

**Minutes of the City Council**  
Sheffield Lake, Ohio  
April 22, 2008

The regular meeting of the City Council was held Tuesday, April 22, 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, Bring, Smith, Kovach, Elliott, Diebold, Huska, Mayor Piskura, Finance Director Smith, Service Director Gardner, Law Director Graves
- Absent: Rosso, Treasurer E Hoenig (excused)
- Attending: Concerned Citizens, Fire Chief Conrad, Videographer Nick Podmanik, Members of the Media: Avon Lake Press

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- \*Motion by Bring to approve the minutes of the City Council meeting of April 8, 2008 with any corrections. Yeas All.
- \*Motion by Bring to approve the minutes of the City Council Worksession of April 15, 2008 with any corrections. Yeas All.

**CORRESPONDENCE/COMMUNICATIONS: None.**

**PRESENTATIONS: None.**

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

**Roads, Drains, Water, Sewer, Refuse:** Chairman Smith reviewed the minutes of the April 7, 2008 meeting. \*Motion by Huska to accept the report. Yeas All./**Stormwater Utility:** Law Director Graves advised I have reviewed the by-laws of the stormwater utility appeals board and those bylaws state that there should be 6 members of the board and that 5 members are required by a quorum and presently they only have 4 members. So effectively the Stormwater Utility Appeals Board is not going to be able to have any meetings until someone else is on that Board./**Safety: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance:** Chairman Elliott in compliance with Ohio Sunshine Laws I called a special Ordinance meeting on Thursday April 17, 2008 at 5:34 pm. After roll call, we adjourned to 3591 Lake Road on an animal complaint which was the house with numerous cats. We toured the house and we adjourned the meeting at 5:51 pm. officially. We will be discussing this more at my next Ordinance meeting which is May 1<sup>st</sup> at 7:15 pm. \*Motion by Huska 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:** Representative Huska reviewed the minutes of the April 17, 2008 meeting.**/Council Representative to the Park Board:** Member Kovach reported we met last night and the majority of the discussion was centered around the on-going project at the Boat Launch. I am going to assume that Bill is going to have a little more in his report on that.

\*\*\*\*\***ADMINISTRATIVE REPORTS**\*\*\*\*\*

**MAYORS REPORT:** Mayor Piskura reported I only have a couple of things, the first thing is that I was asked by the Parks Department to mention that with spring here and the weather being so nice and everybody patronizing all of parks that they please pick up the trash and put it in the trash bins. I guess there has been a little bit more trash, so everybody's help with that would be greatly appreciated. The second thing I had to cancel my trip to Columbus tomorrow to testify for the Great Lakes Compact. Senator Mirano, she is the ranking senate member on that committee and she has agreed to read my statement. I also had to cancel to be at another meeting at the Multi-Cultural Business Center. So the testimony for the Great Lakes Compact is still going to be on the record down there and part of the decision was that it is the legislative day down there in Columbus tomorrow and there is going to be 50+ Mayors down there packing the state house anyways so as long as Sue reads the testimony we are good. The last thing is that as you all are aware we have a vacancy in the Fire Department. We had asked Civil Service for a list of the next people in line on the eligibility list. The Fire Chief had conducted interviews on 7 people and forwarded them on for second interviews to my office. We actually have the person that we would like to hire here tonight – Wes Mariners, he is 26 years old and he has actually been a part-timer at this Fire Department since 2005. He is fully trained Fire Fighter/Paramedic and he is also a Marine Corp Veteran. So I would ask that you confirm the appointment of Wes Mariner to the position of full-time Fire Fighter and I am more then happy to answer any questions that you may have and the Fire Chief is here as well if you have any questions as well. \*Motion by Huska to accept the report. Yeas All. \*Motion by Elliott to approve the Mayors appointment of Wes Mariner to a full-time Fire Fighter. ROLL CALL TO APPROVE: Yeas All – Elliott, Bring, Diebold, Smith, Huska, Kovach. Mayor Piskura swore in Wes Mariner to the position of full-time Fire Fighter/Paramedic for the Sheffield Lake Fire Department. Mayor Piskura introduced Wes's wife Randi and his 2 kids Ashley and Taylor are here. \*Motion by Huska to accept the report. Yeas All./**FINANCE DIRECTOR REPORT: None./TREASURER REPORT: None./SERVICE DIRECTOR REPORT:** Service Director Gardner reported in keeping with what Steve said, the boat launch is proceeding, we are taking dirt out. One half of the boat launch is completed to the top of the bank and the other half will be done on Thursday. So all the cement work will virtually be done by Thursday with the exception of the sidewalk. The city is splitting time between hauling dirt out of

there and patching streets. The hot mix plant opened on Monday so we have been patching primarily have been over on Holl, Hawthorne, Roberts, Oliver and Stark. Tomorrow will be into Oakwood and in the center of town more. We have addressed Shoreway Shopping Center to get it done (holes in parking lot) and if they don't we will take action and make sure it happens. Everyone will be receiving their news letter that they get semi annually and in that we will announce Pride Day which is May 17<sup>th</sup> and as in all other Pride Day's we are looking for volunteers to assist us in clean up and as I have told many residents who have come in – the more volunteers that we have then the more people that we can put on trucks to go out and help people pick up things that they can't otherwise get into the city with the help of our back-hoes and our trucks and things like that. That will be on the 17<sup>th</sup> of May from 8 am to 2 pm. We will take oil, antifreeze, tires and we will take the usual things that we normally take and all volunteers are welcome. We will not take oil based paint. If you have paint cans then you can put kitty litter in the paint cans and as soon as they are dried out then you can put them in your regular garbage. You can also bring those in if they have been dried out to our Pride Day as well. Mr. Diebold asked that also includes shingles correct? Service Director Gardner answered yes. \*Motion by Huska to accept the report. Yeas All./**SAFETY DIRECTOR REPORT:** Fire Chief Conrad reported we just received an email with some photo's and they were down in council chambers before the meeting so if anyone would like to see them I have them here. They got the cab done, it is supposed to go on the chassis sometime this week. I am still looking towards the end of May that the truck will be ready and it should be delivered the end of May/the beginning of June. President Podmanik asked when we receive this truck, it will be complete and ready to go into service correct? Fire Chief Conrad answered it will anywhere from 2 weeks to maybe a month for it to work – to put the equipment on it and mount the equipment and things of that nature. But we should be able to get it into service relatively quickly. \*Motion by Huska to accept the report. Yeas All./**LAW DIRECTOR REPORT:** Law Director Graves reported the first thing I would like to do is draw your attention to the legislation tonight. We do have Council#017 which is the appropriations that the Finance Director has already briefed you on. In addition, we have 3 pieces of legislation which Council can add to the agenda tonight. Council#018 is the ordinance that I had talked about and Councilperson Huska referenced amending the zoning code to provide for the procedure to be followed when rezoning or changing the zoning code are initiated on Council's own initiative or on referral from the Planning Commission and this is a necessary first step to start to implement some of the recommendations from the Planning Commission. Council#019 is our annual recodification ordinance where Walter Drane who is the codifying company that we use automatically provides the sections to be updated to our traffic and criminal code so that our local code in is compliance with the state code. Then we have Council#020 which is quite lengthy and we have had a couple of public meetings on this and this is

replacing our current section 1353 which is the flood damage prevention ordinance. I want to thank Andrea for taking the time to prepare this particular piece, I think when you shake it all out it is about 70 pages long. It is a very good piece of legislation, it is going to require that certain new construction, replacement construction in our flood zones comply with certain criteria and will minimize the flood damage. The next thing that I wanted to talk about is the position of Videographer, the current Videographer has resigned and the question arose as to who the Videographer works for. The Charter provides that Council shall employ a clerk and shall also employ other employees as Council sees fit. The Videographer has always been paid out of the Councils line in the budget and I reviewed the ordinance that actually created the position and there is nothing specific in there. It is my opinion that the position of Videographer is an employee of Council and I think there is an individual who has been filling in on a temporary basis and should be considered for a permanent appointment to that position but that appointment would have to come from Council in the form of a motion. Also, I would ask Council to consider a brief executive session following ordinances and resolutions to discuss current litigation involving the city. \*Motion by Huska to accept the report. Yeas All. \*Motion by Huska to appoint Nick Podmanik as our Videographer. ROLL CALL TO APPROVE NICK PODMANIK AS VIDEOGRAPHER: Yeas All – Smith, Huska, Bring, Kovach, Elliott, Diebold. \*Motion by Huska to amend the agenda to include Council numbers 018, 019 and 020. ROLL CALL TO AMEND THE AGENDA TO INCLUDE COUNCIL NUMBER 018, 019 AND 020: Yeas All – Elliott, Huska, Bring, Diebold, Smith, Kovach. \*Motion by Elliott to go into a brief executive session immediately following ordinances and resolutions for the discussion of current litigation involving the city. Mayor Piskura requested that be amended to include the consideration of an appointment of an employee in the discussion. Mr. Elliott amended the motion to include the hiring of a public employee. ROLL CALL TO GO INTO A BRIEF EXECUTIVE SESSION FOLLOWING ORDINANCES AND RESOLUTIONS FOR THE DISCUSSION OF CURRENT LITIGATION INVOLVING THE CITY AND THE CONSIDERATION OF AN APPOINTMENT OF AN EMPLOYEE: Yeas All – Elliott, Diebold, Bring, Kovach, Smith, Huska.

***/CITIZENS COMMENTARY: None./UNFINISHED BUSINESS: None./***

***NEW BUSINESS:*** Mrs. Huska advised an opportunity last week to see the boat launch area and it is really gorgeous. I recommend that everyone go down and look at it. It is going to be a huge asset to the city.

***ORDINANCES AND RESOLUTIONS:***

- 1) Council#017 – 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 Huska for SUSPENSION OF RULES:

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

\*Motion by Huska for ADOPTION:

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

**Resolution Passes#15-08**

- 2) Council#018 – EMERGENCY – an ordinance amending section 1117.01 of the codified ordinance of the City of Sheffield Lake regarding procedure to amend, supplement or change zoning district boundaries, of regulations, and declaring an emergency.

\*Motion by Huska for SUSPENSION OF RULES:

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

\*Motion by Huska for ADOPTION:

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

**Ordinance Passes#16-08**

- 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.

\*Motion by Huska for SUSPENSION OF RULES:

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

\*Motion by Huska for ADOPTION:

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

**Ordinance Passes#17-08**

- 4) Council#020 – EMERGENCY – an ordinance repealing and replacing section 1353 of the codified ordinances of the City of Sheffield Lake regarding flood damage prevention, and declaring an emergency.

\*Motion by Huska for SUSPENSION OF RULES:

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

\*Motion by Huska for ADOPTION:

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

**Ordinance Passes#18-08**

\*Motion by Bring to go into a brief executive session for the discussion of current litigation involving the city and consideration of the appointment of an employee. ROLL CALL TO GO INTO AN EXECUTIVE SESSION FOR THE ABOVE NOTED REASONS: Yeas All – Bring, Smith, Kovach, Elliott, Diebold, Huska.

\*Motion by Bring to return to regular session. ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Bring, Smith, Kovach, Huska, Elliott, Diebold.

Law Director Graves advised let the record reflect that the City Council of Sheffield Lake did adjourn to executive session for the discussion of current litigation with the city attorney and also to discuss the employment of a public official.

**COUNCIL PRESIDENT: None.**

**MEETING ADJOURNED:** With no further business before this council, Motion by Smith to adjourn at 8:13 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

*Kay Fantauzzi*

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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 22, 2008.

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COUNCIL PRO TEM

*Richard Rosso*

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MAYOR

*John J Piskura*