

**Minutes of the Roads, Drains, Water, Sewer & Refuse
City of Sheffield Lake, Ohio
May 13, 2013**

The regular meeting of the Roads, Drains, Water, Sewer & Refuse Committee was held Monday, May 13, 2013. Chairman Elliott called the meeting to order at 7:04 PM.

ROLL CALL OF MEMBERS:

Present: Elliott, Rosso, Stark, Kovach, Erdei, McCullough, Smith, Mayor Bring, Service Director Smith, Law Director Graves

*Motion by McCullough/Second by Erdei to accept the minutes of the April 1, 2013 meeting as presented with any corrections. Yeas All.

CORRESPONDENCE: None.

PRESENTATIONS: None.

SEWER CREDITS/UNPAID CHARGES FOR TAX DUPLICATE: Service Director Smith reviewed requests and gave recommendations.

a.) *249 Erieview Blvd., in the amount of \$341.04* – Service Director Smith read letter of explanation for request and recommended to committee for approval. After a brief Q&A discussion; *Motion by Kovach/Second by Erdei to TABLE for next month's meeting for further investigation. Yeas All.

b.) *Certify list to county auditor of unpaid water bills in the amount of \$2969.34.*
*Motion by Kovach/Second by Erdei to approve list to county. Yeas All.

SERVICE DIRECTOR'S REPORT: Service Director Smith reported the contract scheduled refuse rate went into effect on the May 1st billing along with the sewer rate increase was incorporated in the May 1st billing. All indications seem to be okay and that there were no major setbacks with that going into the process with the new bills. The annual bid; Griffith Paving won the asphalt placement for 2013, Universal Oil won the fuel bid for 2013 and Lafarge won the aggregate bid for 2013. We are doing our best on the pot holes, please remember that the asphalt company did not open up until May 1st. That was 8 working days ago, so we are making good headway but we are rolling the asphalt patch into place with the roller making good patch doing it. We will be getting Lake Breeze here this week, we have a major cut-out. We will have a scheduled contracted water rate increase coming up July 1st and that through the Avon Lake Water Department. Lastly Allied Waste will be issuing a \$2.50 inconvenience fee per refuse using household and we will credit appropriately as soon as reasonably possible. Unlike some city's Allied Waste did have limited pick-up in Sheffield Lake whereas some city's like Avon and Avon Lake they had absolutely none. That is the difference between what you read about in the paper on

some dollar amounts and what David had discussed with Allied Waste. Law Director Graves further explained I think it breaks down so that 1 week's trash collection runs about \$4.35 and I did have some conversations with Allied Waste and they actually within a few days got back to me and said that they were authorized to credit the city \$2.50 which given the fact that the overwhelming majority of the city did get their trash collected although delayed I think that is a fair offer on their part. So the bill that the city receives will reflect that credit and then we will be able to pass that on to the residents on their individual bills. Councilman McCullough stated so with the new billing thing it will actually say "inconvenience" correct? Service Director Smith answered I don't know exactly how we are going to do that yet but we will figure that out. Councilman McCullough stated but people will be able to see it was Allied Waste credit for that? Service Director Smith answered we will make sure that they know it is a credit – yes but how exactly we do it I don't know yet. We shouldn't have any problem doing something to be more descriptive than what we did and it depends on if CMI has to code it or not. If you remember when we had the \$2.00 water base rate rebate to the residents that showed as a credit to them. Councilman Kovach stated did you want to maybe check the alignment of the city and its address for the envelope and the bill. Service Director Smith advised we actually have several that the alignment and the placement of the window on the envelope has got to be reversed. The actual positions like I had brought to you before and explained the positions of the actual writing for community messages have to be manipulated so that they are not given back to the Water Department on the part that is stamped. When the customer leaves they need to leave with the memo and the information on their portion of the bill. That is one of the things that we have. Tammy and Lisa have been discussing that with CMI, it is just that we want to fix everything while we can. Councilman Erdei stated on that fire hydrant that is in that fenced in area at Speedway, that is repaired and operational? Service Director Smith answered yes that is done. Although Speedway will be drilling some core holes in the right of way on Lake Road, they are 2-inch hole sampling that is part of what they have to do for Buster. So there might be a small detour around it on Lake Road. They are going through that process to get the right of way permit right now. Law Director Graves stated I think that we mentioned before but Columbia Gas did reimburse the city the full costs of that – for damaging that. We made a claim and they paid it. Service Director Smith stated the hydrant for those who might not remember, the hydrant was originally busted by a Columbia Gas crew backing up their back-hoe into the fire hydrant on Lake Road for which the water; it broke at the base of the stem and water came rushing up through the contaminated soil bringing gasoline residue from the rock up to the surface which in turn when the Coast Guard and EPA and everybody got involved there had to be a massive clean-up. Speedway decided to rebuild the station and totally remediate the area. We could not do the hydrant replacement until after the gas saturated soil was removed then we could facilitate doing the hydrant

and then that is why it took so long before we could actually get it there. Once they had removed all the contaminated soil then we went in and did the hydrant and we back-filled which is why it was just recently done. Chairman Elliott asked Len are we going to have a road list? Service Director Smith answered the way it looks we are going to be real close to the list that was associated with the ordinance. I don't have a final yet but it is going to be close.

OLD BUSINESS: *Ditch cleanings; Day Ditch by Holl/Shoemaker Ditch – north of Richelieu, east side by Buckeye* – Service Director Smith advised we are working on some things but nothing as of right now. Councilman Erdei asked what ever happened with those trees that were in that ditch and overhanging that house and you and Alan were talking about it, the one on Holl? Chairman Elliott stated I have looked at that tree and it hasn't changed. Service Director Smith stated I went over and looked at the site on that tree, I looked at it and it is leaning and as of right now the ones that we took down on Belle were leaning worse. There was no base to it, that still has base in the side of the cliff – it is not like where it has a root ball hanging into the creek but it is leaning. I would love to facilitate getting rid of all those trees then we don't have to worry about it but the state dictates, we can't.

NEW BUSINESS: Law Director Graves stated as many of you are aware and you should all be aware, we did receive the Brookside Nature Trail recreational trail grant and that was in the amount of \$65,000.00. That is for 80% of the project, it is less than what the city actually originally applied for but can be used for no more than 80% of the project. Factoring that out, that would leave a local match of about \$16,300 and change. In talking with the Finance Director and by the way on the original application the city had affirmed that our match would out of the general fund. In talking with the Finance Director the city does not have the funds in the general fund to make that local match. There just is not \$16,500.00 for that project. One option has been discussed and that would be to attempt to use some road money for this project. There are several funds, not necessarily the income tax fund but there are other funds that are used for road projects and it does follow the paper street of Brookside and I guess an argument could be made that it is an improvement to what is now a paper street. I have conferred with the State of Ohio whether they would allow us to amend the application and utilize road funds other than general fund dollars but before we go that route I wanted to talk it over with Council and get an indication of what direction they wanted to go with this. So \$16,500.00 I guess would pave one very short street in town in speaking with the Service Director. The alternative would be to use that for a local match to continue the nature trail extension through Ferndale Park down to Forestlawn right of way to Idlewood and possibly farther. I want to engage Council's opinion on that. It is an \$80,000 plus project at this point given the failure of the local income tax increase, the general fund is absolutely exhausted. Chairman Elliott asked this trail would go all the way to the High School correct? Law Director Graves explained this particular trail extension

would go up across Ferndale, down Allen Court through Ferndale Park through the woods at the back of Ferndale Park and then turn east along the Forestlawn right of way which is where that drainage ditch is and then it is supposed to go up to Idlewood which is only a few hundred feet. Ultimately when that gets to Harris because it would match up with safe routes to school trail (the sidewalk) it would continue that path south. So we have been looking at some options of how to go beyond Idlewood using existing dollars, it is a possibility that we could get close to Harris but we can't do it without the local match. Chairman Elliott asked is there any money left in the sidewalk fund? Service Director Smith answered yes but that is allocated for escrow. Law Director Graves advised that is all escrowed for specific properties, people escrowed that in lieu of installing sidewalks upon a sale. President Rosso advised my personal opinion is I am opposed to taking from the quarter percent income tax, we promised that money would be used for roads and I think this is a bit of a stretch. I am not saying that I am 100% against using some other fund but that quarter percent we sold it by trust us, we are going to use the way we tell you. Other than that I am open to listen. Councilman McCullough stated David I don't know what the legality of it is but what if we had private contributions, like corporate sponsored? Law Director Graves answered I would have to check on that, I wouldn't be optimistic on that. At least using other funds, we didn't misrepresent ourselves with saying that we would be able to make our local match. If we don't use some other city fund then we basically don't have the money. There is difference between saying we don't have the money anywhere, when you go outside for donations then saying we have it but in a different fund. I will inquire about that. Councilman Smith stated it is a good stretch because Allen Court is a road, I can see where that might a possibility but it just seems like a stretch but it is a good thought for trying to come up with something. I think that probably was the main jest of that but it just doesn't feel right doing that – to me. Chairman Elliott asked your answer would be no? Councilman Smith answered right off the cuff I would have to no, just right the cuff. Law Director Graves asked are you talking about the income tax or any road money? Councilman Smith answered I am just strictly with the road but if you are trying to do it you have to do some type of creative way to try which I give an A for effort but I think that one might be a stretch. I don't know whether you can get some somewhere else and I am sure he is looking and trying to come up with something else. Councilman McCullough stated the problem I have with it is Alan you had last year when we got the initial road list and you were upset because there was no roads being done in ward 2 so that is one less road that is going to be done. Councilman Smith stated I am saying when you are starting to think creatively it was a good creative suggestion I am just not comfortable with that, that is all I am saying. You have to look at all these different things to try to do it, he is here just to give us that but personally I am just a little comfortable with it. Councilman McCullough stated we are kind of in a quagmire though too, this is just the head of it. David is out working

his butt off to get grants and now all of a sudden we don't have money to back it up but we asked him to go out and get grants. Law Director Graves advised we are using the internet café money as our match on the ambulance but the internet cafes are going away now too. It is one more funding source that is being taken away from the city. Going forward and making our local match on these grants is going to become more and more difficult as funding sources keep drying up. President Rosso stated what happens if you go back to them and say we don't have the money to do our match, what is the impact of that? Law Director Graves answered I think that is going to paint us in a negative way when we apply for future grants. Councilman Kovach stated to add to that, I believe it is going to be the same effect that we had when we applied for a boat launch grant and when they decided to approve for the city then the city came back with well we really never had the money which is not the same case here but it is going to be negative. President Rosso stated I just want it on the record so anybody who takes the time to read the minutes sees the answer from the Law Director that it is not a good thing and here is why. Councilman Smith stated at some point the economic structure that is going on in this country has got to take some sort of. Mayor Bring stated tomorrow evening is going to be an absolute disaster for everybody and I am just telling you this, you got to look at what this bike path and how many people are going to use it and what a small section of 300 foot of road is going to do and then you got to look at what future grants; we got an ambulance that was \$213,000.00 that we got awarded and I guarantee you that we take this grant and send it back – that will be it. I am not saying that it is right or it is wrong but I am just telling you in the future of whatever else that I am going to say tomorrow night it is going to put you back in your chairs a few steps. So just start thinking about things because it is going to get really, really ugly. We had a 2-1/2 hour meeting this morning and all weekend long I went over everything and I have a 2-1/2 page report tomorrow. So this is all things that you better think about. I don't if anybody takes a walk down the bike path and see all the people that use it – that is a tremendous asset. Councilman Smith stated I just think it is a stretch personally using road money for the bike path, I understand how you could go there because it is going down Allen Court. I see where you are going with that. President Rosso stated okay it is going next to a park, we got any money in New Park Construction fund – it is a stretch either way. Councilman Smith advised I understand but it is just something I got to think about. Chairman Elliott stated this is an old grant right? Service Director Smith stated the issue has to do with the failure of the income tax, it changed everything. There is a lot of things and time involved that David has to go through to facilitate this grant, not just the match. There is scheduled times that he has in meeting with several different groups from the Division of Soil, Water and Conservation, the Ohio EPA, Army Corp of Engineers and all of these other incorporated costs that now have changed and those things have to be taken into consideration and it is really hard to swallow especially for me. I have a park background and you know what I believe in

and the financial situation has changed everything. Councilman Smith stated I didn't mean it negatively. Mayor Bring concurred I am not being negative either, I am just telling you the truth. Chairman Elliott stated what bothers me over all this is that we made a commitment 2 years ago and if we don't follow through this it is going to make us look bad absolutely. We were in the same boat when Ferndale Phase II I think went through. Councilman Smith stated those economic times are totally different. Councilman McCullough stated why doesn't David find out and ask the question first – can we move money or are they going to get upset, that would be the first thing to do and then cross that bridge when we come to it because they might say no, you are not going to take your road money and put it here. Why don't we do that first? Mayor Bring stated the thing is we didn't want to do anything unless everybody else was okay with it. Councilman McCullough stated the one thing that is certain is this, you send one back all the rest of them are never going to come. Mayor Bring advised it is the same thing with the CHIPS grant because we got in trouble with that and we were black-balled for almost 5 years with that. Chairman Elliott stated I think the overall question is right now isn't really where we are going to pull the money from, are we willing to entertain a motion to look into alternative sources to get this grant? Law Director Graves advised there is only limited potential sources, we thought roads would be creative – I don't know if there is anything in parks and recreation? Mayor Bring answered no, it is 0. Law Director Graves advised I will talk with the State of Ohio tomorrow and find out their posture on not using general fund dollars and see they would have an objection to private sponsors. Chairman Elliott asked is anybody opposed to looking for alternative sources for funding this? Councilman McCullough answered no I don't think anybody is opposed to looking. Just a question what if we got some donations to the parks department can we move that money in then or would that become general fund or is that too much of a gray area? Mayor Bring advised the problem is he has to act and we are not going to take and do something on a whim that is a possibility of failing. Law Director Graves advised we have time the project has got to be completed by June of next year. President Rosso stated other than the ¼% income tax money, is there money in other roads funds that would cover it. Law Director Graves answered I believe in talking with the Finance Director today that she could move some money in different road lines. Service Director Smith added without effecting this year's roads or what we had to do. President Rosso stated I am talking about the ¼% income tax for roads, is there money available excluding that line to make this happen and I am going to go with we really don't know 100% so I will ask Tammy tomorrow because I think taking any money out of that ¼% is wrong. Law Director Graves advised I went to Tammy today and I specially talked to her about not using the ¼% but finding other road money and her answer to me was we could do it, there is money in these other lines that she could move around without touching the ¼% money. The main question that I had was how does Council feel about using road dollars other than the

¼% and I think the general consensus is if we can. Councilman Smith stated here is where I am at it sounds like Bill Gardner sitting over there and we have this gray area that we are going down and we cross it or we don't. Law Director Graves stated before we actually spend any money, we will make sure that it is okay with the grant and we will make sure that there is no legal problem with spending the money assuming that that is okay. Chairman Elliott stated roll call for funding from roads; Yeas – Stark, McCullough, Erdei, Elliott, Kovach/Smith – depending on the outcome of what David is looking into I would entertain discussion on using money out of a road account. President Rosso – the only one I am saying you can't touch is the ¼% income tax. Councilman Erdei asked what is the city going to do with those water meters that we can't get rid of or sell can we scrap them or anything? Service Director Smith answered we will advertise, the problem is we have been following up on sources and there is a lot of them on the market. So we can use them but we do need to sell them/incorporate them in the auction. As you know we have had them in one auction already and we had no takers. There was a brief discussion on auction process.

President Rosso stated if you think that we are going to sit up here and figure out how to administrate our way and legislate our way out of this mess – we are not. So this one or the next one there is going to be times when the answer is the citizens made a decision and they didn't want this and we are not going to do it. The bottom line is we are not going to get blood out of a turnip so don't think that the answer is going to be try to figure out lines everywhere because there is nothing there to finagle. So tomorrow when you are hearing things or down the road, there is going to come a time when the answer is going to be no. The citizens voted no – things have to go. Councilman McCullough stated people don't realize the federal income tax for the average person get a thousand dollars more in their pocket then they had 10 years ago just from federal and from the state level I think they got an extra \$300.00 and we asked for \$200.00 and they wouldn't give any of it back and they think that this money just keeps – they don't realize that that money even though you paid it federally comes back to that state and comes back down. When are they going to figure it out, the federal government is saying we are too big and we need to get smaller.

MEETING ADJOURNED: With no further business before this committee,
*Motion by Kovach/Second by Smith to adjourn at 7:50 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 Offices.

CLERK OF COUNCIL

Kay Fantauzzi

COMMITTEE CHAIRMAN

Eric S Elliott

COUNCIL PRESIDENT

Rick Rosso

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 the Roads &
Drains Committee of May 13, 2013.

and/or

COUNCIL PRO TEM

Eric S Elliott