

Minutes of the City Council
 Sheffield Lake, Ohio
 May 10, 2011

The regular meeting of the City Council was held Tuesday, May 10, 2011. Council President Podmanik called the meeting to order at 7:06 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, Stark, Kovach, Bring, Smith, Elliott, Mayor
 Piskura, Service Director Smith, Law Director Graves, Engineer
 Skellenger

Absent: Treasurer E Hoenig (excused)

Attending: Concerned Citizens, Members of the Media

*Motion by Bring/Second by Elliott to accept the minutes of the Council meeting for April 26, 2011 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

Monthly report of court receipts for month of April - \$6943.65; receive and file.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, and Refuse: Chairman Bring reviewed the minutes of the May 2, 2011 meeting. *Motion by Bring/Second by Huska to approve the credit of \$85.26 for 5345 Willow Lane. Yeas All. *Motion by Bring/Second by Huska to approve the credit of \$105.84 for 5501 Lake Road. Yeas All. *Motion by Bring/Second by Huska to approve the credit of \$74.66 for 716 Howell Street. Yeas All. *Motion by Bring/Second by Huska to approve the credit of \$132.30 for 4419 Lake Road. Yeas All. *Motion by Bring/Second by Huska to approve the credit of \$191.10 for 220 Lynne Drive. Yeas All. *Motion by Huska/Second by Kovach to accept the report. Yeas All./**Safety:** Chairman Bring reviewed the minutes of the May 4, 2011 meeting. *Motion by Huska/Second by Elliott to accept the report. Yeas All./**Buildings, Lands, Vehicles & Equipment:** Chairman Kovach reviewed the minutes of the May 5, 2011 meeting. *Motion by Huska/Second by Bring to accept the report. Yeas All./**Ordinance:** Chairperson Huska reviewed the minutes of the May 5, 2011 meeting. *Motion by Kovach/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: None./FINANCE DIRECTOR REPORT: Finance Director Smith advised the only thing I have is a request for a Special Council meeting on May 31, 2011 to approve our annual note renewal. The note is due on June 18th and the soonest we could have a meeting in June is the 14th and that backs everybody up and I have a class to go to on the 16th and 17th. So I would only have 1 day to get the note to the bank and get everything signed and we also need 15 days to give a public notice for that meeting. We don't have enough time to give it for the May 24th meeting, hence it would be a 5-minute meeting if you would not mind on May 31st. President Podmanik clarified you said 15 day notification, it does not require a public hearing correct? Finance Director Smith answered no that is correct, we have to post the ordinance when we borrow money per the Charter but it has to be 15 days prior to the meeting. President Podmanik advised to schedule a Special Council on May 31, 2011 at 7 pm for annual note renewal/required emergency passage legislation. *Motion by Huska/Second by Bring to accept the report. Yeas All./**TREASURER REPORT:** report attached./**SAFETY DIRECTOR: None./SERVICE DIRECTOR:** Service Director Smith reported we did purchase a van, we did find a van suitable for the Water/Sewer Departments. It is a 2011 E250 with a contractor package, we are going to need to tool it up, outfit it with strobes and the correct traffic control devices so that we can use it. This van has been needed and has been outlined, I have brought it up several times. The current blue van is a 1993 Chevy ½ ton and it is used, it has the complete sewer system mounted in it and that is what as a daily driver – reading meters, doing service calls, throwing hydrant parts in it, running pipes back and forth. It is not just the dump truck but the van is used in all that stuff too. So it really created a dilemma and we finally came across a good deal, the state bid price was ended but they still gave us the state bid price which was perfect so we managed with that within a couple of days. I started the process of mowing lawns on vacant properties, the starting of the process with certified letters and everything going out on un-mowed properties that are currently in possession of the bank or foreclosures. So I want everyone to be aware we are trying to get a step on it and start here right at the same time we started mowing. We finished the boat launch today on the removal of the pile, the last pile – just a little minor clean-up. The docks are in and it is basically open for business. I ran into a couple of questions on the rights of the residents versus the city on right of way issues of which I have been involved with David and trying to get a firm foundation and footing of exactly where we are and what we can or cannot do and that I will defer to David at this point because we are not done figuring things out yet. But there have been some questions raised that are valid questions that we need to answer concerning right of way and what the city can make the public do, who does what and whose responsibility starts and stops and where that ends. He continued the vans we were looking at ranged in the price of about \$18,500.00 for 2010/\$17,000.00 for 2009. We did find a 2011 for

\$22,500.00 that had 17,000 miles on it though and did not have a contractors package in it which is shelving and interior door that separates the work area from the driving area. We paid \$22,865.00 with everything which was really, really good and the van listed out at \$28,500.00 or somewhere in that ballpark. Mayor Piskura advised just for the record, that van was purchased from the water and sewer fund that are enterprise funds. You can only spend that money in those departments and we have no problem in that fund, it is not a general fund subsidized department. There is currently almost \$300,000.00 of appropriated/encumbered money between those 2 funds and there is probably almost that much money that is unencumbered in those funds. So in case anybody thinks that we were irresponsible in purchasing of that van, I wanted to bring that to the record. *Motion by Huska/Second by Bring to accept the report. Yeas All./**ENGINEER: None./LAW DIRECTORS REPORT:** Law Director Graves advised not a lot to report tonight, I would direct your attention to the legislation. We have got a third reading on the ordinance amending the rate of pay for the part-time dispatchers. What that would do is after 100 hours it would enable their rate of pay to be elevated to \$10.00 an hour and make it more competitive with other communities. We were having a hard time getting people that wanted to apply for the position when it would be basically minimum wage until you had 1000 hours of service. We also have #028 which is resolution approving the donation of the 12 lead cables for the Fire Department from St John West Shore/University Hospital. We also have if Council would consider adding to their agenda; Council#029 – authorizing the city to participate in state cooperative purchasing for the road salt. This needs to be returned to the state prior to May 27, 2011, so we apologize for late notice. So we would ask that you consider suspending the rules so that the city could get this in in plenty of time to participate in that purchasing. We continue to work on a number of projects which everyone is aware of. *Motion by Huska/Second by Bring to accept the report. Yeas All.

CITIZENS COMMENTARY:

Rosa Gee, 588 Kenilworth Avenue stated I will give my statement, I don't expect answers until the end of it because there are questions being asked. She advised and submitted the following;

- 1) If a resident takes notes during a meeting, are they the property of the city or the resident?
- 2) If a City Board Member takes notes during a meeting are they the property of the city of the board member?
- 3) If a City employee gives papers of documents to a person would those papers be the cities only copy of that document or a copy of the original?
- 4) If an employee of the city designates someone to act as their agent in regards to a task. Then they leave their position, who is responsible to inform the designated agent to cease those duties?

- 5) X amount of magnetic vehicle signs were bought for the Stormwater. The cities former service director issued two of them to me. Mr. Gardner issued them to be used by his designated agent (myself) for Stormwater duties only. I used them only during ditch cleanings, Community Days and other stormwater activities. At no other times were they used. At this time I wish to return both of them to the city. (Submitted 2 magnetic signs stormwater signs to the city)
- 6) Could the City tell me who is the rightful owner of the large “Let it Flow or Let Us Know” Banner that I had a family member design and make?
- 7) Who is the rightful owner of the binder “Rainwater and Land Development”? It was a gift to me from a former board member.
- 8) Who is the rightful owner of any photographs that I have pertaining to stormwater?
- 9) Since city records are public documents, am I allowed to keep them? For example minutes, account print outs and copies of items that came before the stormwater board?
- 10) In 1996 I started gathering maps and documents that pertained to my mother’s property. Some came from county offices, some from the cities clerk of council, some from the cities councilman for Roads and Drains and some from the cities Service Director. Do I have a legal right to keep these?
- 11) I own a map (Walker hill ditch 1927) bought from the county engineers office in 1996. Do I need to show proof?
- 12) In 1995 my half-brother William Schmidt (a city employee) past away. At that time I tried to give the cities Law Director Tim Smith, papers that were in Bills possession. Mr. Smith assured me that the city did no need any of the papers and to dispose of them as I saw fit. At this time I wish to you 59 pages. They pertain to Stark, Oliver and Howell storm sewer project October 1977. She stated these Lenny I think might help you out with your problem over there.

She continued, I realized yesterday, that I may have miss led some people by the use of the word “original”. What I meant by that word was (what was originally given to me) or (what I originally was told) or (what was the original idea). For this I apologize. But at no time has employee or Official of Sheffield Lake asked me I had taken any documents. Wouldn’t that have been the right way to go about finding out? I have never hidden what I may document wise. I have never misplaced items that belong to the stormwater or city. I have even tried in the past to help look for misplaced items. I actually have brought in my own copies for the city Law Director. (and I am sure that someone remembers me doing that). I have never been a thief and can someone please tell me “why steal public documents”, they are public! As far as EPA documents go...anyone can request copies of SM4 papers filed by the city just contact Dan Bogoevshi. After saying all of this...Could

someone please tell Why would a city official threaten to prosecute me? Wouldn't asking me in a letter, have been a better way then making threats in a public place? I was a victim of domestic violence for many years. Thank God I no longer have to live in that fear. But what happened to me at McDonalds yesterday. Was verbal abuse and Bullying. Last night was the first time in years that I had night mares. I do not feel safe! I am very worried about what could happen next. Am I going to have my door kicked opened and my house torn apart all do to me being on a city board? She advised this is no way for anybody to be treated.

Mark J Erdei, 4015 Tennyson advised on the condition of Shoreway shopping center, are we going to do anything before the Community Days comes in. I mean it is down the road but are we going to patch it or seal it? Mayor Piskura answered the idea that we need to put some money into it, we have already discussed. It was in the Building and Lands Committee and we were waiting for a consensus before we do anything. To answer your question – yes, there are plans. What they are, at the moment – we don't have a consensus.

/UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by Huska/Second by Bring to amend the agenda to include Council#029 to tonight's agenda. ROLL CALL TO AMEND: Yeas All – Huska, Smith, Rosso, Kovach, Elliott, Stark, Bring.

ORDINANCES AND RESOLUTIONS:

Council#019 – SECOND READING – an ordinance of the Council of the City of Sheffield Lake amending ordinance 39-10 section 1 regarding the rate of pay for part-time dispatchers in the City of Sheffield Lake's Police Department and the declaring of an emergency.

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#27-11

Council#028 – EMERGENCY – a resolution authorizing the City of Sheffield Lake to accept and approve the donation of two Physio 2 Lead Cables to the Sheffield Lake Fire Department which have been designated for use with their LP12 monitor defibrillator, and the declaring of an emergency.

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

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

*Motion by Huska/Second by Bring for ADOPTION:

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

Resolution Passes#28-11

Council#029 – FIRST READING – an ordinance authorizing the City of Sheffield Lake, Ohio to participate with the Ohio Department of Transportation for the

purchase of sodium chloride for the 2011-2012 winter season, 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, Kovach, Smith, Rosso, Huska, Elliott, Stark.

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#29-11

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Smith to adjourn at 7:48 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 10, 2011.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura