

Minutes of the City Council
 Sheffield Lake, Ohio
 April 12, 2011

The regular meeting of the City Council was held Tuesday, April 12, 2011.
 Council President Podmanik called the meeting to order at 7:07 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, Finance Director Smith, Service Director Smith, Law
 Director Graves, Engineer Skellenger

Absent: Elliott, Treasurer E Hoenig (excused)

Attending: Concerned Citizens, Planning; Belaska, SUAB; Gee, Members of the
 Media

*Motion by Bring/Second by Smith to accept the minutes of the Council meeting for March 22, 2011 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

Monthly report court receipts for month of March - \$8469.90 – receive and file.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, and Refuse: Chairman Bring reviewed the minutes of the April 4, 2011 meeting. *Motion by Huska/Second by Kovach to accept the report. Yeas All./

Safety: Chairman Bring reviewed the minutes of the April 6, 2011 meeting. *Motion by Huska/Second by Kovach to accept the report. Yeas

All./**Buildings, Lands, Vehicles & Equipment:** Chairman Kovach reviewed the minutes of the April 7, 2011 meeting. *Motion by Huska/Second by Bring to accept the report. Yeas All./

Ordinance: Chairperson Huska reviewed the minutes of the April 7, 2011 meeting. *Motion by Bring/Second by Kovach to accept the report. Yeas All./

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: Finance Director Smith advised I have handed out a 3-page report as I started looking at the costs of gasoline and our expenses for the year. So I did a comparison which I printed out a couple of things that I thought you might be interested in and one is a chart that goes back to 2005 which shows how the gas prices have fluctuated since then and

that is for the Cleveland area also. Then I also printed out another which is our total snow fall for the year as I was just trying to figure out what could possibly cost us higher fuel costs as far as that goes. It was kind of interesting when I started graphing these things that they all kind of ran together as far as the higher years even with gas prices and snow fall. Of course if you have higher prices, you are going to have higher fuel costs obviously but we are looking at some serious increases this year. I have tried to estimate it at about \$4.50 for an average for the year. I am thinking our current appropriation of \$73,000.00 is going to be short and I will be bringing you some increases next week at the Finance meeting. Hopefully we can make it through with what we have, we should be fine. Also next week I am going to be doing some budgetary housekeeping with some of our bond accounts. I have been looking at that for a couple of years and I finally had a chance to do it where I can – I am just going to be moving accounts. It will look like a lot but I will explain more next week. Councilman Bring asked when our gas was bid this past contract, was it bid per gallon or how did they bid that? Finance Director Smith answered they do it at the base plus a percentage. Service Director Smith advised base rate at that time – within time window, part of the annual bid. Councilman Bring stated so it wasn't bid at the amount? Finance Director Smith answered no one would give you a bid like that today. We used to – we used to have bids like that that would bid a fixed price for the year but there won't be any bid like that anymore. *Motion by Huska/Second by Bring to accept the report. Yeas All./**TREASURER REPORT:** report attached./**SAFETY DIRECTOR: None.**/**SERVICE DIRECTOR:** Service Director Smith reported the asphalt plant should be opening up next week so we will be able to get hot patch. Then we will be able to get the cut-away patches for the water breaks that have happened over the period of the winter and back in the fall when we couldn't get asphalt to do the covers of the cut-outs. I don't have anything on the sidewalk yet except that I went with the Law Director and went over and looked at it. So I am still going through that process. I will be bringing that information when we get it. Allied Waste as you know, we have had issues as Dennis reported in his report. I have been in contact with Brian Filco and we are doing a better monitoring program of the way they put those canisters down and they fly all over the place so we will see if we can get some more improvement on that. There has been a lot of work going on with the Sewer and Water Departments dealing with inflow, dealing with the manholes and preventative maintenance and stuff like the covers on different sections and zones. So if you see our trucks out you notice that we have manhole covers, the guys might look like they are just standing there but actually we are working with the city engineer on several of the issues that we have to do with inflow. We have made some progress, we found several locations and as we get some verification on that, I will be bringing that to the Roads and Drains for everyone and I am sure you will hear about that. The Rite Aid roof – was reported

that we did have it done but we did eventually have one small leak that we are working on Thursday that will be taken care of and that was where we were putting in the rest of the tiles. I am in the process of looking for a 1-ton dump for the Road Department and a possible van for the Water Department to replace the old beat-up one that they have over there. In dealing with the stormwater issues, the Cove Beach outfall incident that we had – the homeowner that it occurred at did a exemplarily effort in sitting a standard in how someone should react when we come into a situation where we have something entering into the stormwater. I just want to comment that after seeing the report, I don't physically have it – I have had it delivered to me in the office and I read it. But he did a great job with what he had to do and I just want to put that into record. Councilman Bring advised for those early boaters who want to go fishing, could you advise on the boat ramp. Service Director Smith answered we should be out of there moving sand from one side to the other at the end of this week and then we have just 2 days of the channel being cleared from any of the roll-over that came from the full trap. So middle of next week should be ready to go. *Motion by Huska/Second by Bring to accept the report. Yeas All./**ENGINEER: None**./**LAW DIRECTORS REPORT:** Law Director Graves reported I did attend a class on Friday morning on SB5 and the Finance Director will be attending a class Thursday on SB5 and educating ourselves on all of the changes that may be coming down in regard to Ohio's Collective Bargaining law. More than likely that will go to a referendum which will stay that law until the November election, if the referendum is successful it won't be law and if the referendum fails then as of December of this year we will be looking at the implication of that with Sheffield Lake. We have a number of pieces of legislation that I will anticipate bringing to Worksession next week. The updates to the stormwater ordinances – the EPA mandated ordinances that we need to revise. They are going to be codified. In the past we have not codified those, I think that it is very important that we do so for 2 reasons; 1 – they do carry criminal penalties for not following them, 2 – construction site run-off and post construction stormwater management; those are things that should be readily accessible for contractors doing work in the city. So we will have 3 of those and we will bring them to Worksession, so you will have plenty of time to review those but we will be looking to get those passed as soon as possible. The updates which 2 of the 3 are required updates have to be done by June. We will also be revising our stormwater management plan, there are some updates and some revisions that we need to make sure that we bring to Council on that. We have a proposed settlement for the Bowling Alley litigation. I was on the phone today with the attorney for the former owner of the shopping center – that is the Shoreway Trust and Mr. Levin, also the attorney for Chase Bank who also has a lien. Again those liens are on the personal property and contents of the building. The city owns the real estate and we assert that we own the fixtures; we bought those when we bought the building.

The settlement agreement will basically provide an auction for all contents of the proceeds to be divided 3 ways. That will be brought to Council for their review and consideration and I will be happy to talk with you about those specific terms of that. As was discussed there is legislation that will be forth coming regarding the very generous donation to the city from Lowe's of the cabinets. We do have them, this Council will have to approve the donation but we have taken possession of them. Also we will need to set up some program for those cabinets to be made available to the general public. Some of the proposals were that we use similar criteria to application for the CHIPS grant money and/or for residents that may have suffered flood damage due to all the recent rains. But these cabinets ultimately are going to be available and the program established for people to get free cabinets from the city. The city is not going to deliver them, install them or warranty them but they will be available for qualifying residents once that program is established. He reviewed the legislation on the agenda. We do have 3 pieces of the legislation that Council could add to the agenda. Council#020 which has been discussed and that is approving the \$540.00 donation from the VFW for the purchase of the 2 rescue vests and 1 meter puller. Then 2 ordinances updating our tax code making them consistent with the rate that was passed by the community when it was on the ballot. There is a couple of housekeeping issues there to make the provisions all consistent with one another. I would ask for a brief executive session following ordinances and resolutions to discuss on-going collective bargaining negotiations. *Motion by Huska/Second by Bring to accept the report. Yeas All.

CITIZENS COMMENTARY:

Kerry McCullough, 685 Roberts stated the next meeting of the Civic Center is June? Councilwoman Stark answered yes. Mr. McCullough asked there is no business going on there till June? Councilwoman Stark answered there is no business going on there as of right now. I believe that the committee is required to meet once quarterly. Mr. McCullough answered yes that is fine but I thought they usually met more now because of Community Days. Councilwoman Stark stated that is why we set the time up for June and then we also reserve the right if something else comes up we can have a meeting. Mr. McCullough continued Len this question is for you, did you figure out – the price of fuel is going through the roof and you keep talking about the hot patch opening this week. Service Director Smith advised next week. Mr. McCullough asked is there going to be a priority done on these things because there is no way I am sure in our current condition that we are going to be able to afford what we bought last year – this year. Service Director Smith answered we have been cold patching all winter long, we will fill the holes that are open and the patches that are open - just part of our normal routine here. Mr. McCullough asked we are going to have the money to do that? Service Director Smith answered we should be fine. Mr. McCullough stated I read

something today that it is more than 50% of concrete, in other words to drop a yard of concrete is about \$92.00 and to drop a yard of asphalt this year is going to be about \$165.00. Service Director Smith answered we will be able to fix the holes Kerry.

Russell Shipley, 4252 Holl stated we got some trees that are bad there. There is a tree leaning over my house and all the limbs are falling down and I got a new roof now because the other roof was bad because the limbs and molding. If you could get somebody out there to trim that tree a little bit but they say it belongs to the State of Ohio – that ditch. President Podmanik asked you live next door to the drainage ditch. Mr. Shipley answered yes right next door. We called Betty Sutton's office and they laughed at us, they didn't even know anything about it. President Podmanik stated Mr. Elliott and I have mentioned that a few times. I am sure that he is going to have something to talk to you about on that. Mr. Shipley stated but I tried to get it done about 3 years ago and couldn't get it done. Law Director Graves explained we did look into this, only a few of those parcels are actually owned by the State of Ohio. The vast majority of those parcels are owned by private parties. So more than likely somebody owns that parcel. We do have all that information and some of those parcels are owned by the State but it is only a few. President Podmanik explained Mr. Elliott may not have had time to speak with the Law Director on this as to finding out who owns what and who would actually be liable. This is a conversation that we had some time last week and I think he is going to be getting in touch with you soon. Mr. Shipley continued plus we got 9 little pot holes in the street; if you don't get them filled they are going to be big ones – not far from your house. President Podmanik stated yes as the Service Director said we are going to be working on hot patch starting next week. Service Director Smith advised we have been patching on a regular basis with cold patch. It was a bad year – a bad winter but a couple days a week we have been averaging with cold patch.

Rose Hauswald, 145 Queens Court, stated I spoke with Rick and I just have a question that I sort of need straight in my head – after Rick and I spoke it appears that it was in some sort of language that appeared back when Upland Glen owned the area over there that in order to put city lights on our street that all of our parcels had to be occupied. I guess at the last meeting that they had with the Homeowners Association; evidently they had approved putting lights on our street. I am just curious to find out because I know that you had expressed that it is up to the Association but I was wondering if any of you knew anything about it or what the next step is – if it comes here to City Council for approval. It is my understanding when we built the house that there was not a line run by CEI at that time so I am wondering who would foot the bill for CEI if that is something that the Association would or the homeowner would? I doubt the city would, I am just sort of confused on this and I didn't know if anybody had any insight on it? Councilman Bring asked wasn't that the decorative one that we talked about? Councilman Rosso

answered yes and as we spoke, I have not heard about that in a long time. President Podmanik stated basically I believe that is the homeowners Association and the residents who would be responsible. Mr. McCullough advised that is a PRD that was done back in 1991; I was on Planning Commission back then. You are going to have to go back and look to see what was agreed to on that. It is supposed to be strictly adhered to and I can also tell you that a couple years ago Council allowed a change in that and I don't know if they sold those lights on that because originally the condos were supposed to have 1500 square feet and they allowed them to change it to 1200 square feet in that PRD. That PRD is going to have your lighting and everything that you guys were supposed to get. It is called a Planned Residential Development and that place was all done as a PRD and that is why everything looks like it does there. Councilman Rosso stated it was quite a while ago that there was somebody here that talked about it. Councilman Bring stated 2 years ago but it had to be a decorative one because we talked about putting a pole up there. Councilman Rosso stated yes and that is where it came out on the PRD I believe it was decided that it was the homeowners Association's responsibility. Mayor Piskura stated if I remember correctly we all agreed to the light – that wasn't the issue, it is that your Association had to foot the bill for the decorative post and all that. Mrs. Hauswald asked who pays for CEI to run the line? Mayor Piskura answered you do. Mrs. Hauswald asked the Association itself? Mayor Piskura answered yes I believe so, we can look into that and I don't think we have ever run into this in the recent past where we have had to run the line. Mrs. Hauswald stated well not all the spaces are occupied so that is why I was surprised that the Association approved it.

Mark J Erdei, 4015 Tennyson stated I am just curious do we have any other people looking into moving into the shopping center. We haven't heard anything and I know the last report you said somebody but it fell through. Mayor Piskura answered I have been working on it; I have had a couple of meetings about it but nothing that I am prepared to report. Mr. Erdei stated Len; you said you are short on manpower on getting things done. Did the city ever consider hiring another guy to help out to get things moving? Service Director Smith answered I wasn't complaining, we are doing what we can. Maybe not to the satisfaction that all the residents wish we were working at but we are working as best we can. We do have an open position which maybe we will address coming up here shortly I hope. But that is a position that hasn't been filled, you have to understand that and budget restraints control that part. **UNFINISHED BUSINESS: None./NEW BUSINESS:** *Motion by Huska/Second by Bring to amend the agenda to include Council#020, 021 and 022. **ROLL CALL TO AMEND THE AGENDA TO INCLUDE COUNCIL#020, 021 AND 022:** Yeas All – Huska, Stark, Rosso, Kovach, Bring, Smith. Councilman Rosso advised in the past couple of weeks I was approached by a gentleman Rick Turman who is on the Board of Directors for Goodwill in Lorain

County and he was talking to me about that Planet Aid donation box outside and he gave me some information about Planet Aid. I have copies for everyone and I will just pass out and everybody can read it. Basically it was an investigation by a reporter trying to track their charitable donations and this article talks about the majority of those donations go to Africa and when they track back the addresses to all those companies they all have the same PO Box in Africa and when they went to the government where the PO Box was none of those were legitimate charities and basically the money was being funneled back up to someone in Germany. What he would like to see is us remove the Planet Aid box and Goodwill of Lorain would put a box there and all donations/monies would be kept in Lorain. Service Director Smith stated I am all for that but this is the first that I have heard anything about Planet Aid and in the response if you remember right they maintain boxes at Shoreway Shopping Center of which I had removed and the end was we can put one right here by the recycle dumpster and that is the only box that is here and it just accepts clothing. Councilman Rosso advised I didn't know anything about it either. Service Director Smith advised I would be absolutely all for that. Councilman Rosso stated I am just going to pass it all out and at Worksession we could talk about it. The Chairman of Goodwill sent an email saying he could a box out here within a day if we wanted him to. Service Director Smith stated have him send me an email.

ORDINANCES AND RESOLUTIONS:

Council#012 – THIRD READING – a resolution authorizing the City of Sheffield Lake to accept and approve the donation of a parcel of land to the City of Sheffield Lake by Judith Hunter in memory of Thomas Jordan.

*Motion by Huska/Second by Bring for ADOPTION:

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

Resolution Passes#17-11

Council#013 – THIRD READING – a resolution in support of the Lorain Public Library System Renewal Tax Levy for the Domonkas Branch Library, and the declaring of an emergency.

*Motion by Huska/Second by Rosso for ADOPTION:

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

Resolution Passes#18-11

Council#019 – FIRST READING – an ordinance of the Council of the City of Sheffield Lake amending ordinance 39-10 section 1 regarding the rate of pay for part-time dispatchers in the City of Sheffield Lake's Police Department and the declaring of an emergency.

Council#020 – EMERGENCY – a resolution authorizing the City of Sheffield Lake to accept and approve the donation of \$540.00 to the City of Sheffield Lake which has been designated for the purchase and implementation of two rescue vests and one meter puller for the Fire Department, and the declaring of an emergency.

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

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

*Motion by Huska/Second by Bring for ADOPTION:

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

Resolution Passes#19-11

Council#021 – EMERGENCY – an ordinance amending section 191.02(1) of the codified ordinances of Sheffield Lake regarding earned income tax definitions, and the declaring of an emergency.

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

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

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#20-11

Council#022 – EMERGENCY – an ordinance amending section 191.06(a)(1) of the codified ordinances of Sheffield Lake regarding earned income tax collection at source, and the declaring of an emergency.

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

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

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#21-11

*Motion by Bring/Second by Rosso to go into executive session for the discussion of on-going collective bargaining negotiations. ROLL CALL TO GO INTO EXECUTIVE SESSION: Yeas All – Bring, Rosso, Smith, Huska, Kovach, Stark.

*Motion by Bring/Second by Kovach to return to regular session:

ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Stark, Kovach, Huska, Smith, Rosso, Bring.

Law Director Graves advised let the record reflect the City Council of Sheffield Lake did adjourn to executive session for the discussion of on-going collective bargaining negotiations.

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 8:15 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 12, 2011.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura