

**Minutes of the Roads, Drains, Water, Sewer & Refuse  
Sheffield Lake, Ohio  
May 5, 2008**

The regular meeting of the Roads, Drains, Water, Sewer & Refuse was held Monday, May 5, 2008. Chairman Smith called the meeting to order at 7:34 PM.

**ROLL CALL OF MEMBERS:**

Present: Smith, Podmanik, Kovach, Bring, Elliott, Diebold

Absent: Rosso, Huska (excused)

Attending: Service Director Gardner, Law Director Graves, Concerned Citizens

**READING OF THE MINUTES:**

\*Motion by Elliott to approve the minutes of the April 7, 2008 meeting with any corrections. Yeas all.

**CORRESPONDENCE: None.**

**PRESENTATIONS: None.**

**SEWER CREDITS:** Service Director Gardner advised I have no sewer credits at this time. However, I will defer to the Law Director we have a request. The shopping center paid a \$10,000.00 water bill for some leaks in their shopping center in one particular area that had been locked for some time. They paid the bill through the taxes and they have requested relief. Law Director Graves explained the game room at Shoreway was vacant for a number of years. In 2000 at the request of the management the city shut the water off to that unit. Nothing was done with that unit for 5 years and in 2005 when the city demanded the right to inspect the premises for the purposes of appraising it pursuant to the eminent domain action that we were pursuing the door that was opened and it was determined that there was a leak, there was some water apparently on the floor and you could hear the water leaking in there. Apparently they had not gone in that room in 5 years, the city had not gone in the room in 5 years and everybody was under the assumption that the water was shut off. It actually ended up being over a \$12,000.00 water bill for that unit for water that apparently run for a long, long time. Numerous demands were made upon the ownership and the management company to pay that bill to no avail and we did certify that as a lien on the property. The Shoreway Shopping Center Trust actually paid the lien last year over \$12,000.00 to have the lien removed from the property. They paid it under protest and now through their attorney they are requesting a credit from the city in the full amount that they had to pay. The justification for that credit is that they believe that there was a large amount of standing water and there is a possibility that it didn't actually go down the drain which would suggest a sewer credit but my understanding there was a drain in the floor and almost all the water did go down through the drain which is why they didn't notice it in any other unit that there wasn't a lot of accumulation of water. Also, they are arguing that there was some sort of improper shut-off in 2000 but as I said there was a break due to the freezing and thawing and they apparently kept the unit unheated as well. So anyway, they are requesting some kind of credit. So we thought we would bring that to your attention, it

is rather an unorthodox request and I guess if you have any direction. I think at this point we are probably going to call them up and Bill what is it that you recommend? He is expecting a hearing on this I guess. Service Director Gardner advised you can either have a hearing here, the problem is the guy who wrote the letter is a lawyer. I don't want to deal with a lawyer, I think the Law Director should deal with lawyers. So in my way of thinking when they bring lawyers into the game that it should be going to our legal people. Chairman Smith advised until we see a piece of paper requesting from them in writing which we do for everybody else, it is a dead issue. Until this Board sees something in writing from somebody. Service Director Gardner advised I am not going to issue a letter to you guys. Chairman Smith advised not you, they have to put it in writing don't they? Service Director Gardner answered they put it in writing, they want 100% credit. Chairman Smith advised yes but we need something here. Service Director Gardner advised I am not going to send you a credit because from my point of view, there is no credit. Chairman Smith answered if you are not going to send it to this committee then we are not going to discuss it until we get something because that is what we are supposed to do, correct? Law Director Graves answered yes. Mr. Kovach advised Bill, I would say that you should give the paperwork to Dave and if Dave wants to do it. Law Director Graves advised the letter was actually to me and Bill was copied on it, his lawyer wrote the letter to me. There was a brief discussion on issue, Law Director Graves advised I will reiterate my statement that I have already made to his lawyer that he could potentially be considered for a sewer credit. If he wants to dispute the water, I don't know the vehicle for that would be. Chairman Smith stated we can make a recommendation if anybody wants to make one on the issue but as far as a sewer credit, there is no sewer credit to talk about. Law Director Graves stated at this point – no. Service Director Gardner stated I would just like to take the stand that I would not write a sewer credit into to you guys because I don't think there is one warranted.

#### **OLD BUSINESS:**

##### ***Projects:***

**Ferndale I** – no change.

**Ferndale II** – Service Director Gardner advised we got money from the state for the purchase of the property, we got I believe \$67,000.00 from the State of Ohio for that which went back into the Ferndale fund and we are moving along on that. We are in hiatus right now because we are waiting for the telephone company, the electric company and the gas company and the cable company. Law Director Graves advised the notices for right-of-way obstructions went out and a couple of the revocable licenses were issued.

**Walker Road/Phase I** – Service Director Gardner reported we still don't have the catch basin lowered. However I met with the guy and he is going to come out and do it when he does our other work. I was hopeful to have a proposal to you today for all the work that we had gone around and looked at but he doesn't have it yet. He claims he couldn't do it before June anyhow. I told him that we needed this meeting, he said he couldn't make it by this meeting but he would have it within a week or too – for all the road work we want to do; Belle and things like that.

**Walker Road/Phase II** – Chairman Smith asked do you have any idea when that basin is going to get cut down? Service Director Gardner answered whenever he comes and I don't know when he is coming. Chairman Smith asked it is going to be within a year right? Service Director Gardner answered it should be. Chairman Smith stated I hope so, it has already been 6 months. So the striping and getting that cut down – that is about the only thing left? Service Director answered the crosswalk.

**Walker Road/Phase III** – Chairman Smith advised we are still holding off on.

***Infiltration:***

**Flow Monitoring analysis** – Service Director Gardner reported we have been accumulating our testing equipment to start testing individual homes. Mr. Bring asked what kind of tests? Service Director Gardner answered smoke and dye tests and camera. Mr. Bring asked did we have excess water in the drains this last storm? Service Director Gardner answered yes, although nobody called and complained about a basement flooding if that is what you mean. Our pump stations alarmed.

***Future Projects:***

**Sidewalks** – Service Director Gardner reported we have 3 companies doing sidewalks and they have already started, they did the one across the street and we are moving along.

***Misc:***

**Water meters** – Service Director Gardner reported we put in 40 of the replacement touch-pads over on the west-end of town so that they are all working and they seem to be working fine. Those are the touch-pads, those aren't the radio reads. Chairman Smith asked are we pretty happy with the performance on them? Service Director Gardner answered oh yes, that is no problem – the software on those work fine. It is just that we put those touch-pads in 10 years and we had to replace 40 of them. They were under warranty so we got pretty much 40 of them for free but it is saying that they are lasting 7 to 10 years which is not as long as I would like to see them but they were under warranty though. Chairman Smith asked where are we at with the meters? Service Director Gardner answered we are still sitting on the money until we get a decision on whether we like what we see or not. Chairman Smith asked so we are still not happy with the performance then? Service Director Gardner answered we don't know that yet but until I am totally happy with it I am not going to buy anymore of them. But I did replace the touch pads and those have worked fine for 7 years but I think we did 40 of them. That is out of about 1100, so that is not too bad.

**Pole for lights on bridge** – Service Director Gardner reported I have talked to the electric company a few times but they have not told me any time limit yet or any time on that. I am still trying to get them out to the boat launch.

**Pot holes on Belle** – Service Director Gardner advised that section of Belle we have with the contractor to give us a price on it, to have it taken down and reworked. Chairman Smith advised our last conversation you said you were going to have the contractor look at that

whole area. Service Director Gardner answered I asked him for a price on the whole block but I am not sure we can do the whole block price-wise. I haven't got the price yet though. **Resident Bev Codner, 4131 Belle** submitted pictures of Belle and stated unfortunately I can not blow my pictures up because they come out blurry but these are just in front of our driveway. You have got to put something down, some kind of patching. Chairman Smith answered where I think we stand right now with Bill is we know the condition of it, we know there is a problem in that area – he is coming some prices on reworking that road. There is probably something that is going to be done with that.

**Resident Renee Helmetz, 4124 Belle** advised I didn't call this past weekend either with the big rain storm and everything, the street was completely flooded. Chairman Smith advised we know there is a problem and we are working on it. Mrs. Helmetz-Koch advised we appreciate the last meeting or the meeting before but Mr. Gardner had his people out there on that Tuesday to patch out the roads and everything but unfortunately come Wednesday – it was gone. Chairman Smith advised it will come right back up, I have talked to him. There is a couple of sections in town that we are going to get some prices on to try to fix the drainage. Law Director Graves asked that was just the cold patch right? Mrs. Helmetz-Koch stated yes we appreciated it and everything but like I said it was gone in ½ a day because of the snow storm. Law Director Graves advised that is the best that they can do in the winter, in the summer they can put hot patch down which will last longer. Chairman Smith stated so we are working on it, right now we are just waiting to get some prices back from contractors and costs. Once we figure out costs then we can work that area. Mrs. Helmetz-Koch stated I hate to say this but I kind of like now the way it is with pot holes and all because I will tell you one thing those people coming down our streets are idiots. They are going 50 miles an hour, I am just waiting for somebody to drop an engine. Service Director Gardner asked have you asked the Police to have anybody sit in the area or anything. Resident Ms. Codner advised it never fails when you see these people flying down the road, the police can't sit there every day. I remember talking to Shawn Corr and told him and Shawn got quite a few of them but then they know you are there and then it stops and then it starts up again at another time. We have got a lot of yahoo's coming down now and again so its no matter where you live. A lot of the landscapers coming flying down there and boy I will tell you when you hear them trailers hit them chuck holes, you know they are there and it is really bad and even the UPS trucks – they are very loud. Chairman Smith stated just so you know we are looking at and we will get some prices and we are going to go from there. Mr. Elliott stated as for the speed issue we can probably refer that to Safety. Mr. Bring answered I referred the speed issue on Walker Road and it didn't do any good. President Podmanik advised there is a police presence Monday through Friday on school days in the morning, I see them but they don't sit – they are moving. Mrs. Helmetz-Koch advised oh yes, this is from like 5 pm on. Service Director Gardner advised the Mayor has requested from the Police Department to get a ticket arrangement to where he can find out when the tickets are issued and when the violations tend to occur to see if we can find any points of concentration where there are times where they should be there and I think we are going to try to work towards having police there when the most common

offenders are there. It is going to take a while to get that process to work but that is the goal of the Safety Department. Mrs. Helmetz-Koch stated like I said if he comes between 5 pm and to like 3 am in the morning then he will catch a lot of them. Service Director Gardner stated I know that we have police that hang close to the bars and catch a lot of people. Chairman Smith stated Dennis is on Safety and he is going to bring up another issue with that on Walker Road. So it is well noted so you can bring it up Dennis on Wednesday.

**Lake Road** – Mr. Bring asked did we contact anybody on Lake Road about the cracks? Service Director Gardner answered yes, I talked to the state about it and they said they were going to come out but I haven't from them though. Mr. Bring asked but we are still trying to get somebody for that though right? Service Director Gardner answered yes, I have already talked to somebody about doing a seal coat on the 1500 feet on the west-end of the road. The first 1500 feet of that road plus all of Walker Road that we have done, with a seal coat. I actually have a quote and that was \$8000.00 to do that. Mr. Bring asked the state didn't think there was any problem or they haven't determined that yet? Service Director Gardner answered I think that is the appropriate solution to it initially. Law Director Graves asked you did look into whether there is a warranty on that road? Service Director Gardner answered I didn't look into the warranty, I asked the guy from the operation to come out and look at it. Mr. Bring stated it is 2 years old, that blows my mind. Law Director Graves stated there may be some sort of a warranty on it. The mix that was used on Lake Road was that super paver, supposed to be more durable – is that supposed to resist cracking or does that actually create more superficial cracks? Service Director Gardner answered nothing resists the reflective cracks that we are talking about, the only thing that I am concerned about is the raveling. The reflective cracks are going to come through and it is based on, normally it is a year for an inch so if you have 2 inches put down then you should get 2 years before the reflective cracks come through. They are always going to come back but the raveling part which is mostly at the west-end was what bothered me more then the cracks coming across – we can seal-coat those. The raveling means that when you rub your hand over it that the gravel comes up, that is an indication of bad base. Mr. Bring advised Walker Road is doing the same thing Bill. We are already starting with little holes, take a look at it because it is the same thing. We are going to end up with a mess and that is only a year old. I was walking down there the other day looking at it. I don't know why but it seems like the last layer they put on there is starting to come apart right in the middle. Service Director Gardner advised the good news is he will be back over here and I will have him here.

***Resident Bev Codner, 4131 Belle*** stated I am not really good with writing letters and some of the stuff I forgot to put in here but last year, let me just say I have lived in this house since 1971; 4 children took a shower every day, 2 adults, filled up a pool that took 10,000 gallons of water every summer, watered and did everything. Never and I have got all my bills since 1996, I have never used 75 cubic feet of water – ever. The most I saw in here was probably the year that we filled the pool twice and it was 56 – that was one time. In April of last year, I mean not even a lawn, no pool up – nothing and I used 75 cubic feet of

water and that wasn't an estimate. That was one stinking month and if I am not mistaken that is approximately 70,000 gallons of water or 77,000 gallons of water. They have tested the meter and they said it was okay, all my bills are back to normal now again. But you know I am stuck with a bill and you can look, we are now down to 2 people in the house then. We are just 2 adults and we are not home, I work 12 hours a day so how can I possibly use that kind of water – it is impossible. I have got the print-out here from the water department and a letter asking if you will excuse me from this bill and the Mayor told me to do this. Chairman Smith asked are you asking for a sewer credit? Ms. Codner answered yes and also if you recall the last time I was here, when I complained in August because of the high bills, I still had not gotten a water bill. I am still paying \$53.00 a month to the Water Department and I have no idea where I am at. I get cut-off notices, Bill sends me those readily but nothing is being done about correcting the problem. Ms. Codner stated the Mayor said they were going to set up a committee of some sort when there is an obvious mistake – obviously there is a mistake here and nobody wants to admit to it. I had a certified plumber in the house. The only thing that he found was a drain that was not working properly, he replaced the pipe – we have no leaks. Law Director Graves advised the Mayor had asked me probably about 6 months now to propose or gage Councils opinion on creating some sort of an appeals board for waters and there were not a lot of enthusiasms I believe toward creating such a board. It would be very difficult to determine the criteria that the board would use in adjusting water bills - but yes that was proposed. Mr. Elliott asked would that be a Council committee or would that be a Mayors thing? Chairman Smith asked she doesn't get a bill? Service Director Gardner answered yes, you get a \$53.00 bill. Ms. Codner advised no we haven't got a bill since last year. That is the \$53.00 that we pay every month because that was our last bill. Nobody has ever mailed us a bill, the only thing you send me is shut-off notices. Service Director Gardner advised I believe we charge you \$53.00 a month. Ms. Codner stated well why should I have to pay for something I didn't use, that is what I am trying to get at. Chairman Smith stated if it went through your meter then you probably used it. Ms. Codner debated how in April of last year, when/how? Law Director Graves advised we have gone round and round on all the different possible ways that this could have happened and the best explanation I guess was that it was a long period of estimated bills for some reason and they were consistently estimated. Ms. Codner debated it is right here – never. Service Director Gardner advised they were reads but they were electronic reads. There was a brief discussion on the issue; malfunctions. Service Director Gardner reiterated we had the radio read checked independently and they indicated that it did not misread. Now whether it can do it or not – I don't know. Chairman Smith asked how much does she actually owe? Ms. Codner answered as of August of last year it was \$538.00 because we had a little higher bill because we filled the pool but like I said they don't send us a bill anymore so we keep sending and paying them what our last bill was. Service Director Gardner answered I will send you a bill for \$500.00. Chairman Smith requested clarification, you said you lost your house, which house? Ms. Codner answered I had somebody buy it for me and I am still living in it. Service Director Gardner asked how did you sell the house? Ms. Codner

answered it was foreclosed on, I lost the house through foreclosure. I had somebody that I knew bought the house back for me. There was a lengthy discussion on the specifics of the home and process. Chairman Smith advised I will review this information that you have given me and go from there. There was a brief discussion on possible Board to deal with these types of issues which concluded with there is no criteria as there is no proof other than what the meter states as how much water flowed through. Ms. Codner advised the meter was replaced a few years ago as they said it was reading too low so that may be where to look, this is the third meter I have had. Service Director Gardner advised the meter that gave that reading is the one that we tested. Ms. Codner stated you are saying that it is going back 4 or 5 years ago. Chairman Smith to review submitted information and get back to Ms. Codner.

**SERVICE DIRECTORS REPORT:** Service Director Gardner reported sewer bill is of course, we haven't got this months yet so I don't know what last months was. I assume it was much lower because we didn't have any alarming conditions but we are still negative on the sewer for the year. Hopefully, with drier weather but we got some pretty heavy rain over the weekend. The water is actually down, our usage in the city is down probably 3%. All fixed collections; stormwater type collections and everything else are not coming in at normal amounts. Primarily I believe because we have some vacant houses that aren't paying. Although the stormwater is accumulating, we are not getting the money in. Mr. Diebold advised Service Director Gardner if I talk to those people I was talking with, they are going to be looking at that Cliff Avenue that is on the work order. Service Director Gardner answered yes. Chairman Smith asked Bill I got one thing, Tennyson and Kenilworth – I was called over there before any of the rain which I think was a Sunday. It had been dry for like a week or so and there was still water in that area where that truck went down. In fact Tom from the Service Department was riding his bike and they stopped him and he saw it. They called me and I went over there and that little ditch that they dug, that was all dry except for a section about 3 feet from that northern drain and then that whole northern drain, there was water like trickling from under that road. I have got pictures of it and as soon as I blow them up off my phone I will email it. There was definitely water there, I mean it didn't rain – it was dry for quite a while. I don't where the water would be coming from or what but there is a valid point as far as water being there. I just want to bring it up just so at some point you can look at that or keep an eye on it when we know there is a big dry spell. Service Director Gardner advised we have already told her that we were going to work on it. Chairman Smith stated no, I am talking about the actual water, there has got to be some sort of water leak somewhere there – there has to be. I mean it was dry, dry – there was no rain for I know probably a week, week and a half.

**NEW BUSINESS: None.**

**MEETING ADJOURNED:** With no further business before this committee, \*Motion by Kovach to adjourn at 8:24 PM. Yeas all.

**CLERK OF COMMITTEE AFFIRMATION:** This Meeting Of The City Committee 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's office.

---

**CLERK OF COMMITTEE**

*Kay Fantauzzi*

I, Kay Fantauzzi, duly appointed Clerk of Committee Of Sheffield Lake, DO HEREBY CERTIFY that this is A true and exact copy of the Minutes of COMMITTEE Of May 5, 2008.

---

**CHAIRMAN OF COMMITTEE**

*Alan Smith*

*and/or*

---

**CO-CHAIRMAN OF COMMITTEE**

*Dennis Bring*

---

**PRESIDENT OF COUNCIL**

*Edward R Podmanik*

*and/or*

---

**COUNCIL PRO TEM**

*Richard Rosso*