

**Minutes of the City Council**  
Sheffield Lake, Ohio  
November 24, 2009

The regular meeting of the City Council was held Tuesday, November 24, 2009. Council Pro Tem Rick Rosso called the meeting to order at 7:08 PM.

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

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

Present: Rosso, Bring, Kovach, Elliott, Huska, Diebold, Smith, Mayor Piskura, Treasurer E Hoenig, Finance Director Smith, Law Director Graves  
Absent: Podmanik, Safety/Service Director Arendt (excused)  
Attending: Concerned Citizens, Zoning Board of Appeals; Ebenschweller, Planning; Belaska, Civic Center: Nicola, SUAB; Gee, Water Department; Tom Erwin, Members of the Media

\*Motion by Bring/Second by Elliott to approve the minutes of the City Council meeting of November 10, 2009 with any corrections. Yeas All.

\*Motion by Bring/Second by Elliott to approve the minutes of the City Council Worksession meeting of November 17, 2009 with any corrections. 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 November 12, 2009 meeting.**/Safety: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Claims:** Chairman Rosso reviewed the minutes of the November 10, 2009 meeting. \*Motion by Huska/Second by Bring to accept the report. Yeas All. Chairman Rosso reviewed the minutes of the November 17, 2009 meeting. \*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:** meeting held prior to this meeting, minutes for next Council meeting. Representative Kovach advised variance for wind turbine for shopping center was granted.**/Council Representative to the Planning Commission:** meeting held prior to this meeting, minutes for next Council meeting.**/Council Representative to the Park Board:** Member Kovach reviewed the minutes of the November 16, 2009 meeting. Councilman Kovach asked Mayor Piskura did they get the center section of the bike trail paved? Mayor Piskura answered yes, that was one thing I was going to report on. All the paving is done, the

only thing really left to be done is the fencing which that will be done tomorrow. We are waiting on Ohio Edison for the light pole out front and the barriers to prevent vehicular traffic are on order, they are collapsible which will be at the southern end down by Ferndale. Also, Councilman Kovach advised that Mr. Kempton has stated that the kids Christmas party is set for December 12<sup>th</sup>, Saturday and the time is still to be determined only for the simple fact that Amvets Christmas party and the VFW are going to be held the same day. His wife is working on finalizing that.

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

**MAYORS REPORT:** Mayor Piskura reported I only have a couple of things, the first of which is that earlier this afternoon I emailed all of you a pretty comprehensive work book and spread sheet that we are going to have to talk about in depth for next years budget. The bottom line and the kind of simple short of it is it is going to be a difficult, we are going to have to tighten up a little bit assuming we will have lengthy discussions in the budget hearings. Please take a look at it, if you have any questions about it give me a call and I can walk you through it. I apologize Steve I have nothing more on the bike trail to report. That is all I had. He continued the Safety/Service Director had to go but left me with just a few things. I have nothing on the Safety side but for the Service side Walker Road, we are continuing to work on. Next Monday and Tuesday starting in the afternoon, they are going to close in the evening to do some work. I believe they are digging out one of the culverts and that is going to be on the west end I believe over by you Eddie, just so that you are aware. Also next week we are going to do a round of patching the roads. Obviously if you have any questions I would be more than happy to answer them. \*Motion by Huska/Second by Bring to accept the report. Yeas All./**FINANCE DIRECTOR REPORT:** Finance Director Smith advised all I have actually is if you would like to add it to your agenda tonight, Council#071 it is just the Shoreway note principal of 3.5 million. It is just to do the paperwork, we don't really see that money and it comes and goes but I have to account for it. It is just a formality if you could add that tonight. \*Motion by Huska/Second by Bring to accept the report. Yeas All./**TREASURER REPORT:** Treasurer E Hoenig advised yesterday was his 70<sup>th</sup> birthday. Happy Birthday! \*Motion by Huska/Second by Bring to accept the report. Yeas All./**SAFETY/SERVICE DIRECTOR: None./LAW DIRECTORS REPORT:** Law Director Graves reviewed legislation on the agenda and then reviewed that which needed to be added. \*Motion by Huska/Second by Bring to accept the report. Yeas All./**Civil Service – None./Demolition Board –None./Records Commission – None./Legislation –** noted above.

**CITIZENS COMMENTARY: None.**

Councilman Diebold asked John could you tell me, I know Joe has been putting pressure on them and Bill has the construction on Walker Road and I am sure that Bob can vouch for this but you know today they left at 1 o'clock or 1:30 on one of the nicest days we are going to have left. Is there any kind of heat that we can put

on that job? Mayor Piskura answered from what I understand, they are operating in their contract parameters that they were awarded from the bid and there is really nothing that we can do to make them work any faster than those parameters. I don't know off the top of my head what they are, I have the same complaint that you do – they are working awfully slow. We have complained as much as we can but they are not required to follow our orders to work faster. So all we can do is ask and beg. Councilman Diebold stated sort of a suggestion maybe at a later date we come up with this that we can get a ballpark figure on a time that we can keep them within maybe a month or so depending on weather. Mayor Piskura answered I would like to do that.

**UNFINISHED BUSINESS: None./NEW BUSINESS:** \*Motion by Huska/Second by Bring to add to tonight's agenda Council#066, 067, 068, 069, 070 and 071.

ROLL CALL TO AMEND THE AGENDA TO INCLUDE COUNCIL#066, 067, 068, 069, 070 AND 071: Yeas All – Huska, Rosso, Bring, Kovach, Elliott, Diebold, Smith.

**ORDINANCES AND RESOLUTIONS:**

Council#062 – SECOND READING – an ordinance amending section 935.15(a)(1) of the codified ordinances of the City of Sheffield Lake establishing the monthly water consumption base rate for the municipality effective January 1, 2010, and the declaring of an emergency.

Council#063 – SECOND READING – an ordinance of the Council of the City of Sheffield Lake amending section 969.06 of the codified ordinances regarding rental rates, and the declaring of an emergency.

Council#065 – 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, Elliott, Diebold, Kovach, Huska, Rosso, Smith.

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

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

**Ordinance Passes#63-09**

Council#066 – FIRST READING – an ordinance repealing and rewriting section 1151.01 of the codified ordinances of the City of Sheffield Lake regarding general provisions, and the declaring of an emergency.

Council#067 – EMERGENCY – a resolution authorizing the Mayor to enter into a non-binding letter of intent for on-site wind energy generation with Nex Gen Energy Partners, LLC, and the declaring of an emergency.

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

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

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

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

**Resolution Passes#64-09**

Council#068 – EMERGENCY – a resolution authorizing the Mayor to enter into a programmatic agreement for coordination between the City of Sheffield Lake and the Ohio Historic Preservation Office for the administration of programs using HUD allocated funds with delegated review responsibilities authorized under 24 CFR Part 58, 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, Smith, Huska, Rosso, Diebold, Kovach.

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

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

**Resolution Passes#65-09**

Council#069 – EMERGENCY – a resolution by the Council of the City of Sheffield Lake referring the matter of proposed legislation regulating wind energy facilities to the Planning Commission of the City of Sheffield Lake for its consideration, 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, Bring, Elliott, Diebold, Smith, Rosso, Huska.

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

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

**Resolution Passes#66-09**

Council#070 – EMERGENCY – a resolution by the Council of the City of Sheffield Lake setting the proposed legislation regulating wind energy facilities for public hearing, and the declaring of an emergency.

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

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

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

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

**Resolution Passes#67-09**

Council#071 – 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 – Kovach, Huska, Bring, Rosso, Elliott, Smith, Diebold.

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

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

**Ordinance Passes#68-09**

**COUNCIL PRESIDENT: None.**

**MEETING ADJOURNED:** With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 7:40 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 November 24, 2009.

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COUNCIL PRO TEM

*Richard Rosso*

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MAYOR

*John J Piskura*