

Minutes of the City Council
Sheffield Lake, Ohio
July 8, 2008

The regular meeting of the City Council was held Tuesday, July 8, 2008. Council President Edward Podmanik called the meeting to order at 7 PM.

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

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

Present: Podmanik, Bring, Kovach, Elliott, Diebold, Huska, Smith, Mayor
Piskura, Treasurer E Hoenig, Finance Director Smith, Service
Director Gardner, Law Director Graves
Absent: Rosso, Treasurer E Hoenig, (excused)
Attending: Fire Chief Conrad, Concerned Citizens, Members of the Media: Avon
Lake Press

*Motion by Bring to approve the minutes of the City Council meeting of June 24, 2008 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS: None.

PRESENTATIONS: Ms. Sherry Ames, ESOP advised as you stated what ESOP (Empowering & Strengthening Ohio's People) stands for, we work in the State of Ohio dealing with foreclosure prevention. We intervene on the behave of homeowners to help them keep their homes and reduce the vacant properties that we are having. I know in Sheffield Lake here you are the worst hit in Lorain County at this point. So I wanted to come and let you know that we are locating here in Lorain County and I am setting up an office in the City of Lorain in the direct action office at 1850 Washington Avenue and I have flyers to let you know that. She gave some background information which is available at www.esop-cleveland.org.

*******CITY COUNCIL REPORTS*******

Roads, Drains, Water, Sewer, Refuse: None./Safety: Chairman Bring reviewed the minutes of the July 2, 2008 meeting. *Motion by Huska to accept the report. Yeas All./**Buildings, Lands, Vehicles & Equipment:** Chairman Kovach reviewed the minutes of the July 3, 2008 meeting. Chairman Kovach asked as we are getting ready to finish up the boat launch, we will be getting ready to pour and finish up the bridge up there? Service Director Gardner answered yes, that is a project that will be after the boat launch as is the light that is after the boat launch lights. Chairman Kovach advised our final item on the agenda was the access to the lake at Community Park. I

am happy to say that I was down there this evening on my way home from work with Bill standing on the first section of the floating dock and I believe the second and third sections will be coming probably next week or later this week? Service Director Gardner answered hopefully this week. *Motion by Huska to accept the report. Yeas All./**Ordinance:** Chairman Elliott advised we have moved the Ordinance meeting to July 24th at 7 pm./**Finance & Claims:** Co-chairman Elliott reviewed the minutes of the June 17, 2008 meeting. *Motion by Huska to accept the report. Yeas All. /**Investment:** Mayor Piskura advised the next meeting will be July 24, 2008 at 10 am./**Council Representative to the Community Center: None./Council Representative to the Zoning Board of Appeals: None./Council Representative to the Planning Commission: None./Council Representative to the Park Board: None.**

*******ADMINISTRATIVE REPORTS*******

MAYORS REPORT: Mayor Piskura advised I only have a couple of things tonight. First off, I hope that everybody got my email concerning Giant Eagle. I was contacted yesterday, late morning by their real estate department at the corporate offices – Chuck Minglerone I believe was his name. He informed me that they intend close their doors on November 1st and that their in his opinion was not a very good chance that we would be able to persuade them otherwise. I do have a meeting set up with myself, the Law Director and Michael Silverberg who is the leasing agent for the property to talk about a plan to get the new tenant in there should we not be able to keep Giant Eagle. We are going to do the best we can, we have to have a grocery store here, we have to have a tenant to the store and if the issue has to do with maintenance and upkeep of the property or if it is has to do the terms of the lease is kind of really irrelevant to the fact that if we don't retain that store and if that property doesn't clean up that all of our options are going to be explored. I know we have talked about a few things in the past, we will make every effort to make sure that that place remains viable. Secondly, real briefly I just wanted to touch on Mr. Kovach's remarks about the boat launch. The first section of the floating dock is in, we are hoping that the remaining portions come in sometime this week. The overflow parking lot is completed, the striping will be done tomorrow. I would like to thank Kokosing and Mayor Hunter from the Village and Mike Griffith who involved in that overflow parking in that. Kokosing gave us a bid in October and have had 2 price increases since October in their materials and in addition to having 2 price increases – the size of the parking lot increased 40% from the original price quote and despite all of that – they still kept their original price for the city because it is a good project I believe and part of the reason they were able to keep that price is because Mayor Hunter allowed their trucks to use Lake Breeze Road and had they not been able to use Lake Breeze it went have been a significant costs extra to go all the way around with all that material. With any luck, it will be open on Saturday, I am hesitant to say that because we are unsure about the remainder of the floating dock portion but at best

it will be open on Saturday and as soon as I know then you will know. You all have with your papers a letter about our new ISO rating at the Building Department. It is a good thing and I will let the Service Director talk a little bit more about that. Finally I would encourage all of you to take advantage of Ms. Ames expertise with the foreclosures in our area. *Motion by Huska to accept the report. Yeas All./**FINANCE DIRECTOR REPORT: None.**

/TREASURER REPORT: None./SERVICE DIRECTOR REPORT: Service Director Gardner reported in continuation of what the Mayor said, the first section of the dock is in place. The overflow parking was completed today, striping will be done tomorrow afternoon assuming it doesn't rain. Today we removed all the logs and things like that that were floating in the area that had drifted in from the winter and they have all been taken out. There are still some things left to be done which we could discuss if you are interested but it is a punch list of things that have to be done at the end of the project. In regards to the ISO which is the insurance services office rating for the Building Department for insurance for people in the city. In 2000 our ISO rating for residential was an 8 and as it goes down that is better. In 2004 it went to 6 which is better and this year we are rated as a 5 which is better than a 6 and all of that is due to our licensing of our Building Department and Councils adoption of all the state codes that are associated with the Building Department. Our Commercial Department has a rating of 4 which is very good and that is because of all the licenses that we have managed to pick up during this time period and use it to our advantage. So I think the Building Department has done a very good job of improving our insurance ratings for the city and that translates to all the people in this town as far as costs for their insurance. *Motion by Huska to accept the report. Yeas All./ **SAFETY DIRECTOR REPORT:** Mayor Piskura advised our new fire truck came in today and I would like the proud Fire Chief to talk about it. Fire Chief Conrad advised the guys are already starting to put the equipment on it and are very excited about it. It is brand spanking new and it is available to everybody that has time after the meeting – you are welcome to stop over and take a look at it and if you want to go for a ride then we can make arrangements for that also. The best thing is it costs the city less than \$20,000.00 for our share. (Applause for Fire Chief Conrad and a job well done). *Motion by Huska to accept the report. Yeas All./**LAW DIRECTOR REPORT:** Law Director Graves advised on the legislation; 2 ordinances up for third readings. He continued with possible additions; Council#055 – the tax budget, Council#056 – NEO/SO bulk salt, Council#057 – update of Fire Code. The Demolition Board was scheduled to meet a little over a month ago and there was a property on Lake Road that was the subject of possible demolition. There is another property that has since come to light I believe it is Mapleview which is on the verge of collapsing and should probably be demolished. Both of those, the Building Inspector and the city is working with that situation in an effort to either repair the property or have it actually donated to the city. So we will keep you apprised of that and whether the

Demolition Board need to meet and vote on whether to abate those nuisance properties. Civil Service is going to need to meet, we are going to need to revise some of our lists and probably conduct another tests especially in the Fire Department as we are going to have some retiring individuals and we are going to need some new people on there. Right now, we are down to 1 person, so we are going to need at least 1 more person to serve on Civil Service Commission and anyone interested should submit an application to the city. The Records Commission did meet on June 10th and 17th and adopted a records retention schedule and probably be looking at a number of ancient documents that the city has and that have exceeded the required retention schedule. I would also ask for a brief executive session to discuss on-going collective bargaining negotiations and current litigation involving the city. The last thing I wanted to discuss with Council is the city has been provided with a draft agreement to enter into a joint economic development zone agreement with the City of Avon and Cleveland. This is related to the Lear Nagle widening and Interchange. What this does is, this was a compromise that was reached and what it enables is any business within an affected community and we are one of them that chooses to relocate, it has to be a business in access of \$750,000.00 a year in salaries that chooses to relocate into the zone, the city would be able to participate in 50% of the income tax that that business would generate for 5 years. Sheffield Lake does not really stand to gain much from this agreement, we don't really have any businesses that would be planning to relocate there that would qualify. The other draw back to this agreement is it would require the city to support and advocate in any county, state or federal funding for any road projects within the zone or even impacted by the zone. So for example Issue II money or other competitive funding pools that the City of Sheffield Lake might be seeking to participate in for improvement of our roads, we may be put in a position where we have got to advocate for that money to go elsewhere into this zone and be arguing against ourselves for funds that we would like to retain here for improvement of our roads. In light of all those things, I would be happy to provide Council with copies, my recommendation is that Sheffield Lake not participate in this. *Motion by Huska to accept the report. Yeas All. *Motion by Huska to amend the agenda to include Council numbers 055, 056 and 057. ROLL CALL TO AMEND THE AGENDA: Yeas All – Bring, Kovach, Smith, Huska, Elliott and Diebold.

CITIZENS COMMENTARY:

Debbie Belaska, 4014 East Lake stated I am very concerned about us trying to save that store. I know I do some of my bulk shopping over there at BJ's but that is a wonderful store and I don't think anybody is ever going to realize till when it is gone the impact of it. I hope that we get to see more people down here expressing their opinions or getting petitions or whatever we have got to do to keep that store because that shopping center is a decay, it is a disgrace, it is an eyesore. It is a danger trap waiting to happen. I would like to see that store stay and I would like

to see more business here now that you got the pier built – let's get on the band wagon. It is a beautiful city, we got beautiful homes, we got a great community here – let's make it happen.

Dan Vorhees, 4043 Tennyson Avenue asked on the store Giant Eagle, I know there is a lot of capital improvements that were done. Why the sudden change from doing capital improvements to vacating the city. That is my main question for now? Law Director Graves answered I can personally attest that the city has offered repeatedly over the last 4 years to participate in anyway in the negotiations between Giant Eagle and the Shoreway Management and the Shoreway Shopping Center Trust and the ownership and we have been excluded from those negotiations. We have said look, all 3 of us are in this together, let's work together, let's see what we can do. Consistently they have said they do not want the city to be involved in those discussions. We are doing our part and as the Mayor pointed out if they do in fact leave – all options are going to be on the table as far as that center goes. Mr. Vorhees asked what can the citizens of this community do to help keep that store, this is a beautiful city – I agree with you (Mrs. Belaska). I have stayed here because I do like this city and I think there is a lot of potential here for this city. The last thing we need is to end up like a neighboring community; South Lorain – not to mention any communities but that is the last thing that we need. I think anything the citizens need to do, getting off the couch and getting involved then we need to do that – so tell us what we need to do. I am not going to sit here and try to tell you how to do your job. I might say hey I think there was a mistake made or whatever but honestly let us know what we need to do as citizens to try to keep that store. We got a lot of elderly folks that have to walk to that store, last thing they need to be doing is paying the taxi fare or jumping on LCT to get to another store and spending our money in another village or another city. I would like to see the money stay here, that is a big tax base. I don't want to see my taxes go up to offset some other tax loss. Just let us know what we need to do, I will leave you my card and whatever we need to do then let's get it done. Mayor Piskura advised the response to the email that I put out has been overwhelming with people just like yourself and Mrs. Belaska talking about the need to keep it and whatever we can do let's come together as a community to do it. I don't know what we can do just yet, we will know better after we have that meeting next week. This came to just as big a shock to us as it came to you because the last time they talked to us they were talking about a pharmacy and a get-go and an 8000 foot expansion. We weren't privy to the negotiations, so I don't know but I would be more then willing to talk to you after the meeting and tell you a few things off of the public floor that may have happened. Mrs. Huska advised I would recommend that all the citizens feel free to tell all of your friends that to contact Giant Eagle. The last time they did something, when they got a lot of demand for what the people wanted – they changed their mind. I would recommend for everyone to send as many messages to Giant Eagle. They have a hot line number, you probably

can find it at the store but I would give them as much vocal and complaining as you can. Mr. Vorhees advised I am going to contact the UFCW representative and see who I need to talk to there and do that – whatever we need to do as a community. Mrs. Huska advised the last time they changed their position on something that they were well intent on doing was because of all the response to the people didn't want it and when so they get a lot of response like that then sometimes they change their mind.

Debbie Belaska, 4014 East Lake advised John if you can get that into the newspapers or something with the citizens concerns and get this out in the media would help us and then maybe we can get more phone calls, more emails and get that 800 phone number maybe in the Avon Lake Press and we can promote more of this. This council meeting is no longer on the air – nobody sees it on the air and half the time people don't have time to read a newspaper let alone live their lives. But this is going to impact a lot of people in this community and if we can use the media John and you can help we would surely appreciate that.

Ralph Hoffman, 735 Roberts Street stated this is also on the issue of saving the Giant Eagle right now. We do have an opportunity if I may suggest something with the Community Days festivities going on this week and we also have booths opened up from our city that are sitting there – the Water Department and that. We can have some information there and maybe try to cater some ideas from the citizens that are coming there and anywhere we can get more people to give them the address of Giant Eagle so that they can write them a hand written letter or something like that. Just a little suggestion that hopefully we can infiltrate that into the week at such a short notice. Mr. Elliott stated a side note to that is that the neighborhood watch is going to have a booth up there so it might be something that we can incorporate with that. We will look into it.

Sherry Ames stated when I am listening to everybody what struck me is why not have something, get your neighborhood watch involved – the letters and the calls I think would be great, I think you should flood them with calls. I thought why not have a “save the store” event or something where you get all these people coming into Giant Eagle and make sure everybody spends money and have large signs and get the media there. If they have hundreds of people out in their parking lot saying we want you to stay and then they are all coming in and shopping that is going to make a difference. Just a thought.

/UNFINISHED BUSINESS: None./NEW BUSINESS: Mrs. Huska stated when I was on Safety I tried getting someone to look at this. What struck me was last winter or the winter before and it was a different state but some kids got lost in a snow storm and they had a cell phone and they kept calling for help but nobody could track where they were and they had gone off the road into a snow drift. They ended up dieing because nobody could track where their call was coming from so that state installed a system that can track a cell phone say if somebody falls off of a cliff where nobody can see them or they are in a river and I would like that

referred to Safety for someone to check if we have it or can get it. Fire Chief Conrad advised I think everything that has been out now in the last 4 or 5 years is track-able. So if you get a cell phone, all you got to do is say I need help and they can pin-point to I believe the accuracy now is within 100 yards and it is either by the end of this year or 2009 the accuracy feet. That issue has already been addressed by the county.

*Motion by Bring to go into executive session after ordinances and resolutions for the discussion of on-going collective bargaining negotiations and current and pending litigation involving the city. Mayor Piskura requested a short break so that he could address some of the residents so that they don't have to sit here for a while before we come out. *Motion by Bring to amend motion to include a brief recess between ordinances and resolutions and the executive session. ROLL CALL FOR EXECUTIVE SESSION FOR SO-NOTED DISCUSSIONS: Yeas All – Bring, Elliott, Kovach, Diebold, Smith, Huska.

ORDINANCES AND RESOLUTIONS:

1.) Council#044 – THIRD READING – an ordinance repealing Chapter 784 of the codified ordinances of the City of Sheffield Lake regarding taxicabs.

*Motion by Huska for ADOPTION:

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

Ordinance Passes#50-08

2.) Council#045 – THIRD READING – an ordinance amending Chapter 375 of the codified ordinances of the City of Sheffield Lake regarding snowmobiles, off-highway motorcycles and all purpose vehicles.

*Motion by Huska for ADOPTION:

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

Ordinance Passes#51-08

3.) Council#055 – EMERGENCY – a resolution adopting the tentative budget for the City of Sheffield Lake, Ohio for the fiscal year beginning January 1, 2009 and submitting the same tax budget to the auditor of Lorain County, Secretary for the Lorain County Budget Commission and the declaring of an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Resolution Passes#52-08

4.) Council#056 – EMERGENCY - a resolution authorizing the City of Sheffield Lake, Ohio to participate in the Northeast Ohio Sourcing Office's (NEO/SO'S)

2008 – 2009 salt program, to delegate the responsibility for the competitive bidding for the purchase of salt and to establish the City of Sheffield Lake’s salt tonnage commitment for the 2008 – 2009 season and the declaring of an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Resolution Passes#53-08

5.) Council#057 – EMERGENCY – an ordinance amending section 1501.01 of the codified ordinances of the City of Sheffield Lake regarding adoption of the Ohio Fire Code, and declaring an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Ordinance Passes#54-08

President Podmanik advised we will have a brief recess and then go back into session and then go to the executive session from there.

President Podmanik advised we are back into regular session from the brief recess and have already made the motion to go into executive session.

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

Law Director Graves advised let the record reflect that the city council of Sheffield Lake did adjourn into executive session for the purpose of discussing on-going collective bargaining negotiations and current and pending litigation involving the city.

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach to adjourn at 8:35 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

Kay Fantauzzi

PRESIDENT OF COUNCIL

Edward R Podmanik

and/or

I, Kay Fantauzzi, duly appointed Clerk of Council of Sheffield Lake DO HEREBY CERTIFY that this is a true and exact copy of the Minutes of Council of July 8, 2008.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura