

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

The regular meeting of the City Council was held Tuesday, July 14, 2009. Council President Edward Podmanik called the meeting to order at 7:02 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, Civil Service; Huffman, Grant Administrator; Gardner, Members of the Media; Avon Lake Press

\*Motion by Bring/Second by Smith to approve the minutes of the City Council of June 23, 2009 with any corrections. Yeas All.

**CORRESPONDENCE/COMMUNICATIONS:**

A – Monthly report of court receipts for month of June - \$10,270.75 – receive and file.

**PRESENTATIONS: None.**

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

**Roads, Drains, Water, Sewer, Refuse:** Chairman Smith reviewed the minutes of the July 6, 2009 meeting./**Stormwater Utility:** Representative Smith reviewed the minutes of the July 9, 2009 meeting. \*Motion by Huska/ Second by Bring to accept the both reports (Roads and Drains and Stormwater Utility). Yeas All./**Safety:** Chairman Bring reviewed the minutes of the July 1, 2009 meeting. \*Motion by Huska/Second by Kovach to accept the report. Yeas All./**Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./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 I don't have very much tonight. Obviously there is a lot going on. I can answer any questions that anybody has. I do want to talk about the Rax building, it has been brought to my attention that some of you might want a little bit more discussion before we tear it down. If you

remember we have been talking about whether or not to keep it for quite some time hinged on whether or not we determined it was a viable building or whatever came out of the plans for redevelopment and I can tell you that – first of all; it is not a viable building and we have had several people come look at it and it requires too much of an investment on a new tenants part for anybody to occupy the building and the very first phase of the redevelopment has always been the abatement of nuisances. We included that in part of the plan and that was probably one of the only things that was universally agreed on. I haven't heard any negatives about ripping that down. However, if you would like to discuss it further before we do it I would be more than willing to. The only thing is that I would like to request an executive session to discuss the sale or lease of public property. Mr. Rosso asked John is there a date for the demolish of the building now? Mayor Piskura answered all we have done is gotten some prices or solicited some bids to see about how much it would costs and to see how much the equipment on the inside is worth and the equipment on the inside – the best price that we have for everything that is in there is \$1600.00. I am not sure, have we gotten any prices for demo yet? Service Director Arendt reported yes, we have 2 prices for demo including all the black top and the concrete and footers surrounding area – it ranges from \$24000.00 to \$28,000.00 but that costs will significantly come down after discussions with a few people that I have already got quotes from. Mr. Rosso stated okay, I am not concerned about the costs – there is no set date yet right? Mayor Piskura answered no, there is no set date and we are not even sure that it needs to be approved depending on what bids come in. We already have the budget for it, you all approved the budget to do it. My thought was more on whether or not you would want us to follow through with it. Mr. Rosso stated where I am going with this is you are right there as always and say hey if you have any questions, if there was a date set I want everybody to know you have to ask by this date – don't come in the day after and say hey I didn't want you to do that. That is all where I was going. Mayor Piskura stated it also has been brought to my attention that things are moving very fast and maybe not all of you have been or I haven't informed all of you as much as I should have and I apologize for that but again things are moving fast and not every decision that is made down there – I can't afford to bring every decision that is made down there in front of Council to debate for a while. So some of the smaller things that are more operational I have just made decision on the spot to get it done or to not get it done and if there is anything in particular that you don't like on how we are operating or how I am handling it, I would expect that you would let me know. Mr. Diebold asked Joe will that asphalt be recycled or will it be taken some where? Service Director Arendt answered it would be taken somewhere, the first steps that we have done so far is as the Mayor said we have gotten a couple of bids on equipment inside. The next step would be obviously that we would get Council's approval to sell that stuff and then we would have to get an EPA report and we would to file with the state which takes 10 days after that.

So if there were a date to be set the soonest it would be done would be 10 days from say Monday. That would be the earliest it would be done but no date has been set by the Mayor until any discussion that needs to be done by Council. \*Motion by Huska/Second by Rosso to accept the report. Yeas All./**FINANCE DIRECTOR REPORT: None./TREASURER REPORT:** Treasurer E Hoenig reported the June report is in your file./**SAFETY/SERVICE DIRECTOR:** Safety/Service Director Arendt reported the first thing that I would like to report on is as you know at our last meeting I expressed my concern over the amount of money that is owed to the Water Department by residents as well as commercial properties and the biggest one being Erie Shores. I sent a certified letter to Erie Shores management company and I did get a phone call from them and the same day I got a partial payment of their bill. When I talked to them I expressed that I would not accept that payment and that we would hold the check or send it back because it didn't even cover the amount that was currently owed and I also said that unless the bill was paid by last Friday that we would start shut-off proceedings. After several phone calls and several lengthy discussions, we were sent the full amount of almost \$19,000.00 and they are all caught up. The second item that concerns the water is doing some research I found in the year 2007, Council passed an ordinance raising the base rate of the water bill from \$3.00 to \$5.00. For some reason it was never done and I want to inform the Council because of this ordinance I have to actually act on that, so this was passed in 2007 – I have to go ahead and act and raise that minimum base by \$2.00. That is ordinance#31-07 if anyone wants to discuss anything on that. Mr. Rosso asked that is the minimum amount that you have to pay right. Service Director Arendt answered no, that is the base rate for the first units that you are using. It is a \$5.00 base and currently we are at a \$3.00 base. So what it will do is take the water bill up \$2.00 per household. Mr. Smith asked that is not the \$2.00 capital improvement right? Law Director Graves answered no, that was part of the sewer and this is water. Service Director Arendt advised Dave and myself and Mr. Gardner had lengthy discussions about it today and it was passed in 2007 and I actually have to act on it. Mr. Rosso stated I thought that was you would never be less then that amount and that if you had more then units then that - \$3.00 then you know you would pay whatever your rates were. Service Director Arendt answered it is \$5.00 for the base so currently they are paying \$3.00 for the first base so it is going to up by \$2.00 for that base. Mr. Rosso asked how many units is in that base? Law Director Graves answered 99 cubic yards, is that right? Mr. Gardner answered 1 unit is 750 gallons. Service Director Arendt advised it is 100 cubic feet. Mr. Rosso asked what is it after that? Mr. Gardner answered \$1.29 per unit. Mr. Smith asked being that was 2007, you are to start from this day forward or all the way back? Service Director Arendt advised the citizens actually saved money for 2-1/2 years. He continued the next item that I would like to report on to expound on Mr. Bring's safety report, I am very pleased to report that since we started as you know I talked about the drug problem at the last meeting. We

have had several major drug busts and we have been very successful at that. We have also apprehended the people who were doing the graffiti that said anarchy – they were different from the people who were drawing the penises on windows and items. We also apprehended those 2 people. Law Director Graves advised it is okay to just say obscenities. Safety Director Arendt stated it was the best word I could use I guess. We apprehended those people as well. We apprehended – I don't mean to say we I mean the Police Department apprehended the 2 arsonists and the arsonists are 18 and they will be a F4 (felony 4) I believe it is David? Law Director Graves advised that is right and they are both set for preliminary hearing on Thursday afternoon. Safety Director Arendt stated it is a very serious offense, obviously city property and they were quite vocal when they were arrested and quite obnoxious and after 4 hours in the cell they wanted to talk to Detective Campo and they both confessed and wrote out confessions. I am very happy to report that and hopefully this will alleviate a large portion of the problem. There are certain things that are happening right now to continue the war on drugs in Sheffield Lake and it is getting known out there no matter what size city that this is we are absolutely not going to put up with anything. There was a brief discussion. Service Director Arendt continued the next item that I want to talk to you about is the grass cutting that I have talked to you about. Since we have been sending letters since the ordinance that Council was good enough to pass allowing us not only to put it on the tax record but to go directly to the people. We went from \$12,800.00 owed to us in June down to \$10,400.00 in the month of July so far and it is only the 14<sup>th</sup>. So that ordinance passing allows us to put pressure on the individuals is very helpful. The last item on my agenda tonight if anybody has any questions, the last item on my agenda tonight is the current road projects that we are doing. We have completed South Street and Maplewood and we did the chip and seal and we did the gilsonite. Now on South they will have to do a little bit more gilsonite because cars were traveling on it immediately following and some of it came up. I did get a call on Friday some one complaining about dust and I talked to that person on Monday after the gilsonite was done and they were thrilled to death. If you were able to ride on those 2 streets that were done, it will be another day or so before the gilsonite actually finish its curing but Dave and myself and Mr. Gardner were just currently on the roads and there was not a stone that popped up on the car. The road looks like it is black-topped, they are very good conditions. I encourage all Council members to take a ride on those roads and the Mayor as well so that we get going to the rest of the streets. Now it was also brought to my attention that the list that I gave you, I believe that everyone has a list of the streets that we plan on doing that there may be a couple of streets that are in worse condition that if Council wants to bring it to my attention. I have asked another city to send me which they have a report that I can fill out that will give certain point system to each road to determine which roads are the worse of the roads that we have. So if there is any street that any Council person wants us to

address I will be able to go out and do a point system and compare it to the roads that we have on the list in case we have to switch any around so we stay within our budget and we make sure that we get the worst roads in the city fixed at this point. Councilman Bring asked Joe do you want to bring up Council#044. Service Director Arendt explained Council#044 the ordinance that we talked about, Mr. Bring and Mr. Gardner were kind enough to go with me to the City of Lorain yesterday to show our support for the ordinance that is on the agenda tonight. What this ordinance is authorizing the City of Sheffield Lake to jointly apply for a grant – NSPII money which is the neighborhood stabilization program. We would be joining Lorain, Elyria, Vermilion and a couple other small cities. What the NSPII money is – the City of Lorain and our group is going to apply for 20 million of it. There is 1.5 billion dollars available for this grant and it is a non-repayable grant so we don't have to worry about that. What this grant can be used for is establishing financing mechanism for the purchase of redevelopment and foreclosed upon homes, residential properties including such mechanisms as soft second loan reserves, shared equity loans for low income and moderate home buyers. We can purchase and rehabilitate homes that have been foreclosed upon or abandoned. We can do the same with any properties that we acquire through someone gifting us. We can go in to demolishing, we can only use 10% of the funds that we would receive for demolition. The eligible structures are residential, foreclosed upon and are abandoned and blighted. What this would mean to the City of Sheffield Lake is out of the 20 million and like I say there is 1.5 billion available, out of the 20 million dollars the City of Sheffield Lake based on the number of homes that have been rehabbed in the last 2 years and based on the number of homes that have been demolished in the last 2 years – we would be eligible for 4% of that money which would give us \$800,000.00. That \$800,000.00 as I say 10% can be used for demolition and the balance of it for rehabbing homes and all the other things that are on the list. It is a wonderful opportunity and the reason for the joint venture is because even though the City of Lorain is the largest city they don't have enough qualified pointed areas to apply for this. So with Elyria, with us and with Vermilion they now have enough qualifying points to try to get to 20 million dollars. So the City of Elyria has already passed it and last night Vermilion was passing it – I don't know if they did but they discussed passing it last night and if we are fortunate enough to pass it tonight only for the fact is that the letter has to be in their hands by July 17<sup>th</sup>, so if we pass the ordinance and Lorain passed it last night then we will be included in the joint. The down side if we don't do it is that we would have to then try to partnership with Lorain County Metro Housing or one of the other 2 groups that is involved. So we want to be in on the ground floor so we can grab the \$800,000.00 and give it to our grant administrator and our rehab person and have them go to town. To make one step back, the reason that I asked Bill to be here tonight not only for this ordinance was the fact that the prepared list of streets that we received Bill had this list and I inherited this list and Bill and I

were discussing it and we would like some Council input in case there is additional streets that they want us to look at. So Bill is here so we can do this as a joint venture. Councilman Rosso asked Joe South Street was supposed to be finished last Friday, how come they didn't get it done until Monday. It was supposed to be prepared on Thursday and it was supposed to be gilsonited on Friday. Service Director Arendt answered I talked to them and that was what was originally planned but they wanted at least one day for it to settle and cure and then go in with the gilsonite. Councilman Rosso advised I did get a complaint today about it so coming home I drove down it and I have no idea what they were talking about because I agree with you it looks like it is black-topped. They were saying oh they just threw gravel in the holes and the holes are all still there. I did notice where it looked like some spots that came up which you have already addressed. Service Director Arendt answered yes and they do have to go back. Councilman Rosso advised I made a point of driving down it on the way home today. It is a better good darned street right now. Service Director Arendt stated as I say it is imperative and I really hope that Council and every one of the citizens gets a chance to take a ride down those roads so we can move forward because this as the Mayor addressed the last time was a test because we don't want the residents to have any problems with any dust or anything else that might occur with just the chip and seal and the gilsonite so if you get that opportunity to do that and get an opportunity to call me or call the Mayor or Bill then hopefully we will be able to move forward if everyone agrees to do so. Councilman Smith advised I did drive the streets over the weekend and I still got my notes at home so I will be getting with you on a couple of the roads. Maplewood and South do look really good. Service Director Arendt advised I think when we put into the point system for the roads I think it will help the citizens understand why their road is going to be done or not going to be done and I think it will also help Council to voice their opinion. Councilman Smith advised I will go through my notes and get with you with my concerns. President Podmanik stated everyone has a copy of the proposed streets for the pilot program with Allied Waste, can you give us any more description on that – when would we go ahead and start that pilot program, when are we going to have another public hearing with regards to these streets, any information on this at all. Service Director Arendt answered Kay and I spoke and Kay wanted more definite addresses and I think Lisa prepared that. Clerk Fantauzzi answered no I did. Service Director Arendt advised so all we are waiting for now is for Council to decide when they would like to have a public hearing and that way I can give Allied Waste enough advanced notice and I say if I have to pick him up then I will pick him up and he will be here. Councilman Rosso advised we just got this tonight so why don't we make a decision at Tuesdays Worksession. President Podmanik directed Clerk to make that is on Worksession agenda. Service Director Arendt continued Mr. Bring, are you satisfied with the tree cutting around the stop sign? Councilman Bring answered yes, as a matter of fact I was going to say

something. Service Director Arendt advised if there is anymore intersections that anybody notices because we may miss them ourselves then let us know. We have been able to cut down the branches that have been hiding the stop signs and stuff. Councilman Bring explained people are having some visibility problems when they are pulling out on some of the streets looking right or left so I had Joe go back and trim some. So hopefully we have got most of that corrected so if anybody knows of any streets then contact Joe but they have been out several times.

\*Motion by Huska/Second by Bring to accept the report. Yeas All./**LAW**

**DIRECTOR REPORT:** Law Director Graves advised - **/Demolition Board** – Our meeting last month was canceled due to the property had an appeal and it was actually torn down. They just basically needed more time to get that accomplished. So that was one severely dilapidated home that is no longer a blight within the City of Sheffield Lake. I don't think we have another meeting scheduled presently. The Service Director and I have made repeated requests to the Building Department and will continue to make those requests to compile a list of the most severely dilapidated properties in the city that would potentially require being addressed by the Demolition Board and potentially abated by the city. I will keep everyone apprised as we move forward on that.**/Civil Service** – has had a number of meetings. The Secretary I think has attached minutes from their last 3 meetings in March, May and most recently on June 17<sup>th</sup>. The business before the Commission right now is predominately the Fire Chief's test; we have decided upon a company to administer that test. We did have 1 Lieutenant who has expressed an interest in taking it, we did open that up to all the Fire Fighters with at least 24 months of service in the city and to date 2 of those individuals have expressed interest in taking the test so that we will be planning to schedule the examination but it looks like it will be in-house.**/Records Commission – none./Legislation** – looking at the legislation before Council tonight, already on the agenda we have got the 3<sup>rd</sup> reading for changing the deadline for your water bill and moving the potential shut-off up 30 days and then the 2 ordinances basically with some house keeping as far as zoning districts. As far as what could be added to the agenda tonight, we have got 3 ordinances and the 1<sup>st</sup> one we did this a couple of years ago. Basically this is for a resident who received a community housing improvement CHIP funds to improve the residence and the city then holds a mortgage – a second mortgage on the property. This individual has expressed a desire to refinance their property and in order for that to go forward the city has to agree to subordinate our loan to the bank loan. The total combined mortgages on the property will be within the parameters of the CHIP rules and will not exceed the percentage loan to value based on the appraisal of the home and we did this once before and I would recommend that Council consider going ahead with this. The thought process being that this person is in financial difficulty and ends up losing the home we have 0 chance of recouping any of the CHIP funds that we loaned because the house would never sale for more then the first mortgage anyway. Currently we sit

second to the present first mortgage. Council#043 we have the tax budget that the Finance Director talked about and the Mayor talked about at the public hearing and then we have the ordinance authorizing us to participate in the Neighborhood Stabilization Program grant application./Law Director Graves advised other projects working on, I did have a very productive meeting with Attorney Bob Ellis at Wickens, Herzer, Panza, Cook and Batista. We will report on that very quickly, establishing a non-profit entity and get that up and rolling with the concern with the development of the Shoreway Shopping Center area. The plan even once that organization is created is to have a number of meetings to get them acclimated to their role before any discussions of transferring or leasing the property from the city to the non-profit. We did spend most of the day today in an arbitration with the Fire Department with regard to an issue in regard to a grievance that was filed and will continue to work on that. I continue to work on a number of projects. \*Motion by Huska/Second by Bring to accept the report. Yeas All.

***CITIZENS COMMENTARY:***

***Mark Erdei, 4015 Tennyson*** asked on this agreement with the Batista and all these, now is that an actual written contract we going to have with them. I haven't seen nothing in the paper or nothing or is that just verbal statement? Law Director Graves answered well we have an engagement letter, it is a professional service and Council has authorized their hiring on a as needed basis. Mr. Erdei asked now are we covering our tracks, there is no way they can kind of swing in and say well we are going to take over this place. Councilman Rosso explained he is concerned that this law firm is going to take over the non-profit and they are assisting you in creating the non-profit. Law Director Graves explained as Law Director I have to deal with a board range of aspects involving the city. There are certain aspects which require a degree of specialized knowledge especially those that are such fundamental importance as the Shoreway Shopping Center project. That being said we came to a decision that it would be prudent for me to co-counsel and work with some other attorneys that I could seek some advise in the creation of this non-profit entity and in the transition of the Shoreway Shopping Center project to the non-profit. It is something that we want to make sure that we get right. The non-profit will be run by individuals within the city, the conceptual framework would be a 5-member board made of city officials and city residents which would be ultimately appoint – would not be a paid position, appoint at least a secretary and an executive director who made the day to day operations of the non-profit organization and then they would take over predominately the responsibility for developing that shopping center. So it would be still an off-shoot of the city. The law firm is just to assist me in sitting the whole thing up. Mr. Erdei stated the next question is for Joe, you see that Avon; is it Avon I think Avon is the one having the problems where their excessive garbage along with their containers. As I recall I remember very good that Kidder that came here and talked to us “well no problem no problem, if you got extra garbage or you want to get another one and have 2 of

them it is not going to cost you nothing. I talked to a driver on the road and he said if you don't put it in writing he said they will charge you for that extra container plus he is telling us when he was here that if we had grass clippings – you could put that right next to that container and we will take care of that too. Service Director Arendt stated that is interesting that you bring that up and our very competent Law Director will address each situation as it comes. The fact is that each city has somewhat of a different deal and one of the deals that one city has is that they put down scanning ability to go ahead scan so if you have an extra number of recycle items in the city you get credit for it. Another city has a deal for a certain amount of recycle that they get an extra kick-back. So when David sits down every thing will be dotted because we want to make sure when they say we are going to get 2 if we need 2 then we are going to get 2 for no fee. The other city may not have had some one as sharp as we have so we will be okay. Mr. Erdei stated the next question, the road behind the gas station. The one thing did you guys dig that asphalt up to where you put that dirt in there and the trees? Service Director Arendt answered no. Mr. Erdei stated so it isn't going to last or is it supposed to last? Service Director Arendt answered it will be a permanent setting and the reason that I am glad that you brought it up is because I have only had 2 people complain and 1 was by phone and 1 was a guy that almost ran me over and swearing at me as he was coming down the new road. Those are the only 2 people and Rite Aid called and asked about that mound because they were concerned about a big delivery truck that was going to be bringing items to the store. I told the manager at that time the reason that we did that was to increase the traffic in front of all the stores that are there - number one and secondly is to protect the road behind us to future repair because it is mostly semi's that go through and do the most damage. I explained to the manager the trucks if they are over-sized semi's would be able to back up into that city owned lawn area and be able to pull out just as easily as they were able to pull in. When I explained this she said you know we have had more traffic coming in front of the store and that is the main goal. Since I have been here I noticed what happens is people go down that road simply to get to another road and we want them to be able to utilize the shopping center and see the stores and possibly stop at the stores. So she was quite happy when I said that and I also stated that one of the intents that we have in the future hopefully is to re-route the traffic pattern in the shopping center and put angle parking in front of the stores. She wants to pass that on to her supervisors above her in the corporate office because she thinks that is the greatest idea that they could have for increasing customers. What happens now is the customer comes out of the store looking right, looking left and here comes a speeding car – this way we have the angle parking we have the traffic pattern going instead of speeding through behind the stores going from the Lake Road just to go to the other road. We want the traffic and it has proven that it has increased the traffic. Mr. Erdei stated next question, on that road that you put in are you going to do something with that to

like off-set or you know how the original main drag was in the shopping center? Service Director Arendt answered that is part of the re-planning of the traffic pattern. Mr. Erdei stated okay so you guys are going to do something because when you come up it now you are into the parking lot and you other main entrance is way over here. Service Director Arendt stated that is why there is a stop sign there. That is part of the plan, as the Mayor stated earlier things are moving quickly and sometimes it is a little hard to keep up but we are doing the best that we can and I truly believe that the stores are doing better simply by the traffic pattern being changed from the road that is now in back of the south-end of the building and not being able to just to drive through. Mayor Piskura stated we did say that we were going to change the traffic pattern after Community Days and we will bring that to Council before we actually strike it off so that they can look at it and make sure that they like it. So you will have the opportunity to see it before we do anything. Mr. Erdei stated next question do we have funds already allocated for the demolition of that building? Service Director Arendt answered yes. Mr. Erdei stated by maybe next meeting you will have it done or no or Council will have to approve it first right? Service Director Arendt answered what I hope to do is sit down with several of Council people and the Mayor, Mr. Gardner and Mr. Graves and draw out the pattern and talk to a friend that I know that is an expert in it, draw out the pattern on the picture of the shopping center/over an aerial view of the shopping center that we have. Draw it out and show Council what we have then bring it to the public. Mr. Erdei stated that corner then we will do like we did with the part that we demolished already just plant grass for now? Mayor Piskura answered yes. Service Director Arendt explained if we do demolish Hardee's and I say if we do demolish Hardee's the intent is that the parking that was in front of Hardee's we would like to keep that and have people be able to come and park there, look at the boat launch area, look at the windmills and there will be an ingress and egress right there and it will take out the patio section that they have there and make that a grassy area so people can come park, look and there will be a grassy area if they want to sit or do anything that will be there as well. That is if we tear down Hardee's. Mayor Piskura stated the north parking along Lake Road and the west parking along Lake Breeze will stay, the rest will turn into grass and connect up to the grass that is already there. Finance Director Smith stated which will kind of give us the same area we used to have for Community Days when it was on the grass. Mayor Piskura stated but we are hoping that it doesn't stay that way that long, that is where we are trying to put a building at. Councilman Rosso stated since Mark brought up about that dirt mound, that truck traffic to make deliveries is now going up Sheffield and coming up to get behind the shopping center, correct? Mayor Piskura answered if it is that is a problem and we need to know about it because they are not supposed to. Councilman Rosso stated okay well that is what I thought how you told me you wanted them to go. Service Director Arendt stated Sheffield is no trucks. Councilman Rosso continued the

other concern that I have on that is a few years we had issues in those woods with kids drinking and lighting fires and now to get to that they have to go up Sheffield and come back that way plus I guess it reduces Police. You know a police car goes back there and gets some kids out and they jump the hill and start running – you can't leave the car there and chase them. That would be my only other concern. Mayor Piskura asked where exactly are you talking about? Councilman Rosso advised right behind Speedway in those woods teenagers used to gather, drink and occasionally start a fire back there. Now if a police car comes there and you spot them doing something you get out and they run and jump the hill or that mound and now he has got to get back into his car and drive around or leave the car which I don't know if that would be smart or not. Service Director Arendt answered there are obstructions everywhere that kids can find to hard or elude the police. Hopefully it won't be a problem. Councilman Rosso stated well the real concern was the traffic on Sheffield, I misunderstood that. Service Director Arendt stated no that has been watched. They can still get around it, I think a car can drive around. If you go right next to the fire hydrant, the police car could actually go right around there. Councilman Rosso stated I didn't get out and look that close. ***Kathy Thomason, 863 Community*** stated that is not paved over, that is grass – it is not fixed up and has never been part of a road where you are saying somebody could go around that and once they see a car go around that you are going to have a lot of traffic going around there. That is exactly what is going to happen. And then I am waiting to see the kids to start taking their skate boards up and over that mound of dirt up there. Service Director Arendt stated we are not finished with it yet. Mrs. Thomason continued how are we going to attract people to come into this shopping center when you can't even get delivery trucks to come behind the shopping center to make their deliveries from a main road? How are they going to get in, they got to drive all the way through the shopping center and make a cut? What if you have a fire in the back of one of those stores, where is that fire department going to go? Mayor Piskura and Service Director Arendt answered in the back of the stores. Mrs. Thomason asked how are they going to get there? Mayor Piskura answered drive around to the back of the store. Mrs. Thomason stated all the way in the front – pass it up; it could be all the way back up by Rite Aid where the fire is. Mayor Piskura answered yes. Mrs. Thomason stated that is insane, that is actually a street there – that is Community Road that goes all the way through to Lake Road, look on your map. Service Director Arendt stated even if they had a fire at Rite Aid, the fire hydrant is literally right next to the mound. The fire hydrant being there and the truck would park there – they have got 500 feet of hose. Mrs. Thomason stated I am just saying it is basically a safety issue period, I think it is hideous the way it looks. Mayor Piskura answered I disagree. Mrs. Thomason stated I think it is hideous and then you didn't even dig the cement out, you just piled dirt up and planted – where are we getting the money for these trees and stuff that we are planting around the city? Service Director Arendt

answered the trees were \$40.00, we only planted. Mrs. Thomason stated I don't really care about how much they were, that is money and it is not a park so you can't take it out of park expenses. Mayor Piskura stated we are taking it out of the operating expenses and the borrowing that we already did when we purchased the center. When we said we wanted to abate the nuisances – that money, it is the 405 account. Mrs. Thomason asked how much are we spending on this shopping center each time we have somebody come in and demolish, my question there is why didn't we take down Minnotti's old building when we did that whole first run – wouldn't it have been cheaper? Mayor Piskura answered that is where we are storing our equipment, it was more effective for us to have a place to put stuff while we are working down there and it makes no sense to demolish that right now until we have the place either being maintained by a developer or the bulk of the work down there done. Mrs. Thomason asked is it true that you are not planning on tearing the rest of that shopping center down? Mayor Piskura answered there are portions of it that we would like to tear down but yes in a nut shell. Basically what is left is what we are thinking we can keep standing. Mrs. Thomason asked why would you want to old section to stay when you are going to have new going up all around it? Mayor Piskura asked did you go to either one of the meetings? Mrs. Thomason asked I wasn't in town that is why I am here. Mayor Piskura stated perhaps it would be more productive if I talk to you after the meeting, I could show you the whole plan and show you everything that is going on rather than re-hash it with everybody that has already heard it. Not to be disrespectful but I can't. Mrs. Thomason stated because I can't see leaving an old portion of a shopping center up there. I mean we were all imagining something really nice coming in here and then you are also talking about city hall going up there – where are we going to get any income from city hall. Mayor Piskura stated Kathy, I am not going to debate this here and now, it is not the place and time. Mrs. Thomason stated I am not asking you to debate it but where is income from a city hall going to come from. Mayor Piskura stated I can answer all your questions after the meeting. Mrs. Thomason stated why it is not taped or anything, what are you afraid of hearing. Mayor Piskura stated it is unproductive - everybody is sitting here waiting to move on to the next thing and you are the only one that hasn't heard it. Mrs. Thomason stated wait a minute – how much time did this man stand up there and talk and now you are telling me you won't answer a question for me? Mayor Piskura stated I will answer an question but you want to talk about the redevelopment of the shopping center which I have spent 4 hours presenting to everybody here. I can answer your questions later. Mrs. Thomason stated you did not advertise those meetings very well either from what I understand. Mayors Piskura stated I will answer your questions later if you don't mind. I will spend as much time as you want and I will answer all your questions later. Mrs. Thomason stated I just think it is terrible that a person can't come to a Council meeting and ask the Mayor a question and get an answer. Mayor Piskura stated you can ask me all the questions you want and I am

telling you that I will answer them. Mrs. Thomason stated then answer it right here, this is a public meeting. Mayor Piskura stated I can show you all the maps, I can show you all the spread sheets, I can show you everything that I have after the meeting. Mrs. Thomason stated I am just asking you where is income going to come if you build a new city hall at the shopping center – where is our income and where is our shopping area, where is it going to be? That is going to cost the city money to rebuild city hall up there and then what are you going to do with this, we are going to have a lot of taxes and where is it going to lead – it is going to be the taxpayers, this city – taxpayers again. It is going to go up because we have no businesses – that is our business right up there. Mayor Piskura stated I will talk to you after the meeting. President Podmanik brought order to the floor stating Mrs. Thomason I will point out that the Mayor had 2 presentations and I am sure that he has got quite a bit of material and I understand your concern but he has a point, he doesn't have the material in front of him. If you give him a chance to get the material possibly after the meeting. Mayor Piskura stated I will make myself as available to you as I can. Mrs. Thomason stated this was your goal to buy the shopping center so we can have a new city hall, that is what it seems like it is coming down to. Councilman Smith stated if you heard the plans though, everybody is in an uproar over a city hall and everybody is focusing on a city hall but that is something that could develop in this shopping center development in I think in almost the last stage of the whole project. Mayor Piskura stated depending on the costing of the beginning which could be years of different phases. Councilman Smith stated it could or couldn't happen, it is just part of a whole plan to present to the public and that is what the meetings were all about to get started on it. The city hall is an idea that was way down towards the end of the project if money permits and meetings permit and residents input permits. We have to put a package together to at least show the people and say this is where you are starting at and it is going to keep going progressively this way. So the money all of a sudden – boom, boom, boom – there is a new city hall; that is not the whole point of the whole plan. It is the starting point leading all the way up to which you are going to have more than plenty enough time for meetings and your input. It is not like we are okaying money to put a city hall up there right now, this is something that is way down in the future and almost like the last part of the whole plan was together. The first plan is just to get the shopping center itself; the nuisances gone. Mayor Piskura stated viable developments to happen first. Councilman Smith stated but everyone is focusing on a new city hall and I don't know why because that is like way down the road if permits it is just part of an idea. Councilman Bring stated actually I think that was considered in the original thing that John when he did the redevelopment of the whole city, that was in that plan originally. Councilman Smith stated I think that is what he is trying to tell you that he can take you and show you the whole plan, there is like 5 different lay-overs that go with section 1, 2 and what adds and what doesn't. That is the only reason he is saying he

will take you and show you the whole thing. It is not that he is trying to avoid anything. Mrs. Thomason asked one more question, are you going to keep Community at the north end opened up now? Mayor Piskura answered it is not open now, it only opened up for the construction for Ferndale. We have no intention of opening that up again. Mrs. Thomason asked so you are going to keep it closed off? Mayor Piskura answered we would like to keep it open. Councilman Bring asked did you say north end or south end? Mrs. Thomason answered north end, right by Minnotti's. Councilman Kovach stated for the record the portion between Minnotti's and Lake Road was vacated by an act of Council over 20 years ago and Arnold Levin did that. That is not a road from Minnotti's to Lake Road, that is part of the shopping center. Mrs. Thomason stated but it was access for the deliveries back there. Councilman Kovach stated I am just making a statement, Community ends at Minnotti's and it was done by an act of Council.

**Ralph Huffman, 735 Roberts** stated I want to say I had the privilege since last month to see vacant homes that were foreclosed and sat empty for a couple of years finally become habitat. They did a nice job, people are really getting in there and try to improve it real nice. But the one neighbor that happened to move in there in Bob's old house has trash that is sitting out there on the curb and the trash people or Allied came by about 3 times 3 different weeks and never picked it up. Now that goes with our water bill and the one week they were busy over there with construction so I could understand that. But this last week it is still sitting there and they did tell me that they called the water department and they just said well they will pick it up next Friday but there is trash there. Now doesn't Allied come out and pick up stuff that they miss? Service Director Arendt asked do you have an address and I will check on it tomorrow? Mr. Huffman answered I believe it is 728 Roberts Street. Councilman Rosso asked they do have their water turned on right? Mr. Huffman answered yes the water department was out there today even because they were checking for leaks. Councilman Rosso explained because a lot of times people will buy it and rehab the house and never turn their water on so you are paying your refuse and they won't pick it up. Service Director Arendt advised I will make sure I get a hold of them tomorrow.

**/UNFINISHED BUSINESS:** \*Motion by Bring/Second by Rosso to reconsider Council#029 pertaining to the golf cart issue that was voted on by Council and then vetoed by the Mayor. Law Director Graves advised as everyone is aware Council did pass legislation prohibiting the use of golf carts on any city public streets or right-of-ways. The Mayor did exercise his authority in the Charter to veto that legislation, Council then has the ability to override that veto through a motion to reconsider. That motion requires a 2/3 vote and may only be brought 1 time. If it does not carry, it is done. Subsequent to that, the issue he voted on as if it was anew before Council, if you want to suspend the rules/pass it – all those votes will require a 2/3 vote of Council which is 5 votes. ROLL CALL FOR

RECONSIDERATION: Yeas – Bring, Huska, Rosso, Elliott, Diebold/Nays – Smith, Kovach.

**NEW BUSINESS:**

\*Motion by Huska/Second by Bring to amend the agenda to add Council numbers; 042, 043 and 044 to tonight's agenda. Yeas All. ROLL CALL TO AMEND THE AGENDA TO INCLUDE COUNCIL NUMBERS 042, 043 AND 044; Yeas All – Bring, Rosso, Kovach, Diebold, Elliott, Smith, Huska.

Councilman Smith advised whenever you have a street light that has gone out or flickering at night and want it replaced, it does work when you go on line tell Edison. They were out 2 days after I sent an email, I just thought that was pretty good. The bulb was out and had been out and I did it over the email and I think it took 3 minutes and 2 days later they were out at 7 or 8 o'clock at night. They got a guy at night that just drives around and replaces them.

**ORDINANCES AND RESOLUTIONS:**

Council#032 – THIRD 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.

\*Motion by Huska/Second by Bring for ADOPTION:

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

**Ordinance Passes#40-09 (failed as an emergency)**

Council#037 – SECOND READING – an ordinance by the Council of the City of Sheffield Lake amending section 1141.02(b) of the codified ordinances regarding B-2 business districts other permitted uses.

Council#038 – SECOND READING – an ordinance by the Council of the City of Sheffield Lake amending section 1145.03(b)(1) of the codified ordinances regarding B-4 business district other permitted uses.

Council#042 – EMERGENCY – a resolution authorizing the Mayor to enter into a subordination agreement in favor of Laura Stawicki to Nationstar Mortgage, and the declaring of an emergency.

\*Motion by Huska/Second by Bring for SUSPENSION OF RULES:

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

\*Motion by Huska/Second by Bring for ADOPTION:

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

**Resolution Passes#41-09**

Council#043 – EMERGENCY – a resolution adopting the tentative budget for the City of Sheffield Lake, Ohio for the fiscal year beginning January 1, 2010 and submitting the same tax budget to the Auditor of Lorain County, Secretary for the Lorain County Budget Commission and the declaring of an emergency.

\*Motion by Huska/Second by Bring for SUSPENSION OF RULES:

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

\*Motion by Huska/Second by Bring for ADOPTION:

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

**Resolution Passes#42-09**

Council#044 – EMERGENCY – an ordinance authorizing the City of Sheffield Lake to jointly apply for a grant of up to \$20,000,000.00, from the United States Department of Housing and Urban Development (HUD) through the Neighborhood Stabilization Program-2 (NSP-2), enter into the necessary agreements with the City of Lorain, City of Elyria, the Lorain Metropolitan Housing Authority (LMHA), and the Lorain County Community Action Agency (LCCAA), and other eligible partners to meet the eligibility requirements of the program and to authorize the City of Lorain to act as the lead applicant, and declaring of an emergency.

\*Motion by Huska/Second by Bring for SUSPENSION OF RULES:

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

\*Motion by Huska/Second by Bring for ADOPTION:

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

**Ordinance Passes#43-09**

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

Law Director Graves explained Mr. President I have actually had a moment to consider this and actually I do think that where we are with this is we are back at the point of consider of adoption, so it would be only one vote and you don't need to vote to suspend the rules, it is basically at its third reading. If and when you would adopt it, it would require 2/3 vote to pass.

\*Motion by Huska/Second by Bring for ADOPTION:

Councilman Smith stated since this issue has come up somehow somebody got a hold of my cell phone number. My cell phone has been ringing off the hood with people wanting golf carts. I don't know where they got my cell phone number but in the last 2 weeks I bet you that 40 people have called me on my cell phone.

Whether or not the ordinance passes or not, I think the Mayor brought up some good points and if anything if Council wanted they could always send it back to Ordinance and maybe try to improve on it instead of just totally banning them.

Maybe you might want to instead of just passing this and totally banning them maybe you want to take a little maybe a second look at it and maybe go through the motions a little bit and if we do go through the motions and we end up back here again so be it. But I just think it might a little prudent to pass on that law right

now, I mean the Mayor did bring up some good points and we can always reconsider and go back to Ordinance and discuss it a little bit more and maybe come to some type of agreement to do something or not but that would be my suggestion. I don't know how, it is my personal cell phone and I don't know how they got my number but it has been ringing off the hook. Every time I pick it up and there is different residents calling me and I keep thinking it is the same group over there but I just wanted to discuss that a little bit and maybe offer another option that might help.

Mayor Piskura stated along the same lines of that what Councilman Smith said I just wanted to point out that if this doesn't pass, that doesn't make golf carts legal tomorrow – golf carts are illegal right now and they have been illegal in Sheffield Lake for as the code has been in place barring the absence of an inspection and regulation process put in place by the Police Department. Before we pass something that is reactionary and in haste I would commit to working with the Safety Committee to come up with something that everybody could agree with. I think just a flat out ban would be a mistake. I know that all of you probably know my opinion so I will leave it at that.

Councilman Smith stated I have just gotten phone calls and just wanted to pass that on to everybody.

Councilman Bring asked if they are illegal why do we know that they are on the streets and nobody is doing anything about it? Mayor Piskura answered I don't know that they are on any streets, there is only street that I know they are on and it is a private street. Councilman Bring stated no, they have been riding down Grantwood and the police have actually been notified that they are not allowed to do anything. Safety Director Arendt stated no, no, no who said that? Councilman Bring stated I am just telling you. Mayor Piskura stated well tell me who said because that is absolutely inaccurate. Councilman Smith stated I did see one on Grantwood too a couple of days ago. Mayor Piskura stated the fact that you saw one doesn't make it legal and the police have never been instructed not to enforce the law – never. Councilman Bring stated according to my understanding they were waiting until an ordinance was passed because as of right now their understanding is that they are not allowed to touch anybody. Mayor Piskura stated if that is their understanding then they are misapplying or misunderstanding what is going on at Council. They have not received any direction in one way or the other. Councilman Bring stated even though there are golf carts on private property they are still driving across streets which is illegal and you know that. Mayor Piskura stated it is absolutely. Councilman Bring stated but there is nothing being done about it and you have known about that. Mayor Piskura stated where are you referring to this – Grantwood? Councilman Bring stated Grantwood where they are coming to the shopping center they have to get over to the shopping center. Mayor Piskura stated the only person that I know of that drives in the shopping center lives adjacent to the property, he doesn't have to drive on a road to get to the

shopping center. Councilman Smith stated that is the guy on Sheffield, that red one. Mayor Piskura stated he is not driving anywhere, he actually lives right there. Councilman Bring stated he goes down Grantwood too. Mayor Piskura stated if that is happening, that is a legitimate point we can stop that until the issue is resolved.

Councilman Smith stated there might be some options to regulate them versus all out banning them. That is my only opinion.

Councilman Bring stated it may be an all out ban right now but I would reconsider going back after the shopping center. I do not want them on public streets and that is just my opinion.

Mayor Piskura stated just one last comment, everything you do now has to be undone in the future. You may not be sitting there in 5 years when it is redeveloped, I might not be sitting here – none of us might be sitting here and it seems to me that passing laws reactionary to put them on the books is a mistake. It is going to be something that somebody else has to undo in the future. How many ordinances have we looked through the book and had to undo and I am sure there is all kinds more that we have to undo that we haven't discovered or gotten to yet. Councilman Elliott stated I think what we have here is a difference of opinion, I respect everybody's opinion here. We have all agreed to disagree at times. One of the things that the Mayor said that I disagreed with is that we are passing something in haste. I actually have it on paper downstairs where we were discussing this back in 2007, this is not in haste. Ordinance Committee actually brought this to Council twice and discussing it both ways and both times it was said by this Council unanimously that absolutely not – they did not want golf carts. Now as Councilman Bring brought up, anything we do now is not in concrete – we can always re-discuss later. I would also remind everybody that in past the Police Chief has actually said that he is not in favor of golf carts being on the streets. We do have a speeding problem in this city. I think at this time, at this time – I don't think golf carts belong on our streets right now. Now like Councilman Bring brought up we can re-discuss this later.

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

**Ordinance#31-09 (veto override)**

**COUNCIL PRESIDENT:** President Podmanik stated a note for Council, August is generally our vacation month. We have a tentative date of August 25 for a Special Finance meeting and Council meeting to keep in line of our rules on no more then 30 days between meetings. Also pay attention we have a public hearing for Allied Waste which we need 14 days advance notice which will take us into August which we will probably either have a special meeting for that public hearing or have it on the same day as the vacation schedule meeting. Let's keep this in mind, we will discuss more of that and we will end up voting on that at the

next Council meeting. Second of all, we received a hefty copy bill from our copy machine counting copies. I am going to ask everyone on Council again, remember your legislation is 3 readings make sure we get that back and we will do what we can to continue to get cut on our copies.

\*Motion by Rosso/Second by Elliott to go into executive session for the discussion of sale or lease of public property. ROLL CALL TO GO INTO EXECUTIVE SESSION: Yeas All – Rosso, Smith, Bring, Diebold, Huska, Elliott, Kovach.

\*Motion by Bring/Second by Huska to return to regular session. ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Bring, Rosso, Huska, Smith, Elliott, Kovach, Diebold.

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

**MEETING ADJOURNED:** With no further business before this council, Motion by Kovach to adjourn at 9:13 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 July 14 2009.

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COUNCIL PRO TEM

*Richard Rosso*

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MAYOR

*John J Piskura*