

Minutes of the City Council
Sheffield Lake, Ohio
April 28, 2009

The regular meeting of the City Council was held Tuesday, April 28, 2009.
Council President Edward R Podmanik called the meeting to order at 7:07 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, Diebold,
Mayor Piskura, Treasurer E Hoenig, Finance Director Smith, Law
Director Graves, Safety/Service Director Arendt, Grant Administrator
Gardner

Absent: Rosso (excused)

Attending: Concerned Citizens, Zoning; Ebenschweller, Civic Center; Nicola,
Members of the Media; Avon Lake Press

*Motion by Bring to approve the minutes of the Public Hearing; Allied Waste Pilot
Program of April 14, 2009 with any corrections. Yeas All.

*Motion by Bring to approve the minutes of the City Council of April 14, 2009
with any corrections. Yeas All.

*Motion by Bring to approve the minutes of the Special City Council of April 21,
2009 with any corrections. Yeas All.

*Motion by Bring to approve the minutes of the City Council Worksession of April
21, 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: Chairman

Elliott advised apparently golf carts are out again. We have discussed that in the past
and we were supposed to take action one way or another either for or against. So
therefore in Worksession, since we polled last time in the negative we are going to go
ahead and release legislation to prohibit golf carts. We will talk about that more
under Worksession. I have canceled the May meeting and my next meeting will be
June 4th at 7:15 pm./**Finance & Claims:** Councilman Bring reviewed the minutes of
the April 21, 2009 meeting. *Motion by Huska to accept the report. Yeas

All./**Investment:** Mayor Piskura advised we did have a meeting last week and the
date escapes me. It was Monday or Tuesday when I came back from vacation. There

weren't any changes that the committee wanted to make./**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 April 20, 2009 meeting.

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

MAYORS REPORT: Mayor Piskura advised I only have a couple of things for this meeting. The first thing that I wanted to do though was allow our Grant Administrator who has a hand-out for all of you, if you recall the last meeting we were talking about how to get Walker Road funded and I told you that I would bring you our entire proposal if you would permit him to explain it. I would feel more comfortable. Grant Administrator Gardner submitted hand-outs (available in council offices) and explained if you look at the first page which you can distinguish because the third column down has only 3 numbers in it, it starts at 800,000 – do you see that and it only has 2 numbers below it. I will start with that one. He continued the Ferndale project was bid and came in at \$2,161,423.31 – the number at the top on the left hand side. The federal portion is \$1,729,138.65 and the city's portion is \$432,284.66. The engineering which is engineering/construction/inspection/testing and all that is \$216,142.33 and the feds will pay \$172,913.86 of that and the city is obligated to pay \$43,228.47. That comes to a total of \$475,513.13. The previous expenses that we have had on this project are listed in the next columns; Richland Engineers - \$383,777.00/Right-of-Way - \$50,000.00/Buy Right-of-Way - \$76,425.17 and if you notice we split that 50/50 with the state/Right-of-Way Services and Utilities - \$80,000.00 and that was half split and the other is expenses including interest and stuff like that - \$711,904.00. The total project costs to the city of \$1,187,417.13. You borrowed \$800,000.00 in a bond - that is the next thing and we spent from 202, 208, 402, 617 - \$279,862.85. Lorain County Engineer has loaned us 0% interest loan for 20 years - \$133,600.00, so our revenue side is \$1,213,462.85 which means that right now if we paid up all the project we would have \$26,045.72 in the bank. However, if you look at the next page, everything down to the Ferndale Phase II revenue sources is all the same. But if you look at the revenue sources you will see Issue II 0% loan - \$200,000.00. We took an Issue II project on this as well as a federal project and we are entitled to \$200,000.00 of 0% 20-year loan money from the state. The State also granted us \$100,000.00 in grant money which is for this project. If you take that and the Lorain County Engineer still has \$80,000.00 0% 20-year loan that he will loan us towards the engineering costs. So we would have \$1,593,462.85 which gives us a project of \$406,045.72. Now, at this point Tammy is going to go to our Auditor Advisor and make sure that this is acceptable but our intent is to take the \$406,045.72 and take our portion out of it that we already paid which was the funds from 202, 208, 402 and 617 which was \$279,862.85 and subtract that from the balance and that would give you \$126,182.87 to pay back on loans that we

have and I would defer to Tammy but I think that would pretty much cover the loans for a year or we could make it as a one time payment back to them as well. That is the proposal that I had. Finance Director Smith advised that would free up the money for Walker Road Phase III. I wanted for you to understand it first and then I will go and do all the auditor preliminaries and make sure we can do everything that we can do which I think we can and we would be good to go. President Podmanik asked if this is possible and there are no problems, will this required any legislation from Council. Finance Director Smith answered I am not sure but I would get those answers. Before we do anything we would look for your blessing. President Podmanik asked how soon will we have our answers back? Finance Director Smith answered before the next meeting. President Podmanik advised Mayor Piskura apparently you can continue, Council is very satisfied at this point and time. Mayor Piskura advised the next thing that I just wanted to briefly mention is I put out a e-news in a press release yesterday and I apologize that it was such short notice but we were having a difficult time figuring out exactly when they were going to be done at Shoreway with the abatement of the asbestos tile so that we could start knocking down structure. We started at 11 o'clock today and it was really fun, I actually got to run the machine for a little bit and it was a big machine too. I got to knock down the east wall of the southern most part and they are about, right now if you drive down there and look they are about maybe 2/3 to 3/4 of the way done with that southern store and it is going slow in that particular section because the trusses are made out of heavy angle instead of just it being the bar-joyce like out of rebar and welded together. So they are going slower because they are trying to pluck all that out and set it off to the side for recycling. Just wanted to make you aware of the fact that it was coming down and it is pretty exciting if you go down there and look at it. Along the whole Shoreway subject, we have been discussing how to proceed with the redevelopment of Shoreway and one of the things that we have been talking about is having a developer or entering into an agreement with a developer to assist us in redeveloping this and I brought to you a proposal letter from Liberty Development, I also forwarded you a contract form of that letter and I told you that I wanted you to have it as soon as possible that there would be potential changes. There were some changes, I believe what you have in your package tonight for possible inclusion on the agenda is that legislation and the basic changes from what you had already received were the addition of a provision that included their duties to be performed in a timely manner so that we have some sense of continued project urgency that all matters be confidential unless they were covered under the public records act, in which case public record requests would be submitted to the Law Director and he would fulfill them but their work for the city; the agreement now has a confidentiality clause and the biggest part of that confidentiality clause is in dealing with potential new tenants. We can't have these conflicts out there with new tenants and everybody talking about it. He continued the third thing that changed was that in the original

draft they asked that we reimburse their business expenses but to the level of 115%, kind of for their troubles and that we did not agree to, we are not going to pay money to spend money but we will reimburse their expenses, so that changed that to just being reimbursed. Then lastly, the amount of \$30,000.00 they had requested an annual increase because if you remember we are talking about 3 to 5 build-out. They requested an annual increase of 5% and we said well we are not paying our bargaining units, our employees 5% and we are not going to pay you 5% and what we agreed upon was what we pay the non-bargaining unit employees which is 2-1/2%. So those are the changes to the contract and I am sure David may have more to talk about on that. The only other thing I had to talk about is the insurance renewal, I am sure the Finance Director might talk a little more in depth but Custis shopped around several companies and we actually have a quote to change companies this year. The costs of the insurance is going to go up by about \$3300.00. However that is very good considering we have included the shopping center in this. So we added, their assessment was 20 million dollars worth of property at a replacement costs and all the liability associated with the shopping center. We only got an increase of \$3300.00, that brings us to a grand total of this years premium to \$71,700.00, last years was \$68,300.00. The next closest company that we shopped was at \$89,200.00. So I think they did a good job for us. Other than that, I would like to request an executive session to brief you on some items but I believe David is going to go into that. Councilman Bring asked John on that contract it says determination and it says we can do it in 30 days prior to written notice and it says all expenses – that would all have to be documented by them, records and dates. Mayor Piskura answered the expenses have to be paid timely and I think within 30 days and they are not authorized to spend anything over \$250.00 without my permission. We can terminate within 30 days and just pay the termination fee. There was a brief discussion. *Motion by Huska to accept the report. Yeas All./**FINANCE DIRECTOR REPORT:** Finance Director Smith advised I am very excited about the insurance renewal, I am very excited about it actually. Our old insurance company was Arrowhead which was purchased by US Specialties Insurance Company and they have really come through and actually streamlined our policy and made a lot of things just standard. They lowered a lot of our deductibles. We are checking into seeing if we would go to a higher deductible, what we would save but I am assured that that is going to be minimal. I think we are better off with the lower deductibles in case anything happens. The reason we have lower deductibles is because our exposure has been so little. We are very careful about what our claims are and actually all of our employees are good too. So all that together, I think we could ask for a better renewal rate especially with like the Mayor said adding a shopping center. Councilman Diebold asked the percentage on the deductibles – do you know that, overall? Finance Director Smith answered actually about in half, we went from like a \$10,000.00 deductible – like a wrongful act liability was \$10,000 and actually it went down to

a quarter of that to \$2500.00 on that one in particular. Councilman Diebold asked percentage wise, just curious? Finance Director Smith answered 50% to 75% less.

*Motion by Huska to accept the report. Yeas All./**TREASURER REPORT:**

None./SAFETY/SERVICE DIRECTOR: Safety/Service Director Arendt reported I will be meeting with the representative from Allied Waste next Monday or Tuesday. We will go over the streets and will present that to Council so we can have another public hearing. The second item on my list is Council asked me last week about Community Road to see on the southern end to see if we could make it 2-way – it doesn't fit the criteria so we have to keep it 1-way. Councilman Diebold asked Joe, if you get a chance between Maple and Abbe – those 3 holes on Walker Road when you get your hot patch machine going. If you could patch those big huge holes? Service Director Arendt answered it is scheduled for tomorrow.

*Motion by Huska to accept the report. Yeas All./**LAW DIRECTOR REPORT:**

/Demolition Board – Law Director Graves advised they are meeting on the 13th as you can see by the schedule, continue to review nuisance properties throughout the community and also consider an appeal that was filed by one individual appealing a determination by the Building Inspector. The house needs to be demolished and I will keep Council posted on that./**Civil Service** – Law Director Graves advised the Commission is meeting on the 5th and the Mayor has requested that they begin preparation to conduct entry level examinations for the Police and Fire as well as promotion examination for the rank of Fire Chief./**Records Commission** –

None./**Legislation** – Law Director Graves advised we have got the appropriation ordinance that came out of Finance Committee and also if Council sees fit to add it to the agenda, the legislation regarding hiring Liberty Development as consultant to the city on the redevelopment of the shopping center that the Mayor already discussed. I would as the Mayor mentioned request that Council adjourn to executive session to consider to discipline and compensation of public employees as well as pending litigation. *Motion by Huska to accept the report. Yeas All.

CITIZENS COMMENTARY:

Robert Ebenschweller, 362 Cove Beach asked on this contract with Liberty, is Liberty going to continue on as like a management company like the former owners had a management company that you would continually advise or we would advise on what we would want and they advise us – so they would be a continuing management company to operate the day to day operations up there. Law Director Graves advised we have a lot of control over the scope of the services they would provide and I think they would be open to that if we chose to use them for those services. Mr. Ebenschweller stated they will be the managers then and we will just be the owners? Law Director Graves answered yes, I don't know the full scope of those type of services has been determined, certainly I think they would be willing if we wanted to utilize them for those types of services.

John Edwards, 4523 Tennyson stated I see Mrs. Jensen was here and I am sure to let you know to please vote for issue#19 & 20 – the school levy renewals that will not raise anyone's taxes. (inaudible)

Mark J Erdei, 4015 Tennyson asked I was just curious have you done any kind of traffic survey yet for like the future design of this place, are you guys like checking out which entrances or traffic lights are going to go in or anything like that? Mayor Piskura answered we have lots and lots and lots of numbers, those things are all being looked at. That whole plan, the whole redevelopment plan should be made available to City Council and the public probably within the next month. It has been a longer process then I had hoped for. So you will get to see all that.

Bill Gulling, 923 West asked Mayor, did you ever drive one of things before? Mayor Piskura answered I had a little backhoe with deer controls and that one had deer controls too, so it started to come back a little after maybe 10 or 15 minutes. Mr. Gulling stated thank you for the email to keep me updated. Was the media there watching you driving that little thing? Mayor Piskura answered yes, as a matter of fact somebody posted it to Channel 19's website. Mr. Gulling asked did you have a hard hat on though? Mayor Piskura answered yes I did.

Bob Nicola, 218 Mariners Way stated we were in a group here with Carmella Fragassi, we are trying to get that Neighborhood Watch going here and they have been having some very good speakers. We are getting the same group, we need to span out in both directions to get people there to see this and get it rolling because it is for their protection as well as ours. If we don't start getting more people we are going to be in trouble because they usually go backwards instead of forward. If you see anyone, pass it on. We meet the second Monday of the month at 7 o'clock.

Robert Ebenschweller, 362 Cove Beach stated what Bob brought up is an interesting point, you know word doesn't get out to people but we don't broadcast on here anymore on television and a lot of people don't get newspapers and they just don't hear the news. I have been kind of inspired by that sign by the storage place down here – could it be possible to get a sign like that put up at Harris Road on the pole, one that could be controlled here from city hall – computerized?

Mayor Piskura answered a couple of things, we started looking into how to get the council meetings televised again. The long and short of it is that it is too cost prohibitive for us to get the equipment and string the line for us to control the airing of the council meetings. However the schools have agreed to put it on their channel, so very shortly – as a matter of fact I had another meeting scheduled with the Superintendent of Schools tomorrow that I think we are going to bump back to Thursday. Very shortly we should be able to do what we were doing before instead of the Videographer handing the tapes to the cable company, now we are just going to give them to the school and they will play them on a set schedule because they have all the equipment. So I think that the televising of the Council meetings is going to come back very shortly. I always like it, I thought it was a valuable thing. As far as the sign, we already have included in our phase II grant application with

the ODNR a high definition sign for the Lake Breeze/Lake Road area that we can control just like you are talking about. What we were hoping is that we may even be able to get clear channel involved and have them help offset the costs with some advertising on it. Both excellent ideas.

Richard Krebs, 280 Lynne stated I was just wondering who determines what cable company we have in this city and what kind of contracts do we have? I noticed the prices keep going up and we lose channels. Law Director Graves advised we used to have a cable franchise agreement with the cable operator. The State of Ohio did away with local cable franchise agreements, now it is all handled in Columbus through the Ohio Department of Commerce and what they do is they grant exclusive providers license for various communities and we still get the same fee – the 5% that we got under our franchise agreement. It is just now that comes through the states exclusive license that they granted and Time Warner was awarded that. Mr. Krebs advised I called up the company and wanted to know how come they dropped half the channels on here and we keep going up in rate, that is what I don't understand and they say well your city controls that? That is the answer they gave me. Mayor Piskura asked how recently did they give you that answer? Mr. Krebs answered 2 or 3 weeks ago. Mayor Piskura asked who gave you that answer? Mr. Krebs answered when you call up the company. Mayor Piskura asked Time Warner told you the city controls that? Mr. Krebs answered yes. Mayor Piskura advised that is absolutely incorrect. President Podmanik advised Mayor, Time Warner has an answering service employed by part-time people and they are given a sheet with basic question and answers so the customers aren't talking to anybody from Time Warner. They are talking to a sub-contractor and I don't know if anyone was aware of that. That was brought to my attention a couple of weeks ago also. Councilman Diebold advised my rates went up \$30.00 this last month for the same fee, if you want to get through then you will be on hold for 30 minutes and if you want to use the word representative you may get through quicker, it will cut you through all the work. If you want to get through to a representative on cable, tough luck – it is tough.

UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by Huska to amend the agenda to include Council#027 to tonight's agenda. ROLL CALL TO AMEND: Yeas All – Bring, Kovach, Smith, Huska, Elliott, Diebold.

ORDINANCES AND RESOLUTIONS:

Council#025 – 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 – Elliott, Huska, Diebold, Smith, Kovach, Bring.

*Motion by Huska for ADOPTION:

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

Ordinance Passes#27-09

Council#027 – EMERGENCY – an ordinance authorizing the Mayor to enter into an agreement with Liberty Development Company for Development Consulting Services for the redevelopment of the Shoreway Shopping Center and the declaring of an emergency.

*Motion by Huska for SUSPENSION OF RULES: Yeas All – Huska, Bring, Elliott, Diebold, Smith, Kovach.

*Motion by Huska for ADOPTION:

Councilman Smith asked is this an ordinance that we have to do under an emergency or can we still go three readings or go a reading to have a little more time with some changes, we could still pass it on like a second reading couldn't we? Mayor Piskura answered you could pass it, that is your option with a caveat that nothing is going to happen at Shoreway until this passes. Councilman Smith advised I understand, I would just like to have a little more time to kind of go over it being that we just got it. Mayor Piskura answered well you didn't just get it, you have had it for more then 2 weeks – you have had it for actually almost a month. Councilman Smith advised we have had a few changes to it too and I just got it this morning. Mayor Piskura advised 4 changes that I just described. Law Director Graves advised Council just voted to suspend the rules, so you just suspended the three reading requirement. So if you want to consider not suspending that, if you want to consider having this go three readings then you are going to need another motion. Councilman Smith stated I told you, that was just my question whether that had to go or not, that is all. Mayor Piskura answered there is a sense of urgency in that or only in that, we are stalled and will continue to be stalled until we can partner. Yeas – Elliott, Huska, Bring, Kovach, Diebold/Nays – Smith.

Ordinance Passes#28-09

*Motion by Bring to go into execution session for the discussion of discipline and compensation of public employees and pending litigation.

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

*Motion by Bring to return to regular session:

ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Diebold, Elliott, Kovach, Huska, 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 compensation and discipline of public employees as well as pending litigation involving the city with the city attorney pursuant to Sunshine Laws.

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach to adjourn at 9:05 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 April 28, 2009.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura