

**MINUTES OF CITY COUNCIL WORKSESSION  
SHEFFIELD LAKE, OHIO  
January 18, 2011**

The regular meeting of the City Council Worksession was held Tuesday, January 18, 2011. Council President Podmanik called the meeting to order at 7:25PM.

**ROLL CALL OF MEMBERS:**

Present: Podmanik, Rosso, Stark, Smith, Kovach, Bring, Elliott, Huska, Service Director Smith, Law Director Graves

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

Attending: Members of the Media

**PRESENTATIONS:None.**

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

**ROADS & DRAINS:None./SAFETY:**Chairman Bring advised we took care of one of the problems but we still have several more but it sounds like we are at least going to get 3 police cars. That is a plus, something is better than nothing.

**/BUILDINGS, LANDS, VEHICLES &**

**EQUIPMENT:None./ORDINANCE:**Chairman Elliott stated real quick, as you know last Worksession I brought up the repeat nuisance ordinance. You guys gave us direction and we went in that direction, basically as Dave mentioned him being Law Director he would be able to work with the Police and figure out whether this was a nuisance that would need to be abated and he would go forth with the prosecution of the landlord. Unless there is any objection we are just going to go ahead and forward that to the next Council meeting unless anybody has something they would like to bring up. Law Director Graves advised you should have the draft that was forwarded to you tonight, it is pretty straight forward and it creates a new section of the building code and basically allows the city to cite a landlord for allowing the nuisance situation to continue to exist at a rental property. There is a list there of conduct that the city would consider to be nuisance activity, under c if a citation or an arrest has been made or if the city department has been called out 3 or more times within a 1 year period and basically given warnings in lieu of arrest – it could be determined a nuisance and subject to prosecution. Councilman Rosso asked that was what I was going to ask, if they go out and they don't find any basis for the call and they issue a warning and they don't issue a citation – that doesn't count towards 1 of 3 does it? Law Director Graves answered I think it would count but like any prosecution or issuance of a citation, there is discretion and I think that each of these cases would have to be reviewed to determine whether or not a case could be made that a nuisance activity exists. Councilman Rosso asked who keeps track of the number of calls to a residence, I mean if someone calls the Building Inspector and he goes out there – does he report back to someone, so they say okay this address has 1 now? If the Police go then now

it is 2? Law Director Graves answered if the Police are called and that is primarily what we are talking about, if the Police are called they document all their calls. If the Building Inspector goes out there, you are going to have a property maintenance violation and that would be documented as well. You would probably be getting an order for them to correct certain problems, so the department should be documenting should they be called out for a violation of this nature. Councilman Rosso asked but at some point there has to be a central point where someone is keeping tabs so when they hit 3, even if the police go out 3 times – the 3<sup>rd</sup> time that Police Officer goes out there he won't know it is the 3<sup>rd</sup> time and then at that point when the 3 do they come to you and say David we have been to this house X amount of times. How does that work? Councilman Kovach stated I have a feeling that if the boys are going down there one after another, they talk amongst themselves and say hey – I think they are going to know 3<sup>rd</sup>, 4<sup>th</sup> or 5<sup>th</sup> or 100<sup>th</sup> time. Councilman Smith stated if the Police get called out on any of these and they don't find anything does that count against them and he said yes it does and that is wrong because if you got somebody to make a complaint on somebody because their dog is barking loud that is a noise ordinance and they don't hear nothing – they don't cite them, they can't. So how can that count against them, how can those instances be counted against somebody if they don't find nothing because if I was mad at my neighbor and I knew this was in there then yea I would complain on them 3 times and then they are going to court. Law Director Graves answered I guess I was thinking of it a little differently, I was thinking 3 calls where it was a documented nuisance activity but no citation was issued – domestic disturbance or something of that nature where they basically issue a warning. There is many times where they just issue a warning without actually issuing a citation, so if that happens it is 3 times. Councilman Rosso asked so if they don't issue a warning it doesn't count as one of the three? Law Director Graves answered it shouldn't. Councilman Rosso asked but when it gets to the 3 is that something they should bring to you as the Prosecutor and say hey we have a problem here? Law Director Graves answered I think that there would have to be a discussion at some point whether or not that this would be grounds to go ahead and charge. It is under your building code too, so basically the Building Department would be issuing the citation. Councilman Smith stated I think these are just to have something on the books to go after the extreme offenders. Councilman Bring stated if you start sending out letters, at least they are going to get the idea you are not messing around – if you don't do anything about it then they know that they can continue on and nobody is going to do anything. Law Director Graves stated this type of citation is not just going to go out, it is going to be we have this documented list at this time and the Police and the Building Inspector have been out there and we have an absentee landlord that more than likely has the tools within the lease to evict and is choosing not to and thereby they are exacerbating a nuisance situation with the city and they should be held responsible. In section d – I said this would be declared a 4<sup>th</sup> degree misdemeanor and that is entirely up for discussion. A minor misdemeanor which carries no jail and maximum of \$150.00 fine

and then 4<sup>th</sup> degree misdemeanor which carries 30 days jail and \$250.00 fine. I just felt to have some teeth in this you would want to at least have a 4<sup>th</sup> degree misdemeanor but that is up for discussion and you could even create an enhance able situation where there is a 2<sup>nd</sup> offense. Councilman Smith and Elliott and Councilwoman Stark concurred they would like to see that. Councilman Bring stated I would have to say that if somebody is not around and the Police are getting called that probably that landlord has no clue what is going on and if you send him a letter saying this is what is going on and there is a possibility of a fine or charges I am sure he is going to get on the phone and contact the people and either correct the thing or if he doesn't do anything he would be pretty stupid because he is going to get in trouble himself. I think just the fact that there would be a notification and maybe that would wake him up. The other thing is if we don't do anything it could just go on forever. Service Director Smith asked would this apply to city owned properties the way it is written? Law Director Graves answered I think that there thrust of this is that the criminal activity is being conducted by tenants/occupant and maybe that needs to be clarified in this. If we had a commercial tenant that was creating these kind of problems I think that the city could consider eviction. I mean just because criminal activity is going on on city property that doesn't mean something that we had control over through a landlord/tenant relationship. Councilman Smith stated you keep saying this is for everybody, it isn't just strictly landlord/tenant – this is for any individual that owns a piece of property in the City of Sheffield Lake. Law Director Graves advised we already have ordinances that allow us to go after owner occupied property for criminal or property violations. This piece of legislation is necessary to go after not necessarily the occupant but an absentee owner. Councilman Smith stated by reading this I don't see absentee owner anywhere on here. After a brief review/discussion of proposed legislation - \*Motion by Rosso/Second by Elliott to add to next Tuesdays Council agenda. Yeas All./**FINANCE:None./PARK**

**BOARD:None.**\*\*\*\*\***ADMINISTRATIVE**\*\*\*\*\*  
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**MAYOR:None./FINANCEDIRECTOR:None./SAFETYDIRECTOR:None./SERVICE DIRECTOR:** Service Director Smith reported Shoreway Shopping Center parking lot – lights; we have had issues going on there the couple of weeks. We actually had a corrosion problem inside the ground vault and some of the spliced butt connectors that handle the big current on the 440 vault connections. That has been fixed and repaired and watched closely and now we are going to start replacing the burnt out bulbs now that we got the power back to the north set of lights and we will address all of Shoreway's lighting here over the next couple of weeks. Councilman Rosso asked I know the city is in there and we do the maintenance but each of those tenants pay so much a year for general maintenance so it is not coming out of the general fund. Service Director Smith advised that is correct, it is a bill-back. It is billed back to the individual tenants, we keep track of that; the bills and the hours and even when the city does work that bill-back actually goes back to them too. Council-

woman Stark stated in talking to some residents, they said that they had been told that there was going to be trees put up facing the storage area when that storage building went up – they were told there was going to be privacy trees put up to block their view from their houses into the storage area. Councilman Bring stated that was true and part of the original plan there was supposed to be a mound with pine trees. That original owner is now bankrupt. Councilwoman Stark stated the other complaint was lighting on Cove Beach. Service Director Smith stated I was made aware that there was some residents that are interested in having better lighting conditions on the corner of Cove Beach and Walker. I will be evaluating that and working up prices to see if there is a need and if we should go and pursue that. The pole is what is expensive. Service Director Smith advised recently over the last couple weeks I want you guys to be aware I have been fielding several questions concerning the traffic light at Lake Breeze and I have explained it to the best of my ability and I just wanted you guys to be aware that maybe there might be some people that might want Council to revisit that issue. President Podmanik stated I was under the impression that that was going to be revisited once the boat launch was in and the crosswalk and we were going to look into that after that was done. Councilman Bring advised that is \$36,000.00. Service Director Smith advised well I am only talking a few residents but it has been brought up. Councilman Rosso stated that is all part of the shopping center redevelopment. There was a brief discussion on the old system does not meet state standards and cannot be repaired. Councilman Rosso noted if you go from Root Road to Lakewood, there is a light at Abbe Road and there is a light at Dover Center - every other light between here and Lakewood has been taken down because of traffic. There are many a days that I am sitting there trying to get out wishing that light worked but everybody between us and Lakewood have taken them down except for those 2. Councilman Smith stated I think the one at Lake Breeze is more there for the caution part of it. Service Director Smith advised the city left it there flashing as a safety precaution because it is better to have a light there then no light at all. Councilman Rosso stated I don't think that we can take it down, I thought the state could tell you to take it down. Law Director Graves stated I think we could take it down, Avon Lake took theirs down in 1983. Councilman Rosso stated I think you have to ask the state and get permission to take it down. Law Director Graves stated I don't think they would object. Councilman Rosso concurred they probably wouldn't to be honest with you. Law Director Graves stated there is really no reason for that light other than just caution. You could get away with a stop sign there. Councilman Rosso stated because you will still get and I will fully attempt I am not 100% sure the person that says it is a blinking light, it is like a 4-way stop and they stop on Lake Road as a 4-way stop and wait. I think that is only a 4-way stop when the light is out – not blinking. But you will get people that stop there thinking the light is out of order, it is a 4-way stop and they stop going east and west. Councilman Elliott stated there is still not a stop sign there even with the light being out and it is not a full intersection – it is a 3-way intersection. Councilman Rosso stated if there is no power to that light, that is a 3-

way stop than instead of a 4-way. Councilman Smith stated actually just the blinking, I kind of like the idea just as safety because you got so much traffic crossing the road boats and such. Councilman Bring stated I have one thing, on the corner of Cove Beach and Lake Road on the east side when they plowed it the last time they piled all that snow up in the front and if you have a small car you can't see the traffic coming down the road. Right now it has melted a little bit so it is a little bit better but it was piled up real high. Service Director Smith stated as Kay knows the Police Department reported over this weekend that the wind turbine was making a metallic banging noise, I have been for several weeks in contact with EPS over the noise and right after I was notified this weekend I got a hold of EPS and left a message of what was going on. Actually a week and a half ago I tried to send them a video via phone with the noise on it so that they were aware of it. They did get a chance to check it out and from what I understand I got a return phone call yesterday and they just said that there is a little excessive clearance in the brake mechanism arm inside that is clanging the one side. It is not a functional error, it is not a problem but when it moves a certain way that it sways or whatever and it clangs and they believe that that is what the issue. It is fine, everything is checking out fine and they will be addressing that clanging in the very near future. Councilman Bring stated you can hear at Apple's. Service Director Smith advised they are scheduling a team to go take care of it. President Podmanik advised earlier I mentioned to you about that resident at the corner of Cove Beach and Walker about the water meter top being very low, if you can take a look at that and let us know what you can find out./**LAW DIRECTOR:** Law Director Graves advised I would like to report that the Grant Administrator Mr. Gardner came into my office today and asked that I relay that he is currently going after 4 grants/2 that relate to the construction of public restrooms at the boat launch and that project would be about \$52,000.00 so the grant would be for \$38,000.00 and another couple of grants totaling of \$110,000.00 for continued expansion of the bike trails. I would expect to have some legislation for you as soon as I get the lease agreement for the new police cars, we will get that legislation in front of Council to authorize the Mayor to enter into that agreement. We have a second reading on the garage definitions and we will have the appropriation change and then the public nuisance ordinance we talked about. Councilman Elliott asked any word on any other grants we have out, one grant would be the Police SUV? Law Director Graves advised still in the works. The Civil Service Commission will meet Thursday to certify the results of the Chief's test. Councilman Rosso asked is that the last step once they certify it? Law Director Graves answered the Civil Service will certify the results to the Mayor and then the Mayor would come to Council with a proposal and Council would confirm. The new pay ordinance should be in effect, it has been 30 days since December 14<sup>th</sup>./**COMMUNICATIONS:None./OLD** **BUSINESS:None./NEW**  
**BUSINESS:**\*Motion by Rosso/Second by Elliott for the discussion of reviewing negotiations of bargaining sessions with public employees. ROLL CALL TO GO INTO EXECUTIVE SESSION: Yeas All – Rosso, Bring, Smith, Kovach, Stark, Elliott.

**ORDINANCES FOR COUNCILS AGENDA:**

Council#002 – SECOND READING – an ordinance amending section 1111.04(35)c of the codified ordinances of Sheffield Lake regarding the definition of private garage.

Council#003 – 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.

Council#004 – FIRST READING – an ordinance establishing section 1395.24 of the codified ordinances of the City of Sheffield Lake, regarding permitting public nuisance.

**MEETING ADJOURNED:** With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 8:01 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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COUNCILPRESIDENT

*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 January 18, 2011.

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MAYOR

*John J Piskura*