

Minutes of the City Council
Sheffield Lake, Ohio
April 8, 2008

The regular meeting of the City Council was held Tuesday, April 8, 2008. Council President Podmanik called the meeting to order at 7 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, Smith, Kovach, Elliott, Diebold, Huska, Mayor Piskura, Treasurer E Hoenig, Finance Director Smith, Service Director Gardner, Law Director Graves
- Absent: Treasurer E Hoenig, Finance Director Smith (excused)
- Attending: Concerned Citizens, Fire Chief Conrad, Zoning: Ebenschweller, Videographer Nick Podmanik, Members of the Media: Avon Lake Press

*Motion by Bring to approve the minutes of the City Council meeting of March 25, 2008 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

A - Monthly report of court receipts for month of March - \$4358.25.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, Refuse: Chairman Smith advised our meeting was held last night and I will report on that at the next Council meeting. However, we did have some sewer credits that were handled; *5373 Lake Road, *Motion by Smith to approve a credit of \$300.00. ROLL CALL FOR APPROVAL: Yeas – Kovach, Huska, Smith, Bring/Nays – Diebold, Elliott. Rosso. 606 Kenilworth, *Motion by Smith to approve a credit of \$238.14. Yeas All. 4204 Brockley, *Motion by Smith to approve a credit of \$291.06. Yeas All./Stormwater Utility: None./Safety:* Chairman Bring reviewed the minutes of the April 2, 2008 meeting. *Motion by Huska to accept the report. Yeas All./**Buildings, Lands, Vehicles & Equipment:** Chairman Kovach reviewed the minutes of the April 3, 2008 meeting. *Motion by Huska to accept the report. Yeas All./**Ordinance:** Chairman Elliott apologized fir being late (5 minutes)./**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 I have some information that just came to us for your consideration about subordination of a loan and the Law Director will explain that in his report. Mayor Piskura asked for consideration of reappoint to the Demolition Board of Ernest Rowles and the appointment to the Demolition Board of Marta Nelson who is a former Park Board member. *Motion by Huska to accept the report. Yeas All./

FINANCE DIRECTOR REPORT:

None./TREASURER REPORT: None./SERVICE DIRECTOR REPORT:

None./SAFETY DIRECTOR REPORT: None./LAW DIRECTOR REPORT:

Law Director Graves advised the only thing that I have to report tonight is to elaborate on the legislation that could be added to the agenda and also as supported by the documentation that the Mayor passed out. What this is all about is Mr. Schaffer received a CHIPS grant, some money for housing improvements as part of our CHIPS grant program and we currently a lien/a second mortgage of \$22,000.00 for that assistance that he received. He would like to refinance his home to improve his interest rate and a little debt consolidation and in order for that to occur the city needs to agree to subordinate our lien because we would now be first in priority having been placed there previous to the new bank loan. No bank in the world is going to give him this loan unless the city subordinates our lien. He explained method of repayment, a portion of our lien is forgiven each year that he resides there over a 10-year period so it is not as if he has a obligation to pay us that \$22,000.00 unless he sells the house some time within that 10 years. We currently sit second in priority, I think that it is in his best interest and I think we have a lot better chance of evidently recouping some of this money in him not potentially losing the home by allowing our loan to continue to sit in second priority. This is something that Council would need to authorize, so the resolution tonight is basically just authorize the Mayor to enter a subordination agreement whereby our CHIPS lien would continue to have a second share priority on the home to his new refinance home. There was a brief discussion on the lien. Mayor Piskura advised just for clarification for anybody that might not understand the program, this is state grant money – this isn't money that the city has paid out of our budget. This is the CHIPS grant where low to moderate income people can apply for home repair and we got funded through the state and this has to do with reimbursing the money that was paid from the state not anything that is out of the city coffers. Law Director Graves advised one other point to make, Patty Lines who is our grant administrator for this program was here and I did have the opportunity to talk with her about this and our subordination of this and future ones will in no way detrimentally impact the city's ability to continue to participate in the CHIPS program. *Motion by Huska to accept the report. Yeas All.

/CITIZENS COMMENTARY:

Victoria Wilson, Lake Road stated I came here to plead for an exception to a rule that you have in law. The law says I can have only 4 cats, I love my cats and I have

more and I take very good care of them. Now they are trying to take them away from me. I have my veterinarian here, Dr. Putkonen here to speak for me. I would like an exception to this law. Please, is there anyway that I can it? I take excellent care of my beautiful babies. Law Director Graves advised as everyone is aware our current ordinance limits the number of cats that a resident could have to 4, the exception being if you are a kennel or I believe the proper word is a cattery. Unfortunately, her home is not zoned for that. Mrs. Wilson stated they are really my pets Mr. Graves. Law Director Graves continued the law is really pretty clear. Now Mrs. Wilson has to my understanding at least 25 cats, perhaps more. However, she is a breeder of these rare animals and they are from what I understand from the Police Department and from talking with her veterinarian very well kept, very clean. She takes good care of these cats and she keeps them indoors and they don't present any health problems. Mrs. Wilson stated my house is clean. Law Director Graves advised but then again the law is very straight forward, you can't have more than 4 cats. I have written her a letter giving her 30 days to limit the number of cats to 4, the statute provides for her to start being fined at \$150.00 a day if she doesn't do this. Now we can be lean ant with this but I think she needs to start limiting the number of cats. Now what I have explained to her is she has a couple of options, she can go to Zoning Board of Appeals and attempt to get a use variance but she is going to have to show undo hardship which might be difficult. You could go to the Planning Commission and try to get a zoning change but that is very unlikely or Council who in one of their committees could try to amend the ordinance and create some form of an exception but short of those options – the ordinance says only 4 cats. Mrs. Wilson stated somebody must be able to do something, not only do I love them but I take care of them and they are no bother to anyone. My home is clean, I do let them have kittens but they are beautiful kittens. When I sale them the money goes into a cat fund, I don't use it and spend it like an idiot – the money pays for their upkeep for Dr. Putkonen's care. Mr. Bring asked did we have a complaint or something? Law Director Graves asked who notified the police? Mrs. Wilson answered my husband's doctor and he didn't call the police she called Adult Protection Service because he thought I had too many cats. They are not a health hazard. Dr. Putkonen advised Mrs. Wilson takes excellent medical care of these cats. It is often that we see them on a fairly routine basis and if they sneeze, I see them. She comes to a staff of 3 vet's and we are all familiar with these cats and they take good care of them. I don't know how many there are because she sells so they may be in our medical records then they may be gone. But indeed has never denied any procedure, any lab work, anything that they needed. Mr. Smith asked what kind of cats are they? Mrs. Wilson answered well you call a snow leopard a rare one, I have Persians, I have Himalayans and I have Siamese's. Dr. Putkonen advised the cats come across as not being in a facility where they are just being used for breeding – they are all just very friendly, the staff is playing with them and spending a lot with them so the cats are very happy

and the cats are healthy because she takes care of them. President Podmanik asked Mr. Graves did you mention some options? Mr. Bring stated if you did an ordinance and made it breeder exemption in that that would probably be the only thing you could do through an ordinance if somebody is breeding cats. They are always going to have more than 4 cats because they are having kittens and stuff. If that went back through Ordinance then that would be the only way you could do something. Law Director Graves advised the problem you run into is if you are breeding animals as a commercial enterprise you are operating a business that is not zoned for that. Mrs. Wilson explained it is not a business, I sale them but I use the money for the cats, it is like a hobby. Law Director Graves advised the ordinance is very straight forward; at this point like I said she has either got to go for rezoning which I think is very unlikely, she has got to go to the Zoning Board for use variance but she is going to have to show undo hardship as a standard for used variance and the case law is against her in that she has essentially created the hardship herself by choosing to have the cats in violation of the ordinance. Her third option would be to come to Council and ask that Council consider revising the ordinance and creating some sort of an exception or referring it to Committee for further discussion. Mrs. Wilson stated they make my old age very happy, I love them very much. Law Director Graves asked how many cats have you been able to find homes for since you received our letter. Mrs. Wilson answered I have found homes for 11. Mr. Rosso stated I am trying in my mind to picture exactly where you live. Mrs. Wilson answered near Root Road, almost to the Lorain border on the lake side. My cats don't disturb anyone, they are always inside – I never let them lose and they are happy and I am happy with them. Mr. Rosso asked so you have already removed 11 of them you said or have you just lined up homes if you have to? Mrs. Wilson answered no I have sold 11 but you always have some that people want and I sell them and put the money in a cat fund. The normal 25 are always going to be with me, they are older and they are happy in my home and I love them. But there is always young ones that are sold and that money is put in the cat fund. Mr. Diebold asked your approximate number of cats are normally on an average? Mrs. Wilson asked average is 25 and they sounds like I am going to wade through cats – they are very clean, very obedient. They are very good, they have cat trees that they lay in and they play with each other but I am not wading through cats. It sounds like so many and it really isn't. Law Director Graves advised the estimates that I received from the Police Department was that there was a lot more then 25 there. Now I can't verify that but if she says 25, their viewing was quite a bit more then 25. Mr. Rosso asked you said your husbands doctor or a nurse was the one that issued the complaint. Mrs. Wilson answered she thought I had too many cats and they were unhealthy and that is not true. Mr. Rosso asked do you suffer any health problems due to the cats? Mr. and Mrs. Wilson answered none. Mrs. Wilson stated in fact Dr. Putkonen will verify that you can not get germs from a cat. Mr. Rosso asked so she just decided there were

too many cats and thought it was a health problem and didn't check to see if it really was or wasn't? Mrs. Wilson answered they have been through my house and one policeman laughed and when he left he said your house is cleaner than mine. Mr. Smith asked how long have you had them? Mrs. Wilson answered 3 years, I didn't know it was against the law. Mr. Smith asked how many years have you had them? Mrs. Wilson answered in this capacity about 4 or 5 years. Mr. Rosso stated I have never received a call or complaint from any other neighbors about the cats and it sounds like we have never got a call at the police department about them. President Podmanik stated I think this is the first any of us have heard about this. Mr. Rosso stated I think we should think very careful on this of what precedence we set. Mr. Elliott stated I think it is clear though that the law never really meant to target people like hers, the opposite end of the spectrum. President Podmanik stated this is going to require some thought. However the law is the law and you are in violation of this, unless we give some sort of grace period. Law Director Graves advised in my discussions with the Animal Control Officer and the Detective we determined that 30 days was a good starting point. I don't remember what day you received the letter. Mrs. Wilson answered the 20th. Law Director Graves continued the 20th of March, we advised her that she had 30 days to reduce her number of cats to 4. I don't object to giving her some additional time so long as we see some progress in her reducing the number of cats – significant progress. Mrs. Wilson stated I really can't live without them, I love them. Mr. Bring offered why don't we just give her a grace period right now and we can have our discussion to figure out what we are going to do. Mayor Piskura advised I would suggest that as long as it remains on your agenda, we can table any pending action against her. But the minute that you decide or it is taken off your agenda we will move forward with our administrative action. President Podmanik stated well she did admit that she has reduced the number by 11. Mr. Smith stated I think what she is saying is that has like 25 permanent cats that are always going to be there and depending on when they have litters then her count goes up, she sells them off but the same 25 that have been with her for 4 or 5 years will stay. Mrs. Wilson advised of the breeds that she has – nobody will take an older cat, they all want kittens, they want a baby. I had a call from a pet store and they wanted to know if I would sell them my babies and I said no but would you like some of the older cats and they said no, nobody wants an older cat. President Podmanik advised I would say then it is up to Council if they are willing to grant a grace period as the Mayor suggested we keep this on our agenda we do some discussion. Mr. Rosso stated I would recommend that we refer it to Ordinance for their next meeting for discussion which is the beginning of May and then we hold off as the Mayor said any action until Ordinance. Mr. Bring asked Mrs. Wilson would you have any objection if members of the Ordinance Committee came to your house and looked at that. Mrs. Wilson answered not at all, my home is clean and I am always going to have kittens because there is always someone that is pregnant but they are my

pride and joy. Mr. Elliott stated that is fine you can refer it to Ordinance, I mean 25 cats is 25 cats and the law says 4. I mean we can look at the situation, that is fine but I don't know whether we are going to change things or not. Law Director Graves advised right but the guarantee is that they will discuss it. Mr. Elliott stated we will bring it under discussion and we will be fair about it as we always are, we will weigh everything option. Mrs. Wilson stated the average person probably wouldn't take care of more then 4 cats but there has got to be an exception. There has got to be an exception because I can and do take care of them and they are not a problem in any way. **REFER TO ORDINANCE**. Law Director Graves advised for the time being I will speak to the Police and we will suspend the enforcement in this case. Clerk Fantauzzi obtained Mrs. Wilson's address and phone number for arrangements to view the home. Mr. Kovach advised as the Law Director has described it may be futile I think I would suggest to you that you apply for a use variance with the Zoning Board of Appeals. At least you would providing a paper work trail for yourselves that you are trying to make adjustments in the same direction that we are going. That way we would be working together I believe, there is a costs involved.

Robert Ebenschweller, 362 Cove Beach stated I noticed while working in my yard this morning the same thing that Dennis brought up about the cracks on Lake Road. Well, Cove Beach has lost the seal between the asphalt roadway and the curbs and gutters coming out in large chunks. I don't know what material that the contractor originally put in there but it seems like it is pretty stiff stuff. With all this weather and freezing and what not and the water getting in there it has punched it all up out of the ground so I wanted to at least put it on the work list to get that done before winter at least because I would hate to lose that street. We are starting to lose little chips of asphalt already on the edges. I had spoken to Bill about it last fall while they were doing Walker Road, the company that did Walker Road was sealing and I asked him if we couldn't get them to do that and he indicated that he would try to get it done before winter that our guys would do it but as often happens one thing leads to another and it just passed by with other work to be done. I would just like to get it on the record that I would like to see that taken care of before winter so we don't lose the street. Mr. Bring advised actually I brought that Mr. Gardner's attention and the machine that actually seals that is not working at the moment. He is trying to get that up. Yes, I saw that actually yesterday and it is about $\frac{3}{4}$ of an inch and last year I think it was about $\frac{1}{4}$ of an inch so it is getting worse. Mr. Gardner and I, I am going to have him ride down the road with me and we are going to take a look at all those.

Russell Shipley, 4252 Holl stated I have got a tree that is leaning over my house in that ditch and I was wondering who is in charge of that ditch, does the city own that ditch that is along side my house? Mr. Elliott answered Mr. Gardner has told me that there is many owners of that ditch. I am not really sure of whose responsibility it would be to clean that up. I would agree with you that the ditch is

getting worse over there. Is that still a flood plain over there? Mayor Piskura answered the elevation lowered but yes it is. Mr. Elliott stated I brought it up to SUAB and I think Rosa is going to talk to me about it later. I think maybe we can get people over there to clean it maybe on Pride Day or something. Mr. Shipley advised it leans over my house so I had to cut one of the limbs off last year because it was clear down and I couldn't get my van in there but it scares me because sometimes with the wind I don't want it on my house. Mr. Elliott asked is that tree growing in the ditch? Mr. Shipley answered yes, I talked to Gardner a couple of years ago and he said yes he was going to come over and do it but he never did. Mr. Elliott stated the ditch is a problem and it is getting worse unfortunately. But Bill knows about it, I have talked to him about it. I will call Bill and have him go over and take a look. Mayor Piskura asked sir, what exactly is the complaint? Mr. Shipley answered it is not dead but it keeps growing out over my drive and it is over part of my house now. Mayor Piskura asked so it just needs to be trimmed? Mr. Shipley answered I want that big limb cut off and I ain't going to do it. Mayor Piskura answered okay. Mr. Elliott advised I have seen that limb and the limb he is talking about is a pretty big limb, it is about half the size of the tree trunk.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

*Motion by Rosso to amend tonight's agenda to include Council#016 which is the resolution the Law Director spoke about. **ROLL CALL TO AMEND THE AGENDA:** Yeas All – Rosso, Bring, Smith, Kovach, Huska, Elliott, Diebold.

*Motion by Kovach to approve the appointment of Marta Nelson to the Demolition Board and the re-appointment of Ernest Rowles to the Demolition Board. **ROLL CALL TO APPROVE:** Yeas All – Kovach, Smith, Rosso, Huska, Elliott, Bring, Diebold.

ORDINANCES AND RESOLUTIONS:

- 1) Council#016 – EMERGENCY – a resolution authorizing the Mayor to enter into a subordination agreement in favor of Mark D. and Pamela C. Schaffer to the American Eagle Mortgage Corporation, and the declaring of an emergency.

*Motion by Huska for **SUSPENSION OF RULES:**

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

*Motion by Huska for **ADOPTION:**

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

Resolution Passes#14-08

COUNCIL PRESIDENT: President Podmanik advised members of Council Law Director Graves has a letter for your signature. This letter is to designate that Clerk

of Council Kay Fantauzzi represent you the under signed for the mandatory public records training. I have signed mine and Mr. Bring has signed his. I will just make this note, Kay is our Clerk she is actually our right hand, it would behoove us not to put anybody but her in that position. So if you will see her after the meeting tonight, she has these few signatures and we would like to get those taken care of tonight. Also, I have from Finance Director Smith up-to-date and correct personnel data form and if you will see me after the meeting we will give you a copy of that, fill that out and bring that back as soon as you can so that we can get that back to Mrs. Smith.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach to adjourn at 7:54 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 April 8, 2008.

COUNCIL PRO TEM
Richard Rosso

MAYOR
John J Piskura