

Minutes of the City Council
Sheffield Lake, Ohio
September 23, 2008

The regular meeting of the City Council was held Tuesday, September 23, 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: Podmanik, Rosso, Bring, Elliott, Kovach, Huska, Diebold, Smith, Mayor Piskura, Treasurer E Hoenig, Finance Director Smith, Law Director Graves
Attending: Concerned Citizens, Fire Chief Conrad, Zoning: Ebenschweller, Members of the Media: Avon Lake Press

- *Motion by Bring to approve the minutes of the City Council meeting of September 9, 2008 with any corrections. Yeas All.
- *Motion by Bring to approve the minutes of the City Council Worksession meeting of September 16, 2008 with any corrections. Yeas All.
- *Motion by Bring to approve the minutes of the Special City Council meeting of September 16, 2008 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

Lorain Public Library System annual report – receive and file.

PRESENTATIONS: None..

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

Roads, Drains, Water, Sewer, Refuse: None./Stormwater Utility: Representative Smith reviewed the minutes of the August 28, 2008 meeting. *Motion by Huska to accept the report. Yeas All./**Safety:** Chairman Bring *Motion by Huska to accept the report. Yeas All./**Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Claims:** Chairman Rosso reviewed the minutes of the September 16, 2008 meeting. *Motion by Huska to accept the report. Yeas All./**Investment: None./Council Representative to the Community Center: None./Council Representative to the Zoning Board of Appeals: None./Council Representative to the Planning Commission:** Representative Huska reviewed the minutes of the September 18, 2008 meeting./**Council Representative to the Park Board:** Member Kovach advised due to the recent passing of Madeline Sterling, anyone interested in the position may submit an application to the Mayor.

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

MAYORS REPORT: Mayor Piskura reported I don't have much tonight. I wanted to let you know that Cross Roads has responded to our city wide complaint of dust where they had redone some of the roads. What they had told me was that they have gotten into the practice of putting excess down to make sure that there is no bleed-thru and then they come back and sweep up the excess. We didn't have that built into our spec. However they did come out and do it for free and we are stock piling the gravel, I don't know how much we have so far but it is quite a stock pile. I mean as of late Saturday, I think we are up in the neighborhood of 30 tons. Anyway that is getting done. The cameras at the boat launch are not working, they have been recording actually for the last 4 days. However the internet connection is not 100% yet. So the actual picture is not over at Police Dispatch and won't be until we get the internet connectivity issue resolved. But if there is anything that happens down at the boat launch it is being recorded right now. So there is something down there. I wanted to let you know that I had met with bond counsel about the financing of the shopping center, that is going well. We are probably going to meet again sometime soon to go over some of the details. We will bring that back to you when we can. Along that same lines, we have been meeting with a couple of developers and talking about potential. We will bring that to you when we have more details. I wanted to let you know, I don't know if you had the communication or not but I got a letter of resignation from Jerry Bontempo from the Planning Commission. So we are going to have a vacancy on the Planning Commission that we need to fill. I would request an executive session to discuss the hiring of new employees and also to discuss the purchase of real estate.

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

REPORT: None./TREASURER REPORT: None./Service/Safety Director:

None./LAW DIRECTOR REPORT: Law Director Graves reported as follows;

Demolition Board: has not convened recently. We are still compiling a number of nuisance properties in the city that we would like to abate. The property on 348 Mapleview, still working with the homeowner there. She has expressed a desire to donate that property to the city, it need to be demolished.

Civil Service: needs to meet. We need to start scheduling some exams for entry level positions for the Fire Department. The lists are going to be expiring and we need people to serve on that. So if you are interested in serving on the Civil Service Commission contact the Mayor.

Records Commission: we did pass our Records Retention Schedule and are in the process of compiling a blanket authorization to destroy documents as they meet their useful life under the Record Retention Schedule.

Legislation: we have the 3 that have already been added to the agenda. Second reading on the sexual predator amendment, the second reading creating the position of part-time grant administrator and the appropriations that came out of Finance Committee. We also have, if Council chooses to add them to the agenda: number 69 approving a donation of goods and services that I think we talked about

in Worksession, number 70 approving donation of good and services, number 71 this is an additional increase and this is regard to a settlement agreement for the Shoreway water bill litigation which I will discuss in a subsequent ordinance, number 72 this is to authorize payment for a couple of change orders that had to happen on the boat launch contract. It was a 1.4 million dollar project, as you can see the bid amount was very specific – 1,417,972.00. Throughout that there were 2 items that had to be changed resulting in 7800.00 overrun, that would have to be authorized. He continued number 73 which is establishing the rate of pay for the position of Building Inspector, we talked about in the past and then number 74 approving the settlement agreement between the City of Sheffield Lake and the Shoreway Shopping Center for the water bill litigation. I will be happy to discuss that in a little greater detail. I would be requesting an executive session as well for the reasons the Mayor pointed out which was the purchase of real estate for public purpose, the appointment of public official but also for any compensation, to discuss compensation of a public official and to discuss current litigation involving the city. Just an update on the Shoreway project, we have been in a great detail of discussion on a daily basis with the Shoreway Shopping Center Trust and their attorneys, as well as the tenants up there. Things are moving along nicely, we have been reviewing documents and the purchase agreement is underway as far as being drafted with an ultimate goal of having a solid draft of that ready by October 1st which is a week from tomorrow. So we may need a special Council meeting but we will keep you apprised, things are moving along nicely. I don't if I said this I would request those executive sessions prior to ordinances and resolutions, if that is okay with the Mayor to have his at that time as well. *Motion by Huska to accept the report. Yeas All.

CITIZENS COMMENTARY:

Sue Scott, 917 Stark Street advised I don't know who to direct this to but the stones, the gravel that was put on the street – was that supposed to be like a chip and seal? Mayor Piskura answered yes. Mrs. Scott asked did they put the seal on? Mayor Piskura answered the way that they do it is they put the tar part down first and then they put the rocks over top and they did do that. Mrs. Scott asked did they fill all the holes before they did that because it seems like the holes are back? Mayor Piskura answered there were some places where they did a less then stellar job on that and we have got Pat from our service department taking them around and showing them where they need to correct or to fix.

Mark Erdei, 4015 Tennyson on the question or whoever wants to answer it, now that these tenants know that we are taking over – do a lot of them seem enthused and they are like hey we are going to stick around for a while. Has there been any word or anything like any of them that are left. I mean I know Giant Eagle but the rest of them too. Then any bites you know, anybody offering to get into that Rax's restaurant too because that would be quick and easy round right there? Mayor Piskura answered we are working right now to schedule meetings with everyone of

the business owners and/or managers. I hope to have that done within the next week and a half, you know as quickly as I can to co-inside with the purchase agreement because we don't know all the details yet but we know most of them. I have had the opportunity to talk to some of them and everybody that I have talked to is very excited. I haven't had anything negative they are quite frankly relieved. As far as the Rax's restaurant is concerned we haven't begun marketing that, there was some talk about the possibility of demolition or the possibility of that becoming a city building for a while. That is still going to be under discussion for a little bit, for the short term anyway. Mr. Erdei stated on that city building project, that would be a beautiful place to have a business making some money you know instead of having it for the city use. Mayor Piskura answered I agree, however in the short term we are looking to abate the nuisance and develop a plan with a developer. In the long term, that would be a great location for a business. But if we can't get a business to come into that building without a redevelopment it might get knocked down. So the short term use, if we are not going to get an extended lease on a business is to utilize it for our own purposes until it actually gets knocked down. So that is what I meant by that.

Wilda Wolfe, 567 Lafayette advised distributor trucks and stuff that comes up Lafayette, they are tearing up the roads again. You know where they come off of Lake Road, it says "no trucks" but they still come. They come out of Bi-Rite and on up this way and there is a sign definitely that says "no trucks". Mayor Piskura advised we can reiterate with the owner that no trucks should be there. Mrs. Wolfe advised well they are going to that Amvets or whatever it is called, that is their trail. Mayor Piskura advised we can talk with them as well. Mrs. Wolfe advised they come off of Lake Road and they tear up where you come off of Lake Road down there and since we have finally got a fairly good road – let's keep it that way. Mayor Piskura asked you are talking about the distributors for the VFW and at Bi-Rite right? Mrs. Wolfe answered yes, whatever it is called now. Mayor Piskura answered alright, we will see what we can do to get that to stop.

Mark Erdei, 4015 Tennyson asked I was just curious on how the Ferndale project coming along, is that going to be moving along in the next year or two the other side of Lake Breeze? Mr. Smith advised they have already moved some poles, I think they have already put poles in the ground. Law Director Graves advised he is asking for an update on Ferndale Phase II. I know we have completed all of the property acquisitions. Mayor Piskura advised I think we still have 2 properties that are problem properties that are problem properties with the acquisition, have they transferred yet? Law Director Graves answered to my understanding there was only one and that should be completed and they have begun moving all of the poles. Mr. Smith advised and the gas lines too. Mayor Piskura advised it hasn't gone through the state yet. Normally what happens it gets bid and then we get a project start date kind of thing. Being that we're doing the administration of that project ourself, we should have a whole lot more detailed information soon.

Sue Scott, 917 Stark asked I would just like to know if there is anything else that the citizens can do towards the project for the shopping center. It seems like there is nothing else that we can do but come to the meetings. Law Director Graves advised in terms of the acquisition, there is really not a lot that the citizens can do at this point. We are working out the legalities of completing the donation which is essentially done and the purchase of the remaining 80%, there is a lot of terms that have to be worked out. Where citizens may end up having to play a vital role is with convincing Giant Eagle to stay and they have agreed to talk with us and we are going to talk with them and we are going to do everything we can to convince them this is a good place to keep a store. Mrs. Scott asked so our hands are tied now until you let us know there is something we can do? Mayor Piskura answered just to add to what the Law Director said, after the purchase goes through and we own the property, there is going to be a lot of things that we want to happen very quickly or concurrently with each other. The first thing is to abate the nuisance, you know we can get access to the building right now and do the environmental's and do everything we need to do but making the assumption that it proceeds as it supposed to and we actually take possession of the property on November 15th. We hope to be in the demolition phase on November 16th to abate the nuisance and consolidate the businesses to the viable portion of the shopping center or at least the portion of the shopping center that is not falling down. Obviously our desire is to get the entire thing demoed and do a redevelopment but concurrently when we are doing that we will also be meeting with these developers that I have been talking to, to come up with a financially viable redevelopment plan. We have done this once or twice before the previous owner wouldn't follow through on it. We are going to come up with a financially viable plan for redevelopment and then once we have something together to present, hopefully not too long after we get possession of the property we will have a series probably at least 2 or 3 month long series of town-hall style community meetings for you to give your input in the planning stages of a redevelopment and depending on how long that takes is when we can go to the architect's and the engineers to actually start it but that is going to be a significant thing. The better the attendance, the better consensus we will get and the more I think everybody will like it. So right now until David is done with the legal part, we are kind of on break but in a couple of months, we are going to have lots of meetings to start arguing about how to redevelop it.

Avon Lake Press, John Edwards advised remind us about Pride Day. Mr. Kovach advised it is set for October 4, 2008, the first Saturday in October. I am going to assume that Pat has it for 8 am to 2 pm but we will follow the previous schedule set by the previous Service Director./**UNFINISHED BUSINESS: None.**

NEW BUSINESS: *Motion by Huska to add Council number 069, 070, 071, 072, 073 and 074 to tonight's agenda. **ROLL CALL TO AMEND THE AGENDA:** Yeas All – Huska, Diebold, Kovach, Smith, Bring, Elliott, Rosso. *Motion by Rosso to go into executive session for the discussion of hiring new employee and

compensation of a public employee, purchase of property for public use and current litigation. ROLL CALL TO GO INTO EXECUTIVE SESSION FOR SO-TO RENOTED: Yeas All – Rosso, Bring, Elliott, Smith, Diebold, Kovach, Huska. *Motion by Bring to return to regular session. ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Bring, Rosso, Smith, Huska, Kovach, Elliott, 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 employment and compensation of public officials and employees and the purchase of property for public purpose and current and pending litigation.

ORDINANCES AND RESOLUTIONS:

- 1.) Council#061 – SECOND 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 – SECOND 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.
- 3.) Council#068 – 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 Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Ordinance Passes#63-08

- 4.) Council#069 – EMERGENCY – a resolution authorizing the City of Sheffield Lake to accept and approve goods and services donated by VFW Post 8686 for the Sheffield Lake Fire Department, and the declaring of an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

ROLL CALL FOR ADOPTION: Diebold, Elliott, Kovach, Bring, Huska, Smith, Rosso.

Resolution Passes#64-08

- 5.) Council#070 – EMERGENCY – a resolution authorizing the City of Sheffield Lake to accept and approve goods and services donated by St. John West Shore hospital for the Sheffield Lake Fire Department and the declaring of an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Resolution Passes#65-08

- 5.) Council#071 – 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 Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Ordinance Passes#66-08

- 6.) Council#072 – EMERGENCY – an ordinance authorizing payment for two change orders to the contract with Mark Haynes Construction, Inc. for the construction of the Municipal Boat Launch facility at Community Park, and the declaring of an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Ordinance Passes#67-08

- 7.) Council#073 – EMERGENCY – an ordinance establishing the rate of pay for the position of Building Inspector, effective November 1, 2008 and the declaring of an emergency.

*Motion by Rosso, Second by Kovach to change the effective date from November 1, 2008 to June 1, 2008. ROLL CALL FOR EFFECTIVE DATE CHANGE: Yeas – Rosso, Kovach, Elliott, Diebold/Nays – Bring, Smith, Huska. President Podmanik advised Council#073 is amended to change the effective date from November 1, 2008 to June 1, 2008.

*Motion by Rosso for SUSPENSION OF RULES:

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

*Motion by Rosso for ADOPTION:

ROLL CALL FOR ADOPTION: Yeas – Rosso, Kovach, Elliott,
Diebold/Nays – Smith, Huska, Bring.

Motion for adoption failed – FIRST READING.

- 8.) Council#074 – EMERGENCY – an ordinance approving the settlement agreement between the City of Sheffield Lake and Marc A. Levin, Trustee of the Shoreway Shopping Center Trust, and declaring an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Ordinance Passes#68-08

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach to adjourn at 9:04 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 23, 2008.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura