

Minutes of the City Council
Sheffield Lake, Ohio
May 27, 2008

The regular meeting of the City Council was held Tuesday, May 27, 2008. Council Pro Tem Rick Rosso called the meeting to order at 7 PM.

THE INVOCATION WAS GIVEN BY: *Clerk of Council, Kay Fantauzzi*, who, then led in the Pledge of Allegiance.

*******ROLL CALL OF MEMBERS*******

Present: Podmanik, Rosso, Bring, Smith, Kovach, Elliott, Diebold, Huska,
Mayor Piskura, Treasurer E Hoenig, Finance Director Smith, Law
Director Graves
Absent: Service Director Gardner (excused)
Attending: Concerned Citizens, Fire Chief Conrad, Videographer Nick
Podmanik, Members of the Media: Avon Lake Press

*Motion by Bring to approve the minutes of the City Council meeting of May 13, 2008 with any corrections. Yeas All.

*Motion by Bring to approve the minutes of the City Council Worksession meeting of May 20, 2008 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS: None.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: None./Safety: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Claims: Chairman Rosso reviewed the minutes of the May 20, 2008 meeting. *Motion by Huska to accept the report. Yeas All./**Investment: None./Council Representative to the Community Center: None./Council Representative to the Zoning Board of Appeals:** Representative Kovach reviewed the minutes of the May 21, 2008 meeting./**Council Representative to the Planning Commission: None./Council Representative to the Park Board: None.**

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

MAYORS REPORT: Mayor Piskura reported I have just a few things, the first of which is that I would like to remove Jonathan Laule from the Planning Commission. He has only shown up for one meeting since he was appointed. I can't remember the appointment, Kay do you remember? Clerk Fantauzzi advised I don't have that nay info with me. Mayor Piskura advised it has been over a year and the Charter says that I need the concurrence of Council I think by 2/3. So I

would request that you confirm my removal of Jonathan Laule from the Planning Commission. I am not sure if all of you are aware but I wanted to make sure that at least my thoughts and prayers are with our Service Director Bill Gardner who was seriously injured after a fall from a ladder yesterday. He is still in the hospital at St. John West Shore. The President of Council had asked us to do a little bit of looking into our involvement with the Lorain County Community Alliance. In a nut shell we have saved money on our salt but it is impossible to go back in prior years and quote what the current rate was so if it is critical we can probably do the research by going back and looking at the quotes that Lorain County Community Alliance had gotten from their bulk purchasing but it would be very time consuming to do so. The one thing that probably needs to be mentioned is that as a result of our – it is \$125.00 a year and as a result of our involvement with the Alliance not only do we get the contacts from going to the meetings, there is a long list of membership. But when everybody was out of salt, we still had salt as a result of that \$125.00. So again if it is critical, we can always try to do the research but on a first glance it is going to be very difficult to find those costs estimates – I apologize that we don't have them. Lastly we did some more work on compensation tables and again this isn't critical discussion either but if you choose I would go over them with you in executive session.*Motion by Huska to accept the report. Yeas All./

DIRECTOR REPORT: None./TREASURER REPORT: None./SERVICE

DIRECTOR REPORT: None./SAFETY DIRECTOR REPORT: Fire Chief

Conrad advised I came back from Florida after inspecting the fire truck. They have got the cab on the chassis. They have got to install the pump and install the body of the truck and then that will be on the schedule for June 4th. June 8th is a Monday, the dealer will go down and he will look at it again and will schedule shipment up to Midvale where there is some dealer work that will be done in Midvale.

Hopefully by the end of that week we can schedule delivery a short time after that. So it is still looking like the middle of June possibly towards the latter part of June. Mayor Piskura advised I had mentioned last Worksession and I wanted to mention again that we are taking a look at some of the things that we are doing in our operations to see if we can be a little bit more efficient and probably the 2 biggest ones are scheduling and fuel consumption. Also with the summer approaching, I had a conversation with the Police Chief about insuring that the speed limits are enforced. We have been getting a lot of complaints, especially along the newly paved roads such as; Ferndale. *Motion by Huska to accept the report. Yeas All.

/LAW DIRECTOR REPORT: Law Director Graves advised the first thing I would like to do is report on the Demolition Board. He reported as you know the Board did vote to abate the nuisance property on Richelieu and that is complete. The next meeting is scheduled for June 3rd at 6 pm and the Building Inspector is looking at a list of the top 3 nuisance properties remaining in the city and I think they will be focusing their attention on those and trying to see if some of the vacant, dilapidated homes can be addressed. Law Director Graves advised drawing your attention to

the legislation, we have a lot of legislation before the Council tonight. I want to thank Andrea for helping to get all of this together after the holiday weekend and Kay for getting it together as well. The first thing to look at is Council#024 and this was the resolution for the agreement between the school board and the YMCA. I think as the Mayor pointed out, this was not in its correct form. The actual agreement is going to be between the City of Sheffield Lake and the YMCA. That legislation is to be found in the package which could be added to the agenda tonight and that is Council#028. My recommendation would be since it differs significantly from the prior version would be to simply remove Council#024 and vote on Council#028 as an emergency with the suspension of the rules. So Council#024 I would recommend that Council remove that. Council#025 is the appropriation changes. Then looking at the other legislation to be added Council#026 is to approve the donation of the \$10.00 that was given anonymously on Pride Day. Council#027 is to amend Rule No. 5 under codified ordinance 111.01 regarding the acting President Pro Tem and the concern that arose was that in the absence of the President of Council and the President Pro Tem, what would be the process for Council to conduct business. This ordinance says that the most senior member of Council shall call the meeting to order and Councils first order of business shall be to elect an Acting President Pro Tem for the purpose of conducting that meeting. If 2 or more members of Council have served the same tenor then whichever ones name comes first alphabetically shall call the meeting to order and then proceed with the election of the Acting President Pro Tem. Council#028 is the new resolution authorizing the Mayor to enter the agreement with the YMCA to provide the before and after school latch-key program in the buildings of Tennyson and Knollwood. The School Board is going to enter into a separate lease with the YMCA for the use of those buildings. Moving on, Council#029 through Council#043 – these are resolutions, 2 resolutions a piece for each of the proposed zoning changes that came from Planning Commission. The way the process works is that for each of the proposed changes there is to be resolutions setting a public hearing at least 60 days out from the adoption of the resolution and then there is another resolution referring the matter to Planning Commission. So for each of the proposed zoning changes, we have 2 resolutions and we also have proposed ordinances and those would found Council#044 through Council#052. Those ordinances should not be on the agenda tonight, those are the proposed ordinances changing the zoning classification that would come back after the public hearing; after they have been reviewed by Planning Commission; after the Service Director, Building Inspector, the Police Chief and the Fire Chief have had their opportunity to review them and provide their comments. Then Council would proceed to consider the actual ordinance changing the zoning classifications. In looking through them, I did notice one thing and I am going to look through them a little closer right now. Resolution#030 is in here twice. After a brief review, Resolution#030 was duplicated during copy process –

no changes to numbering. Law Director Graves advised so Council#029 through Council#036 would be saying those rezoning for public hearing. Then Council#037 through Council#043 would be referring those matters to Planning Commission. We have to set a public hearing date, my recommendation and looking at the time frame to give these resolutions 3 readings and 30 days to go into effect, 60 days for the Planning Commission to consider them. My recommendation is to set the public hearing for October 14th which would be just before Council unless Council would wish to choose another day. *Motion by Huska to accept the report. Yeas All. *Motion by Huska to remove Council#024. ROLL CALL FOR REMOVAL OF COUNCIL#024: Yeas All – Huska, Diebold, Elliott, Smith, Bring, Rosso, Kovach. *Motion by Huska to add Council#026 through Council#043 to tonight's agenda. ROLL CALL TO ADD TO COUNCILS AGENDA: Yeas All – Elliott, Bring, Diebold, Kovach, Smith, Huska, Rosso. **CITIZENS COMMENTARY: ~~None.~~/UNFINISHED BUSINESS: ~~None.~~/NEW BUSINESS:** *Motion by Bring to remove Jonathon Laule from the Planning Commission per the Mayors request. ROLL CALL FOR REMOVAL: Yeas All – Bring, Rosso, Elliott, Diebold, Kovach, Huska, Smith.

ORDINANCES AND RESOLUTIONS:

- 1.) Council#025 – EMERGENCY – an ordinance providing for the establishment and increase and decrease of certain funds within the annual appropriations ordinance of the City of Sheffield Lake, Ohio and the declaring of an emergency.
*Motion by Huska for SUSPENSION OF RULES:
ROLL CALL FOR SUSPENSION OF RULES: Yeas All – Diebold, Smith, Huska, Bring, Rosso, Kovach, Elliott.
*Motion by Huska for ADOPTION:
ROLL CALL FOR ADOPTION: Yeas All – Smith, Huska, Rosso, Diebold, Kovach, Bring, Elliott.
Ordinance Passes#22-08
- 2.) Council#026 – EMERGENCY – a resolution authorizing the City of Sheffield Lake to accept and deposit monies donated by an anonymous person at Pride Day and declaring an emergency.
*Motion by Huska for SUSPENSION OF RULES:
ROLL CALL FOR SUSPENSION OF RULES: Yeas All – Bring, Kovach, Smith, Rosso, Huska, Elliott, Diebold.
*Motion by Huska for ADOPTION:
ROLL CALL FOR ADOPTION: Yeas All – Rosso, Huska, Bring, Smith, Kovach, Elliott, Diebold.
Resolution Passes#23-08
- 3.) Council#027 – EMERGENCY – an amendment to codified ordinance 111.01, rule no. 5 of the codified ordinances of the City of Sheffield Lake

regarding the Presiding Officer of Council and the declaring of an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Ordinance Passes#24-08

- 4.) Council#028 – EMERGENCY – a resolution authorizing the Mayor to enter into an agreement with the YMCA of Greater Cleveland to provide before and after school child care service, and declaring an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Resolution#25-08

- 5.) Council#029 – FIRST READING – a resolution by the Council of the City of Sheffield Lake setting the proposed rezoning of the property on the west side of Abbe Road from Walker Road south to the city limits for public hearing.
- 6.) Council#030 – FIRST READING – a resolution by the Council of the City of Sheffield Lake setting the proposed rezoning of the property on the west side of Abbe Road from Lake Road south to the apartments for public hearing.
- 7.) Council#031 – FIRST READING – a resolution by the Council of the City of Sheffield Lake setting the proposed rezoning of the property on the west side of Abbe Road from the apartments south to Walker Road for public hearing.
- 8.) Council#032 – FIRST READING – a resolution by the Council of the City of Sheffield Lake setting the proposed rezoning of the property on the west side of the apartments on Abbe Road between Lake Road and Walker Road for public hearing.
- 9.) Council#033 – FIRST READING – a resolution by the Council of the City of Sheffield Lake setting the proposed rezoning of the Speedway property on the south side of Lake Road for public hearing.
- 10.) Council#034 – FIRST READING – a resolution by the Council of the City of Sheffield Lake setting the proposed rezoning of the property on the south side of Lake Road between Lynne Drive, Cove Beach Avenue, and Hawthorne Avenue for public hearing.

- 11.) Council#035 – FIRST READING – a resolution by the Council of the City of Sheffield Lake setting the proposed rezoning of the property on the south side of Lake Road from Cove Beach Avenue west up to, but not including, the apartments west of Abbe Road, including all land to the north side of Hawthorne Avenue for public hearing.
- 12.) Council#036 – FIRST READING – a resolution by the Council of the City of Sheffield Lake setting the proposed rezoning of the property on the east side of Pleasantview Avenue from Hawthorne Avenue south to Walker Road for public hearing.
- 13.) Council#037 – FIRST READING – a resolution by the Council of the City of Sheffield Lake referring the matter of rezoning the property located on the west side of Abbe Road from Walker Road south to the city limits to the Planning Commission of the City of Sheffield Lake for its consideration.
- 14.) Council#038 – FIRST READING – a resolution by the Council of the City of Sheffield Lake referring the matter of rezoning the property located on the west side of Abbe Road from Lake Road south to the apartments to the Planning Commission of the City of Sheffield Lake for its consideration.
- 15.) Council#039 – FIRST READING – a resolution by the Council of the City of Sheffield Lake referring the matter of rezoning the property located on the west side of Abbe Road from the apartments south to Walker Road to the Planning Commission of the City of Sheffield Lake for its consideration.
- 16.) Council#040 – FIRST READING – a resolution by the Council of the City of Sheffield Lake referring the matter of rezoning the property located on the west side of the apartments on Abbe Road between Lake Road and Walker Road to the Planning Commission of the City of Sheffield Lake for its consideration.
- 17.) Council#041 – FIRST READING – a resolution by the Council of the City of Sheffield Lake referring the matter of rezoning the Speedway property located on the south side of Lake Road to the Planning Commission of the City of Sheffield for its consideration.
- 18.) Council#042 – FIRST READING – a resolution by the Council of the City of Sheffield Lake referring the matter of rezoning the property located on the south side of Lake Road between Lynne Drive, Cove Beach Avenue, and Hawthorne Avenue to the Planning Commission of the City of Sheffield Lake for its consideration.
- 19.) Council#043 – FIRST READING – a resolution by the Council of the City of Sheffield Lake referring the matter of rezoning the property located on the south side of Lake from Cove Beach east up to, by not including, the apartments west of Abbe Road, including all land to the north side of

Hawthorne Avenue to the Planning Commission of the City of Sheffield Lake for its consideration.

*Motion by Kovach to set the public hearing date for the rezoning changes October 14, 2008. Yeas All.

*Motion by Rosso to go into executive session for the discussion of public employee compensation. ROLL CALL TO GO INTO EXECUTIVE SESSION: Yeas All – Rosso, Bring, Elliott, Diebold, Huska, Smith, Kovach.

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

Law Director Graves advised let the record reflect that the City of Sheffield Lake Council went into executive session for the discussion of public employee compensation and those were the only discussions held.

COUNCIL PRESIDENT: President Podmanik advised our best wishes go with Mr. Gardner for a safe and complete recovery.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach to adjourn at 8:32 PM. Yeas All.

CLERK OF COUNCIL AFFIRMATION: This Meeting Of The City Council Of The City Of Sheffield Lake, Ohio Was Held And Conducted Under All Rules And Regulations Governing The Sunshine Laws Of The State Of Ohio As They May Apply. All meetings are recorded and available in council offices.

CLERK OF COUNCIL
Kay Fantauzzi

PRESIDENT OF COUNCIL
Edward R Podmanik

and/or

I, Kay Fantauzzi, duly appointed Clerk of Council of Sheffield Lake DO HEREBY CERTIFY that this is a true and exact copy of the Minutes of Council of May 27, 2008.

COUNCIL PRO TEM
Richard Rosso

MAYOR
John J Piskura