

Minutes of the City Council
Sheffield Lake, Ohio
November 11, 2008

The regular meeting of the City Council was held Tuesday, November 11, 2008. Council President Edward Podmanik called the meeting to order at 7:10 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, Huska, Mayor Piskura, Treasurer E Hoenig, Finance Director Smith, Law Director Graves
Absent: Diebold (excused)
Attending: Concerned Citizens, Zoning: Ebenschweller, Members of the Media: Avon Lake Press

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

CORRESPONDENCE/COMMUNICATIONS:

Monthly report of court receipts for month of October - \$13,714.50.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: Chairman Smith reviewed the minutes of the November 3, 2008 meeting. *Motion by Smith to approve the sewer credit of \$903.65 for 4070 East Lake Road. There were two request for sewer credits to come back for further discussion which were 500 Elm Street and 4895 Oster. *Motion by Huska to accept the report. Yeas All./**Stormwater Utility:** Representative Smith reviewed the minutes of the October 23, 2008 meeting./**Safety:** Chairman Bring reviewed the minutes of the November 5, 2008 meeting. *Motion by Huska to accept the report. Yeas All./**Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Claims: None./Investment:** Finance Director Smith reviewed the minutes of the November 5, 2008 meeting./**Council Representative to the Community Center: None./Council Representative to the Zoning Board of Appeals: None./Council Representative to the Planning Commission:** Representative Huska advised we are in need of 1 or 2 people for the Planning Commission, if anyone would like to apply./**Council Representative to the Park Board:** Member Kovach advised we are still looking for 1 person to fill the Board.

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

*Motion by Rosso, Second by Bring to go into executive session for the consideration of appointment of a public official. ROLL CALL FOR AN

EXECUTIVE SESSION FOR SO-NOTED REASON: Yeas All – Kovach, Smith, Elliott, Bring, Rosso, Huska.

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

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 consideration of appointment of a public official pursuant to the Sunshine Laws.

MAYORS REPORT: Mayor Piskura reported the first thing that I have is that I know that you are all aware that both the Safety Directors position and the Service Directors position have been vacant for quite some time now. We have dozens of applications probably bordering 50 applications that we sifted through. Of those applications, we have conducted several interviews and had second, third and fourth interviews with the Administration with some of these candidates and I am prepared to offer up my appointment for your consideration to confirm. This individual is here today, he has experience as a Deputy Safety/Service Director for over a year in Lorain in the previous Administration. He has a financial background and his name is Joe Arendt and he comes very highly recommended. You have his resume with all of the letters of recommendation throughout the county in Lorain - very high political people. So I would like to appoint Joe Arendt to both the positions of Safety Director and Service Director. If you would humor me I would like to see if I could vote now. *Motion by Kovach, Second by Bring to confirm the appointment of Joe Arendt for the positions of Safety Director and Service Director. ROLL CALL FOR APPROVAL: Yeas All – Kovach, Elliott, Smith, Bring, Rosso, Huska. Mayor Piskura swore Mr. Joseph Arendt in for Safety/Service Director. Law Director Graves requested clarification of effective date. Mayor Piskura answered as of right now. Mayor Piskura continued I do have a few other things in your legislation for tonight, there are 2 pieces of legislation that I am sure David might go over in a little bit more detail but the first one that I wanted to bring to your attention was authorizing me to spend up to \$50,000.00 in capital improvements for the Service Department. This is a project that you have all already signed off on and we want to make sure that there is no question come this next state audit about the expenditure of the money because when you pull it all together it equals more then the limit that requires your authorization to move forward. We called the auditor and they said well, maybe you and maybe you don't but if you do then there will be for sure no problems. So that is what that is all about, it is for the building that we are retro-fitting. The permission to submit for solid waste is in there and what we intend to do with that is the bike path by the bridge to nowhere, we want to get that project done. As far as the boat launch is concerned we are still waiting for our payment of \$86,500.00 that we are not going to get until we are completely done with the punch list from the ODNR. We are almost done, we are coming down home stretch and I don't foresee that taking

much longer. I think the railings is almost up, that is one of the last things to do and then the change in the navigation lights was the only other bigger item which Pat already has taken care of. As far as the shopping center is concerned, there really isn't anything new to report on the deal or the steps that we are taking or the meetings that we are having with developers other than in the purchase agreement we were given permission to enter the building to do our due-diligence – our environmental. We did have Diamond Environmental come out and give us, they went through the building and did our Phase I study. In the Phase I study I will give you a copy, I will give it to the Clerk to pass out tomorrow. It does identify that there is some asbestos in there and everybody knew it and it is going to have to be removed prior to demo. The reason that we did this environmental – just to refresh everybody's memory is that we can build an RFP to go out and bid the job. So I will make sure I get this to you. In the purchase of the center, talking with our bond counsel, they felt that because of the nature of this purchase that it would help with us going to market with our note to go get a Moody's rating and the rating was very favorable and I am sure Tammy will tell you about it in a little bit.

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

REPORT: Finance Director Smith advised like the Mayor was talking about we did get a rating from Moody's, I got it late this afternoon. They had called and we had an interview with the Law Director and myself. We talked about our finances, what our long term goals are and gave them some financials and things like that and they called us back today with 2 ratings – a short term rating and a long term rating. Our long term rating is an A3, we won't be using that rating for the borrowing we are going for. We are going to be using the mig1 rating which is the top of the line rating from Moody's investment. It is called a Moody's investment grade that is called mig, they call it a mig1 and we will be using that. A mig1 is a superior financial backing, issuer has access to a wide variety of financial protection in the event primary revenue sources weaken. Meaning we are strong, we have got a good plan in place and it denotes the best quality rating they have got. So we are very fortunate to get this rating and I think this will help with the rate on the loan and securing the loan because with this market, the way it is right now – I think there is a lot of very, very scared banks, they are very nervous. But I think we have an excellent shot with this rating today, I am very excited. *Motion by Huska to accept the report. Yeas All./**TREASURER REPORT:** Treasurer E Hoenig advised our 3 page report for October is attached. Mr. Bring asked what do we do with these non-sufficient fund checks, is there any possible way of getting any of those collected. Finance Director Smith advised we have been working on that diligently, it is very, very time consuming. Mr. Bring advised there is a lot. Finance Director Smith answered yes I know and I think we have some that we are actually going to write off. These are people that have given us a check and left town, a lot of them because obviously if they are still here, we shut off their water and we get their NSF checks. But with a lot of these foreclosed homes, we are

going to have to line them up and just have to write a lot of them off. We keep hanging on trying to collect on them but some of them are just not working./**Service/Safety Director:** Newly appointed Service/Safety Director Joseph Arendt stated I would like to take the opportunity to thank Mayor Piskura for the opportunity and to thank City Council and I will do the best possible job that I can. I want you to know that I am available 24/7 for any calls or any concerns that you may have and I thank you again./**LAW DIRECTOR REPORT: as follows;**

Demolition Board: None.

Civil Service: Law Director Graves advised the Mayor is still accepting applications, we do need to fill those positions.

Records Commission: Law Director Graves advised we are still working on making our blanket application for records disposal pursuant to the records retention schedule that we have adopted.

Legislation: Law Director Graves advised other than the ones that the Mayor already touched on, there is one additional piece of legislation that Council could choose to add to the agenda tonight and that is to authorize the Mayor to go out for bid for the sale of the lease of the cell tower. Just to clarify this is the sale of the contract/the sale of the lease – not selling any real property but that paper does constitute intangible property of the city with a value in excess of one-thousand dollars (\$1000.00) by the Ohio Revised Code, that needs to be bid for a period of at least 2 weeks/not more than 4. So this would authorize to go out and bid that and you should be aware of potential sale price – the city can certainly use that revenue. As far as the Shoreway project, just to touch on one additional piece of information. We did receive the preliminary title report and there were a number of old recorded objections that we would have had to the title report. Basically they are old leases, old things that were attached to the property that may have expired that are no longer valid and we have talked to them about getting those removed from the title report and that should be done, there really wasn't objection to that. Really that is all I have to report tonight unless anybody has any questions.

*Motion by Huska to accept the report. Yeas All.

CITIZENS COMMENTARY:

Bob Ebenschweller, 362 Cove Beach advised on the agenda for tonight you have an ordinance to be added number 089 – Solid Waste for composting. Law Director Graves answered yes. Mr. Ebenschweller continued under the previous administration we got a grant for this, either 96 or 97. I was on Council at the time and I thought it was a great idea in that my Dad was an organic farmer and composted and it kind of rubbed off on me and I do composting, in fact my neighbors give me their leaves and grass clippings and I turn it in my gardens. We established a pile down on Harris Road, at the time we were dumping wood chips and shredded material and things like that in it and I had mentioned to the Service Director at that time, perhaps we should put a sign up there telling the people what we are doing here and they would know that coming spring – they could come here

and get what it is called black gold to put into their gardens. However, the pile wasn't turned regularly and when I questioned it, I was told we didn't have the proper equipment. We had a back-hoe and a loader and we didn't have the manpower like we should. I suggested perhaps buying a rear mounted tiller to use on one of the small tractors that you could back into the pile and turn it very quickly and cut down on the manpower. I was told that we don't have the money to buy it. Then we got another grant for composting or for solid waste and what did we use that money for – the bridge and we know how that turned out. So my question is do we have a plan that if we get this grant, that we are going to follow through on it the way it is supposed to be followed through and have somebody administrating that knows what they are doing so that it can be successful and not turn out to be a boon-doggle like the last one. Mayor Piskura asked is that a question or a statement, what is the question? Mr. Ebenschweller stated I am hopeful that it will turn out better then the last one over the last couple of years. Mayor Piskura answered I am confident that it will as well, don't forget that that bridge was a carry-over from the last administration. The only decision that I made was saying that I wasn't comfortable with the engineering to make that a road bridge. So rather than putting that on the road that was there, we had tier II approval from NOACA for a bike trail that we figured if we put that bridge down there, we had the Brookside Bike Trail approved that that would give more gravity to that application and ultimately get it approved faster. Then the new bi-annual federal budget was passed that cut the program, it had something to do with the safety-lou program. That is when the money for the bike trail, the tier II approval that we had from NOACA – that is when that money dried up. We were no longer eligible for that money. The bridge itself, I don't believe I don't believe it is a boon-doggle – I think it is constructed very nicely. Mr. Ebenschweller stated I was talking about the original concept and how we had to change it and that was a good decision that you made in doing what you did. Somebody had this idea would have never worked because you cannot engineer a bridge (inaudible). Mayor Piskura continued being sensitive to the fact that that bridge remains one of the projects that has been left undone, what we would like to do with this solid waste money and I know you started talking about composting and stuff like that. Mr. Ebenschweller stated well that is what it says on here. Law Director Graves advised that is the general name of the fund. Mayor Piskura continued but this is the solid waste grant, that is how we get the money – that is the fund from the county where we get it. It has nothing to do with composting. Mr. Ebenschweller asked we are not going to start a composting? Mayor Piskura answered no, no, no. Mr. Ebenschweller stated never mind. Mayor Piskura explained the money that we are getting from this particular fund pool is going towards finishing that bridge to nowhere, to finishing the bike trail. Mr. Ebenschweller read from the legislation – where as the Mayor recognizes the existence of a problem with recycling/ composting within the boundaries of the City of Sheffield Lake and the need to

address the problem at the local level. He commented I assumed we were going to start the composting? Mayor Piskura answered we recognize the problem and that there is a need for it – there is a need for recycling and composting and all those things and we are doing our part by purchasing recycled asphalt to finish our bike trail. Mr. Ebenschweller stated I misunderstood.

Debbie Belaska, 4014 E Lake Road advised I was talking to Mr. Bring, I was out at the elections on Tuesday and I was over at Forestlawn and I stayed from 6:15 in the morning until 7:30 at night doing my volunteer deal. But to make a long story short, I didn't realize that when you are coming into that parking lot that if there was ever an emergency type of deal and Bob seen it to – it is terrible. If there was ever an emergency with children, getting kids in and out of there with the way that parking lot is designed and how it is lit at night – it is dark there. The lights, I know they are all regular there and that but somebody was ever to stand out and kids were coming out from an evening deal there and I don't know what it would have to do with any of this – it was just a concern of mine. Mr. Bring advised there is a street light that is pointing toward the school but the part is on the school grounds and we can't do anything about that. Mayor Piskura advised the next school board meeting is the 24th and I am actually intending on going and I will bring those concerns up.

UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by Huska to amend the agenda to include Council#089, Council#090 and Council#091 to tonight's agenda. ROLL CALL TO AMEND THE AGENDA: Yeas All – Elliott, Bring, Kovach, Rosso, Huska, Smith.

Mr. Bring advised we had Pride Day last Saturday and it went very well, I think we only filled up 3 dumpsters but it went very smoothly and the guys in the Service Department did a very good job over there. We had 0 problems but too bad we didn't fill up more dumpsters but it was a little chilly out that day and Mr. Graves was there. Mr. Graves joked my shirt did come clean, rusty water dumped all over it. Mr. Kovach advised last night we had our neighborhood watch and even though we didn't have a big attendance but there was what I felt a very good program and most of them were elderly that were attending on self-defense that was put on by one of our local Officers - Sergeant Goscewski. Also to maybe enhance next months attendance, they are having a speaker from Sheriff's Office next month and possibly the Marshall's Office the month after.

ORDINANCES AND RESOLUTIONS:

- 1.) Council#084 – SECOND READING – an ordinance repealing section 169.26 of the codified ordinances of the City of Sheffield Lake regarding Negotiating Committee.
- 2.) Council#089 – EMERGENCY – a resolution authorizing the Mayor to file an application and enter into agreement with the Lorain County Board of Commissioners through the Lorain County Solid Waste Management District for the purpose of acquiring funds through the recycling and

composting grant program pursuant to the Lorain County Solid Waste Plan, and the declaring of an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Ordinance Passes#85-08

- 3.) Council#090 – EMERGENCY – a resolution authorizing the expenditure of up to fifty thousand and 00/100 dollars (\$50,000.00) in capital improvements to the Service Department complex, and the declaring of an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Resolution Passes#86-08

- 4.) Council#091 – EMERGENCY – an ordinance authorizing the Mayor to advertise for bids for the sale of the cell tower lease between the City and T-Mobile Central, LLC, and the declaring of an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Ordinance Passes#87-08

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Smith 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

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 November 11, 2008.

PRESIDENT OF COUNCIL

Edward R Podmanik

and/or

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura