

Minutes of the City Council
Sheffield Lake, Ohio
September 11, 2012

The regular meeting of the City Council was held Tuesday, September 11, 2012. Council Pro Tem Rick Rosso called the meeting to order at 7:02 PM.

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

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

Present: Rosso, Stark, Smith, Belaska, Kovach, McCullough, Elliott, Mayor Bring, Law Director Graves, Finance Director Smith, Service Director Smith
Absent: Treasurer Woods
Attending: Planning Commission: Erdei, Concerned Citizens, Members of the Media; Avon Lake Press

Council Pro Tem Rosso advised at this time with today being September 11th and in memory of the attacks, I would like to ask for a moment of silence.

*Motion by Belaska/Second by Kovach to accept the minutes of the Public Hearing; zoning changes meeting of August 14, 2012 with any corrections. Yeas All.

*Motion by Elliott/Second by Belaska to accept the minutes of the Council meeting of August 14, 2012 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

A – Monthly report of court receipts for month of August 2012 - \$6668.50. Receive and file.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, and Refuse: None./Safety: Chairman Rosso reviewed the minutes of the September 5, 2012 meeting. Councilwoman Belaska asked Finance Director Smith, Fire Chief Card applied for a grant for \$427,908.00 and the costs to us would be \$21,395.00 which is 5% of the total costs and I was asking with the internet café money that we have been accumulating could any of that money be used toward that grant? Finance Director Smith answered there is several things we could do but trust me when I tell you if we get 2 ambulances we will find the money. We will whatever we need to do even if we have to float a note for that, there is several things we can do. I don't know specifically at this time how we want to handle that because usually by the time we do the grant, we actually get the grant and then the close of the period of the grant is almost a year. *Motion by Belaska/Second

by Elliott to accept the report. Yeas All./**Buildings, Lands, Vehicles & Equipment:** Chairman Kovach reviewed the minutes of the September 6, 2012 meeting. *Motion by Belaska/Second by Elliott to accept the report. Yeas All./**Ordinance:** Chairman Elliott reviewed the minutes of the September 6, 2012 meeting. *Motion by Elliott/Second by Kovach to accept the report. Yeas All./**Finance & Audit:** None./**Council Representative to the Community Center:** Representative McCullough reported the Community Block Grant Program that was requested, Pat worked on that and the lady who was in charge of it was working on a big bridge project and she asked that he give her a little bit more time and he did. It looks like things are moving forward on the Community Block Grant Program; the LED light tubes/scrolling LED sign, kitchen equipment – it looks like that is all moving forward with the bid package. The building has been being used quite a bit. Lorain County Metro Parks just had a meeting there last week, last Thursday night in which there was a small attendance of about 5 residents and then a couple of residents from Sheffield Village but they were discussing the old Fabro farm and just what they are doing in the area and how it could enhance our bike trail. He has got that place just about rented out all the time. He is near capacity through Thanksgiving weekend and reoccurring holiday family rentals through Christmas. They still have concerns about continued improvements to the parking lot. We have discussed again and they now have a 32 inch monitor for that, I have to order a bracket to put it on the wall. Then we are going to allow the ladies to decide who gets to use the TV, if it is just going to be exclusively for their classes or they are going to allow people who rent the hall out to also use it. I know Len has done a lot of work down there and he advised us as we found out in the last Council meeting that the center has been entered into and qualified for the Lorain County Beautiful Competition. Service Director Smith advised a finalist. Representative McCullough continued the exterior locks on the building were changed. It is just the second time they have changed them in 10 years and Pat is actually looking at maybe a program to change it a little bit more often than that just for security reasons. Our next meeting is November 19th at 7 pm at the Community Center. Councilwoman Stark asked Mayor Bring, election day is fast approaching and I know we will be using that building again for the Presidential Election. Have we talked about what we are going to do to prevent any problems outside in the parking lot? Mayor Bring answered actually no but I know the last time we had quite a crowd and I am sure at the Presidential Election it probably will be quite busy I am assuming and hoping. So I may have to talk to the Police Department about that and see if they can't come out direct some traffic. Councilwoman Stark advised we have always had a very good turn-out with almost the entire city except for one ward over there and I will guarantee you there will be problems. Mayor Bring advised I will talk to Mr. Campo about that and I am glad you did remind me about that. Councilman McCullough asked can we have the chains taken down for the election so that turn around driveway can be used for extra

parking and keep that area open? Service Director Smith advised it is more governed by the Board of Elections. I know I have had several conversations with the Director of the Board of Elections concerning the Civic Center for the upcoming election. I will bring it up and discuss with the Mayor./*Council Representative to the Zoning Board of Appeals: None./Council Representative to the Planning Commission: None./Representative to the Park Board: None.*

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

MAYORS REPORT: Mayor Bring reported I have a few things to go over here. We had discussed a little bit about what was going on in the Water Department as far as CMI, I discussed this with our Finance Director. They also do our payroll, they do our utilities and they also take care of our Building Department. They are one of the largest agencies that handle this. They have been with us around 26 years. Mr. Smith is still awaiting a written report for why this happened and we are looking into what the costs of the \$28,000.00 and none of us want to spend \$28,000.00 obviously – we are looking into that. I just wanted to bring that up to you guys so that you at least know that we are looking into that situation because that has been on-going. We had some more situations today but the girls got yelled at. We are going to try to take care of that. So getting back to Mr. Kovach was talking about the patch, that is a cold patch system where you do not have to heat that up for the road and it is a small portable air-compressor. It eliminates all kinds of injuries, when Mr. Smith told me about this I was a little skeptical about it and I will quite honest but I was in Huron the other day and they were using that system and it seemed to be working quite well. So we are going to try this, like I said it is much safer and very inexpensive and they use the same applicator as they did with the hot patch stuff but it is a cold patch system and they got basically cans that they pour this on and then they have the applicators which are just little spreaders and they do this and the air-compressors actually blow to clean the hole out just like they do on the big ones. We have had just recently for Shoreway, we have several people come looking to lease the shopping center so that has been kind of a plus and Mr. Smith has been showing people that. That has been very positive, there has been a lot of action all of the sudden lately and I don't know what is going on or why but there has been a definite interest in leasing that particular area; not just one of them but several. We had talked a couple of weeks ago about having an end of the season festival down at the shopping center. They was brought to us by the Avon Lake Chamber of Commerce, this was basically funneled through the gentleman that came to us and there was a few things that he had to arrange and he did not follow through with that. So we sat down and discussed that and at this time we decided that we are not going to go through with that. We are going to do that next year, we have got 2 women that are professional people that do that. They are very excited about it, we just ran out of time and we were relying on the other gentleman but again it just didn't work out so we are not at this time going to do

that this year. Lastly I would ask you to consider Mr. Graves for a Grant Writer. Mr. Gardner did do our grant writing previously and he is no longer with us. The reason he is no longer with us is because he was not very good at organizing and we ran into a lot of problems and we are still dealing with that, Tammy is dealing with it and David is dealing with that. A lot of the grants that were actually being presented to you guys, David was involved in most of those bringing to Mr. Gardner. When we lost Mrs. Woods as a Secretary in there Bill was actually lost because she was doing all the typing and everything else for him and he was relying on everybody else. David's forte is actually researching and looking up things with his law degree and everything else. We were paying Mr. Gardner \$18,000.00 to do what he did and there was a range up to I think \$48,000.00. I would ask that we look at paying Mr. Graves \$15,000.00 and possibly seeing what happens here but \$45,000.00. We never got past \$18,000.00 with Mr. Gardner so I would tell you that. So I would ask that you consider that. We could go into executive session without Mr. Graves to discuss that if you would like or you can discuss that now, however you want to do it. Mr. Graves has a lot more free time lately, he is not doing much in Avon Lake and his time in Lorain has cut back dramatically. I will be honest with you I have been thinking about this for a long time, I had several people that we looked at but they just don't fit the bill. David does an excellent job at researching and he is also going to become certified to do that, he is going to take the test. He is on-line now taking tests so that he actually becomes certified. Like I said later on if you would like to go into executive session to discuss that without David we can do that too. Council Pro Tem Rosso asked I thought Len was taking care of the grants in Bill's absence? Mayor Bring answered no we actually had Tim Card who has been doing some, we had Shawn Corr doing some which I would like to continue and Pat handled the one for the Community Center. Council Pro Tem Rosso stated part of what Bill was doing as the Grant Administrator was managing the grants and I thought whatever grant we had especially in the roads that Len was following up on those. All that money; the \$15,000 to \$25,000 range that you spoke of was only paid out of the grant administrator line so if there is no grants there is no pay. That is the way it was supposed to be for Bill. The only time that that got paid was when you took the money from the grant administration line and we paid him. That is why there was a range, if you got a few grants you got a little bit – if you got more grants then you got more. Councilman Smith stated that is how it is supposed to be. Council Pro Tem Rosso concurred that is how it is supposed to be, that is what we voted on. So now you are saying it is going to be flat \$15,000 and maybe higher because I think it has to be tied to grants and it is not any costs to the city. Councilman Smith concurred Bill was tied to the grant as it had administrative fees. Finance Director Smith stated Bill was on a set salary that was paid through all of the administrative costs through all of the departments. Council Pro Tem Rosso stated that is not the

way it was supposed to be set up and it is not how any of us thought it was. Councilman Smith stated if he didn't get any grants, he didn't get paid because each grant had an administrative line that they can use for administration and that is what they were using to pay his salary and if he didn't get a grant he didn't get paid. Council Pro Tem Rosso stated the minimum was covered just by maintaining the CHIPS grant. Finance Director Smith stated there are reimbursements for a grant administrator in almost every grant – guaranteed. We did not specify that with Bill, he just got paid a salary. We inevitably got most of that money back. Council Pro Tem Rosso stated I think before we do anything, we need to find out what we past and how that payment was to be because as Alan said it was supposed to be based entirely on the grant administration fees of the grants that we received. The CHIPS grant would have hit the minimum on that. He took it back from what was that lady's name – Patty Lines. Finance Director Smith stated no he didn't take it back, he assisted her. She is still the administrator of the CHIPS grant. Councilman Smith stated that is how they paid his minimum, out of that if he didn't get no grants. Finance Director Smith stated he did some inspections as well. Council Pro Tem Rosso stated all that was supposed to come out of the grant. Law Director Graves stated you cannot pay a grant writer on a contingency basis. So to say that the grant writer was being paid based on the grants that he was able to procure for the city – you can't do that. Council Pro Tem Rosso stated then how come nobody told us when we did this. Law Director Graves stated well that is not what you did, what you did was you set a range of pay for the grant writer and what the discussion was almost all of the grants have administrative costs built in that if the grant writer was successful it should more than reimburse the costs of having the grant writer write these grants and manage and administrate the grants and that is how it was always set up. But you can't pay a grant writer based on performance, no you can't do it. That would violate the code of ethics in the American grant writer association. Councilman Smith stated you are right as far as that goes but our understanding was that he was working on these grants and there will be an administrative fee if he gets the grant that will go into his salary but he also was assisting Patty and that is where the money was going to be drawn from to pay the salary. Council Pro Tem Rosso stated which is why we lowered the salary because he didn't get the grants a couple of years ago so we lowered it so we wouldn't have to pay him. Councilman Smith stated but we didn't pass an ordinance saying it is based upon his performance but on the administrative side we were told that that is how his salary was going to be. Councilman McCullough stated I got a problem with putting a cap on it too. When you get to a certain point, well I made my \$25,000 for the year I am not going to write anymore. No offense David but you are telling us that we can't pay for performance which I would think the whole thing would be dealt on if you are writing this in there you are going to go for every single grant you think we can get, you are going to go after it hard and

you are going to do your job over and beyond then you should be compensated for doing your job over and beyond. I think putting a \$25,000 cap, I am looking at it a lot of different ways and here is the other way I am looking at it too David you are a rare bird, I trust you inherently and you really do a great job for us and everything you do in keeping everybody out of hot water and writing everything. But I am also concerned with and if we go that route, okay you start working harder on grants and less on your law director and prosecutor stuff. There is just a lot of things to consider here and I think maybe – are we being asked to consider this tonight? Council Pro Tem Rosso stated I just don't think we should to deep into this. Councilman Smith stated in defense of David, when he first took that Prosecutor job and Law Director I voted against it and it was a mistake because I was wrong. I didn't think he could do all of it together, so as far as the performance part there is no problem with David. I already went down that road and I was wrong on that, he is more than capable of doing probably three or four different things at one time. Finance Director Smith stated currently our CHIPS grant which is ran by Ms. Lines I am involved in that which I don't have time for. I basically have been consulting David, David has really been spear heading/keeping that on track as it is so he is really already doing a lot of the work as it is and there are so many specifics to these grants, it needs a professional like David to just administer them. Council Pro Tem Rosso stated I want to go back and I think there is a lot more than just Alan and I that said this is what we thought we had years ago and find out how so many of us misunderstood what has been going on before we do anything. Law Director Graves stated when you talk about administration fees built into a grant, whether the understanding was that the grant writer would be paid solely out of those funds or if the discussion was the grant writer will be paid this amount and in the grants the administration fees that could come back to the city would more than pay for what we are paying the grant writer – it was more of a reimbursement. *Motion by Kovach/Second by Belaska to accept the report. Yeas All./**FINANCE DIRECTOR REPORT:** Councilman McCullough asked I asked a while ago and I am just seeing if you had a chance to get to it yet about the shopping center breakouts on expenses and rents on a separate report. Finance Director Smith answered sure and I apologize./**TREASURER REPORT:** None./**SAFETY DIRECTOR:** Mayor Bring stated we had a episode in the Police Department the other day, we had a despondent detainee that tried to hang himself. We had Mr. Pozywak was in there, he is our part-time Patrolman and we also had dispatcher Vicky Haag both were in there. Mr. Pozywak went in there and grabbed the gentleman and Vicky – we have that new knife that is actually made for that and she cut it down. Mr. Campo just wanted to give them a letter of commendation and I just wanted to recognize Mr. Pozywak and Mrs. Haag for this. The gentleman was fine, it was just a matter of a few seconds. That goes for the fact that we need the cameras going. I wanted to thank both of them. Also we had a correspondence

with Jim Cordes of the County Administrator about our 911 system for the Fire Department. They want to take over part of that dispatch and I will bring that to you guys at the next Council meeting. They would take that over and in turn we would also need some equipment which comes to about \$50,000.00. We had asked for the money for free and we didn't get anywhere with that but they did not charge us any additional fees for this and we got 10 years interest free. We were actually pretty excited about that and we probably won't even have to start paying for that for about 2 years. Mr. Card is in favor of this, they all know this over there. They are going to do this in several different Fire Departments, I know Avon Lake signed up for it. Mr. Cordes thought we were being quite generous of only asking for \$50,000.00 but Tim had a list of what he needed in there and they were all for that. The next Council meeting which is on the 25th I will bringing that to you and hopefully you guys can get that going. Council Pro Tem Rosso stated the county does 911 now. Finance Director Smith stated right however they forward the calls to us, we have to leave one of our fire fighters at the station to continue receiving calls. This is a new dispatching system that will dispatch right to every vehicle we have, it will come through an MTD I think they call it. So it is nice because we don't have to leave anybody here at all. All of our guys can be out in the field, it is going to save us a lot of administration at the station. Mayor Bring stated now when that goes off somebody has to physically sit there and listen to it but they are talking about getting this ringing system that will go through all the speakers. If it is not loud enough to go through the speakers that we have now, they would upgrade the speakers for us. Finance Director Smith stated so they will never be out of the touch and then if they get dispatched to another 911 call or we need mutual aid it goes right to the computer on board of each of the fire trucks and the rescue squad and the utility vehicle. Mayor Bring stated it is the same computer that are in the police cars right now, there is a card that they use. It is a wireless air card which gives them access to the internet and it is all secured on 911's side so anything they dispatch to us it has got a firewall for information security but it is going to free up a lot of our time as well. Mayor Bring stated like I said the guys over there are all aware of it and all okay with it and the Chief is happy with it too. But on the 10 years it is 5 grand a year. Councilman McCullough stated that sounds great but to me 911 is the worst thing in the world because police, fire or rescue and then they want to start asking you all these questions – just give me Sheffield Lake Fire Department. They don't do it that way and if you dial 8181 your response time is about 3 minutes faster. They consider their response time from the time they actually forward that call, not the time you call that takes you 5 minutes to get through them and I got a big problem with 911 in our county and that is the problem I have with them it takes you 5 minutes to get to your local place with a phone call. In fact my question to you tonight Mayor was is there something we can do to get our stickers back for 7131 and 8181 to get people

calling directly to our departments because it takes a long time. If you screw up and dial 911 you are not coming right to our department you have to go through that dispatcher and explain everything and then when you get these guys we got to explain it again. Mayor Bring stated I know that and we still respond the same way because 7131 is our dispatch and we always have police on duty. Councilman McCullough stated so what are we going to do with 8181, is it going to go to our police then? Finance Director Smith answered yes if our station isn't manned they will have to switch it over to the police, just like they do now if that comes up. But keep in mind everything is digital with this new system, so when the call comes in and they try to place that person by satellite or by address that is all supposed to be taken care of and there is probably a lot more information to come. Councilwoman Belaska asked Mayor Bring if there is no prisoners I would like a walk-through down there, if that is okay. Councilwoman Stark asked the guns that we purchasing for the Police Department, what are we doing with the old ones? Mayor Bring answered they are purchased and we are sending the old ones back. Those are part of the program, those are actually defective and I am sure they are going to destroy them. Tony has got all those stacked and got everything with a serial number on it and I believe everyone has their new weapon. Councilwoman Stark stated when we have this discussion next week about the 911, if we could talk about time. *Motion by Kovach/Second by Belaska to accept the report. Yeas All./**SERVICE**

DIRECTOR: Councilwoman Belaska asked I wanted to ask you about the week of July 13th, did we get the lenses repaired on the cameras over there for any vandalism, I know they were out over at the Water Department? Service Director Smith answered we have had several issues going on, the specifics maybe I could talk to you in private. We have an on-going upgrade that has been going on and it includes more. Councilwoman Belaska stated we had discussed the cabinets I just wonder is there a certain line that we have to get that legislation Mr. Graves before we use these things. Service Director Smith stated there is a program of disburse on the cabinets. Councilwoman Belaska stated is there a certain time say we don't use them that we have to give them back? Service Director Smith answered no they are ours. Councilwoman Belaska asked do we have to return the boat to Amvets when we are no longer using the boat? Mayor Bring advised that is what was discussed but I did talk to them about that and they do not want the boat back but I did just have a conversation about all this. When I find all the particulars out I will let you know but I am working on something./**LAW DIRECTORS REPORT:** Law Director Graves reviewed the legislation. Mayor Bring advised the green car, the Taurus that is out there that we are getting rid of was a detective car, the transmission went out on that and it was \$2000 to fix and Mr. Campo made a suggestion of taking the Chief's car (white car) and turning that into a detectives car so that is what we did. So we didn't by another vehicle and we are not going to pay the \$2000 to repair a vehicle that is worth \$1500.00. Law Director Graves

explained just so everyone understands the proceeds of that sale there are some restrictions on that as it was forfeited, a portion of that would have to go back to the Lorain County Prosecutor and a portion would have to be utilized for the Sheffield Lake Law Enforcement Trust Fund. There are some parameters on the proceeds of that sale. Councilman McCullough asked if we don't act on this thing for amending the pay rate. Law Director Graves answered it is not currently on the agenda. *Motion by Belaska/Second by Kovach to accept the report. Yeas All.

/CITIZENS COMME NTARY:

Susan Chapman asked what is with the water bill, we only pay \$50 or \$52 and there is 2 of us and this time it was \$82.00 and that is a big jump. Service Director Smith explained we had a water rate increase; a sequential water rate increase meaning when Avon Lake sends us one there is legislation that allows us to raise it the same percentage. We don't do that in-house, we don't do that here at the Water Department. A company that maintains our utility software does it, they went in and they changed that accordingly so that we could print the bills out and what happened is anybody who had an actual meter read it took all three months from the previous read to current which is 3 months and added all their sanitary sewer charges into one charge. So basically it was a 3 time – it was a computer cliché that increased the sanitary sewer 3 times. Council Pro Tem Rosso advised call the Water Department and they will recalculate it and you will get a lower bill. Mrs. Chapman stated our bill always ran around \$52 or \$51. Thanks for opening Community Road, whoever did it. Mayor Bring stated I got yelled out for doing it. ***Ann Marie Woltman, 649 Sheffield Road*** stated you know we haven't had any rain for a while like the previous years but we had .8 inches maybe 3 or 4 weeks ago and I have stopped up every single opening in my basement and still a little water seeped through and the pressure is so great from someplace – stormwater or whatever water is starting now to crack the basement because it can't come up because I have it sealed. What is that, is it stormwater – I have a check valve so it is not that. Service Director Smith stated Ann Marie I will go over your account again and like I said back on the August 14th minutes of which afterwards I even sent Shannon over to your house to double check and give you the courtesy of and we don't do that – we are not plumbers, we don't go to people's houses and just do that. Your issue is to you because the people who are upstream from you don't have the same problem. The people north of you don't have the problem at the same time. Do you know what I mean? Ms. Woltman commented well there isn't anybody north of me and the people that are on Hawthorne are feeding into a different system. Service Director Smith advised the report that I got back from Shannon was that it isn't on our side and they do check the lines when they go out there. I don't know what particular circumstances that you have and most probably it is stormwater, it is runoff on your property that is seeping somewhere but that is not something that we would do. Ms. Woltman asked it is not from the rain?

Service Director Smith answered it is from the rain but it is not from the city's pipes if that is what you are asking. That is all I know, I have sent the guys out over and over and over and you keep saying your basement is flooding. Well that is what plumbers, they come out and they diagnose that. Councilman McCullough asked 694 Sheffield? Ms. Woltman acknowledged yes. Councilman McCullough asked how often do you cut your grass and I am just asking does your grass grow faster than anybody else's? Ms. Woltman answered no not really, I have somebody else cut it. Councilman McCullough stated let me tell you why I am asking I was thinking there might be something that is just happens to be in some water table somewhere. But that doesn't sound like what it is. Service Director Smith stated I did find out that your house is one of the houses that had a back water valve installed by the city back several years ago, am I correct? Ms. Woltman answered I am not sure, it was before. Service Director Smith continued and you do know that that needs to be inspected every year by a plumber because what happens is the back water valve gets deteriorated, the sewage in the pipe holds the valve open and the flapper open and then what happens if you have sanitary water in the sewer system – it will back up into the pipe. Now that is not what Shannon told me happened but Shannon did isolate the back valve and said that you had one and my question to him was do we have an inspection – have you had it inspected every year. So I would advise that would be the thing that you need to looked at. Ms. Woltman stated I think they looked at it. Service Director Smith advised the city doesn't inspect it; plumbers do. Councilman McCullough stated Len I think her problem might be something with her structure but she is talking about getting it seeping through her walls – it is not her sewer. Ms. Woltman stated no, no, no – on the floor, underneath the floor. What I am saying is it is coming up through that drain, that one drain that is plugged but because it cannot come up freely it is cracking underneath there. So you are saying that is not a city problem? Service Director Smith advised that is what we have been saying; I am trying to tell you to differentiate whether you have a rain water problem coming through that pipe or that trap or whether you have a sewage problem during that event – we can't see because we don't have the level in the pipes that indicate that we have a problem which is why I sent Shannon out there but you do have a back water valve. That back water valve, it happened today which is kind of interesting that you are here because I had gotten an ordinance dated from 2007 from Kay today which indicated from the Roads & Drains meeting that that is when all those back water valves were put in by the city on Sheffield and it stated each address that is why I happen to know that. Those back water valves were installed at that time to the best that I can find out to alleviate a problem that the city had going on with a tie-in off of Sheffield but those back water valves have to inspected and/or fixed when the flappers go bad on a yearly basis. If you didn't have it done and you were one of those houses that had that situation without knowing the exact level in the pipe

during the event then we can just judge by what we find and that is what we found. Ms. Woltman stated but that is some distance away from where the water coming up. But I am just afraid the next time we get a heavy rain again that it is going to happen. We haven't had that kind of a rain for a while and I thought I didn't have any water in the basement because everything was sealed and then this heavy rain created that crack. Council Pro Tem Rosso stated as the Service Director said if you get with him he will come out and see if he can find something for you.

Service Director Smith stated I think we have been more than fair Ann Marie, I don't just want to step in and have my department start doing sewer work that everybody else is paying to have a plumber do. Ms. Woltman stated well I just want to make sure that it is not coming from someplace else because of the drainage in the city. Service Director Smith stated so when we say it is not – it's not. Council Pro Tem Rosso stated I think we have taken this as far as we can take it this evening and the Service Director said he will come out. Ms. Woltman stated Shannon did come out and he told me that the next time it rains that I should call and have someone come out right away. This time I wasn't expecting water, I didn't look there until I was surprised that I had any. Now granted it is not flooding the whole basement because I have it sealed but it is creating that pressure there. So that is what bothers me about the drainage. Councilman Smith stated in a real simplistic way what they are trying to tell you is your back water preventer, even if the sewer backs up that valve closes. At that point when that closes you are totally isolated from the city system – you are connected to that city sanitary whatsoever. So if that closes and you are getting water into your basement then somehow either you are getting water filtrating through your house drains into the sanitary because now it can't go out so it builds up behind and leaks in but once that valve closes you are off the city system. That is what he is trying to tell you but if you don't keep that valve clean and it is propped open and not closing all the way then you can get water to come back in. Ms. Woltman stated that is going to interfere with the other drains. Councilman Smith stated you have to have it cleaned but once that valve is closed underneath that you are totally isolated from the city system so any water you are getting into your basement would be from around your house. So once that valve is supposed to close you are totally isolated from the city system, you are no longer hooked to the city system – it just shuts it off, water can't go in and water can't go out. Ms. Woltman continued the other thing is I went on-line and saw that they had some soil contamination back in March and I wondered if we ever received the report? Council Pro Tem Rosso asked they, who is they? Ms. Woltman stated it was an underground storage tank near the Speedway Gas Station. Service Director Smith answered I have not seen the final on that investigation, that is done by the US Coast Guard mam. Ms. Woltman stated because if we had a report I would have liked to have seen it. Service Director Smith answered again we the city are not doing the report, that is being done by the

federal government. Ms. Woltman asked who does that report? Service Director Smith answered again US Coast Guard Cleveland office. Ms. Woltman stated then there is just one other thing, they had that accident down the street on Sheffield Road and they still haven't picked up glass like on the sidewalk, I don't know whose responsibility that is. The property owner said that glass wasn't there before and it is on the sidewalk. Service Director Smith answered it is the responsibility of the homeowner but we will look at it. There was a brief discussion on

responsibility of homeowners. ***UNFINISHED BUSINESS: None./NEW***

BUSINESS: *Motion by Elliott/Second by Kovach to amend tonight's agenda to include Council#047. Councilman Smith stated I would just like to say we already have this ordinance on the books, all we are doing is lowering the amount that gets paid. Currently we have no grant administrator employed so until we have a appointed grant administrator this is just a decreasing of a pay ordinance.

Councilman McCullough stated with what Alan said that is fine but I still have a problem lowering it below \$48,000.00. **ROLL CALL TO AMEND THE**

AGENDA: Yeas All – Elliott, Kovach, Stark, Smith, Belaska, Rosso/Nays -

McCullough. *Motion by Elliott/Second by Stark to declare the Council President seat vacant. **ROLL CALL:** Yeas All – Kovach, Smith, Stark, Rosso, Belaska, Elliott, McCullough. *Motion by Elliott/Second by Kovach to entertain

nominations for Council President. Yeas All. *Motion by Elliott/Second by Stark to nominate Rick Rosso for Council President. Law Director Graves noted Charter, Article IV section 3 regarding vacancy in the Office of President of Council. Mr.

Rosso accepted the nomination for Council President and asked for any other nominations and none were heard. **ROLL CALL TO NOMINATE RICK ROSSO FOR COUNCIL PRESIDENT:** Yeas All – Stark, Elliott, Kovach, McCullough,

Belaska, Smith. *Motion by Smith/Second by Belaska to declare the ward 4 Council seat vacant. **ROLL CALL TO DECLARE THE WARD 4 COUNCIL SEAT VACANT:** Yeas All – Smith, Belaska, McCullough, Kovach, Elliott, Stark.

Law Director Graves advised now that we have a vacancy in ward 4 under article 4, section 5 of the city charter that vacancy shall be filled by an appointment by a 2/3 vote of Council of the remaining members of Council voted and discussed in open meetings. Should Council fail to fill that vacancy within 60 days the appointment falls to the Mayor who shall fill the vacancy by appointment. So Council has 60 days to fill the vacancy by 2/3 vote and whoever is appointed to that position will have to run for re-election in the next general election in an odd numbered year which would be next November. Councilman McCullough asked can we fill that from possibly a Council-at-Large position and then open up because we now have 2 Council-at-Large people in ward 4 and to add another Council person from ward 4 and then the President of Council from ward 4 I think it would appear to give an imbalance in justice in the city. Law Director Graves answered you are correct that the 4th ward Council person obviously has to reside

in the 4th ward. So you would be drawing only from the 4th ward and if an at-Large Council person living in the 4th ward wanted to resign and vacate that at-Large position Council at their discretion could appoint that person to the 4th ward seat creating a vacancy in an at-Large seat that then could be filled from anyone city wide. Councilman McCullough stated it may be easier is what I am saying to fill an at-Large then a ward 4. Law Director Graves advised but it would not be an automatic—I am just going to transfer, you would have to resign, Council would have to appoint you. Council Pro Tem Rosso advised as we have 60 days but I definitely do not want to wait 60 days because there will not be a huge line but I think if we put out there that we are taking applications until October 12th which is a Friday then October 16th which is that Tuesday which is Worksession – that is 30 days for people to apply. If we have any applicants we can discussion it on the 16th and then take action on the 23rd if someone applies and we decide we want to do something. If no one applies or no one applies that you decide you want to fill we still have 30 more days to react. Qualifications; they have to be a resident and a qualified elector of the municipality for at least 2 years and a resident of the ward for at least 1 year. Councilwoman Stark called for parameters of ward 4 so that people will know if they live in that ward. Council Pro Tem Rosso advised ward 4 with the new restructuring is Lake Breeze west to Lorain border.

ORDINANCES/RESOLUTIONS:

Council#046 – EMERGENCY – an ordinance authorizing the sale of two vehicles which are obsolete, not needed or unfit for public use and having a value in excess of one-thousand dollars each and the declaring of an emergency.

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

ROLL CALL FOR SUSPENSION OF RULES: Yeas All – McCullough, Kovach, Smith, Belaska, Elliott, Stark.

*Motion by Elliott/Second by Stark for ADOPTION:

ROLL CALL FOR ADOPTION: Yeas All – Stark, Elliott, Kovach, Smith, McCullough, Belaska.

Ordinance Passes#43-12

Council#047 – EMERGENCY – an ordinance amending the rate of pay for the position of part-time grant administrator and the declaring of an emergency.

No voices were heard, FAILED TO A FIRST READING.

Mayor Bring swore in Rick Rosso for Council President

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Elliott to adjourn at 8:30 pm. Yeas All.

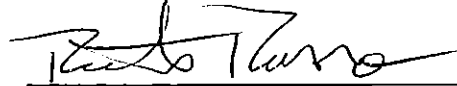
CLERK OF COUNCIL AFFIRMATION: This Meeting Of The City Council Of The City Of Sheffield Lake, Ohio Was Held And Conducted Under All Rules And Regulations Governing

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

Rick Rosso

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 September 11, 2012.

COUNCIL PRO TEM



MAYOR

Dennis Bring