

Minutes of the City Council
Sheffield Lake, Ohio
May 26, 2009

The regular meeting of the City Council was held Tuesday, May 26, 2009. Council President Edward Podmanik called the meeting to order at 7:01 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, Kovach, Elliott, Diebold, Mayor Piskura, Finance Director Smith, Law Director Graves, Safety/Service Director Arendt
- Absent: Councilman Smith, Treasurer E Hoenig (excused)
- Attending: Concerned Citizens, Zoning; Ebenschweller, Planning; Belaska, Civic Center; Nicola, Members of the Media; Avon Lake Press

*Motion by Bring to approve the minutes of the City Council of May 12, 2009 with any corrections. Yeas All.

*Motion by Bring to approve the minutes of the City Council Worksession of May 19, 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 May 19, 2009 meeting.

*Motion by Huska to accept the report. Yeas All./**Investment: None./Council Representative to the Community Center:** Representative Diebold advised there is no scheduled meetings for June or July. We will meet in August but no date scheduled at this point./**Council Representative to the Zoning Board of Appeals: None./Council Representative to the Planning Commission:** Representative Huska reviewed the minutes of the May 21, 2009 meeting./**Council Representative to the Park Board:** Member Kovach reviewed the minutes of the May 18, 2009 meeting. Councilman Kovach asked Service Director Arendt is there any train of thought of putting sealant on the bridge for the Brookside Bike Trail because it is starting to get weathered as it is several years old and some preventive maintenance would be the ticket at this point. Service Director Arendt answered it is part of the plan when we complete the bike trail to reseal the bridge area.

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

MAYORS REPORT: None./FINANCE DIRECTOR REPORT: Finance Director Smith advised the only thing that I have tonight is the legislation for the finalization of Walker Road Phase III was supposed to be prepared for you tonight however we didn't get to post it till a little late, we need to post it for 15 days so that will be at our next Council meeting in June; the Council meeting in June.

/TREASURER REPORT: None./SAFETY/SERVICE DIRECTOR:

Safety/Service Director Arendt reported all the projects are moving along. We are a little bit behind in our road patching but we are making a concentrated effort every day to catch up on that. Shoreway is moving along real well. They should be done Friday or Monday with the regarding of the dirt to plant the grass, that should be taken care of. For the parks for Mr. Kovach, we did extend the parking lot at Guenther Park to eliminate the problems that we have on the streets of them parking during the soccer games and that was completed last week. We have bids coming in now for the peal and seal on roads such as South and Maple and other things. Councilwoman Huska thanked Service Director Arendt for Lafayette, it was getting a little and I went down it tonight and I was like good. So thank you.

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

Demolition Board – Law Director Graves advised the Demolition Board as you can see is going to meet on June 24th. We continue to try to identify nuisance properties throughout the city and crack down on code violations and identify properties which may be suitable for demolition./**Civil Service** – Law Director Graves advised Civil Service Commission is going to meet on June 10th and they are making arrangements to conduct a test for Fire Chief. Notices were sent out to our 3 Lieutenants to ask if they wished to compete for the position of Fire Chief and the deadline for their response is Thursday and we continue to move forward in that regard. We have selected a company to do the test, it is the same company that did the tests the last time and a representative will be attending the meeting and going over the materials that they would need to study and other things towards scheduling that examination./**Records Commission** – **None./Legislation** –

Law Director Graves advised legislation – you got a second reading tonight on the golf cart ordinance and you also have the ordinance as discussed by the Finance Director for the adjustments to the appropriations. As she pointed out we will have legislation at the next Council meeting authorizing the Mayor to go forward with the lowest and best bidder on the Walker Road Phase III project. We did bid that and we should be ready to go by the next Council meeting. As the Mayor pointed out we continue to work on a number of projects, moving along quite nicely.

*Motion by Huska to accept the report. Yeas All.

CITIZENS COMMENTARY:

Debbie Belaska, 4014 East Lake Road advised Mr. Piskura, I am an operating engineer and I am curious, did you get yourself an operators book by any chance. (laughter) She continued I just wanted to thank 2 other citizens, there was a hit and run over the weekend and I just wanted to thank Susan Hatch and Sandy Jensen for

really stepping out of their time because the first Police Officer response was take the accident/the hit and run and then a second police car followed and Sandy and her took the time out to direct traffic and everything. I thought that was great out of their time to do that for the city, so I appreciate that.

Mark J Erdei, 4015 Tennyson asked Joe, on that Allied Waste I have just been talking to a lot of people and that and I realize that that gentleman here was making a sales pitch to us and our city and the citizens on we are going to promise this – no charge and promise you this – no extra charge. Well I am hearing different from a lot of people that already got their service, so I just want to make sure that whatever got in stone here that you hold him that there is no extra surcharges or anything or we going to have a loophole to where we are going to pay for this or this and it might not be considered extra charges or an extra container but they might find a way to beef up that bill. I was just curious, you didn't mention anything and I don't know if you are allowed to say how the meetings are going or whatever or if they even contacted. Service Director Arendt answered yes I met with one of the representatives from Allied Waste last week and made some suggestions on redefining the streets to section them out in different areas to allow a vast different you know age brackets and different types of streets to get a full exposure so all the citizens within 2 years can make their minds. The Law Director and I also spoke with Dan Billman at the Pride Day the other day and he gave us some interesting facts and it seems that each city seems to get a little bit of different contract and Mr. Billman was kind enough to share with Mr. Graves and myself some things that we will be able to work into our contracts. I think with Mr. Graves ability I think we will pretty well have it iron-clad once we get defined.

Mike Layman, 547 Lafayette advised last year there was gravel spread on our road, the whole north end of Lafayette north of Richelieu and it just caused so many problems and made everybody's life miserable all summer. We couldn't open our windows, dust was everywhere and kids couldn't ride their bikes and they were falling down. It was really just ridiculous and when they patched the roads last week, I asked one of the gentleman if he knew if they were planning to do that again and he said he thought they were. So I made up a little petition and I went up and down the street and everybody on the street signed that we don't want that done again as that gravel makes your life miserable. In the summertime you can't even open your windows. My son is going to be needing a lung transplant here pretty soon and he can't even play outside. You can't describe it unless you live there, I have got dust all over the place. Mayor Piskura answered you are not alone, virtually every road that we did in chip and seal last year didn't go well. It was very dusty and it made life miserable for a lot of people and for that reason I have told the Service Director that I didn't want to do any chipping and sealing period this year at all and they are trying to find an alternative and I believe that there is an alternative that they are looking at which has some kind of injection to it, so there won't be any dust. Anyway we are not going to do them the same way that

we did last year, that is for sure. Service Director Arendt advised to help with that the chip and seal's that we do and getting all the bids on will include what they call gilsonite which will be a coating and covering which will not only make it look better but it eliminates all the dust and everything after that. Mr. Layman stated even the cold patch in there now is better than gravel. Service Director Arendt stated so we are going to as the Mayor said he instructed myself to make sure a product like gilsonite was going to be put on and there is going to be some roads that we are just going to gilsonite not just chip and seal.

Wayne Anderson, 543 Lafayette advised I was one of the people that signed that petition from Mike. That was a terrible disaster last year with the dust and what we had to go through, you couldn't open a window in your home and you couldn't keep your home clean – it was terrible. To go along with that a little bit and this may be something totally off of that, I have lived on that street for many years and see commercial trucks driving up and down that street constantly. They go from the Bi-Rite store over here to the VFW or Amvets or whatever it is over here. I see no reason with signs posted at both ends why commercial vehicles have to even be on that street at all. Even using the entrance and exit ramp from Bi-Rite. There is no excuse for a commercial truck to be on that street at all and I know because I drive trucks and fix them for a living. I mean they can pull from Lake Road and back around that building very, very easily – I see other trucks do it, mostly the beer trucks and beverage trucks; pop trucks, coke, pepsi, whatever. But I see no reason why a commercial truck has to be on that street at all. I know my neighbor that lives next me which also signed that petition was up here last year and asked about this same problem – why do these commercial trucks continue to use that street with consequences. I don't understand that to whoever is in charge of that problem, can we get it fixed? Mayor Piskura answered just to let you know to follow up with that, we have got a lot of complaints about that actually you are not the first one. In the beginning of the year I want to say maybe towards the end of January I think we had a conversation with the VFW and with Bi-Rite and we stepped enforcement of just on Lafayette itself with the police cruisers. Obviously that didn't take care of the problem, my question would be did it curb it at all and if it didn't do you have specific times or time frames that it is occurring. Mr.

Anderson answered no, not a bit. Mayor Piskura asked or specific vendors? Mr. Anderson answered yes I can tell you the vendors; Budweiser, Miller, Coke and Pepsi – they all four drive right down there. Those are the four that I have seen and I can get times if you would like. Mr. Layman advised unfortunately I have been off of work for about 3 months now and it is usually like the middle of the afternoon. Mr. Anderson stated I would be glad to have them back up in my driveway, they (Police) can sit right there and the truck won't even know they are there – I don't have a problem with that at all. Mayor Piskura advised we will try something different. Mr. Anderson stated I just don't understand it.

Debbie Belaska, 4014 East Lake advised this is my second question and this is to Joe, Joe thanks for doing a good job anyway but remarks are from the people with concerns about Allied Waste, it is about the elderly and we do have elderly senior citizens in this community and about getting those carts out with drifts and everything and there is complaints in other cities and other areas. Number two, they are saying – different people that I spoke with, is that once a month where they are going to pick up these big items; refrigerators, couches, etc – people are now dumping them into the woods and into the parks and it is an every day event that they picking them up in the areas of Lorain and everything. That is something that we want to consider probably getting a pick-up more so we don't have. We are trying to clean up with all the ordinances these maintenances and codes and all that, we don't want to start having our property – you know that we can't take something out a little bit more regular then once a month with the items. We don't want to have people starting to dump in areas too that are vacated that we are trying to clean up these properties. Service Director Arendt answered I agree totally and as I said the Law Director and I spoke with Mr. Billman and you know, we don't have a choice, we don't only lose the additional \$30,000.00 but we lose the matching fund of our Solid Waste money if we don't do the program. We have to do the program for 2 years. So by making it a little diversified within the city that will help but as he also told us there seems to be different contracts for different cities and we took that to note. As I say I think when David and I and Allied sit down we point these out, we are going to make sure that we get the best in everything that we can.

Bonnie Alston, on behave of my Father Russ Shipley, 4252 Holl stated the infamous ditch, my mother has called several people and I get calls. I don't live here, I get calls when it is windy – they are afraid that part of it there is a huge limb that goes out and actually when I pulled in yesterday the leaves and everything hit your windshield when you pull in and the rest of it is over on part of their house. She is fearful, I get telephone calls – it is going to fall over, it is going to fall over. The last call I think she told me she made to the Safety Director and he said all the information would be put on the Mayors desk. So I just wanted to know a status report as to what is happening, I don't care if you burn it, bulldoze it – just cut it. I love talking to my Mother but you know. Safety Director Arendt advised what I said to your Mother was all the information that I received is on the Mayors desk and the state fully admits they own it and the Mayor has made several calls to several different people trying to get this problem resolved and your Mother hung up just when I was trying to get her address to go actually because she said they were 82 years old and they had 1 tree that was endanger of possibly hitting the house or something and as I was asking she hung because I wanted to go out there and actually check it. So I will need your address and everything after the meeting. Mayor Piskura advised right now we are trying to get that entire, not just the problem areas but we are trying to get the entire ditch cleaned out and redone. The

Department of Transportation has said that they are not going to pay for it and gave us some suggestions on different state agencies that we can go and seek help from but it is state property and we fully intend to get them to foot the bill for it. Mrs. Alston stated I just know sometimes it takes a long time.

Bob Ebenschweller, 362 Cove Beach stated on regard to the last commentary, if memory serves me back in the 70's that property was owned by one of the Levin, they owned all that property when they built those houses back there and it had gone into tax default. They hadn't been paying the taxes on it and it was evidently what they were going to attempt to do like they usually did was to allow it to go into default, nobody would bid on it because it was of no value to anybody and then buy it back on pennies on the dollar until the County Auditor got wind of what they were doing and they put a stop to that. I can remember the talk about trying to get the property owners on either side to take half of it, split it up and it wasn't really feasible because it would be a maintenance headache for people to take care of it because it was a water way. Basically it drains that ditch from the railroad and at the time it did go into default, it seems to me that the State of Ohio stepped in and accepted the responsibility and took it over because they wanted to maintain that as a water way to drain that ditch on the north side of the railway. So it seems to me that if the state took that over that they are responsible for anything in that ditch right now and I don't know whether the city can just go ahead and file some sort of an action against them to take care of it. If it is their property they have to take care of it, any citizen of this city that has a problem must take care of it so we ought to hold the state accountable for it too.

Dana Carns, 881 Maplewood stated our road, the very end of Maplewood; the 800 block – every year they come and fill the potholes and the road actually bows in the center so if you have a low car you bottom out and then besides the potholes, the road bows and then the whole road is just in shambles. So you can drive like 2 miles an hour but you are being bumped around everywhere. So if there is any way to just scrape it and level it back out. I drive a Camry and in the winter when I am trying to get through, I bottom out and get stuck because the road actually bows in the middle and you can't get down the road. So I have been told by some of the neighbors that they won't do the road until the ditches or drainage gets put in. But it really is a problem, all the neighbors are complaining and I don't know if we need a petition. Service Director Arendt advised Maplewood is on the list hopefully to be able to get chip and seal this year with the gilsonite and for us to go out and scrape it to try to bring it level would really cause a much more major problem. We plan on cleaning the ditches out ourselves to strictly save on some of the costs that the roads that are going to be repaired, just the price for South Street – the lowest bid so far is \$39,000.00. I know how much I want for roads this year but I just don't think we have it but Maplewood is on that list. Ms. Carns stated I mean just filling those potholes doesn't, I have had my car aligned a few times. Service Director Arendt advised what they will do is with the chip and seal, if it is

a pitch of say 6 to 8 inches for the drainage because of the width of the road – you need an inch every ten feet. So if the road on one side is 10 feet then you only need an inch. So when they do the chip and seal, they will be able to bring that down and chip and seal at the same time. If we take it out now, all we would be doing is tearing up everything on each side and instead of the chip and seal we would have to do a complete road repair which 4 inches of blacktop and stoning and re-draining and it would just be too costly. Well, if you could just drive down the 800 block of Maplewood. Service Director Arendt advised I did, I have driven every single street. Ms. Carns advised okay because it is literally tearing up our cars and if that fixes it then that is great, if you can do it this year. Like I said you can 2 miles an hour and you are all over the road. Service Director Arendt advised on your street I did damage to my car which the Law Director says I can't claim. Ms. Carns advised at the end of the block, the last 3 houses a number of years ago paid privately to have it paved when they redid Ferndale, the first 2 houses are paved. So you really only have a ½ of a street in that 800 block, so anything you could do we sure would appreciate it. Service Director Arendt advised the price is in my office, I do have the price for Maplewood but I just don't want to quote it because I don't want to be wrong.

Mark J Erdei, 4015 Tennyson stated I was just curious to ask Mr. Graves a question, I haven't heard nothing about the stimulus money or any of the grants going on. Is this like winning the lottery or what is cooking? Service Director Arendt answered Bill Gardner has submitted probably 75 to 79 grant applications. The way the stimulus package works is you actually write sort of a grant and then they look at it to see if it fits the grant, if it fits the grant then they say now you can write for the grant. The question is you are not really writing for a grant in the beginning, you are writing for them to look at it and see if you even qualify. So far we haven't been lucky to get any responses just like any other cities. If you look at the stimulus money that has been put out so far; it is mostly road projects, some engineering projects. Finance Director Smith advised that is on a state level, not city. Service Director Arendt continued right and he explained nobody has really gotten any stimulus money in this area as we speak. Now we have some answers on some of the applications that we put in that now, we like your idea and we understand your situation and now you can submit for the grant. Mr. Erdei stated correct me if I am wrong, the Federal government already gave our state the money? Service Director Arendt answered yes. But you look at where the Governor has given a bulk of this money away. The City of Lorain for the dike disposal site got 3.3 or 3.5 million stimulus from the Transportation stimulus money. The dike disposal has nothing to do with transportation but they got over 3 million dollars to develop that site from the Transportation stimulus money. Mr. Erdei stated just remember who to vote for. We got these representatives who are working supposedly for us and that and I know they helped out Lorain, have any of them stepped in and really helped you guys out. Service Director Arendt stated if

you take a look at what they have helped out in Lorain with the dike disposal, like I say which is transportation and that is a development project. Also they got about 600,000.00 or 800,000.00 for some road projects. Other than that, the stimulus money isn't coming in. A road project is not true stimulus money, it is only working for 9 months – it is not a perpetual situation for jobs. You know Lorain got some money but not what you think they should have got. Law Director Graves advised the city between the Mayor and the Safety/Service Director and our Grant Administrator Mr. Gardner they have been working tirelessly to try and get some of that stimulus money here. Originally it was said they were looking for shovel ready projects, ideally with a green component. We have a number of projects in this city that fit perfectly with that. I know that Mr. Arendt and Mr. Gardner had the opportunity to speak personally with Governor Strickland in Lorain. We are working as hard as we can in tapping into every channel to try and bring some of that money to Sheffield Lake and will continue to do so.

Ralph Huffman, 735 Roberts stated on the stimulus money, I know a couple of months ago Dennis Bring brought the resolution about the stimulus money going to the United States Work and try to get it back into our system and what I wanted to question is the fact of going a little bit further and I appreciate that bringing that into it but we also have a lot of people that are unemployed in Sheffield Lake because of the economy the way it is and a lot of tax payer dollars going towards different projects here and the stimulus money itself. I was wondering and I haven't investigated too far but do we have any avenues to try to put some of the unemployed people here in Sheffield Lake that want to work – to work so that they can continue paying the tax dollars that they have for their property and everything and it is the highest foreclosure city percentage wise around. Is there any way that we can try to avenue and push some of that money towards people that are from Sheffield Lake itself that will help get some employment back. They do it in a lot of other cities and I would like to see if we can work on that and maybe investigate it. ***UNFINISHED BUSINESS: None. NEW BUSINESS: None.***

ORDINANCES AND RESOLUTIONS:

Council#029 – SECOND READING – an ordinance amending Chapter 375 of the codified ordinance of the City of Sheffield Lake regarding snowmobiles, off-highway motorcycles, all purpose vehicles and golf carts.

Council#30 – 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, Diebold.

***Motion by Huska for ADOPTION:**

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

Ordinance Passes#30-09

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach to adjourn at 7:44 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 May 26, 2009.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura