

Minutes of the City Council
Sheffield Lake, Ohio
August 25, 2009

The regular meeting of the City Council was held Tuesday, August 25 , 2009. Council President Edward Podmanik called the meeting to order at 7:48 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, Smith, Elliott, Mayor Piskura, Law Director Graves, Safety/Service Director Arendt
Absent: Diebold, Treasurer E Hoenig, Finance Director Smith
Attending: Concerned Citizens, Members of the Media; Avon Lake Press

*Motion by Bring/Second by Smith to approve the minutes of the City Council meeting of July 28, 2009 with any corrections. Yeas All.

*Motion by Bring/Second by Elliott to approve the minutes of the Special City Council meeting of August 4, 2009. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

A) Monthly report of court receipts for month of July - \$9601.75 – receive and file.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: None./Stormwater Utility: None./Safety: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: Chairman Elliott advised I just changed the meeting date to September 10th at 7 pm.**/Finance & Claims:** Chairman Rosso reviewed the meeting of August 25, 2009 *Motion by Huska/Second by Bring to accept the report. Yeas All.**/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:** Member Kovach reviewed the minutes of the August 17, 2009 meeting.

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

MAYORS REPORT: Mayor Piskura requested an executive session to discuss the sale or lease of city property. He continued I at least wanted to put it in your ear to gage your interest about a developer that interested on the west end of town. Same developer, same property; it is just east of Mariners Watch and is approximately 23 acres and it is a narrow strip of land that goes all the way back. They have a home builder interested and ready to build. They have come to terms with the fact that

they are going to need to put a stormwater outfall and they will do that. They have their estimates on what the diameter of the pipe would need to be and we can argue with them about that and it is zoned R1 right now. The request is the same request that it has been previously is that they are requesting higher density and I gave you all the information once upon a time, I don't have it in front of me but before they move forward or before we move forward in talking with this developer I wanted to see whether or not you are agreeable to granting a higher density for development. So those are the only 2 things that I have. Councilwoman Huska asked do you remember the developers name? Mayor Piskura answered I don't want to disclose that. *Motion by Huska/Second by Bring to accept the report. Yeas All./**FINANCE DIRECTOR REPORT: None.**/TREASURER REPORT: report attached./**SAFETY/SERVICE DIRECTOR:** Service Director Arendt reported I have been keeping a count of the number of people who do walk into to pay their utility bills for the idea of eventually moving a structure to the Shoreway Shopping Center. Last month there were 1457 people of walked in and there were additional 800 who dropped their envelopes in the mail slot. That was over 2200 out of the number of homes we have in this city. Everyone passed Shoreway this evening, we did gilsonite and we started striping for the new parking structure that we plan on doing. I think that it looks fantastic, the gilsonite will give us another 2 to 3 years of life out of the asphalt which is in pretty bad shape but it will still give us some extra life for a period of time. You will notice that the parking will have the angled parking in front of the stores and there will be handicap spots obviously. From the stores it will be one way heading south and you will go round one way heading north with additional angle parking. We will make 4 additional angle parking lines and then we will put some additional overflow boat ramp parking. That helps us with ODNR with the additional, it doesn't costs us anything because Sherwin Williams gave us the paint at costs and (inaudible) gave us the machine to use for as long as we need. So we will be able to stripe that, it will take a while to get that done. All the lights in the Bowling Alley area are fixed now, we did a lot of patching in that area and we fixed the lights on the outside of the Bowling Alley. Councilman Rosso asked how many man hours do you think we have tied up in doing that parking lot over there. Service Director Arendt advised I have it all on my computer and I can send it to you. I document all the work that is done at Shoreway including the material, man hours, overtime hours, anything and this parking lot will be a bill back. That is an improvement to the tenants at the Shopping Center and the city will have to pay with the vacancies in the building which is approximately 50%. Councilman Rosso asked was that our guys that was out there at 6:30am? Service Director Arendt answered no, that is the people from Cook Paving doing the gilsonite and they started at 5 am. I have all the man hours since we started in Shoreway; all the man hours, all the material costs, everything. Councilwoman Huska asked off hand do you know about how many openings will still have there in the stores that could be rented? Service Director Arendt

answered no I don't because I block off all the windows in the empty buildings, if you notice I block those all out. But theoretically anything that is blocked out is open because all the walls inside were actually fake walls – there are not baring walls. So theoretically there is 30,000 feet to rent so you can make it 1 unit or you can make it 10 units. *Motion by Huska/Second by Bring to accept the report. Yeas All./**LAW DIRECTOR REPORT: None./Civil Service – None./Demolition Board –None./Records Commission –None./Legislation** – Law Director Graves advised Council#045 which is the second reading which you should be familiar with which is waiving the water increase from 2005 thru 2009. Council#047 which you may amend the agenda to add for this evening; this is a new lease for Chase Bank. It is an increase in rent, it is something that I have worked with them on and I think it is fine. It is a 5-year term with an option to go another 5-years, so the banks approval body has already approved this. If Council approves this this evening then the Mayor could actually get the lease and Chase Bank locked down for at least another 5-years. Council#048 is an ordinance authorizing the city to enter into a jail sharing agreement with the Village of Sheffield. Sheffield Village has already passed this, they passed on an emergency basis. The situation that they have is that they don't have a local jail. We do share the same magistrate and he would like to be able to use our jail for temporary confinement of defendants who have not paid fines out of Sheffield Village Mayors Court. What the agreement states among other things is that it would be only male prisoners, no more then 4 at a time, no more then a 24-hour period, Sheffield Village would provide all transport, they would indemnify and hold the City of Sheffield Lake harmless, they would reimburse us for any meals, they would stay during the booking process, if Sheffield Lake has any prisoners that have to go in the jail then any prisoners would be bumped giving preference to ours. The agreement does not hinder our ability to use the jail at all. We reviewed this with the Police Chief and I think it is a good thing and in the spirit of mutual collaboration the Village helps us out to work together. Council#049 amending the ordinance regarding the Animal Control Officer. Many of you are already aware that the Supreme Court ruled that local municipalities cannot have residency requirements for their employees. We are looking at hiring a part-time Animal Control Officer and in that light we would like Council to consider amending the ordinance to removing that residency requirement as it would be unenforceable anyway. Council#050 is a new lease agreement with the Bowling Alley. We did have issue with the Bowling Alley as many of you are aware and read the newspaper. Since then the Bowling Alley has paid all of the rent that they owe the city, all of the back rent and in addition they are paid through August, September and October. They have already paid their rent in advance for the next 2 months. A condition pressing to us even in entering into a discussion was that they would be paid up in advance for at least 2 months and they are. They are excited to stay in Sheffield Lake, they like what the city is doing with the shopping center. So this is an increase in annual rent from as you can see

about \$46,000 annually to \$52,000 but it is actually stretching out over 12 months as opposed to 8 months, reduces their monthly obligation. Previously it was an 8 month lease and this is a 12 month. It is a win-win because now the city would continue to see rental checks for the summer months that we didn't before. They also would be taking on responsibility for their own common area maintenance, they want to handle their own snow removal, parking lot maintenance, striping, lighting – there is an attachment showing that. Council#051 – we are going to ask that that not be added to the agenda tonight. We had originally considered selling certain city vehicles but then I believe we are going to at least for the time being retain those vehicles. So then Council#052 would be the appropriations changes that we discussed at Finance. So I asking that Council consider amending the agenda to include numbers 047, 048, 049, 050 and 052. *Motion by Huska/Second by Bring to accept the report. Yeas All.

CITIZENS COMMENTARY:

Joyce Nicola, 218 Mariners Way stated I want to thank Mr. Arendt for getting our sidewalk repaired back on Abbotsford. Plus we have another thing though, you know where you turn off the water – the cap, I don't know if our lawn mower guys hit it or what but it is broken and we put it up on the sewer right there on Mariners Way. Service Director Arendt advised I will get it taken care of for you. Is it on your address? Mrs. Nicola answered yes, it is close to my address. She continued another thing is we are having a question when the builders built back there, that island that comes in that is the city street Abbotsford – who does the island belong to; the city or some of us back there? Mayor Piskura asked is this pertaining to maintenance of that island? Mrs. Nicola answered yes because the management company looked it up in the court house and he said nobody owns it and he said I think the city owns it. The trees I know were planted by someone and they need some cutting and the department has in the past put in some things up front there and a lot of those bushes have died and we want to know if we can remove them? Service Director Arendt asked you are in an association correct? Mrs. Nicola asked pull them out of there? Service Director Arendt answered your association is supposed to be taking care of that because I have been checking into this for the last week or week and a half and in all honestly we are having problems with your association. Mrs. Nicola asked which one, the homeowners? Service Director Arendt answered the homeowners association, they are not maintaining some vacant properties and we have had to go out and cut and the bill that you are receiving is a \$300.00 bill. Mrs. Nicola answered now see we are living in the condos, it is a condo association. I have called man a time that realtor there to cut those lots and I said or do you want the city to do it and when I would say that then they would send someone. I noticed it is up again. Service Director Arendt advised they haven't been sending anybody and we have been cutting it and the next step is actually going to go to Mr. Graves. Mrs. Nicola stated that is fine, have you talked to the homeowners President about that? I have the number at home if you need it.

Service Director Arendt advised they haven't reimbursed us yet and as I say we have done it enough times now, we have done it 3 times already and they haven't reimbursed so it will go to Mr. Graves. Mayor Piskura stated if we have to come and cut your grass then we are going to \$250.00.

Mark J Erdei, 4015 Tennyson asked Joe, have we had any bites on any of those empty stores in there? Service Director Arendt answered I am not at liberty to speak at this point. Mr. Erdei asked next question, what is going on with the Rax's are you going to demolish it or have you opened up bids on that? Service Director Arendt answered again I can't speak on that.

Walt (inaudible)

Mark J Erdei, 4015 Tennyson asked whatever happened with the water bill and are you going to start adding a dollar or \$2.00 because you can't back charge really? Councilman Bring answered it is a second reading tonight.

UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by Huska/ Second by Bring to amend the agenda to add Council numbers 047, 048, 049, 050 and 052. ROLL CALL TO AMEND THE AGENDA TO ADD COUNCIL NUMBERS 047,048,049,050 and 052: Yeas All – Huska, Elliott, Bring, Smith, Kovach, Rosso.

ORDINANCES AND RESOLUTIONS:

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.

Council#047 – EMERGENCY – an ordinance authorizing the Mayor to enter into a lease modification agreement with JPMorgan Chase Bank, National Association, for the lease of Unit 1A in the Shoreway Shopping Center located at 4100 East Lake Road, and the declaring of an emergency.

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

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

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#47-09

Council#048 – EMERGENCY – an ordinance authorizing the Mayor to enter into a jail sharing agreement with the Village of Sheffield, Ohio for the purpose of incarcerating certain offenders from the Village of Sheffield, and the declaring of an emergency.

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

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

Council#048 failed – FIRST READING

DISCUSSION: Councilman Rosso advised I think we need to add in here just quickly going through it about when we have a Village in our jail who then needs to be transported to the hospital that the Village squad and police would have to accompany that prisoner to the hospital and not our guys. That is one of the things that I think we need to address because we send our guys then we don't have coverage unless we tone somebody in and then we pay overtime. Law Director Graves advised I have a copy on my desk, the Police has proposed a policy and that might be part of it. Safety Director Arendt advised we received a memo from the Police Chief that wanted some items added in there and one of them is that the transportation for that particular prisoner would be provided by the Village. Councilman Elliott stated we would not be excused from any and all liability concerning these people that we are keeping in our jail would we? You know in case the guy gets hurt here? Councilman Rosso noted it stated would hold the City of Sheffield Lake harmless. Councilman Elliott stated but they wouldn't sue the Village, they would sue us. Law Director Graves answered no it says the Village will defend and hold the City of Sheffield Lake harmless.

Council#049 – EMERGENCY – an ordinance amending section 155.01 of the codified ordinances of the City of Sheffield Lake regarding Animal Control Officer appointment authority 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, Smith, Huska, Rosso, Bring, Elliott.

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#48-09

Council#050 – EMERGENCY – an ordinance authorizing the Mayor to enter into a fourth amendment to lease agreement with NCSL, Inc., North Coast Shoreway Lanes, Inc. for the lease of the building located at 4209 Ivanhoe Avenue in the Shoreway Shopping Center and the declaring of an emergency.

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

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

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#49-09

Council#052 – EMERGENCY – an ordinance providing for the establishment and increase and decrease of certain funds within the annual appropriations ordinance of the City of Sheffield Lake and the declaring of the emergency.

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

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

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#50-09

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

*Motion by Bring/Second by Rosso to return to regular session:

ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Rosso, Bring, Huska, Smith, Elliott, Kovach.

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

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 8:47 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 August 25, 2009.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura