

**Minutes of the City Council**  
Sheffield Lake, Ohio  
December 14, 2010

The regular meeting of the City Council was held Tuesday, December 14, 2010. Council President 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, Elliott, Kovach, Bring, Smith, Stark, Huska, Mayor Piskura, Finance Director Smith, Treasurer E Hoenig, Service Director Smith, Law Director Graves  
Absent: Safety Director Arendt, Engineer Skellenger (excused)  
Attending: Concerned Citizens, Planning: Belaska, SUAB: Gee, Members of the Media

\*Motion by Bring/Second by Elliott to accept the minutes of the City Council for November 23, 2010 with any corrections. Yeas All.

**CORRESPONDENCE/COMMUNICATIONS:**

A – Monthly report of court receipts for month of December 2010 - \$5772.65.  
Receive and file.

**PRESENTATIONS: None.**

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

**Roads, Drains, Water, Sewer, Refuse:** Chairman Bring reviewed the minutes of the December 6, 2010 meeting. \*Motion by Huska/Second by Kovach to approve the credit of \$32.34 for 367 Maple. Yeas All. \*Motion by Bring/Second by Kovach to approve the credit of \$426.30 for 4364 Lake Rd. Yeas All. Chairman Bring asked Tammy, on Walker Road Phase III have we pretty much done with all the money with all of that stuff – should we leave that on? Finance Director Smith answered I think we still have to tweak that, there was an itsy bitsy over-run and will have to probably adjust that by the end of the year. Chairman Bring advised we will leave that on for right now. He continued we did have a discussion on the water meters again so that has been an on-going thing and I think the Service Director is probably going to do that in his report maybe. We keep these discussions up because we are looking into that. Chairman Bring advised some of the roads that we had done, we had re-gilsonited and there is still some spots. I told the Service Director that I personally wasn't too pleased by the way they did the roads this year, not in comparison to what the company did the previous year. I just voiced my displeasure on that but they did re-gilsonite a few of those roads. \*Motion by Huska/ Second by

Kovach to accept the report. Yeas All./**Stormwater: None./Safety:** Chairman Bring reviewed the minutes of the December 1, 2010 meeting. \*Motion by Huska/Second by Kovach to accept the report. Yeas All./**Buildings, Lands, Vehicles & Equipment:** Chairman Kovach reviewed the minutes of the December 2, 2010 meeting. Yeas All./**Ordinance:** Chairman Elliott reviewed the minutes of the December 2, 2010 meeting. **REFERRED TO WORKSESSION: repeat nuisance calls, animal complaints, repeal 1111.04 (35c) garages.** \*Motion by Huska/Second by Bring 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: None.**

\*\*\*\*\***ADMINISTRATIVE REPORTS**\*\*\*\*\*

**MAYORS REPORT:** Mayor Piskura reported I did just want to give some kudos to the Service Department. We had a pretty good storm, it hasn't been our worst but it was a pretty good one and they did a very good job. I thought that our roads were clear. So kudos to them and also I wanted to make sure that everybody knew about the televised meeting that was conducted at the school. Without taking a side one way or the other/supporting or not supporting, at least I wanted everybody to know that information is being put out there about the possibility of a levy 5 mils or less to fund a new school. So that is out there and I think they are going to have several more meetings if you want to get involved or at least want to be informed and I think it is being aired on the TV as well. Both Mayors attended that and some of our Council attended that and I thought it went very well, lots of good discussion and I think it is going to be a very large community discussion. \*Motion by Huska/Second by Bring to accept the report. Yeas All./**FINANCE DIRECTOR REPORT:** Finance Director Smith reported before you, you have a lengthy appropriation change ordinance and this is my end of the year typical for this time of year. I was trying to get as much of it in on this one as I could so it could make our meeting on the 28<sup>th</sup> shorter. All the changes are to balance out the end of the year for; PERS, Medicare – you will see pluses and minuses as needed. I have also tried to streamline some accounting procedures where we don't do some double accounting with like bond payments and things we used to have transfer out of a fund into another fund just to pay it. We no longer have to do that so I have cleaned up a lot of that. Issue II is Walker Road, Phase III payment and that is an in and out – we don't actually see that money that we paid directly to the contractor but I do have to account for it. Then the big one the bond renewal that will be finished this week for Stormwater, pretty much cut our interest rate in half on the balance of the year so that bond which is going to be a huge savings, at least in Stormwater. Most of the other negatives are money that we didn't get, there is several like the solar project for the Community Center – we didn't actually get the

money this year. I will be re-appropriating that after the first year because we will see the money in 2011. We kind of hoped we would see it yet this year, things didn't work out that way. So I have to decrease those amounts since we hadn't done the cash. Councilman Rosso asked the bond renewal is just Stormwater you said Tammy? Finance Director Smith answered yes, it was the original two and a half million dollar bond that we took out 10 years ago to do the Stormwater utility to finance most of the infrastructure, it was a call of a bond and we took the option to call it this year because we could save on the interest rate that was over 5% interest. We could have called it this year or next year but I wanted to call it as soon as possible and try to save as much money as possible on that. But that is just strictly Stormwater, it just renews that bond and I just have to do the accounting on it is why we show it. All that Bond Counsel does is pays the old one off and renews the new one but I still have to do the accounting on it. Councilman Rosso asked what is the new rate, do we know? Finance Director Smith answered I knew you were going to ask me that, is like 2.75 right in that area. \*Motion by Huska/Second by Bring to accept the report. Yeas All./**TREASURER REPORT:** Treasurer E Hoenig advised the 3 page Treasurer's report is in your packet. \*Motion by Huska/Second by Bring to accept the report. Yeas All./**SAFETY DIRECTOR: None./SERVICE DIRECTOR:** Service Director Smith reported I would like to start off with the storm this weekend and into Monday made conditions rough throughout Lorain County. The city's primary and secondary streets were clear and salted throughout the duration of the snow event. All city streets were plowed, the crews did a fantastic job and the trucks worked very well and as all the Christmas shoppers were out and about even though the weather was bad we used different techniques to increase the level of service to the residents starting with the first salting of the year and hopefully that was noticed. The trucks are washed, loaded and staged inside for the next snow event and again great job to Pat, Frank, Eddie and John. Kudos as the Mayor would say. I would like to remind residents to please do not park on the city streets, on the side streets outside of their driveway during a snow events. Parking bans will go into effect as they are needed throughout the winter. We will all know when a snow is coming and waiting until the last minute will cause delays of adequate plowing of the streets. So please try to make sure that the cars are off the streets. The excavator and the dozer have been moved from the Civic Center and are at the boat launch and we will be moving sand over there. Another thing is I have discussed with Allied Waste this week the winter pick-ups and I would like to remind residents with \*Motion by a verifiable hardship; elderly people who do have a medical issues or stuff like that that can keep them from getting their garbage to the curb to contact Allied Waste at 440-458-5191 extension 3 to get on that list for assistance to the curb during snow events. It is something that we negotiated with the formulation of our contract. We

need to make sure we talk about it now so we get a reminder but they have to be on that list and that list verifies that they do have a hardship. Currently we have 1 internet sweepstakes café licensed and operating, we have 3 in the city that are in the process of application. The city would like to thank Petiti's Garden Center for their donations of wintered plant material in excess of \$8000.00 as of Friday of this past week. These were accepted and contingent upon approval by Council and I believe that we did actually took another load in too, so a total of 3. I would also like to thank Nasa Glen for donating a play tube for the Parks and also thank Jonathan Wright for coordinating its removal out there at Nasa Glen and its value was under the limit requiring Councilmatic action. Lastly the city would like again to thank Lowe's for the grant and all the improvements at the Civic Center. They are now working on the outside sign by the road and that should be taking place coming up. \*Motion by Huska/Second by Bring to accept the report. Yeas All./

**/LAW DIRECTORS REPORT:** Law Director Graves reported first I would like to bid everyone's attention that the city will be running another Fire Chief Civil Service test on Thursday, January 6. I realize that we have some other city meetings that night but 2 Lieutenant's that will be taking the test and the plan is to have one sit in my office and one sit in the Clerk of Courts office and have a Procter in there and they can take the exam in there and it should be fine. Councilman Elliott asked me to give a brief explanation to the legality of the sweepstakes café in light of some questions that have been around. It is important to understand that the cafes as determined in the Davis case out of the Toledo Municipal Court are retail, they are retail establishments. They sale phone time and we are making sure that it is phone time that they are selling, some have expressed an intention to sell internet time and that was not the subject of the Davis case and the city is not going to expand on that. This is an issue that almost every community in northeast Ohio has had to deal with, you have probably read it in the paper. Thus far we have gotten very little guidance out of the/if any out of the state General Assembly or the State Attorney General's office. But they sell the phone time and that product is purchased and it is the customers to keep. The customers money is never put at play and the cafes derive no profit from the games themselves, the profits is 100% from the sale of the phone cards. Once they purchase the phone card, they can swipe that card or enter the pin number with the opportunity to play games of chance and win cash prizes. It doesn't meet the basic definition of gambling because as I said there is no risk, there is no consideration the customers money is never put at play and the entity is not profiting from the playing of the promotional games. So we will keep an eye on it, we are charging licensing fee, we are regulating them. The fee is reasonable in light of the fact that the city has a lot of work to do to make sure that we keep an eye on the entity's and make sure that they don't on their own expand them beyond what they have been

licensed to do. He reviewed proposed legislation; Council#048 – to adjust the pay rate for the position of Fire Chief, if you look at section 2 – all of the provisions of the current Fire Chief’s pay ordinance are still in place with the exception that we have increased the base salary to a range of \$68,000 to \$78,000. This would enable the city to bring the Fire Chief’s pay more closer in line with the Police Chief’s pay so we would ask Council to consider that. Council#049 – this is authorizing the Mayor to enter into the agreement with the \$74,000.00 NOPEC grant the city received to explore alternative renewal energy sources. It will used for the solar panels and other renewal energy endeavors at the Joyce Hanks Community Center. We ask that you consider that so we can move forward. Council#050 – it our annual ordinance authorizing the Service Director to go out for bids on all of the myriad of materials that the Service Department needs throughout the year. Council#051 – this authorizes the Mayor to enter into agreement with the Ohio Department of Development where we received a \$58,831.00 grant again to explore alternative energy resources at the Community Center. Council#052 – authorizes the Mayor to enter into the negotiated agreement with the OPBA, I believe Council is aware of the terms that we agreed to and if there is any questions I will be happy to answer them. But this has been ratified by the bargaining unit and would just need your approval to go ahead and sign it and move forward. Council#053 – this is the ordinance approving the donation of plants that the Service Director discussed. Petiti’s has today donated over \$8000.00 in plants to the city and I believe it could be quite a bit more with the Service Director reporting that there was another shipment. They have been quite generous and the city can certainly use that and we ask that you consider approving that. Council#054 – as the Finance Director talked about the end of the year adjustments for the appropriations. Council#055 – this is to address an upcoming situation where are city mechanic will be going on some extended sick leave and this city will need to have someone fill that position on a part-time temporary basis, this would enable this city to pay that person at a range to be determined somewhere between minimum wage and the maximum c maintenance rate as set forth in the ASCFME contract. The union has written a letter to the city, the AFSCME union has written a letter expressing their support in agreement with going forward with having a part-time person come in and fill that position on a temporary basis while the city mechanic is out for a couple of months. Council#056 – is amending the rate of pay for the part-time Grant Administrator. The Grant Administrator is being paid on a reduced basis, has reduced hours and would ask that you would consider amending this rate of pay retroactive to the first pay period of this year to have a range between \$18,000 and \$45,000.00. Previously \$30,000 was the base and would now go to a base of \$18,000. \*Motion by Huska/Second by Bring to accept the report. Yeas All.

***CITIZENS COMMENTARY:***

***Planning Commission Debbie Belaska, 4014 E Lake Road*** stated Mr. Graves thank you very much for the nice letter you put out there. You need to be acknowledged for that. I would also like to take a minute out to acknowledge Bob Eberschweller, he resigned from Zoning and I know his public service here and all the wonderful things he does. But he would be mad if he was here right now for me to say this, so I am so glad he is not here but I would hope that everybody if you see him on the streets or something to thank him for his public service. I would also like to thank Park Board Jerry Gillespie and Travis Hastings for a wonderful job of getting all these decorations out there. I was able to collect them, Rosa and many others have donated; Tom Melbar and Fran Shover donated some items and I want to make sure that they are recognized. There is going to be an article in the Avon Lake Press tomorrow, I hope everybody will buy the paper or at least stop and get to read it; we will have an acknowledgement of what is going on so we can get some more donations and this can be an on-going thing throughout the years. I have some questions because I keep getting different answers. So Mr. Graves I am going to ask you, what is the definition of a public official? Law Director Graves answered any elected or appointed position in local, state or federal government? Mrs. Belaska asked is appointed Board members considered public officials? Law Director Graves answered yes. Mrs. Belaska asked is it every 5 years that we have a Charter review? Law Director Graves answered we are supposed, we haven't really done that. Mrs. Belaska asked when was the last time we had one? Finance Director Smith answered 5 years ago. Mayor Piskura answered I don't know off of the top of my head. Mrs. Belaska asked who appoints on Boards are up this year, I am up this year and who has to be renewed? Do you have a list of that? Mayor Piskura answered we have a spread sheet of Board members and their terms, so we would have to look at that. Mrs. Belaska stated I didn't know if mine is coming up, I didn't get any copies. Mayor Piskura stated what I do is go down those spread sheets and we try to figure out who needs reappointment and who has resigned or whatever and try to fill those vacancies the first or second meeting in January. Mrs. Belaska asked is there any types of business cards given out besides this (Council business cards) to any of the people on the Boards at all, is anybody aware of that? Besides Council was any business cards ever made up at all to give to any people on Boards? Council President Podmanik answered not that I am aware of. Service Director Smith answered I had them on Park Board. Rosa Gee answered I had them on Stormwater originally also. Mrs. Belaska thanked Council for their time.

***Mark J Erdei, 4015 Tennyson*** stated first of all I would like wish everybody a Merry Christmas. I was just wondering if anybody was keeping any kind of data on the small wind turbines on the lake and the big one that we put up? Has anybody collected anything to see how they are doing? As far as saving this city money or

savings Apples money? Mayor Piskura answered they do retain a history, we don't have it in front of us. Actually they have their own internal computer that keeps track of all that and the company for the big wind turbine Nex Gen can monitor it remotely I believe from Colorado. The little turbines, if you look on the top of them they have a little antenna and that telemetry so that when you stand underneath or in the vicinity with a laptop with the right password and wireless capability you can download the data from there. Now they were doing really good, haven't gotten any reports other than billing from the big wind turbine and the last time we checked the little turbines were I want to say maybe mid-summer and they seemed to be doing okay. Service Director Smith answered towards the end of August, we have been doing that and it was done back in August.

**Planning Commission Debbie Belaska, 4014 E Lake Road** stated I forgot Merry Christmas and Happy Hanukkah, how many of you are union? Of who all works for the city, how many employees are actually in a union; is there different unions going on here? Mayor Piskura answered we have 3 different unions. Mrs. Belaska stated I know you got the Fire Fighters, the Police Officers. Mayor Piskura added we have AFSME. Mrs. Belaska asked is that like the secretaries or Water Department or what? Mayor Piskura answered basically works at the Service Department, that is you know roads, water, refuge, Stormwater and the clerks. Finance Director Smith added our secretaries here at city hall. Mrs. Belaska asked is Kay Fantauzzi union also? Service Director Smith stated Police is a different union. Mayor Piskura advised there are 3 different unions; the Fire Department is IAFF, the Police Department is the FOP and the Service workers are American Federation of the State Municipal Employees. Mrs. Belaska asked that is all 3 that we are negotiating right now, is that all of them being negotiated? Mayor Piskura answered we are negotiating all 3 right now. Finance Director Smith advised there is 41 employees of all those.

**UNFINISHED BUSINESS: None./NEW BUSINESS:** \*Motion by Huska/Second by Bring to amend tonight's agenda to include Council#048, 049, 050, 051, 052, 053, 054, 055 and 056. ROLL CALL TO AMEND THE AGENDA: Yeas All – Rosso, Huska, Elliott, Kovach, Stark, Bring, Smith.

#### **ORDINANCES AND RESOLUTIONS:**

Council#048 – EMERGENCY – an ordinance amending the rate of pay for the position of Fire Chief of the City of Sheffield Lake, and the declaring of an emergency.

\*Motion by Elliott/Second by Smith for SUSPENSION OF RULES:

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

\*Motion by Smith/Second by Kovach for ADOPTION:

Councilman Rosso asked this obviously doesn't take effect until we hire a Fire Chief until we hire a Fire Chief which we are not even giving a test until January. Do you know what the former Chief Mike Conrad, what was his ending salary? Mayor Piskura stated with or without all his stuff, his salary or his base pay? Councilman Rosso asked is this adjusting the base pay? Mayor Piskura answered that is the base pay. Councilman Rosso stated I guess with that than, I am trying to compare apples to apples. Mayor Piskura stated I think the actual dollar figure. He asked you are trying to compare the Fire Chief's salary? Councilman Rosso answered what it was before to what the new is. Mayor Piskura answered I am just going to throw this out there, this is about \$8500.00 or \$9000.00 more than it was. Councilman Rosso stated that is a fair enough number. Mayor Piskura stated what we just happened to do was bring it as closely in line with the Police Chief's and I believe it was I want to say 83 or 85. Law Director Graves stated I believe the current Fire Chief base pay is around \$63,000 and this would increase the range from \$68000 to \$78000 so it would bump up the range between 5 and 15. So you would be able to set the pay somewhere in that range but it would get a minimum increase of \$5000. Mayor Piskura stated the idea if you remember what the ranges so we don't have to keep on re-doing the pay ordinances. We can pay them identically in the base pay, do you follow? Councilman Rosso answered yes I understand and I want to go on record as we have talked about this in the past and I firmly believe we needed to adjust the Fire Chief's salary to get a new Fire Chief in. I am questioning 2 things; 1- pay ranges themselves that we have done in the past and I am not saying that I think they are the worst thing in the world and that we shouldn't do them – I am re-evaluating that in my mind and 2 – I am uncomfortable with passing these as an emergency tonight with the first time we have seen them. That is why I voted no on the emergency and that is why I will vote no to approve it. It is not that I disagree that it doesn't need to be adjusted. Mayor Piskura stated there is no rush on the emergency. I actually agree, we are not going to hire a Fire Chief prior to this. The Fire Chief we will probably not end up hiring until I am going to say at the very earliest at lightning speed is going to be mid-January to the end of January. As far as the ranges that is a discussion that we have had at length in the past and it is not an attempt manipulate salaries, it is an attempt to make it easier to account year after year to the penny. Instead of having the salary to the penny and having to go back and fix everything for the auditors, if you have a range and if you make your range large enough it can span a contract or whatever, do you follow? Councilman Rosso answered I understand why we did it, I voted for it when we did it – I just in the last several months started I don't know if questioning is the right word but I started re-thinking it and I am not telling you that I am opposed for it now. That is where I am at with it. I told you one thing a month ago that yes we need to raise it and then vote no against

it when you bring it in front of us. Finance Director Smith stated I want to mention the emergency clause, when you are talking pay ordinances – if we have a pay ordinance that is not an emergency. Like if this goes for the 30 days, I just want to clear up the whole emergency clause on any pay structures because if I have to wait to pay him then I have to retro pay him and then I have to show the penny. The paperwork that is involved for a 2 week or 3 week span, I mean even though we are going to pay him back to the first of the year or whenever he gets hired or whatever – you have no idea. Service Director Smith stated you are eliminating the excess/unnecessary. Finance Director Smith stated the pension board doesn't understand it. Law Director Graves stated unless they don't hire anybody until after the 30 days. Finance Director Smith stated correct, if we establish it now and we don't hire them until later than there is no problem. Law Director Graves advised by the time the test is administered, graded and the protest period. Finance Director Smith stated well there is a chance there is not going to be problem on this one, I just wanted to mention why the emergency is not on. Councilman Rosso stated I agree that an emergency should be on any pay change whenever it passes. I was just not comfortable with passing 3 of them tonight under an emergency tonight with the first time we have seen them is all. But I agree that it makes a headache financially or record wise to do what you said Tammy, don't pass it as an emergency and 30 days later makes you go back and change things. Mayor Piskura stated I apologize if I am out of line but everybody realizes that suspending the rules is not what we are talking about, suspending the rules is something different then the emergency clause. Law Director Graves stated Council has already voted to suspend the rules, so there won't be any 3 readings – it is going to get voted on right now. If it doesn't pass it fails, if it gets 4 votes it passes without an emergency so we have 30 days. If we get 5 it passes with the emergency.

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

#### **Ordinance Passes#48-10**

Council#049 – EMERGENCY – an ordinance authorizing the Mayor to enter into an agreement with the Northeast Ohio Public Energy Council for a powering our communities grant award for renewable energy improvements to the Joyce E. Hanks Community Center, and the declaring of an emergency.

\*Motion by Huska/Second by Bring for SUSPENSION OF RULES:

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

\*Motion by Huska/Second by Bring for ADOPTION:

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

#### **Ordinance Passes#49-10**

Council#050 – EMERGENCY – an ordinance authorizing the Service Director to advertise for bids for and to enter into a contract with the lowest and best bidder for the purchase of ice control salt, premium no-lead gasoline; regular no-lead gasoline; premium lo-sulphur diesel for use in city owned and operated vehicles, stone; various types and grades, bituminous cold patch material, liquid asphalt products, crack filler materials, crack seal, asphalt placement, gilsonite per square yard, concrete delivery per cubic yard, miscellaneous construction equipment rental, and polypropylene pipe, and the declaring of an emergency.

\*Motion by Huska/Second by Bring for SUSPENSION OF RULES:

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

\*Motion by Huska/Second by Bring for ADOPTION:

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

#### **Ordinance Passes#50-10**

Council#051 – EMERGENCY – an ordinance authorizing the Mayor to enter into an agreement with the Ohio Department of Development for an advanced energy funds grant award for renewable energy improvements to the Joyce E Hanks Community Center, and the declaring of an emergency.

\*Motion by Huska/Second by Bring for SUSPENSION OF RULES:

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

\*Motion by Huska/Second by Bring for ADOPTION:

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

#### **Ordinance Passes#51-10**

Council#052 – EMERGENCY – an ordinance authorizing the Mayor to enter into an agreement with the Ohio Patrolmen’s Benevolent Association, and declaring an emergency.

\*Motion by Huska/Second by Bring for SUSPENSION OF RULES:

ROLL CALL FOR SUSPENSION OF RULES: Yeas – Bring, Stark, Kovach, Smith, Bring/Abstain – Elliott.

\*Motion by Huska/Second by Bring for ADOPTION:

ROLL CALL FOR ADOPTION:

Councilman Elliott advised I am a member in good standing with the OPBA through my employer and I believe there could be a conflict for a contract for them so I am abstaining just to give an explanation of why. Law Director Graves stated I appreciate that, I was actually going to ask for an explanation because in order to abstain and have that remain on the record there must be a conflict cited. Otherwise if you just choose not to vote you are deemed to have voted with the majority. So

Mr. Elliott has expressed a conflict. Mayor Piskura questioned the validity of that conflict, does that have to be ruled on by the Ethics Commission because when I was in the same exact spot I got a ruling from the Ethics Commission that was different than what he is talking about. So is there some way we cover everybody? Law Director Graves advised I don't think it needs to be ruled on by the Ethics Commission. I think that the membership in the union in which you are voting the contract constitutes a conflict. There is a difference between negotiating and entering into a contract and administering a contract. Councilman Elliott advised actually John I had the same question and I brought it up to them on the last contract just to cover all our bases. Just to make sure all our bases are covered we are doing it this way.

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

**Ordinance Passes#52-10**

Council#053 – EMERGENCY – a resolution authorizing the City of Sheffield Lake to accept and approve the donation of plant material to the City of Sheffield Lake which has been designated for use on city properties, and the declaring of an emergency.

\*Motion by Huska/Second by Bring for SUSPENSION OF RULES:

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

\*Motion by Huska/Second by Bring for ADOPTION:

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

**Resolution Passes#53-10**

Council#054 – 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/Second by Bring for SUSPENSION OF RULES:

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

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

**Ordinance Passes#54-10**

Council#055 – EMERGENCY – an ordinance establishing a pay range for the position of part-time, temporary and seasonal help for the Parks and Service Department, and the declaring of an emergency.

\*Motion by Huska/Second by Kovach for SUSPENSION OF RULES:

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

DISCUSSION: Councilman Rosso stated I am just trying to understand what this is for, is that for you John or is that for Len? Mayor Piskura stated I thought we explained it pretty well or the Law Director explained it pretty well in that specifically we have a problem because our only city mechanic is going to be out on medical leave for a lengthy period of time in a period of time when we have a lot of repairs; critical repairs that will probably need to be made to our equipment mainly snow plows. It doesn't apply solely to the mechanic, if you read it it is part-time. That is the broad and the general, this is just an amendment of an ordinance that we already have on the books and because the ordinance that we had on the books doesn't allow for a legitimate rate of pay for a mechanic rather than reinvent the wheel we thought it would give us some flexibility to hire a mechanic under that ordinance. Councilman Smith asked what is the maximum class c rate? Mayor Piskura answered I can't remember. Finance Director Smith answered \$22.54 or something like that. Law Director Graves answered \$22 and change. Mayor Piskura continued the idea with that is that it is an ordinance that we would never have to change again along with the whole conversation about the ranges because it will be always referenced to whatever the market rate is for that mechanic. Councilman Rosso stated but this affects any as you said part-time temporary position whether it is parks or whatever. So in theory, not to mean that you would do this you could raise anybody in a park up to \$22.50 an hour and I want to be perfectly clear – do I think you are going to do that, absolutely not but this stays in effect far longer. I mean forever. Finance Director Smith stated well keep in mind you also approved the appropriation for summer part-time. I mean we can't hire somebody at \$22.00 an hour that is going to be 1 person for the whole summer because that is going to take away the amount of 3. You still provide us with the amount of money that we can spend for summer part-time help. Mayor Piskura stated I guess I don't understand where it is you are coming from because we are trying to be more flexible to have a fluid operation, we have been working well together and there has been no abuses of appropriations or expenditures and I thought that was the road that we were going down and you are tying our hands. So if you want us to come beg every time we need an ordinance passed for mechanic or a part-time parks person or a snowplow operator or whatever than we can do that but it is going to be cumbersome and unnecessary. Councilman Rosso stated I am not trying to do that but I also didn't want to just sit here and vote no twice and have you under “what's he even thinking”. I was just trying to share it with you, I am not trying to get to where we are passing an ordinance but I want to understand it and I understand what David said and you said about what we are trying to do but there also will be questions from okay now we can do whatever and I understand that Tammy said hey you would control the appropriations, you control it that way. You know I come in and you get handed this, this is the first time you

see it and you got a few questions whether their legit or not, that is all I am doing is asking them. Service Director Smith stated if I may John McCallie didn't schedule his operation, his doctor did – he is getting a knee replacement and he is a diesel mechanic, you can't just have somebody in off the street messing with a diesel engines and that was the reflection of the range. You have to get qualified personnel to do certain specific jobs and in this situation it is definitely specific and it was just a couple of weeks ago that I was notified that his surgery, that he will be leaving on January 3<sup>rd</sup>. That is how hospitals seem to work these days, they speed everything up and they tell you when you are going to have your surgery. It wasn't like something that was trying to throw on you by surprise or anything, just so you are aware. Councilman Rosso stated that is what I was trying to stress and I am sorry if I am not doing that, that I wasn't trying to say you were trying to sneak something through and then surprising us. Finance Director Smith stated right now all we can offer a qualified diesel mechanic is \$8.81 an hour. Service Director Smith stated that is why we wanted to present this ordinance so we could offer somebody and actually get a qualified person. Mayor Piskura stated I would add to that that Council has made a point to let us know that they really don't like coming into a meeting, reading an ordinance and being taken by surprise or being asked to vote on something without discussing it and contemplating it for as long as you want. Operationally to the greatest extent possible without crippling what we are trying to do we have tried to do that, so if it is in front of you and it is in front of you with that request it is not just an arbitrary thing that we just want to pass everything by emergency or suspend the rules. So we would be more than happy to have the discussions with you across the floor if you want, I mean that is fine and don't forget that I spent a significant amount of time sitting where you are sitting and I didn't appreciate it either so I understand. Councilman Rosso stated I am trying to stress the point, I am not trying to accuse you guys. You are absolutely right, we have worked as a team and things are going good. I just have some questions which is why I was trying to ask them before we voted on the emergency which could have swung. President Podmanik stated Council rules, Council has its administrative code and I am going to ask Mr. Graves to review this and by Worksession we are going to have an answer. It states in there that Council will receive 96 hours prior to this meeting all legislation to be passed. That gives Council 96 hours to get questions asked and answered and obviously we have been getting that done and that is my fault. So after the Law Director reviews that, we are going to discuss that and if that is feasible than that is how we are going to do it. This way we can eliminate some of this confusion because it sounds like one side is not sure what the other one is thinking, they hand us the last minute and the 96 hours eliminates all of that. It gives everyone a chance to chew it up and spit it out, digest it whatever and maybe we should fall back on that rule. We have

another Council rule that I want to discuss after ordinance and resolutions. Mayor Piskura stated I would be 100% supportive of that as long as it is not in conflict with the Charter. President Podmanik stated that is what I am going to ask the Law Director to review and we will find out because it is my understanding that if you don't have it prior to that 96 hours it may not be put on the agenda unless Council amends but I am going to ask the Law Director to review so that we can have some sort of discussion at Worksession. Councilman Smith stated what may help when we read the ordinance, is maybe have is there any discussion about the ordinance and then. President Podmanik answered you are in discussion now. Councilman Smith stated it is always after a vote has been taken. President Podmanik answered you vote has only been taken to suspend the rules. You have not voted yet, you have a motion and a second to approve the ordinance and now have discussion. We are at that point. Councilman Smith stated well a lot of time we don't discuss it before hand, we just get to the vote. President Podmanik stated well if you have it 96 hours prior to the meeting then everyone has to time to have an actual hard copy, if it is a finance issue you have got time to see the Finance Director, if it is something sponsored by the Mayor you make contact with the Mayor. Mayor Piskura stated Ed moves pretty fast and sometimes you might miss it but Kay reads it he always does say, Council number blah, blah, blah – discussion and then moves forward and the point of having that discussion is at that particular movement or in the vote so that you can call the question. So if it rambles and rambles and rambles and rambles then someone can finally say okay call for the question. President Podmanik stated that ends the debate and you go straight to the vote, the only person allowed at that point and time to speak is me. I have yet to say someone should call for the question because I think we should discuss everything but I generally don't ask for discussion on the suspension of the rules. We have been through this long enough we should all know the consequences of suspending the rules or not and I will ask again, if you are not sure I will ask the Law Director to go over it again. But I think we have all been up here long enough we should know that and that is why I never ask for it but I will always ask for discussion and if I don't then stop me because John is right sometimes I do move a little fast. **SUSPENSION OF RULES FAILED TO A FIRST READING.**

Council#056 – EMERGENCY – an ordinance amending the rate of pay for the position of part-time Grant Administrator effective the first pay period of 2010, and the declaring of an emergency.

\*Motion by Huska/Second by Kovach for **SUSPENSION OF RULES:**

**ROLL CALL FOR SUSPENSION OF RULES:** Yeas – Smith, Rosso, Huska, Kovach, Stark/Nays – Elliott, Bring.

\*Motion by Huska/Second by Kovach for **ADOPTION:**

**DISCUSSION:** Councilman Elliott asked I thought the Administrator for grants was actually paid out of the administration fees out of the grant? Mayor Piskura stated he is but we still have to have a pay ordinance and a source to pay him from. He doesn't get paid directly like from the federal money or the state money, it doesn't come from them to him it comes to us and we have to use our ordinance to pay him. Councilman Elliott clarified so the money comes to us and we have to have something in writing that that is how we are paying him. Finance Director Smith stated this ordinance actually lowers the grant administrators pay and I am not saying if you would like to pass this or not but we don't pass it I have to actually pay him because by the end of the year I have to comply with the current ordinance which pays him more then we have. I just want to make that clear. Mayor Piskura stated to that point I am not sure if everybody remembers that we lost our CHIPS grant this year so we didn't have those administrative fees to pay for him. This was one of the things that was brought to our attention, actually was brought to our attention when the auditors first came and we felt that it was better clean it up with the rest pay ordinances that we talk about more towards the end of the year. So we lost that grant, we haven't been paying him and if we don't get the floor to this lowered then we will owe him a lump sum payment. President Podmanik stated basically this is retroactive to the 1<sup>st</sup> of 2010 which means if we don't pass this he could earn potentially \$30,000.00. Mayor Piskura stated we will have to pay him a lump sum of about \$15,000 to \$20,000.00 to make up for the difference that we haven't been paying him because we haven't been getting those grants.

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

### **Ordinance Passes#55-10**

**COUNCIL PRESIDENT:** President Podmanik stated we have a budget hearing coming up next week at which time then we will have to sometime in the future after that pass that budget. Council has an administrative code and it looks like I am going to take a spanking on this one too. 111.05a states that we will have a public hearing on the budget and will advertise 14 days in advance, that is the law of the state. However not knowing when we were going to have a budget, kind of waited until the last minute and slipped by me. We also have to have 14 days between the public hearing and the approval of that budget. December 14<sup>th</sup> is today, December 21<sup>st</sup> is the public hearing and Council's next hearing is the 28<sup>th</sup> and we are not going to get 14 days between a public hearing and the end of the year. It is a Council rule that that is how we are supposed to do this. Now as I said this is my fault, I screwed this up. Our Council rules don't offer up a penalty for breaking them. However we look bad to the public and it sort of breaks the

professional image we have worked so hard to achieve at this point considering what we have been over the past. So I am going to ask Council for their input, the 21<sup>st</sup> is the public hearing and if we go ahead and pass that at the last meeting which is the 28<sup>th</sup> we violate our own administrative code. Mrs. Smith I am going to ask you as the Finance Director if we do not pass this before the first of the year what happens? Finance Director Smith answered I have to have it to the county by the first of the year. President Podmanik asked and if you don't have it to them? Finance Director Smith answered we can't open our doors, I can't pay anybody. President Podmanik stated so basically the business of the city would stop. Any fines or penalties to be levied by the county against the City of Sheffield Lake if that were to happen? Finance Director Smith stated I don't know we have never had that happen before. It is one thing not to worry about clerks and service people but we have Fire and Police that are 24/7 that get paid as of the first of the year. President Podmanik stated so my question comes back to Council as you have heard from the Finance Director what some of the problems might be and as I said I will take the full responsibility on this one, this one is my fault and I should have been paying closer attention. So if we violate our own rules as I said there are no penalties in our code. However we look a little stupid and I said put that on me, that is my fault. So I will just poll Council; Councilwoman Stark – I believe it is in the best interest of the city to have the doors open on January 1<sup>st</sup> so I am going to say we are going to have to break our own rule in this case. Councilman Smith – yes I am a stickler for rules but I don't think at this point we have a choice but we have brought it to the public and we have admitted that we did break our rules. We didn't just knowingly not violate them and not pay attention to them and passed right over them. We are standing here in front of everybody in an open public meeting accepting the responsibility that we are human. President Podmanik stated my apologies to the Council, the Administration and the Public as I said this is my fault. Councilman Smith stated everybody is human but we are trying to hide it, we are human. Councilman Elliott stated I would ordinarily say that we have to yield to our own rules, however we actually owe it to our residents to have our doors open. We owe it to them that is why we are here. Councilman Rosso stated you know as the saying goes it is better to pass it and appear stupid as not pass it and remove all doubt. Councilman Bring stated I think we owe it to our employees and everybody that works here that we have to absolutely open the building. Councilwoman Huska stated we need to pass this no matter how it looks because the city has to continue to run. Councilman Kovach stated I feel that a bad decision is better than no decision at all. President Podmanik stated alright so at this time the public hearing will stand as the 21<sup>st</sup> of December and I will expect for Council to pass that on the 28<sup>th</sup> which will be the last meeting of the year for this Council. Councilman Smith stated I know we did schedule the public hearing and I know

that is not our job to do that but a little bit of open communication between hey we need that so we can do our 14 day thing would have been nice I think in the spirit of cooperation instead of not saying anything and just coming to where we are at now. President Podmanik stated as I said I accept full responsibility, I should been more on top of it and that was my mistake. Secondly now that we have had that taken care of, it has been brought to my attention through several emails and some public comments by some members of the community who don't have the guts to show up here but if you hear they were brutally treated in Apples by me, yes I did. The Chairman of a Committee has nothing on his agenda, he has the right to cancel that meeting. There is no sense in wasting time and resources. I canceled the last Worksession, we had nothing on our agenda and as the Chairman of that Committee I reserve that right but if you hear that I treated a few residents disrespectfully, yes I did. Law Director Graves stated it may well be that adhering to that may be no different than suspending your other rules requiring 3 readings. So it is just a question of suspending the rules. President Podmanik stated we have followed this every year as long as I have been here and this is the first time I can remember that we didn't do it. I remember Len English was very adamant about getting that done. Councilman Kovach stated in regards to the other 2 ordinances, I would suggest if it would at the pleasure of the rest of the Council that perhaps we consider these as an emergency during a Special meeting to vote just on these 2 ordinances. A Special meeting right after our next Worksession, that would give everybody the 96 hours to review, more than enough time to review. Finance Director Smith stated we could pass this at the final meeting as an emergency on the 28<sup>th</sup>. Law Director Graves stated you would suspend the rules on the second reading.

**MEETING ADJOURNED:** With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 8:41pm. 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.

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CLERK OF COUNCIL  
*Kay Fantauzzi*

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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 December 14, 2010.

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COUNCIL PRO TEM

*Richard Rosso*

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MAYOR

*John J Piskura*