

Minutes of the City Council
 Sheffield Lake, Ohio
 February 22, 2011

The regular meeting of the City Council was held Tuesday, February 22, 2011. Council President Podmanik called the meeting to order at 7:06 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, Huska, Stark, Kovach, Bring, Smith, Mayor Piskura, Treasurer E Hoenig, Service Director Smith, Engineer Skellenger

Absent: Elliott, Finance Director Smith, Law Director Graves (excused)

Attending: Concerned Citizens, Planning; Belaska, SUAB; Gee, Svoboda, Civil Service; Huffman, Members of the Media

*Motion by Bring/Second by Smith to accept the minutes of the Council meeting for February 8, 2011 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

A – Letter from Lorain Public Library System seeking endorsement for library levy – refer to Law Director for resolution.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: None./Stormwater: None./Safety:

None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: None.

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: None./FINANCE DIRECTOR REPORT: None.

/TREASURER REPORT: Treasurer E Hoenig advised I have no report this evening but I do want to thank all those who had the courage to sign my petition for third term as Treasurer. **/SAFETY DIRECTOR:** Mayor Piskura reported just a couple of things under the Safety Director, the new Fire Chief now has a week under his belt and he has already started attacking some of our big jobs and number one is the policies and procedures of the department. He seems to be doing a pretty good job so far. We have gotten probably at least 100 applications for part-time dispatcher in the Police Department. We have interviewed 7 people so far and I

anticipate probably interviewing another 4 or 5 and I will let you know how that goes. *Motion by Huska/Second by Kovach to accept the report. Yeas All./**SERVICE DIRECTOR:** Service Director Smith reported I have got a few things for tonight. Mondays ice storm brought down a lot of trees and branches, we had about 1.14 inches of rainfall in a period of 12 hours that hit the ground and froze. As soon as the ice was capped, everything went down and we had a lot of flooding issues after the porosity of the ground was covered. So I just wanted to make everyone aware, I am sure that you have had some calls and a lot was due to the runoff. The snow storm that followed, the Road Department did a great job on keeping up with everything for those 2 days in a row and put a burden on our resources but we were fine and trucks weren't the problem. Second the wind turbine did get its encoder and it was replaced and was up and running until the ice coated it and then it goes through a shutdown process when it does get ice. As soon as it warmed up and the ice came off and dripped away, it then went through its count downs and started back up and it is up and running. On Thursday, February 17th the EPA was out and did a comprehensive sanitary survey for water – something that is done every 3 years and was last done in July of 2008. Tom Erwin, myself and Scott Moegling of the EPA had a meeting and spent half the day together going over Water Department and water issues concerning the City of Sheffield Lake and I think we did a great job and there will be a report forthcoming for everybody in the near future. Councilwoman Stark advised I just wanted to say please tell your guys from me personally at least – good job. I heard the guys out as late as 10:30/11:00 last night plowing roads to make sure that getting up this morning that they were in good shape. Please tell your team that they did a great job again with us. *Motion by Huska/Second by Stark to accept the report. Yeas All./**ENGINEER: None./LAW DIRECTORS REPORT: None.**

CITIZENS COMMENTARY:

Linda Eyring, 4601 Lake Road stated I just want to make a comment about the internet cafes, I saw the article yesterday in the Morning Journal. I wondered how come our city didn't do a moratorium until we found out more about it and why didn't the Law Director and the Council and all that implement a moratorium until we could find out more about this internet café. Could anyone answer my question, I was hoping Mr. Graves would be here today? President Podmanik advised Mr. Graves is on vacation this week and I don't know if anybody else would want to comment at this point and time without the Law Director being present. Mrs. Eyring stated I came here like a month ago and it was told to me that nothing could be done, that the city would be sued if we opposed them coming into our city and that is not true and I feel like I was lied to. Councilman Bring answered that is true, there is a good chance – did you read all the papers because one of the papers did state that there is a good chance that one of the city's could be an example made

and there is a good possibility that they could get sued if they would not let them in. I think it was Sheffield Village I believe is what the paper said. Mrs. Eyring stated couldn't you just then allow them, I mean if they threaten to sue you then you can go ahead and allow them but I feel like we didn't put up any kind of a fight against these. Councilman Bring stated Mr. Graves did get a letter from one of the companies that was coming in here and it was a letter stating that there was a possibility that they were going to file a lawsuit if they weren't allow in here. Mrs. Eyring stated I wasn't told that. Mr. John Edwards stated I was going to say there were endless meetings on this – the whole thing, we read the Toledo judge's ruling that this is not gambling because the results are pre-determined and this was all reported and not in the Journal; for a period of about 6 months before any café opened. It was in the works for a long time. Mr. McCullough stated I thought it was never gambling because your money was never at risk? Mr. Edwards stated your money is never at risk because you still have the phone card. (inaudible) Mrs. Eyring stated that is funny that they are doing the moratorium. Also is anybody like in the city investor or owner in any of the internet cafes here? President Podmanik advised not that I am aware of. Mrs. Eyring asked how come the 2011 minutes aren't on the internet yet? President Podmanik answered we are having some problems with our Clerks password and Mayor you can correct me if I am wrong, we may be looking for a new server? Mayor Piskura answered I haven't had any of those discussions with the webmaster directly, probably the person to ask would be Tammy and unfortunately she is on vacation. Mrs. Eyring advised I have been trying to keep up because I can't make it to the meetings because I work late. President Podmanik advised the minutes are available through our clerk anytime throughout the week. Mrs. Eyring stated okay so I can come in and pick up a copy? Clerk Fantauzzi advised if you have an email address I can email them to you or I can print them out for you; whichever you would like. Mrs. Eyring continued also do they propose that we might be needing to hire another policeman in order to police these 3 internet cafes because we got a lot of people coming and going, a lot more traffic and outside people coming in? That might be something coming up in the future, I know they said their whole reason for it was that maybe it is bringing in money to the city but if we wind up having to hire another Policeman – I mean there goes the money that they might be bringing into the city. Councilman Bring stated it is still just a business and there is other businesses in the community that the Police have to watch too just like anybody else. So these are only 3 more businesses, so the Police are not under-staffed. Mrs. Eyring stated I thought in the evenings because you only have 1 Policeman in the evening – is that right? Councilman Bring answered 2. Mrs. Eyring asked do we have 2 every evening? Councilman Bring answered yes. President Podmanik advised currently to date I think we have had any concerns or complaints at any one of those. Mrs.

Eyring stated I am just thinking in the summer, as soon as more people find out about it because it was pretty crowded last Saturday when I drove by. The more and more people that find out about it the more crowded they are going to get. I think a lot of people don't know about it yet, I have no idea about these type of things and also what is being done with the park sign for the Community Center – what is the deal with that, how come there is no sign there anymore for the Community Center or the park? Service Director Smith answered it is being redone by grant money and we are waiting for the sign company and it is being part of the Lowe's grant which is a grant that we received and part of the upgrade and what we did is due to the weather and inclement conditions things have just been delayed. It is being upgraded and the new one should be here within the next couple of weeks and I keep hearing that but I check on it on a regular basis but it is part of the grant so they removed the old section and the new section is going to be replaced. Mrs. Eyring stated also in the article it said that they are checking out to see if these are illegal – the internet cafes then if they wind up being illegal and everything then they are going to leave and the city wouldn't be held responsible at all for allowing them in? Councilman Bring advised I think the Attorney General Mr. DeWine is looking into that now and they are going to have some meetings on it. Mrs. Eyring stated we wouldn't be legally in trouble for allowing them to come into our city? Councilman Bring advised if they declare that they are not legal then they would be shut down.

Rosa Gee, 588 Kenilworth stated all of us received a revised February 2011 schedule that stated sorry for the interruption again I did receive not direct notification of the Chairman of the SUAB's recovery and notification of addition to the schedule. I sent January dated December 10th I sent an email out also to council clerk that at this time I wish to cancel the SUAB's January meeting our next meeting will be February 2011 at the normal date and time. So I am sure that everyone was aware of this. Now I also understand that the meeting for the SUAB for February 10th was canceled due to our terms expiration dates. In December before I went into the hospital I came up and I have sent numerous requests to the Mayor, I have mentioned it to Dennis Bring, Council Representative to the SUAB and I also came before Council to make everybody aware that we were concerned about our terms of office running out. So I know everyone was aware of this I do understand that it is something that the Mayor has to bring before Council. I also understand that it is no fault of the Boards. I am sure that all of you have received the paper from the Law Director stating that we have to continue, that we continue until someone is appointed but I also understand that there was an issue about the ordinances as to pertaining to what the SUAB should be doing and shouldn't be doing. I wanted to point out to everybody that if you go back, way back into 2000 – those things were already on the SUAB's agenda. Yes I am aware that I cannot

find an ordinance that they were ever officially added by Council or the Council Representative at the time or the Mayor back then. But this is not the Board's fault, we have done the best we can in doing the things that we thought were right to do representing the city in a good light. We have also numerous times through the years requested to pay for a clerk because it was a lot of paperwork. The Clerk of Council did an unbelievable amount of work for us through the years, without her help we could have never gotten through and it wasn't fair that she wasn't being paid. There were meetings where we came before you asking. The Stormwater Utility doesn't own a garage but we bought garage doors, we also bought a snow plow blade but yet we never paid for a Clerk of Council. These things were all things that were brought before Council, asked for Council to look into and we still to this day have never gotten answers. I am hoping I noticed on tonight's minutes it stated that the next SUAB meeting is next month at its regular time. Is there anyway we could find out before my other Board member and I leave here tonight, is this a fact or is this going to be another one canceled. It is not fair to the citizens to not be able to be heard, they have used the Stormwater SUAB to get their concerns addressed all these years. There is many times our Board has brought up an issue. Our Service Director Len Smith - there has been numerous times a citizen contacted the Board or one of the Board members and we contacted Lenny. He did a great job at getting it covered and we left the resident know right away it was covered. Also part of the obligation for a lot of the different things that are involved with the SM4, part of that is attending the County PIPE. Every city should have someone attending it. Now I have been the person attending it for almost 2 years now since the city received the notice to attend it, is someone else going to be attending that or do I keep on attending it for this city? I would like to get answers to all of these, I really would have rather brought this up at a Worksession. Councilman Bring stated a couple of things Rosa, on that one meeting that you said was not brought to you – you actually emailed me and it came through a letterhead with Kay Fantauzzi on it which was forwarded to me which I believe came from Kay to you so she never got it. Rosa Gee stated I have a copy of the one I sent and it has got her email, what I do is I use bcc. Councilman Bring stated it never got to her because I actually ended up forwarding to her later when she actually got notified. Rosa Gee stated the original one shows her email address on it. Councilman Bring stated she never got it and I know that for a fact. As far as the minutes, I think you have been told by our Finance Director twice now that she is not going to give you any extra money to have anybody transcribe your minutes. Then the Law Director had a meeting with you the other day and kind of stated that this was set up as an appeals board, strictly as an appeals board. Rosa Gee stated yes he had a private meeting, a lot of times through the years of the Stormwater Utility a big part of the reason of where we are at at this present

date is so many things were agreed upon behind closed doors and never put in black and white. The Administration prior to this, we had things agreed and set on that we had carried out all these years that have been on the agenda all these years. Like I pointed out to David Graves the other day this was never, ever put in written before. By us having these private meetings again it is helping that same thing keep going on and on. Councilman Bring stated he sat and explained to you exactly what he wanted you to do without any question, I think when you left there you understood that. Also the meetings you had prior to that you got into a lot of stuff with Roads and Drains, a lot with the Service Directors responsibility and that had no business being on that meeting and I think he told you that too? Rosa Gee stated but at the same time he did acknowledge, the Public Information Public Education. Councilman Bring stated the PIPE is still the Service Directors responsibility, if he deems to give it to you then he will. Rosa Gee stated Dennis can you tell me who is going to be attending the County meetings? Councilman Bring stated the Law Director addressed that with you. Rosa Gee stated no he didn't. Service Director Smith stated that is my decision. Rosa Gee stated see we need to have it in minutes not behind closed doors. Councilman Bring stated we will wait for David to come back and we will let him talk to you again. Rosa Gee stated what David did say was what the SUAB ordinance read and when I asked him about the other things added onto it, he said but they were never agreed upon. What I am here to point out to you tonight, no one on this Council couldn't say that they weren't aware of it but this was always listed in the minutes always. It was always a part of the agenda. Councilman Bring stated I also brought up to the Law Director almost 6 months ago that it needed to be in control and everybody on City Council was well aware of what you were doing and they thought that it was way beyond what SUAB was supposed to be for. Rosa Gee stated but you never brought it as our Council Representative. Councilman Bring advised I wasn't on there as Council Representative when that was brought forward to him. Rosa Gee stated but see whoever was our Council Representative at that time then did not bring it before us. There has been a lack of communication between numerous city boards and the city council. Councilman Bring advised I think you are well aware of what he wants right now, I think the Law Director has spelled it out for you and I think you are well aware of that and he is going to come to the next meeting and he is going to make sure that the meeting is held correctly. Rosa Gee stated so there will in fact be a meeting next month? Councilman Bring answered it is on the schedule. Rosa Gee stated I understand that, the last one was on the agenda. Councilman Bring stated again like I said you were in the hospital, we had no idea what was going on with you. Rosa Gee stated it states and I am holding a piece of paper with January 31, 2011 where it was added. In turn, shortly after that it was canceled. President Podmanik stated when I was made aware of expirations, there is no sense in

opening this building up when we got expired terms. Rosa Gee stated I agree, it made total sense and then David forwarded a thing on about the code I am sure all of you got a copy of it. That is why I am here and one of my board members is here is to find out, do we have a meeting next month and everything will be made clear. Councilman Bring stated David is going to attend, that is my understanding.

UNFINISHED BUSINESS: None./NEW BUSINESS: President Podmanik advised tonight we received a communications from the Lorain Public Library System about an endorsement for the library levy. I don't know how Council feels about this, whether or not they want to take any action on this or not. I am bringing it up here again in case, if I hear nothing then we will just assume that no action be taken at this time in the form of a resolution. Councilman Rosso advised that is what we need to have in front of us, my opinion is to refer it to the Law Director for a resolution. **REFER TO LAW DIRECTOR.**

ORDINANCES AND RESOLUTIONS:

Council#004 – THIRD READING – an ordinance establishing section 1395.24 of the codified ordinances of the City of Sheffield Lake, regarding permitting public nuisance.

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#11-11

COUNCIL PRESIDENT: Council President Podmanik advised Mr. Kovach I would like to request that you continue on Council Representative to the Park Board.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 7:37 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 February 22, 2011.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura