

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

The regular meeting of the City Council was held Tuesday, July 28, 2009. Council President Edward Podmanik called the meeting to order at 7:13 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, Law Director
Graves, Safety/Service Director Arendt
Attending: Concerned Citizens, Zoning; Ebenschweller, Civil Service; Huffman,
Grant Administrator; Gardner, SUAB; Chairman Gees, Members of
the Media; Avon Lake Press

- *Motion by Bring/Second by Elliott to approve the minutes of the Public Hearing – 2010 Tax Budget meeting of July 14, 2009 with any corrections. Yeas All.
- *Motion by Bring/Second by Elliott to approve the minutes of the City Council meeting of July 14, 2009 with any corrections. Yeas All.
- *Motion by Bring/Second by Elliott to approve the minutes of the City Council Worksession meeting of July 21, 2009. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

A – Ohio Department of Commerce Division of Liquor Control – Law Director Graves explained we are at the point where all of the liquor license for the city are up for renewal. City Council has the option if it so desires or if it has a concern or a question with any of the establishments in town retaining their liquor license to pass a resolution stating your objections and that would be forwarded on to the Ohio Department of Commerce. If City Council does not have any objections with the renewal of all the existing liquor licenses I think we could just have a motion to that affect so that the minutes would reflect that. There would be nothing that would need to be forwarded on if there is no objections. Councilman Rosso asked are we sure this is ours and not the Villages even though it says Clerk of Sheffield Lake it was mailed to the Village and it has the Village logo on it. Clerk Kay Fantauzzi advised it went to the Village and they determined that it wasn't theirs so they sent to us and we got it today. President of Council Podmanik advised so basically all the liquor licenses expire on October 1st of this year in this city for the bar's and restaurants that have them. Councilman Rosso asked what about Apples and the State Store and all of those? Law Director Graves advised I am not aware of any problems that would be cause for concern.

Councilman Elliott asked if we would say that we wouldn't want a certain establishment to have a liquor license would we have to have grounds or could we just move to revoke it? Law Director Graves advised it spells out the procedure, we pass legislation expressing the objections to a certain liquor license not being renewed that would be forwarded on and I think there would a hearing where we would be able to present our position on the matter. Clerk Kay Fantauzzi advised it must be postmarked no later then September 1, 2009. President of Council Podmanik requested does anyone have any comments or complaints about any establishments in our city? President of Council Podmanik advised basically we need a motion to allow those permits to be renewed. Do each one of those individual permits come back to us individually is this a blanket. Generally when like Apples took over it was brought before Council. Law Director Graves answered that was a little situation because that was actually a new application. Giant Eagle took theirs and Apples had to get a brand new one issued and so in that case the Park Board had to address it because it was within a certain footage of a city park and Council had to express their approval of it and then we had to actually sign a form and send it in saying that we were okay with the new license. This is a renewal, it doesn't require anything to be filed unless you have an objection. President of Council Podmanik stated so this would be a blanket coverage for everybody. *Motion by Bring/Second by Huska to accept the renewal of the liquor licenses. ROLL CALL FOR APPROVAL: Yeas All – Huska, Rosso, Kovach, Elliott, Bring.

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: None./Investment: None./Council Representative to the Community Center: None./Council Representative to the Zoning Board of Appeals: Representative Kovach reviewed the minutes of the July 15, 2009 meeting./**Council Representative to the Planning Commission: None./Council Representative to the Park Board:** Member Kovach reviewed the minutes of the July 20, 2009 meeting. Councilman Rosso stated Mr. Kovach I really don't have a question about your report but I was at the boat launch last night and 2 ladies asked a question about dogs being allowed on the beaches and I didn't know if Park Board has ever considered anything about that. Member Kovach answered as far as I know there is nothing in ordinance form at this point. Councilman Rosso stated I know there is nothing that prevents them, they were both curious on if you should consider it. I will leave that to you. Member Kovach advised I will bring it up at our next meeting on August 17th.

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

MAYORS REPORT: None./FINANCE DIRECTOR REPORT:

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

Safety/Service Director Arendt advised in your packet my first course of business

in the drainage corridor. Mr. Graves and Mr. Gardner did the research on it, I received a letter from Mr. Graves explaining the current status of the drainage corridor and basically the 2 parcels are owned by the state and the rest of the parcels are owned by either individuals or I believe a church owned some but it really comes down to the bottom paragraph which he read it says “the current issue seems to pertain to an over growth of trees along the bank of the water course which are not impeding water flow but have begun to cause damage to the neighbors property including chain link style fence. It is my opinion that the responsibility for this type of maintenance lies with the individual property owners of the parcels comprising the watercourse. Added to the confusion is the fact that many of the neighboring property owners have actually encroached upon the forty-five foot wide parcels containing the watercourse. These individuals will need to decide if they want to pursue the matter with the individual property owners of the parcels comprising of the watercourse.” Basically what Mr. Graves is saying is if you read the first paragraph the easement is a forty-five foot wide storm sewer easement. So basically some of the people who have back yard sheds or anything like that may actually be on part of that forty-five feet. We don’t feel that we have any course of action at this time even with the state who basically inherited through a forfeiture process where nobody bid on it and reverted back to the state. So we are at a stand still in that aspect, if neighbors want to go after the property owners they will have to do so on their own but in the interim Mr. Gardner is working on a grant to see if we could utilize a grant to go in there and possibly clean it up. Law Director Graves advised we can provide to any homeowner who wants it information as to who owns the various parcels comprising of the watercourse. So if someone has an affected property and would like to know who owns the section of the watercourse that is adjacent to their property, we can provide you with that information we have all of that. The city’s obligation would be to make sure that the water flows not impede it. My understanding is at this point there is not an issue with water flow. Councilman Elliott stated as far as like fences falling in and everything else that would also be the responsibility of whoever owns that particular parcel but you said they all reverted back to the state. Service Director Arendt answered no 2 of the properties reverted back to the state that were for back taxes and were auctioned and nobody bought them. They reverted back to the state, the other properties are owned by individuals and 1 or 2 properties are owned by a church. All the documentation is with your packets that you have. Service Director Arendt advised the next on my list is I received a confirmation from Dave Kidder that says he will attend the public hearing and I provided it to all of you to make sure that you know he says he will be here. I will reconfirm with him and make sure that he is here. The next item on my list, everyone received in your packets that we have an ordinance that we are working on now and one of the comments made last week was if we didn’t need it for the last 4 years why would we need it now. A very valid question, so I put together a

revenue and expense for each one of the funds that we have for the water department; water fund, water capital improvements, sewer fund, sewer capital improvements, stormwater fund, stormwater capital improvement. If you go to the second page, the first line in the water fund which is the 601 fund year to date we are minus \$3874.90 and if you go to the bottom year to date within all the funds we have \$50,136.92. With those funds that we have available, we can utilize for equipment and many other things that are involved. I also included in your packet a list of the vehicles that we have in the Water Department and to show you their values. In one of our vans, it is worth \$657.00 and I put the condition down there. Another van that we have is worth \$325.00, we have our triple nickel back-hoe which is worth \$10,000.00 three years ago \$12,000.00 was invested into it by putting in a new engine. So if you go down and look at the equipment that we have it is not very good condition. So far this year through the funds we have had extra expenditures of \$19,788.00 and that is not in your packet. Some of the expenditures are 8 fire hydrants for \$10,977.00. In the city currently we have 56 total fire hydrants that do not work and 40 of them need to be replaced. If I had to buy 40 fire hydrants tomorrow at \$1200.00 a piece which is a bargain and Mr. Gardner got because they are usually \$1800.00 a piece – it would wipe out our total \$50,000.00 in our fund. If one of the white vans which is rusted on the floor and they put on the brake and their foot goes through the floor and they stop using their foot. If we have to go buy a van tomorrow at \$15,000.00 now we have \$35,000.00 in our fund and we can not buy 40 hydrants. Now the 40 hydrants that we know all have been tested and examined by our Fire Department. This is the list from the Fire Department, this is not just me saying these are out. So when it comes to that ordinance that we have that basically didn't get passed in 2005 if you look at the dollar amounts that we currently have if we have any type of major expenditure, we are going to wipe out that \$50,000.00 balance. By the end of the year the next 2 months in the Water fund we will probably lose money. This is what has happened theoretically over in past history. November and December we will make money in the Water fund, at the end of the year for the carry-over into January we expect anywhere from \$30,000 to \$40,000 as carry-over. We will wind up losing \$10,000 of this money. Again very important that you consider this ordinance based on the facts and figures that I have given you on the equipment that we have and the repairs that are going to need to be done within the city on the fire hydrants. Councilman Rosso stated starting with the fire hydrants, that is why we added that capital improvement for fire hydrants how many years ago – 2 or 3 years ago. How much was that a month, was it a \$1.00? Councilman Bring answered \$2.00 I think. Councilman Rosso stated I know \$2.00 was for the sewer vac, was it \$2.00 for fire hydrants. Councilman Bring answered \$2.00. Councilman Rosso continued so we have already added \$2.00 for fire hydrants and now you are saying we need \$2.00 more to cover fire hydrants when I thought we already covered fire hydrants. Service Director Arendt answered that is not what I said,

what I said was if we had to buy 40 fire hydrants today we would wipe out the \$50,000.00 balance in the account. I also stated if we had to buy a truck we would lose \$15,000 out of the account. I did not say specifically the \$2.00 would go towards fire hydrants. Councilman Rosso stated I would hope that none of this money would go to fire hydrant because we have been paying for years to cover for fire hydrants. Service Director Arendt stated I can go ahead and buy the 40 tomorrow and we would be safe. Councilman Rosso stated that is your decision not mine. Service Director Arendt stated I am just saying we would be safe and we would wipe out our \$50,000.00. Councilman Rosso stated there has been \$2.00 a month for years set aside for fire hydrants. And if you went out tomorrow and bought a van we wouldn't pay cash for it, we would spread it over so many years, wouldn't we, like we do every other vehicle. Service Director Arendt answered I don't know what Pat's procedure is. Councilman Rosso advised but I do appreciate this information because I was going to ask for next Council if you could put a bullet point together, top line what would this \$2.00 a month generate if we pass it and then what was "bullet points" your plan on spending that money on. You don't have to answer right now, I realize I am putting you on the spot. Service Director Arendt answered I know but I just didn't want you to think that I was going to spend the money, the additional funding that this ordinance is saying strictly for the fire hydrants. I think there is many items that are needed. Councilman Rosso advised we don't need it for 3 weeks or so. Just a summary overview, you know it is going to generate X and I think we are going to spend it kind of this way. Service Director Arendt answered it is not that I don't want to do that, it is just that I don't know if I can do that because I don't know exactly what is going to happen between now and the next year. I know that we have got to get as many fire hydrants as we can. I know that eventually we are going to have to buy new vehicle. Councilman Rosso answered to me that is fine to say we have a potential expense of a vehicle which would be X and it is going to generate this much and we think we are going to use it here. It is not obviously anything that you are going to actually be held to and it might be this percentage is just going to be our rainy day fund because I don't know what is going to happen next summer. Just something like that is all I was looking for. Service Director Arendt answered well in a quick calculation, there is approximately 2800 homes which is \$5600.00 a month that comes out to \$65,000.00 a year. But I would be glad to and I would welcome any suggestions that Council would like to have in those bullet points. Councilman Rosso thanked Service Director Arendt. Service Director Arendt continued the next item that I have is the applicant for permanent part-time position, I gave each member of Council a letter on behalf of the Mayor and me – we are recommending that Travis Hastings be hired as permanent part-time employee in the Parks Department based on his resume and his performance he meets all the qualifications for this position. Travis is intelligent and motivated individual, he is more than capable assisting Jerry Gillespie on his daily duties. His

good judgment and mature outlook ensure a logical and practical approach to any given task. Travis is currently employed as part-time summer employee and with your approval he will continue his employment as a permanent part-time employee until further notice and I put down his resume as well with that. Would a motion be in order now? Councilman Bring asked is that Mr. Hastings son? Service Director Arendt answered yes. Councilman Bring asked don't you think that is going to cause trouble? Service Director Arendt answered I don't believe so. Councilman Bring asked if a reprimand came down you think Pat would be able to do that? Service Director Arendt answered I think that it would come from me. Councilman Rosso asked the continued permanent part-time would still be in the Parks Department? Service Director Arendt answered yes and Pat does not do that, that would just come to me. Councilman Bring advised the only thing conflicting I would have if you reprimanded him, Pat is also in charge of the Service Department and even though it is a different department you would have hard feelings there – that is my question. Service Director Arendt answered I don't believe so, I think if you know Pat Hastings senior he has a tremendous work ethic and it has definitely followed with his son. Councilman Bring stated I absolutely agree 100% with you with senior, I think he is a wonderful employee. Service Director Arendt stated I can understand your feelings, at this time I don't believe anything like that would be a problem. Councilman Elliott asked what kind of part-time work would he be doing in the fall and winter for the Parks, I know this is as needed but it has always been common practice that we have always just needed part-timers for the summer? Service Director Arendt answered no, there is a position that is available on the books that is permanent part-time for the Parks. Jerry believe it or not, in the summer time he is probably doing 120 to 150 percent of normal work and in winter time he is down to 100%. The need is there; we still empty the garbage, we still go to the parks, we still do the snow-blowing, we still do the cleaning. So it is a required position. Councilman Rosso stated Steve correct me if I am wrong here, this salary comes out of the Park budget and obviously we are not asking for any additional money to pay him – I mean the money is there. Councilman Kovach advised we had this position and it has been filled in the past and I guess they just let it slide for a period of time. To enhance what Joe said in the winter they are also doing like picnic table repair, painting, some fence work. Councilman Elliott stated it was just a question, I wasn't aware of that position that is all. Service Director Arendt advised the other item that I put in your mailbox is the Road/Service Department project report, just to give you an idea this is what is above the normal work schedule that they have a day. You can see that we have had 22 projects completed, 16 that are in progress and 6 that have not done. It is just a list that I wanted you to take a look at. There might be some things you want to add to this list that you could help me with. You know, for example the service yard if you have noticed it, we moved a lot of dirt that was there and used in other areas, expanded the parking lot, tore down part of the storage garage, we are

installing new fencing and regarding the privacy mounds. These are things that are not in the normal work day. The normal work day for the Road Department is pot hole repair, road side mowing, sign maintenance, street sweeping, storm sewer maintenance, culvert repair, catch basin cleaning, catch basin repair, Shoreway shopping center maintenance, city buildings – as needed situation, snow plowing which is seasonal. I just wanted to bring this to your attention to let you know what we are trying to accomplish in the department. I would appreciate any input that you can add to that. *Motion by Huska/Second by Bring to accept the report. Yeas All./**LAW DIRECTOR REPORT:** Law Director Graves advised some of you may have heard that I resolved the eviction action that I filed in regards to the Bowling Alley. We were scheduled to go to court yesterday afternoon, the individual who owns the Bowling Alley called on Monday morning wanting to know what it would take to settle the case and I said basically you need to come in and pay everything up through the end of July and be ready to pay August next week and he did appear with the cashiers check in excess of \$30,000.00. So that brought the Bowling Alley current and reimbursed us for our court costs and we dismissed the eviction action. So they are current through the end of July. They have also expressed an interest in entering into a new 12 month lease and I said any discussion in that regard would have to include at least 3 months rent paid in advance and they seemed receptive to that. So we will keep you apprized, it seems like things are on the right track with the Bowling Alley. I did prepare and it is attached to your minutes a proposal for the Shoreway Community Improvement Corporation that we had talked about at the Worksession and how I structured this is bullet points. The bullet point subjects that I had put forth as a possible structure and then at the bottom a kind of fill-in the blank if you will whether or not you agree with the general concept, how many Board members, which city officials should be ex-officio members, how many residents and who should appoint them and other concerns. If Council wants to discuss it tonight or just keep that for a future discussions, we would like to get a direction on that. You made it clear that you wanted to consider some proposals prior to seeing any legislation in this regard. So there is a proposal for you to look at./**Civil Service** – Law Director Graves continued Civil Service Commission met and set a date for the Fire Chief's test. We do have 3 individuals who are going to compete for the position of Fire Chief for Sheffield Lake. I haven't gotten the minutes back yet but I believe we set the date of September 23rd for the test. That should give plenty of time to post the study materials and allow the 3 individual to study and prepare to take the test on September 23rd./**Demolition Board –None./Records Commission – None./Legislation** – Law Director Graves advised legislation for this evening, 2 pieces of legislation which Council could consider adding to the agenda tonight. The first is in regards to retroactively dealing implementation of the \$2.00 increase on the base water rate. I want Council to take a good look at this piece of legislation the way it is drafted, basically this waves the implementation of the

\$2.00 increase through July of 2009. This ordinance would at least explain why it hasn't been implemented thus far, it is set for a first reading tonight. But we are going to implement the law as it is written right now. The current law on the books says \$5.00 and I think the next billing cycle we are going to implement that law. This ordinance waves the implementation from whatever it was 2005 through July of 2009. Councilman Rosso stated so we don't need to pass legislation? Law Director Graves instructed if we don't pass this then we are going to have to go back and bill the residents for the last 4 years of \$2.00 per month on their water bills. This is basically waving the last 4 years worth of increase. Councilman Rosso asked did something change between Worksession and now because I thought at Worksession the way it was explained we had to pass it again to be able to enforce it. Law Director Graves answered no, the way I explained it was if Council wants to pass – you can pass whatever legislation you want. This is what is necessary to explain it to basically the city auditors, why we haven't collected this additional \$2.00 that was passed back in 2005. If we don't pass this legislation, we are going to have to enforce the ordinance. Now Council has options, Council could simply go back and retroactively repeal it and take it off the books – that is another option. The way the law is currently on the books, that is the law. He continued the next ordinance number 046, this was brought to our attention today. This is another retroactive ordinance/another clean-up. This is something that should have been passed back in 2003 when we were in the process of adopting stormwater control legislation pursuant to our stormwater utility. We passed a number of pieces of legislation back in 2003, this is one that should have been passed. I think what happened on September 9th Council passed an ordinance and then again on October 28th they passed another carbon copy of the same ordinance. So in September and October of 2003 – 6 years ago basically a month apart Council passed the same ordinance. My thought on it is that October ordinance was supposed to be this one and for whatever reason this one did not get submitted to Council and did not get passed. We have been implementing these, these are rules and regulations regarding pre-imposed construction, stormwater run-off, sediment erosion and so forth. We have been imposing these for the last 6 years on construction companies in the city and reporting it as thus on the annual MS4 report. So this is something that the EPA wants to make sure that we have properly adopted. Councilman Elliott asked when does the Mayor want these surveys back? Law Director Graves advised actually that is from me, that is my proposal. But as soon as possible and we will make sure all the discussions and everything are had in public meetings. But we would like to get the CIC rolling. As we talked about at the Worksession, creation of the CIC and just having it is the first step and then we will work with that organization and make sure it is up and running/make sure everything is flowing properly before the city ever considers transferring any property into it or leasing the shopping center to it or whatever the case may be for the management, control and development of that property. So I guess the answer is as soon as

possible. Councilman Elliott asked as far as Council#046 you said this is just going to bring us up to date with EPA standards. Law Director Graves answered that is correct, this is something the EPA wants to see and it is something we had assumed was passed back in September or October of 2003 but in going through the records and searching as I said it doesn't appear that it was ever adopted by Council. President of Council Podmanik asked where does that leave us stand with the EPA, are we facing any fines? Law Director Graves answered I don't think so. We have been properly meeting the standards and reporting on our MS4 for it but we can retroactively do it tonight I think it should be fine. *Motion by Huska/Second by Bring to accept the report. Yeas All.

CITIZENS COMMENTARY:

Jerry Bontempo, 821 Harris Road advised I would like for you to re-examine **Chapter 965.02b** that talks about not putting your refuse out before 6 o'clock. I think it is not being enforced, if you take a ride around town – at 3 o'clock in the afternoon you will see a lot of it out. What would be far worse then that is if it became selectively enforced, you know what kind of problems that would be. Probably the major problem with it and I will end with this is that starting in November, you are asking the public to put their garbage out after the sun goes down. So you can imagine if everyone 75 years old went out at 6:30 in the evening on an icy winter day to put out their garbage. I think it is being unrealistic and I would like to at least take a look at that section of it. I can make some suggestions but I am sure that you have better ideas on how we can deal with that. Service Director Arendt stated I agree, we have a hard time having someone go out and try to enforce it and the ones that we are really looking at are the people who are putting it out at 10 o'clock in the morning in large bags on a windy day or whatever. I don't know if the gentleman would agree but I would suggest that we change it to say 2 o'clock or 3 o'clock in the afternoon because what happens is I could see it on the road or something and I would say hey Wendy get in the car and go down there and then it does become somewhat selective because it is only what I saw. I don't have time to ride the whole city at that time and see all of them. I would suggest and as I say it is up to Council, I would suggest a 2 or 3 o'clock change to that. I think it would make it easier on the elderly during the winter time. We are going to have the possibility of the new can system out and I would hate to see someone going out there at 6 o'clock at night and putting it out there and slipping and the can staying up there and hiding them and nobody seeing them. I would suggest 2 or 3 o'clock. Councilman Rosso advised since we are reviewing this, we ought to review as it says "you can't have more then a 20 gallon can" "they all have to have a water tight lid" "2 handles on opposite sides". Obviously we go to those blue cans there they are going to be more then 20 gallons. So we probably need to take a look and update other sections of this ordinance. Service Director Arendt advised those are 95 and 65 gallon cans that they are providing there. Councilman Rosso advised as soon as that goes into affect they are currently

illegal and everybody can technically get cited for putting out more than a 20 gallon can plus this says all cans have to have lids – I am sure we don't enforce that. Service Director Arendt advised no, that is one thing we do enforce and it becomes a problem because of animals and we have had one of our Officers killed 2 rabid animals within the same day. We are having a problem and we do enforce the lids, when we can and unfortunately it can look as though as it is selective because it is only what we are seeing at that point. Councilman Rosso stated I didn't know we had a weight limit on our garbage cans also. Councilmen Bring and Elliott advised to refer it to Ordinance for review. **REFER TO ORDINANCE.** *Janie Smith, 736 Dunny* stated it is my understanding when the city decided to take over the shopping center that that was for business use, not residential. That we weren't going to build residential, that it was for business use. Law Director Graves answered no I think that in all the discussions about the shopping center for the last I don't know how many years have been discussed in terms of a mixed use development that would include elements of retail, commercial, residential, recreational, potentially municipal, consistent with the town center feel and other building standards consistent with the way shopping plaza's are being constructed right now. Mrs. Smith stated okay well I think that most people think that that wasn't going to be residential, that might be something that needs to be on the ballot because most people that I have talked to are not happy about that being any kind of a residential but only business use. Councilman Rosso asked are you talking about the new plan that the Mayor had the meetings on. Mrs. Smith stated well it is showing in the paper and showing on-line that it is for residential – that they will have business and residential. Law Director Graves stated I think the discussion is more like loft housing, similar to what they have in Crocker Park. We have retail on the ground floor with loft housing. Councilman Bring stated the residential part though is behind Apples too. President Podmanik stated but we don't own any of that behind Apples. Councilman Bring stated no but that is part of what the proposal was. Law Director Graves stated the potential was for single family residents in a development in the woods behind Apples but I think the center discussions have been for potentially a mixed use with a Crocker Park type feel with retail on the ground floor and loft condo's or something like that. Mrs. Smith asked okay if there is any residential could we have that to be voted on by the residents because it is going to affect our tax rates, our police use, our fire use, our school teachers. Councilman Rosso asked I just want to be clear, you are not talking about the portion that was behind Apples are you? Mrs. Smith answered no I am talking about what is on the plan when you go on-line and they were talking about in the newspapers. Councilman Rosso advised I think that showed behind Apples in a part of that plan but that is not city property. But the lofts like Mr. Graves was talking is. Councilman Bring stated I think that was on that proposal which did show that but that was a future plan. Councilman Rosso stated behind Apples is owned by private owners, that is not city property. Mrs. Smith asked and

they were going to do what with that? Councilman Rosso answered there was talk that they might develop that as a residential area but that is theirs and would be a private development.

Bob Ebenschweller, 362 Cove Beach stated regarding ordinance#46, I had a conversation a couple of days ago with Bill about the rain barrels and collecting run-off water and I don't know whether I misunderstood but it seemed to me, I don't know if you were talking about footer drains or gutters off of your house – you said that they have changed the law to make that illegal to go into the stormwater system. Now are you talking about rain water coming off? Mr. Gardner answered can't have cross connect between the footer drains and the sanitary and any footer cross-connect is illegal to the sanitary. Mr. Ebenschweller stated in the case where people have footer drains that drain into a sump which also drains their washer and their tanks – those should not go into the stormwater system. Mr. Gardner stated that is correct. Mr. Ebenschweller continued but off my roof, my gutters – what I can't catch and it escapes me I am not illegal by going into the storm sewer. Mr. Gardner answered you could be. Mr. Ebenschweller advised see because there is a lot of people as these guys went down and did the Cove Beach project, just like me I got me a contractor as soon as they put that vertical pipe in my front yard I had a trench dug 150 feet into my back yard and a 4 inch line put there to drain my yard because it flooded all the time for 30 years. I know you talked about putting in rain gardens and whatnot like that, I got more then a rain garden – I got a lake back there. I don't want to be illegal. Mr. Gardner stated we are not talking about Cove Beach per-say, we are talking about areas that didn't have drainage. You have now got a storm sewer system. Mr. Ebenschweller stated so my gutters are legal going into that storm drain? Mr. Gardner answered probably, yes. I can't tell you because I don't know whether your house is cross-connected but my guess is if it isn't cross-connected. Mr. Ebenschweller answered no it is a slab, it doesn't have a basement. Mr. Gardner stated we will look at it. Mr. Ebenschweller stated because a lot of people there did the same thing. Mr. Gardner advised we put in that center drain in every yard. Mr. Ebenschweller stated that was the purpose of it so you could tie in your gutters. I guess my conversation with you I got confused, I didn't know what I was dealing with here. I don't want to be violating the law. President Podmanik advised I got the same thing you have my backyard used to flood; when I built the garage I put a drain in, catch basin and it ran all the way to the street to the storm to eliminate all that water that was standing in the backyard. Mr. Gardner advised we don't have any problem with what Bob is suggesting and what you are suggesting but on your street – not your yard but there are homes that have cross-connects that we took off because they were dumping rain water into the sanitary sewer and we smoke tested and found it – that you can't do. President Podmanik stated what he is suggesting is that when they did his street he added the trenches and the drain. Mr. Gardner advised we did all of Cove Beach right in answer to Bob's question. We went

ahead and put in those drains in every yard but we also have a big pipe down that street too for that purpose.

Mark J Erdei, 4015 Tennyson stated we got that police boat, is anything going to ever happen with that or do we have any kind of grant or something where we can run a crew during the day for that? I mean it is just sitting there and you know you got idiots out on the water. Safety Director Arendt answered the boat is fixed, it has just been finished last week. We have a dock for the boat in place down at the boat launch and we will have some Officers on it over the weekend and we also will have some county Officers that will utilize the boat as well that will be paid for by the county. So we will not incur any additional overtime costs or anything like that, so you should see it in the water this weekend./**UNFINISHED**

BUSINESS: Councilwoman Huska stated we had talked about the mosquitoes and I need to ask Joe, is there any plan to get spraying done for mosquitoes from the county and does that cost us any money. Service Director Arendt answered it doesn't look good and possibility it could cost money and it doesn't look good for a county project either./**NEW BUSINESS:** *Motion by Huska/Second by Bring to amend the agenda to include Council#045 and Council#046. ROLL CALL TO AMEND THE AGENDA TO INCLUDE COUNCIL#045 AND COUNCIL#046: Yeas All – Huska, Elliott, Kovach, Rosso, Bring. *Motion by Elliott/Second by Huska to approve the appointment of Travis Hastings to permanent part-time employee for the Parks. ROLL CALL FOR APPROVAL: Yeas All – Bring, Rosso, Kovach, Elliott, Huska.

ORDINANCES AND RESOLUTIONS:

Council#037 – THIRD 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.

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#44-09

Council#038 – THIRD 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.

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#45-09

Council#045 – FIRST READING – an ordinance by the Council of the City of Sheffield Lake retroactively waiving the implementation of the previously approved increase in the monthly water consumption base rate for the municipality through the July, 2009 billing cycle and the declaring of an emergency.

Councilman Rosso advised I just wanted to point something out, as the Service Director gave in his report about we have a \$50,000.00 balance right now in the Water fund. Service Director Arendt advised it is a combination of all the funds.

Councilman Rosso continued as the Law Director pointed out this should have been passed or started collecting in 2005. We have a \$50,000.00 balance, if this would have went into affect in 2005 we would have had another \$264,000.00 sitting there – we would have been \$300,000.00 in this fund. So I am questioning do we really need that much money going forward and what would we spend? What would we do with it which was why I initially asked Mr. Arendt to do some bullet points for next meeting? Service Director Arendt advised I think one of the things that you can look at is we would add \$2.00 on today but \$2.00 comes off a year from now because the sewer truck would be paid. So basically for that one year we would make up for part of the 4 years that we did lose. Councilman Rosso stated I understand but we would still have all of this money, it generates a lot of money but I am not sure that we really need. That is why I asked you for a bullet point. Councilman Kovach advised I believe we would be a lot more proactive in upgrading our equipment as opposed to upgrading it when it breaks down or it has completely died and most of the equipment that we do purchase it relatively expensive – those vans and trucks that he is talking about are cheap. We need a back-hoe, a tractor or something like that then you are talking 30,000.00, 40,000.00 or \$50,000.00 at a shot. Service Director Arendt stated from my short experience here, most of the items that we have are bought used. There is really basically nothing that is bought new and as Mr. Rosso said we wouldn't pay for it all at one time except when we buy used, you pay for it at one time – we are not buying new. If we lose the triple nickel back-hoe which we put \$12,000.00 in it, if we lose that today and had to buy a new one at \$65,000.00 for the basic package. You obviously know what was paid for the sewer vac - \$285,000.00, it is only 3 years old and the value on it today is only \$200,000.00 so they go down. The big blue dump truck – Big Blue, the current value is \$50,000.00 and brand new is \$64,000.00. It is in good condition. When you go to what is a possibility of losing is the back-hoe, is the vehicles that are utilized you know to read the meters, to go out for small repairs and do all those items. It is costing a lot of money to maintain, just the little list that I read to you earlier you know we spent \$19,000.00 out of that fund in just repairs so far this year. Councilman Rosso stated I won't argue with you, I just would like a I am going to get X and I am going to spend Y. I am not arguing that we don't need any of that. Councilman Bring stated this past year when they were checking the water meters, they didn't have a vehicle actually. To check they had to incorporate the one van which was not supposed to be used for that and there was not a vehicle that the guys could ride to walk along the streets and check the meters. I mean I asked them first hand what they were doing, there is a need for a van or some type of vehicle – pick-up truck or whatever. Mr. Gardner added I know Joe is new here so he doesn't recall but big blue is really a garbage truck and for chipping and we use it in the Water Department but in reality we bought it through a grant from the Solid Waste fund. We really haven't gotten any new equipment since we bought the last truck which was the little pick-up truck

and both those little pick-up trucks are just about shot already and that would be the 3rd set of them that we have bought since I have been here. They go through a lot of miles, stop and go traffic reading those meters and we probably need 2 of them. So when you are looking at that that is probably close to \$40,000.00 for just those 2. Service Director Arendt advised half the inventory we have you don't need a key to start it.

Council#046 – EMERGENCY – an ordinance by the Council of the City of Sheffield Lake retroactively controlling construction site soil erosion, sediment, storm water runoff, storm water quality, riparian setback, and wetlands protection and the declaring of an emergency.

*Motion by Huska/Second by Kovach for SUSPENSION OF RULES:

Councilman Bring asked are we going to vote on it as is? Law Director Graves answered yes at this point I think that is best. Councilman Rosso asked how can we vote on it, we are missing 19 and 20? Law Director Graves answered well that is all the information that we have at this point, we would like to adopt those rules and regulations and provide that to the EPA and we could potentially amend it down the road. President Podmanik advised I would just to remind Council at one point and time and this is not Mr. Graves doing – he had nothing to do with this. Council approved a contract with no money figures in it and we got bit – that is just a reminder, that was before Mr. Graves time. Council will do with this as they please or see fit. Law Director Graves advised this is adopting rules and regulations for us to enforce EPA water quality standards on contractors pre-imposed construction in the city. So we are not contracting with anyone, this is rules and regulations for the city to enforce and we have been enforcing them and reporting as such on our MS4 reports. Apparently this wasn't formally adopted in 2003. Councilwoman Huska stated originally this was already voted on by us in 2003 or something much similar. Councilman Rosso stated apparently this wasn't or it wouldn't be here. Law Director Graves stated there were several ordinances adopted in 2003 in September/October that were along these same lines, adopting rules and regulations for the city to enforce pollutants and so forth in the storm water and this was one of them that for one reason or another did not get formally adopted by Council. We found at least 3 other ones that were – 1 that was identically adopted twice and my only assumption not being here at the time is that that second time they did that one – this was the one that was supposed to be adopted for one reason or another. Service Director Arendt stated we have until August 17th to provide the EPA with the ordinance.

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

EMERGENCY FAILED TO A FIRST READING. Law Director Graves advised if we can find a specific attachment, would Council consider a special Council meeting before August 17th? Councilman Elliott answered that is the only reason I voted no on it. Councilman Kovach answered I have no problem with it.

Councilman Rosso answered I have no problem with it. Councilman Bring asked did this just come up through the auditor, why do we all of a sudden have to do this? Law Director Graves answered the EPA. Councilman Bring asked why didn't we do this before? Law Director Graves answered we just received the letter last week. Service Director Arendt added I just received a letter last week. Law Director Graves advised we just received a letter from the EPA asking for copies of all legislation. Councilman Bring asked they only gave us that much time? Mr. Gardner answered well it was supposed to be passed in 2003. Law Director Graves advised they were asking for copies of all our legislation and so forth and in going back through the records we found all but this one. Service Director Arendt advised we received a letter early last week and they gave us until August 17th or 19th, I know it is before the special council meeting that we are having in August. Councilman Bring stated so if you were to send back to them and say we don't meet until August 25th – you think they would have a problem with that. Service Director Arendt answered absolutely. Grant Administrator Gardner advised their letter indicated to us that if everything were done, that this would be a nothing but if not done then they are going to want to find out why. Councilman Bring stated I just have a problem because obviously proof-read this thing and everything else and all of a sudden we are dumped on this thing and now you are expecting us to pass it. Grant Administrator Gardner stated we are looking for the original folder that went to you guys in 2003, we just haven't found it yet. Service Director Arendt advised your concerns are valid with the missing page so tomorrow we will hunt but when you say proof-reading we literally didn't get this finished until about 4:23 with what we had. Councilman Bring explained sitting in our seats here, if you want to pass something I don't mind passing it but it has to be complete. Service Director Arendt answered agreed and that is why tomorrow we will put it all together and make sure that we find everything.

COUNCIL PRESIDENT: President Podmanik advised at this time the Chair will entertain a motion of Councils August vacation, it was suggested meeting schedule as follows – the public hearing for Allied Waste Pilot Program for Tuesday, August 25, 2009 at 6:30 PM, Finance Tuesday August 25, 2009 at 6:45 PM or following the public hearing and then Council Tuesday August 25, 2009 at 7 PM or following Finance. *Motion by Elliott/Second by Rosso to take August as a vacation month with those dates for scheduled meetings. Yeas All.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach to adjourn at 8:29 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 July 28, 2009.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura