

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
June 21, 2011**

The regular meeting of the City Council Worksession was held Tuesday, June 21, 2011. Co-chairman Bring called the meeting to order at 7:17PM.

ROLL CALL OF MEMBERS:

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

PRESENTATIONS:None.

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

ROADS & DRAINS: None./SAFETY: Chairman Bring advised we did have a Police Captain retire from our force and they are working with some of the part-time people to fill that position. Captain David Komlosy retired 2 weeks ago Friday./**BUILDINGS, LANDS, VEHICLES & EQUIPMENT:** Councilman Bring advised I was walking the other night and went over the bridge – the last time I reported the debris and other things that were going on there but they also started a fire on the bridge and burned about the 2-foot diameter spot in the middle of the bridge on the side and I did tell the Fire Chief that. That is something that is going to have to be monitored and looked into because it is getting out of hand over there.

ORDINANCE: Councilwoman Huska advised we have 2 pieces of legislation that David wrote up for us. One is Council#035 and one is Council#036 and I probably will have our Law Director. Law Director Graves advised Council#035 is the revision which basically just changes the fee that is charged for the occupancy inspections on the apartment rental units from \$50.00 to \$25.00. The Building Inspector is doing a number of inspections on the apartment units in the multi-family complexes in the city and it is not only the random inspections that are done for the annual rental license but he is also pursuant to the ordinance supposed to be doing inspections each and every time a tenant moves in and moves out. He has been trying to stay on top of this and most of the apartment complexes in the city have been compliant but there is one that has been rather reluctant. The Ordinance Committee discussed this at some length and their opinion was that the inspections should continue for the occupancy of every tenant that moves in and out. But that perhaps the \$50.00 fee for each inspection could be excessive, so they are recommending legislation to reduce that to \$25.00. Council#036 changes the time line once a variance is granted by the Zoning Board of Appeals, a time line to apply for a building permit from 90 days to 1 year with the opportunity to go back to the Zoning Board and request up to one 6-month extension. This would give an applicant quite a bit more time once the variance is

granted to actually get the building permit and begin construction. There is a number of reasons why construction might be delayed or they may not have pulled the permit in the middle of winter or they wanted to start in the spring or something like that but they did have a joint meeting with the Zoning Board of Appeals and the recommendation was to go ahead and make that 1 year with the opportunity for one 6-month extension. He continued there is 2 issues right now in the community that I think would be perfect for the Safety Committee to take up and discuss some legislation. One is currently the barking dog ordinance is a minor misdemeanor and it doesn't provide for any escalation of the penalty for repeat offenses and we have had some situations in town where people have multiple situations with these barking dogs. It is always just another minor misdemeanor, another minor misdemeanor and it would be worth considering if maybe the 3rd one in a year that at some point that become a 4th degree misdemeanor or 3rd misdemeanor so there would be some escalation of the offense for repeat offenses. The other issue that might be worthwhile discussing is revisiting our sex offender ordinance which I know we have revisited a couple of times but currently our local ordinance precludes any repeat offender or child/victim oriented offender from living within a thousand feet of any school, park or the library. The state code only precludes from living within a thousand feet of a school. The problem that we have run into is the child/victim offense has a specific definition in the ORC and it is not you may think, a child/victim offense has to do with kidnapping and abduction and those sorts of crimes. It doesn't necessarily just mean a sex crime perpetrated upon a minor and we have at least 1 situation right now and possibly a second where you have got a sex offender that did commit a sex crime with a youth victim living within a thousand feet of the park but he doesn't fall within that limited definition of a child/victim oriented offense. So that is something that the Safety Committee may want to look into revising that language. **FINANCE: None.** **PARK BOARD:** Member Kovach advised we did not have a meeting last night, it was canceled and as I understand the Chairman has tendered his resignation so I guess we are going to be looking for some people to fill positions on the Board before we can get going again. The Fire Chief did want to attend last evenings meeting in regards to putting up some no swimming signs in the boat launch area. Did they want to put them on the rocks also? Co-chair Bring advised what he is concerned about is the north side of the rocks, the kids are jumping off of there and there is an undertow. When they were doing their dive training out there he had mentioned to the Mayor and the Mayor said he didn't have any responsibility on that and that the Chief should bring it to the Park Board. His concerns are that these kids are going to dive off and hit their heads or get their leg caught and drown out there. He feels it is not safe to swim. We do have the beach area to the right and he has no problem with that and there is also the place where the sand trap is which he doesn't believe they should be swimming in there either or where the boats are launched. He does have a lot of concerns about that and he was going to bring that to the Park Board last night but there was no meeting. He wanted to be aware of that so we could discuss that. I will probably bring that up at

Safety. I know it was opened up for everybody to enjoy that area but I do have to agree that there is some liability there, if not to at least put up some kind of a sign so that we are protected and they can be told to stay off those rocks. Fishing off of there, I don't think that is a problem but the swimming may be a problem.

*****ADMINISTRATIVE*****

MAYOR: None./FINANCE DIRECTOR: None./SAFETY DIRECTOR:None.

/SERVICE DIRECTOR: None./LAW DIRECTOR: Law Director Graves advised one additional piece of legislation that we haven't talked about Council#034 – purchase of utility vehicle for the Fire Department – that is part of the state consortium, they have got the quote and asked Council to consider passing that by emergency next week. The other note from the Grant Administrator Gardner, we have applied for the CDBG grant - \$32,000.00 and there is no match, we are awarded that money. That money would be used for LED lighting, meter on the Community Center roof, sink and vegetable wash table, LED scrolling sign. Then another \$4500.00 reimbursement for the Meals on Wheels program. Councilwoman Stark advised Pat was talking to the people who are putting the solar panels up on the roof and there is grants out there – a lot of people in the community have asked and/or complained that there is no board up anymore to announce weddings/parties/events. So there are grants out there and I think that is what this is, like a marquee sign that we can announce Council meetings, the solar panels and there is some other grants that can tie it into that project. So he was looking at sending that paperwork over for us. Councilwoman Huska asked double checking, you want sex offenders and barking dogs to go to Safety Committee first? Law Director Graves advised it is up to you where you want it to go, they both pertain to Safety. Safety Chairman Bring advised we can discuss it and forward it on to Ordinance.

/COMMUNICATIONS:None./OLD BUSINESS:None./NEW BUSINESS:

Co-chairman Bring advised there was an article in the paper today about the post office saying that they were going to close, I don't know if that was a misprint. Also South Lorain post office would be closed. Have we looked at our lease, it is a cut and dry lease? Law Director Graves advised I was out of town and unable to attend the meeting that they had on June 10th. I know that they are looking closing branches and I did see the headlines in today's paper that they are planning on closing the South Lorain Branch. I haven't heard anything more about the Sheffield Lake Branch. The lease that we have, they have exercised their option through 2015. Co-chairman Bring advised they said at the meeting that they have an opt-out in our lease. Law Director Graves advised I am not aware of that but our position would be that they are locked in. Co-chairman Bring advised recently we had a resident cutting curbs for his driveway and that was brought up to me and it happened on Cove Beach. Nobody in the Service Department could me an answer whether that was okay or not. They had to widen the driveway over there but he took he road curbs and cut them himself – he did a really nice job. I went over and looked at but he didn't get anybody's permission to do it. I went over to the Service Department and nobody could give me an an-

swer of whether that was okay or not but the residents on that street were quite upset that he did this. Law Director Graves advised I am under the impression that that is something that has to be approved by the Service Department. Co-chairman Bring continued we have a resident requesting the use of city property by the outfall down by my house to do some work on a breakwall/pier. I talked to Mr. Hastings about it and he had actually given him an okay as long as he stayed on his own property but he is talking about bringing down a very heavy piece of equipment to do that. We have the outfall down there with the underground but I told Pat it may a liability issue and there should be some kind of sign-off on this or plans or something that we should look at before we actually give him an okay to do something. Plus they are also on an outfall where they are digging dirt and it is going to go into the lake. Councilman Kovach asked is he rebuilding a pier or is he adding to one because doesn't he have to go through a submerged land lease and all that which has to come before us? Co-chairman Bring advised we discussed this but we are getting mixed revues on that so I don't know what is going on. Law Director Graves asked he hasn't been given permission yet by the city to move that equipment over city property has he? Co-chairman Bring answered Mr. Hastings said it was fine but he said he would stay on his own property but that particular piece of property is 26-foot wide and I believe his understanding is that he owns part of that and I think we are going to get into an issue where he may be encroaching on city property. Like I said if it is the piece of machinery that I think it is that they cleaned out the boat launch with, that thing weighs a lot and if that pipe cracks – I would think they would have an insurance policy or whatever but it would have to be more then just saying okay. He said he would back what he did but again we have nothing in writing or anything, he could just say oh well. Co-chairman Bring continued the last thing is there is actually a meeting for the new school tomorrow at Middle School and that is for the Sheffield Lake schools and I believe it starts at 6 pm. This will be good for our city along with Sheffield Village but if anybody can attend that I think it will be a good idea. Councilwoman Stark advised I am fielding questions about Dollar General or Family Dollar leaving the shopping center and I had not heard again. Law Director Graves advised Dollar General would like to move into a free standing building. There has been some discussion about that possibility in the shopping center and they have hinted that they might be looking to have that building somewhere else in the city. That is all very preliminary and I think they have at least 2 more years on their lease at the center.

ORDINANCES FOR COUNCILS AGENDA:

Council#033 – EMERGENCY – an ordinance approving the recodification, editing and inclusion of certain ordinances as parts of the various component codes of the codified ordinances of Sheffield Lake, Ohio and the declaring of an emergency.

Council#034 – EMERGENCY – 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.

Councilman Smith stated did I miss something because here it is as an emergency. Co-chairman answered no, Tim has been working on this with the Mayor for some time now, as a matter of fact it has been months. Councilman Smith asked where are they going to put it? Co-chairman Bring answered it is a utility truck. Law Director Graves answered this replaces that other red one they used to have – 66. Councilman Smith asked so where are they going to put it, are they just going to keep it outside? Co-chairman Bring answered probably. Councilman Smith asked they need all the bells and whistles and \$5000.00 worth of light bars and dulley's? Co-chairman Bring answered it is a state bid truck. Councilman Kovach advised actually if you read that bid it looks like it isn't a dulley, it looks like there is a subtraction that it is only a single. Co-chairman Bring advised I think it is a heavy duty F350 but I don't think it is a dulley. Councilman Kovach stated that is what it is saying here, there is an \$800 and some odd dollar subtraction. Councilman Smith stated there is a subtraction for a single rear dulley. Councilman Kovach stated the original contract option is it is not a dulley – it is a single rear because it is \$900.00 off. Councilman Smith stated just throw it out in the weather, the last one was just an F250/4-wheel drive with a utility bed on it. This is the first I have heard about it, I think you need an ambulance before we need this personally. Co-chairman Bring stated we had actually talked about that in Safety too.

Council#035 – FIRST READNG – 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 – FIRST 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 Kovach to add Council numbers 033 through 036 to Tuesday's Council agenda. Yeas All.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Stark to adjourn at 7:47 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

COUNCILPRESIDENT
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 June 21, 2011.

MAYOR

John J Piskura