

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

The regular meeting of the City Council was held Tuesday, July 12, 2011. Council President Podmanik called the meeting to order at 7:01 PM.

THE INVOCATION WAS GIVEN BY: *Council Chaplin, Kay Fantauzzi*, who then led in the Pledge of Allegiance.

*******ROLL CALL OF MEMBERS*******

Present: Podmanik, Huska, Stark, Bring, Kovach, Smith, Mayor Piskura,
Treasurer E Hoenig, Finance Director Smith, Law Director Graves,
Service Director Smith, Engineer Skellenger

Absent: Rosso, Elliott, Treasurer E Hoenig, (excused)

Attending: Concerned Citizens, Members of the Media

*Motion by Bring/Second by Smith to accept the minutes of the Council meeting for June 28, 2011 with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

Monthly report of court receipts for month of June 2011 - \$5543.85. Receive and file.

PRESENTATIONS: None.

***Motion by Smith/Second by Stark to amend tonights agenda to move NEW BUSINESS AND ORDINANCES AND RESOLUTIONS TO THIS POINT IN THE MEETING PRIOR TO CITY COUNCIL REPORT. ROLL CALL TO AMEND THE AGENDA: Yeas All – Smith, Stark, Bring, Kovach, Huska.**

NEW BUSINESS: *Motion by Smith/Second by Stark to add Council#038 to tonight's agenda. ROLL CALL TO AMEND THE AGEND: Yeas All – Smith, Bring, Stark, Kovach, Huska.

ORDINANCES/RESOLUTIONS:

Council#034 – SECOND READING – an ordinance authorizing the Mayor to enter into an agreement with Middletown Ford and/or Accord Financial Group for the purchase of a Fire Department utility truck and the declaring of an emergency.

Council#035 – SECOND READING – an ordinance amending section 1345.08 of the codified ordinances of the City of Sheffield Lake regarding occupancy permit inspections for single-family rental units and multi-family residential buildings having two or more residential units.

Council#036 – SECOND READING – an ordinance amending section 161.02 of the codified ordinances of the City of Sheffield Lake regarding expiration of variance upon failure to apply for building permit.

Council#037 – SECOND READING – 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#038 – EMERGENCY – an resolution adopting the tentative budget for the City of Sheffield Lake, Ohio for the fiscal year beginning January 1, 2012 and submitting the same tax budget to the Auditor of Lorain County, Secretary for the Lorain County Budget Commission and the declaring of an emergency.

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

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

*Motion by Huska/Second by Stark for ADOPTION:

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

Resolution Passes#34-11

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

Roads, Drains, Water, Sewer, and Refuse: Chairman Bring reviewed the minutes of the July 11, 2011 meeting. *Motion by Bring/Second by Huska to approve and send to the county the list of unpaid water bills for tax duplicate. Yeas All. *Motion by Bring/Second by Huska to approve the sewer credit for \$1,387.68 for 821 Lafayette. Yeas All. *Motion by Bring/Second by Huska to approve the sewer credit for \$120.54 for 755 Idlewood. Yeas All. *Motion by Bring/Second by Huska to approve the sewer credit for \$102.90 for 933 West Drive. Yeas All. *Motion by Huska/Second by Kovach to accept the report. Yeas All./***Safety:*** Chairman Bring reviewed the minutes of the July 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 July 7, 2011 meeting. *Motion by Huska/Second by Bring to accept the report. Yeas All./***Ordinance:*** Chairperson Huska reviewed the minutes of the July 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: Mayor Piskura reported I wanted to make you aware of putting out a request for qualifications out potentially to engage a broker for the sale or lease of all or part of the shopping center. Once I get them in we can have a discussion about it but at this point I just want to talk to a few people. *Motion by Huska/Second by Bring to accept the report. Yeas All./***FINANCE DIRECTOR REPORT: None./TREASURER REPORT: None./SAFETY DIRECTOR:***

None./SERVICE DIRECTOR: Service Director Smith reported I have a few things, we got probably 99% of all the holes patched up at Shoreway at the shopping center. The weather was finally co-operative and next week we will be moving on – we still have a couple more streets and some trouble areas that we are going to finish up on and we are looking to be done by the end of next week. We are continuing to correct drainage issues throughout the city such as clogged pipes and ditches. We have an on-going list and that list is modified almost on a daily basis and during the last 3 weeks the majority of the work besides the Shoreway work has been jetting pipes and patching holes due to the weather and the delays that the rain had caused. Right after Community Days – the following week, the Howell to Tennyson pipe will be started and if all goes well and weather prevailing that should only take a few days. I have also requested a letter from Lorain Utilities Director regarding 2 private lines per our contract with Lorain and the sewer – just to get a consensus on that they are existing lines and if we re-route them that it is just maintenance for re-routing them to another manhole. It is a little formality that we have to go through and that is not complete yet. After we do the Howell to Tennyson pipe we are also going to be trying to and it might tarry into late August or early September but I wanted you to be aware. We are going to try to start cleaning and grading some old ditches and we are going to start on the end of Lafayette going westerly to the catch basin – what would be the old Hawthorne/Tennyson area ditches and then eventually I would like to continue that process through to Abbe Road. It is something that has not done in a very, very long time and upon inspection of it there is a lot of drainage issues that will be addressed there. We are on-going with the pump stations; equipment upgrades and maintenance items that need to be addressed and that process is on-going. *Motion by Huska/Second by Bring to accept the report. Yeas All./**ENGINEER:**

None./LAW DIRECTORS REPORT: Law Director Graves reported the Safety Committee is going to be looking at; as all of you should be aware the Ohio Revised Code precludes any registered sex offender from establishing a residence within a thousand feet of a school. A couple of years ago the City of Sheffield Lake passed a local ordinance making it even more restrictive and said that any repeat sexual offender or child/victim sexual offender would be prohibited from establishing a residence within a thousand feet of a school, city park or the library. I have been made aware that the definition of child/victim offense has a very specific meaning and that is that it only pertains to crimes such as; abduction, kidnapping and the like. It does mean any child/victim of a sexual offense, so I don't think that as the ordinance currently sits it is in accordance with the intent of Council in passing it. I brought this to Safety Committee's attention just to inquire as to whether they want to revisit the ordinance to potentially clarify the intent and I think that we are going to continue that discussion at Worksession next time. So that is the issue there. I would also reiterate the pitch that I gave at Safety that

currently we have on our Civil Service Commission; we are down to 2 members and 1 of those remaining 2 members is dealing with some serious health issues and they have not been able to meet very regularly. We need an appointment to the Civil Service Commission if they are going to have a regular meeting, so if anybody is interested or if anybody knows of anybody that might be interested in serving on Civil Service Commission I would encourage them to send their credentials to the Mayor. I would also at this time ask for an executive session tonight following unfinished business for the consideration of the sale or lease of property at competitive bidding being the premature disclosure of information might give an unfair competitive bargaining advantage to another person or entity whose interest might be adverse to the general public. *Motion by Huska/Second by Bring to accept the report. Yeas All.

CITIZENS COMMENTARY:

Bob Ebenschweller, 362 Cove Beach stated I want to talk a little bit about the lower end of Abbe Road corridor and the condition that it is becoming, it is getting worse and worse. The former Abbe Road Lumber has got weeds that are 6-foot high pretty much hiding anything that they inside there. They came before the Zoning Board a year or so ago and asked for a variance to allow them to have retail sales in the building and the idea was it was going to be a resale shop or something and we went ahead and granted that. However that never happened and instead we had some ratty looking rags put up there saying storage and advertising sign which has since been blown to pieces listing storage facilities for campers and cars and what-not. I understand that we are going through over there, now I have tried to make some sense of it on Nabakowski's website; the appeals – the last one the first of this month, another sort of an appeal. I don't have a lot of information other than what it is on that and it is just a general thing but there are several financial institutions circling around over that property right now. We don't know who is responsible for taking care of it, I was told several months ago well this guy over there who is renting the place to keep the stuff – he is going to maintain it, well who is this guy – is he a Sheffield Lake resident, I don't know. So this mysterious guy evidently isn't doing the job over there and I would like to know exactly, can you help us in this Mr. Law Director – someday, somehow; either tell us what we can or what we can't do in this situation. We are being slapped around. Law Director Graves answered I can certainly look into where they are in the legal processes. I am not entirely familiar with what is going on over there, I know that there may be a bankruptcy filing which would stay and I know that there is probably a lot of creditors. Mr. Ebenschweller stated there is also an appeal to the 9th district on one particular case and then one Abbe Road Lumber is listed as a plaintiff and the defendant and I can't figure that out, it is beyond me. Mr. Ebenschweller stated I would like to see what we could do about that, the other issue is just 2 doors down. Unfortunately Carl Nay had some serious medical

conditions, they pretty much to divest themselves of all their property and the property is now owned by a relative who has rented the property to USA1 Auto, a man out of Avon Lake. He has got all sorts of things spilled out into the street; dollies for towing cars, temporary signs in the treelawn – in spite of violations where signs have to be 5-feet from every right of way, deposit or maintain any merchandise, goods or materials on the sidewalk . He has got the sidewalk blocked with stuff. All parking spaces, drives, approaches and isles must be hard surfaced and he has got it parked on the grass – all around that place, it is just packed with vehicles. I understand from the Building Inspector that the Fire Department had an issue with him about clearing – they got to be 15-feet away from the building or something like that. I don't know how that worked out, it doesn't look like anything has been moved. It is another case of an out-a-towner coming into our city pretty much thinking maybe they can get away with anything in this city because we are just saps and they got that area looking like a slum now. I would like to see if there is anything we can do, other then – it can't be verbal, the guy can always say well I never heard about it. I would like to see anytime a warning is issued, it would be in writing and there would be a time limit given on that so we can really follow through on these things. If that guy can't comply he is just going to have to find a new place to go, take your stuff to Avon Lake. I had an issue again with my neighbors on the next street playing loud music in a metal building with the door open. I went over there and I addressed it personally with a woman who said she was the wife of one of the members and I told her that I wasn't going to put up with it for another year. I am sitting in my backyard enjoying the fruits of my labor on a quiet Friday evening and then having to listen to that cat-a-walling and squawking from there. I followed it up by talking to Officer Reiber and he was very courteous about it and he said if there is any kind of problem at all, just give us a call. The last 2 weeks – while they are still playing, it has been fairly quiet so they turned the amps down as I requested. I would really like to see us get something, I know what we did with the shopping center – we claimed it was in disrepair and everything and we had to go-go. If this isn't a perfect example of when people come into our city the first thing that they see – I noticed that we got a trailer and I know that it was addressed and I know the issues about manufactured homes but also the issue was brought up about once if this continues for any reason – our zoning, we have zoning issues in this city. On a 1500 foot of a house – that was a good issue to bring up but evidently – have we backed off on that? On following through on whether we can enforce a 1500 foot area of a house? Law Director Graves answered yes we can, 1500 square feet is the minimum new construction. That was a non-conforming home that you are allowed on the same foot print, it hasn't been discontinued. Mr. Ebenschweller stated I don't think it is the same footprint, I think the other one was further back to tell you the truth. Law Director Graves advised you can address zoning with

manufactured homes and we just can't address building code. Mr. Ebenschweller stated so if a house is built lesser then what our zoning now requires, can it legally be occupied. I understand there is a temporary occupancy permit, I was told by the Building Inspector. Law Director Graves answered no unless it is a non-conforming use meaning that it is smaller than 1500 square and it is being reconstructed and pre-dates the zoning code. Mr. Ebenschweller stated I will have to read that again but I thought I read that once it is discontinued – like if it is destroyed or whatever like that then you can't go back and do the same thing you had – that you have to upgrade to the newest zoning. I am not talking about construction or the type of building but just the zoning issue. Law Director Graves answered no that is not correct. Mr. Ebenschweller stated alright I would like to see something happen with those 2 issues on Abbe Road. Service Director Smith answered citations are issued, they either correct the issues or do something else. We follow through with what avenues of the law that we have. Unfortunately Bob it is not to your standard, it is to my standard and it is not to some of the surrounding residents but we feel your concern and share it. Mr. Ebenschweller stated the business especially – if they are complying with our ordinances, I have the photographic evidence right here. Service Director Smith stated I have a file this thick with photograph's and you are more than welcome to look at it too. **Debra Belaska, 4014 East Lake** stated Mayor, last month we had a Planning Commission meeting but we had 5 people missing in action and a wonderful woman that Mr. Kovach recommended and I would hope that you would appoint her so that we can have a quorum because I think the Planning Commission is a very vital role in the City of Sheffield Lake and I would appreciate it. Now that we didn't have that meeting and the modular homes that we are sitting on for 90 days, since we didn't have a meeting last month so does that mean that we are on it for another 60 days of discussion or do we gain that 30 more days on that? Law Director Graves answered I will be happy to talk with you on this after the meeting, I have to look at all the details.

/UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by Bring/Second by Huska to go into an executive session for the consideration of the sale or lease of public property. **ROLL CALL TO GO INTO AN EXECUTIVE SESSION:** Yeas All – Bring, Smith, Kovach, Huska.

*Motion by Bring/Second by Huska to return to regular session: Yeas All – Huska, Bring, Smith, Kovach.

Law Director Graves explained let the record reflect that the City Council of Sheffield Lake did adjourn to executive session to consider the sale and/or lease of public property competitive bidding, finding the premature disclosure of the information given unfair bargaining advantage to any person whose personal private interest is adverse to the general public interest.

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 8:16 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 July 12, 2011.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura