

Minutes of the Special City Council
Sheffield Lake, Ohio
December 28, 2010

This special meeting of the City Council was held Tuesday, December 28, 2010. Council President Edward Podmanik called the meeting to order at 6:50 PM.

Council President Podmanik advised this special meeting was called by me Council President for consideration of amending code 111.05. We will be discussing nothing else pertaining to anything but 111.05 tonight.

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

Present: Podmanik, Rosso, Huska, Stark, Elliott (arrived 6:56), Bring, Kovach, Smith, Mayor Piskura (arrived 7:00), Finance Director Smith, Law Director Graves, Service Director Smith, Treasurer E Hoenig
Absent: Safety Director Arendt, Engineer Skellenger (unexcused)

Law Director Graves advised the meeting is for the purpose of amending 111.05 as previously stated. 111.05 requires that when passing the annual budget that there be a public hearing, that notice be given of the public hearing 14 days prior to public hearing and then to vote on the annual budget/appropriation ordinance take place 14 days after the public hearing. The public hearing was scheduled, it did have the proper 14 day notice to the public. However if the vote on the budget takes place 14 days after the public hearing that would not occur until January 4th. The budget has to be in by the end of the year, it must to the county by December 30th. Therefore I also determined that the requirements of 111.05 could not be waived in the form of suspension of the rules, that that is rule#46 that only pertains to the Council rules contained in 111.01. Therefore the remedy is the ordinance before you tonight, 111.05 revised would add subsection c that says for good cause the 14 day waiting period contained in subsections a and b maybe waived by 2/3 majority vote of Council and that would be 5 votes of Council. The ordinance would have to be passed with 5 votes, it would have to be signed by the Mayor and then we could proceed to regular session and take a vote on the budget. So that is the purpose of this meeting. President Podmanik asked I have a question with regards to c, subsections a and b is what it referred to – that would 14 days prior advertising public hearing and then section b would be 14 days from public hearing to adoption, correct? Law Director Graves advised actually it is the other way around a – requires that the vote be held 14 days after the public hearing and b –

requires that notice of the public hearing be given 14 days prior to the public hearing.

CITIZENS COMMENTARY:

Kerry McCullough asked good cause, what is good cause. Somebody forgot, somebody forgot to do something is that good cause? President Podmanik stated I am not going to say that somebody forgot, I am going to say that Council would determine what good cause would be. It would have to be Council's decision since this is Council's decision to make this amendment. So whatever the reason would be Council would have the final say. As long as it is understood that this has got to be done so that we don't violate our own code and keep everything legal on the financial end with the budget. Mr. McCullough stated I understand but it looks like oh, darn I got caught speeding 35 in a 25 – don't worry about the court let's make it 35 miles an hour. President Podmanik stated as I brought this to everyone's attention a couple of weeks ago, generally I bring this out in November and I didn't – I missed that meeting in November. So generally I watch this, if you want I dropped the ball. Law Director Graves stated it is entirely possible that in discussing and debating the annual budget that those negotiations could go on to a point where you don't have 14 days. Many times when you are talking about coming up with a budget between administration and council and that agreed upon budget can't be done leaving 14 days I don't think that should hamstring the city from being able to pass it. Mr. McCullough stated I agree with you but in the same respect what is good cause when Council determines that and puts the Law Director at risk when you Council determines well somebody stubbed their toe as good cause and now ramifications seem kind of ambiguous. Law Director Graves advised Council would have that discretion, it is similar to them declaring something an emergency measure. Mr. McCullough stated I guess what I am asking is you can't make this a one-time thing? It's too late to make this a one-time pass or you can repeal it next year. I understand what happened ASFCME just got done and everything else.

ORDINANCES AND RESOLUTIONS:

Council#057 – EMERGENCY – an ordinance amending section 111.05 of the codified ordinances of Sheffield Lake regarding public hearing prior to adoption of appropriation ordinance, and the declaring of an emergency.

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

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

*Motion by Huska/Second by Rosso for ADOPTION:

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

Ordinance Passes#56-10

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Smith to adjourn at 7:02PM. 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 Special Council of December 28, 2010.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura