

Minutes of the City Council
Sheffield Lake, Ohio
October 27, 2009

The regular meeting of the City Council was held Tuesday, October 27, 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, Kovach, Elliott, Smith, Diebold, Mayor Piskura, Finance Director Smith
Absent: Huska, Treasurer E Hoenic, Law Director Graves, Safety/Service Director Arendt (excused)
Attending: Concerned Citizens, Zoning Board of Appeals; Ebenschweller, Planning; Belaska, Civic Center: Nicola, Members of the Media

*Motion by Bring/Second by Elliott to approve the minutes of the City Council meeting of October 13, 2009 with any corrections. Yeas All.
*Motion by Bring/Second by Elliott to approve the minutes of the City Council Worksession meeting of October 20, 2009. Yeas All.

CORRESPONDENCE/COMMUNICATIONS: None.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: None./Stormwater Utility: Representative Smith reviewed the minutes of the October 8, 2009 meeting. *Motion by Bring/Second by Elliott to accept the report. Yeas All./**Safety: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Claims:** Chairman Rosso reviewed the minutes of the October 20, 2009 meeting. Chairman Rosso reported we had 2 basically fairly lengthy discussions. The first one being on the appropriation changes with regards to the moving the money from the fire hydrant repair fund into the equipment repairs for the purchase of a truck. Again, Finance Committee me in particular had questions for Mr. Arendt regarding that and we discussed it for a while and those appropriations were accepted and they are on tonight's Council agenda. Second lengthy discussion was regarding the note for the renewal if you will I guess for lack of better term of the note for the shopping center. A year ago we bought the shopping center and we borrowed 3.5 million dollars for one year. That one year is up in December so we need to renew it and there was questions regarding some of the language in the proposed document. It does say that we have the right to borrow up to 3.6 million which as the Finance Director reported

and stated during that meeting we have no intention of borrowing that amount by based on advisement by bond counsel, we put a little in there just to handle anything that could happen to occur between now and December. Along with the interest rate reads I believe 7 but our anticipation is that rate will be around the 5% range.

Actually mine said 8 and we will be around the 5% range reflecting a 2% reduction in what we paid in the past year. There were several citizens in the audience that had questions about it, we discussed it at length and answered those questions and that was basically a 2-minute update of an hour plus meeting. *Motion by Bring/Second by Kovach to accept the report. Yeas All./**Investment: None./Council**

Representative to the Community Center: Representative Diebold advised the meeting was held the 19th and started at 7 o'clock and we just had a few things. There is a couple of dead trees that said he is going to try to take down and try to get a hold of Richards Tree Service and see if we can get a good price. The rates have been changed at renting the hall and those will be posted./**Council Representative to the**

Zoning Board of Appeals: Representative Kovach reviewed the minutes of the October 21, 2009 meeting./**Council Representative to the Planning Commission:**

None./Council Representative to the Park Board: None.

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

MAYORS REPORT: Mayor Piskura reported the only thing that I have to report is since we last talked there was an article that appeared in Cleveland's Crane Business magazine about Sheffield Lake and about the shopping center. It did generate a lot of interest, I don't have a detailed report of the leads that were generated just yet but as soon as I get it then you will get it. If you recall part of what Tom Barrett in the Northcoast Capital Partners is supposed to do is give us reports on a bi-weekly basis. So as soon as I get it then you will get it. Nothing else new and I would be happy to answer any questions you might have. *Motion by Bring/Second by Kovach to accept the report. Yeas All./**FINANCE DIRECTOR**

REPORT: Finance Director Smith reported Moody's Investment did give us a mid-1 bond rating as they did last year so we have maintained one of their highest rating that they have which will help when we go out to get a price for an interest rate on this note which will be November 9th I believe. The only other thing that I have is I would respectfully request that we have a Finance and Claims Committee meeting right before the first Council in November. You know, as we get close to the end I always ask for that and I will probably ask for that in December again also. It just gives me an opportunity to fine tune the budget as we get closer to the end of the year. Councilman Rosso asked so we need one the second and third week of the month of November? I don't believe we have ever done that before have we? There was a brief discussion on past history of extra Finance meetings. Finance Director Smith answered the last Council meeting of November will be fine also. President Podmanik advised we always have one Finance meeting at the end of December that cleans up everything but you are requesting a Finance meeting sometime in November. Finance Director Smith advised I did last year

too, nothing exciting I just like to have that opportunity if I need to change something. Councilman Rosso stated I don't have a problem but I guess we could add it to that nights agenda if we needed to. That is fine with me. Clerk asked for clarification, the first or the last one. There was a brief discussion on the 10th or 24th. Finance Director answered we can make it on the 24th, that way 6 to 1 or half a dozen of the other. Councilman Rosso stated if you do it the 24th I wouldn't assume you would want to do it the first week of December too would you? Finance Director Smith stated that is why I think the 10th would be better. Clerk asked at what time? Finance Director Smith answered 6:45 pm, if there is anything and if I have nothing foreseen then I will notify Kay and we can certainly cancel it.

*Motion by Bring/Second by Rosso to accept the report. Yeas All./**TREASURER REPORT: None./SAFETY/SERVICE DIRECTOR: None./LAW DIRECTORS REPORT: None./Civil Service – None./Demolition Board –None./Records Commission –None./Legislation – None.**

CITIZENS COMMENTARY:

Mark J Erdei, 4015 Tennyson stated before we got started in this shopping center deal, you said there wouldn't be nothing that would affect the property taxes, they wouldn't be raised or anything and right here it can be levied on the property within the city. Mayor Piskura answered that is on your inside millage Mark. It has already been maxed out since the early 90's. That is just standard boiler plate line which is for bond counsel, it was in the last bond passage. It doesn't even apply to us. Finance Director Smith answered I have last years. Mayor Piskura stated it is not going to change a thing. There is inside millage which is un-voted, outside which is voted and your inside the city and every entity that has the ability to levy inside millage which is the county and some other entity's – schools, they can only go to a maximum of 10 mills combined – all of us combined can only go to 10 mills. If we go more then 10 mills or if we want to put a voted mill on then we go to the ballot. But we have been at the max 10 mills for a long time and we can't go anymore. It is not going to have any impact or affect on us whatsoever. Mr. Erdei stated I just never got a straight answer on what was going on, it wasn't clarified. There was a brief discussion.

Debbie Belaska, 4014 East Lake stated a line of questioning that I know you can't answer but there is a concern at the end of this tunnel. You have the investigation of a public official, you have the discipline of a public official, you have a pending lawsuit and I don't know if it concerns that – I know you probably got insurance with the city here. Is this going to affect the tax payers, I know you cannot discuss or disclose any of that while it is being investigated or whatever, is this going to costs the tax payers any money here? President Podmanik answered at this point and time maybe we could probably write those down and submit them to the Law Director considering he is absent rather then venture any wrong guesses. Mayor Piskura answered from all of the counsel that we have gotten in dealing with the issues that we have had to deal with in the recent past, everybody has told us that

the city has acted appropriately. Even we had the, I can't remember the law firm is but the lady that came in to help us with our education program was the past Director of the Ohio Civil Rights Commission and she is on record as saying that we have done everything we can over and above and that the city has a minimal risk in anything. That is coming directly from a lawyer that deals with issues that we deal with a daily basis. While we should probably wait to hear what David has to say, if he wants to respond in an official capacity, I would say that I feel very good about where the city is right now. Mrs. Belaska advised Kay, the Law Director and this might help all of you out – when we are comparing different ordinances with different cities and that, there is a website out and I did give it to the Law Director and it is conwaygreene.com. It is a publisher like we have for the City of Sheffield Lake and I think if you all get it in your favorites – check it out and it will help you skim through more of the different cities if you had to compare on a different issue with different ordinances or through building or maintenance or whatever, zoning. I think it is a great website and it was told to me, I gave it to the Law Director and he skimmed through it and he matter of fact he put it in his favorites right away. Another thing too that I wanted to bring up is that we do have the swine flu in this city and it is growing rapid. I know that my neighbor behind me, the whole family has got it and I know it is serious, so everybody just has to be cautious about it and I did get the information out to the Health Department and the phone numbers and everything to John Edwards and I am sure he is going to take care of everything.

Kerry McCullough, 685 Roberts stated Mr. President you weren't at this meeting on Monday, September 28th at 7 pm. However Council did vote and go into an executive session and violated state code 121.22 of public meeting exceptions. Nowhere in the entire ORC of 121.22 does it give a reason on this paper, nowhere here are you covered in going into an executive session. Therefore, I challenge the fidelity of 057 as you guys violated Sunshine Laws to discuss an ordinance that should have been discussed in public and you went into a private session and there was no reason for it. Nowhere in any of these things does it state where you could take this and go into an executive session. He submitted code to President of Council. Mayor Piskura stated Mr. President the Law Director is well aware of this claim, disagrees with it and we should probably wait until he is present so that he could explain it to you. President Podmanik asked have you spoken with the Law Director Mr. McCullough? Mr. McCullough answered yes I have, his contention is that it was for the sale – that you guys were discussing the sale. Well, the sale can't be discussed in private unless discussing in public would give an unfair advantage to a bidder. This was never bid. You can keep that that is the entire Ohio Revised Code. President Podmanik advised we will make a note to the Law Director that you presented that again tonight at this meeting during citizens commentary. Mr. McCullough stated my hope is that Council does something about it to stop it – repeal it. Please don't make me take this any farther. Mayor Piskura stated you

don't even know what was discussed. Mr. McCullough answered it doesn't matter. Mayor Piskura stated yes it does, it was an executive session Kerry come on.

Mark J Erdei, 4015 Tennyson stated do we have a rain date in case it is pouring rain for the Trick or Treater's? Mayor Piskura answered we always do what the county does. What we try to do is coordinate all of our dates with all the cities, so whatever the county comes out as/what the county day and time is that is what it is. Mr. Erdei asked there isn't no rain date? Mayor Piskura answered I am not aware of one.

Debbie Belaska, 4014 East Lake asked to Dennis Bring, did you get back yet any information on us getting any charges, you know trying to get some revenue back into this city especially with seeing how some things that might be pending here with these snow plows coming in and charging a \$5.00 fee for checking in with the city and having them fill out some paperwork with Rita so we can get some revenue and some businesses that are all of a sudden springing up from houses and this place and that. What is going on with everything here? Councilman Bring answered as far as the snow plowing no I didn't get an answer back from that and to be honest with you I haven't asked about that. David was supposed to look into that and he said he was going to get back to me but obviously he hasn't but I would imagine he has got some other things going on. I forgot to question him about that. Mrs. Belaska asked how about these other businesses and that, is anybody looking into that with these businesses that out of their homes. Are they checking into that? Finance Director Smith answered I already have Rita on that. Mayor Piskura advised Rita reached their threshold population requirement to get access to the state wide data base from the income stuff in Columbus, so they have the ability to cross reference all of that. That just happened last year. Finance Director Smith stated they are going to take a while to compile and then cross reference all of this but you will be seeing a lot of those people going to court. Mrs. Belaska stated we just need the revenue, I am concerned. You \$1000.00 or \$2000.00, she needed a brand new podium and this girl dragging this back and forth. Clerk Fantauzzi advised no Dennis is going to take care of it Debbie.

Mark J Erdei, 4015 Tennyson asked what is going on with Allied Waste negotiations or are we going to go full city wide because you weren't here when I asked the question last time. Mayor Piskura answered as far as I know. We have a proposal that Allied Waste will enroll us into the recycle vain and go city wide and do city wide recycling. The recycle bank we know, I am not sure if you know – I heard somebody here once upon a time talk they weigh your trash cans, there is a computer chip in it or something. They were getting all paranoid. What that computer chip is is on the recycled bin, all they do is make sure that you are recycling and if they dump that week for you you get credit towards this recycle bank and this recycle bank you get so many points that you can use in lieu of cash at businesses. Now Apples has signed up in other communities, I was waiting to hear from Allied Waste whether or not Apples was going to participate or any of

the local businesses were going to participate before bringing the entire program back to Council for their consideration. Mr. Erdei stated I read in the paper a while ago about Allied Waste or the county is going to be cut short on monies coming there at the county. Mayor Piskura answered it doesn't look good. I think the projection is a couple of years they will be out of money.

Kathy Thomason asked can I explain one thing because the Village has already started that city wide thing. Your individual chip does not count just for you, it is like for the whole street or certain block and then it is shared amongst everyone. Councilman Rosso asked Mayor, were you talking just putting the recycling city wide or the trash collection also? Mayor Piskura answered everything. What we are trying to do is if Council was concerned about inequities doing it in the pilot groups and wanted me to explore doing it city wide instead and in exchange for the city wide program. One of the things that we were trying to do was get some betterments in our contract and the city wide recycling with the recycle bank was what they came back to us with. Councilman Rosso clarified but it would include the regular trash pickup? Mayor Piskura stated everybody, the entire city trash pickup and recycling. The trash we are still on the deal with if you need 2 then can get 2 and if for some reason you have to have 3 then they will give you 3. Councilman Rosso asked unlimited once a month? Mayor Piskura answered yes but I wanted to know which businesses would be involved for us to use on the recycle bank, frankly to know if it was worth anything before I brought it back to you.

Debbie Belaska, 4014 East Lake stated I know that Mrs. Jancura isn't here tonight, I thought she was going to be here but I know that she is with Zoning and they started a process of their own procedure when they have special meetings or they have set up meetings and people don't show up and they were going to charge \$100.00. I was going to present that to Planning which I support her in this, you know when you have to get a quorum together and you show up and you make this special meeting and they don't appear to charge them the \$100.00. That is good revenue for this city, especially when people come out, they all show up and the people that are supposed to present their variances or whatever don't show up at these it costs the people time; mailing out information, the Law Director, Building Inspector have to come out and people don't show up for these meetings so we have to tack on some type of price when you set up these special meetings. I know they already pay \$100.00 but when you start getting another meeting together. Councilman Rosso explained the legislation in front of us this evening charges \$100.00 whether they show up or not, it has nothing to do with anybody who shows up. Mr. Erdei advised it was mentioned at the Worksession meeting which I thought was good of just having a retaining fee and you kind of liked that idea too and I thought that was fair. So they know they give you the \$100.00 and they don't show up they are out of \$100.00. I thought that was a very good idea by Mr.

McCullough and you even thought it was good to. Councilman Rosso advised I agree with that but it is not on tonight's legislation.

Kerry McCullough, 685 Roberts stated Tammy you said the m-1 rating? Finance Director Smith answered it is a meg-1, it is called the meg-1 rating by Moody's Investors. It is the same rating that we got last year and we were pleasantly surprised by that and we have remained there which I am very confident. I am very confident that we will be in the 5% range. Mr. McCullough stated the difference between 5 and 8 is \$6000.00 a month. Finance Director Smith advised we will have discussion on the 9th with all the investors that are out there. I fully believe we will go back with Huntington, it is very common that a previous bank will re-invest in the same note because they already have it in place. Mr. McCullough stated now next year this is going to happen again, next year what if the interest rate goes through the roof and it is 14% are we going to be able to be stay on the line at 5% or are we going to have to turn around and do it again next year at 14%. Finance Director Smith answered this is a note, so it is not a bond. The difference is bonds are long term and notes are 1 year and I can't answer that. However our money will be in the bank and it will be earning those higher percentages also. Right now, any of our money at Star Ohio isn't earning nothing basically so with redevelopment, with some rents as we invest that money brings in interest. Next year I don't feel as though it is going to be a problem at all, at all. We hope to get around a 5% rate this year. There is a lot of if's in that, I pray our rates don't go to 14%.

Mark Erdei, 4015 Tennyson stated this is a question for the Mayor, have we have any more interest in people in the rest of the vacated buildings that we have empty over there now that is still rental space? Is there any interest? Mayor Piskura answered we have a lot of general interest and like I said when I get my report I will make it available, not to Council – I will just put it as correspondence and everybody will see it. Mr. Erdei stated so it isn't actually sitting in the water dead, we still have some bites to it or whatever. Mayor Piskura stated no, there was an article in Crane's Business along with Tom pushing all of his contacts and actually right now they are interviewing brokers. There was a pretty good interest. Finance Director Smith added more interest then a year ago today.

UNFINISHED BUSINESS: None./NEW BUSINESS: Councilman Elliott advised as Mark brought up Trick or Treat is on the 31st this year. The Sheriff put a bulletin out reminding everybody that is going to take any trick or treaters out to review the sexual predator list. It is not recommended that you take your kid trick or treating to a sexual predator house. If you want to review the list you can go to www.loraincounty.sheriff.com.

ORDINANCES AND RESOLUTIONS:

Council#054 – THIRD 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.

*Motion by Bring/Second by Rosso for approval.

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

Ordinance Passes#57-09

Council#055 – THIRD 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.

*Motion by Bring/Second by Kovach for approval.

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

Motion for approval failed; 4 to 2.

Council#058 – EMERGENCY – an ordinance authorizing the issuance of taxable notes in a maximum original principal amount of \$3,600,000.00 in the anticipation of the issuance of bonds for the purpose of retiring certain outstanding bond anticipation notes of the city issued to pay costs of furthering the city's revitalization purposes by acquiring the Shoreway Shopping Center in the city and the declaring of an emergency.

*Motion by Bring/Second by Rosso for suspension of rules;

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

*Motion by Bring/Second by Rosso for adoption;

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

Ordinance Passes#58-09

Council#059 – EMERGENCY – an ordinance providing for the establishment and increase and decrease of certain funds within the annual appropriation ordinance of the City of Sheffield Lake Ohio and the declaring of an emergency.

*Motion by Bring/Second by Rosso for suspension of rules;

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

*Motion by Bring/Second by Rosso for adoption;

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

Ordinance Passes#59-09

President Podmanik advised Mayor Piskura at the last meeting you were excused and you left a letter for me with regards to part-time Building Inspector Steve Nemeth. Mayor Piskura answered that was a typo. President Podmanik asked so the last name is Nemecek, is that correct. Mayor Piskura answered yes. Councilman Rosso asked as a point of procedure, do we need to reaffirm – did we vote on the wrong name? If we don't then we don't, I mean David is not here. President Podmanik stated I presented it as it was written. Finance Director Smith stated his

oath was signed correctly though and Kay should have a copy of that. Clerk Fantauzzi answered no I don't. After a brief discussion, Mayor Piskura stated in the front of the administrative code is a whole section on intent and I think what David is going to tell you. Councilman Rosso stated that is okay, I just want to make sure that we are crossing our T's and dotting our I's because I would just make the motion under the right name now if we need it.

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.

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 October 27, 2009.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura