

Minutes of the City Council
Sheffield Lake, Ohio
June 9, 2009

The regular meeting of the City Council was held Tuesday, June 9, 2009. Council President Edward Podmanik called the meeting to order at 7:06 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, Smith, Mayor Piskura, Treasurer E Hoenig, Finance Director Smith, Law Director Graves, Safety/Service Director Arendt
Attending: Concerned Citizens, Zoning; Ebenschweller, Civic Center; Nicola, Members of the Media; Avon Lake Press

*Motion by Bring to approve the minutes of the City Council of May 26, 2009 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

Monthly report of court receipts for month of May - \$8975.80 – receive and file. Ohio Gas Association; Natural Gas Safety – available in Council Clerk’s office.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: Chairman Smith reviewed the minutes of the June 1, 2009 meeting. *Motion by Smith to approve the sewer credit in the amount of \$64.68 for 5043 Lake Road. Yeas All. *Motion by Smith to approve the sewer credit in the amount of \$699.72 for 4356 Belle Avenue. Yeas All. *Motion by Smith to approve the sewer credit in the amount of \$376.32 for 4119 Holl Road. Yeas All. *Motion by Smith to approve the sewer credit in the amount of \$105.84 for 849 Dillewood. Yeas All. *Motion by Huska to accept the report. Yeas All./**Stormwater Utility:** Representative Smith reviewed the minutes of the May 14, 2009 meeting. *Motion by Huska to accept the report. Yeas All./**Safety:** Chairman Bring reviewed the minutes of the June 2, 2009 meeting. *Motion by Huska to accept the report. Yeas All./**Buildings, Lands, Vehicles & Equipment:** Chairman Bring reviewed the minutes of the June 4, 2009 meeting. *Motion by Huska to accept the report. Yeas All./**Ordinance:** Chairman Elliott reviewed the minutes of the June 4, 2009 meeting. *Motion by Huska to accept the report. Yeas All./**Finance & Claims: 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: None.

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

MAYORS REPORT: Mayor Piskura advised the first thing that I would like to do is appoint Ralph Huffman to the Civil Service Commission, as you know we have one vacancy and we have some business that we need to conduct. He is in the audience today, he was very active with us helping the city with the whole Shoreway purchase and our fight with Levin's and we got to know him very well. In that time he volunteered his help and we have been talking for a couple weeks about how to do that, the Civil Service Commission popped up and we talked further about what the responsibilities would be and he agreed to help us. For your consideration for confirmation I am appointing Ralph Huffman to the Civil Service Commission. Clerk Fantauzzi asked to fill the 2-year term? Mayor Piskura answered yes. He continued Ohio Edison drilling into our sanitary line or whatever they dug into our sanitary line and damaged it, that is what Councilman Kovach I believe was talking about we did have to pull guys off of jobs to go there and fix that line. We are actually more than a day behind our schedule and we will be billing Ohio Edison for our time on that job, just so that you are aware of that. As far as Shoreway is concerned lots of progress being made, a couple of the major things that have happened is that you know the big squares on the front of the building – the third square on the south end was down today and that whole end of the building should start to be dressed up and you will see it starting to get kind of finished off and painted. It will start to look finished. Immediately south of that building by the end of the week, Griffith Paving will be installing the new pavement which is going to be a road very similar to the road that was south of the center when it existed before so that you can get around and if you go up there and look there is saw cuts on both sides Ivanhoe where it was vacated and goes in the front of Apples will then be all cut off. You can go up there and look and that is going to be one massive continuous lawn and the new traffic pattern will go around the building in the same fashion in which it did before demolition, it will just be moved a little bit further north. The wind turbines I hope everybody knows that they are up and this afternoon they were spinning really good but there is no wind now. We have gotten a lot of good comments on them, they are big enough to be noticeable but obtrusive. President Podmanik asked how many are up? Mayor Piskura answered 2. President Podmanik asked wasn't our plan for 3? Mayor Piskura answered our initial plan was for 3 but we could only come up with the viable financing plan to put in 2. The very last thing that I wanted to touch on is that the Civil Service Commission did already initiate the wheels for a Chief's test and the Firemen that are eligible to sit for the Chief's test are the 3 Lieutenants. All 3 Lieutenants today I got the final letter from Lieutenant Card. Lieutenant Card and Lieutenant Novak have both declined to take the test which means they can't run a competitive test so the next step in this process is that with David's guidance

the Civil Service Commission will open that position up for testing in the entire department. Councilman Kovach stated as we proceed with Shoreway, are we going to be paving all the holes in the parking lot? Mayor Piskura answered if we decide that we are going to rip up the parking lot and put a new one in, that is something that we will have to bear the costs of. If we repair the existing parking lot, that is common area of maintenance that on their triple net leases that we can bill back to the tenants. What you have to be careful of is that we don't do so many improvements so quickly and bill back to the tenants that we drive them out of business because they can't afford common area maintenance bill. It is kind of going to depend on what the new plan, after public consensus, after we get our plan back from the architect and all that what you all sign off on – what we are going to rip out, what is going to be new and what could be repaired. Councilman Kovach asked are we going to be patching the potholes. Mayor Piskura answered that will happen. Councilman Diebold asked John did you want to bring up the deal with the Plain Dealer out there and how the word is getting out. Mayor Piskura advised we had the Chronicle, the Morning Journal, The Press, The Plain Dealer and a couple of other cameras out there that I don't know where they were from but we had very good media coverage for the wind turbines and to my knowledge we are the first city to have them up in the County and we are the first city in the area to have them up on the lakeshore. So there is probably going to be a little bit of a buzz. The one thing that I was, when you are talking to people. I mean they are small, if you remember the article that was in the Plain Dealer took our stimulus request, you know we wrote up a request for stimulus money. They took our stimulus money request and that is what they reported on and they basically reported the City of Sheffield Lake is going to have 100 wind turbines that were all 1/3 mega and we were going to power northern Ohio. So when a couple of the people that went out there said they are cool but we expected something a little bigger. What everybody needs to understand is that because we haven't been funded by anybody, we have to start somewhere and the costs for generation. Those wind turbines are about 5 cents per kilowatt hour, we are paying about 11 or 12 cents per kilowatt hour from First Energy. Now that difference is money that we are saving, that money theoretically goes to a pot of money. When we pay off those turbines and it is pure profit, the money that we would have been spending on electricity can go into that pot as well and that pot should go and we will be able to either use that to bond out for another project or to pay for another project out right. So this whole pilot program is just getting the ball rolling, just trying to get everything started. Everybody needs to understand that this is the beginning which I am trying to pound that in everybody's head. I want to say 70% or 75% of the media that was there – got it, some of the other ones had a glazed look about them and I am not sure if they got it or not. Very good media coverage, I was very happy. Councilwoman Huska asked this goes back to Civil Service, since we are now going to open it to the rest of the department. Is the next step if no one in the

department wants it to open it up to other cities? Law Director Graves explained you have to have at least 2 people willing to compete for the position. So if opening it up to the Fire Fighters doesn't produce at least 2 people willing to compete for the position of Fire Chief the next step would be to open it up outside the department. Councilman Rosso asked with the fire at the concession stand at Ferndale, I guess we subbed out to tear the rest of that down – is there any chance of recouping any of that money through insurance. Mayor Piskura answered yes, we have all the pictures and information that we need and I believe we have already submitted a claim. Finance Director Smith concurred it is already and insurance has everything. Councilman Rosso asked do you have an approximate costs on that paving at the shopping center? Mayor Piskura answered \$12,800.00 that we are paying out of the 405 account which is all Shoreway money, no general fund. It is all Shoreway Development money of which we have right now unencumbered money for us to be able to spend on further improvements there about \$50,000.00. Councilman Rosso clarified we are spending \$12,800.00 out of that Shoreway money to do the paving? Mayor Piskura answered right, I just wanted to be clear that it wasn't coming out of general fund. *Motion by Huska to accept the report. Yeas All./**FINANCE DIRECTOR REPORT:**

None./TREASURER REPORT: Treasurer E Hoenig advised the 3 page report is attached./**SAFETY/SERVICE DIRECTOR: None./LAW DIRECTOR REPORT:**

Law Director Graves advised we continue to work on a number of projects, all which you are aware of. We will be meeting tomorrow with some potential outside counsel that might be assisting the city with the creation of our community improvement corporation, non-profit entity that ultimately would be best suited to operate the shopping center. We are just looking into those issues and exploring all of our options. We will keep everyone apprised of that./**Demolition Board –**

None./Civil Service – Law Director Graves advised the Mayor has already explained where they are and will be meeting on June 17th to make preparations for testing for Fire Chief./**Records Commission – None./Legislation –** Law Director Graves advised Council#029 which is the third reading prohibiting golf carts on all city roads and road right of ways throughout the city. He continued Council could if they so chose could add to the agenda Council#031 which would authorize the Mayor to enter into contract with Don Mould's Plantation Inc. for the Walker Road Phase III project. They were the lowest and best bidder and attached to that ordinance you will find a number of documents; certified statement from the auditor of state website showing no unresolved findings for recovery, a recommendation from our city engineer on the project K&S Associates to go with them, you will find the notice to proceed from ODOT and a certificate of availability of funds by the Fiscal Officer. So we are ready to go with Walker Road Phase III. He continued Council#032 would be what was discussed at the Roads and Drains Committee meeting, an ordinance changing the ability of the city to shut a residents water off who was 60 days delinquent and now that would give us

the ability to shut the water off after being 30 days delinquent. Council#033 is authorizing the Mayor to enter into contract to hire GEO-SCI Inc. for engineering inspection services on Walker Road Phase III. The city did solicit proposals from at least 3 different engineering firms and GEO-SCI was the lowest and best proposal. We are familiar with GEO-SCI, they are out of Berea and they currently on doing the engineering inspection services on Ferndale Phase II. Then you have Council#034 and Council#035 which is the Finance Director for the borrowing for Walker Road Phase III the city match and also for capital improvements. President Podmanik stated I understand we have a new procedure for ordinances to follow in line with ORC, 15 days posted. Do you have any information on that? Law Director Graves answered no. President Podmanik asked do we have a new procedure for our ordinances? Law Director Graves answered I am not aware of that, I can take a look though. Are you talking about on the bond ordinance? President Podmanik answered yes, there are no changes? Finance Director Smith advised we follow that. Law Director Graves advised that type of ordinance does require that and I think we follow that. Finance Director Smith advised actually the reason we are looking at these ordinances tonight is because we missed the deadline prior or we would have done this at the end of May. President Podmanik stated I remember at last months Finance meeting you mentioned that and it occurred to me something didn't register and after discussion with the Clerk we realized was there a change here that I am not aware of but apparently not we didn't just didn't get the dates right. Finance Director Smith advised it has been posted, with the computer going down and her not getting an email was the glitch so once we figured that out it was posted immediately and it has been up for well over 15 days actually. Councilman Rosso asked do we need to do a Civil Service test for Police, we had one retire and there is another one coming up right. Do we need one? Mayor Piskura answered we plan to do entry level test for both Fire and Police. Law Director Graves explained the eligibility lists that we have are more then 2 years old, so we would need to do that but right now the Commission's priority is to run the Chief's test and get that done and see how much money is left over to run those tests. *Motion by Huska to accept the report. Yeas All.

CITIZENS COMMENTARY:

Richard Krebs, 280 Lynne Drive advised I am kind of concerned about the houses 2 doors down north of me, it is 260 Lynne and it has been repossessed and even when the guy lived in there it looked like a dump. The fence is falling over, we have been down there mowing the lawn, neighbors mowing the lawn. I think it is about time that we get a hold or the city does of the bank that has the mortgage on it. I work for a bank and I get phone calls every day. Mayor Piskura asked are you aware of whether or not the Building Department has been called on this at all? Mr. Krebs advised I mentioned it to Mr. Diebold and he told the gentleman down there about it and I don't if anything has been done about it or not. Mayor Piskura asked how long ago was that? Mr. Krebs answered last month. Councilman

Diebold advised I mentioned it to Joe a couple of times. Mr. Krebs stated I have been working on it for 2 years now. Mayor Piskura asked the problem is miscellaneous property maintenance violations? Mr. Krebs answered not only grass and bushes but the soffits are all off and there is animals going up in the soffits, no gutters, there is garbage in the yard. I mean it looks like a real pigsty and if I wanted to look at that then I will go to Lorain. I mean it is bad for our city it is bad. Mayor Piskura advised I agree, I will follow up with Joe and see if he has done anything on it and if he hasn't then I will make sure that something done. Mr. Krebs asked about the burning ordinance in Sheffield Lake, I have a very good friend of mine that lives in the back that loves to burn. But if I call the Fire Department they send out a big fire truck and everything and that is very costly. If I call the Police Department could they go over there. That is a lot cheaper to send out then to have to close your house up because he is stinking burning garbage. Can you send the police out to have them put it out or something? Mayor Piskura answered I don't really want to comment on how we are doing things procedurally or how they could be done, I can look into how we are doing them and if you have a problem I can talk to you after the meeting or call you on that particular problem later.

Robert Ebenschweller, 362 Cove Beach stated I behalf of Mr. Shipley I would like to thank Joe and some in the Service Department that removed a limb that had been causing him and his wife great anxiety and they are feeling a lot better about it. He has been in and out of the hospital here in the last couple of weeks and it is probably why he is not here today. I am glad to see that Walker Road Phase III is starting. Now K&S recommended Don Mould and also we have Dave Volack from GEO-SCI is going to do the inspection and auditing on the job to make sure that everything is done. The way it was done with Cove Beach, the city had very little oversight to that, in a way that can be good. Was Phase III plans and drawings done at the same time that Phase I and Phase II or did that come later, was it done all as one? Law Director Graves answered I am not sure, I don't know if they drew it up all at once or if it came later. Mr. Ebenschweller asked has anybody seen Phase III plans, layouts, blue prints? Mayor Piskura asked are you talking about engineered drawings? Mr. Ebenschweller answered yes. Mayor Piskura answered I think I have a set in my office. Law Director Graves advised I know that Mr. Gardner and Mr. Arendt provided those to the engineering firms that we talked to about doing inspection services including GEO-SCI. Mr. Ebenschweller stated usually I know on a lot of projects plans are brought to Council and everybody gets to look them. The reason I am asking is I am wondering what it calls for, what the specs call for – are they going to put sidewalks all the way down on either side? Law Director Graves answered yes. Mr. Ebenschweller asked and the bike lane will be laid out the way it is? Law Director Graves answered yes, 2 sides. Mr. Ebenschweller stated it is probably done the way the other one was, the driveway aprons that I addressed before are probably going to be put back the way they were

with gravel. According to the specs or what GEO-SCI wrote here it is not going to end at Walker Road, it is going to go to Lakeview so that is a change in the plan. We have always been told that Phase III would end at Walker Road. Law Director Graves advised in discussions with Mr. Gardner Phase III was going to go up to Lakeview. Mr. Ebenschweller stated I am sorry end at Abbe Road, here it says it goes to Lakeview. Mayor Piskura advised Bob you are asking a lot of questions that neither our Service Director nor the Grant Administrator the guy that put everything together is here to answer. I am just trying to muddle through and give you to the best of my ability what I am pretty sure we are doing but I really don't know the answers to all these questions. Mr. Ebenschweller stated my problem is that on these projects generally everything is brought before Council and everybody knows what is going on so there are no surprises and if there are changes made Council usually gets a chirp in on whether or not they would like to see that or not other than to come after the fact and say why did you do it this way or why did you do it that way. So I mean without a plan how do we know exactly what they are going to put in over there. Mayor Piskura answered understood, it is very possible that they did all the engineering at once and have already looked at it, that is very possible. Mr. Ebenschweller stated I do know they made changes to Phase I and II during the process of the construction because of time constraints and money restraints, they had to make some changes and I understood that and that is why I asked are we going to proceed as it was drawn up originally or have they made or are we going to fudge on some things in order to save money. Mayor Piskura stated Bob write your question down and I will find out and I will call you personally. Mr. Ebenschweller asked have you had a chance to look into that thing that I talked about in your office, the 2 property violations? Mayor Piskura answered yes, as a matter of fact they were corrected – up on Abbe Road? Mr. Ebenschweller stated I haven't been by there lately, what about yesterday? Mayor Piskura answered then it was a new violation.

Mark J Erdei, 4015 Tennyson stated them wind turbines, are those maybe ready to pop out some juice or do we still got to get the lines in? Mayor Piskura answered they were popping out juice this morning, they were popping out a lot of juice this morning. Mr. Erdei asked what is going on with the old Gary's drive thru and the Rax, do we have an estimate on demo on that or is that another? Mayor Piskura answered the drive thru we are leaving as is and using it as a storage building while we are working on the property. There have been several different ideas on what may become of that building. But every plan that we look at eventually Council will be looking at for approval calls for the demolition of Rax and a new building there. Mr. Erdei asked now the Shoreway demolition was totally separate, that did not include the Rax building? Mayor Piskura answered yes that is correct.

Bob Nicola, 218 Mariners Way stated listening to this and looking around the city I want to congratulate all of you guys and ladies. I have had a lot of people come

up and have good remarks about what is going on and I want to say keep up the good work./**UNFINISHED BUSINESS: None.**

NEW BUSINESS: *Motion by Bring to accept the Mayors nomination to Civil Service Commission Mr. Ralph Huffman. **ROLL CALL FOR APPROVAL:** Yeas All – Bring, Rosso, Huska, Diebold, Elliott, Kovach, Smith. Mayor Piskura swore in Mr. Ralph Huffman in for 2-year term to Civil Service Commission. *Motion by Huska to amend the agenda to include Council numbers 031, 032, 033, 034 and 035. **ROLL CALL TO AMEND THE AGENDA:** Yeas All – Diebold, Kovach, Elliott, Smith, Huska, Rosso, Bring.

ORDINANCES AND RESOLUTIONS:

Council#029 – THIRD 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.

*Motion by Elliott to add the emergency clause. Law Director Graves advised there is 2 requirements in the legislation; one is that it have 3 readings and the other that the legislation would go into effect 30 days after passage. When Council moves to suspend the rules what they are doing is waving the 3 reading requirement. When they add the emergency clause what they are doing is suspending the 30 day waiting period for enforceability, so after this 3rd reading then the ordinance would go into effect upon proper signing.

ROLL CALL TO AMEND TO ADD THE EMERGENCY CLAUSE: Yeas All – Huska, Rosso, Kovach, Elliott, Bring, Smith, Diebold.

*Motion by Rosso for **ADOPTION:**

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

Ordinance Passes#31-09

Council#031 – EMERGENCY – an ordinance authorizing the Mayor to enter into a contract with Don Mould’s Plantation, Inc. for the Walker Road Roadway and Storm Sewer – Phase III project, 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, Smith.

*Motion by Huska for **ADOPTION:**

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

Ordinance Passes#32-09

Council#032 – FIRST READING – an ordinance amending section 935.16 of the codified ordinances of the City of Sheffield Lake regarding payment date; surcharge; remedies for nonpayment, and the declaring of an emergency.

Council#033 – EMERGENCY – an ordinance authorizing the Mayor to enter into a contract with GEO-SCI Incorporated for engineering inspection services for the

construction of the Walker Road Roadway and Storm Sewer – Phase III project, and the declaring of an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Ordinance Passes#33-09

Council#034 – EMERGENCY – an ordinance authorizing the issuance and sale of notes of the City in a maximum principal amount of \$200,000, in anticipation of the issuance of bonds, for the purpose of paying costs of improving and repairing Walker Road as a part of Phase III of the city’s improvements to Walker Road and declaring an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Ordinances Passes#34-09

Council#035 – EMERGENCY – an ordinance authorizing the issuance and sale of notes of the city in a maximum principal amount of \$701,000, in anticipation of the issuance of bonds, for the purpose of retiring notes issued to pay costs of various capital improvements, and declaring an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Ordinance Passes#35-09

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach to adjourn at 8:05 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 June 9, 2009.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura