that when they log those numbers in and it may in some cases not be as accurate as you had hoped and then with a leak or something. I know I have had some really screwy numbers myself at my own home because my husband watered the lawn and then I had a leak and blah, blah, blah. Now I have actually a higher estimate than I believe I should but that is okay because I would rather pay more than have a break in 3 months. But it is the software package that actually does that. Councilman Bring advised as a homeowner you can deal with it but if you got renters in there and all of a sudden they get a \$90.00 or \$100.00 water bill they are at your door wondering what happened. Councilman Diebold stated that estimated bill is on what the actual bill is over a certain amount of time correct? I don't know if it is possible you could maybe take that average and add on 3% on an estimated bill, that would give you a little higher estimate. Service Director Arendt advised I will check and see if the software has the ability to change the percentage because if you have been into the Water Department when the people get their bills – the calls are amazing because when the actual bill comes out and it is higher than what

they had in the estimates. But I will check and see if that has that. Councilman Smith advised hopefully we can get the meters with the touch reads so we can get by this estimated I would assume hopefully. Once Joe gets the software with all the touch reads that we are supposed to then the estimates will probably stop. Council Pro Tem Rosso advised however many years ago it was we borrowed X amount of dollars for those radio reads. So we have that money still because we never paid that company, I don't believe Bill ever paid them because they never worked right. Councilman Smith advised he paid some I think. Finance Director Smith concurred yes, we did pay some of it and we bought meters with some of it too. Council Pro Tem Rosso stated I guess my question is do we have any of that money left over we can use to buy touch reads and swap out the ones that aren't working or at least help defray that costs? Finance Director Smith answered just off of the cuff, I don't know exactly. Councilman Smith advised the last we were at is we had another company that came in with software, they put the meters in the ground and they wanted to wait for winter time and actually it is another winter time but all the meters were working good and then there was another – John correct me if I am not mistaken, wasn't there another program that we were looking at possibly to intertwine with the reading of them? Mayor Piskura answered yes. Councilman Smith advised that is where we ended because it might turn out to be a better program and work well. Council Pro Tem Rosso stated I was just hopeful that we had some extra money from the first borrow that we didn't spend that we could use to replace them with but apparently not. Councilman Smith stated I don't think we have paid them all, I think there is still money left – I think. Finance Director Smith advised I can get you that information. *Motion by Huska to accept the report. Yeas All./**LAW DIRECTOR REPORT:** Law Director Graves advised on the Demolition Board, I have to the Service Director and the Building Inspector and we are trying to get a list together of real property in the city that would be subject to nuisance abatement. I would like to convene the Board and address some of those properties. The one in particular that most be demolished which is located at 348 Mapleview, I did draft a deed granting that property to the city and that has been forwarded to the owner with a letter that it must be demolished. In lieu of demolition they can convey that property to the city and I anticipate that to happen. Once the deed is signed, I will be bringing that to Council with some legislation accepting that donation to the city. He continued the Civil Service Commission, we are going to be scheduling a meeting – I talked to the Clerk of Council about that. That we need to run entry level Civil Service exams for the Police and Fire, the current eligibility lists have become stale and pursuant to the Civil Service rules we need to maintain those lists. He continued Records Commission, everything is okay with the State Auditors Office and I think we have become the process of disposing of records as they expire pursuant to the Records Retention Schedule. He continued with legislation for this evening, you have got the appropriations changes that the Finance Director introduced at the Finance Committee meeting. In

addition to that, if Council so chooses they could amend the agenda to include the grass cutting/billing ordinance that was referred from Ordinance Committee. This ordinance would be provide that if the city does undertake to cut grass, weeds, vines, etc. that we could immediately bill the record owner or whoever has control of the property in addition to certifying that as a lieu on the tax duplicate for the property. The other piece of legislation that could be added to the agenda tonight is a lengthy document which is our revised Chapter 790 regarding the Fair Housing code and this is what we talked about late last year where we have hired the company to help us revise our Fair Housing laws in order to come into substantial equivalency with Federal regulations and thereby qualify for some grant money and other federal assistance and if you pass that tonight, it looks like they are going to be taking that to Washington to lobby for that approval sometime in February. I recall that was \$120,000.00 a year for the first three years, so it is a real good thing for the city. Just a quick update on Shoreway, we are working with all of the current tenants to revise their leases. All of the leases are presently either month to month or are going to be coming due this year. So we are working closely with the existing tenants to make sure that those get renewed. We have received a lot of interest in renewing the leases for the tenants that are there. The Post Office required some additional documentation for them to certify the transfer, all that documentation has been forwarded on so they should recognize the transfer of ownership and continue to work with them. One issue that came to light is we have an ordinance on the books that dates back to the early 70's for any entity in the city that wishes to become a licensed firearms dealer. They need to obtain a license from the City of Sheffield Lake – Erie Outfitters wants to start selling hunting rifles and so forth, we don't have any such application. I have talked it over with the Police Department and they have an opinion either way, if Council choose to repeal that or keep it on the books – we would have to draft an application; some sort of a license. It could be very stream-lined if you choose to keep that regulation on our books or simply elect to repeal that. That is something that perhaps Council could refer to committee for discussion. I would also in addition to the 2 reasons the Mayor set forth for executive session, I would also like to brief Council on pending litigation involving the city so I would also ask for an executive session for that purpose, it would be very brief. *Motion by Huska to accept the report. Yeas All.

CITIZENS COMMENTARY:

Debbie Belaska, 4014 East Lake Road stated I never was too concerned, you really brought up a good point for this senior citizens. I mean now we are getting a grocery store and I have an elderly mother and my father just passed on, my dad used to do the driving until he became sick 2 years ago. Something that maybe I can recommend, I know that my mother she is able to make a week in advance call like I know that Avon Lake has and we are all getting older here. I don't have children but if I stayed in this community in the next 20 or 30 years ago and God

forbid if something happens to my husband or for me/visa-versa and we couldn't drive. I mean they have these buses and these transportations, I know Avon Lake offers these types of rides and that and maybe we could add something into what you are bringing to this community right now. You know, maybe we can get bus rides or something. I don't if you would order through the aging or elderly people but I know in Avon Lake they have some type of shuttle that takes people to the banks or to the grocery stores or whatever and that would help some of the citizens out here too to get rides to their doctors or whatever and maybe bring a little bit more income into our community too. Mayor Piskura advised that is a good idea, I think that the county has a dial-a-ride – I think they actually charge a fee for that. We have looked into that in the past, the problem is acquiring the bus. We want to actually own the bus and then you know we would have to have somebody to drive it. Depending on demand it could be a great thing. We started talking to the Apples people about partnering with us on a program like that, so we are looking into it – it is a good idea. Mrs. Belaska continued I know you had mentioned that we are going to get like a coffee type of deal on the Subway, have we found anything else out, is anybody planning or maybe at this point you can't say? Is anybody planning on renting out or doing anything with the restaurant over there, do we have anything? Law Director Graves asked the Rax's building? Mrs. Belaska answered yes. Law Director Graves advised there is a lot of options, a lot of potential – we are looking at a lot of different options. Mrs. Belaska asked has anybody else come to our community on trying to start any businesses at this point or once again you can't discuss that? Is there any new businesses besides Apples offering to come in and we have got the coffee shop coming in, are you hearing any more? Mayor Piskura answered it is starting to perk up. There are people interested and there are people interested at the price points that we need to be at in order to be profitable and pay our debt service and everything else. The biggest problem right now is that we want to get business in there, as much business as possible, as quickly as possible but we are all very careful to not make a mistake in either giving away the store or having them come in and locate somewhere where we want to demolish or redevelop. You know we have to get relocation clauses, there is no sense in letting somebody come in and put a significant capital improvement into the Rax building if you know after we are done with this planning process which should be starting on Thursday. It is going to start on Thursday, take approximately a couple of months. I think we have waited for this long, we can wait for a couple of months rather than make a mistake in giving somebody something too quickly and then have to work around it. There is lots of interest, we just want to make sure we move forward smartly. Mrs. Belaska asked have you thought about maybe relocating city hall over there? Mayor Piskura answered that has been one of my dreams actually is to get city hall moved over there and to turn it more into a main street Sheffield Lake kind of feel. Law Director Graves advised if you look back through the years all the different generations of plans and designs for the center

that we have gone through, almost all of them include the municipal buildings being relocated to that plaza. Mrs. Belaska asked I am hearing all kinds of things with this section 8 housing, is there going to be, are you hearing anything with section 8 or anything that is planning to be built over there? Law Director Graves answered none, absolutely none. Mayor Piskura advised that was a campaign rumor – 2 campaigns ago. No – there is no plans, not even any interest in anything like that.

UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by Huska to amend the agenda to include Council#003 and Council#004 to tonight's agenda. ROLL CALL TO AMEND THE AGENDA: Yeas All – Bring, Kovach, Smith, Rosso, Huska, Diebold.

ORDINANCES AND RESOLUTIONS:

1.) Council#002 – 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 for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Ordinance Passes#2-09

2.) Council#003 – FIRST READING – an ordinance amending section 561.02 of the codified ordinances of Sheffield Lake regarding cutting of grass and weeds by municipality.

3.) Council#004 – EMERGENCY – an ordinance amending Chapter 790 of the codified ordinances of Sheffield Lake regarding Fair Housing and the declaring of an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Ordinance Passes#3-09

*Motion by Bring to go into executive session for the purpose of sale or lease of public property, compensation for public employees and pending litigation involving the city. ROLL CALL TO GO INTO EXECUTIVE SESSION: Yeas All – Smith, Rosso, Huska, Kovach, Diebold, Bring.

*Motion by Bring to return to regular session. ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Diebold, Kovach, Huska, Smith, Rosso, Bring. Law Director Graves advised let the record reflect that the City Council of Sheffield Lake did adjourn into executive session for the discussion of the sale or lease of public property, the compensation of public employees and pending litigation involving the city.

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach to adjourn at 8:14 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 January 13, 2009.

COUNCIL PRO TEM
Richard Rosso

MAYOR
John J Piskura