

Minutes of the City Council
Sheffield Lake, Ohio
January 27, 2009

The regular meeting of the City Council was held Tuesday, January 27, 2009. Council President Edward 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, Bring, Huska, Smith, Kovach, Mayor Piskura, Law Director Graves, Safety/Service Director Arendt
Absent: Diebold, Treasurer E. Hoenic, Finance Director Smith (excused)
Attending: Concerned Citizens, Zoning; Ebenschweller, Planning; Belaska, Civic Center; Nicola, Members of the Media

*Motion by Bring to approve the minutes of the City Council meeting of January 13, 2009 with any corrections. Yeas All.

*Motion by Bring to approve the minutes of the City Council Worksession meeting of January 20, 2009 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS: None.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: None./Stormwater Utility: None./Safety: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Claims: Chairman Rosso reviewed the minutes of the January 13, 2009 meeting. Chairman Rosso reviewed the minutes of the January 20, 2009 meeting. *Motion by Huska to accept the report. Yeas All./**Investment: None./Council Representative to the Community Center: None./Council Representative to the Zoning Board of Appeals: None./Council Representative to the Planning Commission: None./Council Representative to the Park Board: None.**

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

MAYORS REPORT: Mayor Piskura advised I have nothing specific to report tonight, nothing new has been going on that you aren't aware of. I did want to draw your attention to some possible legislation for your consideration tonight which is a lease that I am sure the Law Director will go over in a little bit more detail but in addition to that lease I wanted to brief you on some other lease negotiations so I am requesting a brief executive session prior to ordinances and resolutions just to bring you up to speed. *Motion by Huska to accept the report. Yeas All./**FINANCE DIRECTOR REPORT: None./TREASURER REPORT:**

None./SAFETY/SERVICE DIRECTOR: Safety/Service Director Arendt reported I would like to report on the new maintenance building. The gas lines were finished Friday, the electric is finished, the garage door is obviously up. We are ready to start a small build-out in there before we actually move everybody over. We have a couple little sections to build an office and a restroom and a shower and we will probably start that next week and we should be ready to move in two to three weeks. Depending on the weather, we could be in sooner. Councilman Rosso asked how many plows we have working tonight or tomorrow morning, whenever the snow really does come. Service Director Arendt answered we have 2 large and 1 of the smaller ones. The 3rd one is out because of the hydraulics for the blade to turn it back and forth completely shattered off but we can put it in the angle and we can do Lake Road and Lake Breeze, the straight roads and we will have an experienced operator to handle that which will probably be Pat but if we need 3 – 3 are available plus the other one is now back in service which wasn't in service last year. Councilman Rosso asked the one that you referred to as the smaller one or a bigger one? Service Director Arendt answered I don't know the size of it, it is just a little smaller than the blue one. Councilman Rosso stated I thought you said that there were 2 large ones that were working and 1 small one. Service Director Arendt answered 2 large ones working fine, 1 small one working fine. Councilman Rosso asked does the small one do a street though? Service Director Arendt answered to do side streets and we have the ability for the 3rd large one. *Motion by Huska to accept the report. Yeas All./**LAW DIRECTOR REPORT:** Law Director Graves advised on the following:

Demolition Board – still waiting to get a list together for the nuisance properties to recommend for repair or demolition. One update on the property on Mapleview that was to be conveyed to the city, unfortunately I did read in the paper that the owner did pass away. So we will have to wait and see if that does end up getting conveyed to the city or if we end up having to deal with the probate issue on that.

Civil Service – as you can see by the agenda, the Civil Service Commission has scheduled their next meeting for Wednesday, February 4 at 5 pm and I will keep Council apprized of the goings-on there.

Legislation – in addition to the 2 on the agenda, the appropriations and the second reading on the grass cutting billing ordinance. If Council so chooses they could add the piece of legislation the Mayor eluded to which is a lease modification for the Dollar General store. The Dollar General which is actually Dolgencorp, that lease expires in April and we have been in negotiations with them and this is what I consider a pretty good modification. It involves a significant increase in their rent and I would encourage Council to consider passage and I will be happy to answer any questions. In addition to that, we have made proposals to Rite Aid – we are in negotiations with them and also a couple of other tenants. The Post Office has exercised their renewal option through 2016. So the Post Office is locked in for at least another 10 years, they are not going anywhere. We will be talking with the

Bank and the Bowling Alley and the rest of the tenants. *Motion by Huska to accept the report. Yeas All.

CITIZENS COMMENTARY:

Debbie Belaska, 4014 East Lake Road stated Mayor you are doing a fantastic job and all of you have. You made all the right decisions, you are really turning this city around, it is really a positive attitude. I know people come up to me and say you did a good job – it wasn't me, it wasn't me. It was a group of people coming together to turn this around but it was your vote, it was the Mayor and David Graves and the Finance Director that went out and went in front of you people to make all the right decisions. This city is doing a big turn around Mayor, you are doing a fantastic job. You are going above and beyond, I am glad to see this city making progress after 17 years living here. I mean it is a pleasure to be in this community, it is a joy. It is nice to see that our taxes are really going to work here and I mean you are getting paid a little bit of money, these are jobs that you come in here and you have to hear all the gripes and that. I am sorry that there is not a lot of other people coming up to you and I hope they do because we had a group of people here that were ready to stomp the whole place – it is too bad we can't get a group of people in here to say thank you. You are doing a fantastic job, everybody is quick to complain but not everybody is quick to say thank you. So on behalf of those people who don't want to come here and say that, I would like to say thank you on their behalf too – I appreciate it and I am sure they do because they have told me so the word needs to get out to all of you.

Dan Erdei, 4015 Tennyson stated with regards with these developers, are you guys going to draw something up or have an ordinance or something where we are not going to get stuck like we did the last 50 years with a plaza that is rundown and you can fine them all you want and they are just going to laugh at you and just stick it to us. Mayor Piskura answered we have actually discussed this at length and the idea is that the city doesn't want to own and run a shopping center. We are either going to lease or sell the land and if we lease the land, there will be conditions in the lease. If we sale the land, we want to put covenants in the deed. So yes we want to protect the city from this ever happening again. Mr. Erdei continued on these BFI containers, I work in all sorts of towns you know and some love them to death and some hate them. So is that extra money worth it or are you going to have a community, like a vote going on or get community input in on it before you guys jump on it – before this little trial starts? Service Director Arendt answered we will have Dave Kidder from Allied Waste come and that will be announced in the paper for Council or whatever and he will explain the purpose of the pilot program. Now it is mandated by the County for us to continue getting our Solid Waste grant money, that we have to have a pilot in by the year 2010. We have pick 900 homes within the city to do that. You have to keep the pilot program for 2 years, if you chose after 2 years to go back to the old way then you can do that. Their reasoning behind it is that it is going to help keep their costs down. You

will have to listen to his explanation but the county put us in a bind. We don't have a choice, if we want to continue getting that Solid Waste money – we had better have a pilot program and if we only have to keep it 2 years, I would rather have something like that happen then lose the Solid Waste grant money. But that obviously would be up to the Mayor and the Council, not me. President Podmanik asked can we expect a time frame of when we will see that presentation? Service Director Arendt answered I am hoping at next Council, he was scheduled to come in last week but an emergency came up and he is supposed to give me a call and I want him here by next Council meeting because I don't want us to go into September or October and then all of a sudden be forced into a decision. I would like us to have many, many months to contemplate this. Mr. Erdei continued I see that Erie Outfitters wants to sell firearms which I have no problem with that, we want to keep a business in this town and support them and I didn't really get to look at it real good but there is nothing in the law in this city that says you can't is there? Law Director Graves answered the issue was in order for them to get their federal licensure I believe, they wanted to check and see if there were any local restrictions and in looking through the ordinance in fact there was an ordinance and I think it goes back to the 70's that says that no one will be allowed to be a firearms dealer in the city without first obtaining a license from the Police Department and in discussions with them, the Police Department doesn't have any type of application or license that they have used in the past. So the question was is that something that we want to keep on the books and draft something or is that something that would consider just repealing and not having any local control over. I believe the general consensus was that we were going to keep that book and create a local application and license for anyone that wanted to sell firearms in the city. Councilman Elliott advised I would like to add that to my agenda under Ordinance so that we can discuss it.

Debbie Belaska, 4014 East Lake Road advised I invited Dave here, Dave has been trying to get here and he is one of our businessmen in this community and Dave and I were talking and I know that everybody – you know we have flyers like from St. Thomas that put like the names of our businesses and that. We were saying when people move in because now the houses maybe will get a turn around and that, maybe have a list of all our businesses that is in this community and when somebody moves into a home or something have flyers for all the businesses so that the people who are moving in won't shop somewhere else and we can try to keep these businesses up and running in our own community. You know like a list of what is here, you know Dave's vacuum, the restaurants, the bars, whatever anybody is interested in so they are familiar when they move into our community maybe. I know that some have welcome wagons and all that and I know that is expensive but if we could have some type of flyer that says all the businesses and try to keep people patronizing in our community so that we don't have people running off somewhere else. You know maybe even at the Apple's, wherever or

come here when they stop here and they are new or they are checking down at the Building Inspectors or getting something and we could go here is all the businesses in our community – you know a little flyer, 10 cents to run off all the businesses and that but 10 cents might make a big difference in our community on saving businesses and making people aware that these businesses exist in our town and not go back to where they were shopping – keeping our money in this community. Service Director Arendt advised Bill Gardner and I have been talking about that last week and we are actually getting prices on, it is funny that you brought it up because we are working with the Visitors Bureau on something as well. Avon Lake Press John Edwards advised I spoke with Gregg Lewis at Erie Outfitters and Gregg is not intending to stock in firearms.

UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by Huska to amend the agenda to include Council#006 to tonight's agenda. ROLL CALL TO AMEND THE AGENDA: Yeas All – Elliott, Kovach, Rosso, Bring, Huska, Smith. *Motion by Bring to go into an executive session for the purpose of sale or lease of public property. ROLL CALL TO GO INTO EXECUTIVE SESSION: Yeas All – Bring, Smith, Kovach, Rosso, Huska, Elliott.

*Motion by Bring to return to regular session. ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Bring, Rosso, Huska, Smith, Kovach, Elliott. Law Director Graves advised let the record reflect that the City Council of Sheffield Lake did adjourn into executive session to consider the sale or lease of public property.

ORDINANCES AND RESOLUTIONS:

- 1.) Council#003 – SECOND READING – an ordinance amending section 561.02 of the codified ordinances of Sheffield Lake regarding cutting of grass and weeds by municipality.
- 2.) Council#005 – 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 – Rosso, Huska, Kovach, Bring, Elliott, Smith.

*Motion by Huska for ADOPTION:

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

Ordinance Passes#4-09

- 3.) Council#006 – EMERGENCY – an ordinance authorizing the Mayor to enter into a lease modification agreement with Dolgencorp, LLC (Dollar General) for the lease of store space located at 4128 East Lake Road, and the declaring of an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Ordinance Passes#5-09

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach to adjourn at 8:03 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 27, 2009.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura