

**Minutes of the City Council**  
Sheffield Lake, Ohio  
July 26, 2011

The regular meeting of the City Council was held Tuesday, July 26, 2011. Council President Podmanik called the meeting to order at 7:05 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, Elliott, Treasurer E Hoenig, Finance Director Smith, Service Director Smith

Absent: Rosso, Mayor Piskura, Law Director Graves (excused)

Attending: Concerned Citizens, Members of the Media

\*Motion by Bring/Second by Stark to accept the minutes of the July 12, 2011 Public Hearing; 2012 Tax Budget with any corrections. Yeas All.

\*Motion by Bring/Second by Kovach to accept the minutes of the July 12, 2011 Council meeting with any corrections. Yeas All.

\*Motion by Bring/Second by Stark to accept the minutes of the July 19, 2011 Council Worksession with any corrections. Yeas All.

**CORRESPONDENCE/COMMUNICATIONS: None.**

**PRESENTATIONS: None.**

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

*Roads, Drains, Water, Sewer, and Refuse: None./Safety: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Claims:* Chairman Elliott reviewed the minutes of the July 19, 2011 meeting. \*Motion by Huska/Second by Bring to accept the report. Yeas All.*/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:**

**None./TREASURER REPORT:** report attached – receive and file.**/SAFETY**

**DIRECTOR: None./SERVICE DIRECTOR:** Service Director Smith reported on Saturday, July 23, 2011 in the early mornings of the am we had another heavy rain event. This rain caused basement floodings, lots, ditches and some roadway floodings on the nature that I would rate the amount of flooding to be slightly under the February 28<sup>th</sup> rain event. Although I didn't get the community damage

in, I didn't have that type of report. I had people with water in their basements but not near that amount. But as far as the load that was placed on the pump stations, it was excessive and towards the end of the rain event somewhere approximately 4 we had a lightning strike went sent power surges through the wires and caused some related emergency electrical work to be done at pump station#1. We are 100% and everything is back on line, there was several parts we had to order because no one stocked the stuff that was caused from voltage surges. It was a big rain event. Besides that I really have nothing else to report except we are moving along with all the processes that was discussed in committee such as Shoreway parking lot and the road issues. I am currently waiting on just a few more price quotes and I should have that completed this week to move forward with the road section stuff. President Podmanik asked at Lake Road/between Robinwood and Oakwood – quite a bit of flooding in that area, the parking lot there – is that due to the rain event or do we have a blockage there? Service Director Smith answered we have private parking lot drains that are tied into there from that building and also on the adjacent property on the corner there are 2 catch basins in the middle there. The problem is that the drainage has to go to the private area first, we have unclogged a small drain on several times that goes to the Lake Road storm. We have been currently been discussing re-routing some type of trench or French drain through the back to the Robinwood/Hawthorne ditch. We have enough elevation over there that we think we can do that and that is something that we put on our project list. President Podmanik asked you are fully aware of that issue? Service Director Smith advised absolutely and we have jetted it 3 or 4 different times and the problem is the last 4 rain events have all been in excess of 1-inch of rain. When I say 1-inch I mean in a short period of time, I believe Saturday nights was 2-inches of rain in 45 minutes. This is uncalled for considering our normal rain fall on a rain storm could be maybe a 1/2 an inch or a quarter of an inch but here we are getting 2-inches in 45 minutes. It causes excessive amount of water, water pools in all the low-lying areas and the drains and the storms just can't get rid of it. So you have to wait approximately 6 hours before everything goes down. That same affect was all along Lake Road at 3:30 on Saturday and it covered Robinwood all the way through to Mac's on Lake Road which was one giant flooding area. It wasn't separated by the Schunenman building, it was complete. Likewise Lake Road down through Speedway where the drains were all working, same thing. It continued on the south side of Lake Road all the way down towards West Drive. President Podmanik stated it wasn't as noticeable anywhere but that problem with the Oakwood area. Everywhere else that I traveled on Lake Road looked pretty good which means we must be making progress. Service Director Smith stated the Howell to Tennyson piping that we have going in now, we had the same issue there. You know where it is taking 8 hours for it just to go down a little even though we jet or do what we do. That is why we are replacing that stuff there,

the piping. Unknown resident stated that is my building that I rent and your city did come out there and they didn't just do one or two of the catch basins – they did the whole thing and I am not sure but I think there is more to it than just. There should be so much in there over the years that you can't get it cleaned out. Service Director Smith explained there is a drainage ditch on Hawthorne that is very deep and it goes to a storm sewer over between West Shore and Oakwood tied in on the south side. There is no reason that we can't clean that and dig that out to handle that water, the elevation of Robinwood there where the old vacuum cleaner store is – the elevation there is still enough that we could water to move there. We are just going to have to re-do what is done. Resident stated the last time I couldn't even get to my building I couldn't get to the back garage doors. I really think that there is so much junk down there because your guys were there for hours cleaning and cleaning and cleaning. President Podmanik stated drainage is a never ending battle in this city and they have done quite a good job that is why I was quite surprised to see that area was quite a lake. But if you are aware of it than you are working on the problem. \*Motion by Huska/Second by Stark to accept the report. Yeas All./**ENGINEER: None./LAW DIRECTORS REPORT:** President Podmanik reviewed legislation to be addressed.

**CITIZENS COMMENTARY:**

**Bev Codner, 4131 Belle** stated I am sure that some of you have already heard part of the problem and I had a lot more that I had to get together to explain what is going on here. There has been some lies and I talked with Eric about this, there is a house next door to me that is leased out or rented out to people that are in section 8 and the Building Inspector was having problems with him with the roof and all that and of course there was other issues with the house. She has a pool up there that was – the pump was plugged in through an extension cord through the window which is not appropriate and what not. So then the issue came that I have a pool and that pool has been put up every year for 15 years, my son comes out every spring and helps me and it has been in the same spot. I go to your Water Department every year and I tell them for my water credit and the whole nine yards. Your Building Inspector walked over and he said you have got to take your pool down and I go "what for"? He told me that it is illegal and I go you guys know it is here, I have reported it every year and he said it is coming down and I said why and he said you are too close to the fence and that I am 2-foot off and I didn't know it and he also said you have to have a permit and I said when did this start and he goes about 10 or 15 years ago and I go nobody has ever said beans to me. He was totally negative, yea I was upset, I was pissed off you know I put a lot of time cleaning. The most I have ever got in this city and I have been here 40 years is a parking ticket. I went to Eric and I said Eric what is going on here and he said that your Building Inspector that I had no fence around my yard and he told Len Smith and that is the reason that I am not here – Len Smith said he was going

to call me Monday and he didn't, so I don't know where I am at with this. So Len Smith says yes he told that you don't a fence around your yard. I go wait a minute I have had a fence around my yard since I bought the house. Len went out there and he goes you sure do. Campana came out years ago and put in the correct electrical, the only thing I am missing is the gate because you know my children are grown and didn't even think twice about it so I bought a new gate and it was delivered on Sunday. Well it wasn't bought, it was given to me for free because he knew what was going on because of my finances, I couldn't afford to have one installed by a professional. When I told your Building Inspector that I had talked to Eric about this and you lied to him about me not having a fence he goes who is Eric Elliott and I said don't you work for the city. President Podmanik stated the Building Inspector might not know all the members of Council, he would know all the key people. Ms. Codner continued I understand that, okay you have to understand I wrote a lot of this down. So just for the heck of it I went down my street, you know where the house burned where the man crashed into it – turn the corner and look at the pool sitting there – it is bigger than mine; no fence, no gate, no nothing. They are fine they haven't heard from the city. There is another one down the street and I am not going to give you the address because I don't want to cause headaches in my neighborhood. I asked him now this is a guy and I feel I am being singled out by this Building Inspector because he told the lady next door well I am doing this because she got pissed off so I might as well whatever. I asked him I said your pool is only a foot away from the fence and he goes yes that's right and he has a bigger pool than mine, I said the Building Inspector ever come over here and say anything to you and he said well he was here a few weeks ago and I said why and he goes because he was helping me find the water line because we are going to put up a new fence. Did he say anything about your pool and he answered no. Now your Building Inspector said I told him when he first approached me about it I said look I will put up the gate, I will get the permit and the next year I will make sure it is 2-foot over. Nope if I let you slide I got to let everybody else slide. He has let other people slide all along, nothing was ever said to them. There is pools everywhere, I wrote down some of the addresses – there is pools built right on the property lines, there is decks and everything. Why me because of a 2-foot error that I didn't even know about and I asked I said Len I said when you come I mean as a courtesy to the citizens of this city if there was such as thing and I said I don't even get the newspaper because he said it was in the paper I haven't bought the newspaper in probably 7 years – when I say I am here for my pool credit, can't they say do you have a pool permit you know you are supposed to have one and I was told that that is not their job. Don't you guys work as a team, isn't this a city. The thing is this is a team effort I mean we all work together as a city and why should this be over a 2-foot error. I mean if I had known about it do you think I wouldn't have moved it over, I mean everything else is there come on. President Podmanik

asked you are talking about a permanent free standing steel walled pool or one of these blue blow up? Ms. Codner answered blue blow up. Service Director Smith advised first of all the Water Department employees as I told Mrs. Codner are not Building Department employees and it is not the responsibility of the Water Department to run checks on the Building Department and if she is unhappy with that I am sorry but that is the way it is. Number two we went before Council and asked for clarification last week on this exact issue and it was reaffirmed by Council that they wanted strict enforcement of this pool ordinance. Mrs. Codner stated but you did say that day that I didn't have a fence. Service Director Smith stated please let me speak Mrs. Codner, I am on your side. The reason that I didn't get back with you is because I told you I would get back with you once I had a conversation with the Building Inspector and I am not done with that conversation and I don't operate on your time limit, I operate on mine and I am sorry if you take offense to that but there is a lot more going on than your pool in this city. My conversations with him today after normal working hours was specific about your pool so I am taking personal time and not forgetting it and I am dealing with it. I am still not done on how I want to interpret what I have to interpret, the bottom line is Council said they want strict enforcement of the ordinance as written in its original context of how they want it enforced and it is at the point that it is the job of the Building Department to enforce that. As you and I had talked we are talking several weeks and I had told you what we had ran into last year as an issue where we had somebody who was willing to take the citation but have it corrected because of the length of the season would allow them to be cited but they would have the situation resolved and the temporary pool would be down before it ever got to the court issue because of the time frames that we have to do certain things. Than next year, your situation when you put the pool up you would have the opportunity to move the pool within the correct parameters and get a permit and be well within the law. Mrs. Codner stated didn't you say that you were going to call me yesterday? Service Director Smith answered I did say that I would get a hold of you. Mrs. Codner stated I didn't know where I was at. Service Director Smith stated I am sorry about that but I did not have the opportunity to talk to the Building Inspector because we did have flooding issues, we had a major pump station failure and that preoccupied my time, I wish I had more of me to go around but there is only so much within 24 hours. Mrs. Codner stated I understand that but the thing is I am sure that there is nobody in here that wouldn't say oh my god for 2-feet. Service Director Smith stated that is why unfortunately that is why we went to Council to find out what the intent was when the law was passed because if it warranted a different interpretation or it being changed than at that point Council would have said it is going to be changed. 2-foot, 4-foot or 5-foot if it is out of the code than it is out of the code. I can't override the Building Inspector and say hey ignore this just for this lady. I can't do that and that is why I am working within the

time limits. President Podmanik asked what is the violation? Service Director Smith answered she has a fence around ¾ of her yard but she doesn't have a gate at her driveway. President Podmanik stated she says she has got that done. Service Director Smith stated when this issue was first brought to my attention.

Councilman Smith advised 6-foot from the property line I think is what the ordinance says and has been like for 20 some years or whenever the ordinance was passed. Mrs. Codner stated you didn't have to have a pool permit, that is what I am saying. Councilman Smith stated the reason when you drive around the city and you see pools that don't have fences, that was pre-ordinance so those pools have had permits and have been up prior to when that ordinance was passed so they are exempt from that. So from the day the ordinance passed if you didn't have a pool permit than you have to go through the process but if you applied for one prior than you are exempt from that. That is where the checking comes in because if you don't have one on file. Mrs. Codner stated this pool has been going up for 15 years. Councilman Smith advised it is not a permanent pool though but the 6-feet is what it is. Mrs. Codner stated like I said until he told me that I had no idea that I had to have a pool permit because I got plenty of room to move it over 2-feet, that is not a problem. I am not going to be stupid and move it too close to the fence to have this headache and the thing is is that the pool that I am telling you about are temporary pools, they are not permanent –steel wall or anything else, they go up the same way mine does. As a matter of fact the guy down the street said I am a foot away from the back fence and the side fence, he has got the same identical pool. I am not here to argue anything but to get a citation for 2-feet or whatever I have got to go through. I am not here for sympathy – I have and I don't know if anybody here knows me but I used to be up to 400 pounds. I got the weight off, I now got a heart problem and I still have more to go. I got another 31 off this summer and I want to continue and I don't want this taken away from me, can you understand that for 2 lousy feet. I don't have the money and the ability I am 63 years old and I can't take a pool down and redo everything and put it back up. President Podmanik stated I am sure if you give Mr. Smith some time he will get a chance to get back with you and I am sure Mr. Smith can get this worked out with you. Give him some time as he is one man doing 3 or 4 peoples jobs, he is busy. Service Director Smith stated Mrs. Codner I have given you so much attention over the last week and I will continue to give you attention but the fact is it takes a lot of time to get different interpretations to get a legal review, to go back and forth when you are asking for special favors and unfortunately you are asking for a special exemption instantaneously and I cannot legally do that. I can however look at the laws, analyze the laws and see if there is some way that you can comply, we can comply and nobody breaks the law and then everything is okay and the situation is corrected. The purpose of property maintenance code, the purpose of this specific ordinance is to keep little kids from climbing in your pool and dying and that was

reaffirmed by Council and Elyria has already lost a child this year, correction 2 children so the liability issue of this is a little bigger than being inconvenienced. Mrs. Codner stated I am glad you reminded me of this because when your Building Inspector said he didn't know anything about my pool. Service Director Smith stated I am not going to get into a tit for tat with this. Mrs. Codner stated no, no, no let me finish here – 4 weeks before he came over to my house a week ago Tuesday, does he have to log everything that he does every day and where he goes. Mrs. Codner stated I called him and I was shocked that someone even answered the phone and I said look I have talked to Children's Services and everything the girl next door has a pool and the ladder is always up, we caught the little boy who is 2-1/2 years old in the pool by himself and she is in the house sleeping. I said would you please get over here and do something about this and he came over and he got her to take that pool ladder down. The pool was there than 4 weeks ago and so was my pool and there was no issues until the other day. Service Director Smith stated if you have any other pools that you would like to be checked, I would be more than welcome to take our Building Department there. Mrs. Codner stated I am not here to get other people in trouble. Service Director Smith debated you are because you have a list, I will be glad to take any address and have it investigated by the Building Department. Please submit those addresses to me and we will take care of that. Mrs. Codner stated I just want the consideration of that 2-foot until the end of the season, that is all I am asking for. Service Director Smith stated I didn't write the law and the law was written to be 4-foot, the law says 6-foot. Mrs. Codner stated I am not a trouble maker I am here for myself, not anybody else. President Podmanik stated your point has been made, give Mr. Smith a little more time and take it from there. Councilman Elliott asked has she actually been cited yet? Service Director Smith answered this afternoon was dead line and actually I had the Building Inspector was going to go over this morning and I had him hold off until I had more time. She has a citation coming, I don't believe that you actually have it correct? Mrs. Codner stated wait a minute didn't you say that he didn't notify me properly, didn't you say that there is a verbal, than a white letter and then an orange letter. Service Director Smith stated you are within the process and let me continue with what I am doing. Mrs. Codner stated I don't have the orange letter yet. Service Director Smith advised just so Council understands this issue is a very heated issue with a lot of residents and this isn't the first time Mrs. Codner's situation is not a first time that we have dealt with this. There was a lady over on East Drive last June who had to take down her permanent pool for the same reason and it was under 2-feet. It happened to be close to an electrical panel box that was mounted on the wall of the garage so if the pool did rupture or break it would have juiced up the panel and the ground vault or the ground section of where the wiring is.

**Ann Marie Woltman, 649 Sheffield** stated I just have a question when you said prior to the law that people did not have to comply with the fence, am I misinterpreting what you said? Councilman Smith explained if it was before the law than it is called grand-fathered in because you can't pass a law then turn around and say. Ms. Woltman stated but it is a safety issue for children.

Councilman Smith stated it is unfortunately the way the law works, you can't pass a law and then back-date it. Councilman Bring stated that is for the permanent big pools. President Podmanik explained the issue came about when they started these blue inflatable pools that hold 6000 to 8000 gallons of water, they are the same size as my full size pool in the backyard. Councilman Smith stated we just passed that several years ago about the height and having to have a fence. Ms. Woltman asked don't you think all of them should have a fence? Councilman Smith answered we debated that in Ordinance for quite a while. President Podmanik stated legally if we could get away with it I think we would make them but I don't think we could pretty much get away with it. Councilman Elliott stated I think it is important to note that the ordinance has been 25 years, I don't see a lot of these pools being 25 years. Councilman Smith stated that is the fence ordinance for permanent pools but the ones just put up – that ordinance was several years ago. Mrs. Woltman asked is that how other cities do it? Councilman Bring answered several other cities have actually done that and they said that was one of the number one causes of death of children 6 and under I believe is drowning in those pools and that is why it caught national attention and we had looked into it and decided since those inflatables pools were being prevalent that we looked into it and became more aggressive on that issue. Councilman Smith stated at some point we determined that as height goes at some point you can't legislate how to take care of your kids, at some point parents have to step up to the plate and say I have to watch my kids in a pool. So that is why we went with either 3 or 4 foot, little wading pools of 1 or 2 foot – at some point parents have to watch their kids, you can't legislate parental guidance. At some point you have to draw that line. Mrs. Woltman stated it just seems crazy to me that if you have had your pool up prior to the law, you don't have to comply with safety issues. Councilman Elliott stated it is not just that law, it is all laws. Councilman Stark stated it is all laws, it is a built-in given. Councilman Smith stated if you had a pool and the city came to you and told you now you have to put a fence up and you have had the pool for 30 years, you would be up there screaming at us because you had to buy a fence and put it up. President Podmanik stated I think the fence offers a privacy issue for the backyard around your pool, I believe that – I have a pool and I have a fence; all that – 6-foot off the property line. You have to follow those rules and that is all there is to it. Councilman Smith advised 2 years ago – I have a pool and I have it all fenced in that is in a locked gate and I got a phone call from my mother-in-law at work – there were 2 girls that decided to take a swim in my pool but then I had a

fence and a locked gate but they just decided to take a swim. So no matter what you do, parents have to know where your kids are and what they are doing. Finance Director Smith stated you can't prevent every accident. President Podmanik stated you do the best you can but somewhere along the line the parents have to accept responsibility for raising your kids and teaching them right from wrong.

**Laura Williams, 801 West Shore** stated I have lived here and moved out of Cleveland to come to a quieter city and I have lived here almost 11 years. I don't know if the Council is familiar we have had a continuous problem and I was going to mention this to Mr. Podmanik when he stopped by the other day. We have had a problem with a dog; a loose beagle and this is the second year now. They live at 817 Oakwood and I think it is a renter's house, the house is in shambles and really embarrassing. The beagle's left front paw is backwards and the beagle has had pups, one of the ladies down the street – the beagle got loose and got with her dog so now there is pups. The dog is loose all the time and the dog is constantly barking; I have called the Police I don't know how many times and all they say is we don't have a dog warden here anymore. I remember because my husband grew up here and lived here there was a dog warden and Molly got picked up by the Police. But this house is a continuous problem, apparently this beagle has been taken away twice by the APL and the APL has given it back to them. We have had hot weather and the beagle is outside in 90 degree heat. They had a dog house, it is no longer a dog house – it is a little box; so you have a mother and year old pups barking, crying, whining and all you hear from them is shut the "f" up. It is just constant and now we got the ordinance, are these people going to get cited as it is just on-going. If they want the dog, I am ready to call the ASPCA and say you have to get this dog out of here, it is ridiculous. It is on-going and horrible, I am at the end of the rope here. I don't want to call the ASPCA, they are a young couple with 2 kids there – they don't walk it, they don't do nothing. The beagle mother is loose and the 2 pups are tied up all the time and we have had 90 degree heats the last couple of days. I don't know if there is food or water back there and now they are over by the trees and maybe they have shade but we had that bad storm and oh my god the pups cried and cried and cried and cried and cried. I mean it is horrible and I mean a couple of us residents tried to see what we could do – what do I do next? I have gone to the Police Department and they have said nothing that we can do. President Podmanik stated they have to be cited first, this is going to have to be brought to the attention of the Law Director who can guide. Councilman Bring advised this Council#041 is actually kind of on that line because what it is right now is just a minor fine, so we are possibly going to change that now and it will be after 3 times it will a higher fine. Mrs. Williams asked so there is no fine now? Councilman Bring answered it is a minor fine. Mrs. Williams stated I don't even know that they have been fined. Councilman Bring answered well the Police have

to cite them, so that is going to have to be taken care of too. Mrs. Williams stated we have gone over there and talked to them but they just say there is nothing we can do about it, you got to talk to your Council. Councilman Bring stated they need to start citing them. Mrs. Williams stated I have called Piskura, I have written him emails and he never answered me. I just thought I would bring it up.

**Mary Hepner, 825 Alameda** stated I am the neighbor on the other side and I am concerned too on the safety on these dogs as we do not have a dog warden. Also there is cats that are coming to my house over there, they are sitting on my deck – I wake up and there is cats there and I call the Police Department and they say well we can't do anything – call the APL. I call them and they say we only take dogs and they give me another number and they say we will come out maybe in September. What I don't know is why we don't have a dog warden, Avon Lake has a temporary dog warden that you can call up. We could share with them.

Councilman Bring stated we do with the county right now. Mrs. Hepner stated but the county is so far and Avon Lake is just right there. Councilman Smith stated it was a financial issue. Mrs. Williams stated maybe we can get the health department to go over there and do something. Councilman Smith stated again the dog warden was just a financial one and it was just one of those tough decisions. Mrs. Hepner stated I think it was a bad decision, you have to rethink that.

Councilman Smith stated but if you have to lay-off a Police Officer, do you want a Police Officer or a dog warden? Mrs. Williams stated we understand that but when the Police say well I don't what you want us to do. Grant you I agree with the thing about the pool. Councilwoman Stark stated here is part of the problem and I think Len can elaborate on this with me too. We have a lot of people who have had houses who have had pets – they leave, they vacate pretty quickly. Other neighbors are now feeding these cats, feeding these dogs and these dogs have no place to go and it is not just Sheffield Lake – it is the entire county. So all these people – the APL and everything, they are all booked and they won't even take these strays anymore because they have so many of them. They have the time or the manpower to come out and do it. I have made calls and I have had the same problem in my neighborhood with dogs running loose. Mrs. Hepner stated but they have dogs there and they are tied up and they don't let them loose and they don't take them in and you are talking well over 90 and then he walks around with this attitude when the dog gets loose – don't touch my "f"ing dog. All we are trying to do is get the dog away from him because obviously he did something to it. Councilwoman Stark stated we all agree and I hate to see it too but we had to sort of draw a line somewhere and as much as we would love to have a dog warden we can't. Mrs. Hepner stated well if the Police could finally cite this guy and maybe he will finally do something and say okay it is time to get rid of it. Councilman Smith stated well under certain conditions; dog at large is one ordinance and loud barking dog is a noise disturbance I think Kay? Councilman Bring reiterated again the

Police have to hear it or catch them. Mrs. Hepner stated the Police have gone by while the dog is loose in the park. Councilman Smith explained the dog has got to be constantly barking and creating a disturbance, I mean dogs bark. Mrs. Hepner stated the dog barks from the morning until night. Mrs. Williams stated this dog is loose in the early mornings and this dog is loose in the afternoons. I think me and a couple of people on the street are going to go to the ASPCA. President Podmanik stated this isn't a new problem in this neck of the woods. Councilman Elliott stated I have consulted with the Law Director about so many stray cats and so many stray dogs, the city has taken the position and I don't mean to speak for the Law Director who is not here. But he states that if it is a cat and you are feeding it than the city considers that your animal. So if you know of anybody that is feeding a cat, they can be charged. Mrs. Williams stated I understand that but when you got 3 dogs living in a little box, that is ridiculous. Councilman Elliott stated they should have been cited in the past and that is how this ordinance is going to work because in the past we have had other people pretty much just take the ticket and pay it and get another ticket and pay it and so forth. This will now escalate the charge.

*Ann Marie Woltman, 649 Sheffield* stated the last time I was here I mentioned the fact about the Post Office and the waste of time that we went to the meeting and everything that happened and they never dated the letter, they never put a dead-line or whatever. I did send all that information to Sherrod Brown but there was an article in the paper that the City Council of Lorain, it says that Lorain City Council adopted a resolution supporting the South Lorain Post Office which is set to close December 7<sup>th</sup>. I would like a resolution from this Council saying that we need to keep this Post Office here. I don't know if that is a big problem to write a resolution. President Podmanik stated you are aware that I did speak with the people at the Post Office there in Sheffield Lake who referred me to Colorado. Sheffield Lake operation, South Lorain operation all want to be moved to the new building on Colorado – that is their bottom line, they do not want all these satellites. I don't know what good Betty Sutton is going to do and I did speak to a representative from her office about a week ago and she is well aware of it and is doing what she can but it doesn't look promising at this point and time. The woman I talked to and I can't remember her name, she is the Post Master there on Colorado on the east side of Lorain and it is out of her hands. Councilman Smith stated actually just before I came I was watching the news, it is not just here. Councilman Kovach advised they have a list of 3700 Post Offices that they are going to close. Councilman Smith stated they are just not making no money. Ms. Woltman stated I am just thinking in support of our city a resolution. President Podmanik stated we could draft a resolution of support. I don't know affect it will have but could be done. Councilman Elliott stated a resolution is pretty much toothless, it doesn't mean anything. Councilman Smith stated it is just Council

saying we would like it to stay. Ms. Woltman stated no but it would show some support for our citizens.

**/UNFINISHED BUSINESS:** \*Motion by Stark/Second by Elliott to amend the agenda to include Council#040, 041 and 042. ROLL CALL TO AMEND THE AGENDA: Yeas All – Stark, Kovach, Smith, Huska, Bring, Elliott. **/NEW BUSINESS:** **None.**

#### **ORDINANCES/RESOLUTIONS:**

Council#034 – THIRD 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.

#### **FAILED DUE TO NO SECOND.**

Council#035 – THIRD 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.

\*Motion by Huska/Second by Bring for ADOPTION:

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

#### **Ordinance Passes#35-11**

Council#036 – THIRD 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.

\*Motion by Huska/Second by Stark for ADOPTION:

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

#### **Ordinance Passes#36-11**

Council#037 – SECOND READING – **WITHDRAWN (amended version is Council#039).**

Council#039 – 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/Second by Stark for SUSPENSION OF RULES:

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

\*Motion by Huska/Second by Stark for ADOPTION:

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

#### **Resolution Passes#37-11**

Council#040 – FIRST READING – an ordinance authorizing the Service Director to advertise for bids for and to enter into a contract with the lowest and best bidder

for the resurfacing of a portion of the Shoreway Shopping Center parking lot and adjacent entrances and the declaring of an emergency.

\*Motion by Bring/Second by Elliott for SUSPENSION OF RULES:

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

\*Motion by Huska/Second by Stark for ADOPTION:

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

### **Ordinance Passes#38-11**

Council#041 – FIRST READING – an ordinance amending section 505.09 of the codified ordinances of the City of Sheffield Lake regarding unreasonable animal noise prohibited.

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

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

\*Motion by Huska/Second by Stark for ADOPTION:

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

### **Ordinance Passes#39-11**

Council#042 – EMERGENCY – an ordinance by the Sheffield Lake City Council amending Chapter 533.23 of the codified ordinances of Sheffield Lake regarding sexual offenders and the declaring of an emergency.

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

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

\*Motion by Huska/Second by Stark for ADOPTION:

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

### **Ordinance Passes#40-11**

#### **COUNCIL PRESIDENT:**

President Podmanik advised Council has one piece of business to deal with and that would be our August vacation. At this time that vacation would set be for August 2011 with the exception of one meeting scheduled for the 23<sup>rd</sup> as a Council meeting. \*Motion by Huska/Second by Kovach for Council to take August 2011 as a vacation month except for August 23, 2011 for a regular Council meeting for 7 pm. Yeas All.

President Podmanik reported Mrs. Laurie Williams has shown an interest in the vacant seat on the Civil Service Commission. The Mayor is not here this evening but everyone gets a chance to know who she is. As I said she has expressed interest and been a resident for quite a while and her husband has been a resident since the

early 70's. They own a house at 801 West Shore, right on the corner there and I think they are going to be here for a while. We will try and get that name submitted to the Mayor and fill that vacancy. If anyone wants to speak with her after the meeting she is here.

**MEETING ADJOURNED:** With no further business before this council, Motion by Kovach/Second by Stark to adjourn at 8:10 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*

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 26, 2011.

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**PRESIDENT OF COUNCIL**

*Edward R Podmanik*

*and/or*

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**COUNCIL PRO TEM**

*Richard Rosso*

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**MAYOR**

*John J Piskura*