

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
July 21, 2009**

The regular meeting of the City Council Worksession was held Tuesday, July 21, 2009. Council President Edward Podmanik called the meeting to order at 7:20 PM.

ROLL CALL OF MEMBERS:

Present: Podmanik, Rosso, Bring, Kovach, Smith, Huska, Diebold, Law Director Graves, Safety/Service Director Arendt, Grant Administrator Gardner

Absent: Elliott, Mayor Piskura, Finance Director Smith, Treasurer E Hoenig, (excused)

Attending: Members of the Media – Avon Lake Press

PRESENTATIONS: None.

*******COMMITTEES*******

ROADS & DRAINS: None.**SAFETY:** Councilman Bring advised Joe I guess it was brought to your attention about the tires and we were just trying to follow up on that and that is being taken care of with the Police Department? Safety/Service Director Arendt answered about a week and a half ago I went out and got all the quotes and state pricing for the tires and I was just basically waiting on Captain Komlosy to put a PO in. Councilman Bring asked he knows that? Safety/Service Director Arendt answered yes we talked today, there is one other issue that we are looking into. Councilman Bring asked how many cars is that? Safety/Service Director Arendt answered 6. Councilman Bring asked so we are getting tires for 6 cars? Councilman Rosso asked how much does it costs off the top of your head, do you know? Safety/Service Director Arendt answered \$81.00 a tire – this is the issue that we are talking about now. It is about \$366.00 per car with balancing and everything. It is \$81.00 a tire/\$81.85 is the cheapest price that we got. The issue that we are talking about, I am talking with the Law Director is police cars usually have high pursuit tires and high pursuit tires only last 15,000 to 20,000 miles. We would like to get away from the high pursuit tires so we get much more mileage out of the vehicle. There is a policy in the city that the Chief has that we do not do high pursuits other then someone gets kidnapped or somebody is shooting at somebody or bank robbery – stuff like that. So the Law Director and I were discussing it earlier today and we are still in the means of discussing to see if we can get another tire that would be a little bit cheaper which would be about \$65.00 a tire and last a lot longer. We just want to check into any liability that may occur if somebody were in an accident. Councilman Rosso clarified so the \$81.00 one is for the high pursuit type? Safety/Service Director Arendt answered yes. Councilman Rosso asked is there enough money in the vehicle maintenance? Safety/Service Director Arendt answered not right now but we will have to try to appropriate it because we can't let the cars go without the tires. Councilman Diebold asked Joe if you don't use the high pursuit tires, how many places did you get estimates at and where is the quote that you had that you are going with now, from what company would that be? Safety/Service Director Arendt an-

swered I got 6 quotes and the best so far was Sylvester's over on Chester. Councilman Diebold stated I am just going to throw this out to you, you hear these advertisements – you get 3 and you get 1 free. I know they jack the tire up on the other one but does it work like that. Safety/Service Director Arendt answered I don't know, I only did so many. Councilman Bring asked did you ask anything about instead of like regular air, if they did like a nitrogen or anything like that. They say that is supposed to make the tires last longer, did you hear anything about that? Safety/Service Director Arendt answered I don't know about police cruiser tires whether it be high pursuit or any other tires but supposedly nitrogen does make the tire last longer. I think that would be a question for Mr. Smith. Councilman Smith answered it just keeps the air pressure steady, you don't have a temperature change. You know how you lose a couple of pounds; winter time – cold/heat. Councilman Bring stated with all the driving and stuff they say it is supposed to be better for the wear. Councilman Smith answered that is because it keeps the inflation, it keeps the pressure – you are not constantly losing and gaining. Councilman Kovach advised really all Nascar uses all nitrogen in their tires and that, it keeps the pressure steady and supposedly it keeps it from losing air. The only way it would be saving to the tire if you weren't continuously running under-inflated which could very well happen if you drive a whole shift with a tire going down or something like that and not really notice it until it is too late. Safety/Service Director Arendt stated well to answer your question we have actually been working on this for a period of time and to answer Mr. Rosso's question no we don't have the complete funds in maintenance at this time. Councilman Rosso stated I thought it was 1 car and when you said 6. Safety/Service Director Arendt stated the 3 newer cars have never had a tire change on them yet and the highest mileage on one of the 3 new ones is about 19,000 and the 3 new cars definitely, definitely need them. We could probably get away with I think it is car 720 that might not need it right now. We may get the 3 done immediately and wait a couple of weeks and get the other 3 done. Councilman Diebold stated but you said you are going to look into maybe not having to go with high pursuit tire and maybe we can get 60,000 or 70,000 out of these tires? Safety/Service Director Arendt answered well I don't think we will ever get 60,000 or 70,000 miles because they do a lot of turning and twisting, you are looking at 35,000 to 40,000 miles probably instead of 15,000 to 20,000. But I think that is a question that I have to work with Mr. Graves about to protect the city of any liability factor if we don't get high pursuit tires. I don't know if Mr. Graves has any comment. Law Director Graves stated this issue was brought to my attention today for the first time and did have a conversation with Captain Komlosy about it. Currently some of our cars are using the high pursuit tires and some of them are not, there certainly is a question about whether or not we can get away without using the high pursuit tires. It is a softer tire, it is expensive and it doesn't last as long. It is designed to grip the road more and I think that high pursuits in Sheffield Lake are very rare and we will do a little bit of investigating as to whether or not there is any liability issues if we don't choose to go with the high pursuit tires. But I just learned of the issue today. I really don't even know if we have a

high pursuit maybe it would be more of a response type thing. I really think that the likelihood of having a high pursuit through the neighborhood streets of Sheffield Lake is extremely low. Safety/Service Director Arendt stated both Mr. Graves and I found out about the high pursuit issue today when Captain Komlosy brought the original request in a few weeks ago or 2-1/2 weeks ago when I did research on the tires. I had basically no knowledge of high pursuit until today when I got the last quote and the person said well you could have a problem if you don't go with the high pursuit and that is when I brought it to the Chief's attention, Captain Komlosy's attention and they brought it to Mr. Graves attention. So that is where we stand.

/BUILDINGS, LANDS, VEHICLES & EQUIPMENT: Service Director Arendt advised one thing I will add and it is due part to the reason that we did sale some vehicles off through our last auction. Every piece of equipment that the city has is in full operation at this time. Tomorrow one could break. Law Director Graves added including the street sweeper. Service Director Arendt concurred. Councilman Rosso asked I thought we only swept streets with curbs, is that not true or do we sweep the bike path too? Service Director Arendt answered we sweep the bike path absolutely. Councilman Rosso stated I saw him down there and I thought we only swept streets with curbs but then I thought maybe it was because of the bike path. Service Director Arendt answered yes.
/ORDINANCE: None./FINANCE: None./PARK BOARD: Member Kovach advised we had our meeting last night and it was a pretty short meeting, we didn't have a lot of the agenda. The only question I have is you have started working on the construction of bike path. Service Director Arendt answered well what we did is purposely cut a numerous trees at the bridge area so that we could expose it to show people who are traveling on Rt. 6 that we have a beautiful bridge there. We cut down a lot of trees, cleaned out the creek a little bit and we should hopefully start on the bike trail shortly.

*****ADMINISTRATIVE*****

MAYOR: None./FINANCE DIRECTOR: None./SAFETY/SERVICE

DIRECTOR: Safety/Service Director Arendt reported one of the issues that we had in front of the Council and Worksession's for 2 or 3 months now is the water corridors near Belle and those streets. Mr. Graves and Mr. Gardner spent a little over 4 hours today at the County Records office researching all of that property issue to see if we can and hopefully get someone to support us in helping to fix those areas. I think it is best for Mr. Graves to go into that answer if he doesn't that mind and then Mr. Gardner will go into the result of what Mr. Graves says. Law Director Graves advised what it boils down to is this, that corridor as many of you know is the same drainage ditch that flows through the city ultimately under the covered bridge and out through the dip – Day Ditch. There are 9 parcels that this affects starting with the one on the south side of Holl which abuts the railroad and then culminating with the one that would go to the paper street of Forestlawn. So if you go back, to back, to back, across Holl, Knickerbocker, Brockley and Belle – you would have 9 parcels. Only 2 of those parcels – the southern most 2 are owned by the State of Ohio. They are owned by the State of Ohio as a result of forfeiture and this is something that we

found throughout the years on all of these parcels because they are in fact sewer easement – the record owners don't pay the taxes and they end up ultimately being foreclosed upon/going to Sheriff's sale and it is my understanding if it doesn't sale it goes to Sheriff's sale twice and if it doesn't sale if there is no bidders it just forfeits to the State of Ohio. So that is what happened there. The other 7 parcels are actually owned by individual entities; corporation – it is an individuals business basically. There was several different people named including a church owned some of those parcels. In going back through the ages on 1 looking at it going into foreclosure, coming out and at one point that was developed by the Lake Breeze Home Company which was Robert Levin and Nicholas Vian was involved with that property at one point. Back and forth, it is consistent throughout the record that that is a sewer easement in those developments and we will continue to look at it. We were not able to find a recorded document yet that spells out exactly whose responsibility it would be to maintain that easement. It may well be that it is the city's responsibility that drainage corridor for the city. We will continue to explore whether there is an obligation on the part of individual homeowners or property owners to provide the maintenance for that water course. But we will keep looking at it, that is where we are. Councilman Diebold asked are these parcels consistent, the same size parcels or they vary? Law Director Graves answered all of the original parcels are 45 X 133/129/ - they are different lengths. When it reaches Brockley, so when you are talking about both sides of Holl and both sides of Knickerbocker they are single parcels. When it reaches Brockley and then Brockley, Belle, and then abutting Forestlawn – they are actually split into one larger parcel and then one smaller 13 foot parcel. The larger parcel is the one that they refer to as the sewer easement, actually they both are referred to as the sewer easement – it is a 45 foot easement. Councilman Diebold asked the 45 is east and west and the length is 133 right? Law Director Graves answered well it varies, at 111/129/133/110. That is where we are, we are looking into it. Grant Administrator Gardner stated in trying to look up the parcels it will be very difficult to determine whether there was anything ever written other than what is on the plat and it just says an easement – the plat. Law Director Graves advised Sheffield Lake City Council did pass an ordinance approving the plat, Planning Commission passed that back in April of 1961. It is ordinance#61-60, November 22, 1960. Grant Administrator Gardner advised there is a possibility if you are interested of possibly writing a grant to try to enclose that area and try to use the stormwater grant. Some of them are 50% grants and some of them are more and some of them have some low interest loans associated with them. The pipe would costs about \$300.00 a foot and you are looking at 1000 feet and as David has correctly told us that is \$300,000.00 to get out of the Belle area. However to be perfectly honest with you, the worst part of that ditch is north of Belle and it goes down Sheffield Road behind Ken's house and the next houses. Councilman Smith stated that is an easy fix there. Grant Administrator Gardner advised yes it is all dug out, all you got to do is stick the box culvert in but the box culvert is \$300.00 a foot. That hole is almost as deep as this ceiling where that ditch is but if we were to put that in and write a grant because there is state

owned property and because the railroad is involved. We went back and saw pieces that was dated 1870 something for the railroad, there is a possibility to say that there is many entities involved in this and try to get a grant of some type to assist but if you don't get all and you get some of it then you are going to have to do it and it is \$300,000.00. The logical place of course would be storm water utility which we don't have that much money in but that would be where you would go. President Podmanik asked how big is the pipe? Grant Administrator Gardner answered that is a box culvert, that is 7 X 5 box. But that is a big ditch if you are looking at the water going through it. Service Director Arendt stated anyway Bill is going to start on a grant tomorrow. He continued from my understanding some of the Council people have been called on the Allied Waste proposal streets and how they were chosen by the city and the reason that they were chosen is basically several reasons; Allied Waste needs to make sure that they can do the full route in one day with the machine that they have. The second reason that we chose this was to give a vas diversity amongst the homeowners and the age variation of the people. If you look at the streets on a map I think you have all of them it really isn't that many streets. From my understanding and I know it is on new business, I think that Mr. Podmanik has set the meeting for August. President Podmanik advised no we don't have a meeting yet, that was what we were going to discuss that and finalize that date tonight along with Councils vacation meetings. Service Director Arendt advised the answers will be ready at the public hearing by Allied Waste, some of your concerns are paying for extra waste cans and possible scanning issues. From my understanding someone told me today that in the Village they have a system that scans and that if you have recyclable material in your waste you could be charged back for it. All these things that we are being made aware of have been spoken to Mr. Graves and I am sure that he will get the contract dotted properly. So I am not concerned. Councilman Rosso stated I am going to ask this every time we talk about Allied Waste – I just want to guarantee the streets that are on this pilot program are still going to be able to put out whatever they want and that will also be picked up. So these pilot streets will have the cans but if they want to put out 15 bags of lawn waste or whatever they want – they will pick those up too during the pilot. Service Director Arendt stated I agree with you and I think that is where Mr. Graves will do the negotiations. Grant Administrator Gardner advised that was pretty much agreed to in principal when we talked about this. Law Director Graves asked are you talking about still having unlimited pickup or unlimited yard waste? Councilman Rosso answered unlimited pickup during the pilot. Grant Administrator Gardner stated we talked about unlimited yard waste pickup. Councilman Smith stated I think what Rick is basically saying is when they are on the pilot program, they do not lose any benefit that any other resident has because they are still paying the same amount of money. Councilman Rosso reiterated so they will have unlimited pickup. Councilman Smith concurred that is my argument too, you can do the pilot program but make sure they are not losing any benefits. Like me, I am not on this program I can put stuff out whenever I want. Just because they are on the pilot they should still be able to because they are still paying

the same amount as I am. That is my big concern, that and what are they going to do about the cars on the roads? Service Director Arendt answered the cars on the road – what they have to do is they literally have to get out of the truck and the man has to pull it right to the street and it has to be lifted from the street. Again we are being made aware and we appreciate everything that is being brought up because it just gives us added notes to prepare ourselves for negotiations with Allied Waste. Councilman Smith clarified so the guy from the truck actually has to get out. Service Director Arendt answered has to get out. Councilman Smith stated well you picked real good streets for that too. Grant Administrator Gardner advised the reason we used those streets is because of density of the population, those are 2 runs that they and we wanted to be able to span the city as much as we could to show the system to the most households. Councilman Diebold stated my concern is that I have a couple tenants that are 85, 87, 92 – there is no way that they can wheel those cans out especially in winter time. I have no idea – all they can do is carry a little garbage bag out that they have every week. That is so over-kill for these people. I don't know what they are going to do, I will have to go down there myself and evidently carry all their garbage out. Grant Administrator Gardner advised there is still discussion about the size of the can and there was initially anyhow 2 potential sizes in addition to this one and possibly even some adjustment of size versus pickup. The problem is that most of the money goes to the truck and the truck driver and if you pick up 1 bag or a box it is the same amount of work for BFI. So the tonnage is not issue as much as. Councilman Diebold stated another issue is I like to keep my garbage can in my garage so that it doesn't clutter up the neighborhood and now all these huge cans sitting out everywhere. I have been down where they are using this system and I see it, it just changes the whole atmosphere as far as I am concerned. Grant Administrator Gardner advised you are also aware that the Solid Waste District passed this concept on and eventually it will be in principal anyhow the way it is done, BFI is going to buy trucks that way. That doesn't mean we have to use BFI or not BFI in this case, it is republic. Service Director Arendt stated as it is stated before this pilot program has to be initiated before 2010 or we will lose Solid Waste money plus the additional \$30,000.00 bonus. Law Director Graves stated I just hope that everybody understands that we really have very limited options here. The County Commissioners have determined that if we want to continue to receive our Solid Waste money we have to implement this pilot program somewhere. So we have to figure out somewhere to do it. Service Director Arendt stated it has to be 900 homes. Law Director Graves stated we will do the best we can but as far as unlimited pickup we will see. Councilman Smith asked how many we got left in our contract? Councilman Bring answered 2 years. Councilman Smith stated so we are unlimited for 2 years and I think that is his point as long as we are staying that way. Service Director Arendt stated it doesn't matter how long we are under contract that we have, the Solid Waste District and the Commissioners have mandated it that we must have the pilot program. Council can say forget it, we will just not get the Solid Waste money. Law Director Graves stated and they may say part of the pilot program – these are the terms.

Councilman Rosso stated then we should go back and say for the pilot residents they are not getting what everyone else is getting for the same price and you have to lower the costs. Service Director Arendt stated we don't know that yet David hasn't negotiated any part of that yet. Councilman Diebold asked on the refuse pickup which I pay for everybody, I would say maybe a 1/5 of tenants even put a blue bag out there you know but yet it is on my bill every month and I pay that amount for the refuse pickup. So everything is weird sort of but I understand where you are coming from on that issue. Councilman Rosso asked are we anywhere on the issue that is holding up Walker Road Phase III? Law Director Graves answered any issues that may have been involved with getting started on that Walker Road project I believe we have come to a workable resolution and I think that the Mayor has the contract and I think when the Mayor is satisfied that there are no further issues then he will be ready to go forward with the project. Councilman Rosso asked so are you saying that everything has been answered and we are in good shape then? Law Director Graves answered I believe so. Councilman Rosso stated good, very good actually. Law Director Graves stated the question is about where Phase III – the terminus point of Phase III. As it has been discussed for the last years, as it has been reported in the newspaper for the last couple of years Phase III for all intense purposes stops at Abbe Road. The paving portion of the project just beyond the intersection of Abbe Road necessarily and then there was a question as to where the sewer lines were going to be terminated. Those sewer lines are going to terminate with the termination of the paved portion of the road which again is just beyond Abbe Road. So the question concerned where the terminus point of Phase III was and I think that has been resolved./**LAW DIRECTOR:** Law Director Graves advised I have 3 issues to talk to you about and I am going to need a little bit of direction from Council or be ready to discuss with Council. The first issue that I want to talk about is an issue that was brought to Council's attention at the last meeting and that was in regard to the implementation of the raise in the base water rate. This legislation was actually passed in December of 2005, in December of 2005 the base water rate went from \$3.00 to \$5.00. In November of 2007 that ordinance was revised again increasing the unit costs for any units of water over and above the base rate. Councilman Rosso corrected it was March 2007. Law Director Graves advise for one reason or another the base rate increase was never implemented by the city and we are prepared to implement that now. In discussions with the Auditors who are conducting the Audit of the city today they felt that Council is going to need to address in some fashion that implementation. We would need to bring some sort of retroactive legislation basically saying that the effective date of that increase would be now. So I wanted to talk to Council about that, we are going to need legislation to do this. It was Council's intent back in December 2005 to increase this, you know water revenues are down. The residents have had actually benefited for the last 4 years by their water bills actually being \$2.00 less then what they really should have been so if there any comments or discussion that is what I would bring. Councilman Smith asked I only got one question, you say 2005 then for the life of me I can't figure out how you Bill missed that.

The only reason I am saying that is because Bill is on his money, he knows everywhere that budget was at. Whenever you get an increase it is there, how did you ever miss that? Law Director Graves answered can I answer that, if Council recalls it was right about that same time that there was a little bit of a crisis in the Water Department that was when it was brought to the city's attention that certain employees were you know being allowed to skate on some of their water bills and as a result 2 employees are no longer with us and all 3 had to be disciplined. So I am just suggesting, there were all suspensions in the Water Department at the time. I think that everybody was trying to pickup the slack and trying to keep the Water Department operations going. I know the Finance Director was over there, it was a bit of a crisis trying to keep that operation going when all those people were suspended. So that may have had something to do with the failure to implement this increase around that same period of time. Grant Administrator Gardner stated the problem is and I am pretty sure he is going to mention it the base rate is \$8.14 and what I was looking at and I must confess I never look at the water bills persay, we were never charging \$5.00 – we were always charging more then \$5.00 so it never dawned on me that we weren't charging the right amount for the water base. Councilman Rosso stated here is my question, it has been 4 years and we haven't had a crisis with money, why do we need it? Because since then we also not realizing this tagged on another \$2.00 on capital improvements. Grant Administrator Gardner answered yes and the one will expire of course, the sewer one is going to expire next November but the audit that we had from the EPA indicated that our water rate was very low and that we should raise it relative to everybody else. Councilman Rosso stated if we are covering our expenses and we are not short on money, all we are doing is charging people money that we don't need. Grant Administrator Gardner stated last month we were short \$5,700.00 in the Water Department and that is how much the \$2.00 would bring in roughly. Councilman Diebold asked are you just going to tack that extra money on and then when they receive their bills they will just have an increase that is just the way it is going to work. Grant Administrator Gardner answered but also they are going to have their 10% next month, so they won't even see it next month – they won't see it for the next 3 months. Councilman Rosso asked that 10% is only in for next month? Grant Administrator Gardner answered no it is 3 months. Law Director Graves stated I guess my point would be the Administration is going to have to follow that law. There is going to have to be legislation regardless so if it is Council's intent to not implement that raise, the legislation would be repealing that. If it is Council's intent that we go ahead then the legislation is going to be just making it effective now explaining the last 4 years that we didn't do this. I think in discussions with the Water Department I think that this money was needed then and I think we have been some how managing and I think it is definitely needed now. Councilman Rosso asked needed for what? Service Director Arendt answered as Mr. Gardner just said we ran short last month. Councilman Rosso rebutted you must have been running over on other months because we are not running in deficit. Grant Administrator Gardner answered you are not running in a deficit but you are also not building any

capital money up either on it. If you are talking about repairing lines or anything, we are really not developing that. We are replacing fire hydrants with the \$2.00 but we are not doing anything with the system as a whole. Councilman Smith stated that \$2.00 wasn't specifically for fire hydrants, the \$2.00 was the increased costs of the materials over the years that we have never increased where my costs is \$10.00 for something 5 years ago and it is \$30.00 now. So it is not just fire hydrants that is capital improvement into the system itself. Councilman Rosso stated I thought there was a certain amount just for fire hydrants but maybe I was wrong? Councilman Smith answered no that was the main purpose on Lake Road. Councilman Rosso stated I thought I read something in here about what this actually pertained to and the money could be used for. Councilman Smith stated it is just hard to increase on people right now in these times, it really is. That is my honest opinion. It might only \$2.00 but still \$2.00 is \$2.00 every month - \$2.00 here, \$2.00 there, \$5.00 here. It all adds up every month. Councilman Diebold asked Bill you said the 10% is going to carry for 3 months and then it will start showing on our bill right. Grant Administrator Gardner answered then they will see it. Councilman Diebold advised you will probably get a big reaction on that one. Law Director Graves stated we are going to need legislation one way or the other, we are kind of obligated to follow the law that is on the books now and explain why we haven't implemented it yet. Councilman Rosso asked I don't why they are making us do anything? Law Director Graves answered we have to explain it. Councilman Smith stated probably for the simple reason that we are not collecting it, the ordinance says we should and we are not. Councilman Rosso stated right but why do I need an action from Council to explain why somebody didn't add it when they should of. Councilman Diebold stated that has to be tough to explain, they got to go look back in the past in 2005 and we just caught up with it now when times are as bad as they possibly be, it is going to be tough to swallow that answer. I wasn't back here in 2005. But the public needs to know the reason and the girls over there are going to be taking all the heat. Councilman Rosso stated if you haven't missed it did you really need it? Law Director Graves stated I don't know that we haven't missed it, I mean what is the situation over there. I mean water collections are way down are they not? Service Director Arendt answered yes. Councilman Smith stated because of foreclosed houses. Councilman Bring added plus we don't have tap-in's because we don't have any new houses. Grant Administrator Gardner added we don't have new tap-in's, the water collection is probably down 10%. Service Director Arendt corrected 13%. Grant Administrator Gardner continued none of the fixed costs that we have have gone down, they are really going up. So we have managed to run our operation over that period of time but we certainly haven't grown it. Councilman Smith stated when you say that you can justify that by not collections but on the same statement we have also not used as much water. Grant Administrator Gardner stated that is true but remember you have got fixed costs that don't change and people buying less water doesn't change our base costs at all. It is the variable costs that is changing but the water is only 50% of the costs. The rest of the costs goes up and it doesn't go down, it has gone up. Councilman Smith stated wages,

salaries, benefits – the whole nine yards. Grant Administrator Gardner concurred all that stuff goes up, so as a percentage when it gets out of that 50/50 balance that is when your system is really under funded. Councilman Bring asked when is that sewer vac getting paid off? Grant Administrator Gardner answered the sewer vac I think is November of 2010. That is when that goes off and that will save \$2.00, it was \$2.00 for 5 years and it goes off in November 2010. So November 2010 the bill is going to drop in theory by \$2.00. Service Director Arendt advised currently without the increase and going month to month and having short falls, we are not building up any reserves whatsoever. Fixed costs have gone up and they will continue to go up and we have no reserves. We have to start building some type of reserve. Councilman Rosso asked what would you use that reserve for? At the end of the year if I got \$50,000.00 extra money what could I possibly use that for? Grant Administrator Gardner answered well you haven't bought a new truck in the Water Department in a while. There haven't been capital acquisitions made that could be made; tools and things like that. Councilman Rosso advised things like tools I would hope would be covered under the \$2.00 we added on for capital improvements 3 years ago too. Grant Administrator Gardner stated we only use that capital improvement money for fire hydrants, valves, pipe and that kind of stuff. We don't use it really for pieces and parts like that. Councilman Rosso advised but you could. Councilman Smith stated me myself, I understand the justification and I can justify it I mean expenses are going up. Law Director Graves advised in reality it is not a raise, it is a reprieve for 4 years. Councilman Smith stated it is a raise no matter which way you look at it, it should have been a raise in 2005 and it is not and right now we might as well say we are going to increase your water bill by \$2.00. Law Director Graves rebutted but you already said that in 2005, you already told he the residents in 2005 that you were going to raise their bill so that statement has already been made. Councilman Rosso stated what it is saying is we screwed up 4 years ago but they didn't need the money for the last 4 years. Councilman Smith advised but that is not the call I am going to get from residents – why has my water bill gone up another \$2.00. I got to explain it and they don't think about that, they just know their water bill is up \$2.00. Councilman Rosso asked do we truly need \$2.00? Councilman Diebold stated I know it is not the responsibility of the city to explain why this is being increased. Councilman Rosso stated sure it is. Councilman Diebold answered well of course but it needs to get out there in the paper or whatever to explain it but the residents need to be explained about this so they are knowledgeable of what went on you know. Because they are going to say what gives you the right to tack on \$2.00. If we could get the word out to what is going on if we go through with this so they would at least understand. Service Director Arendt advised if we enact it I would recommend that we send a letter to the residents with a bill. Councilman Bring stated basically we paid for the truck without raising their bill so for 4 years we took and paid for that truck and they didn't get an increase on their bill so next year they are going to go right back to where it was. Councilman Smith concurred next year they are going to be right back to where they are right now. Councilman Bring stated right so they are go-

ing to have 1 year because we theoretically should have raised it to pay for that truck and stuff. Councilman Smith stated it should have went up \$4.00 and it only went up \$2.00. Councilman Rosso stated it did go up \$4.00 and it should have went up \$6.00. Councilman Smith stated you are talking water and sewer it went up a total of \$6.00. The whole bill has gone up \$6.00. Councilman Rosso stated you would be amazed how many people don't read anything but that bottom number. Councilman Smith stated they do, that is what I am saying that is the phone call I am going to get. Before I forget, I wanted to ask a question if I want to remove myself from BFI and not do it can I do it. Grant Administrator Gardner answered no. Councilman Smith asked why? Grant Administrator Gardner answered you guys won't let us. Councilman Smith asked is that in ordinance form? Grant Administrator Gardner answered our contract with BFI is for total pickup of residential. We don't have any commercial, we just have residential. Councilman Smith asked so if I wanted to opt out of having them pick up my garbage, I can't? Grant Administrator Gardner answered no. Councilman Rosso stated I thought you had the option of not to pay if you didn't want any collection at all. Councilman Bring explained I have a house that is sitting there that is not on there. I turned the water back on but I am still not residing there because I have no occupancy permit. Grant Administrator Gardner explained you can discontinue your garbage pickup if you don't live in the house. Law Director Graves stated unless I hear otherwise, there is going to be an ordinance coming basically making this effective now and you guys can vote on it – three readings. He continued the next issue that I wanted to talk about is in regard to and again this is another issue that has just come light but it is something that has been talked about for years. I have a file on it that I have to go back and review and I know Council is familiar with the issue and this is in regard to the private property which is city owned property. It is a strip of city owned property behind the houses that are next to the Community Center and this is issue came up about 5 years ago in regard to whether or not the city ought to sale that property to those private home owners or donate that property to those home owners or something of that nature. There is an issue now with a certain resident who has begun to construct something completely inappropriately and has been given a stop work order and is in violation of a number of processes and not the least is which failure to get a variance, failure to get any permits, failure to get any inspections. But this issue is also there that it is actually on city owned property. It would be the property that is next to the Community Center. Just putting this out there now that I think that we are going to at some point have to revisit this issue and continue to have some discussions on this issue. I will say that those home owners are avoiding paying lakefront property taxes because they are technically lake view not lakefront even though they are on the lake and have exclusive use and right to that property even though it is technically city owned property. I have a file that was given to me. Councilman Smith asked do you know which parcel that it actually is that the city owns. Law Director Graves answered it is actually part of the grant of property to the city when it was the West Shore Club. It is the property for the Community Center and then they grant the city a strip of property behind the

home owners just to the east of the Community Center. There was a brief discussion. Law Director Graves advised so we have to look into this issue and it is something that should be addressed, those home owners are the only ones that have the right to use that property. It is an exclusive use, it is not open to the public even though it is city property. So then are there liability issues because if someone falls or gets hurt or whatever it is technically on city property – these are questions that are at least out there. Councilman Bring asked how did they build those structures on city property? Law Director Graves advised somebody is building something now that is outrageous. A lot of those people have put shoreline protection up there and that the city has said historically that was okay but now we have an individual building a structure that has bathrooms and bedrooms – it is absolutely outrageous and we have given him a stop work order and we have a number of issues to sort through and he may need to tear it down. Law Director Graves advised I will do some more research and bring this issue back but if this individual was to try to apply for a variance I don't even know that he has a standing to apply for a variance because the Charter says in order to get a variance you have to be the record owner or have a valid option to purchase – so how do you get a variance to build on city property. I know that there has been some feeling among Council members that the city has sold too much property or given away too much property and those are valid points but in this circumstance it may be a little different, it may be something the city needs to revisit and consider donating or gifting that property or selling that property to those home owners so that we can move forward on this. The next issue that I have and the last issue that I have to discuss is the proposed community improvement corporation for the city. Just to give a little history, soon after I started as the Law Director we had some meetings with Baum, Gardner and O'toole at the time just discussing ideas about moving forward with the shoreline development in the shopping center and this was probably 5 years ago. At that time they had proposed that we may want to consider a community development corporation and that was the first time that I had thought of it or even creating a port authority for the City of Sheffield Lake, some kind a other entity to handle these kinds of developments. Through the years we have discussed it, we have tossed it around and most recently in regard to the Shoreway Shopping Center. There are a great many statutory and political if you will benefits; policy benefits to having it. Just so you know when you talk about community improvement corporations you are talking about a community development corporation, for some reason they just change the terminology. It used to be CDC and now they call it CIC – same thing. Set forth in ORC17 and there is a lot of benefits to it. I want to apologize to because I thought we had gotten to a point where we were all in agreement that this a benefit and something that the city should explore doing and should come back with a actual structural framework proposal to do it and maybe I was misunderstanding at that point. At this point, I will be happy to answer any questions or if you want me to briefly summarize how I think that this would be a benefit I can certainly do that. Councilman Smith stated you just said exactly “to explore” and the only reason I bring it up is because you made the comment out there about

being ready to file to be a part of this corporation. Law Director Graves stated it is going to require legislation and so long as everybody is in agreement on the framework. But let's backup, what we are talking about is a non-profit corporation and just like any other non-profit corporation that is out there with tax exempt status and when cities create these they can do it 2 ways. They can designate the non-profit as their specific agent for community development and then this organization concerns itself exclusively with development of the city – future development; acquiring property and getting developers involved and that. Or the other way to set it up is to designate the non-profit for a specific project and in my opinion that if we do go forward with this it would be in our best interest to set this up specifically for the Shoreway project and that would enable the city to still maintain some control and direction. But we are going to maintain control of Shoreway as well but we can set up other corporations, we can do whatever we want to as far as other developments in the city but this would just be focused on the Shoreway project. One of the benefits first and foremost is that it would take the management and development of this real estate out of the public sector, take it out of the political process and enable whoever is running the shopping center to be able to make good wise business decisions for the good of the community independent of any political pressures that might be involved with running city government and that is essential. If you are running a private retail establishment, you need to make good business decisions and not necessarily something that is popular always with the majority of people. So this organization would be able to do that, would be able to make good business decisions - take out of the political and governmental arena. If the organization would be focused on Shoreway, it would free up city administration to work on other city projects and not have to concern such a huge proportion of our time developing just with Shoreway. I want to absolutely underscore that any type of organization that we set up would be under the control of the city. I know that forth and foremost in everybody's mind is after all the work we went through to get this property after all the obligating the city to buy it and time and effort we do not want to see it just go into the hands of someone who is going to do whatever they want to with it. I have underscored that with the attorneys that I am working with and we have a number of different levels of control that we could implement with this non-profit appointing authority, removal powers, city officials serving on the ultimate Board and potentially a lease rather than a sale. So we would retain control even though operations would be turned over to a non-profit. The non-profit has a lot of statutory benefits as far as their ability to borrow money and to lend money. They can actually lend money and charge interest on loans and ultimately become self-sustaining. This is what the Lorain Community Development does, they are a self-sustaining organization. They get no money out of Lorain's general fund. Once that organization becomes self-sustaining and they are not getting any public funds they also are then free from public records and public meeting requirements and public bidding. They can make decisions on this without having to go to competitive public bidding in certain circumstances they wouldn't have to have a public meeting any time they wanted to make a business decision and they would

be outside the public record requirement which is in private business is sometimes essential. You know if you are negotiating leases with a tenant you don't want to necessarily want to be sharing all that negotiating with another tenant. It is a different animal then when you are trying to run government which should be completely open to the public. Government is just not suited to run private business and that. Those are just some of the ideas that I had and now also Mr. Arendt has worked very closely with Lorain Port Authority and Lorain Community Development and I think he can probably add if he has anything additional to add as far as the benefits of just having this. Service Director Arendt stated Lorain Development Corporation I was on the Board of Directors for a few years and currently they built it up where they receive a little over \$250,000.00 per year in interest only. They do micro loans - \$25,000.00 loans as high as they just did a million dollar loan for Camaco an auto parts supplier to the major auto companies - GM, Ford and Chrysler. They also can apply for grants which they are favorably getting to these non-profit organizations which they just applied and received a one million dollar no match grant that they will be able to put into their portfolio and loan that money out to receive income from and continue to build it up. They have a very large portfolio at this time. I was also Chairman of Lorain Port Authority and when I first got on the Port Authority I urged them to take the non-levy funds that they had coming in and start a revolving loan fund and a bond fund - they did not and as of this day they still don't and they would have had about 6 or 7 hundred thousand in there to start loaning out money, receiving money which would have helped them when they go out for additional levy funds. They could reduce the amount of levy that they would need to operate. It is very good tool and when Mr. Graves compares the Port Authority's to the CIC's they are very, very similar. Cleveland Port Authority receives an interest only - they get 3 million dollars a year. Any time Lorain wants to do anything or any other cities around here they have to go through the Toledo Port Authority or the Cleveland Port Authority. So when you are talking about a CIC or a Port Authority you want to utilize that as a business tool and you are making decisions as a business rather than a government which essentially sometimes is very, very needed to do to make something successful. Law Director Graves stated that is one of the major benefits of these non-profits, their ability to lend money and then use that money to fund public projects. I don't know how many people know but the Toledo Port Authority was one of the major financing entities for Crocker Park in Westlake. Service Director Arendt stated Lorain could have had it, Lorain Port Authority could have had that Crocker Park and they weren't able to do it so they had to go to Toledo. Councilman Rosso stated I understand the benefits, I understand all that but my question is where I want to see more detail is how is this management group going to be structured, powers that they will have, how they get appointed, approved and removed and does Council want a seat on that Board for representation? Law Director Graves answered that was the discussion that I was ready to have and really talk about how to structure it and we talk as long as you would like about different options and how we would structure the Board, whether we are going to have member share holders - there is a lot of

different ways that we could structure. I think that I have a good proposal of how I think we should structure it if we go forward but what I was told is before we have that conversation we should have more of a preliminary conversation about just the idea of CIC and how it could benefit us and whether it is something we want to go forward with. Now if everybody likes the idea then we can start talking about how we structure it. Councilman Smith stated I was a little confused on it because I want to make sure that we are all on the same page from the sounds of that – this is what we are doing. When we were talking outside, that was the impression that I got that we have already agreed that this is the way that we are going and just want to make sure that everybody is on the same page and that we all know that we are basically going to do the CIC, in one way or another. Law Director Graves advised we are ready to start talking about how to set it up, now if someone has a problem with even having one then I think we need to know that because I thought we were ready. Councilman Smith stated right now the plan to put a CIC. Law Director Graves stated let me just make one more comment and I know I said it before but all the discussions were so far was if we go forward with it and we agree on a structure, we get it set up, let them start having meetings, get the people involved that need to be involved, get the thing up and running and comfortable and ready to go and maybe for a year have this entity there and when everything is structured and fluid and everything is ready to go only then do we start discussing having them take over the Shoreway project. I mean it wouldn't be like we just throw it in their lap at their first meeting, just so you have that in the back of your mind. Councilman Rosso asked how do I as a Council person tell you right now I think the CIC is the way to go until I can see the articles or whatever that says this is how it is going to work and I can do research on it. Law Director Graves moved to podium to continue. Councilman Smith advised the only reason we are having this conversation is because when we were talking out in the parking lot, you had basically said I am ready to go file articles of corporation, you said I am ready to move forward with this – I just want to make sure that everybody was on the same page because I am and I am not. You gave me the impression that this is way it is going right now and this is what we are doing we just have to put it together. Law Director Graves stated that is what I tried to explain when I first started speaking that my understanding, from the Mayor's perspective and from the Administration perspective we kind of had informal discussions about this for a long time and I think nobody has really said hey I don't like that idea so it was kind of like I thought everybody just said yes that is a good thing, let's look at how we could set it up. So what we were coming to you with is here is our proposal of how to set it up and maybe we forgot to have the conversation about whether everybody even agrees that we should have one. So that is the conversation we are having now. Councilman Smith advised the reason I got that impression because I had Kay run it – March 24, 2009 a couple of months ago you said we are looking into establishing a community investment corporation and will keep Council apprised as we move forward. So that is where my mind set was and that is where my misconception because you are only talking a couple of months and right back into

this. So did I miss somewhere where we all decided this is what we are doing let's move forward with it? That was my only thing that I am trying to understand and that is why I think clarification wise we need all need to be on the same page. Law Director Graves continued when you look at a non-profit organization and forgive me if this is very basic to some of you. Some of you serve on non-profit Boards and some of you work for non-profit corporations whatever, let me just give you a basic run-down. When you talk about a non-profit corporation, there is different roles – there is the Executive Director and other staff/officers of the corporation that run the day-to-day operations and those are the people who get paid a salary, they make all the day-to-day decisions, they implement the policy, they employ the staff of the non-profit corporation – that is the officers. In a non-profit corporation your most important one is an Executive Director and it might your only Officer, it might be your only Employee. You are probably going to have a Secretary too and they answer to a Board. A Board of Directors is a group that usually doesn't get paid any money, they oversee the organization, they set long term goals, they have financial oversight. It is almost like the Administration and City Council. We run the day-to-day operations and we answer to you, you are the financial oversight and that is the same with a Board of Directors. They would have removal power over the Officers, set the strategic plan of the corporation and make sure everyone is implementing it and again we would make sure they would have removal powers. Sometimes you have an additional level of control much like four prong corporation has share holders which are actually the owners of the company. You have got the Board of Directors overseeing the Officers and the Board ultimately answers to their share holders which own the company. With a non-profit you could have members which would then oversee and you don't have to have them and I think in our situation, that would be another level that I don't think we need to have. The proposal that we had talked when I met with the other attorneys that I am looking into this along with was to have a 5-member Board of Directors, potentially made up of city officials; Mayor, President of Council, perhaps the Law Director or perhaps Service Director – 3 members of city officials and then 2 residents of the community. The Mayor, President of Council, Law Director would be ex-officio of whoever held those roles on the Board and then the 2 residents would be appointed by the Mayor. It is just a proposal again and that Board would have overall oversight of the company – the non-profit would have broad removal powers over the Executive Director and Secretary, the officers. The Executive Director would be hired by the Board and the Board would vote on it, would be someone who would have to be highly scrutinized and have a great deal of skill, someone that you could trust to do this and initially for no money. There wouldn't be any salary involved with this, ideally it would someone retired with a financial or real estate type background that could take some ownership of this and really like to see it grow. Then down the road if it became self-sustaining be able to be paid a salary. Now that is that. Again these CIC's can own property, they can lease property and one of things that we have talked is ultimately take over Shoreway. Rather than sale it to the non-profit, we would lease it to the non-profit. The city would actually 2

levels of control; number one by making up the Board and number two by being a landlord. The CIC then would just tenant and then manage and develop and so forth of the Shoreway project. That is the loose framework that we have been talking about. It would just be for Shoreway area, we would have a broad stated purpose in the articles and go forward from there. Now we could have a 7-member Board, we can play with this you know. That is just a proposal so we can even talk about it. Councilman Bring asked do the Board members actually vote on anything or when they are doing a project, when they are working on a particular thing – do they vote as far as going for it? Law Director Graves answered a Board of Directors ideally does not get involved in day-to-day management of the organization. A non-profit corporation functions best when people maintain their roles and you don't want a Board that is aloof and doesn't exercise any financial oversight and you don't want a Board that is micro managing stuff that the Executive Director and the Officers should be doing. Likewise you don't want your Executive Director doing everything, setting policy, planning everything – you want the Board to be involved. So there are defined roles which should be respected for the organization to work best and most efficiently. Councilman Rosso stated in the scenario that you described there would be a 5-member Board – the Mayor, President of Council, Law Director and 2 members appointed by the Mayor approved by Council? Law Director Graves answered yes. Councilman Diebold stated question for Joe, since you are very familiar with the Lorain Port Authority – I was just curious do you have the information like roughly how long it took the Lorain Port Authority; how long has that been in existence? Service Director Arendt answered about 20 years. Councilman Diebold stated I was curious about how long it took to get the ball rolling, pull everything together and became self-sustaining. Service Director Arendt answered they are still working on it. Councilman Diebold stated it is just an on-going thing right? Service Director Arendt answered yes, originally when it was established by Lorain City Council – they put up the money to get it started and in today's times to start a Port Authority you are looking about \$50,000.00 to get things organized, hiring a Director and stuff takes a little bit more money. What they did was go out for a levy, so that is how they operate. To utilize a levy comes up to like \$980,000 when I was on the Board per year and what they do is use that money for salaries, operating costs, promotions, these festivals that they have and buying some property in which they did. The Lorain Port Authority owns a lot. a lot of property then they lease some of the property that they own and that is how that start turning and churning money. So in this case with the proper people on the Board, proper Executive as Mr. Graves said someone who is highly scrutinized comes in to establish something like the CIC here or Port Authority wouldn't basically take as long. Councilman Smith stated you are putting a proposal together right or is this the way we are going? Law Director Graves answered I have had several discussions with the Mayor and he has told me what he would like to see and I had an initial meeting with a couple of attorneys from Wickens, talk to the Mayor some more, talk to the Service Director. I went out and I had a couple of hours meeting with Bob Ellis who is the primary attorney at Wickens

and for a couple of hours I threw out ideas that I had and he threw out ideas he had and we debated these things and between the two of us we really tossed it around and debated the merits of different proposals and when I left the meeting the proposal that I just made to you is what between he and I thought would probably work best for the city. I think the Mayor still has a couple of questions about himself, whether that is really the best way to go. I don't even know the Mayor agrees that he should appoint the residents that does serve on the Board. Councilman Smith stated we are all on Board, we are ultimately going to form a CIC in some event? Law Director Graves stated unless Council says right now we think it is a bad idea then our direction is to give you a proposal to set one up. Councilman Rosso stated I don't think it is a bad idea, once I see that proposal I won't say I am committed to rubber stamping and approving it. Councilman Bring stated I don't think we are looking for one person in control of everything and controlling the shopping center with no other say-so through us or something else. Law Director Graves stated that is why you have a Board. Councilman Bring stated but the Board is also being appointed by one person. Grant Administrator Gardner stated that is only a proposal. Law Director Graves advised you could have a 7-member Board, you could have the Mayor, President of Council, Law Director and 4 residents appointed by City Council. Councilman Bring stated I just don't want one person on that Board making all the decisions all the time. Councilman Rosso added or one person appointing them. Councilman Bring added or controlling the Board. Law Director Graves stated once the Board is set, the Board's role is going to be kind of stay back, make sure there is a financial. There is fiduciary responsibilities. Councilman Rosso stated I think that Board should be providing the initial direction for that CEO on what they want to see. That Board needs to set the long term and short term policies. Law Director Graves stated the strategic plan and then kind of take a hands off approach and let the Executive Director implement it. Councilman Rosso stated hire good people, give them the tools to do their job and get the hell out of the way – that it is the way you do it. Councilman Smith stated you are going to put the proposal together and everybody and is going to look at it and tweak it and say yes this is the way we want to go. I got the impression we were locked into this CIC, it was just a matter of how we were putting it together. President Podmanik advised this doesn't become CIC until this body recognizes it. Councilman Rosso stated what I wanted to avoid is David doing all this work and us spending all this money and bring it up here and I will say what the hell were you thinking about and all of us vote no. I guess being the devils advocate if it is the greatest thing in the world why doesn't every city have one, if there is one in Toledo and one in Cleveland and none in between. Service Director Arendt stated the city of Lorain has a CIC/a Port Authority/main street Lorain. I disagree with you, I bet you there isn't a city. Law Director Graves stated a lot of communities have them. Councilman Bring stated that is why we are sitting here asking questions. Law Director Graves stated it is closer to most other communities have some sort community development entity set-up and the bigger cities have multiple ones. Councilman Rosso stated I fully admit I am ignorant on the topic that is why I am asking questions. Law

Director Graves stated I firmly believe that the success of an organization has a lot to do with the Executive Director and you really got to find a high-quality person and if you have got a wonderful Executive Director then your non-profit is going to be successful and if you have a not so good Executive Director then you are not achieve things. Councilman Rosso stated all we got to do is set one up and hire this great guy that is going to do it for absolutely no money. Law Director Graves stated if you find somebody with a vision and the understanding. If it becomes self-sustaining then he could make a really good salary but you got to find somebody almost like starting your own business. Councilman Rosso stated but that a guy that is retired is looking at doing it for community benefit, he is not going to be the guy that is going to be reaping the long term benefits though. Law Director Graves stated if anybody has strong opinions about how this should be structured let me know. Councilman Smith stated you are putting together the framework right now. Law Director Graves stated I would like to be able to come back with some legislation setting up the framework. Am I gathering that Council would like to have more input over the membership on the Board. Councilman Rosso answered I definitely feel that Council needs input on who is on that Board. But before it gets to the legislation form, can't you put a draft together and give it to us to review. Law Director Graves answered yes. Councilman Smith concurred and stated you can tweak it from draft form then if we all agree then go legislation. Councilman Bring stated it is more work for you David but we are just being cautious. Councilman Rosso stated it is all new. Law Director Graves stated we will get something together and make sure everyone has it and I am just thinking when we could discuss it. There was a brief discussion on debate for draft. Grant Administrator Gardner stated I think you got to watch getting too big on a Board because you end up not being able to do anything. I was the President of the CIC in Ridgeville and I can tell you that there are a number of things that that organization can do that a city can't really functionally do that you would pass legislation that would allow them to do things. They can bond out and give tax credit bonds and not indemnify the city at all for business that is very attractive to business and that is things that this city has never addressed that possibly could help us bring and you guys can really set the parameters as to what those businesses can be. But in Ridgeville we had various categories based on the number of employees they had in the square foot of the business. We gave tax incentives and everything out through the CIC and Council had set up these parameters to use and we went out and attracted business. There is a lot of functions that you can use it for and then I also think that it is dangerous to have the city own private property. We have already run into some problems with labor and unions and everything else that wouldn't be an issue if the city wasn't involved with it directly. Law Director Graves advised CIC has multiple functions not just the shopping center. Councilman Smith advised you incorporate the shopping center into the CIC. Councilman Rosso stated or you make it specific for that. Grant Administrator Gardner stated David is just suggesting that you use it for one thing. Law Director Graves stated one thing to start off with. Councilman Smith stated well you start talking about all these loans. Service Director Arendt

started there are so many advantages. Councilman Smith stated that would be the Boards decision if we were to set something like that up anyway. Service Director Arendt stated I have said this before this city is going through exciting times of the shopping center, windmills and people constantly ask how did you guys get those, how did you do that, how you doing at Shoreway, what is going on and I am talking people from Lorain, Elyria, Amherst, Avon and Avon Lake and it is exciting times. And I think if you look at this way and after reading David's proposal and looking up a little bit about CIC's and stuff I think you will see a tremendous advantage to it and obviously Council doesn't want to lose control over something that they have their names on. But by following David's proposal Council will have a large impact on it.

/COMMUNICATIONS: None./OLD BUSINESS: None./NEW BUSINESS:

President Podmanik stated we might as well take care of our Council meeting as next month is August and we generally take that month off for vacation but we have a Finance meeting and a Council meeting for general business. It has been suggested the 25th of August, a Finance at 6:45 pm and Council at 7 pm. The public hearing can be quite lengthy, I don't know if you want to combine all those onto one day? Committee concurred to schedule the public hearing for Allied Waste pilot program for 6:30 pm.

Councilman Rosso asked Joe have we hired any new employees this summer? Service Director Arendt answered we have a couple summer employees, temporary employees. Councilman Rosso asked we haven't hired any permanent? Service Director Arendt answered I believe I have 1 permanent part-time in the parks. Councilman Diebold asked how many hours? Service Director Arendt answered 32. Councilman Rosso stated there is an ordinance that says all new hires have to be approved by Council, so my question to David is does that employee has to be approved by Council? I know you didn't know. Service Director Arendt answered no. Councilman Rosso stated but I have already heard so I am asking the question. You didn't move anybody from parks into Service did you, change their status? Service Director Arendt answered from parks into Service – no. Councilman Rosso asked so nobody else has changed their status from part-time to full-time? Service Director Arendt answered no. Councilman Diebold asked does that 32 hours include all benefits as a full-time employee? Service Director Arendt answered no benefits. Councilman Rosso stated we just need to find out if we do need to approve? Law Director Graves answered I think you do. Councilman Rosso advised if David says we do then if you could just put the name out there for us to approve on Tuesday. Service Director Arendt stated I apologize, I knew there was a position available and we did hire somebody but I did not know I had to get approval. Councilman Rosso joked your predecessor didn't follow it too well either. Councilman Diebold asked can we know who this person is. Service Director Arendt answered he is a proposal at this time.

ORDINANCES FOR COUNCILS AGENDA:

- 1.) Council#037 – THIRD READING – an ordinance by the Council of the City of Sheffield Lake amending section 1141.02(b) of the codified ordinances re-

- garding B-2 business districts other permitted uses.
- 2.) Council#038 – THIRD READING – an ordinance by the Council of the City of Sheffield Lake amending section 1145.03(b)(1) of the codified ordinances regarding B-4 business district other permitted uses.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 9:03 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/COMMITTEES

Kay Fantauzzi

COUNCIL PRESIDENT

Edward R Podmanik

and/or

COUNCIL PRO TEM

Richard Rosso

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 WORKSESSION of July 21, 2009.

MAYOR

John J Piskura