

Minutes of the City Council

Sheffield Lake, Ohio

November 29, 2011

The regular meeting of the City Council was held Tuesday, November 29, 2011. Council President Edward Podmanik called the meeting to order at 7:05 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, Bring, Kovach, Elliott, Smith, Treasurer E Hoenig, Finance Director Smith, Service Director Smith, Law Director Graves

Absent: Mayor Piskura, Huska (excused)

Attending: Concerned Citizens, Members of the Media

*Motion by Bring/Second by Elliott to accept the minutes of the November 15, 2011 Council meeting with any corrections. Yeas All.

*Motion by Bring/Second by Elliott to accept the minutes of the November 22, 2011 Council Worksession meeting with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS: None.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, and Refuse: None./Safety: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Claims: Chairman Elliott reviewed the minutes of the November 22, 2011 meeting. *Motion by Huska/Second by Stark 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 November 16, 2011 meeting.**/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 reported of course before you is the appropriation ordinance that I brought to you at the last Finance Committee meeting. I have prepared another ordinance, these are all decreases. This is really going to give me a jump on my end of work to the County; I have to report this to the county so they can lower our estimated revenues. I have to lower the expenses before I can lower the revenues. So this is just housekeeping more than anything and I request that you pass that this evening. These are usually just funds that we projected we might collect and never have, nothing here is really earth-shaking actually at all. Most of these we kind of knew along the way but I don't usually do anything until closer to the end of the year. So

I will let you absorb those. The other thing that I do have, there is a decrease to the Shoreway – no principle at the beginning of the year because we weren't sure of exactly what we were doing. Actually it wasn't the beginning of this year – it was July of 2010, I had appropriated 3.5 million dollars to refinance and obviously we did not do that we only financed 3.2 million. But the good news on that is last year we paid 3.25% interest, what I just renewed at is 2.25% - so we have gone down 100 base points which will save us about \$40,000.00 this year. *Motion by Huska/Second by Stark to accept the report. Yeas All./**TREASURER REPORT: None./SAFETY DIRECTOR: None./SERVICE DIRECTOR:** Service Director Smith reported I have a few things tonight and first I would like to start off with something, a small paragraph. I need to clarify a few items discussed at the end of my report at the last Tuesday, November 22, 2011. I merged several things at once to make things very confused. I apologize and clarify the situation as follows; one thing contributing to basement flooding is ditch water back-flowing through the stone at the ends of driveway pipes, up the stone and under the driveway and/or stone around the water and sanitary lines in the foundation. The sump pump then pumps the water back into the ditch and if the influx of water overcomes the output of the sump pump and the pump does not keep up the basement floods. This results with rain water going down the sanitary, this is considered a cross-connect but not an illegal connection. The sump pump would just continue pumping and the cycle continues. That is what I meant to say. Another instance of a confusion had to do with footer drains that are connected to the sanitary line, what I meant to say is Warwick is a good example of this and we have got documented reports from contractors of location and the corrections thereof. We can assume that a majority of all the hook-ups on Warwick there are probably the same, so that data we have collected and we have retained and we will compare it as we go with footer drains and cross-connects. Those are considered illegal but they just need correction, when we go to enforce the corrections is what is up to us but the homeowner can't really get in trouble once we know it is there we can advise them to correct it and they have to correct it. I wanted to clarify that because Mr. Rosso brought this up after the meeting on the confusion. Yesterday I received the Water Departments availability of a speed-shore aluminum trench shore system and this will be accompanying with supporting internal policy and primary needs for hydrant work replacement, brakes, etc. It also can be used by the Road Department and also in fire rescue if necessary. Speedshore – the manufacturer will come out and have a training day where they will train all 3 departments on the safe use of this equipment. Various videos of the speed shore system are available on the internet if anyone is curious to see what it is but they are very lightweight modular aluminum panels that pin together quickly, easily and you can throw them in the back of pickup truck. You don't have to haul an excavator, you don't have to load a backhoe, you don't have to get down and hook up a bunch chains and then lower

a giant 2-ton crane into a hole. These are the new things, this is the latest and we needed it very bad. The internal policy that I speak of is the new safety standards that we going to be upgrading in the Water and Road Departments. Yesterday, I had a meeting here with Jonathan Moody of the US EPA district 5 concerning our sanitary sewer systems overflow discharges into Lake Erie – flooding, infiltration and inflow issues, corrective action by the city, current and future sewer contracts, police and revenue issues. All these things were discussed, Mr. Moody took data back with him and I made copies of a lot of different material. Overall he seemed to be okay with how we are tackling the issue and took a bunch of data back with them. He offered to send us new information on new grants and new funding sources available to our city to help us deal with the situation of I&I. He said he would be more forthcoming in the next few weeks with some more information, so that went very good. He came out here from Chicago and we had a meeting today with the City of Lorain concerning their water treatment facility possibilities but he made a special effort to come here and meet with us and go over everything that we had and what we were doing concerning our sanitary sewer system flooding and everything. The goal is to get the discharges into Lake Erie down to a minimum and the corrective action or the action that we started already such as the K&S study on the sewer data into pump station 3 that Council gave the money for – he also took copies of all that and thought that was a very positive step forward. Again I am asking residents to keep leaves out of the ditches; last night was another round of heavy rainfall. As you know we go into alarm every time we have over an inch and a quarter (1-1/4). I don't know what the actual rainfall total was last night but all 3 pump stations were in alarm, went off early and it wasn't until 5:30 this afternoon that 2 of 3 pump stations finally came out of alarm. That will give you an idea of how much we had. The Road Department was out raking and jetting along with the Water Department and the biggest problem seems to be leaves. Residents just not picking up the leaves out of their ditch, water running leaves back down and creating new spots where trouble is. So it was an on-going process that we dealt with all day. The last thing I have is the generous donation to the city by Monica Piskura and her family; the Mayors family, the binoculars were installed Wednesday and finished Wednesday afternoon up at the boat launch which was the day before Thanksgiving. The family was very pleased with how it came out and I urge all of you to go up and see just what a wonderful thing this is. We mounted them on plat formed concrete to a depth below the frost lines so we shouldn't have any problems with it, we mounted them nice and level and they were centered between the wind turbines – it came out really nice, so if everybody gets a chance please go up and check it out. Again I would like to thank the Piskura Family, it meant a lot to them. In the spring, we will be staining the platforms probably a light red/brick red. Councilman Bring requested Service Director Smith to explain what we are doing with the grates at the pump stations.

Service Director Smith explained when I first came on board I did an evaluation of the Water/Sewer Departments along with the Road Department and the Building Department. In the process we identified short-comings, issues; maintenance, things we needed to do, preventative maintenance program – all these different things that we need to do. I put that in the form of a written plan and this year was able to start acting on it with the help of the Finance Director – we formulated in the budget and started with new security doors in the pump stations which were rotted away and didn't have door handles on them and didn't have locks. It went into certain types of equipment and in the process the screens that cover the incoming pipes into the basements of the lower levels of the pump stations where you have your incoming inflow coming in there is giant grated screens which is the best way to describe them. Ours were over 16 years old and they were made out of aluminum, they were hand me downs from the original pump stations, they did not fit correctly/they were broken and ended up being removed and the fixtures that held them in place were no longer there – they were rotted away, broken and in bits. I had a fabricating company come out and custom make and fabricate special screens for all incoming pipes in all 3 pump stations out of stainless steel and the corresponding rakes which I use to clean the screens by the Sewer Department when they go into where everything gets caught on these screens. They have special rakes that are made to match the grooves in the screens, we had those made up and we will be putting them in place and that should cut down on a lot of debris floating around inside our pumps. We currently have 1 pump down but in the process we are going to be installing those screens and getting them in use but they will be good for another 50 or 60 years. That is another upgrade thing that we had to do, they have just been broken and removed which creates excessive wear on the pumps as it allows debris to get caught in them. We have had bricks; we have had 2 X 4's, a lot of mud, a lot of silt so this should cut down on a lot of that.

Councilman Huska asked what does a new pump like that cost when a brick goes through it? Service Director Smith answered a brand new pump is about \$26,000.00, a remanufactured pump runs anywhere between \$12,000 to approximately \$20,000 depending on what horse power it is. It has got to be built by a special company because they have to certify it to be explosive proof to work in a harsh environment; corrosive/explosive gases and everything else. You can't have a leaky case because it could cause a spark and the possibility of an explosion. So they have to be built under terms and they have to be built by technicians who are certified to build explosive free cases. So the costs are real high, to give an example we had core damage on one our cores that was \$3000.00. Special cores, triple insulator, double insulator with multiple wires in them which are about a 1-1/4 inch thick to 1-1/2 inch thick – the power cords on them.

Treasurer E Hoenig asked is it inspected? Service Director Smith answered yes we pull them out; as long as they are running they are fine. We had Lake Erie Electric

out to do inspections on our electrical in all three pump stations – that is something that we have been doing. We identified several problems that we have had in controlling areas. I have had another gentleman who was a subcontractor at Lake Erie Electric come out and he kind of gave us a lot of high-dollar repair points that we need to address and that is his specialty and he has also made his services available to us for the future. So we are taking all those things into consideration but we do preventative maintenance inspections on them. It is a big deal, it is a confined space environment, it is a corrosive environment and the stuff that is made to work in there is all high-dollar. Councilman Elliott asked on average, how long do those pumps last once we replace them? Service Director Smith answered to give you an example, pump station 1 has 2 from 1999, they were bought new in 1999 and I believe the other 2 were rebuilt 1989 pumps. We have 4 in each pump station; 2 which run at a time and they are cycled to alternate so that you don't burn them up because they create so much internal heat. If you run too long, you can cause problems. They have special thermal-breakers inside which are built into the windings themselves so that if they over-heat before they burn up then they shut down. Average life-span, as long as you can confine the material besides the liquids going through it. I am in the process of having the pump stations cleaned, the sedimentation removed because it is like liquid sandpaper on the impellers and to give an example of where we are at 1989/1999 until now – 50 hp unit – 30. We just had one rebuilt last year, we have one down currently which will be pulled out this week and we won't know until it is sent out to eastern Ohio and ripped apart as far as the damage. Councilman Kovach advised I spoke with one of the residents today and apparently across the street from 858 Sheffield is a catch basin which she feels is completely plugged up. Apparently that is plugged up and is not allowing the water to drain from that area over to the Day Ditch. *Motion by Huska/Second by Stark to accept the report. Yeas All./

LAW DIRECTORS REPORT: Law Director Graves reported looking at legislation tonight; we have a second reading on the ordinance establishing the rules and regulations on street lawns and tree lawns. We have Council#058 which is the appropriations and #059 is establishing section 105 which is the wards and boundaries that I talked about at the last meeting – the redistricting. I would like to try to get this done as soon as possible, I had mentioned previously that this should be done by the end of the year and I would like to allow some time to refer this to the Board of Elections for their review and approval once it is passed by Council. Again I would be happy to entertain any questions on that or comments. Additionally if Council so chooses you could add Council#060 tonight, this is authorizing the Mayor to enter into a memorandum understanding for participation in the neighborhood stabilization program 3. The County has \$300,000.00 available for communities outside of Lorain and Elyria for acquisition and demolition and rehabilitation of nuisance properties in eligible areas – Sheffield Lake has 2 areas which are qualifying.

Basically it is the entire area of the city to the west of Harris and we do have nuisance properties that we could use the county funds; actually the county would just do it once we have gone through the local condemnation process. We ask that Council consider passing this tonight so that we can participate in this program. I would also ask for an executive session tonight to discuss current litigation and also collective bargaining negotiations for the city's collective bargaining units. Councilman Rosso asked why does the Board of Elections have to review on our ward boundaries? Law Director Graves answered they have to review it for elections and so they will review it to make sure that it is compliance. Councilman Rosso asked as far as how many people? Law Director Graves answered no they will more than likely just look at it in terms of its compliance with state code and our local code. We certify that it is substantially equal and the city can utilize processes of our choosing so that so long as those are defensible than we have done a thorough job. They are the ones that have to implement it. Councilman Rosso stated I understand they have to know but I just can't imagine them coming back saying hey we are going to veto your boundary changes, they don't have a clue. Law Director Graves stated well they did that in Avon Lake, Avon Lake was forced to redo theirs but I think ours is compliant. But anyway the Board of Elections does have to review; they will be the body following us in the new districts certifying the elections. Councilman Rosso asked they have a deadline? Law Director Graves answered no we have to get it done by the end of the year. I am just saying if there was any problem, I just would like to have some buffer time in case there is a problem than we may not have the time to get it done by the end of the year. *Motion by Huska/Second by Stark to accept the report. Yeas All.

CITIZENS COMMENTARY:

Mark J Erdei, 4015 Tennyson stated do we have any kind of ordinance or anything that prohibits raking of the leaves into the street or you are supposed to keep them on the treelawn? There is a few cities' that enforce; they got laws that you can't rake them into the street. Service Director Smith answered you can't put any type of debris into the street but it is not a building code, it is a traffic code. Law Director Graves advised no you can't, it is just like blowing your grass into the street. Mr. Erdei stated I know but do we have anything that can enforce that? Councilman Bring advised I think we had more leaves in the ditches than we did actually in the streets. Service Director Smith advised the issue definitely is that it is clogging up the pipes, having driveway pipes keeping water from flowing down the street. We go in and we jet and it affects multiple residents, so we go in and jet but that in itself is the maintenance of the property owner. That is what we just went through and did a clarification on the tree lawns, it is the same thing. As far as, I don't know a specific ordinance that says it. I know you can't obscure traffic. Law Director Graves advised we do have ordinances. Mr. Erdei continued

assuming this Dollar General does get built, is that going to vacate the Dollar General in the plaza and then that is going to add to another empty unit in the plaza? The Mayor I recall maybe one or two months ago said he had a brokerage firm out of Vegas or somewhere or we were advertising for the shopping center. Service Director Smith stated we are not like banking waiting for one individual, we have had a lot of inquiries but we don't have the vacancies cleaned and up-to-par up to a certain standard that are making them rentable. I don't just mean rentable, I mean up to a certain standard that is going to bring a decent client into the premises. If Dollar General moves then we are going to have one more space that we can quickly renovate to get up and going and upgrade and if anything we will increase our rent and our money situation on that space. So I wouldn't look at it as a disaster if they go, I would just look at it as one of the changes we deal with. It is just a normal part of doing business. Mr. Erdei asked well at least they are staying in our town, I mean they could have booked out for any reason. Now on vacant buildings, our city insurance a little more expensive for an empty non-commercial building or is the same? Finance Director Smith answered it is the same. Unless we create some kind of hazard that would cause injury but we are not, it is just like any of the other vacant stores up there. Service Director Smith explained liability is no different than if you are walking across the baseball field and the city owns it – there is no difference. The public liability insurance – like Tammy said if you go to create a hazard or contribute to creating a hazard. With the parks, it is a cost of doing business as insurance. Mr. Erdei stated I know sometimes on residential or empty buildings, the insurance will go up just because it is not being used and it is vacant. Finance Director Smith stated we can check into that but I don't foresee any changes. Mr. Erdei stated Happy Thanksgiving to everybody even though it is a little late but I hope you had a happy one. Law Director Graves advised codified ordinance 909.05, no person or firm or corporation shall deposit or cause to be deposited any trees, rocks, dirt, fresh grass clippings or other debris of any form in any ditch, water course or drainage improvement – this is punishable as a first degree misdemeanor up to 6 months in jail and a \$1000.00 fine.

/UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by Huska/Second by Kovach to amend the agenda to include Council numbers 060 and 061. ROLL CALL TO AMEND THE AGENDA: Yeas All – Huska, Bring, Kovach, Elliott, Stark, Rosso, Smith.

ORDINANCES/RESOLUTIONS:

Council#057 – SECOND READING – an ordinance establishing Chapter 910 of the codified ordinances of the City of Sheffield Lake regarding streetlawns and treelawns.

Council#058 – 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 Stark for SUSPENSION OF RULES:

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

*Motion by Huska/Second by Stark for ADOPTION:

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

Ordinance Passes#55-11

Council#059 – EMERGENCY – an ordinance amending Chapter 105 of the codified ordinances of the City of Sheffield Lake regarding wards and boundaries and the declaring of an emergency.

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

Councilman Rosso stated as I stated at Worksession I think changing these ward boundaries should at least go through a couple of readings. I understand David's concern about getting it done before the end of the year but if we at least let it go through this Council meeting – John I think it has already been in the Avon Lake Press at least once. At least get it in one more time and then next Council meeting, at least that is in 2 weeks. That is about the best we can do, ideally it should have went 3 in my opinion but that cuts us down to 2 days before which doesn't give us enough time to react. But if it goes this one and at least the next one – that is 2 weeks, I think that is better than passing it tonight. I don't much else to get the word out but I think it is better than bringing it up and adding it and passing it tonight. That is my opinion and why I am voting no on it to suspend the rules. Law Director Graves advised I respect that and is a major change – I mean it is a minor change to the map but it is an issue. It is something the city hasn't done in 30 years and so I do respect that. I just want to remind everyone that I made a very detailed presentation of this at the last Council meeting and then it was also I guess discussed at the last Worksession which unfortunately I could not attend. So there have been 2 other meetings where this has been at least discussed publicly.

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

4 – 3/SUSPENSION FAILED. First reading had.

Council#060 – EMERGENCY – a resolution authorizing the Mayor to enter into a memorandum of understanding between the County of Lorain and the City of Sheffield Lake for the purpose of allowing Lorain County to implement the neighborhood stabilization program 3 for the acquisition, demolition and rehabilitation of nuisance property within the target areas of the City of Sheffield Lake and the declaring of an emergency.

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

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

*Motion by Huska/Second by Rosso for ADOPTION:

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

Ordinance Passes#56-11

Council#061 – 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 Stark for SUSPENSION OF RULES:

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

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#57-11

*Motion by Bring/Second by Stark to go into executive session for the discussion of current litigation and collective bargaining negotiations.

ROLL CALL TO GO INTO EXECUTIVE SESSION FOR THE DISCUSSION OF CURRENT LITIGATION AND COLLECTIVE BARGAINING

NEGOTIATIONS: Yeas All – Bring, Huska, Elliott, Stark, Kovach, Smith, Rosso.

*Motion by Bring/Second by Stark to RETURN TO REGULAR SESSION.

ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Kovach, Smith, Bring, Rosso, Huska, Elliott, Stark.

Law Director Graves advised let record reflect that Council did meet in executive session for the discussion of current litigation and collective bargaining negotiations pursuant to the Ohio Public meeting laws.

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Stark to adjourn at 8:22 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 November 29, 2011.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura