

Minutes of the City Council
Sheffield Lake, Ohio
January 22, 2008

The regular meeting of the City Council was held Tuesday, January 22, 2008. Council President Edward Podmanik called the meeting to order at 7:15 PM.

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

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

- Present: Podmanik, Rosso, Bring, Kovach, Huska, Elliott, Mayor Piskura,
Law Director Graves
Absent: Smith, Treasurer E Hoenig, Finance Director Smith, Service Director
Gardner (excused)
Attending: Concerned Citizens, Videographer Ruth Podmanik, Fire Chief Conrad

*Motion by Elliott to approve the minutes of the City Council meeting of January 22, 2008 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

Monthly report of court receipts for month of January - \$2745.45 – receive and file.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: Councilman Bring reviewed the minutes of the February 4, 2008 meeting./**Safety: None./Buildings, Lands, Vehicles & Equipment:** Chairman Kovach reviewed the minutes of the February 7, 2008 meeting. *Motion by Huska to accept the report. Yeas All./**Ordinance:** Chairman Elliott reviewed the minutes of the February 7, 2008 meeting. ***MNone./Finance & Claims:** Chairman Rosso reviewed the minutes of the Finance meeting of January 15, 2008. *Motion by Huska to accept the report. Yeas All./**Investment: None./Council Representative to the Community Center: None./Council Representative to the Zoning Board of Appeals:** Representative Kovach reviewed the minutes of the January 16, 2008 meeting./**Council Representative to the Planning Commission:** Representative Huska reviewed the minutes of the January 17, 2008 meeting. Recommendations for zoning changes from the Planning Commission 2005 were referred to Worksession./**Council Representative to the Park Board: None.**

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

MAYORS REPORT: Mayor Piskura reported the Great Lakes in St. Lawrence Seaways Cities Initiative put out a press release I think either late yesterday or early this morning talking about the water conservation framework that was put in place in connection with the Great Lakes Collaboration and there are 33 cities so far that are participating, Sheffield Lake being one of them. There are only 2 cities in the entire state that are part of it, us and Toledo – that was a resolution that you had passed around July. So we are now officially a part of that. The other thing is that there appears to be some question about some of our appointees; start and end dates of their terms and just to be on the safe side. Specifically I would like you to consider confirming the appointment of Lenny Smith to the Park Board, he was not included in the first Council meeting of the year because the dates were a little mixed up. Again just to be on the safe side I am going to submit his name as a re-appointment to the Park Board and ask for your confirmation. *Motion by Kovach to accept the re-appointment of Len Smith to the Park Board. ROLL CALL TO APPROVE: Yeas All – Kovach, Bring, Rosso, Huska, Elliott. Law Director Graves clarified that is for a 4-year term. *Motion by Huska to accept the report. Yeas All./**FINANCE DIRECTOR REPORT: None./TREASURER REPORT: None./SERVICE DIRECTOR REPORT:** Service Director Gardner reported the boat launch is proceeding and this warm period has allowed us to do quite a bit of work. If you get a chance come down and see it. I think you will be favorably impressed. Secondly I urge Council to pass Council resolution#006 by emergency so that I can turn it in for the TLCI grant. *Motion by Huska to accept the report. Yeas All./**SAFETY DIRECTOR REPORT: None./LAW DIRECTOR REPORT:** Law Director Graves advised I would like to draw your attention to Council#002 which is up for a second reading. I had mentioned this in the last meeting and at Worksession. This came out of Ordinance and would repeal the section of our code which currently prohibits all terrain vehicles. In my review and discussion of this with the Police Department, I believe it would be in the best interest of the city to continue to discuss this issue and my recommendation would to refer back to committee. The next thing that I would like to draw your attention to is Council#006 which the Service Director mentioned. This is the final component of the TLCI grant and the approval of the Urban Renewal Plan and Redevelopment Concept. Similar resolutions have already been passed by the Planning Commission and Zoning Board and I would reiterate the Service Director's request that Council adopt this resolution this evening. The other piece of legislation which could be added to the agenda is the ordinance which I have drafted which would establish section 111.06 of the codified ordinances requiring that any and all donations to the city of whatever size or description, whether it be real property or personal property be approved first by a majority of Council for the designated department and purpose as set forth by the donor – that is up for a first reading tonight. The next thing that I would like to bring to Council's attention is as you may be aware there has been some articles in the paper, as of the first of the year

the State of Ohio has adopted a new format for registration of the sexual offenders. They are no longer classified a sexual offender, habitual sexual offender or sexual predator. Now they are merely revered to tier 1, tier 2 and tier 3. We have a local ordinance which prohibits habitual sexual offenders and sexual predators from living within a 1000 feet of any park or library. Currently there are 2 sexual offenders which have moved into the community, one is a tier 2 and one is a tier 3 both of which may live within the prohibited area. My recommendation would be that Council take a second look at our ordinance as to the question of its enforceability now that the classification is completely changed. So that is another issue that I think Council would do well to refer to Ordinance Committee for further review. The last point that I wanted to bring up and I was looking through the minutes of the last Council meeting and where the Service Director responded to a question as to the approximate costs of the Urban Renewal Plan, that number should read \$1,000,000,050.00. *Motion by Huska to accept the report. Yeas All.

CITIZENS COMMENTARY:

Jim Lewis, 3663 Lake Road advised Mr. Tatter brought to my attention either the last Council meeting or the meeting before that the ordinance that was being revised for the fencing code had been taken out of Ordinance. I would like to respectfully request that it be put back on the Ordinance Committee to be reviewed and changed.

Merlin Linn, 732 Lake Breeze advised I was here in a past Council meeting and my question was brought up about the leaf pickup. I had just wondered if Council or if the Mayor had any comments to make on the leaf pickup. Mayor Piskura answered we are preparing costs estimates and I believe you are aware of that. Mr. Rosso advised I think we asked the Service Director to bring it to the next Roads & Drains meeting and we canceled January so it will be February. Mr. Linn asked they are working on that leaf pickup. Mayor Piskura answered I believe we actually have a costs estimate but I just don't have it with me. Mr. Linn added Thank You for what I brought on Harris Road and Ferndale, a tree was blocking the view for the traffic and that was taken care of. The limbs were trimmed down so now we can see around the corner. The other thing too is from about Lake Breeze down to the city limits there is big tree limbs hanging over the road. Now this is US6 is that correct? Who is responsible or liable in case one of those limbs which are rotten limbs fall, can there be a possibility of maybe getting a grant or something and have those limbs because I noticed in that big wind we had, a big rotten limb did fall off and was laying on the side of the road. Could maybe the city look into that? The only reason I am up here is to see if we can make improvements in the city. The reason I brought up about the leaf collection, I went out and saw about where the people here on Council live to see if that had any reflection on picking up leaves/whether they had trees in their yard. But that has no reflection on leaf pickup. The other thing too is right now the gutters on Lake Breeze Road and some other roads are full of leaves and the drains cannot drain the

water down and so they are flooding some of the streets. Is there somebody that is supposed to be responsible for cleaning up those, wasn't there a Mrs. Garcia or something that was in charge of doing something like that? President Podmanik offered picking up leaves is not a new question here, we have discussed that for quite a long time – it is something that we are considering/we are working on that.

/UNFINISHED BUSINESS: None.

NEW BUSINESS:

Councilman Bring stated on the Identity Theft thing that we had for the Neighborhood Watch, the pamphlet that the Officer made is about 20 some pages. There is a lot of very good information in here, there is phone numbers in here and I don't know if some people know that you can get 3 credit checks for free during the year which is very important. Like Officer Biehl advised a lot of time you don't even know that somebody is actually using your credit card or identity especially around the holidays until you get a bill or something like that. All I want to do is just tell everybody and remind everybody that we do have pamphlets on this thing and it is very good information. There are phone numbers listed so you don't have to look all over in case something happens, so if you have any concerns then you can call those phone numbers and get some of that taken care of. It is very informative, it was about a 45 minute conversation. Officer Biehl did a real nice job on that.

****Motion by Rosso to amend tonight's agenda to include Council#009 which the Law Director spoke about. This is the ordinance regarding donations to the city.***

ROLL CALL TO AMEND THE AGENDA TO INCLUDE COUNCIL#009;

Yeas All – Rosso, Huska, Elliott, Kovach, Bring.

ORDINANCES AND RESOLUTIONS:

- 1) Council#098 – THIRD READING – an ordinance repealing section 169.26 of the codified ordinances of the City of Sheffield Lake regarding negotiating committee.

****Motion by Huska for APPROVAL:***

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

Ordinance Passes#4-08

- 2) Council#001 – SECOND READING – an ordinance amending section 505.18 of the codified ordinances of Sheffield Lake regarding owning, harboring and caring for vicious dogs.
- 3) Council#002 – SECOND READING – an ordinance repealing section 375.09 of the codified ordinances of the City of Sheffield Lake regarding all-terrain vehicles prohibited.

****Motion by Huska to refer back to Ordinance Committee for further review and discussion. Yeas All.***

- 4) Council#005 – 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 Rosso to amend Council#005 to basically replace the one that was in the packet with the one that was attached to the Finance minutes which includes the extra appropriations change for the overtime for 101.131.5118. ROLL CALL TO AMEND: Yeas All – Huska, Rosso, Elliott, Kovach, Bring.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Ordinance Passes#5-08

- 5) Council#006 – EMERGENCY – a resolution in support of the Shoreway Shopping Center Urban Renewal Plan and Redevelopment Concept as completed through a transportation for livable communities initiative grant provided by the Northeast Ohio Areawide Coordinating Agency and the declaring of an emergency.

*Motion by Huska for SUSPENSION OF RULES:

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

*Motion by Huska for ADOPTION:

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

Resolution Passes#6-08

- 6) Council#009 – FIRST READING – an ordinance by the Council of the City of Sheffield Lake establishing section 111.06 of the codified ordinances of the City of Sheffield Lake regarding donations to the city.

PRESIDENT OF COUNCIL: President Podmanik requested Mrs. Huska sit on Ordinance Committee in place of Mr. Smith.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach to adjourn at 7:39 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 January 22, 2008.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura