

**Minutes of the City Council**  
Sheffield Lake, Ohio  
December 29, 2009

The regular meeting of the City Council was held Tuesday, December 29, 2009. Council President Edward R Podmanik called the meeting to order at 7 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, Huska, Smith, Diebold, Mayor Piskura, Finance Director Smith, Law Director Graves, Treasurer E Hoenig, Safety/Service Director Arendt  
Attending: Concerned Citizens, Planning; Belaska, Members of the Media

\*Motion by Bring/Second by Elliott to approve the minutes of the City Council meeting of December 22, 2009 with any corrections. 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: None./Finance & Claims: None./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: None.**

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

**MAYORS REPORT:** Mayor Piskura advised the one thing that I had to do is reappoint our Law Director for 2010. If you see fit to confirm the appointment I would like to appoint David Graves for Law Director for 2010./**FINANCE**

**DIRECTOR REPORT:** Finance Director Smith reported you have in your packet this evening, of course the 2010 Budget that we are all happy to be finally getting out of the way and also at the very back of the packet I have one last final appropriation change. It is a net 0 to the general fund but it is once we updated the payroll for this week I was able to get an exact number on everything and then we had some; the Fire Department had a very jolly Christmas with like 3 runs. So they had a little more overtime then I had anticipated, so those are adjustments and also the Police had some extra in their part-time but they can't help it, they have got to run a department with this and they are still short people. So like I said 101 is 0, it evens out to 0/202 same thing/289 solid waste grant, I was over-exuberant last

week and took all the money away and we really need money. It is there, it just needs to be appropriated so we can do part of the grant we need to do by the end of the year so we get reimbursed that money./601 water at Master Meter, we are a little bit shy for the year and I wanted to get that in and at least encumbered for the year so we don't have to add it to next years budget. Otherwise I would have to add an extra payment to next years budget. Not that we couldn't afford it because the money is there it is just much nicer to have all 12 payments in 1 year. So I just was tweaking it at the last moment. \*Motion by Huska/Second by Bring to accept the report. Yeas All. President Podmanik advised also Mrs. Smith I would like to thank you for getting back to me the next day with that purchase order number, I got it in an email the very next day. Finance Director Smith answered I apologize, it fell through the cracks I have got a lot of things on my plate, I

apologize./**TREASURER REPORT: None./SAFETY/SERVICE DIRECTOR:** Safety/Service Director Arendt reported I would just like to compliment the Service Staff for the work that they did when we did get the snow, we used so far this year 127 tons of salt. Each piece of equipment that we have the 3 trucks and all 3 broke down and all 3 are back in service. So I want to compliment John McCallie and the rest of the crew for getting things done. If anybody was out that particular day and went from here to Lorain or here to Avon Lake – big difference, I am real happy with the guys. \*Motion by Huska/Second by Bring to accept the report. Yeas All./**LAW DIRECTORS REPORT:** Law Director Graves reported I would like to report that I did just speak with the Mayor and he is on his way and should be here in a couple of minutes. The only real thing that I have to talk about is that negotiations are on-going in regard to the Allied Waste refuse collection issues that we have been discussing. We have had some renewed discussions, Allied Waste has improved upon their prior offer and while we are relinquishing that \$30,000.00 incentive we may not go to bid/we may extend or we may go to bid but will keep you apprised – negotiations are on-going. \*Motion by Huska/Second by Bring to accept the report. Yeas All./**Civil Service – None./Demolition Board –**

**None./Records Commission –None./Legislation – None.**

**CITIZENS COMMENTARY:**

**Debbie Belaska, 4014 East Lake Road** stated Mr. Graves, can you help me with something please? This is very sensitive but wanted to ask you a question that I had approached you in the office about and I want to know when does it become a conflict of interest when you have a magistrate is defending the individual later and then say this individual comes back here and then it goes it to Lorain and then that magistrate say perhaps he is here in this city goes down there to represent him in Lorain because he has to turn him down here in Mayors Court and how do you defend him or you would be the Prosecutor in this case – how does that work out? Law Director Graves advised I think I know the specifics are that you are talking about and I wouldn't want to go into all the details of that right now. The primary concern I think as you know maintaining the independence of the judiciary in that

you wouldn't adjudicate a case of someone that you had previously represented but I think that is on a case by case basis and we can talk about this more later.

**Mark J Erdei, 4015 Tennyson** asked on that Allied Waste, you are out getting more bids so we don't necessarily have to commit ourselves to Allied Waste.

Whoever treats our city the best and the best pickup. Law Director Graves advised our current contract with Allied Waste expires in May, we would have to give them 60 days notice if we didn't want to automatically extend that contract. The contract provides for extensions and amendments. We needed to commit to going into the automated system; the bins and the recycle bins by the end of the year if we wanted to make sure we got that solid waste incentive. With the uncertainty of the solid waste money and the probability that we could do better by continuing to negotiate this, we made it clear to Allied Waste that we weren't going to do the program by the end of the year. They have come back with some better proposals and we will continue to explore those, so we may still end up going out to bid or we may not. Mr. Erdei asked on that extension, would that be for a year or 2 years or 3 or how do they work that? Law Director Graves answered anything can be negotiated.

**UNFINISHED BUSINESS: None./NEW BUSINESS:** \*Motion by Huska/Second by Bring to accept the Mayors recommendation for reappointment of David Graves for Law Director for 2010. ROLL CALL TO ACCEPT THE APPOINTMENT:

Yeas All – Bring, Kovach, Smith, Rosso, Huska, Elliott, Diebold. \*Motion by Huska/Second by Bring to amend the agenda to include Council numbers 084 and 085. ROLL CALL FOR AMENDMENT: Yeas All – Huska, Elliott, Rosso, Diebold, Smith, Kovach, Bring. Councilman Kovach advised John, Mr. Erdei would like to be a representative of the Park Board and if you would consider that. If you would want to appoint him tonight or if you would like to take a few minutes for an interview with him. Mayor Piskura advised Mark I think that is a great idea but out of courtesy of the Chairman I have always had conversations of different committees before we made any appointments. I would like to have a discussion with him first.

**ORDINANCES AND RESOLUTIONS:**

Council#084 – EMERGENCY – an ordinance providing for the current expenditures and other expenditures for the City of Sheffield Lake, Ohio during the fiscal year ending December 31, 2010, and the declaring of an emergency.

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

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

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

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

**Ordinance Passes#84-09**

Council#085 – 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 – Elliott, Smith, Kovach, Rosso, Huska, Bring, Diebold.

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

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

**Ordinance Passes#85-09**

**COUNCIL PRESIDENT:** President Podmanik stated I would like to hope that everyone had a Merry Christmas and wish everyone a Happy New Year.

**MEETING ADJOURNED:** With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 7:19 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 December 29, 2009.

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COUNCIL PRO TEM

*Richard Rosso*

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MAYOR

*John J Piskura*