

**Minutes of the City Council**  
Sheffield Lake, Ohio  
April 14, 2009

The regular meeting of the City Council was held Tuesday, April 14, 2009.  
Council President Edward R Podmanik called the meeting to order at 7:30 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, Rosso, Elliott,  
Safety/Service Director Arendt  
Absent: Diebold, Mayor Piskura, Finance Director Smith, Treasurer E Hoenig,  
(excused)  
Attending: Concerned Citizens, Zoning; Ebenschweller, Members of the Media;  
Avon Lake Press

\*Motion by Bring to approve the minutes of the City Council meeting of March 24, 2009 with any corrections. Yeas All.

**CORRESPONDENCE/COMMUNICATIONS:** Monthly report of court receipts for month of March - \$11,300.15.

**PRESENTATIONS: None.**

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

**Roads, Drains, Water, Sewer, Refuse: None./Stormwater Utility:** Representative Smith reviewed the minutes of the April 9, 2009 meeting. \*Motion by Huska to accept the report. Yeas All./**Safety:** Chairman Bring reviewed the minutes of the April 1, 2009 meeting. \*Motion by Huska to accept the report. Yeas All./**Buildings, Lands, Vehicles & Equipment:** Chairman Kovach reviewed the minutes of the April 2, 2009 meeting. \*Motion by Huska to accept the report. Yeas All./**Ordinance:** Chairman Elliott reviewed the minutes of the April 2, 2009 meeting. \*Motion by Huska to accept the report. Yeas All./**Finance & Claims:** Chairman Rosso reviewed the minutes of the March 17, 2009 meeting. **None./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:** Member Kovach reviewed the minutes of the March 16, 2009 meeting.

\*\*\*\*\***ADMINISTRATIVE REPORTS**\*\*\*\*\*

**MAYORS REPORT: None./FINANCE DIRECTOR REPORT: None./TREASURER REPORT:** report attached./**SAFETY/SERVICE DIRECTOR:** Safety/Service Director Arendt reported the first item on my list

concerning the culverts that we talked about at last meeting such as near Mr. Elliott's home. We had that property surveyed and we did some research and the fences are falling down, the drainage ditch is pretty filled with debris and everything and through the research we found out that for some unforeseen reason the state never transferred that over to the city, so it belongs to the state. So we called someone that we knew from the state and fortunately got a call back the next day and they went out Friday and looked around and they are going to meet me this week and go over all the property deeds that I looked up and found. They can't figure out why they still own it. So they hopefully, hopefully their going to be responsible for replacing the fencing and we will probably have to share in the cleaning of the ditch – the city will, the state will and probably the property owner. But we are looking much better then anticipated in the beginning. The second issue, the cameras are being installed – they are working on them now. The camera currently at the boat launch does work but we are getting new and different cameras that will have the zooming capability of about close to a half mile or more and it will be a 360 degree camera. So it is protecting not only the interest that the city has in the boat launch but protecting the city's interest in the Shoreway Shopping Center and surrounding areas as well. As I stated earlier we intend to start the first week in May on the bike trail, we will no longer have a bridge to no where – it will lead somewhere. That like I said hopefully the first in May. I met with the library people today over their concerns about the windmills and it went extremely well and answered all their questions, reassured them on any concerns that they had. If you do go by Shoreway and do some shopping and stuff you will see that we are working on our last store front covering what I had done was false fronts put in; not just blocking the windows or the glass. You know how the entrances to some of the stores have the in-v or whatever you call it – you will see that it is all squared off, it is all false fronts now which can be easily removed when we do get people interested in renting. But if you look there, it looks 100% better. The demolition has started, they are working on the inside removing all the tiles and the asbestos. Tomorrow at 1:30 pm I am meeting with people and I would like to invite the Avon Lake Press as well. There will be a magazine there tomorrow at 1:30 pm to interview the company that is doing it because this company is heavily into recycling and they are pulling literally every single piece out there that they can recycle. Hopefully next week, the bulldozer will be starting. I stated to Council a couple meetings ago about Walker Road Phase III, when I originally got here and talked to Bill Gardner about that he indicated that we had about a year left on that grant but for some reason I decided to look in further and found out our money runs out in July. So we are applying for an extension of that grant so we don't lose that money before the Council decides if and when it decides for put the additional \$220,000.00 of the matching funds into Walker Road Phase III. We should be able to get the extension without a problem because Bill sits on the Board and that will be good. When Mr. Kovach was mentioning about

the parks, we basically done a little bit of that already and we have added all the parks in the city and all the additional sites in the city that we feel are relevant to the visitors bureau. So if you look on their website now, everything should be listed for Sheffield Lake. \*Motion by Huska to accept the report. Yeas All. President Podmanik advised I received a letter from a Tracy Koffman, 781 Sheffield Road and she has been having trouble since 2006 and I know you weren't here then but if you could look into this billing process that we have going on with her. Service Director Arendt advised that will be addressed first thing in the morning. If she is not getting a bill, maybe somebody isn't either. President Podmanik advised I would hate to find out a resident is not getting a bill for a couple 3 or 4 months or longer and then gets hit all at once. Service Director Arendt reassured that will be addressed tomorrow morning. \*Motion by Huska to accept the report. Yeas All./**LAW DIRECTOR REPORT: None./Demolition Board – None./Civil Service – None./Legislation – None.**

**CITIZENS COMMENTARY:**

**Mr. Bob Ebenschweller, 362 Cove Beach** regarding the comment I made earlier on the earlier meeting, I would really like to see. First of all, since Sheffield Lake has been getting a lot of publicity on the windmill thing and we are looking like we are going to be a green community – I think it is time we look into other aspects as well including perhaps taking some of this money that we are going to get for going into the new containers and starting a recycle program again like we had before. Whether we use the barrels or what and encouraging people to get into the new thing that is all the rage now which is rain barrels. You are saving water, it is not water you are putting into the sewer system and it is not chlorinated water that you are putting on your plants. It is good healthy water from the sky and it works wonders and I have been doing it now for a year and a half. I went and bought a hundred gallon stock tank out at Tractor Supply and that thing just keeps filling up, I can't empty it out fast enough and it is working great. If we could do that along with the other things, I think it would be nice to be on the map as going totally green.

**Mr. Kerry McCullough, 685 Roberts Street** asked when was the last time there was a Planning Commission meeting? Council Representative Huska answered 2 months ago. Mr. McCullough stated I get an email every single time something changes from Kay and I really haven't seen when there was a Planning Commission meeting in the last 4 months or 5 months. Representative Huska answered well there was. Mr. McCullough asked why are we not having Planning Commission meetings? Representative Huska answered we are. Councilman Bring stated well there wasn't enough people on the Board for a while. Mr. McCullough stated there is a lot of growth going on in the city right now and it is the job of the Planning Commission to make sure that these things are going on and that they are going on correctly. Representative Huska advised we had a meeting when we got the new people on and we didn't have a meeting this past month but the month

before we had a meeting. Mr. McCullough asked you are telling me you had a meeting in March, February, January? Representative Huska answered yes. Mr. McCullough asked yes which? Representative Huska answered February, Kay when did I have a meeting in March? Clerk Fantauzzi answered I will go get my book. Representative Huska stated because we had all the new people there, we have 2 new people now. Mr. McCullough asked well that is good, was the stop light at the corner of Lake Road and Lake Breeze discussed? With the boat launch opening soon, there is going to be a lot of added traffic or presumed added traffic – is that going to be fixed, the light? Representative Huska answered it hasn't been yet. Mr. McCullough stated we are also talking about finding an investor to put some 100 million dollars into our shopping center, has there been anything in the infrastructure done as far as roads? We can't have 2-lane roads going to a 100 million dollar edifice, we can't expect people to be coming into our city on 2-lane roads – it don't happen. The only place I have ever seen it happen was an anomaly, Columbus Ohio, it was 2-lanes to the airport and 4-lanes to the zoo. We are not going to get people to come here if we don't have a plan in place and we don't have an infrastructure in place. I have a lot of concerns and it seems like Planning Commission gets canceled more then anything else and if it was due through lack of number of people then I guess we got to go out and find more people.

Representative Huska answered we did. Service Director Arendt stated in defense of Planning Commission which they do not need defense because Diana has had a meeting okay. When you talk about 2-lane or 3-lane or 4-lane highways and stuff, we have to get the plans for the Shoreway Shopping Center. Mr. McCullough replied I appreciate that but Planning Commission is to make a long range plan. If you guys are talking about doing this, their not having meetings to discuss bringing traffic into the city. Service Director Arendt advised I understand what you are saying but to be fair we are going to bring the plans to this Council probably within 2-weeks or 3-weeks. Once that plan is there then we have to work around that plan as well. Mr. McCullough asked did that plan come through Planning Commission? Service Director Arendt answered as I said in 2 to 3 weeks we are going to be bringing the tentative drawings. Mr. McCullough asked I am asking again, did that plan come through Planning Commission or is that something that was done totally administratively? Representative Huska advised we have a city structure – that plan that we have. Service Director Arendt answered no. Mr. McCullough stated okay that is what I am asking. Representative Huska stated we have been discussing the plan for the whole city. Mr. McCullough asked when was the one before this, was this when you went another 2-weeks when you didn't have enough people on it. Representative Huska advised Mr. Bontempo quit and they didn't have a meeting. Mr. McCullough asked so February 19<sup>th</sup> is the only meeting that we have had this year and your next one is planned to have on May 21<sup>st</sup>.

Representative Huska asked would you like to come? Mr. McCullough answered you know what, I might be able to make that one because Kay sends me a list

every time. Representative Huska stated I will look forward to seeing you. Mr. McCullough stated the questions that I have for you though is why aren't they happening, are we doing anything to plan for the future. Representative Huska answered yes we are, we have been working on plans for the future for a very long time. Mr. McCullough asked such as? Representative Huska answered such as I don't have my glasses tonight but I have a whole range plans here in my book. Mr. McCullough asked apparently we are having a problem with 56 hours and 50 hours and whatever is going on with the Fire Department. I would certainly hope that I can remember 8 people signing something when I went to bat for an income tax increase, 8 of you all signed it - it says we would always have a fully staffed Fire Department when we put that through. When we worked on that, there was a lot of people that put a lot of time into getting that income tax added. I am going to remind you right now, if we are allowed to run with 3 people on a shift if any one time during the day to make up for this 6 hours because we got to pay for it one way or another – I am going to remind each and every one of you that you promised we would have 4. I am going to remind each and every one of you that you said that if we didn't have 4 you would collectively resign. Councilman Bring answered we have not compromised the staff. Mr. McCullough answered thank you, I am just making sure that it is not going to happen. Councilman Bring advised it hasn't.

**Mr. Michael Levin, 11429 Glenwood Avenue** advised I am here this evening and at this point because I like to follow up with the last person's comment about the Planning Commission. For the last almost year now, I have been trying to work with the Mayor and the Law Director about Shoreway Shopping Center. I was in a unique position that I understood the ownership and despite the Mayors assertion that I only made trouble, I believe I was a great help but non the less, I have met and offered to pay for the plans that your city is paying for the city architecture. I don't know if you are all aware that Paul Vopy who is a tremendous architect designed buildings in Cleveland, Shaker and all around the state is working for the city at my suggestion and I offered since the Mayor wanted to show that I had real interest in Shoreway Shopping Center – I offered to pay for Mr. Vopy services. When the sale of the Shoreway Shopping Center looked like it would go through to the city, the Mayor asked me not to continue trying to buy it so I did it and he thought that it would be better if the city acquired it particularly after the Ratner's donated their 20% interest so I said okay. From that time I have been working on the plans for Shoreway Shopping Center, I don't know how much you are aware of it or not and I have a partner who has an outstanding reputation but the Mayor doesn't like him. Three weeks ago, I met with the Mayor, David Graves and Joe Arendt and they informed me that they wouldn't sell me the shopping center, they wouldn't lease me the shopping center but they would consider leasing me a quarter of it and I said okay. Well, in the last 3 weeks I haven't heard back from the Mayor or David Graves and it is a particular matter because my cousin still

owns or the ownership still owns 7 acres behind Shoreway Shopping Center which I am in negotiations to buy and the Mayor assures me that nothing is going to happen there as long as the present ownership is in place. Well I don't plan on buying it because it is going to end up being about a half a million dollar investment unless I can get some questions answered. So if you have someone that is willing to put a half a million dollars into your city, I think that maybe the Mayor and the Law Director would answer me but they don't. So I am very frustrated. Furthermore, I don't know if you are all aware of what the Mayor is doing and you are wasting valuable, valuable time. I have 2 national tenants that want to move into Shoreway Shopping Center and I can't get a reply from your Mayor or your Law Director. So I think you should aware of that and at this point if I am not wanted here or if you don't want a legitimate developer that has tried to invest in this and yes it could be anywhere from a five to one hundred million dollar project but city's don't run development – developers do and you are wasting time and if I am not going to be involved then I just want to quit right now. But when a Mayor tells me that he is going to call me back and I have 2 national tenants and I don't get a response other than that's a nonsequitur I am very frustrated because if I were you, I would be real interested. You know the City of Cleveland if you have 2 national tenants, the Mayor will come out to your house and try to get those tenants in but this is 3 weeks ago and I haven't heard anything. I have spent \$5000.00 on legal fees because of two separate junctures, I thought that we had an agreement or a framework for us to proceed with the City of Sheffield Lake with a real law firm Shelfy and Halter and maybe I am stupid but it was one of the top attorneys in Cleveland understanding what David and the Mayor wanted and putting it in writing and then being told that we are making them mad and it is wrong. So if you are all interested in our plans and what is going on I request a meeting with the entire Council or that you should request what is going on. I just talked to Paul Vopy of City Architecture and he is having trouble getting any response from the Mayor about the plans because I can't do anything with national tenants unless there is cooperation and I am not spending a half a million dollars on 7 acres unless I have some assurance from the city as to what their plans are. At that I would just like to hope, I was frustrated and my partner is frustrated and we met with the President of Council and he suggested that I come here and request this. I thought I worked with the Mayor and David to promote the sale in the transition of the shopping center, maybe I have done something wrong. I know he is not here tonight, I certainly don't want to feel like I am going behind his back but he is not here and I am. I certainly would like to meet with all of you, I think the plan is real good and nothing can go forward and I think that you should all be interested in what we have to offer and if we just had the opportunity to meet with you, we would like to get your feedback. Councilwoman Huska asked how many years did your family own that shopping center? Mr. Levin answered my great Uncle built it in 1958 I believe.

Councilwoman Huska stated I moved here in 1979 and after 1979 it went increasingly down hill. I just was curious how long your family owned that shopping center. Mr. Levin advised one of the things I pointed out, I wanted to buy out the Ratner's 20% interest in 1986 which they always refused to do and they were the ones that were managing it. I thought it was inexcusable as to how it was run and I think I helped to bring about the sale of it. I had no ownership of it. I begged one cousin James to come out here and meet with the Mayor despite his assertion but there was no way that my cousin would sell it. If it wasn't for the break-in's and the violations and my insistence that the Ratner's are running it and it is their management which I had nothing to do with and actually my relatives don't live here. The main ownership just doesn't live here, that they weren't going to get anywhere. I probably went overboard but that's all. I was trying to correct it since 1986 and I actually believe that the city would fail in buying it and I was hoping to buy it. I don't know if anyone realizes that the city got an appraisal for \$4.6 million dollars which the Ratner's donated based on that value and the issues that occurred after the breaking of the environmental problems is of no small matter and they donated to get out of that situation. Councilman Smith stated you have been meeting with the Mayor and the Law Director correct? Mr. Levin answered correct. Councilman Smith stated I think they are not here to defend themselves. Mr. Levin stated I am not attacking them. Councilman Smith stated I don't know what kind of conversations you had but I think that before I would go any further, you would talk with them. Mr. Levin stated I am frustrated on the fact that they won't talk to me anymore. Councilman Smith stated well that is something we will have to ask but unfortunately I mean the Mayor is on vacation so I am sure once he gets back I am sure somebody will be asking a couple of questions about it. Mr. Levin stated I wish he were here and I wish David was here. Councilman Smith stated I appreciate you coming here but they are not here to kind of defend themselves or to debut different conversations so it is kind of hard to get the whole understanding of it. Service Director Arendt stated I was at one meeting with you as well and one of the things the Mayor did say and you do know this is that he was very happy to have you involved. When we discussed at that meeting my particular question to you was what would you do with this particular corner and you said you would love to have it and the Mayor said to you as well I did, okay Michael why don't you bring a plan and tell us what you would with this corner if you were to lease this corner from the city. As far as I know the Mayor has not received a plan yet, regarding your email that you did send the Mayor. Mr. Levin stated hold on, I have requested several meetings to present my plan. Service Director Arendt stated let me finish, I said as far as I know there has been no plan. I know that you did email the Mayor to talk to him and I know about the national tenants that you may have. I do know that the Mayor did email you back and said he would be very interested in that and he also said, we will get a confidentiality agreement and bring them forward. Mr. Levin stated correct. Service Director

Arendt stated that was last week and now the Mayor is on vacation so I know that he did answer you as so. So when you say that you weren't able to have a meeting, you, I, Dave Graves had a meeting 2-1/2 weeks ago. You sent an email that the Mayor did respond to, I know he did. Mr. Levin stated he responded in part, in part of the confidentiality agreement and I said I need to meet as soon as possible and I haven't heard back from him since then. Service Director Arendt stated that was last week. Mr. Levin stated correct. Service Director Arendt stated the Mayor now prepared with many other things that he had to do and now he is out of town, so I don't think that it is unreasonable that you would say that the Mayor has been ignoring you – that is not factual because he has not. Mr. Levin stated I am not that he has been ignoring me. Service Director Arendt stated he has not, he has answered you and he has requested that you bring these proposed tenants with confidentiality agreements and would be glad to meet with them. The Mayor is out of town, so your last response from the Mayor was I believe last Tuesday or Wednesday because I was there when we talked and he did send you that email. I don't mean to need defend the Mayor but he is very anxious to meet with you and he is very anxious with the proposed tenants that you have but to come to Council and say that he has ignored you is not true. Mr. Levin stated I did not say that he totally ignored me. Service Director Arendt stated well I think that we got it back on tape you did say that you didn't get an answer. Mr. Levin stated I feel like I am being ignored. Service Director Arendt stated that is not true and you know that and when you say that the Mayor doesn't like your particular partner, I would rather go into executive session to go into something else. Mr. Levin stated I am sorry as attacking, I just wanted to know if you were aware of this and as Joe points out the Mayor has not totally ignored me. I feel like I am being ignored and I feel frustrated and I feel time is of the essence. Service Director Arendt stated did the Mayor tell you, did the Mayor say to you Michael we would love to have you with us in this project? Mr. Levin stated yes. I am most anxious to be in the project. President Podmanik asked Mr. Levin are you going to make an attempt to contact him next week, I understand that he will be back after the 20<sup>th</sup>? Service Director Arendt answered yes and the Mayor has plans to meet when he gets back, he wants Dave Graves, myself and him to meet with Michael. Mr. Levin stated oh good, I just didn't know that. President Podmanik stated I was unaware of that on Friday myself. As I told you, there are several things that I don't know that you discussed. Service Director Arendt stated we discussed things and situations about Shoreway including Mr. Levin as late as last Thursday at I think it was 5 o'clock in the afternoon when we were still discussing you. Mr. Levin stated okay well I just want not to be attacking, that I am very excited about it and that I am enthusiastic about it and I don't want any lapse in time to show that I am not interested. Service Director Graves stated well be appreciative of the fact that the Mayor did respond to you either Tuesday or Wednesday of last week and late as last Thursday, we were discussing everything and he did go on vacation. He did answer you Tuesday

and we met Wednesday up until 5 o'clock or 5:30 and he went on vacation Thursday. Mr. Levin stated I wasn't aware of that. Councilman Bring stated plus he was in meetings all day Thursday. Service Director Arendt stated it is long days with those meetings.

**UNFINISHED BUSINESS: None./NEW BUSINESS:** \*Motion by Huska to amend the agenda to include Council#023 and Council#024 to tonight's agenda.  
ROLL CALL TO AMEND: Yeas All – Bring, Kovach, Rosso, Smith, Huska, Elliott.

**ORDINANCES AND RESOLUTIONS:**

Council#017 – THIRD 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.

\*Motion by Huska for ADOPTION:

ROLL CALL FOR ADOPTION: Yeas – Bring, Kovach, Smith, Rosso, Huska/Nays - Elliott.

**Ordinance Passes#23-09**

Council#023 – EMERGENCY – a resolution on the spending of Federal Economic renewal grants to the City of Sheffield Lake, 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, Rosso.

\*Motion by Huska for ADOPTION:

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

**Resolution Passes#23-09**

Council#024 – EMERGENCY – an ordinance of the Council of the City of Sheffield Lake approving, establishing and adopting the evidence, forfeited and recovered property policy and procedure of the Sheffield Lake Police Department and the declaring of an emergency.

\*Motion by Huska for SUSPENSION OF RULES:

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

\*Motion by Huska for ADOPTION:

Councilman Rosso asked Mr. Arendt, have you seen this – evidence and recovered property procedures? Service Director Arendt answered I helped write it.

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

**Ordinance Passes#25-09**

**COUNCIL PRESIDENT: None.**

**MEETING ADJOURNED:** With no further business before this council, Motion by Kovach to adjourn at 8:21 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.

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**CLERK OF COUNCIL**  
*Kay Fantauzzi*

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**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 April 14, 2009.

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**COUNCIL PRO TEM**  
*Richard Rosso*

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**MAYOR**  
*John J Piskura*