

Minutes of the City Council
Sheffield Lake, Ohio
May 11, 2010

The regular meeting of the City Council was held Tuesday, May 11, 2010. Council President Edward 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, Smith, Kovach, Bring, Elliott, Mayor Piskura,
Treasurer E Hoenig, Law Director Graves, Service Director Smith
Absent: Huska, Finance Director Smith, Safety Director Arendt (excused),
Diebold (unexcused)
Attending: Concerned Citizens, Members of the Media

*Motion by Bring/Second by Kovach to approve the minutes of the City Council meeting of April 27, 2010 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

Monthly report of court receipts for month of April - \$8742.00 – receive and file.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: Chairman Bring reviewed the minutes of the May 3, 2010 meeting. *Motion by Kovach/Second by Smith to approve the charges for tax duplicate of unpaid water bills to go to the county. Yeas All. *Motion by Bring/Second by Rosso to approve sewer credit of \$52.92 for 4706 Lake Road. Yeas All. *Motion by Smith, Second by Kovach to approve sewer credit of \$441.00 for 685 Pasadena. Yeas All. *Motion by Kovach/Second by Smith to accept the report. Yeas All./**Stormwater Utility: None./Safety:** Chairman Bring reviewed the minutes of the May 5, 2010 meeting. Law Director Graves advised in regard to the fighting at Ferndale Park, we have had over the last year a number of incidents where adults have actually participated or encouraged fights involving juveniles and just want to assure everyone that if that continues those adults will be prosecuted aggressively. That is definitely not something that is going to be tolerated. *Motion by Kovach/Second by Rosso to accept the report. Yeas All./**Buildings, Lands, Vehicles & Equipment: None./Ordinance:** Chairman Elliott reviewed the minutes of the May 6, 2010 meeting. *Motion by Bring/Second by Kovach to accept the report. Yeas All./**Finance & Claims: None./Investment: None./Council Representative to the Community Center: None./Council Representative to the Zoning Board of Appeals: None./Council Representative to the Planning Commission: None./Council Representative to the Park Board: None.**

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

MAYORS REPORT: Mayor Piskura reported if you recall earlier this year I strived to put everybody on notice about our budgets and the fact that we might need to make changes in our operation. The Finance Director has been putting together a quarter by quarter synopsis of our revenues and expenditures and although we are not completely done yet the one thing we know for sure is that our revenues are about \$48,000.00 less this year then they were last year, about 70 and change less then they were 2 years ago and the pattern continues. So our last settlement wasn't complete from the county so there is still a little bit of information that we don't have but unless something gives or unless something significant changes I just wanted to renew my statement that we are going to have to revisit this budget, we are most likely going to have to revisit this budget later on this year. Like I said if the trend line continues we might be in the position to have to do this discussion and start looking at this sooner then I anticipated, almost certainly for next years budget there will be major changes but like I said depending we may have to do something at the end. Anyway I just wanted to put it out there again so that you can keep it in the back of your mind. Along with that, I haven't done anything officially but everybody should know that I haven't hired anybody in a long time. I have done that purposely, we have been running short in the Police Department. When I say running short, we are not running short on the road we don't have a full staff of people. We are maintaining the number of police on the road, we just don't have as many as police on our force. I haven't replaced Joe, I haven't replaced the Fire Chief, Dawn is resigning to move to Arizona. I am not replacing her, we are restructuring some employees. That in and of itself is what has kept our financial problems at bay for the last year and a half is me not hiring anybody is equivalent to providing the relief. Just to let you know what is going on right now with the changes, let me go back and say it has been nothing official – it just hasn't been prudent to hire anybody and I don't intend to hire anybody anytime soon for that reason. To talk a little bit about where the employees are right now just to bring you to speed – our accounts payable clerk Dawn Cain handed in her letter of resignation effective this summer. She is moving back to Arizona with her family which leaves a vacancy in the accounts payable that Wendy Grady has bid on through the union and I don't anticipate any deviation from that bid, so Wendy will most likely move from the Building Department over to accounts payable which will leave a vacancy in the Building Department freeing up general fund money. Now we have a Building Inspector that has been off on injury leave for quite some time. The reason we haven't been able to fill that particular position or fill his shoes to run that Building Department is because I don't want to hire anybody putting more of a burden on the general fund. Well now that we are taking Wendy and moving her over and we are able to get rid of that general fund expenditure out of the Building Department and put some of it on Administrative fees – we now have freed up a little bit of money in the general fund in the Building Department's budget to hire a new full time

Building Inspector. So on that note I am going to submit Steve Nemec who is our current Assistant Building Inspector, I would like to hire him and I am going to submit him to you for confirmation. He has all of his licenses, you should have them in your boxes. He has his most importantly he has an interim commercial building inspectors license. So my plan there is not to use Phil Laheatta who we have got \$8000.00 appropriated, so hiring Steve will actually keep us as a commercial Building Department and save us a little bit of money on top of it and get the department up and running and one last thing about that particular position is that it is an unclassified position, it is non-union and serves at the pleasure of the Mayor and if things change in the future you know we can always address that later. The only other thing that happened employee wise is we did get a bid to fill Joe's job I believe from Jason, so Jason did fill Joe's job in the Water Department which I don't foresee any deviation from that happening because Jason is paid partially out of stormwater and the stormwater fund is not getting any bigger and as a matter of fact the subsidy for the employee is getting more and our revenues are tapering off. So what we have been trying to do the whole time is get the employee subsidy away from the stormwater. This will accomplish that, Jason will go right into the Water Department and alleviate the stormwater expenditure. Service Director Smith corrected it is Warren, not Jason. Mayor Piskura continued then the stormwater will be exclusively the stormwater and I am not going to fill anybody in the stormwater employees role. The last thing I had is that the website was supposed to be up and running for today, there was a error at the host that they are trying to resolve. It will probably be up and running tomorrow on the outside, no later then the end of the week. There is still some content that needs to be added but it will be nice when it is done. Councilman Rosso asked Steve Nemec, he is currently working part-time or does he work pretty much full-time now? Mayor Piskura answered yes he does. Councilman Rosso stated so it is pretty much a wash because going to full-time he will get benefits but we have the benefits from Dawn leaving that pretty much negates it? Mayor Piskura answered it is from Wendy leaving actually. Councilman Rosso stated so it pretty much balances out, we are actually saving some money because we don't the part-time. Mayor Piskura answered when you fit in the fact that we are not going to have to pay a Chief Building Inspector, we are actually saving money. Councilman Smith asked now he is an interim Chief Building Official or he is just a Building Official? Mayor Piskura answered he has got his interim license which means he can do everything that a Chief Building Official can do all the up until – it is an interim license and in the paperwork that I gave you there is an expiration date on it which is December 11, 2011. So if he doesn't pass his tests by December 11, 2011 he will lose that interim status and he won't be a Chief Building Official. Councilman Bring asked does the wage stay the same, he just gets benefits? Mayor Piskura answered no my intention is to move him into the job that Jon Wiblin was. Councilman Bring stated I didn't know if Mr. Wiblin was coming back at all? Mayor Piskura answered at

this point, we don't know either but my thought is this is reversible if we choose to do so in the future and right now we are coming into the building season and we can no longer operate without a Building Department and a Building Inspector. Councilman Bring stated I actually dealt with Steve the last week or so ago and he seems to be doing a pretty good job. Mayor Piskura advised I think he is doing well of course, I think he will do a whole lot of good once we get him in there and he can take over the commercial end of it as well. *Motion by Bring/Second by Kovach to accept the report. Yeas All./**FINANCE DIRECTOR REPORT: None.**/TREASURER REPORT: Treasurer E James Hoenig advised the report for April is in your packet./SAFETY DIRECTOR: **None.**/SERVICE DIRECTOR: Service Director Smith reported I have got several things tonight. To start off with Walker Road and bring everybody up to date, we did as Dennis had mentioned run into a problem over there. We had some base that was not meeting the compaction tests which required the use of a fabric to be used that wasn't put in there. Had to get the fabric and use that – that goes over the soft spots then they refill/repack. That caused a little bit of a problem and the weather of course is causing its own delays. They are moving along as best they can at this point. One other issue brought up today was a riser with the Water Department but tomorrow would be a rain day anyways according to the forecast. We are going to fix that so it shouldn't be an interruption of anything with their time-line. The wind turbine – we had a meeting; me, the Mayor, the owner of Apple's and representative Mike Spasic from Nex Gen concerning the time table and the procedures for the wind turbine installation up at Shoreway. It was a site location and at that point the interconnect was signed. So that is on schedule and awaiting just the last part which is the lease agreement. Pride Day – this year, we are going to go full tilt with it, it is on the 15th, Saturday 8 am to 2 pm. So we are going to be taking yard waste, tires, pipes, refrigerators and freezers as long as the Freon is removed and tagged. We are not going to be taking paints, varnishes or any hazardous waste. I want to make that important – we can't take stuff like that. This is unlike in the past where we had designated areas for hazardous materials and stuff – we didn't have that this year. We will have a 20-yard roll-off dumpster during Pride Day for recyclables only. So people if they want to bring up their own recyclables then we will have that on site. I do want to throw in the fact that from this point on we are going to have a 6-yard recyclable dumpster here on site at the Service Department for people who live in apartments and other areas that want to recycle that can't participate in recycling. That should be here by the end of the week and it will be dumped on our regular day – I believe it will be a Monday dump on that, that is what Mr. Kidder said. I want to say that the sand removal at the boat launch was finished today and tomorrow we will be pulling the equipment out of there. We are just going to move a little bit around there under the rocks so we have our egress back down to the west side and then get the equipment out of there and we will be gone. Another issue, we had a small fire in the bus shelter down at Shell Cove Park. Someone

actually lit the garbage can contents on fire inside the bus shelter. The only thing that was kind of damaged is the light cover and the garbage can melted to the ground. Jerry cleaned everything up, looked good and the police were involved and the county is going to replace the broken parts in there at no costs to us. The last thing will be the Badger meters that Dennis referred to. I attended a meeting with Badger and with the Water Department and kind of like some members of Council – I believe that I missed out on that meeting that you guys had and went through the same process. The system is really good, it works the way it was supposed to work years ago. Actually works very well, I was at the end of a street when he turned the system on 90% of all the meters at the other end of the street started coming on line and were read instantly just before we even went down the end of the street. That is the differences compared to where it was several years ago and to where the technology is today. It is definitely impressive, it was really impressive to see the antenna ability and the capability of the system. Councilman Bring asked on Pride Day, are they allowed to bring oil or not? Service Director Smith answered we have an oil drum in the back, we can accept oil – I think we can make that accommodation. Councilman Bring asked what about tires? Service Director Smith answered yes we can accept tires. John will be dismounting any rims off of any tires too so that if there is tires with rims or tires without rims we are going to take them all. Council President Podmanik asked we still won't take batteries? Service Director Smith answered that is correct, we will not take batteries. Councilman Bring asked on that recycle dumpster is that going to be a green dumpster or do we know? Service Director Smith answered that is a good question, I don't know if it is going to be green or not. It will be labeled though, we discussed the labeling of it and it will be labeled "recyclables only". As far as Mr. Kidder and that is what he said but whether it is green – I don't know. Councilman Bring stated to continue on with the Badger meter thing - right now Lisa has to physically take all the information that the guys bring back and has to put that into the computer manually. This system will actually already be put into it, so that will eliminate a lot of her time. It also shows that there has been tampering and it also shows if there is a leak so they can either fix it as they are there or they can go back and they will have it on a report. Service Director Smith advised if I may elaborate a little bit, the way it detects a leak is that there is hours of operation that the average home owner is sleeping that he is not supposed to be using water and if those meters they flag homes that are using water in those type of off-hours and I forget the rate per every 3 hour segment – a certain period of night that runs from 2 to 4 in the morning that they shouldn't really have any usage except for cycling of the water heater. But that sets off an alarm and that gives them a good indication of how it is done. The other thing that is real important is the meters are uploaded to a memory chip on the laptop in the truck and that chip is just basically handed to Lisa or it can in the future be downloaded wireless – that is another option but it can actually just be handed in and then that data is just transferred automatically

into their program at the Water Department. So there is no calculating, it just loads and there are facts and figures at are on that data. So it does eliminate a lot. Councilman Bring shared it also goes back 2.5 years history, so if there is a problem you can go back and check on that. Also for sewer credits, it goes to the gallon instead of estimating how much water was actually used or went down the sewer and that will make that a lot more exact. *Motion by Bring/Second by Kovach to accept the report. Yeas All./**LAW DIRECTORS REPORT:** Law Director Graves reported only a few things to report this evening; I do have a hearing on Friday in Judge Betleski's court room, it is a default judgment hearing on the complaint for the injunction that I filed for the one sexual offender in town who is living in too close proximity to a city park. We may an injunction to have that person relocate. To continue, I am sorry to report things are not going well with the Bowling Alley. They are falling behind again; farther behind and I will keep you apprised of that situation but I think we are going to have to make some decisions about future arrangements with the Bowling Alley because it seems to be a perpetual problem. I was able to work with the Cleveland Marshall Law School to set up an externship program and we did have a number of people apply and we will probably have at least 2 volunteer externs working for the city this summer helping out with various legal projects. I have worked with one of them already in Lorain and is very competent and very capable and this is at no costs to the city whatsoever. These are volunteer law students, so that is a good program. Civil Service Commission is going to meet tomorrow night and they have completed the testing for Chief, those applications have been forwarded to the Mayors office and they will be looking at updating the eligibility list for Police and Fire. Legislation tonight; you have the third reading for the authorized painting of the water tower at Ferndale Park, a second reading revising our ordinance regarding donations to the city and should Council so choose I would ask that you consider amending your agenda to include the ordinance authorizing the Mayor to enter into an addendum with Cascade management – that is the Apples Grocery Store and the addendum is attached and that is for; as the Service Director pointed out the very last step for the wind turbine at the shopping center. It is very straight forward, they will be reimbursing the city the \$9500.00 pre-purchase of power and then the savings on the electricity will be passed on to the grocery store, the rest of this is very straight forward. But Mr. Krakomperger of Apples is 100% in favor of the project and likes the idea. This is the very last step and once this is passed and signed by the Mayor and Mr. Krakomperger, the construction of the wind turbine can start that we have talked about for so long. *Motion by Bring/Second by Kovach to accept the report. Yeas All.

CITIZENS COMMENTARY:

Mark J Erdei, 4015 Tennyson stated after attending Council meeting and that, I don't know who can answer this but does Council have any set guidelines for excused and unexcused absence. You know, like other cities have 4 or 5 unexcused

absences they can pretty well say get it straight or whatever then you are out the door and do you enforce it? President Podmanik explained generally that is left up to the committees; the Chair of the Committee. We do have a few minor guidelines but there is no real penalty involved, we have discussed that before. Basically I look at it and this is my personal opinion, everyone here is part-time – we all have full-time jobs. Some reasons we can't make it, everybody has got problems. The only thing that I have really stressed and emphasized is to contact me, contact Kay or let anybody know so that they can pass it on that you are not going to be here. I have been quite lenient with that for quite a while. It has come to my attention that I am going to have to start tightening the reins a little bit. I have asked Council, we have discussed it before and we are not set in writing any strong, hard, fast rules just yet. Law Director Graves stated basically for Council it would be at the discretion of President of Council. Mr. Erdei asked you mean he could set the rules? Law Director Graves continued as far as a penalty, there is a removal process for malfeasance and neglect of duty and there would be a question whether repeated unexcused absence would fall under that category. Mr. Erdei asked so if something like that would happen now it would be the President's decision or a vote from the Council? Law Director Graves answered there is a formal procedure set forth and it is more of a hearing where the person is entitled to be represented by a legal counsel and questions and cross examination. Mr. Erdei continued next question, on those water meters – they have a warranty on them; a year or 2 years or is the city liable for anything such as electronics on them? Service Director Smith answered like the first Master meter issues – that whole fiasco was a fiasco; the company went out of business. There is a warranty but I don't have the specifics on it. Councilman Bring answered 20 years. Service Director Smith advised I can tell you that one of the questions I asked them was what type population communities do you have this system installed in and running 100% and they are over the 100,000 residents systems to give you an idea about the durability of their system. We have a population of 10,000.

Lisa Serincowski, 5115 Lake Road; apt#316 stated I just wanted to say thank you for the big recycle bin. I am so excited but how are we going to advertise that. Service Director Smith answered John (Avon Lake Press) has been putting it in the paper already and I think some other communities – I got word today, are actually following along too. I know the City of Vermilion I heard this morning is kind of doing the same thing. Ms. Serincowski stated I will put a flyer up at my apartment. Service Director Smith advised I didn't do anything, this was your cause and thank you for bringing it to our attention and we accommodated.

UNFINISHED BUSINESS: None./NEW BUSINESS: Councilman Elliott advised as Councilman Bring mentioned earlier we had a little incident in my neighborhood which attracted quite a bit of attention and after the incident was over I got a lot of comments on how our police and fire personnel acted/reacted, a lot of positive comments. I was asked by the Sweeney's to write a letter to show

their appreciation to all that was involved which he read into record. Councilman Elliott advised I just wanted to pass that along, the neighborhood is at ease now. We were very, very concerned about Jordan; at one point he said he could move his legs. He was not wearing a bike helmet but I am happy to pass along though that Jordan was up and running around the next day and wanted to ride his bike. I just wanted to pass along a Thank You and job well done. *Motion by Bring/Second by Smith to amend tonight's agenda to include Council#024. ROLL CALL TO AMEND THE AGENDA: Yeas All – Smith, Rosso, Kovach, Bring, Elliott. *Motion by Bring/Second by Smith to accept the Mayor's appointment of Steve Nemecek for full-time Building Inspector. ROLL CALL TO ACCEPT THE APPOINTMENT OF STEVE NEMEC FOR FULL-TIME BUILDING INSPECTOR: Yeas All – Kovach, Elliott, Bring, Rosso, Smith.

ORDINANCES AND RESOLUTIONS:

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

*Motion by Bring/Second by Kovach for APPROVAL:

ROLL CALL FOR APPROVAL: Yeas All – Elliott, Rosso, Smith, Kovach, Bring.

Ordinance Passes#22-10

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

Council#024 – EMERGENCY – an ordinance authorizing the Mayor to enter into a lease addendum to the lease agreement with Cascade Management Services, Inc., and the declaring of an emergency.

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

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

*Motion by Bring/Second by Kovach for ADOPTION:

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

Ordinance Passes#23-10

COUNCIL PRESIDENT: President Podmanik re-appointed Councilman Steve Kovach to the Park Board for a 2-year term.

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

I, Kay Fantauzzi, duly appointed Clerk of Council of Sheffield Lake DO HEREBY CERTIFY that this is a true and exact copy of the Minutes of Council of May 11, 2010.

PRESIDENT OF COUNCIL

Edward R Podmanik

and/or

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura