

Minutes of the City Council
Sheffield Lake, Ohio
September 22, 2009

The regular meeting of the City Council was held Tuesday, September 22, 2009. Council President Edward Podmanik called the meeting to order at 7:07 PM.

THE INVOCATION WAS GIVEN BY: Council Chaplin, Kay Fantauzzi, who, then led in the Pledge of Allegiance.

*******ROLL CALL OF MEMBERS*******

Present: Podmanik, Rosso, Bring, Huska, Kovach, Elliott, Diebold, Mayor Piskura, Law Director Graves, Finance Director Smith, Safety/Service Director Arendt
Absent: Smith (excused)
Attending: Concerned Citizens, Zoning Board of Appeals; Ebenschweller, Planning; Belaska, Members of the Media; Avon Lake Press

*Motion by Bring/Second by Elliott to approve the minutes of the City Council meeting of September 8, 2009 with any corrections. Yeas All.
*Motion by Bring/Second by Elliott to approve the minutes of the City Council Worksession meeting of September 15, 2009. Yeas All.

CORRESPONDENCE/COMMUNICATIONS: None.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: None./Stormwater Utility: None./Safety: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: Chairman Elliott reviewed the minutes of the September 10, 2009 meeting. There was a brief discussion on Council#048. *Motion by Huska/Second by Bring to accept the report. Yeas All./**Finance & Claims:** Chairman Rosso reviewed the minutes of the September 15, 2009 meeting. He explained the issue with the billing of the insurance companies for the Police and Fire and the initial intent of that was when we bill the insurance company we would not balance bill anyone and what appears to be happening is we are not balance billing but balance billing non-residence which we didn't want to do either. I believe the Mayor or the Law Director or someone was going to talk with the billing company to not balance bill anyone. Law Director Graves advised in reviewing the original ordinance and the agreement with the Medicount, that would be a policy established by the Safety/Service Director and he has already been in contact with the company and they have agreed to do the same type of billing for both residents and non-residents. That is to go after the insurance proceeds and if those are uncollectible then we would not proceed aggressively

against the individuals. Chairman Rosso continued the Mayor also brought up a discussion about the labor agreement and the paying of prevailing wage to any company that was doing work at the shopping center based on the state criteria which I believe is a minimum of a \$30,000.00 job up there. So that was discussed. There was a brief discussion on the wind turbines at the boat launch and how they are working and the limits to what the wind speed has to be to get them to generate electricity. *Motion by Huska/Second by Bring to accept the report. Yeas All.

/Investment: Mayor Piskura advised we do a meeting scheduled at 1 o'clock on October 7, 2009.***/Council Representative to the Community Center: None./Council Representative to the Zoning Board of Appeals:*** Representative Kovach reviewed the minutes of the September 16, 2009 meeting.***/Council Representative to the Planning Commission:*** Representative Huska reviewed the minutes of the September 17, 2009 meeting. She explained under the city zoning study the Law Director advised that there are 2 directions that we could really go, we took the first step the other day passing a couple pieces of legislation. There are other recommendations coming forward but we are doing it piece by piece. I think the Planning Commission originally had like 8 or 10 and some were only recommendations so we will be looking at that, one at a time. We were also looking at the Planning Commission how it is set up and according to our Charter – what it is, the Planning Commission as a whole. Then we are also looking at described in the Charter, what are some of the mandatory referrals that would come to Planning Commission.***/Council Representative to the Park Board:*** Member Kovach reported the meeting of the Park Board was held last night. We basically went over some of the maintenance programs that are going on right now and the major topics of discussion were that the lead-ups to the bridge have been poured and I am going to assume that Joe will be giving a report on that a little bit later. The larger issue was the very detailed 5-year plan that Mr. Evans presented to the Board last night. It must have been good, the Mayor was there and he was quite impressed with it. It is a 5-year plan that is conceptual at this time with color aerial photographs of each park and then overlays as to what we might like to see going in there including equipment, parking lots, improvements, so on and so forth. As an on-going project we will be determining prioritization of the projects and then securing funding and/or donations to proceed with them. I will have more details at the next Council meeting if anybody has any other questions.

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

MAYORS REPORT: Mayor Piskura advised I don't have a whole lot, if everybody has noticed the American Demolition equipment up at Hardees, they are doing environmental and then they will start the demo of that building shortly. I believe October 5th, they have to get their notices into the EPA. Anyway the building is coming down. I reported on some of the developers that were interested in Shoreway, actually introduced you to some of them and I have a meeting scheduled on Thursday to bring potential agreement for your review. At least they

are going to give me their first crack and David and I will look at it and forward it to you when we think we have something to work with. So that is good news. As far as Councilman Rosso talking about the prevailing wage and the project labor agreement, we are working on a draft document right now. I should have that ready for your review very soon, certainly before the next Council meeting and hopefully we can talk about it maybe next Worksession and get it up in front of you in the form of legislation by the end of the year. The only other thing that I really had was that the Service Director who can be a little bit more specific if you have questions for him has been getting prices on the taking down of the water tower at Gary Green Park. Initially some of the quotes that we got were very expensive, they were in the \$25,000 to \$30,000 dollar range. But the price of steel has gone up and I can't remember what meeting but I came to you and talked a little bit about where we are at with the price of steel and that they would do it for free – Affordable Demo would do it for free if we provided the crane. Now it is something that we need to consider, we don't have the appropriation right now. I realize that the next Finance meeting won't be until next month so what we are going to do is continue to watch the price of scrap because their quotes are only good for a very short period of time because the prices fluctuate so quickly and if we have the same kind of price for scrap steel next month that we do this month then we may be bringing a request for an appropriation change and your blessing on removing that water tower. Basically that concludes my report unless there are any questions. *Motion by Huska/Second by Bring to accept the report. Yeas All./**FINANCE DIRECTOR REPORT: None./TREASURER REPORT:** Treasurer E Hoenig advised the August report is attached to the City Council meeting notes./**SAFETY/SERVICE DIRECTOR:** Safety/Service Director Arendt advised my report starts with the attachment you received in your folder this evening about the anticipated revenue of the water increase and I made a simple excel spreadsheet to show the anticipated revenue of \$79,272.00. I also included in there, we have a water meter fund currently that has \$55,007.06 for a total of \$134,279.06 over the next year. Possible expenditures, I put down there and they are pretty self-explanatory. Now you will notice there that there is water meters, 300 water meters per year to replace. Attached with the report explains the current meter status that we have in the city. We have 3000 meters that are read on a quarterly basis and we have 200 meters that are read on a monthly basis which are all the commercial. So obviously there is 3200 meters, there is 550 of those meters that are manual touch pad meters. The problem that we have now is we have approximately 1000 master meters, the master meters are not under warranty. These are considered first designs which are top load meters and not adaptable with any touch pad nor any other meter companies. These meters are currently being used as replacements and what happens when the meter breaks or freezes up the freeze plug like in a car breaks out and because they are plastic they can't get them out without destroying the meter in most cases. So what they are doing with

the thousand meters that are in stock as these go they replace those and if you go further the benefits, what eventually the city would like to have is all radio read meters. So I brought that into the equation and I assume that you will want some time to digest this, if you have any questions on this particular item I will be glad to entertain them. Councilman Rosso stated it is funny that you bring up water meters because that is the only 2 lines that I highlighted under first year because we passed that several years ago to replace all those and we have never spent that money, we have never paid for those right because they have never worked right. So we should have money. Safety/Service Director answered there is \$55,000.00 in the account. Councilman Rosso stated that is what that is? Service Director Arendt and Finance Director Smith answered yes. Councilman Rosso continued but that was to replace every meter in the city with radio read, wasn't it? Councilman Bring answered so many per year. President Podmanik advised if I am not mistaken we ran into problems with the first group of meters, that company went out of business, the company that came in took over from the first company was giving problems with repairing the original meters. This turned into quite a nightmare, Mr. Arendt you are biting off quite a lot here. Service Director Arendt advised Mr. President you are 100% correct and to go into Mr. Rosso's comment – the meters that I have now, what the intent was to go and have radio reads from my understanding throughout the whole city. The current meters that are in stock, the 1000 meters – to get the radio reads that would be adaptable to those meters is \$200.00 per unit and to buy a new radio read meter is \$170.00. Councilman Rosso explained I understand that but when we passed this my behalf is that we passed that and appropriated enough money to replace every meter in the city with radio reads. They have never worked right and we have never spent any of that money, so we should have enough money to do it without being part of this budget. Finance Director Smith answered no, no, no we bought meters and I don't know the whole entire story but we had to send some back, we paid for some, we have held money back because they didn't work and again it was a nightmare. The \$55,000.00 is what is left that we haven't paid because they never worked correctly but that is not enough to pay for all the meters that we need. Councilman Rosso stated we didn't put that many meters in for radio read so it should cover the majority. Finance Director Smith stated the ones we put in never worked correctly. Councilman Rosso stated but that is something I have to do some research on Joe so I didn't want to talk too much about it. Service Director Arendt advised from what I understand what happened is since the radio reads didn't work, they had about 800 installed of the radio reads and none of them work. So there is only about \$55,000.00 left in that account. The meters that are there now are no longer warrantee; they said they were a first generation, they are plastic and the whole thing. In all reality, there is actually 4 companies that have the meters – Badger, Neptune, Masters and Census and what I wanted to do was to see if we could get a universal radio read for all the ones that we have and there is no company out there

that actually reads every meter. I did put that in the budget, if something does happen such as if there is a city out there with Master Meters and wants to buy them or do anything in the future – fine but they are good for replacements of the ones that we have. Mayor Piskura advised Rick that was part of that, it was a \$360,000.00 borrowing - \$55,000.00 is what is left and we only did a part of the city and we would be paying I think for the last 7 or 8 years \$30,000.00 a year to pay down that note. It wasn't just \$55,000.00. Councilman Rosso advised I was always under the impression back when Mr. Gardner was here that he say "oh, I haven't paid them anything because I could never get them to work." Finance Director Smith stated we bought an initial gross of them, those never worked and then they had I believe shipped us some more and I don't know the entire story but those are the ones that we have never paid for. Councilman Bring advised that is what he told us but we found out all of that wasn't true. President Podmanik stated Mr. Arendt if you can check, I believe the first company that bought the meters from went out of business, the company that took them over we were at the time discussing warranty of the original meters. We never heard anything after that and if you can research from there and find out do we have money coming back from a company? Service Director Arendt advised you are exactly on track with those statements. President Podmanik added that was the first company, I don't know about the second? That is why I am asking you if you can research that? Service Director Arendt answered what I will do is to make it simpler for anybody, I would be glad to call you and tell you because in a setting like this it would take about 45 minutes to go over the whole thing because I have been doing the research on it. On a one to one or a couple of guys going over it I think it would be much easier. He continued on the second item, the Shoreway Shopping Center the striping is completed. We have to order the car stoppers and then put those in and basically we are pretty well done with Shoreway other then normal maintenance. The only thing that would possibly be done later this year would be painting the existing building roof, how the green is fading and we may be able to do that. The next item if anybody has passed the bike trail, we have started working on the bike trail. You will notice the north end is all cleared out and ready to go. The south end is being started, it will probably be about a 2-week process. As long as we don't have any breakdowns. It is going to be about a 5-degree slope for the ADA because if anybody has walked the bike trail there is a big hill there but we are going to cut it down to 5 degrees. Councilman Diebold asked Joe that bike trail will be handicap accessible with the 5 percent grade? Service Director Arendt answered yes ADA is agreeable to 5 percent. Councilman Diebold stated I thought that was 3.78 back when I was working for a different company but that may have changed. Service Director Arendt answered I can check but from my latest, it was 5 percent but I will be glad to check. Councilman Rosso asked is Ferndale still on schedule to be paved on Thursday, isn't that what you told me last week? Service Director Arendt answered Ferndale should be done the same of the demo is – October 5th, that is

what they said to complete. They are supposed to start to put that last coat of paving on starting next week. It is October 6th then. *Motion by Huska/Second by Bring to accept the report. Yeas All./**LAW DIRECTORS REPORT:** Law Director Graves advised /**Civil Service** – everyone should be aware that tomorrow night we will be conducting the promotional examination for Fire Chief to take place right here. That tests is being administered by the Ohio Association for Fire Chiefs and we have 3 individuals who are going to take it and we wish them all the best of luck./**Demolition Board –None./Records Commission –None./Legislation** – legislation before you tonight; 3 pieces of legislation - third reading on the ordinance on the jail sharing agreement with the Village that I talked about earlier with the amendments through the Ordinance Committee. We also have the appropriations ordinance as well as the first reading of the modification of the trash container ordinance bumping back the time that you could put your trash containers out at the curb day before collection. If Council so chooses they could add to the agenda this evening Council#055 which is the piece of legislation that Mr. Kovach talked about that came out of the Zoning Board of Appeals. From time to time they do get a request for an expedited special meeting, if someone is very anxious to begin construction or something of that nature and they recently did this for an individual. They scheduled a special meeting but it is an inconvenience and it would be at the discretion of the Chair but if someone wanted to request such an expedited meeting then they would pay an additional \$100.00 fee. If the meeting could not be scheduled prior to the regular scheduled meeting, that would get that \$100.00 refunded. So that is the nature of that and that is for a first reading for tonight. Then we have the ordinance authorizing the acceptance of all the donations; monetary and goods and services related to the Party in the Park. I would ask for an executive session immediately following my report to discuss the sale or lease of public property and also to discuss on-going investigation regarding a public official. I know there is a lot of conjecture, rumors that have been circulating and what I would ask hope that everyone within ear shot would take seriously, all parties involved in any of the investigation that I am talking about have been assured of confidentiality, that they would be protected and I would ask that everyone respect that. The mention of any names could result in possible liable and slander, defamation lawsuits. *Motion by Rosso/Second by Elliott for the discussion of sale or lease of public property and on-going investigation of a public official. ROLL CALL FOR EXECUTION SESSION FOR SO-NOTED REASONS: Yeas All – Rosso, Bring, Elliott, Kovach, Huska, Diebold. *Motion by Bring/Second by Kovach to return to regular session. ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Bring, Rosso, Huska, Elliott, Kovach, Diebold. Law Director Graves advised let the record reflect that the City Council of Sheffield Lake did adjourn into executive session for the discussion of the sale or lease of public property and the investigation of a public

official pursuant to the State Sunshine Laws. *Motion by Huska/Second by Bring to accept the report. Yeas All.

CITIZENS COMMENTARY:

Debbie Belaska, 4014 East Lake Road advised I received a letter and I believe your wife also said she received one too, I don't know if you also received one at your household. This is a letter that came from Centurytel, I was given my husbands address, my husbands identification number. She read the letter dated September 10, 2009 for an order to set up a new Centuries account or add or remove services from your existing centurytel account. She advised I take care of all the bills at home and I was very aware that this was something that was not right so I contacted centurytel and I spoke to a Therese and I have her ID number and she really wasn't sure, she said she had been getting phone calls all day like this. Here what end up happening was Centurytel sent out a mass snail-mail of these letters here stating that you know people have some changes in their centurytel. So advise you to still call, follow-up on it but you are going to find out that they made a mistake and it is a very big mistake but they are going to try to catch it up in their bills later on down the road. But if you get one or you know somebody who gets one you are now aware of the situation and I did get the name of who I spoke to and I also spoke to a supervisor named Tiffany. I do have something that I wanted to share, in being an operating engineer and you work in trades and you work at General Motors or whatever? President Podmanik answered Ford. Mrs. Belaska continued you are familiar with if you have a forklift that somebody cannot approach or get onto to that forklift correct and the removal of an operating engineer and also the removal of personnel. On several occasions I witnessed one of our city trucks you know the stopping and I don't begrudge anybody from taking breaks or visiting with the citizens – I think that is good, I think that is good PR. But what upset me was when I witnessed 2 citizens getting on top of the city truck and talking for several minutes, about 7 minutes or so which didn't bother me but if they would have fell off the big city truck we could have had some type of liability here. That is my concern is that if people want to talk or visit that is great but to see citizens get onto city trucks or the property of city equipment then I am a little concerned. Also if we are going to have a Planning Commission meeting next month, I hope we do because I have some new stuff that I would like to bring forward under new business.

Mark J Erdei, 4015 Tennyson stated I have a question for Joe, now Allied Waste is cutting back the counties funding I read in the paper. They are not going to be paying the county I think it is \$2.00 a ton, have they contacted you people – the county, that they are going to be cut back our \$28,000 or \$30,000 this year? What is the scoop because I just saw it in the paper about 3 or 4 days ago? Service Director Arendt answered from my understanding that if the city is in line for the pilot program before the year 2010, we will get our \$30,000.00. Let's assume that we do it a month and a half from now and another city does it 2 months from now,

we would get it – if they ran out of money, regardless of the size of the city so it is going to be more or less the first come the first serve until they run out. I was at the Brookside football game 2 weeks ago when that player from St Peter Chanel got injured and I thought it was a bad effort on our rescue Sheffield Village and our rescue vehicle was at the stadium and they were waving these guys on big time. It looked like they were deciding who was going to get out of the truck and go onto the field and then they just casually walked. It was like 5 minutes, casually walked to that injured player, I mean wouldn't you think if they are waving and there is something might be extremely wrong – you think they might have made an effort or at least drove one of the ambulances right to the other side line and they did eventually. But they just walked casually like it was just a walk in the park, I mean you would think they would have more consideration and get to the player to see if something was really serious wrong. Mayor Piskura answered I was at that game but that had to be in the second half because I left. Mr. Erdei stated no, it was in the first quarter. They just casually walked really slow. Mayor Piskura stated I was there and wasn't paying attention but from what you are describing I agree with you and that is something we need to look into and correct. Mr. Erdei stated well it stopped the game for like 15 minutes but I thought we could have had a better effort going onto the field in case something really was seriously wrong.

Councilman Rosso stated my counter point to his point, I was at the game and I saw them respond – did they run out at a full pace – no but I think that they went out at an acceptable pace. Mr. Erdei stated they stood around by the ambulances for about 5 minutes before they decided which one was going to walk out there. Councilman Rosso stated you know there was a crowd around and I think by the time they realized they were being waved, I didn't see anything wrong with their response. Mr. Erdei stated I don't know I was talking to a couple of people next to me and it was just like why don't you give them a cup of coffee to walk out there with. Councilman Rosso stated I think they did a fine job. Mayor Piskura stated it is something that we will certainly look into and if we need to take any corrective action we will. Councilman Elliott stated I don't mean to open this back up again but as for the walking, John correct me if I am wrong – those guys are trained to walk to an incident because they don't want to get hurt on the way. Mayor Piskura stated quite frankly from what you said Mark what concerns me is if there was some kind of confusion on which squad, Sheffield Lake/Sheffield Village was to handle the call or do patient care and you know what the circumstances revolving around why we didn't drive closer. But yes Councilman Elliott is absolutely correct, the only safety people that should be running around is a cop chasing somebody. They strongly discourage that.

President Podmanik advised I have one thing that Mr. Bontempo asked me to bring forward, we were discussing Allied Waste and he wanted to make sure that it was brought forward that he does and is concerned about leaf pick-up with any change. His concern is he has approximately 60 bags of leaves. Service Director Arendt

advised Mr. President I spoke with him outside and I assured him that Mr. Graves when he does the negotiations because of the leaf concern in the city because obviously there is trees on every street, that Mr. Graves would handle that appropriately.

UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by Huska/Second by Bring to amend the agenda to include Council#055 and Council#056. ROLL CALL TO AMEND THE AGENDA: Yeas All – Rosso, Huska, Kovach, Elliott, Bring, Diebold.

ORDINANCES AND RESOLUTIONS:

Council#048 – THIRD 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.

*Motion by Huska/Second by Kovach for ADOPTION:

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

Ordinance Passes#52-09

Council#053 – 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, Ohio 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, Diebold, Kovach, Elliott, Rosso, Huska.

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#53-09

Council#054 – FIRST READING – an ordinance amending section 965.02(b) of the codified ordinances of the City of Sheffield Lake regarding type of containers; accessibility, and the declaring of an emergency.

Council#055 – FIRST READING – an ordinance amending section 1115.02(f) of the codified ordinances of the City of Sheffield Lake regarding appeals, and the declaring of an emergency.

Council#056 – EMERGENCY – a resolution authorizing the City of Sheffield Lake to accept and approve goods and services donated for the 2009 City Party in the Park, 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, Kovach, Rosso, Diebold, Bring, Huska.

*Motion by Huska/Second by Bring for ADOPTION:

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

Resolution Passes#54-09

COUNCIL PRESIDENT: Council President Podmanik advised I would like to make Council aware that I am considering replacing this podium with a smaller, more updated model, something with wheels. If anyone has any suggestions let me know. That is just something I have been considering, this thing is getting old and is starting to come apart a little bit.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 8:45 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 September 22, 2009.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura