

Minutes of the City Council
Sheffield Lake, Ohio
August 23, 2011

The regular meeting of the City Council was held Tuesday, August 23, 2011. Council President Podmanik called the meeting to order at 7:07 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, Huska, Stark, Bring, Kovach, Smith, Elliott, Mayor Piskura, Treasurer E Hoenig (left at 8 pm), Finance Director Smith, Service Director Smith, Engineer Skellenger, Law Director Graves (arrived at 8:12 pm)

Attending: Concerned Citizens, Members of the Media

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

CORRESPONDENCE/COMMUNICATIONS:

Monthly report of court receipts for month of July - \$7295.00. Receive and file.

PRESENTATIONS: Mayor Piskura requested an executive session for contract negotiations to be briefed by Sandy Conley/to include Council, Administration and Mrs. Conley.

*Motion by Stark/Second by Smith to go into executive session for contract negotiations. **ROLL CALL TO GO INTO EXECUTIVE SESSION:** Yeas All – Rosso, Huska, Bring, Smith, Elliott, Kovach, Stark. Executive session was held in Council’s private chambers.

*Motion by Bring/Second by Stark to return to regular session. **ROLL CALL TO RETURN:** Yeas All – Stark, Kovach, Elliott, Huska, Smith, Rosso, Bring.

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

Roads, Drains, Water, Sewer, and Refuse: None./Safety: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Claims:

None./Investment: None./Council Representative to the Community Center:

None./Council Representative to the Zoning Board of Appeals: Representative Kovach reviewed the minutes of the July 20, 2011 meeting./**Council Representative**

to the Planning Commission: None./Council Representative to the Park Board: None.

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

MAYORS REPORT: Mayor Piskura advised I have just a couple of things that I need to make you aware of. We are looking at our financial picture, we have been

trying to evaluate it as much as possible and we noticed a decrease in some of our receipts from our services. So the Service Director and the Finance Director jumped on top of it to try to figure out why we are losing some money. In the Water Department with so many vacancies and as the consumption goes down we can account for some of the loss of revenues but we did in the process uncover a few issues that we are correcting that you need to be made aware of. The first one is on the actual sewer side, there is a base charge of \$3.00 per month followed by the normal calculation charge that is all wrapped up in ordinance 931.03. The ordinance as a whole – I will just read it to you; “effective January 1, 2006 through December 31, 2010, the following sewer rental rates shall be charged – blah, blah, blah. Now at one point the base charge, I thought there was a discussion about getting rid of that because we are using that in the capital improvements to purchase a sewer truck. However, the way that it is written in this current language – in order to get rid of that \$3.00 charge we would actually have to get rid of the entire sewer charge – completely. So we wouldn’t be charging anybody any sewer at all. So the way that we have interpreted this entire ordinance it was that they shouldn’t be exceeded until after December 31, 2010. That is the way we have applied it, I believe it is just an oversight and David will probably be bringing it to Ordinance Committee or wherever it is appropriate to look at and update if you need to. In case you want to go home and read it, it is 931.03. The one that is a little bit more difficult and perhaps troubling is that on the Water side, we did have if you remember a base rate of \$5.00 that was supposed to be decreased to \$3.00. In the transition from our old Service Director to the new Service Director somehow that never got applied. So we are crediting, we are stopping the charge and crediting the bills back in the same amount of time that it has been over collected. It doesn’t change the operation of the department, it doesn’t impact the fund any differently than it would have if it were correctly implemented when it was supposed to be implemented. However I did want to also mention that regardless of the oversight or error in how we are crediting it back, that fund is another fund that should probably be looked for an adjustment in the future because with the consumption dwindling and I am not sure if you are aware of this but our calculation is whatever consumption there is that we get billed from Avon Lake – we make a little bit of profit on that. So that is how we run our department and as the consumption goes down our profit goes down off of the water that we are selling and we can’t run our department any more. So when we considered that decrease it was a logical reasonable decision and I mean we will still be able to operate but it is anybody’s guess for how long. I think when we tried to run some rough estimates on numbers, after we credit everybody’s bills we will start to go negative right around 2013. So just wanted to make sure that everybody is aware of it so you can maybe look at that as well. The last thing is that – also on the water side; there is an EPA fee that we are trying to verify is the correct amount but not a

big deal. Councilman Bring asked that extra charge was just for a short period of time right? Mayor Piskura answered 19 months, it was \$2.00 for 19 months and our user base was 3291 homes. So that came out to a total overcharge city wide over 19 months of like \$6500.00 per month or \$125000.00 for the entire time frame. *Motion by Huska/Second by Bring to accept the report. Yeas All.

/FINANCE DIRECTOR REPORT: Finance Director Smith advised you have before you an ordinance of appropriation changes. With the new implementation of the new computers on board in the patrol cars; Cisco who runs the software for those laptops. We have always used Cisco to do all the police software in the Police Department and it normally ran around \$4500.00 a year to pay for their software services and with the laptops that is going to \$9547.00 but we have to consider that really saves a lot of time for the guys and I think it is a great thing. However I would like to break that out into its own line, it is easier to budget because that is a fixed costs and then we will know right where it is at and we won't convolute it in with operating or office expenses like we have in the past. So I have depleted the office expenses and there is some additional monies that won't be used in sick time bonus or police longevity due to a retirement of one of our Captains later this year. So that is a net 0 to their department, it is just moving some funds around so we have the money to pay for that Cisco fee. The next line is court computerization, I would just like to appropriate some more money in that line that is going to pay for IDENTYSIS which is the fingerprinting machine that sends the report right to the FEDS. Councilman Bring stated that was obtained through a grant. Finance Director Smith advised right and court computerization; that is exactly what is designed to do. *Motion by Huska/Second by Bring to accept the report. Yeas All.**/TREASURER REPORT:** report attached – receive and file.**/SAFETY DIRECTOR: None./SERVICE DIRECTOR:** Service Director Smith reported I have several issues here for tonight. The public bid for the paving of the areas of Shoreway Shopping Center's parking lot is out with a close date on bid for 9/13/11. Cook Paving was awarded the 2011 street section plan for mill and cap per our annual bid and a list will be forth coming on the exact locations of what they are doing. We are still working out a couple of little details. Spin Spot Café has completed the application process and paid required fees and is opened as a brand new internet sweepstakes café at Duff's Corner on Abbe and Lake Road. So that is considered a brand new one. ICS has completed the application process and paid all the required fees and opened as a new internet sweepstakes café in the old Gus's Restaurant formerly known as Escape by the Lake which formerly closed. Mr. Stifle notified me during a courtesy call that he would be reopening this week and would start paying his device fees accordingly under a revised management plan and reduced number of machines. As a side note I had several updates with different internet sweepstakes cafes over the last month and I will continue to monitor them regularly with site visits and update machines that are

changed and stop working and going through the process – that has been on-going. Solar panels at Joyce E Hanks Community Civic Center has been tested and performed well and it should soon be operational, more information will be forthcoming as to exact other issues that we have with the Civic Center and try to tie everything up with one day. The Howell storm drain extension from Tennyson north to Lake Road is completed and it works extremely well. It was tested during a 3 plus inch rainfall that we had within the last 2 weeks and it is one of the sections of road to be milled and capped in the 2011 street section plan. Robinwood and Lake Road should be draining correctly now and not flooding out into Lake Road, the Road Department spent several hours and finally got it to break free out of a different drain catch basin that we would have not normally known it is connected considering it was on private property connected to that main drain and we were able to free that up and it is draining real well. Last – the Tennyson outfall which runs through the east and north side of Tennyson School to the lake had 2 collapses and a leak hole. We only have had the east side collapse left to do and should have it done in a few days. Remember the drive was broke on the excavator so we had to wait until the excavator was actually fixed before we could get inside and dig the hole because of the nature of the work. It is done, the main one – we have the small one on the side to do yet and then we had a hole out by Lake Road that was also tied into but was actually a drain hole in the seam leak in the same pipe sections. Hopefully here by the end of this week/if not by the beginning of next week have that completed and we tried to time it with the schools. Councilwoman Stark stated I call it the Spot, the place that went in there this week – the sweepstakes café, do you approximately how many machines went into that. Service Director Smith answered Spin Spot was 25. Councilman Rosso asked the one up here on Lake Road that was closed and is reopening, did they pay their machine fee each month while they were closed? Service Director Smith answered no, David made a ruling that when they close, they have the right to close and open as they see fit as long as they don't formally close the doors. If they continue to pay rent on a building, they are not open for business. Councilman Rosso advised I will talk to Mr. Graves because we had that discussion about unless you went in and removed the certification from the machines they were supposed to pay it each month. Councilman Bring asked on that Spin Spot do they have adequate parking over there? Service Director Smith answered everything checks out, I believe he also has the parking across the street. *Motion by Huska/Second by Bring to accept the report. Yeas All.***ENGINEER: None./LAW DIRECTORS REPORT:*** Law Director Graves advised working on a number of projects all of which you are probably aware of. Going forward into September the Committees will be looking at some issues that need to be addressed, we are going to continue to talking about the limits on accessory structures, regulating manufactured homes in the city and also we are going to ask the Safety Committee

to start looking at regulating some products that are becoming problematic on the street that are really falling in a loop hole that are causing some serious harm among our young people; they are known as spice and bath salts. These are otherwise legal subjects but people are using them to get high and they cause a lot of damage and I think the state is looking at regulating them and we should probably start looking at that as well. I will be filing a lawsuit probably this week against a registered sex offender in the city who is within 1000 feet of one of the schools and who has refused to relocate. So I will be seeking an injunction to force that move. *Motion by Huska/Second by Bring to accept the report. Yeas All.

CITIZENS COMMENTARY:

Mark J Erdei, 4015 Tennyson stated I heard a little about this and then it kind of fizzled out as I did not make the last two meetings but are we going to eventually purchase a new ambulance/rescue unit. I know you were talking last time. Mayor Piskura answered exactly when I am not sure but I am pretty sure that it is going to fall on the new administration. I don't think that we can get one spec'd out and actually purchased in our doors anytime soon. Finance Director Smith advised we are still working on it. Mr. Erdei continued about the September picnic, the city picnic – are we having one? Finance Director Smith answered actually our one generous clerk that used to manage that whole thing has moved to Fenix and I don't have anybody that has enough energy or time to do it. She did it free of charge, spent her own personal time getting that all together and I am sad to say she is in Fenix now. Avon Lake Press John Edwards stated if you miss it, you are all invited to the Sheffield Village community events at the French Creek Nature Center.

President Podmanik stated Mrs. Huska you had a resident who had spoke to you with regard to some issue – Mrs. Norton? Councilwoman Huska stated she went home. President Podmanik asked do you have anything to say on her behalf? Councilwoman Huska stated no she wanted to speak tonight on behalf of the Tradewinds.

/UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by Huska/Second by Rosso to amend the agenda to include Council#043 and Council#044 to tonight's agenda. ROLL CALL TO AMEND THE AGENDA TO INCLUDE SO NOTED: Yeas All – Kovach, Stark, Bring, Elliott, Huska, Rosso, Smith.

ORDINANCES/RESOLUTIONS:

Council#043 – EMERGENCY – a resolution of the City Council of the City of Sheffield Lake rejecting in total the report of fact-finder and recommendations dated August 18, 2011 prepared by fact-finder Donald N Jaffe, ESQ. in regard to the fact-finding between the City of Sheffield Lake and the Sheffield Lake

Professional Firefighters, Local 2355, IAFF, OAPFF, AFL-CIO-CLC 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, Smith, Kovach, Rosso, Elliott, Stark, Huska.

*Motion by Huska/Second by Stark for ADOPTION:

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

Resolution Passes#41-11

Council#044 – 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 – Stark, Kovach, Huska, Elliott, Rosso, Smith, Bring.

*Motion by Huska/Second by Stark for ADOPTION:

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

Ordinance Passes#42-11

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 8:20 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 August 23, 2011.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura