

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
May 17, 2011**

The regular meeting of the City Council Worksession was held Tuesday, May 17, 2011. Council President Podmanik called the meeting to order at 7:15 PM.

ROLL CALL OF MEMBERS:

Present: Podmanik, Rosso, Stark, Kovach, Bring, Huska, Smith, Elliott (7:29 pm)
Service Director Smith, Law Director Graves
Absent: Treasurer E Hoenig, Finance Director Smith, Mayor Piskura (excused)
Attending: Members of the Media

PRESENTATIONS: None.

*******COMMITTEES*******

ROADS & DRAINS: None./SAFETY: Chairman Bring advised we had a police car go down – 720. I don't know what the status of that was but that is over on the side lot. I did mention to Tammy about the 911 line over in the police station and I think she is currently working on that. We are still having an issue when somebody calls in and someone is on the line, we cannot answer another 911 call. So she is currently looking at that to what we can get done. It is supposed to roll over but it doesn't, so when you hang up the others are gone./**BUILDINGS, LANDS, VEHICLES & EQUIPMENT: None./ORDINANCE:** Councilwoman Huska advised we had a man come to Ordinance meeting Thursday and he was supposed to be today. I will have David elaborate on the ATV ordinance that we have on the books and this man was questioning why he couldn't ride around in his yard with an ATV. Law Director Graves advised I am sure that Council recalls that in 2008 we amended section 375.04 regarding permitted operations of snowmobiles, off-highway motorcycles and all-purpose vehicles. Subsection f provides that they are only permitted on private property for the purpose of; yard work, landscaping, snowplowing or other non-recreational use. There was a lot of discussion about this and Council determined that they should only be allowed on private property for non-recreational use. This individual was questioning that and wants to be allowed to ride them recreationally and teach his granddaughter how to ride. So Ordinance thought Worksession could have discussion as to whether or not they wanted to revise that or revisit that. President Podmanik asked do we know where this gentleman lives Diana? Chairperson Huska answered you know what I didn't take his name. President Podmanik advised try and get names and information that would be pertinent to discussion. We have his name but we don't he lives. Service Director Smith stated I think it is Holl on the eastern side of Sheffield. President Podmanik stated there is only 1 house that has got enough room to ride a ATV and that is the very end of the street on the east on the south side. Service Director Smith advised I am not sure though where it is. Chairwoman Huska

stated he was supposed to be here tonight so I didn't worry about that. But has anybody changed their ideas on what we originally sit down for ordinance. President Podmanik stated originally this came about with the golf cart issue if you remember back 2008. Councilman Rosso stated I would say 98% of the properties in this city are too small to have it and I surely would not be wanting either of my neighbors tooling around in their yard on an ATV all day long. It is bad enough that they sit in their driveways and pretend they are riding their motorcycles all day long. That is all they do and I got 2 of them, they just sit in their driveways and rev them for hours. It is the most annoying thing in the world. Councilman Smith stated I am sure there is some type of ordinance on that for noise. Councilman Rosso stated it is a decimal for noise ordinance, it is so many decimals. Law Director Graves advised we did change it so that it is just unreasonable noise, it is not necessarily tied to decimals but it used to be always tied to decimals. Councilman Rosso stated I just think that unless you are probably on the north side of Lake Road, where else would there be enough property to do that. President Podmanik stated some residents have property, some residents that they could ride one. You couldn't ride one in my yard, although I wouldn't want to ride it in the yard. It is not what I have them for but I am also going to say this, I do not want to see them on the streets – none of them are actually safe for the streets. They are not designed to ride in the streets, they are designed to ride in the water/mud/rocks/woods/places you can go hunting. That is what they are originally designed for. But I got to say this telling me what I can and can't do on my own property is going to be a problem. He quipped suddenly I won't be able to barbecue on days that end in y because I will be creating a nuisance – it will smell bad or it will smell too good. We are getting a little too far here when it comes to what we can and can't tell people what they can and can't do. Common sense dictates to most – I don't have the surface area here to ride an ATV on my property. But I have a trailer and I haul them away and I spend the entire day away playing like I want to in a state forest that has trails designed for that. I don't know what size property this man has and until we find out there is really not much else we can do other than kick it around but kicking it around doesn't do anything without - the man is not here. Service Director Smith advised if my memory serves correct I believe his argument was he was training his granddaughter how to use it in the driveway, it wasn't like he was riding it around the yard. President Podmanik stated obviously somebody complained to the Police, I don't think they just drove by and saw him. But either way it says right on it most ATV's aren't to be operated by people under 16 years old. But they do manufacture ATV's for the smaller people, for little people and they are made for 10, 11 or 12 years old. They got maybe a 50cc motor that is about the same size as my weed-wacker. Chairperson Huska advised he is using his regular one to train her though. President Podmanik advised if he is training his granddaughter that is one thing, I am not going to tell him what is and isn't proper there and I don't we should either. But as far as riding, doing what you want to do on your own personal property, there I have an issue. Law Director Graves advised I think you touched on it when you said

that common sense dictates whether or not you have a yard big enough to ride them and you recognize that you don't. Unfortunately most of the laws that we have to write are for people that don't exercise common sense and would try to ride them in a yard that was too small. President Podmanik stated the other issue where someone mentioned that they are noisy – I have 5 of them and all 5 have the factory exhaust and they are just as quiet. As a matter of fact a chainsaw makes more noise. He advised in Sheffield Village on 31st - the MC doctor, you can go there and ride. They got an indoor track, the building is full of mud and hills or you can ride around outside. It is inside a chained/fenced in area, on 31st in Sheffield. Councilman Smith stated but still like you said though it is your property, I don't want nobody telling me what to do on my property. Councilman Rosso stated we pass ordinances all the time for that. Councilwoman Stark stated let's say I want to sell my house and I have got this person next door riding up and down their driveway, well I can't sell my house. So where do you draw the line of where is my property and when are you starting to infringe on my property. Service Director Smith stated we have that as an on-going issue in the legal department right now with several different residents. Councilman Smith stated those are the stuff things that we end up having to deal with more often than not. Councilman Rosso stated same topic as when we had the issue with all the cars parked on Van Dyke's property and how do you set that limit. David's point – we put these ordinances for people who don't have common sense. Councilman Smith stated the ones that abuse it. President Podmanik stated then you have to enforce it across the board, those that abuse and those that don't. Chairperson Huska stated hopefully this man will come to the Council meeting since he didn't come tonight. President Podmanik stated it is a tough issue and I would implore everyone to read and see what it says, actually says – those of you that voted on it should remember it and think about it and Tuesday night you may want to state an opinion. No action was taken./**FINANCE: None./PARK BOARD: None.**

*****ADMINISTRATIVE*****

MAYOR: None./FINANCE DIRECTOR: None./SAFETY DIRECTOR: None./SERVICE DIRECTOR: Service Director Smith advised I have a few things. We are in the process of cleaning the storm sewers, pipes, catch basins in troubled areas along with jetting and this has got to do with stormwater. The Sewer Department is also doing the same with isolated cases and continual examination of manholes, trough lines and sanitary sewers. Pot hole patching has become but we have been limited by the rain because you can't use the hot mix when a hole is full of water. So what we are doing is jetting and doing certain little things and different things in between. We started mowing the municipal properties, this time we are doing it from the certain of the town outward. Next time we will maybe do another one center out and then we will switch it up and move from outward in so it is not always the same people having the longest grass as the weather dictates. We do have an eye on a dump truck and have been in contact with the Mayor on it and we are currently looking at a 2007 F350/4-wheel drive dump. Pride Day is coming up on Saturday May 21st, we

will have dumpsters on hand at the Service Department and we will have volunteers to help unload hopefully. A reminder that paints must be dried and won't be accepted unless they are dry. We will allow used motor oil, scrap tires but no commercial businesses bringing in tires. If the seniors need assistance for stuff that they can't get down here, we will try to accommodate them by sending some people out to pick the stuff up. All they have to do is call 949-6259 and we will try to verify that and then pick it up. No hazardous or flammable materials, no propane tanks or untagged refrigeration units; such as freezers, refrigerators or air conditioners that are not drained of Freon and tagged by a licensed Freon re-claimer. I found out today that Columbia Gas, they started this replacement of risers back in late summer due to their upgrades and the process that they employed is that they would leave a hanger on your door and you are to call them and schedule an appointment when for you to be home because they have to actually shut your gas off and then after they replace the riser then they turn your gas on. Well they have decided that that is no longer feasible and what they are going to do as of today from what I found out, they will just show up at a house, shut the gas off, change the riser and they will tag the door and tell the resident to call in the afternoon or evening to get their gas turned on. I checked with the Mayor today, he kind of thinks that that is not the correct thing to do and I don't think that is the correct thing to do and I have put in several calls to Ray Frank at Columbia Gas but he has not returned my phone calls but they are continuing to do this and the reason they say is that this is just their way – they are just changing policy again of which they seem to do. If you remember right it took them 7 weeks to turn the gas back on the bowling alley but it took 1 day to shut it off. They would not accommodate us at that time either. I think that the Columbia Gas seems to have a one street here with the city and this is not going to make the residents happy, when they come home and find out that their hot water is cold or the furnace is off or whatever and no one told them that they were even at the house or on the premises. I wanted to bring that to everyone's attention and let you know what is going on and I am working on it. Hopefully tomorrow I will make contact with Ray Frank and we will be able to discuss it further and at that time I will bring it up and make sure that everyone knows what is going on. If you have any suggestions or at least some insight on what the residents or your constituent's are going to think about that, I would like to hear that. President Podmanik stated my constituent's won't be happy if they come home and the water is cold, that is exactly right. Councilman Kovach asked you have no idea how far along they are in that process? Service Director Smith answered no. Councilman Kovach stated you would think that they would be pretty close to done. Service Director Smith shared how it happened was I went home for lunch today to let the dog out and they pulled in right behind me and jumped out and started walking over. I said to them what are you guys doing and they weren't very nice about it either – they said we are shutting the gas off and changing the riser. I told them I thought I was supposed to schedule it and pulled the thing from the truck and showed it to them and said you just hung this on my door Friday for me to call and make an

appointment. They told me, “well that is just the way it is – too bad”, rules of Columbia Gas. I told them to get off my property. Whether or not I have a right to or not – that is what I told them. This is what their defense is and I did talk to the guy at Infra-source who said we are keeping somebody running around the town until about 9 o’clock, usually it is only taking 15 minutes. I told them what if you go to a house and you get it done at 9 o’clock and the water tank is cold when they come home to take a shower. That is the whole purpose of scheduling it. Councilman Bring stated that is just totally wrong. Councilman Smith stated sounds like you better talk to Mr. Frank. Service Director Smith stated I would love to tell Mr. Frank that City Council agrees with me. Council concurred. Service Director Smith explained when it happened to me then I found out they are doing this all across the city, I immediately found that out and then I even had some people over in the Service Department explain yes they did it to me last week. Never said nothing, I went home and there is a note; call this number to get your gas turned back on. President Podmanik asked are they going to race right out and turn it on or do you have to wait or schedule them to turn it on? Service Director Smith answered they are saying 15 minutes to 45 minutes, if you call before and this is what I didn’t understand if you call before 4:30 or after 6 they have someone there until 9. I didn’t understand what that was all about. Councilwoman Stark asked with all the rain we are getting, any major complaints with the water issue; flooding. Service Director Smith answered we have some isolated issues, we are making progress. There is a two-fold process going on here, the Sewer Department is checking isolated manholes and we are looking inflow and infiltration. We just found another 12-inch storm drain over off of Ferndale, south of Irving Park in a backyard that is tied into something – we don’t know. It is a 12-inch stand-up that the city did not put in and it is about a foot and a half away from sanitary sewer that runs between the houses all the way east and west. So we kind of think that process there is compromised but we are in the process of dying that. So that is something new for this week, actually Thursday I believe is when we stumbled on this. At the same time I have other issues which are the road flooding, the yard flooding, intersections flooding, pipes not draining and that is what the Road Department and the Stormwater employee are jetting. They are jetting those areas and ripping up sections of pipe and replacing them and doing that. So there is two different things going on here at the same time but we are making progress. To give you a real quick example Forestlawn from Lake Breeze west all the way to the school has now been jetted and the intersection fixed. We had Roberts intersection and Howell intersections screwed up and that is what we have been working on. Replace a section, dug up the one intersection and cleaned it out and put a drain in there and we jetted the other side completely – that is just this week. Councilman Bring asked are we having some issues with signs at parks. Service Director Smith answered yes that is something that I heard about this morning; we have had like 3 stop signs stolen and 2 street signs stolen – poles and all. Councilman Bring stated if it is a stop sign and somebody runs through it and gets in an accident. Service Director Smith answered

Pat has got them and replacing them as quick as we can. Councilman Bring stated we need to find out who is doing this? Service Director Smith stated I am all for it, I had the Police there when we were discussing it. Councilman Bring stated this just happened out in the country, somebody ran through and almost killed a guy. Councilman Rosso stated that has got to be a top priority, the minute you find out a stop sign is laid down – somebody has got to get out there and replace it, not – I will get to it in a couple of days. Service Director Smith stated no one said it was being laid down, this is something new – this is something that just happened, according to what I heard this morning. Councilman Rosso stated I am not saying you are not doing this but if someone calls and says stop sign is missing where it is supposed to be – if it is after hours then somebody has got to come in to replace it. Service Director Smith stated it is just like Fragassi's over there on Woodruff – as soon as I was notified that there was a sign down, we replaced it. Councilman Rosso stated I am not saying that you are not doing that, I am just saying it must be top priority. Councilman Bring stated there was a gentleman that received a letter because he had some refuge I guess in his yard and it stated that he was going to be fined but apparently this gentleman has had seven heart-attacks and he is trying to get to it and he just recently got out of the hospital. I think he got his letter yesterday or the day before but he is supposed to call you just to let you know about that so that you would be aware. It wasn't that big of issue but he was worried about it, he didn't want to get fined. Councilman Kovach asked is that maybe one of the houses that we want to put on Saturdays list? Councilman Bring stated that might be something, I will ask about that. They said that they would clean it up but this guy is in bad shape. Service Director Smith stated I would like to add one more thing. I think it is imperative that Council decide or at least open up discussions internally with themselves on road standards. Rick – you touched on it at that last meeting that we were at. Some type of guidance on a road standard, if that is something that you guys want to address or do you want to continue as it has been done the last several years. I just wanted to bring that up; whether it is grind out/2-inch overlay or whether it is chip and seal or you have any type of possible modifications in mind. I am getting a lot of calls from a lot of residents and not just about the pot holes, it is more about the deterioration of the road because it just seems with all this water – this chip and seal did not hold up, it is just coming apart. President Podmanik asked we have a street sweeper Len? Service Director Smith answered yes sir. President Podmanik asked how often do we run that and what roads do we run it on? Service Director Smith answered we do that regularly and we stock pile our grindings over here, we have to pay to get rid of them. It was out yesterday, we did a lot of the curb streets on the east side of the city. Councilman Rosso asked you only do curb streets don't you? Service Director Smith answered yes but we can do lots too, it is not a vacuum sweeper, it is a swirl sweeper. President Podmanik advised I got a voice mail message yesterday morning about a resident following the street sweeper and a lot of debris coming out from underneath it. Service Director Smith advised that is because the bucket got full and when the bucket gets full he has to high-tail it back

here, dump it and then rinse it. We talked about possibly putting a temporary holding area up behind Shoreway but the problem is it smells and it would not be conducive to good business practice there. So it is worth Ed to drive back here but what happens once it starts spitting it out that means it is full. We try to do it on days when it is raining and the roads are wet because it just helps the whole process. We invested in a new set of brushes and getting that street sweeper up to snuff so that it works a lot better. President Podmanik asked how long have we had this sweeper? Service Director Smith answered I believe 3 years. Councilman Bring advised longer than that, we had 2 of them. Law Director Graves advised I thought that Bill had originally gotten 2 and neither one of them worked and between the 2 they were going to make that worked. Councilman Rosso stated I got a call from a gentleman, Richard Fortney on East Drive complaining on South Street. I have heard from several people about how bad South Street is and I am going with once it quits raining, dries out – you can at least get some hot patch down there to make it passable. Service Director Smith reviewed road repair map which he had submitted to Roads and Drains, he pointed out the yellow highlighted streets which are the ones that are really the worst and that is the ones that they will be doing first – South Street is on that list of worst which will be one of the first. Service Director Smith advised we got holes down there that are full of water, I mean I bottomed out down by East Drive – it is a pretty big one. We did a resident on Idlewood who filled in his own and now we have to vac that out with the sewer vac before we can patch it. So that is how I am addressing this, I am having the worst streets done first/the ones that are almost impassable and it seems to be working out. Councilman Rosso advised I told him I would share his message with you this evening./**LAW DIRECTOR:** Law Director Graves advised I would ask that Council consider adding Council#031 to Tuesdays agenda, this is accepting the donation of two PED bags to the Fire Department which is another donation from St John West Shore Hospital./**COMMUNICATIONS:** **None.**/**OLD BUSINESS:** **None.**/**NEW BUSINESS:** *Motion by Rosso/Second by Huska to add Council#031 to next Tuesdays Council agenda. Yeas All.

ORDINANCES FOR COUNCILS AGENDA:

Council#030 – 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#031 – EMERGENCY – a resolution authorizing the City of Sheffield Lake to accept and approve the donation of two PED bags to the Sheffield Lake Fire Department, and the declaring of an emergency.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Elliott to adjourn at 7:50 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/COMMITTEES

Kay Fantauzzi

COUNCIL PRESIDENT

Edward R Podmanik

and/or

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 May 17, 2011.

MAYOR

John J Piskura