

**MINUTES OF CITY COUNCIL WORKSESSION  
SHEFFIELD LAKE, OHIO  
March 17, 2009**

The regular meeting of the City Council Worksession was held Tuesday, March 17, 2009. Council President Edward Podmanik called the meeting to order at 7:20 PM.

**ROLL CALL OF MEMBERS:**

Present: Podmanik, Bring, Kovach, Elliott, Smith, Diebold, Law Director Graves, Safety/Service Director Arendt

Absent: Rosso, Huska, Mayor Piskura, Treasurer E Hoenig, Finance Director Smith (excused)

Attending: Members of the Media – Avon Lake Press

**PRESENTATIONS: None.**

\*\*\*\*\***COMMITTEES**\*\*\*\*\*

**ROADS & DRAINS: None./SAFETY: None./BUILDINGS, LANDS,**

**VEHICLES & EQUIPMENT: None.**

**/ORDINANCE:** Law Director Graves advised as far back as anyone can remember the Roads and Drains Committee and also has approved sewer credits for anyone that wanted apply that felt that they were being billed for water usage that actually didn't go down the drain persay. In looking through the codified ordinances I don't think it has ever been really put in writing, so Ordinance Committee has directed that we formalize that and I think that an appropriate place to put it would be at 931.19, right after the sections for the abatement for summer usage, the abatement for ice skating rinks and the abatement for pools. So I will be preparing legislation creating section 931.19 that would basically just spell out the way everybody knows it has been done historically – that they apply to the Service Director in writing who then presents it to Roads, Drains, Water, Sewer and Refuse Committee for a vote on whether to send it to Council as a whole for ultimate approval. Chairman Elliott advised Mr. Eberschweller paid us a visit and brought an idea that we have snow-plowers actually register with the city. I think we actually brought that up before, I am not sure. Mr. Bring stated I don't know if he actually said register but we had talked about it. Chairman Elliott stated I think what we visited was their equipment, if it alright with Council we are going to go ahead explore that. Mr. Smith asked what is his question? Chairman Elliott answered actually he said that they should register. Mr. Bring stated just like landscapers or tree trimmers, etc. Mr. Smith stated I thought that was already under for commercial. I thought it was like a \$50.00 fee I thought. Members stated couldn't find anything. There was a brief discussion. Mr. Bring stated the reason we talked about because that way if somebody causes damage or something then they would have a record of the license plate and who is doing it. The fee would be minimal, say they went down and they hit or whatever and somebody had a question about it and then they would know who is doing each parking lot and stuff like that. Law Director Graves advised we already have the requirement for flashing lights, the exception from traffic code violations but they are not permitted to obstruct the

streets but nothing to register. Mr. Smith stated I know we went through this because we had the argument for commercial people, you can only do it on commercial people. Law Director Graves advised Bob had mentioned something about creating an obstruction over on Cove Beach. Mr. Bring advised right across the street where the Matrix used to be and stuff, they plowed over top the sidewalks and when the kids come down to get the bus they have to walk in the street. They did it actually about 3 or 4 times last year. Further discussion at Ordinance. Chairman Elliott advised also Mrs. Belaska was there also and wanted to bring up a question, actually I did visit with the Police Chief but the issue didn't come up. He asked Service Director Arendt – if the police see a car parked on a lawn during a weekend, are they authorized to write that person a ticket or does that have to come through Building? Service Director Arendt answered the Building Department. Law Director Graves advised because it is not under title 300 or title 500. It is under the zoning code right now and it may just take writing ordinance under 500 which the police would have jurisdiction on it. There was a brief discussion on the police citing for issue. Chairman Elliott asked does anyone have thoughts or problems with the repealing of the gun. Mr. Elliott stated I have been on the fence, I don't know. I will probably abstain if I can. Mr. Arendt asked you can't abstain unless you have a personal interest. Mr. Smith advised I don't have a problem repealing the ordinance. But back and forth in my mind is back when they passed that you gave that person the intent, whether or not their ability to tell the Mayor how to do his job or whatever but I can understand his side in wanting the gun because that is the impression and the intent that was given to him. So I don't think he is doing anything wrong by asking for what he ultimately intended to get. I don't know that by necessarily giving him the gun if that is the right thing to do or not but also I can see on his side how he comes to that conclusion. So I think it is just a difference of opinion but you can't beat the guy down because he wants his gun because that is the intent that he was going to get it. Law Director Graves stated this ordinance has nothing to do with the current person that has filed a lawsuit for his service weapon. That lawsuit will be sorted in due course. Mr. Bring stated it doesn't have anything to do with that. Mr. Smith stated well it appears it does. Mr. Bring stated if I would have seen it before this I would have brought it up too. Mr. Smith stated I just think it is poor timing because it is intertwined technically, it seems like it is. I just think it is poor timing with the situation going on, that's all. There was a brief discussion on issue. Mr. Smith stated I don't have a problem repealing it, just beware the flack will be there and you know exactly the flack is going to be there. Mr. Bring stated I am the one that did it. Mr. Elliott stated I have been on the fence about this for a long time, I have talked to Dennis about it and I have to a lot of you about it. I am still on the fence about it and I don't think that I will ever be off the fence on it. This is a tough decision for me. Mr. Smith asked do you want to keep your revolver when you retire? Mr. Elliott answered it is not even that, a lot of people say well that is the gun you carried for 30 years and that is not the case because by law we have to replace a gun after it gets so old on the streets. So that is not the gun you carried for 30 years or 25 years or whatever the case is. I

guess maybe in my opinion that maybe we shouldn't give it to him but maybe we should give him the option of purchasing it but I don't think that would set right with the Mayor because of what he said about the issue already. President Podmanik advised I think selling that gun opens up a whole other can of worms, giving it to him is one thing. Mr. Elliott stated actually a lot of Police Departments auction their guns off after. So just so you know, I have already decided that I am going to vote no on it and even if I do I don't think it is going to have an affect on it one way or another or I will abstain. I am just laying it out there for you in case I do vote no, that is the reason./**FINANCE: None.**/**PARK BOARD:** Mr. Kovach advised what the other guys on the Board intend to do is start making their own, they are not going to be actually 100% accurate scale or anything but they are going to be making maps of each park so that they would have a placement for any equipment or a game plan for procuring things for grants. There was a request and I guess I will send this through you Joe and then you can work with Jerry and/or whoever else might be available to do this – there was a request that we get Ferndale I kind of spruced up and put back into shape as a playable ball field and that would be the one closer to the road. Apparently the fence is in disarray, they would like to get that back up and maybe the field dragged and I think the backstop needs some repair. Mr. Elliott asked has the little league expressed interest? Mr. Kovach answered no, it is not so much that they just felt we have got a ball field there in our parks and they would just like it that it is playable again to anybody in the neighborhood that might want to come or if you are having a picnic or something and you wanted to have a pickup softball game or something like that. Mr. Elliott asked is that old building still up? Mr. Kovach answered the old concession stand, as far as I know. Mr. Elliott asked is there any plans to use that for anything? I noticed that the roof was sagging a little. Mr. Kovach asked Joe, while the guys are over there, have them take a look at that building. Last night they did announce that the Easter Egg Hunt is going to be April 4 at 2 pm at Tennyson School.

\*\*\*\*\***ADMINISTRATIVE**\*\*\*\*\*

**MAYOR: None.**/**FINANCE DIRECTOR: None.**

**/SAFETY/SERVICE DIRECTOR:** Safety/Service Director Arendt advised the Mayor asked me to bring to your attention to the Latch Key Program that the city has an agreement with the Y through this city and another city. He will be coming to Council next week that the Y wants to expand that to a morning day care center as well and wants to work out the same type of agreement that they have. Currently which is if there are any profits that are made it goes into the two city accounts for future projects. Law Director Graves advised I would anticipate some legislation on that, we passed it last year with the Latch Key and we will have a similar ordinance for this. Mr. Elliott asked anything on Allied Waste? Service Director Arendt answered I can supply Council with a list of all the streets that were chosen but we have to initiate the program before the year 2010 and it has to be 900 homes. There was a brief discussion. Service Director Arendt advised I have one more thing, I met with the county engineer to look at the bridge erosion and creek erosion problem that we

have on Howell Street and on through. They will get back out here when the water is lower, it was pretty high. They did get under a little bit and they will re-examine but it doesn't appear that there is any problems with the bridges whatsoever – it is the east sidewalk and the catch basins that are causing the sidewalks. The clean-up in the ditch, if we wanted to clean up that ditch then you are looking at area ditch. There was a brief discussion on property owner, responsibilities and possible problems that could occur. There was a brief discussion. Service Director Arendt advised so I am going to get a detailed report from them to tell us what to do and what we can do and give us an estimate and find out where the properties lie. It is going to take a couple months to get this done just to even say we can't afford to fix it. Pride Day is May 19 from 9 am to 3 pm./**LAW DIRECTOR:** Law Director Graves advised the clerk has provided you with the annual ordinance from Walter Drane for recodification. In addition to that other legislation that will be coming is the new authorization to apply for the CHIPS program which we have done for the last couple of years. Also we will have the legislation that we talked about earlier which is the sewer credit ordinance. I have been spending a lot of time in regard to the shoreway project, one of things the city is going to be doing is looking into setting up a non-profit community improvement program. We will continue to keep you updated on that but it is something that I think we are going to be moving very quickly on. There is a lot of benefits to that, as far as ownership of commercial property./**COMMUNICATIONS: None./OLD BUSINESS: None./NEW BUSINESS:** \*Motion by Bring to add Council#019 the recodification ordinance to Tuesdays Council agenda. Yeas All.

### **ORDINANCES FOR COUNCILS AGENDA:**

- 1.) Council#017 – SECOND READING – an ordinance repealing section 133.07 of the codified ordinances of the City of Sheffield Lake regarding disposition of service weapons upon retirement, and the declaring of an emergency.
- 2.) Council#018 – 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 and the declaring of an emergency.
- 3.) Council#019 – EMERGENCY – an ordinance approving the recodification, editing and inclusion of certain ordinances as parts of the various component codes of the codified ordinances of Sheffield Lake, Ohio and the declaring of an emergency.

**MEETING ADJOURNED:** With no further business before this council, Motion by Kovach to adjourn at 8:07 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.

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CLERK OF COUNCIL/COMMITTEES  
*Kay Fantauzzi*

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COUNCIL PRESIDENT  
*Edward R Podmanik*

*and/or*

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COUNCIL PRO TEM  
*Richard Rosso*

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 WORKSESSION of March 17, 2009.

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MAYOR  
*John J Piskura*