

**Minutes of the City Council**  
Sheffield Lake, Ohio  
September 8, 2009

The regular meeting of the City Council was held Tuesday, September 8, 2009. Council President Edward Podmanik called the meeting to order at 7:03 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, Diebold,  
Law Director Graves, Safety/Service Director Arendt  
Absent: Mayor Piskura, 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 Public Hearing – Allied Waste Pilot Program meeting of August 25, 2009 with any corrections. Yeas All.

\*Motion by Bring/Second by Elliott to approve the minutes of the City Council meeting of August 25, 2009. Yeas All.

**CORRESPONDENCE/COMMUNICATIONS:**

A) Monthly report of court receipts for month of August - \$9584.00 – receive and file.

**PRESENTATIONS: None.**

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

**Roads, Drains, Water, Sewer, Refuse:** Chairman Smith reviewed the minutes of the September 1, 2009 meeting. **Stormwater Utility: None./Safety: None./Buildings, Lands, Vehicles & Equipment:** Chairman Kovach reviewed the minutes of the September 3, 2009 meeting. \*Motion by Huska/Second by Bring to accept the report. Yeas All. **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 September 2, 2009 meeting. **Council Representative to the Planning Commission: None./Council Representative to the Park Board: None.**

\*\*\*\*\***ADMINISTRATIVE REPORTS**\*\*\*\*\*

**MAYORS REPORT: None./FINANCE DIRECTOR REPORT:**

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

Service Director Arendt reported in regards to Shoreway the parking lot hopefully will be finished by Friday weather permitting. Nothing but good reports from the store owners, they really like it that they are parking in front of their store. The

signs will be up for the direction of the traffic, they should also be up by Friday weather permitting. Ferndale Phase II project is moving actually a little bit ahead of schedule, sidewalks are being completed. They would have done a lot today except for the rain, driveways are being completed and they should start on the next section of blacktop early next week. They will be done with that and that is about that on Ferndale II. We started moving into the new utility building, we started last Friday with the mechanic and they are continuously moving things over each and every day. They have a little bit more work to be done but we will finally be able to move over there right away. So that project will hopefully be done in a matter of days in just whatever time it takes to move it. President Podmanik asked on those parking stones in front of those stores are those anchored into the blacktop, do we intend to anchor them or are they heavy enough to hold their own? Service Director Gardner answered no we intend to anchor them, you will see in front of like Rite Aid – they are actually like raised a little bit, do you see that? President Podmanik answered yes. Service Director Gardner explained those kind are intended to be imbedded in blacktop and that is where we are. They are there just temporarily until we get some flat ones and then we get the flat ones like further down we will anchor those in. But we want them to be uniform so if we can't get exactly what is there we may have to replace them all. \*Motion by Huska/Second by Bring to accept the report. Yeas All./**LAW DIRECTORS REPORT:** Law Director Graves advised not a whole lot to report tonight, continue to work on a number of projects that you are familiar with and I would be happy to answer any questions. The Mayor did ask me to apprise you of one thing, he did have a follow up meeting with Mr. Kidder from Allied Waste to follow up on the conversation that Council had at the Roads and Drains meeting. I believe the Mayor will be coming back to Council with an alternative proposal regarding the Allied Waste program for it to go city wide with the green recycle bins./**Civil Service – None./Demolition Board –None./Records Commission – None./Legislation** – Law Director Graves advised legislation before you tonight; third reading on the ordinance retroactively waving the implementation of the \$2.00 increase originally passed back in 2005 and a second reading on the jail sharing agreement with the Village which I believe we are going to be discussing further in committee. \*Motion by Huska/Second by Bring to accept the report. Yeas All.

**CITIZENS COMMENTARY:**

**Kathy Thomason** stated first I have a question about the Sheffield people coming over to the jail, who is liable? If something happens to one of their prisoners in our jail, we can be sued too, correct? Law Director Graves answered the agreement expressly provides that the Sheffield Village will defend, indemnify and hold the City of Sheffield Lake harmless for any and all claims related to the temporary housing of their prisoners and they have already passed that. Mrs. Thomason continued where is the fire lane at the shopping center? Service Director Arendt

answered the fire lane is the 24-feet between the angled line is 24-feet before the next yellow line – that is the fire land. That was approved by Tim Card who happens to be in charge of the safety inspection, so that plan was approved by him. Mrs. Thomason asked you are talking one spot? Service Director Arendt answered no, it is 24-feet all the way down. As the angled parking comes out of the stores, at the end of the yellow line to the next yellow line is 24-feet and that 24-feet goes the whole length of the shopping center. Councilman Rosso advised basically it is the lane you drive in on. President Podmanik asked it is 2 lanes wide correct? Service Director Arendt answered 24-feet which is required for the fire lane. Councilman Rosso advised it is only one way though. Service Director Arendt stated we have it set up for one way but we made it 24-feet to comply with the fire lane. Mrs. Chapman asked you mean where the cars drive is where the fire lane is? Service Director Arendt answered yes as you drive in before you park in front of the stores, if you just drive right through – that is the fire lane. Mrs. Thomason asked how do they get through parked cars with equipment and stuff? Service Director Arendt answered according to Lieutenant Card as long as we do not block any entry of any store that is the fire code. Mrs. Thomason stated alright, it doesn't sound very safe to me. Service Director Arendt answered well this is according to Lieutenant Card who is our representative through the state rules. Mrs. Thomason advised I have a letter to read because I am very upset with you (Service Director Arendt) and Mr. Piskura and his crone's or whatever you want to call them. Eric Elliott knows about this because I was livid when I got the letter in the mail last Friday. She read "I am here this evening in regards to a letter that I received from the Building Department. I came to a meeting a few weeks asking what is going on with the shopping center. I was not given the courtesy at a public meeting of an answer. Mr. Piskura said he would be happy to talk with me in his office because he was not going to waste his or Councils time by answering my questions. What are public meetings for? After that meeting I noticed that the Safety/Service Director was going down my street daily, if I didn't see him my husband did because he is always out washing our vehicles or doing yard work. The letter I received stated that I had some dead branches in my tree. I received my mail late and the city was already closed. I called my Councilman Eric Elliott and I was very upset and his mailbox was full. I called the Clerk of Council and got his cell phone number. He was not able to come over until Sunday afternoon and there is absolutely nothing wrong with my trees – this is harassment. I feel that you have many more maintenance issues in this city. I have lived here for 33 years and never have had problems with my property not being taken care of. I have got property across the street from me that has been empty for years and has 2 – 3 foot weeds in the yard that have not mowed, cars parked on lawns on my street the same street that you came down several times and nothing. There is a lot of eye sores in this city and you go through any tree and Eric came out and looked – the only tree that we could see that any kind of dead branches was my neighbors tree which I could

care less – they were little branches, it was a very petty thing to have Wendy send me a letter through the mail for something so stupid. If I can not or another citizen come up here and voice their opinion and then have to get something like this when I have lived out here this long and I served on that Council right there and I used to drive my properties in my ward. If people had complaints I went out and Eric you were supposed to call me back Monday and I have never heard from you since. Councilman Elliott advised I did call you Monday, there was no answer. Mrs. Thomason asked did you leave a message, my mailbox isn't full? Councilman Elliott answered it rang forever, it did not pick up. Mrs. Thomason stated oh come on, I don't believe it my machine is on all the time. Councilman Elliott stated come on Kathy why would I lie to you, I have no reason to lie to you. Mrs. Thomason answered he (Service Director) was on vacation, I know why you didn't call. Councilman Elliott stated I called from my cell phone. President Podmanik stated Mrs. Thomason, Mr. Elliott and I had a discussion about his full mailbox, I don't know if your neighbors told you I was in your neighborhood looking at the tree – did you talk to Rich Fredericko and did he mention I was there? We got pictures and my wife and I drove the city east to west down Lake Road crazy woman that she is taking pictures over my shoulder and we got a lot of trees in this city that have more dead branches then they do on Community – a lot. Mrs. Thomason advised don't ever try to intimidate me because I will not stand for it, I will contact a lawyer and I will be after him, I see he is not here – you guys are back from August vacation and the Mayor is missing and my husband made a bet with me when I left the house that the Mayor wouldn't be here because I am sure word got around because I told Eric I would be at the meeting tonight because I was that upset about this letter coming to me. Service Director Arendt advised first of all I never instructed Wendy to issue anything, never. Mrs. Thomason asked well then who did? Service Director Arendt answered she goes around the city every day. Mrs. Thomason stated no, I have known Wendy for years and she would have never written that on her own. Somebody directed her to do that because we couldn't find anything wrong with my trees. Service Director Arendt stated I can assure you it wasn't me and I am glad to take a lie detector tests. You are accusing me of something that I didn't do. Mrs. Thomason stated because you are the one who was driving up and down my street, I saw you. I have never seen a safety/service director up and down my street that much as I have after I came to that meeting. Service Director Arendt stated I think there is many people here that can attest that I drive up and down these city streets every single day. Mrs. Thomason stated not buying it so just pass that along to the Mayor. You just pass it along to your Mayor because I will not stand for this, there is nothing wrong with my yard or my trees – anything. Do not pick on me, there is a lot of junk in this city. Go after the people that need it. Service Director Arendt stated mam. Mrs. Thomason replied mam nothing, I am mad. Service Director Arendt stated you are mad at the wrong person because I didn't ask her to issue it and I ride around this

city every single day. Mrs. Thomason stated you tell me Ed why I got a letter? President Podmanik advised before you all get to far remember I got a letter – 3 times and I am President of Council. So it happens. I was surely in violation, there is no doubt and I admit to it. Mrs. Thomason stated I wasn't. President Podmanik continued I got on it, I asked for a little time and I worked it out and I took care of it. As I said I spoke with Eric and he has since corrected his mailbox issue. He was there and I was there and I told you my wife and I went up and down this city to see what it looks and see trees with problems – yours is minor. Lake Road is full of them and I am sure Mr. Arendt has seen them. Mrs. Thomason stated this is uncalled for. Service Director Arendt stated Wendy goes throughout the city every day and if you remember I used to bring reports on how many letters were sent out on a weekly basis. Believe me nobody is being picked on. Mrs. Thomason stated you can say all you want, I have had my say and I know what I think and I know what I feel and you can talk until you are blue in the face – I am not buying any of your stuff. I just better never get another letter, that is all I got to say.

**Bob Ebenschweller, 362 Cove Beach** asked can anybody tell me what the status of Walker Road Phase III is right now? Service Director Arendt answered the contractor is waiting, he ordered the catch basins and the center drains and once they come in he will start work. Hopefully they will be in within 2 weeks. Mr. Ebenschweller asked was that re-bid? Service Director Arendt answered not that I know of. Mr. Ebenschweller stated from what understand from the one meeting about a month and a half ago that it was altered, the project was altered and I thought it would come in at a lower costs. President Podmanik asked are you talking about Phase II or the entire project? Mr. Ebenschweller answered no just the Phase III project, that they were going to bring the sewers back to where the concrete ended rather extend the sewers further – that was in the minutes. So that 100 feet less of in-ground infrastructure and I thought that the costs made be lowered and they would have to re-bid. I thought there was an indication that it was going to be re-bid. Law Director Graves advised we will look into that issue with Mr. Gardner and Mr. Arendt. Mr. Ebenschweller stated sorry all I have to go by is what was talked about in the minutes. I feel kind of responsible in this instance and you know why and I would like to see it move along.

**Mark Erdei, 4015 Tennyson** stated I was just curious Joe, what happened to them trees that were on that mound? Service Director Arendt answered they died and they are replacing them for free. Mr. Erdei continued a question for Mr. Kovach, how is any of the grants and that going for like putting the restrooms in by the boat ramp? Councilman Kovach answered at this point they are still in process waiting for results on that. I haven't heard anything from Bill and grants like those usually take some time. I don't know if that is a fall thing where they come out with the list of who got what. Mr. Erdei stated possibly next year maybe? Councilman Kovach advised they are hoping.

**Debbie Belaska, 4014 East Lake Road** stated I guess I have a comment to make, I seen Kathy was pretty upset here and probably for just cause. There are other complaints that people have been coming to me and I have been addressing in telling them to call Rick Rosso. As a matter of fact I have been helping dial the phone number so that people aren't coming to me. But I kind of feel responsible because I started the Shoreway Shopping Center and was a community activist in getting it going and it kind of took me by surprise when the parking lot was changed and somebody came up and said did you know that and I said no I have no idea what is going on and then they say aren't you on the Planning Commission? She continued I kind of feel like I didn't have an answer for them and I was kind of left out in the dark like a mushroom and I am not even educated enough to give them an answer. So I would like to know, is the Planning Commission going to take more of a roll at the Shoreway Shopping Center then we have been? Law Director Graves answered I think that would be a question for the Chairman of the Planning Commission. I don't understand why they are not having meetings either. Mrs. Belaska stated my second question is this or a comment, it seems that me being also an appointed public official like you that we are held at a higher standard and when citizens come to us and they have questions or they have comments and sometimes they are irate because I know it is happening to me now. You know I have people come up and say what is going on with the Shoreway Shopping Center and you started this and on and on and on. I will drop by the Shoreway Lounge there and some people have been drinking and they get a little tyrant and I have to remember that when the Mayor appointed me he said we are held to a higher standard. That we need to be a little bit more polite and sometimes think before we say something to citizens who are the tax payers who has also elected all of you or you have been appointed by the Mayor. You get paid good money or you get benefits down the road and we have to think sometimes before we say something because I know sometimes I just want to go off and say look but you can't. I just think that we need to smile and make it more contagious so that everybody can try to get along better. Remember these are citizens, they want an answer. When they come down here they don't want to be intimidated, they don't want it to erupt into an argument, they have a right to have their questions answered.

**Kathy Thomason** asked if they are going to put more trees in up there, how are they going to grow? Water does not go through blacktop, they are going to die again and I don't care if they are giving them to you free. They are going to die again. When is somebody going to realize that you can not put dirt over cement and expect anything to grow? They have nothing to root to, nothing to keep the moisture in? Service Director Arendt answered I planted grass over cement and it worked. Mrs. Thomason stated how much you want to bet the next trees die without sending the Fire Department up there on a trivial job to water these trees. Service Director Arendt stated I don't want to bet you but we are going to try it.

**Bob Ebenschweller** stated I have a suggestion on that, I would suggest capturing the water coming off the roof of the bank into a water container and put a soaker hose along the top of that to automatically water it so you won't have to do it.

**Kathy Thomason** stated I have heard talk that that mound might be coming down because it is really not, it is in the way of everything. Service Director Arendt stated not that I know of, as far as I know the mound stays. Mrs. Thomason stated well you are going to have a bunch of bowling people coming up there to bowl that are used to going there and that is where their parking lot is over there and they got to go clear around and out of their way to get to the bowling alley to bowl. I think it is just very inconvenient for everything; safety forces – everything. Resident asked what was the purpose of putting the mound there? President Podmanik advised I was under the impression that it had a two-fold; one - aesthetics and two - to redirect traffic across the front of the center. Service Director Arendt stated both of your statements are correct. President Podmanik advised that is what I was told so that is all know there.

**Mark Erdei, 4015 Tennyson** stated Joe, question for you – the city already got their salt for the winter? Service Director Arendt answered we have some salt extra from last year, we also have an agreement as we did last year of a specific price for the salt so we are guaranteed our salt for this year.

**Kathy Thomason** asked when are we going to replace some of the policemen that have retired? We have just as many people and a lot less officers out there on duty. Service Director Arendt answered the Police Chief interviewed 2 potential people 2 weeks ago and the Mayor will interview 2 people this week. Mrs. Thomason asked are these part-timers or full-timers? Service Director Arendt answered currently these are 2 laid off people, whether we hire them full-time or part-time would be up to the Mayor – that I don't know. Mrs. Thomason stated we have a dispatcher also that retired, are you going to replace the full-time dispatcher? Service Director Arendt answered I believe they are having interviews for that as well. The Chief does the interview process first and then the Mayor goes through. But the 2 police officers, hopefully they will be in this week for their interviews with the Mayor. President Podmanik asked Joe do you play any part in those interview process or is that strictly the Chief and then do you sit in with the Mayor or is it just the Mayor? Service Director Arendt answered no the Chief interviews them and then the Mayor and I will interview. But before we do that we speak with the Chief, so the Mayor and I will have a conversation with the Chief either before, after the interviews with the 2 prospective people that we have. President Podmanik clarified so then basically the Chief brings forward the candidates after his interviews and then they go to you? Service Director Arendt answered yes these are 2 out of X number of candidates that he would like. President Podmanik clarified the Chief of Police correct? Service Director Arendt answered yes. Law Director Graves advised as you all know we are running a Fire Chief's test at the end of this month and as soon as that is concluded, Civil Service Commission will

be working to schedule entry level examinations for Police and Fire to compile new eligibility list. Councilman Bring advised I did talk to Larry (Police Chief) about that the other day and he said he was getting by quite well for right now and he was also very grateful that there is other cities that are getting lay-offs and stuff and we have not laid anybody off. He said he do and get by with what he had right now until those positions get filled or whatever happens. He is getting by just fine, I had a 45 minute conversation with him the other day. He said with all the other cities, there is many other cities that are laying off. Mrs. Thomason stated I was concerned because I know they only get budgeted so much for part-timers? Councilman Rosso answered we increased the part-time dollars at the last Finance in appropriations and passed it already. Mrs. Thomason asked because of that? Councilman Rosso answered yes and I would throw out a number if you don't hold me to it because I could be off a little bit. Mrs. Thomason stated no, I know in the past they have run out of money. Councilman Rosso answered right but it has been increased.

**UNFINISHED BUSINESS: None./NEW BUSINESS:** Councilwoman Huska asked we went into the electric co-op right? Service Director Arendt answered yes. Councilwoman Huska stated okay because I got a letter and I didn't do anything, I just let it go through. I didn't know it was coming. Service Director Arendt explained yes and a lot of people are panicking because I think if you read the letter the time supposedly has already passed but if you call the 800 number it has a recording to just disregard the notice.

**ORDINANCES AND RESOLUTIONS:**

Council#045 – THIRD 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.

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

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

**Ordinance Passes#51-09**

Council#048 – SECOND READING – 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.

**COUNCIL PRESIDENT: None.**

**MEETING ADJOURNED:** With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 7:47 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.

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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 September 8, 2009.

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**COUNCIL PRO TEM**

*Richard Rosso*

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**MAYOR**

*John J Piskura*