

**MINUTES OF CITY COUNCIL WORKSESSION  
SHEFFIELD LAKE, OHIO  
December 15, 2009**

The regular meeting of the City Council Worksession was held Tuesday, December 15, 2009. Council Pro Tem Rosso called the meeting to order at 7:30 PM.

**ROLL CALL OF MEMBERS:**

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

**PRESENTATIONS: None.**

\*\*\*\*\***COMMITTEES**\*\*\*\*\*

**ROADS & DRAINS: None./SAFETY: None./BUILDINGS, LANDS, VEHICLES & EQUIPMENT: None./ORDINANCE: None./FINANCE: None./PARK BOARD: None.**

\*\*\*\*\***ADMINISTRATIVE**\*\*\*\*\*

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

**DIRECTOR:** Service/Safety Director Arendt advised last Thursday we were supposed to have the barricades for the bike path, they are held up in Michigan for some reason. They were going to be here Thursday and we were going to put them in Friday and they are held up so obviously they are not in. I spoke with Joe Faga again today and I told him that I am going to call him everyday until he gets the pole up and he is doing the best he can so we can get the light on the bike trail because we are having a few issues there with cars and some kids have moved some of the barricades and stuff like that. The Police Department is watching as close as they can. I have discussed unit 66 and the possible use of the Building Department jeep for them as a temporary vehicle when they need it and during the evening. The other thing that I want to report on is Mr. Bring brought up last meeting about the auxiliary fuel tank and the company is willing to give us the fuel tank for free but the problem lies in the fact that there is some preparation that we would have to do to put that fuel tank in, such as; we have to get a permit from the state fire marshall/we have to install some concrete/we have to get some new ballards and stuff that we have to get. Our total costs which I will bring next year hopefully if we have the funds – our total costs to put that additional fuel in is \$1637.80. It is a rough estimate but it is pretty close. I think it is a move that we eventually, hopefully next year sometime will be able to do it. I just think that the Fire Department taking the engine to the Sohio gas station isn't a good move especially with the winter coming up and the amount of fuel that we will possibly use for our trucks and the fire truck. We did discuss in a committee meeting about the 2 additional street lights over on Buckeye Drive, the committee

did approve that. I am going to submit the letter to Ohio Edison but I am going to date it for January 1<sup>st</sup> of next year, that way we won't get billed or anything for the street lights until next year. Council Pro Tem Rosso asked submit that now though, how long before they get them put up? Service Director Arendt answered Tammy just asked me to date it January 1<sup>st</sup> just so we don't get billed this year but they are not going to get it up this year. Council Pro Tem Rosso stated but we are delaying it 2 weeks before they get it up because we are waiting until? Service Director Arendt stated no I am going to date the letter to put the request in, Joe Faga will put the request in and put it on the schedule for us for next year. But the date on the letter just so we don't get billed. Council Pro Tem Rosso stated back to, I am sure we don't pay our bills the day they come in the door. They probably go 30 days and it runs into next year anyways. Mr. Gardner stated it would have to be appropriated. Council Pro Tem Rosso stated the money is there, we already appropriated it. Service Director Arendt answered it is canceled out for this year. Councilman Elliott stated Joe what is the current budget crunch going to do for training in Police and Fire as far as like some of our state requirements for meeting training, are we going to be fine? Safety Director Arendt answered no I don't believe so, I think the training will continue and CE credits will continue. We had the discussion with Chief Langin last week about CE credits; continuing education credits because by contract we have to allow them to go for that. So there is all the courses that they need are basically on the internet so I asked the Chief to put out a letter that they can start using, not start using but they can always use the internet there for training and that is what they are going to do for their CE credits. Now as far as mandatory training that would affect any of the fire department we will have to find the funds for it. When it is mandatory we have to but let me make a mention once a year the Fire Department has to have a departmental meeting. Once a year by the law they have to have a meeting with all fire employees – the only person that showed up for that mandatory meeting today was Acting Chief Langin. Council Pro Tem Rosso asked so what are you saying? Safety Director Arendt answered I don't know. Council Pro Tem Rosso asked did it costs us money that they didn't show up? Safety Director Arendt answered no it didn't costs us any money. Councilman Smith stated but you had the mandatory meeting. Safety Director Arendt stated well it is a meeting that they are supposed to have once a year, a departmental meeting. Councilman Smith stated they scheduled it and everything. Safety Director Arendt answered they scheduled it and Chief Langin was the only one that showed up. Council Pro Tem Rosso stated so he did his part and the city did their part right? Safety Director Arendt answered right, I am just bringing this point because Councilman Elliott brought up the fact about training and CE credits and everything like that. If it is a meeting that they are supposed to have once a year, it doesn't say anywhere that they have to show up but they have to have the meeting but the only person that showed up was Acting Chief Langin. Safety Director Arendt stated as far as Safety, the vehicles and everything is running fine. The only unit that we have out is as far as Safety is 66 and we are addressing that problem. The police cars are all up to date and ready to go. **LAW DIRECTOR:** Law Director Graves ad-

vised the first thing that I would like to say is I would be requesting a brief executive session which I promise to be brief executive session following ordinances and resolutions to discuss current litigation. The only other thing that I wanted to talk about tonight and Service Director Arendt and Grant Administrator Gardner are ready to participate in this conversation is the status of our negotiations with Republic formerly Allied Waste and basically hopefully have a dialog with Council and come up with some direction as to where we go from here. I think that right now we are at a point where I have a proposal from Allied Waste that I could go back to them and get a little better deal. It is not bad but here is where we are, we are kind of in a jam in that in order for us to get the \$30,000 Solid Waste incentive for going to the recycle program we need to make a determination to implement this by the end of the year. That being said Allied knows this and it puts us in not exactly the strongest bargaining position, that we have to go with them in order to get this \$30,000.00 incentive for the solid waste incident. We can make a decision to go without that, to forego that solid waste incident and potentially future solid waste grant money. We could go out for bid. Our current contract expires May 1<sup>st</sup>, if we don't let them know 60 days in advance of that it would automatically roll over for another 1 year extension. So we would need to let them by March 1<sup>st</sup> that we intend not to renew the contract and we are going to go out for bid. If we go out for bid, we might get better deals from other competitors; Allied/Republic might come to the table with a better offer than what they are giving right now. Those are dice that would have to be rolled and see how it all shakes out. The problem that we have is it is a gamble here, we can go with the best deal that I can get for us right now and keep our \$30,000.00 solid waste recycle program incentive and be able to participate in future solid waste grants or we can say look we are going to call your bluff and go without it and we are going to continue to negotiate and we potentially might go out for bid and see if we can't get a better deal from a competitor. We have had a number of meetings and it could become very educated on how the solid waste money works, how the landfills work, how these companies work. But right now we need a little direction here because I think there is a little bit of a gamble either way. I think if we go back to Allied and say we are going to continue to negotiate – we would be in a much stronger bargaining position because now they may have to compete with bids. But we run the risk of losing solid waste, now with that being said the Solid Waste fund I am not 100% sure that the Solid Waste money is going to be available in the future. The \$30,000 is a guarantee if we implement the program but future solid waste grants I think there is a big question mark. There has been a lot of politics played between the county and Allied Waste and then merge with Republic and bringing the Cuyahoga County trash in and games being played and negotiations on that level which impact the solid waste fund and ultimately the kind of money that Sheffield Lake could hope to receive. At this point, I think that myself, Mr. Arendt and Mr. Gardner are free to answer any questions you might have but I think we are looking for a dialog and a direction here as to how these negotiations should proceed. Mrs. Huska advised I think you should call their bluff. They have been calling the shots for all these years every

time they have given us one raise after another raise. They have always had the upper hand. Law Director Graves advised I will tell you right now that where we are with their proposal I think the increase in costs would nominal. Basically the same as what it would be if we just rolled over this contract with an additional approximately 50 cents per household to implement the recycle bank program and that again is the ability to accumulate points towards consumer credit at Apples Grocery Store and that is a nice program and if the averages hold out the way it has in other communities I think the average household could expect about \$20.00 a month in credit towards their grocery bill. It would be about 50 cents a month per household to implement that program. So the average household would have a \$19.50 net gain if all the averages hold, so it is a good program. The issue is out there and I think it is subject to debate about whether or not in fact you would be having a reduction in service. You are talking about going from unlimited pick-up to the recycle container and the refuse container/the 96 gallon container and then 1 week a month would be unlimited. I can tell you that there are other companies out there that have the capacity to offer a hybrid proposal that would be the containers, the recycle containers and still unlimited/put anything else out there you want. These kind of proposals are out there. Again if we explore those other options, if we play a little bit of hard ball at the negotiations with Allied, if we say we are going to go out for bid on this – the flip side of that is, we are going to lose the solid waste money. Council Pro Tem Rosso stated we are going to lose the \$30,000 but it was my understanding that that was the only thing we could potentially could lose. Law Director Graves stated if we go with a competitor, you have to understand Republic Allied – they own the land fill and if we go with a competitor we might get a cheaper rate but they are not going to be dumping in Lorain County. They are going to be hauling that refuse out of county and when we are not dumping any trash in the land fill, I am skeptical about our ability to receive solid waste grant money in the future. Council Pro Tem Rosso stated but Allied is taking it out of the county that is why the recycle money is going away. Law Director Graves stated they are bringing it back. My understanding of what happened there was this, the Lorain County trash never left Lorain County but when Allied merged with Republic all of a sudden they got the Cuyahoga County trash. Cuyahoga County does not have a land fill so they started bringing the Cuyahoga County trash to Lorain County and Lorain County charges a \$4.00 tipping fee for out of county per ton coming into Lorain County. Allied felt that was excessive and they began hauling the trash to Mahoning County and that resulted in the Solid Waste fund. Now the County has come back, the lawyers for the county and the lawyers for Allied have sat down and there is a tentative agreement to reduce the out of county tipping fees to \$2.60. So it would only be 60 cents more then the in-county tipping. Based on that tentative agreement, Republic has started bringing the Cuyahoga County trash back into Lorain County. But the agreement could fall through, there is a host of factors out there that would affect that and again if we end up going with Allied. You know North Ridgeville just went out for bid and Allied still had the best and they won the bid and who knows if we go out for bid, maybe Allied would come

back and give us a much sweeter offer than what they are doing right now knowing that we may want to keep our solid waste money. Service Director Arendt stated Mr. Rosso you are absolutely correct, the only item that we are guaranteed is the \$30,000 – that is the only guarantee. If they do sign this agreement which they may sign in January or February – it will start to bring back the solid waste money back up but because of the change from \$4.00 to \$2.60 it is not going to bring it back to where it was in the past. Again the fear that I have is the fact that we may not get any additional solid waste grants in the future because they will be using that solid waste money that they have for other projects that they have for themselves or the county or whatever. So the situation is the \$30,000.00 as the main concern but then again on the flip side if this solid waste does increase back up to the 3 million dollars or whatever they have. We have this danger of not being able to get the grant and this is where Mr. Graves and I disagree with Mr. Gardner, I don't think we have that ability to try to get grants if our waste is going some place else. Law Director Graves stated the solid waste apportionment is based on a formula correct, based on the amount of tonnage that your community puts in and if ours is 0. Hypothetically we could run the risk of not getting any solid waste money in the future. Mr. Gardner stated but there is 2 components in it, one of them is trash and the other one is recyclables. They are looking at percentage of recyclables, if we get the 25% recyclable which is what the EPA is mandated to the solid waste district that this county get to and it hasn't reached it yet then we are doing what is considered excellent work and that is what the granting is about from that side. So if we came in with a project to show that we are using recycle I think we would have a good chance of getting it. Now there is not going to be as much money obviously as there used to be. Law Director Graves stated Bill is right from the stand point of the county solid waste district, they are kind of caught between a rock and hard place that on the one hand more trash going into the land fill means more solid waste money from tipping fees that they can use but on the other hand they are mandated by the EPA to increase recycling to a large extent. So there is 2 ways that you can benefit from that so he is right that if we show to Lorain County that we have greatly increased our recycling by using the green containers we may be rewarded in the form of a solid waste grant. Councilman Smith asked so what don't they want to do? Law Director Graves answered they want an extension of our current contract right now that would implement the program and increase rates plus go to 3% increases each year and right now we are at 4% so they would go down to 3% annually. The current proposal is about 4% more plus the 50 cents for the recycle bank and get the coupons. It is not a bad proposal, I think I could probably get them to do a little better but the problem is time is running out and I think that we could get a better deal from them if we went to bid or if we continue to pressure them in negotiations and if you want us to do that we will. If you want to keep the solid waste money I think we need to move on this soon. Service Director Arendt stated I think that one of the first steps that we can take is we could talk to Dave Kidder and make the suggestion that we are contemplating this and we may look out to go out to bid. I think this would bring Mr. Kidder back to the

table with a little bit better, just by saying that we may go out for bids I think he will come back and talk about a little negotiation. Law Director Graves stated I think that this is their final offer, I think we can get a little better but not a lot better and if we want to really push that issue then we have to be willing to forego the solid waste money. Council Pro Tem Rosso clarified so they want to raise their rates and reduce their costs and make more money on us? Law Director Graves answered you have to look at it this way, our current contract if we do nothing at all our current contract would roll over March 1<sup>st</sup> would pass the 60-day notice period. So our current contract would roll over for another with a 4% increase. That is where we are right now and they are saying they will implement the whole program for basically that 4% increase. They don't have to do the recycle bank program, we could just stop right there but if you want the recycle bank program to accumulate the coupons for Apples, the costs to them to implement that program is 50 cents per household and that has been affirmed by others. Service Director Arendt advised they originally wanted to increase it \$2.60 and we negotiated it down to their costs of 50 cents which was confirmed by a company that we dealt with yesterday who said that was their costs. So that was a good part of the negotiation, we are stressed for time but again I do believe that this is not their best offer right now. Councilman Bring asked Joe when you negotiated the other company's did you ask anything about Pride Day for extra dumpsters? Mr. Gardner answered Allied doesn't give us the dumpsters, it was given by solid waste district. Service Director Arendt stated we were talking with J&J and when I talked to Ruskin today I did mention to them that we have containers here and we would expect them to be picked up at no costs to the city. We do have one that we would keep at the shopping center and neither company had a problem with that. Law Director Graves stated if we do choose to go to bid we are to write very detailed bid specifications and we will look at what some other communities have done when they have gone out to bid, exactly what we are looking for and we could have them bid it 3 different ways. There is another option which I think Mr. Gardner and the Mayor has asked to look into and that is that we would handle our own trash collection. Mr. Gardner stated there are hybrid solutions to that as well where you can get like J&J to haul for us and we do sub-storing and we can get some trucks that are not the big packer trucks and use them in a different format like they do in Rocky River. Service Director Arendt added basically it would be a joint, we could actually go into a joint venture. Mr. Gardner stated that is a possibility as well. Service Director Arendt stated one the things the items about if we ever did decide to go to our own city collection, that type of thing is pretty easily bonded out to be able to buy your equipment because you have got the guaranteed income from the residents and you have got a past history. But that is something that I think Mr. Bring mentioned that Rocky River does that currently. Councilman Bring stated we do about \$650,000.00 worth of business with Allied right now for here. Service Director Arendt stated next year it will be \$700,000.00 or over that we will pay them. Councilman Elliott stated I think that final option is more long term. Mr. Gardner stated if we going to go through May, we would have enough time to do it but I am not recom-

mending that as the solution. The one thing that I would suggest that at the very least you do is tell us if we go back to Dave Kidder this week that by next meeting we are either going to have something from him that is the very best offer we can give you or we are going to go to bid and so that we can say that you said that and then we have some heavy artillery there and they know that it is serious. Now you don't then we should know that too. Law Director Graves stated so that is what we are going to do, we are going to go back and we are going to say you need to make us the absolute best offer you can because there is still a lot of hesitation on the parts of Council and if not then we are prepared to take this to bid and we will make a recommendation at the next Council meeting I think – we will either have legislation or we will be recommending that we forego the solid waste money and go out to bid. Council Pro Tem Rosso polled Council; yeas – Smith, Bring, Huska, Kovach, Elliott, Rosso. Councilman Elliott stated it is very hard to give up that money for a savings that we might save half of that. Councilman Bring advised we also might be able to get unlimited pick-up for the residents and that is very important. There is a brief discussion on negotiations. Law Director Graves stated are we being penny wise and pound foolish by saying we want the \$30,000 now but at what costs in the next 4 years. We are going to say we are going to stick to our guns and forego, we might get a much better deal over the course of the next 4 years./**COMMUNICATIONS: None./OLD BUSINESS: None./NEW BUSINESS:** Councilwoman Huska asked are these all the pay ordinances for employees? I did notice the Clerk of Council does not have one. Law Director Graves advised let me just point out, a number of positions their pay ordinance already has a range where Council has previously authorized a range of pay. What that does is allow your salary to just be increased percentage wise within that range so those people would not require legislation to receive the same 2-1/2%. Mine is, the Service Director is, the Finance Director is. Councilman Elliott asked is Kay's in there? Law Director Graves answered if it is not I apologize but Tammy gave me the list of the ones that were arranged. Councilwoman Huska asked could you check on that. Also I have another question, can we do these separately when we vote on them? Law Director Graves answered you are going to be okay so long as you take 2 votes. Councilman Smith advised you can make the motion to do them all enmass and then the motion to pass them. There was a brief discussion.

### **ORDINANCES FOR COUNCILS AGENDA:**

- 1.) Council#066 – THIRD READING – an ordinance repealing and rewriting section 1151.01 of the codified ordinances of the City of Sheffield Lake regarding general provisions, and the declaring of an emergency.
- 2.) Council#072 – 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, and the declaring of an emergency.

\*Motion by Huska/Second by Elliott to add Council#073 through Council#083. Yeas All.

- 3.) Council#073 – EMERGENCY – an ordinance increasing the rate of pay for the position of Assistant Clerk of Mayor’s Court, effective the first pay period of 2010, and the declaring of an emergency.
- 4.) Council#074 – EMERGENCY – an ordinance increasing the rate of pay for the position of Chief Building Official, effective the first pay period of 2010, and the declaring of emergency.
- 5.) Council#075 – EMERGENCY – an ordinance increasing the rate of pay for the position of Building Inspector, effective the first pay period of 2010, and the declaring of an emergency.
- 6.) Council#076 – EMERGENCY – an ordinance increasing the rate of pay for the position of Secretary of the Civil Service Commission, effective the first pay period of 2010, and the declaring of an emergency.
- 7.) Council#077 – EMERGENCY – an ordinance increasing the rate of pay for the position of Custodian of the Community Civic Center, effective the first pay period of 2010, and the declaring of an emergency.
- 8.) Council#078 – EMERGENCY – an ordinance increasing the rate of pay for the position of Manager of the Community Civic Center, effective the first pay period of 2010, and the declaring of an emergency.
- 9.) Council#079 – EMERGENCY – an ordinance increasing the rate of pay for the position of Clerk of Mayor’s Court, effective the first pay period of 2010, and the declaring of an emergency.
- 10.) Council#080 – EMERGENCY – an ordinance increasing the rate of pay for the position of Park Department Lead Person, effective the first pay period of 2010, and the declaring of an emergency.
- 11.) Council#081 – EMERGENCY – an ordinance increasing the rate of pay for the position of Safety Director, effective the first pay period of 2010, and the declaring of an emergency.
- 12.) Council#082 – EMERGENCY – an ordinance increasing the rate of pay for the position of Secondary Crew Leader for temporary summer help for Parks and Service Department, effective first pay period of 2010, and the declaring of an emergency.
- 13.) Council#083 – EMERGENCY – an ordinance increasing the rate of pay for the position of Clerk to the Treasurer, effective the first pay period of 2010 and the declaring of an emergency.

\*Motion by Bring/Second by Smith to go into a brief executive for the discussion of current litigation. ROLL CALL TO GO INTO EXECUTIVE SESSION: Yeas All – Rosso, Huska, Elliott, Bring, Smith.

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



Law Director Graves advised let the record reflect that the City Council of Sheffield Lake did adjourn into executive session for the discussion of current litigation pursuant to the Ohio Sunshine Laws.

**MEETING ADJOURNED:** With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 8:28 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/COMMITTEES

*Kay Fantauzzi*

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COUNCIL PRESIDENT

*Edward R Podmanik*

*and/or*

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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 December 15, 2009.

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MAYOR

*John J Piskura*