

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
October 20, 2009**

The regular meeting of the City Council Worksession was held Tuesday, October 20, 2009. Council Pro Tem Rick Rosso called the meeting to order at 8:20 PM.

ROLL CALL OF MEMBERS:

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

PRESENTATIONS: None.

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

ROADS & DRAINS: Mr. McCullough asked we passed a quarter percent income tax 4 or 5 years ago for roads. The Ferndale project do not touch that money so it was explained to us prior, what roads were done this year and other then 1 block of Belle last year, what roads were improved with that money? Chairman Smith answered part of it goes back to pay the note back to 2-1/2 million we borrowed right off the bat. Some of that goes out there. We have done tar and chipping on some roads, South Street was paved – there has been quite a few done. Service Director Arendt advised I don't have the list in front of me, we did a lot of chip and seal. Mr. McCullough stated I thought that was supposed to go for road improvement? Chairman Smith stated Lake Road and Rick has got 4 or 5 roads asphalted in his. Councilman Bring stated Cove Beach. Chairman Smith stated I would have to go through the complete list of the last 5 years but it is all there. Mr. McCullough stated it seems like nothing getting done. The Ferndale project, great job – beautiful but they tore the hell out of our side streets especially by Mark's house. Chairman Smith stated actually I have heard that people say that about roads not being done and I don't know, if I start from Rick's ward and start moving all the way to the other side of the city – there are a lot of roads that have been done. Councilman Bring stated Buckeye. If you drive it, I mean Devonshire, Warwick, East, West – they are all paved. You just have to go through and see exactly what was done. There is all kinds, Pasadena was done. Mr. McCullough asked this year? Chairman Smith answered no not this year. Mr. McCullough stated I am not asking prior years, I am asking this year. Chairman Smith stated I am sure that Joe has got a breakdown of how much exact money he put in and what roads were tar and chipped and double bomagged, I know Maple and Buckeye were double tar and chipped. There has been some gilsonite that had been put down on all the other tar and chip to keep the dust down. I don't if we have actually asphalted this year or not. I know South Street was because of the Ferndale. Pro Tem Rosso stated South wasn't paved but it was tar and chipped and the gilsonite.

Chairman Smith added it was tar and chipped doubled. I don't know that there was one road that was actually paved. Service Director Arendt answered we didn't do any asphaltting. Mr. McCullough stated so there are some streets getting done? Cool. Chairman Smith stated I don't know why I keep bringing it up but I drive in your ward and I think Roberts isn't done, Oliver – those roads off of Ferndale aren't done because of Ferndale you can't do nothing without the drainage. But if you come from Devonshire all the way up; Stark, Oliver on the south side are all paved. I mean not that we have done them with the quarter percent, there is only a few them in Rick's before his whole ward paved. Pro Tem Rosso answered that is the way it should be. Mr. McCullough stated complaints about the pot holes this year? Chairman Smith stated actually Joe has got them and he gives us a list every year, I can get you the list if you want. Service Director Arendt stated as I give the list probably in January or February for the next year, not only chip and seal I will give a list of several streets that should be fully tarred. So if we combine chip and seal and combine tar-ring we will be further ahead in about 5 years. Law Director Graves asked Joe are you aware of the issue that they brought up that apparently they tore up the side streets on Ferndale Phase II and if so can we go back to Underground and have them take a look at that? Service Director Arendt answered I don't know if we can or not but this is one of the things I would recommend if we ever did a large project again. Any ingress and egress that would be used would have to be identified at the time and those roads would have to be repaired and they would have to put into the bid. The biggest mistake that any city makes is that they get a large improvement and make a beautiful road but they forget the ingress and egress that it took to get there. If it is built into the contract to repair those roads and identify those roads then we don't have the problem. We are going to try to go back to Underground. Law Director Graves stated this is the first that I have heard about it and I think that maybe an argument can be made that they have to restore it to its prior condition prior to construction. Pro Tem Rosso joked they have to dig the hole back? Service Director Arendt continued it is not in the contract. Mr. McCullough stated right down Roberts Street. Chairman Smith concurred Roberts is terrible. Pro Tem Rosso advised as Alan pointed out now that we have drainage to go somewhere we can start attacking Roberts, Stark, Oliver. Your half would be done first. Mr. McCullough stated it all goes in my yard and goes across the street, ask him Tom knows. Mr. Erwin answered yes./**SAFETY:** Mr. McCullough asked does the Fire Department need a new cab and chasis or do they need a new chasis for the truck, I hear the springs going through it. Chairman Bring answered the #66 truck needs a new floor for it because the springs are not. There was a brief discussion on vehicle. Councilman Smith advised repair should not be much, the brackets that hold the springs and frame. Chairman Bring answered that money was actually in the appropriations, the \$3400.00. Finance Director Smith advised we increased./**BUILDINGS, LANDS, VEHICLES & EQUIPMENT:** Mr. Ebenschweller stated coming up on the Zoning Board tomorrow night that on Pleasantview Avenue, Today's Contractors has applied for a variance to expand property. The heading at the top of the page is checked \$450.00 for a zoning

change and I asked David about it earlier and he explained it that they maybe just want to utilize the property for a use. But I recall that the Planning Commission quite a while back recommended that that property be changed the zoning be changed and I am wondering if Council has any intention of looking into that or to change that. He is already using the property as part of his business and has got those lots over there and only 3 of them are zoned industrial/commercial, the others are residential vacant land. Law Director Graves answered my understanding is that the business is currently on Industrial zoned property, they have purchased lots and want to expand the business but the adjoining lots are still zoned residential. So what they have done is applied for a use variance from the Zoning Board of Appeals. A use variance requires a little bit higher standard burden of proof then an area variance, this would require a showing of undo hardship but you are correct the complete rezoning of Pleasantview to be completely industrial was one of the recommendations that came out of Planning Commission some time ago. I believe it was one of the four that they had signed off on, we need to bring those back to the forefront and I think the next step would be for us to sit a public hearing on those 4 proposed rezoning. Pro Tem Rosso asked private property he bought or city property? Law Director Grave answered private parcels that he just wants to put industrial use on residential./**ORDINANCE:** Chairman Elliott stated to give you fair warning that under Ordinance don't be surprised if we move to repeal that \$2.00 increase on the water bill. I think we need to start from the ground up. Mr. McCullough stated I am letting you know that you guys are going to be challenged on Council#057 that you passed on emergency session on September 28th, Monday September 28, 2009. I will be challenging your ordinance that you passed that night, you guys went into an executive session. There was no reason for an executive session that evening to discuss that ordinance. Chairman Elliott advised that didn't come out of my committee. Mr. McCullough stated I know it didn't, just letting you know that #057 will be challenged. SUAB Chairperson Gee asked have you discussed anything with the Law Director or with the Service Director in respect to some of the ordinances for the stormwater utility. Law Director Graves stated we do have a model ordinance that we need to enact for pre-imposed construction, stormwater run-off. This is something we did recently passed, the EPA is pleased with it but they have already said that it needs to updated. So that will be forth coming. I have not spoken with Mr. Elliott yet about the proposed ordinance to change the administrative representative to the stormwater utility appeals board. Chairman Elliott advised Rosa if you want I can sit and talk to you or I can come to your next meeting? Chairperson Gee advised it was brought up at the last 2 meetings, so if you go over the last meetings minutes then you will be caught totally up to date with it./**FINANCE: None./PARK BOARD: None.**

*****ADMINISTRATIVE*****

MAYOR: None./FINANCE DIRECTOR: None./SAFETY/SERVICE DIRECTOR: Pro Tem Rosso advised there was an issue about the sign on the corner of Lake Breeze and Lake Road being moved, Joe got that moved the same day I

called him. Mr. Erdei asked I am just curious on the fire hydrants and that, does the state have any kind of rule or anything that you have to have so many fire hydrants working in the city that are workable? Mr. McCullough stated yes all of them. Service Director Arendt answered I honestly don't know. Mr. Erdei stated apparently we are not that serious fixing these things if we just kind of got it on the back burner when we are doing everything else. Service Director Arendt answered no, no, every chance they get and poor Tom being here tonight every chance they get. They worked on one yesterday, they had to burn the bolts off the top of it, take it apart, come back to the shop, fix the stem, go back. It had to be what a 4 hour job at least, 4 to 5 hour job just the one hydrant and in between the other things. I give a report the Acting Fire Chief on a weekly basis of the ones that have been repaired from the list that we originally got. No that is not on the back burner, not at all. He continued as far as the Safety we have one police vehicle down at this time that John is being able to repair. Tammy and myself and the Mayor are working on a vehicle for the Detective Bureau so we can have something unmarked because an issue was brought to our attention today to Mr. Graves and myself. They weren't able to be in on a very large drug bust because we don't have an unmarked car. So we are working on that and we do have funds available, we just have to find the right thing that fits the funds. Finance Director Smith advised that is going to be a used vehicle. Safety Director Arendt advised it is pretty hard for them to come up in a marked police car and try to observe. Councilman Elliott asked any news on the computers for the terminals in the cars? Safety Director Arendt answered as far as know they are on the way, Bill went down to Columbus to get some training. I wish I could say they are here today, they should be here any day. It is not training on the computers, Bill had to go on the grant application but they should be here any day I hope. **LAW DIRECTOR:** Law Director Graves advised Council is aware of all the projects that the city is working on. One thing I wanted to point out that the Service Director and I were going to talk about, we do have a contract that we are reviewing and should begin soon the demolition of the water tower at Gary Green Park. Council should well aware of the reasons for that, that will begin as soon as we have verification that the city has been named as an additional insured on the company's insurance policy. Other than that I would request a brief executive session tonight to discuss pending and eminent court action. Service Director Arendt advised when the tower was built, it was built because there was 60 pounds of pressure of water coming in and could be utilized to fulfill the city's needs and the city was at 9500 people at the time and they expected the city to go to about 19,000. Currently the water pressure that Lorain puts out and Avon Lake puts out is about 80 pounds. So what happens is the water would go up there and stay stagnant, we wouldn't be able to go. We would have to add chlorine to it which if you over-do it could be a danger. To get the tower to operating where it would be needed it has to raised 30 feet, to raise it 30 feet is \$300,000.00. If we don't tear it down we are going to get hit by the EPA over the next year or maybe 2 years or maybe 3 and say okay it is rusted – paint or do something with it. The price on painting the one at Ferndale is \$38,000.00 just for the outside alone, so this water

tower because of the painting condition because we can't afford to raise it 30 feet and we do have enough pressure from several other cities should be torn down. The price of scrap has gone so it is going to be a very low costs to the city. Law Director Graves added and it has been off-line for at least 10 years I would say. Mr. McCullough asked is it possible there is government grants due to 911 that, is there a government grant or something we could go after to replace it or no? I mean granted we can't save it the darn thing. Service Director Arendt answered I don't know I could look into that. There was a brief discussion on the condition of said water tower. Mrs. Debbie Belaska stated you brought up something very good at the Planning Commission, we didn't have a quorum either and seen that Mr. Kovach didn't either. I think that is nice to see you all show up and I know this takes a lot out of your time to come here and we as citizens appreciate it. It would be nice that people would make these meetings when they are appointed or elected so that we can have quorums so that we can have these meetings. I realize that it is very important that we continue to have these meetings; Planning Commission or Zoning without saying well we don't have a quorum we have to go home now. I mean I just think to take it very serious. Finance Director Smith stated it is not fair to other members./**COMMUNICATIONS: None./OLD BUSINESS: None./NEW BUSINESS: None.**

ORDINANCES FOR COUNCILS AGENDA:

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

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

Law Director Graves advised the Zoning Board of Appeals has periodically been requested for an expedited meeting. If someone wants to request a variance, if they want to build maybe they have a contractor that they want to get going and they don't want to have to wait until the next regularly scheduled meeting which could be of up to a month later. This would give them the option to pay an additional \$100.00 fee and request a special expedited meeting at the discretion of the Chair. If they get the special meeting, we keep the \$100.00 fee but if it can't be done, if they have to wait until the next regularly scheduled meeting then the \$100.00 fee is reimbursed. But it is an extra fee to request an expedited meeting and I think Planning Commission might be looking at doing the same thing. Pro Tem Rosso commented the Chair of each Committee has the option to call a special meeting if they want to and if someone goes to Planning or Zoning and ask for a special meeting and that Chair decides they want to have that meeting, I don't believe a resident should have to pay anything extra for it. If they don't want to have that meeting then just don't schedule it. Unless you say as soon as I am going to give you \$100.00, it

is a mandatory meeting and everybody better be there but I don't think it is any different than a special Council meeting, a special meeting of any other Committee. I don't think that we should have anything that allows a Committee to charge extra because a resident came up and said I have a circumstance, I would like to call a special meeting and here is my situation and the Chair makes the decision. Councilman Kovach advised what caused that to come to a head was that the person that requested the special meeting was given a special meeting and then didn't show up but the Chair and the Board was there. Pro Tem Rosso answered I understand what it came to but because something happens once you don't add \$100.00 to it, that is my opinion. Mr. McCullough stated kind of late in the game, why don't you amend it to it is \$100.00 retainers fee. They pay \$100.00 and they get it back if they show for the meeting, if they don't show up for the meeting then they pay. Pro Tem Rosso advised the way this reads now I won't vote for it. Mr. McCullough stated Rick I agree with you a resident shouldn't be charged.

- 3.) Council#058 – EMERGENCY – an ordinance authorizing the issuance of taxable notes, in a maximum original principal amount of \$3,600,000, in anticipation of the issuance of bonds, for the purpose of retiring certain outstanding bond anticipation notes of the city issued to pay costs of furthering the city's revitalization purposes by acquiring the Shoreway Shopping Center in the city; and declaring an emergency.
- 4.) Council#059 – 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 Bring/Second by Kovach to go into an executive session for the pending and eminent court action. ROLL CALL TO GO INTO EXECUTIVE SESSION:
Yeas All – Smith, Rosso, Kovach, Bring, Elliott.

*Motion by Bring/Second by Kovach to return to regular session. ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Bring, Smith, Kovach, Elliott, Rosso.

Law Director Graves advised the City Council of Sheffield Lake did adjourn to executive session to discuss pending and eminent court action pursuant to ORC121.22(g)(3).

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 9:12 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 October 20, 2009.

MAYOR

John J Piskura