

Minutes of the City Council
Sheffield Lake, Ohio
April 27, 2010

The regular meeting of the City Council was held Tuesday, April 27, 2010. Law Director David Graves called the meeting to order at 7 PM.

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

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

- Present: Huska, Diebold, Smith, Kovach, Bring, Elliott, Mayor Piskura,
Treasurer E Hoenig, Finance Director Smith, Law Director Graves,
Service Director Smith
- Absent: Podmanik, Rosso, Safety Director Arendt (excused)
- Attending: Concerned Citizens, Members of the Media

*Motion by Bring/Second by Elliott to nominate Diana Huska temporary Pro Tem for this meeting. ROLL CALL: Yeas All – Bring, Elliott, Smith, Kovach, Diebold.

*Motion by Bring/Second by Elliott to approve the minutes of the City Council meeting of April 13, 2010 with any corrections. Yeas All.

*Motion by Bring/Second by Elliott to approve the minutes of the City Council Worksession meeting of April 20, 2010 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS: None.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: None./Stormwater Utility: Representative Smith reviewed the minutes of the April 8, 2010 meeting. *Motion by Bring/Second by Elliott to accept the report. Yeas All./**Safety: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Claims: None./Income Tax Review Board:** Law Director Graves reviewed the minutes of the April 19, 2010 meeting. *Motion by Bring/Second by Elliott to accept the report. Yeas All./**Investment: None./Council Representative to the Community Center: None./Council Representative to the Zoning Board of Appeals: None./Council Representative to the Planning Commission:** Law Director Graves advised they will be discussing the cell tower lease for the water tower./**Council Representative to the Park Board:** Member Kovach advised I have no next meeting scheduled at this point as there is only 1 Park Board member left at this time, we have no quorum so the next meeting will be announced.

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

MAYORS REPORT: None./FINANCE DIRECTOR REPORT: Finance Director Smith reported I have just one ordinance for appropriation change enclosed. I just have 1 line and it is an ordinance change for salt, we are under contract to purchase

a certain amount of salt and we may or may not need that line. However I would rather be safe or sorry. If we don't use it now then we are going to use it by the end of the year for salt./**TREASURER REPORT: None./SAFETY DIRECTOR: None./SERVICE DIRECTOR:** Service Director Smith reported to give you a quick overview of the first 2 days over the refuse, things are going pretty good and we have a small amount of complaints that we are working through the proper channels and it is coming out pretty good. We have been in constant contact with the route supervisor and Dave Kidder working out the problems as they arise on a case by case basis. So it has been going pretty good and I want to at least bring up the phone number for Allied Waste which is 800-433-1309. We are continuing removing the sand at the boat launch and that is going fine to the designated areas that are required by us to dump the sand at. Griffith Paving completed the pot hole patching up at Shoreway Shopping Center and the overlay on the south end of the building and that went pretty good, they were able to do it fairly quickly and it is a nice job. The wind turbine, we are just waiting for signatures to be done by their attorney before we can start. Councilman Bring stated we were talking about those littering fines, actually Cove Beach has 250 too so we need to check into that. Service Director Smith asked on Cove Beach itself? Councilman Bring answered yes almost to Lake Road there, so it says 250 and then down on Walker it says 1000. Service Director Smith advised actually that correction we are going to resolve as soon as we get the sand moved, I have got the guys out. *Motion by Bring/Second by Elliott to accept the report. Yeas All./**LAW DIRECTORS REPORT:** Law Director Graves reported only a couple of things to discuss tonight. We have a number of pieces of legislation that we are going to have to update in regard to the pre-imposed construction stormwater run-off for the EPA. These are ordinances that we have previously passed but will need to be updated and we are in the process of putting that together and expect that to be coming to Council within the next month. I had conversation today with the attorney that is representing Clearwire which is the entity that is going to be putting the new cell towers on top of our water tower at Ferndale Park and I made him aware of our primary concern right now which is that the water tower will be freshly painted prior to the new cell towers going up there and made sure that in the proposal they have indicated that they would correct any scorch marks from welding or any other blemishes on the newly painted water tower when they put the new cell towers on top. That will be reviewed by Planning Commission and once that is approved we can go forward with that. As the Service Director pointed out, the last step on the wind turbine is for Cascade Management which runs Apples to sign the interconnection agreements. That is with First Energy to allow us to do the dual metering. We also will need a addendum to their lease and once that is worked out which I hope will be very soon we will be bringing that to Council for your approval. So that should be forth coming as well and once those are done they can really get the ball rolling on the new wind turbine. Legislation for tonight you have

a third reading on the ordinance amending 931.14 which will enable the city to more aggressively enforce and remediate stormwater infiltration into the sanitary sewers. A second reading authorizing the contract with Dentz Painting which was the lowest and best bid to paint the Ferndale water tower. Also should Council choose to add it to the agenda tonight, we have the ordinance that was discussed at Worksession revising our current ordinance on the legislative approval of donations to the city – I think that takes into consideration what was discussed and it is up for a first reading if you should add it. Basically it takes all material and monetary donations in excess of \$500.00 to require legislative approval and would exempt any donations of service to the city. Then lastly Council#023 could be added which was the one appropriation change for salt that the Finance Director talked about. *Motion by Bring/Second by Elliott to accept the report. Yeas All.

CITIZENS COMMENTARY:

Mark J Erdei, 4015 Tennyson stated now that we have the Safety and Service Director jobs split, are you going to keep the total net pay for the job itself and then you know divide it so much? Mayor Piskura explained they were always – the Safety Director got paid so much and the Service Director got paid so much and we combined the jobs but we didn't combine the jobs under 1 pay ordinance we simply just gave them both salaries. When we split it up the Safety Director still only gets what the Safety Director got before and the Service Director only gets what the Service Director got before. Mr. Erdei continued everybody is talking about the wind turbine but the public and I mean myself even I – we haven't seen no specs or nothing on where this thing is actually be? I hear some people say behind the shopping center, some people say in front – I don't have a clue when people ask me. Mayor Piskura answered basically about even with the south end of what is left of the strip and in the middle of the parking lot east and west wise. Law Director Graves advised they did have a rather lengthy discussion about that at the Zoning Board of Appeals meeting when they granted the conditional use permit so those minutes would elaborate a lot more on where it was going to go.

UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by Bring/Second by Elliott to amend tonight's agenda to include Council#022 and Council#023.

ROLL CALL TO AMEND THE AGENDA: Yeas All – Bring, Diebold, Kovach, Huska, Elliott, Smith.

ORDINANCES AND RESOLUTIONS:

Council#013 – THIRD READING – an ordinance by the Council of the City of Sheffield Lake amending section 931.14 of the codified ordinances regarding drainage of surface water into sanitary sewers.

*Motion by Kovach/Second by Bring for ADOPTION:

ROLL CALL FOR ADOPTION: Bring, Smith, Huska, Kovach, Elliott, Diebold.

Ordinance Passes#20-10

Council#019 – SECOND READING – an ordinance authorizing the Mayor to enter into a contract with Dentz Painting for the Chicago Tank Water Tower painting.

Council#022 – FIRST READING – an ordinance amending section 111.06(a) of the codified ordinances of Sheffield Lake regarding donations to the city.

Council#023 – 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 Bring/Second by Elliott for SUSPENSION OF RULES:

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

*Motion by Bring/Second by Elliott for ADOPTION:

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

Ordinance Passes#21-10

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 7:25 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 April 27, 2010.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura