

Minutes of the City Council
Sheffield Lake, Ohio
March 24, 2009

The regular meeting of the City Council was held Tuesday, March 24, 2009. Council 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, Bring, Huska, Smith, Kovach, Diebold, Elliott, Mayor Piskura, Law Director Graves, Safety/Service Director Arendt
Absent: Rosso, Finance Director Smith, Treasurer E Hoenig (excused)
Attending: Concerned Citizens, Zoning; Ebenschweller, Planning; Belaska, Members of the Media; Avon Lake Press

*Motion by Bring to approve the minutes of the City Council meeting of March 10, 2009 with any corrections. Yeas All.

*Motion by Bring to approve the minutes of the City Council Worksession of March 17, 2009 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS: None.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: None./Stormwater Utility: Representative Smith reviewed the minutes of the March 12, 2009 meeting. *Motion by Huska to approve the minutes of the March 12, 2009 meeting. Yeas All./**Safety:**

None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: Chairman Elliott reviewed the minutes of the March 5, 2009 meeting. Law Director Graves explained the reason why the Police could not cite for parking on the grass which is the prohibition is currently under the Building code and committee could still entertain whether to make that provision under the criminal code so the police could enforce. Chairman Elliott advised me and Joe Arendt have discussed that and I think he brought up a good point that we don't really want to cross job responsibilities from the Police Department to the Building Department. *Motion by Huska to approve the minutes of the March 5, 2009 meeting. Yeas All./**Finance & Claims:**

None./Investment: None./Council Representative to the Community Center: Representative Huska advised the meeting Monday was very short, they are trying to get donations for the floor and the next meeting will be April 20th at 7 pm./**Council Representative to the Zoning Board of Appeals: None./Council Representative to the Planning Commission: None./Council Representative to the Park Board:**

Member Kovach briefed the meeting, we spent the majority of the meeting talking about different issues on the potential skate areas. We have settled on looking through the community and sitting up where we could set-up skate areas and the other Board members plan to get together and go around to the different parks and actually map them out and see what each park is in need of and gear that towards any grants that may be available. I did request that Joe go over and take a look at a couple of concerns over at Ferndale Park and see that he not only did that but he has submitted a list that he and Jerry from parks prepared going over the needs of all the parks at this time. There was a list supplied to everybody on Council this evening, he has also prepared enough to go to the Park Board and I guess we will start on this project at next months meeting. The Easter Egg Hunt is scheduled for April 4 at 2 pm at Tennyson School.

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

MAYORS REPORT: Mayor Piskura reported the new phone system went in last week and they are continuing to install it throughout the city. City Hall is pretty much done and we had a meeting today to work out some of the bugs but it seems to be with the exception of some of the bugs, it seems to be working out just fine. I would request an executive session to brief you on a few items pertaining to compensation of a public employee and the sale or lease of public property if you so desire. President Podmanik asked all that old phone equipment, is it still here on city hall property or has it been taken away. Mayor Piskura answered I am not sure if it is here or already gone. President Podmanik advised we had a very long cord for the clerks phone downstairs and we didn't get it swapped over. The cord allows her to reach the copier from her desk and anywhere else throughout the room. We would like to get it back. Mayor Piskura asked would you just prefer to have a cordless? Clerk Fantauzzi answered yes. Mayor Piskura advised we have 2 cordless now, we have one that started up there and one in the copy room for upstairs. So depending whether or not it will go downstairs or if we have to get a new base, we can talk to the engineers about what it would involve. I don't think much of anything then you can just have a cordless down there. President Podmanik stated that would be fine. *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 have provided each Council person with a list for the Allied Waste Program, this is a list of the streets that have been chosen. If there is any questions on that I would be glad to answer. I would suggest that we have a public hearing about this with these residents on these streets. If there are any concerns, we can answer any questions for them at that time. As Mr. Kovach has said, I have provided you all with a park recommendations. If there are any questions on that, I can go over that. As far as the field that Councilman Kovach asked about on Ferndale, we have some dirt to put in there. We will be able to get the dirt from the bike path area because we have to dig that up and go down 18 inches. We plan on starting the

bike path in May but I am going to start a little earlier so I can get the dirt onto the baseball fields. *Motion by Huska to accept the report. Yeas All./**LAW**

DIRECTOR REPORT: Law Director Graves reported we are continuing to work on a number of different projects. We are looking into establishing a community investment corporation and will keep Council apprized as we move forward on that. Primarily for the purpose of making improvements to the Shoreway Shopping Center. We have implemented a evidence and forfeited property policy for the police evidence room and the police are implementing that and we will be seeking court orders to dispose of a lot of old evidence and things that are no longer necessary. Negotiations are continuing with the existing tenants at Shoreway Shopping Center. I had a productive discussion today with the bank and they are interested in renewing and things are moving forward in a positive manner in that regard. As far as legislation tonight, you have got the second reading of the disposition of the service weapons ordinance which is to repeal that. You have got the appropriations as well as the annual recodification ordinance. Should Council so choose, they could add the additional pieces of legislation which are attached. That would be the new application for the CHIPS grant program which everyone should be familiar with from the last few years that we have done that. Also Council#021 which is actually formalizing our long standing policy of allowing residents to apply for sewer credits if they feel that their water bill reflects water charges that did not enter the sewer system. We have got Council#022 which is an amendment that the Mayor spoke about at Worksession, it is a management agreement that we did last year for the YMCA to provide after school care. This is actually going to be able to, it is the same set-up only the YMCA will provide summer care. *Motion by Huska to accept the report. Yeas All./**Demolition Board – None./Civil Service – None./Legislation** – addressed above.

CITIZENS COMMENTARY:

Debbie Belaska, 4014 East Lake Road stated I wanted to thank you some people tonight – I had an incident occur several weeks ago. First of all I want to thank the Sheffield Lake Police Department Mayor, their response – the dispatcher calmed me down and the way the police officer is approached as far as he could to get the evidence and everything which resulted in last nights ordeal which was taken care. I want to thank you personally and I also want to thank Joe – you did a wonderful job. I also want to thank Council at Large Diana Huska and Council at Large Dennis Bring and Law Director. I want to thank Councilman Eric Elliott. I want to thank also my neighbor and Bob Ebenschweller. I really appreciated the police being there as fast as they could because the evidence was there so that could have gone on the way it did. Thank you very much, I appreciate it.

Mark J Erdei, 4015 Tennyson stated I was just curious, is there any more negotiations going on with the rest of the empty buildings in the plaza. Haven't you gotten as far as getting someone else in there, interest? Mayor Piskura asked with regards to leasing? Mr. Erdei answered yes, I mean for the empty buildings

that are not going to get knocked down? Mayor Piskura answered we are continuing to show it to a number of people but are hesitant to sign any leases until we are clear on a direction. That is kind of the same place we have been for the last month or two. I anticipate fully that within probably the next month, we should be in the public input phase of our planning process and then after that it is just going to be a game of leasing. Mr. Erdei asked how is the wind turbines going, I can't wait to see them myself? Mayor Piskura answered very quickly, there are like 3 different projects. The smaller scale turbines that we are putting up at the boat launch is one project. We identified where they are going, we signed contract with Lake Erie Electric and they will probably be installed within the next. Service Director Arendt advised no, they will start within the next week. The wind mills take 3 weeks to get, they ordered those and they will start excavating and putting the concrete which will take 3 weeks to cure before they can do that. So we are probably looking at 5 weeks out for them to be completed. Mayor Piskura advised in addition to that, we were talking about much larger center pieces. Where we are at with that is we are seeking power purchase agreements with interested suppliers and they call them performance contractors that would like to come in and take a look at that site and do the commercial survey and decide whether or not it is a profitable area/commercially viable which this area is and they will come and put the infrastructure up and sell back the electricity to us. We have 2 or 3 different people that are looking at it right now with the idea that we will then regardless of location be it at the boat launch or in the parking lot – the electricity will go to power the center and we will get as much of the center off of the grid as possible. So we are waiting on some proposals from about 3 different people at the moment for that project. As far as the large project with the pier and the big turbines out in the lake, we won't know anything on that until we hear what is going to happen with the stimulus money because we have applied stimulus package money to get that done and without the stimulus money we can't get that done. That smaller scale stuff we can, so that is where we are at. Mr. Erdei asked Service Director Arendt is demo going to happen before summer time? Service Director Arendt answered we should sign the contract tomorrow, the company that we chose has already applied to the state EPA. Once you apply you have a minimum of 10 business days before they allow you to do that, so it will be the last week of this month or the first week in April.

Debbie Belaska, 4014 East Lake Road stated I hope you get as many compliments as I hear people coming up with and they are happy with the store and I hope they are calling you with a bunch of positive stuff. That is all I hear is good and as far as the negative I let it go in one ear and out the other and I think you should do the same sir. Thank you very much for that store and everything that you have done for this. You are doing a wonderful job and you need to be applauded for that.

UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by Huska to amend the agenda to include Council#020, 021 and 022 to tonight's agenda. ROLL

CALL TO AMEND THE AGENDA: Yeas All – Huska, Smith, Kovach, Bring, Elliott, Diebold. Councilman Bring advised we also have some copies of the 2009 resolution on spending from federal economic renewal grants. This was given to me by Glenn Loughrie recording secretary of USW Local 1104. Councilman Bring read the attachment into the record, “this enclosed attachment is a resolution that I am requesting the city to adopt. I feel it would add some structure to the spending of the taxpayer sponsored Federal Economic Recovery Package. The resolution simply states that our taxpayer dollars should be spent to maximize the creation of American jobs. It includes a commitment from the City of Sheffield Lake to buy materials, goods and services for projects from companies that are produced within the United States whenever and wherever possible. This resolution is not an attempt to impede the way the city completes its business, the intent and purpose is to aid in the struggle to maintain jobs in the surrounding area and give our local economy the priority to receive any business generated from these funds before buying from a foreign company.”

ORDINANCES AND RESOLUTIONS:

Council#017 – SECOND READING – an ordinance repealing section 133.07 of the codified ordinances of the City of Sheffield Lake regarding disposition of service weapon upon retirement, and the declaring of an emergency.

Council#018 – EMERGENCY – an ordinance providing for the establishment and increase and decrease of certain funds within the annual appropriation 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 – Bring, Kovach, Smith, Huska, Elliott, Diebold.

*Motion by Huska for ADOPTION:

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

Ordinance Passes#18-09

Council#019 – EMERGENCY – an ordinance approving the recodification, editing and inclusion of certain ordinances as parts of the various component codes of the codified ordinances 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 – Kovach, Smith, Elliott, Bring, Diebold, Huska.

*Motion by Huska for ADOPTION:

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

Ordinance Passes#19-09

Council#020 – EMERGENCY – a resolution for the purpose of authorizing the Mayor to file a FY 2009 Community Housing Improvement Program Grant

(CHIP) application with the Ohio Department of Development, and the declaring of the emergency.

*Motion by Bring for SUSPENSION OF RULES:

ROLL CALL FOR SUSPENSION OF RULES: Yeas – Bring, Kovach, Elliott, Diebold, Smith/Abstain - Huska.

*Motion by Bring for ADOPTION:

ROLL CALL FOR ADOPTION: Yeas – Smith, Bring, Kovach, Elliott, Diebold/Abstain – Huska.

Resolution Passes#20-09

Council#021 – EMERGENCY – an ordinance establishing section 931.19 of the codified ordinances of the City of Sheffield Lake regarding application for sewer credit, and the declaring of an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Ordinance Passes#21-09

Council#022 – EMERGENCY – a resolution authorizing the Mayor to enter into a first amendment to management agreement with the YMCA of Greater Cleveland to provide summer child care services, and the declaring of an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Resolution Passes#22-09

*Motion by Bring to go into executive session for the discussion of compensation of employee and sale or lease of public property.

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

*Motion by Bring to return to regular session.

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

Law Director Graves explained let the record reflect that the City Council of Sheffield Lake did adjourn into executive session for the discussion of compensation of public employee and the sale or lease of public property pursuant to the Ohio Sunshine Laws.

President of Council Podmanik advised Mr. Diebold, I would like for you to assume the duties as Council representative to the Community Center.

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach to adjourn at 8:17 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 March 24, 2009.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura