

Minutes of the City Council
Sheffield Lake, Ohio
September 9, 2008

The regular meeting of the City Council was held Tuesday, September 9, 2008. Council President Edward Podmanik called the meeting to order at 7 PM.

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

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

Present: Rosso, Bring, Elliott, Kovach, Huska, Diebold, Smith, Mayor Piskura,
Law Director Graves
Absent: Podmanik, Treasurer E Hoenig, Finance Director Smith
Attending: Concerned Citizens, Fire Chief Conrad, Civic Center: Nicola, Zoning:
Ebenschweller, Members of the Media: Avon Lake Press

*Motion by Bring to approve the minutes of the City Council meeting of August 12, 2008 with any corrections. Yeas All.

*Motion by Bring to approve the minutes of the Special City Council meeting of August 28, 2008 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

Monthly report of court receipts for month of August - \$12,532.30 – receive and file.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: None./Stormwater Utility: Representative Smith advised I have not had a chance to review the minutes so I will give the report at the next meeting.**/Safety:** Chairman Bring reviewed the minutes of the September 3, 2008 meeting which included a copy of the annual 2007 report from the Police Department. Chairman Bring asked Mayor Piskura we had asked about the cameras on the boat launch and that was getting worked on, is that finished yet? Mayor Piskura answered the electric is connected and we hope that by the end of the week it will have a DSL and the installer should be here to set up the cameras. So we are hoping by the weekend it will be done. Chairman Bring advised so any activity at the boat launch will be videotaped and the Police Department will be monitoring that. Chairman Bring advised VFW donated \$2000.00 and we would like to thank them for that. Law Director Graves advised we will have resolutions for Council to approve those. *Motion by Huska to accept the report. Yeas All.**/Buildings, Lands, Vehicles & Equipment:** Chairman Kovach reviewed the minutes of the September 4, 2008 meeting. *Motion by Huska to accept the report. Yeas All.**/Ordinance:**

Chairman Elliott reviewed the minutes of the September 4, 2008 meeting. *Motion by Huska to accept the report. Yeas All./*Finance & Claims: None./Investment: None./Council Representative to the Community Center: None./Council Representative to the Zoning Board of Appeals: None./Council Representative to the Planning Commission: None./Council Representative to the Park Board:* Member Kovach reviewed the minutes of the August 18, 2008 meeting.

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

MAYORS REPORT: Mayor Piskura reported I am wearing many hats tonight, I would like just to cover it all at once. He continued Councilman Bring had talked about the need to hire a Safety/Service Director, we have been advertising and through the advertising in the newspapers and the word of mouth we have gotten several applicants and we are starting to interview some of the better candidates and probably be coming to you to do some interviews in Council. I want to talk about the Police Department for a little bit, we have restructured the cruisers – everybody knows that we cut our cruisers down to 6/we are only going to have 6 in the fleet, that’s it. But we are going to have them professionally maintained because of all of the jobs that we had lined up for the mechanic to do in the Service Department with all of the Service Department equipment – it seemed that the cruisers weren’t getting the attention that they should have. We now have all the cruisers, they have all had their scheduled maintenance checks according to the factory specs and we are using the dealership in Avon Lake, Lloyd Manwell. Also we are going to staff peak times and I know that I have had this discussion with Safety Committee but we are going to start staffing an additional cruiser during peak times and the shifts are going to be from 2 to 10 Monday through Thursday and 7 to 3 Friday and Saturday and then we will probably maintain the staffing that we have now for Sundays. We are going to do that as a pilot and make sure that it works before we try to staff an additional car 24/7. As far as the Fire Department is concerned, I apologize, I don’t have copies, I will give you copies – I am sad to announce that Fire Chief Conrad has made his intentions clear that he is going to be retiring at the end of the year. He has been an excellent Fire Chief and I tried to talk him into staying but he won’t. He wanted to go last year and I was able to get him to stay another year so I thank him for that but while he has been here there has been many, many improvements at the Fire Station. We have gotten lots of equipment, he has been successful in his grant writing and I believe that the overall organization has benefited from him being there. So nearing the end of his 30 years here at the city, I would expect a celebration of sorts that we will have for him. The Service Department, if you haven’t taken a look over there in the recent past I would encourage you to do so. We have cleaned up a significant amount of the mess that was over there. We have taken all of the good dirt along with the dirt that was over off of Tennyson and we have made the privacy mound all the way around the entire center. We have gotten permission from the church to go down that fence line so that nobody has to look at the Service Department and what we are doing

right now is trying to get the front area cleaned up so that we can have a city auction and auction off all those police cars and miscellaneous things that we are not using in the Service Department using that front lot as the staging area. The city auction, we are trying to arrange for that Saturday in September or first Saturday in October with an on-site professional auctioneer. When I have that completely set-up and ready to go, I expect to bring to Council a list of things for approval to get rid of. Depending on when I am able to schedule the city auction, it may even be the necessity of a special Council meeting so I will apologize up front if that happens. Down at the boat launch, I had an opportunity to meet with the ODNR, it was their final inspection. They were very impressed, they were very pleased – the punch list that we have is very minimal. I don't anticipate there being a problem with getting all of the items completed. However, prior to our final payment which represents 10% of the grant – they have to be completed so I wanted to make you aware of that. The biggest item is that the red light on the inside pier – they want it moved to the break water instead of on the inside pier. So I have already started talking to people about how to get that done as inexpensively as possible. You have an ordinance for tonight for the creation of a position that I have already talked to you about. The one program that has been added to that ordinance is the Fair Housing Program. I am looking to create a Fair Housing Program with a Fair Housing contact person, if we do so we are eligible to receive \$120,000.00 worth of federal money that we can use to subsidize that persons salary. I wanted you to know about that prior to looking at that ordinance. As far as the shopping center is concerned, I know it has been receiving a lot of attention lately and I thank everybody that has been helping, everybody that has shown up to the rally's, made phone calls, come down to Cleveland or written letters to the editor. I believe that together we really are making some headway and without potentially ruining our negotiations, I will tell you that we made our offer and the Ratner side agreed to that offer. We are still negotiating with the Levin side and I would request an executive session to talk about the purchase and/or sale of property, as well as for the consideration of employment of city personnel. Mr. Kovach advised the first Saturday in October will be that Pride Day weekend.

*Motion by Huska to accept the report. Yeas All./**FINANCE DIRECTOR**

REPORT: None./TREASURER REPORT: None./SERVICE DIRECTOR

REPORT: None./SAFETY DIRECTOR REPORT: None./LAW DIRECTOR

REPORT: Law Director Graves reported 2 pieces of legislation that could be added to the agenda tonight. The one the Mayor already spoke of creating the position of part-time Grant Administrator. The other piece of legislation Council#061 is the one that Councilman Elliott referenced amending our sexual offender ordinance and what this is about if you recall Sheffield Lake passed some additional restrictions on sex offenders under the old guide lines where under state code a sexual offender can't live within a 1000 feet of any school. Sheffield Lake extended that a year or so ago to say that any habitual or sexual predator could not

live within a 1000 feet of any school, park or the library. Under the new Adam Walsh Act which changed the classification of sex offenders from sexual offender habitual/sexual predator. Now it is just a tier 1, tier 2, tier 3, so we had to take a look and it is totally related to the nature of the offense – it is not based on your likelihood of repetition. So it is being challenged in some court cases but in any regard, we found ourselves faced with having to amend our ordinance. So what we have come up with is, any child victim offender of any kind or any repeat offender is not allowed to live within a 1000 feet of any school, park or library in Sheffield Lake. Any offender at all would still be classified under the state code which is not within a 1000 feet of any school. I would also just reiterate the Mayors request for executive session to discuss the purchase of property for public purpose and also to discuss the appointment of public official. I would also like to reiterate the Mayors comments, it has been a whirlwind of activity the last few weeks regarding Shoreway Shopping Center. Right now there are so many people working so hard, so diligently to put more pressure then ever before on the ownership and I really feel that a lot of progress is being made. So we are going to keep that up, we are going to keep working as hard as we can and I am confident that we are going to get some positive results there. *Motion by Huska to accept the report. Yeas All.

CITIZENS COMMENTARY:

Debbie Belaska, 4014 East Lake Road advised Mayor Piskura I am having a lot of people coming up I was at the grocery store and they are asking a lot of questions so if you can just answer them like on the record. Mayor Piskura advised I will answer what I can on the record, you know what is going on. Mrs. Belaska answered I understand, they are asking where is the money going to come from? Mayor Piskura answered first of all, we are going to get the purchase price ironed out and once the purchase price is ironed out we are going to negotiate the terms of a purchase agreement that is something that our Law Director will do. In that purchase agreement, we will make sure that we are able to get all of the documentation to do our due diligence on the center and the rent rolls and anything that would impact either the revenues or the expenses of the center and you know deal with them appropriately at the point of sale. At the point of sale, there are actually really too many variables right now to tell you a complete financing package. However, I don't believe that we have the cash on hand to buy it out right. What we will end up doing is we will float a note and then probably just roll the note over for the first year or two and pay fees on the note instead paying down the debt service. Now we have enough revenues in our capital improvements account to actually pay for that note and to pay to roll it over. The variables are going to be right is the rent roll meaning how much revenues are they getting from their tenants and you take that and contrast it against a report that we are going to get from the county auditor on the amount of taxes that we are going to lose because we are going to own the property. Now once we own the property we will be tax exempt so there is going to be no further liability on us to pay any taxes on

the property but understand that on the inside mileage of our property tax we are getting revenues from the property tax the center is paying. So we got to off-set that property tax with the rent roll. Now without looking at their books or without having been privy to that information and trying to take as educated a guess as we can knowing the approximate value of the rent roll from Giant Eagle and what they were asking for the Rax building, I believe that we are going to find when we do our due diligence that the rent roll itself is going to be sufficient to carry the note for some time and what we would do is take the excess and work towards demolishing the vacant portions of the center right now. But that is about as best as I can explain it without having done the due diligence. Mrs. Belaska asked is this going to at all affect any of our Safety Forces; cutting or freezing their wages or cutting any jobs or affecting anybody in this city as far as employees? Mayor Piskura answered this can do nothing but benefit the city. Once we acquire the property, first of all we are going to acquire the property and the financial package that we put together we are going to put together the same way we did with the boat launch which is that our intention is to do it using 0 general fund dollars. The Fire Department and the Police Department are funded out of special revenues that are specific to their departments as well as general fund dollars. If we have to take a substantial amount of general fund dollars away to finance a project, of course that is what impacts the salaries and the operations in Police and Fire. Our intention is not to touch general fund money whatsoever and to the contrary, if we acquire the property obviously the intention is to abate the nuisances as quickly as possible but then with Council's help do some community consensus meetings again like we did a couple of years ago to find out exactly what the community wants to do with the center. But my own personal opinion is going to be that we keep it and if we keep it, we can do 2 things; first of all, we can control the property and control the rents there making it more attraction for businesses to come, but secondly; we can keep the revenues from the property and reinvest them in the center which will up property values and put more money in the city's coffers to pay police and fire. So to answer your questions this should have 0 impact to police and fire. Mrs. Belaska advised I had another citizen ask, how is it going to affect the citizens on the tax dollars? Mayor Piskura answered there are 2 schools of thought or 2 different ways to approach it, again assuming we do our due diligence and the rent rolls are close to what we suspect we can demolish and abate the immediate nuisances meaning you know the portions of the property that are falling down and condemnable and re-consolidate some of the existing stores so that we have 1 completely full. You know maybe the northern portion of the center. If we want to as a community slowly work at taking the profits that Levin was getting and that Ratner was getting and re-invest them into the center in a phased redevelopment or a slow redevelopment that is going to take 5 or 10 years, it shouldn't affect a tax payer's liability right now at all. Again it will do nothing but help, the only way that I can envision this affecting a tax payer is if the desire

of the community is to redevelop it as quickly as possible in which case we would need some substantial capital money to do some capital investment and we would likely go to the ballot and we would ask the community for some type of tax increase to support their desire to redevelop the center but I think it is important to understand that whatever happens is going to happen because that is what the community wants. Mrs. Belaska asked my fourth question is about a Dog Warden, I called because I had an incident at the house and of course they were generous to give me a list of people but none of them ever called back – none of the trappers or nothing. I am just wondering are we any closer to getting a Dog Warden or the situation resolved? Mayor Piskura answered yes we are, I can tell that I have continued to talk with the other cities and that we have narrowed the field down a little bit. I anticipate being able to fill that position very shortly.

Mark Erdei, 4015 Tennyson stated I have got one question on that light you were talking about for the breakwall, the green light. Now the Army Corp of Engineers designed that or did you have an outside? Mayor Piskura answered an independent engineer that was approved by the ODNR by the name of Chris Andrassy designed it. Mr. Erdei asked okay then why didn't they catch that light being on the end of that then? Mayor Piskura answered we asked them the same question and they just well we didn't catch it. Mr. Erdei asked are they going to cover it or does that have to come out of the city expenses? Mayor Piskura answered well they have contributed \$865,000.00 towards the project and they did cover that much money in the water work. To answer your question, probably not but we don't know how much it is going to cost and they still owe us \$86,000.00 anyway.

Ann Marie Woltman, 649 Sheffield Road advised I have a couple different questions not related to anything discussed thus far. There is something up for zoning change, the property behind the Speedway and one of the neighbors asked if I would ask this question; when was the public hearing for that? Law Director Graves answered that is scheduled for October but more then likely that is going to have to be rescheduled because I don't believe Planning Commission has even considered this yet. Clerk Fantauzzi advised it is scheduled now for October 14th. Law Director Graves advised Planning Commission need to spend some time reviewing that. Ms. Woltman asked is that Planning Commission rather then the Zoning? Law Director Graves answered yes. Ms. Woltman stated because she said to me that there was never a public hearing when that gas station was ever built? Mr. Bring advised there was an existing gas station there. Law Director Graves stated well I mean there has been a gas station for how long – years. Mr. Bring stated since I was a little kid. Ms. Woltman stated well that has been there for that many years, okay and I will tell her that because when I was reading the wording on the different zoning changes and one was scheduled for public hearing but that one was not scheduled. It was a matter of being decided by the Council, the Speedway property, am I interpreting that wrong – the way it was worded? Law Director Graves advised it hasn't been rezoned, there was a lot split a couple of

years ago and a portion of the Shoreway Shopping Center Trust sold off a portion of their property but it wasn't rezoned, it was a lot split. Ms. Woltman stated the way that the zoning rules and regulations ordinance read, one is scheduled for public hearing but that wasn't listed, that was at the discretion of the Council. Did I interpret that wrong? Law Director Graves answered talk to me after as I am not exactly sure what you are asking. There wasn't any rezoning any time recently, there was a lot split. Ms. Woltman stated there were a lot of citizens that participated in the rallies, the bus trip, phone calls, whatever was done and the question came up why were the Council people not involved? Mr. Bring answered we were at the rally. Ms. Woltman asked you were at the first rally? Mr. Bring answered not the very first one but the second one yes. Mrs. Huska advised I was not, I have a conflict of interest with this. You are not going to see me at the rallies even though I would like to be, it is a conflict of my interest. Ms. Woltman stated okay and then I guess the other question is with the phone calls, I would think that with the constituents that you have that vote you in that there could have been some contacts made even if you could not attend any of our activities to help out Debbie with the phone calls. So I am wondering why are all the citizens just doing the work and not our City Council people. Mayor Piskura answered mam, City Council does come here and basically volunteer their time all year long and they are very supportive of the effort and they have offered to help me in any way they can and I can't speak to what personal obligations they may have had during our functions but I can assure you that as far as I am concerned they are all on our team and very supportive. Ms. Woltman stated okay and then the other question had to do with the county commissioners, we have gotten no support from them, I am talking about in general when you are talking about re-election? Mayor Piskura asked are you talking about basically this issue? Ms. Woltman answered basically this issue but there are other issues too? Mayor Piskura answered the county commissioners have been very supportive as well. They may not have shown their face on this particular issue and I can't answer why but again they have repeatedly helped Sheffield Lake and I would be remiss if I didn't speak to how much they have helped us. You know they helped us with the boat launch, they are helping us with more infrastructure at the boat launch, they have helped us with our applications for road projects, they have subsidized us heavily through Solid Waste, at our request they have helped the school with the bleachers. I mean I think you have to give them some credit and understand that they are very busy as well. So I think that I would have to disagree with you in that, the county commissioners have helped Sheffield Lake a great deal.

Mark Erdei, 4015 Tennyson asked this negotiations keep dragging through are we going to have another rally in Cleveland? Mayor Piskura answered the next rally that I would like to schedule is at the Levin College. Mr. Erdei stated as long as we have a good enough notice so some of us can attend. Mayor Piskura advised I want to hold off doing anything until the end of the week.

Debbie Belaska, 4014 East Lake Road stated I noticed when I was going down Howell, that one street by my house – they did a nice job putting the gravel on but I started to see the holes come right back up again. Mayor Piskura asked holes or little bumps? Mayor Piskura answered we can go over and take a look.

Ann Marie Woltman asked what will the city do to publicize the next event in conjunction with Shoreway Shopping Center if we are going to go to the Levin Trust people? How will we get that across to the citizens in a more effective way? Mayor Piskura answered when you say the city, I want to try to make the point that the city officially has only been involved in this in the capacity of dealing with the code violations and negotiating with the ownership for a purchase. As far as the rallies and some of the things that we have done, that has been done independently by what I consider to be a very concerned citizens group that many of us happen to be members of so that is going to be up to us how we choose to publicize it and at another time when we decide we are going to do it, I would be more than happy to sit down or we should all probably sit down and figure out how the best way to do it is to get maximum attendance. Ms. Woltman stated we should schedule something for everybody to be involved to promote it. Mayor Piskura advised the other problem with what we did is the reason that we did it on Friday at Forest City is because they are open and that is when they all go to the office. The Levin College is open on the weekends as well so when we schedule a rally at Levin College it will be on a weekend and from what I was told by Mrs. Belaska, there was several people that wished that could have attended and probably would be able to attend if we do the next one on a weekend. Ms. Woltman stated but short of her making all those calls again and people, I was what should we do in the city to promote it? Mayor Piskura answered I guess my point is that maybe when we decide that we want to have another rally, we will have another meeting of the concerned citizens and decide how to do that but that is not really a city business kind of thing.

UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by Huska to amend tonight agenda and add Council#061 and Council#062 to the agenda.

ROLL CALL TO AMEND THE AGENDA AND ADD COUNCIL#061 AND COUNCIL#062 TO THE AGENDA: Yeas All – Kovach, Huska, Bring, Rosso, Elliott, Smith, Diebold. *Motion by Kovach to go into executive session following the reading of the ordinances and resolutions to discuss the purchase of property for public use and also for hiring of public employee. **ROLL CALL TO GO INTO EXECUTIVE SESSION FOR SO NOTED REASONS:** Yeas All – Rosso, Bring, Huska, Smith, Elliott, Kovach, Diebold.

ORDINANCES AND RESOLUTIONS:

- 1.) Council#061 – **FIRST READING** – an ordinance by the Sheffield Lake City Council amending Chapter 533.23 of the codified ordinances of Sheffield Lake regarding sexual predators.

2.) Council#062 – FIRST READING – an ordinance establishing Chapter 177 of the codified ordinances of Sheffield Lake creating the position of part-time grant administrator and the declaring of an emergency.

*Motion by Kovach to go into executive session for the purpose of purchase of property for public use and also the hiring of public employees. ROLL CALL FOR EXECUTIVE SESSION: Yeas All – Kovach, Smith, Huska, Bring, Rosso, Diebold, Elliott.

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

Law Director Graves advised let the record reflect that the City Council of Sheffield Lake did adjourn into executive session for the discussion of the purchase of real property for public purpose and the appointment of public employees pursuant to the Sunshine Laws.

COUNCIL PRO TEM: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach to adjourn at 9:10 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 September 9, 2008.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura