

## Minutes of the City Council

Sheffield Lake, Ohio

October 11, 2011

The regular meeting of the City Council was held Tuesday, October 11, 2011.

Council President Edward Podmanik called the meeting to order at 7:07 PM.

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

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

Present: Podmanik, Rosso (7:14 pm), Stark, Bring, Kovach, Elliott,  
Finance Director Smith, Service Director Smith, Law Director Graves

Absent: Huska, Smith, Mayor Piskura (excused)

Attending: Concerned Citizens, Planning: Belaska, Members of the Media

\*Motion by Bring/Second by Elliott to accept the minutes of the September 27, 2011 Council meeting with any corrections. Yeas All.

### **CORRESPONDENCE/COMMUNICATIONS:**

Monthly report of court receipts for month of September 2011 - \$4398.50. Receive and file.

Annual report of 1.538 mill operating levy from Lorain Public Library.

### **PRESENTATIONS: None.**

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

**Roads, Drains, Water, Sewer, and Refuse:** Chairman Bring reviewed the minutes of the October 3, 2011 meeting. \*Motion by Stark/Second by Elliott to accept the report. Yeas All./

**Safety:** Chairman Bring reviewed the minutes of the October 5, 2011 meeting. \*Motion by Stark/Second by Elliott to accept the report. Yeas All./

**Buildings, Lands, Vehicles & Equipment:** Chairman Kovach reviewed the minutes of the October 6, 2011 meeting. \*Motion by Stark/Second by Bring to accept the report. Yeas All./

**Ordinance:** Co-chair Elliott reviewed the minutes of the October 6, 2011 meeting. \*Motion by Stark/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.**

**Council Representative to the Park Board: None.**

\*\*\*\*\***ADMINISTRATIVE REPORTS**\*\*\*\*\*

**MAYORS REPORT: None./FINANCE DIRECTOR REPORT:** Finance Director Smith reported it is once again that time of year that we need to renew our note for the Shoreway Shopping Center. Last year we financed \$3,245,000.00 which was down from \$3,500,000.00 and this year we are going to finance even less. We are going to pay off a little bit more and we are going to finance \$3,200,000.00 and that is just something that we have to roll over every year and of course we pay our

interest and everything so that that really takes care of itself. But Council Clerk has posted that and you will see it up for passage at your next meeting. Also I was contacted by the State of Ohio Auditors Office and due to our record of clean and excellent audits we have been given the privilege to go out to private auditor for the next 5 years. This is only granted to audits that they feel are free from any future problems or any past problems so I am really excited to say that and it will save us some money because the auditor's office just raised their rates so it will probably save us 10 to 15 percent of our audit costs on a yearly basis. Councilman Bring asked can you tell us how much they charge an hour? Finance Director Smith explained they used to go by each individual employee at an hourly rate depending on how long they have been with the office and how much they actually made so it was anywhere from 30 to 38 dollars an hour. They are going up to 41 dollars a flat rate, doesn't matter who audits so that is going to be really expensive – that is a big jump. But if we go to a private audit firm, we will actually go out to bid on that and we will have several companies bid for that and we will kind of get like a package deal and we will have a set amount over the full 5 years. The last time we did this we did go out for 5 years, those audits were also very good and they let us extend for 3 and that is the maximum you can go out for outside audits is for 8 years which we did do that. We have been back with the state auditor's office now for I think 3 years and since those audits were good now we can go back out to a private audit firm. Law Director Graves advised it really is a credit to the Finance Director Smith for the good job that she does, we continue to get excellent audits and not every community does that. She does a great job. I also wanted to underscore in regard to paying down the debt on the shopping center just so everyone understands – we were able to pay another \$45,000.00 in principal on that debt without any tax payer dollars being used. That is 100% self-funded from the tenants. So it is really some positive news. \*Motion by Stark/Second by Elliott to accept the report. Yeas All./**TREASURER REPORT:** report attached./**SAFETY DIRECTOR: None.**/**SERVICE DIRECTOR:** Service Director Smith reported I do want to give accolades to the Finance Director and her department because I am intricately involved with a lot of purchase orders/vouchers/expenditures in the responsibility that I am charged with and I know over the last several years that has been a lot of false accusations that I find disgusting and I just want to state for the record that I feel that people ought to take note of this. I have several things that I would like to say and if you don't mind I don't want to be redundant but several Council members have included some of them in my report. To start with we did meet with C&K on pump#3 and we are back to re-evaluating some of our options. We have that in point of discussion and that will be forthcoming. I did issue a preventative and did state it that way - a preventative and precautionary boil alert during the hydrant accident and that is how it was stated to all the television stations and I have tried to verify and I did on the ones that I did that it was

reported that way. That was solely on a precautionary basis even the operator of responsible charge did not qualify the break for a formal boil alert. We had I believe 140 phone calls on reports of brown water into the Police Station within an hour, I think that warranted enough to at least let the citizens know that we were on top of it and we knew what was going on. I met with the City Engineer and Cross Roads at Shoreway and we did a quantity review which we will finish up tomorrow with some small changes and they plan on bringing in the milling equipment tomorrow and that will be starting in Shoreway. Earlier this week, we finished up removing the outer curbs, the store front curbs along with the end swells and cut them that water rolls off so that when we get the new asphalt in over there and it is going to be milled out and it is not going to change the elevation of everything so the drains will stay the same. But we had to do certain things to accommodate that. The Water Department moved the fire hydrant that was front of Dollar General, that was moved out to accommodate a dumpy space sitting out in the parking lot where we could put bollard's in after it is paved. We finished up a new catch basin today on the south side of the lot and we will remove the damaged concrete on the walk extension in front of the road that runs along the south side of the building tomorrow. I am continuing with the plan on Shoreway and getting some electric to the different spaces which is a priority that we are working on right now which means we have to juice up the meters in 5 of the 6 vacancies. Once we have electric in the meters we will be able to evaluate each space and start the process of renovating a unit and working our way through to get the spaces so that they are in a rentable condition as prescribed by the plan designated by the Mayor. We are continuing to do regular maintenance items; planning the roof drain placement at Rite Aid and that is on-going, door replacement at Dollar General, clogged drains on the walkway roof – there is all kinds of little items that we are doing on a continuous basis over there. We also had as Dennis had said in his report, we had an elderly lady who pulled up in front of Rite Aid and went to hit the brake and she hit the gas and her foot got wedged in the bottom of her mat. The car accelerated and went through the front of the building and pushed the wall in about 8 inches at the base. The Service Department was able to re-T111(siding) the front of the building and secure the wall and get it back into shape within 2 hours. It is currently with the insurance adjusters and all 3 insurance companies; Rite Aid's, the elderly lady and the city's are reviewing it now. Cook Paving started the prepping of the road sections today and started on the east side working their way west, they will continue with that for the next couple of days and that is including cutting a starting point and a finish point/vacuuming/cleaning/sweeping and removing loose material. Prior to that the next step and once that is done the next step will be bringing the milling machines which will do what they call a scratch coat which is the milling and cutting out and then the paving. I also would like to compliment the Fire Department on a rapid response to the boating accident which

happened at the beginning of the week which I happened to be there within the first couple of minutes. They were on the scene Johnny on the spot and also Tom Jordan Jr. who was a citizen showed up on his boat within minutes and also assisted on scene. The last thing the Mayor did give me the okay on the 5-year renewable energy credits so we will be pursuing that avenue. Councilwoman Stark advised I personally just for my ward and I think people up here would agree with me, Len you have done a very good job in your department. We have a lot of things going on between the Allied trucks, water main breaks and people driving into buildings and you guys have always been very professional and you always give us very good reports and have information and always very accessible and I truly appreciate that. I know you know what is going in in that department. Finance Director Smith advised I have to say something kind of humorous about the Rite Aid incident. I heard about it and then I was headed to the bank at that particular time, so I thought while I am here I will go over and see what the damage looks like and walked up and down in front of the building and I couldn't see anything. So I am thinking did I hear the story right and here they had already fixed it and that was pretty impressive. Service Director Smith advised the Road Department was immediately on scene and had that wall secured and back and replaced the wall sections. President Podmanik asked Mr. Smith at the last meeting we had a Karen Spencer who brought to our attention an issue with a sidewalk safety issue about a small little creek where a sidewalk would go, did you follow up on that. Service Director Smith advised I went out to the property and met with her just like I said I would. I also showed up with a wheel and I had the Building Department do a search on the county website to get me the exact property lines that were on record with the county. From the landmarks we took a walk-off with the wheel and I found the end of her property at which verified that there was a 35-foot wooded lot to the west of her lot before it even got to the creek at the road. The creek makes a jog to the east in the back of her property which is at the south end but that is not where the sidewalk is going and I believe the issue came down to which she stated when I left as we weren't of the same agreement but she basically didn't want to pay for the sidewalk. I think her safety concern, I didn't share the same opinion that she did for the simple fact that there is a 35-foot wooded lot next to her property and the creek was not there – the creek is 35-feet away. She argued and said the county's website was wrong, so at that point I couldn't really carry on the conversation much more and told her where the city stood and if she purchased the property she would have to put in a sidewalk and showed where it would have to go. \*Motion by Stark/Second by Elliott to accept the report. Yeas All.

**/ENGINEER: None./LAW DIRECTORS REPORT:** Law Director Graves reported the Civil Service Commission did meet at the end of September and they will be proceeding with an entry level police tests so they are making arrangements for that so that we will at one point have an eligibility list for new Patrol Officers

when the city is prepared to hire some. He reviewed the proposed legislation; Council numbers; 048, 049, 050 and 051. He advised I would request a brief executive session to talk about current litigation tonight following ordinances and resolutions. Councilwoman Stark asked on the clothing allowance, is that in their contract? Law Director Graves advised this is for part-time officers which are not covered by contract. \*Motion by Stark/Second by Elliott to accept the report. Yeas All.

***CITIZENS COMMENTARY:***

***Edith Raible, 952 Oliver*** asked I was wondering what would be involved in getting a boil alert such as what the schools use when they call us or they text us? Service Director Smith asked you are talking about a reverse 911 dial up? Mrs. Raible answered yes. Service Director Smith explained we have discussed it but we haven't proceeded with it but at the point where we are at now if there was an emergency we would utilize the emergency broadcast system which covers television and everything. The reverse call-up doesn't affect everybody. It is worth exploring but just so you know reverse call-out does not affect everybody; you have to have an operating phone and I know what you are going to say but my office takes a lot of complaints and there is a lot of people that say they don't have a phone, there is a lot of people that say they don't have a television, there is a lot of people that say they don't have a radio and a lot of people that say they don't have a computer. Actually Dennis and I discussed it recently and also discussed it with David I believe and also the operator on charge – we were kicking this around but the most effective way that we see right now is the way that we have it. Please understand that most boil alerts in the City of Sheffield Lake is because we have water coming in at both ends of the city – one coming in at Avon Lake and one at Lorain which we did in this situation – we turned Lorain on. With the break and what that did was boost up the volume that we had in the lines and not the pressure, so if there was a house fire we wouldn't have a major pressure loss. We would be able to reclaim the pressure through Lorain being on. In that situation, our breaks tend not to be city wide. In other words they run from point A to point B. What happened was we had a large amount of water that left the system through the leak and what that did was create a current inside the pipes and that current stirred up the sediment that is already in your pipes and it is already sterilized just sitting in the bottom. It stirred it up and clouded up the water and made it brown and that sediment is already sterilized so it didn't require a boil alert as defined by the Ohio EPA and that is why we issued a precautionary boil alert and it came from me and not from the operator of responsible charge which is Tom Erwin. To answer your question more specifically we will look into it but again in our preliminary discussions I think we are more effective at the way we are at right now just because of participation but that could change though.

**Rosa Gee, 588 Kenilworth** stated is the city looking into doing anything with the apartment building over on Harris Road. The crime is getting worse and worse by the month over there. They have got people breaking into their mailboxes, they have got people breaking into their apartments and the owner doesn't seem to be doing anything about this – is the city going to be doing anything about this? I have got an elderly cousin over there and she has been robbed twice already and she is scared. Her medications was taken one time. Law Director Graves advised as you know we have ordinances on the books that require inspections for all multi-unit dwellings within the city. Virtually every apartment complex in the city has complied with that and has had no problems, the apartment building that you are talking about has given the city a great deal of problems. However we have forced the issue and we forced the issue through our courts, they are currently having the inspections whenever those units turn over our Building Inspector is going in there inspecting those units. He has found a lot of violations that we have forced them to correct, we have taken a number of tenant complaints and we have attempted to enforce them. The city is limited to what we can do through our property maintenance code and the Ohio Residential code. If there are criminal issues of course they are followed up on and prosecuted immediately. Mrs. Gee stated now someone told my elderly relative but she could of misunderstood – someone told her that they had caught the person that had robbed her but in order for any prosecution to be done she had to pay a sum of money. That made no sense to me. I think it was the manager of the apartment building telling her this lie but numerous tenants were told supposedly that same thing and in my cousins case her medications were stolen. So who should I tell her to talk to? Law Director Graves answered the Police Department. ***UNFINISHED BUSINESS: None.***

***NEW BUSINESS:*** \*Motion by Elliott/Second by Rosso to amend the agenda to include Council numbers 048, 049, 050 and 051 to tonight's agenda. ROLL CALL TO AMEND THE AGENDA TO INCLUDE SO NOTED: Yeas All – Kovach, Stark, Bring, Elliott, Rosso.

Councilman Bring shared our Clerk of Council found a government pass book from 1958 - the safety funds; salaries, police, fire – 41.3% of the total expenses – total \$28,278.00. General fund; legal, advertising, employment pension, engineering, taxes, etc. – 27.5% of the budget - \$total \$18,836.00. Streets; salaries, maintenance and equipment, lighting, building and lands, garbage removal and street signs – 31.2% of the budget - \$21,307.00 total. The entire budget was \$68,415.00.

President Podmanik advised for next month's schedule election day falls on the second Tuesday following the first Monday of the month which is the 8<sup>th</sup> of November and that is also our first Council meeting. So with city hall being closed next month's schedule will be the 15<sup>th</sup> for the first Council meeting, the 22<sup>nd</sup> for the Worksession and the 29<sup>th</sup> for the second Council meeting of the month. The 29<sup>th</sup>

would be the latest day for the 14 day advertisement for the public hearing for the budget. Then we would have to have that public hearing on the 13<sup>th</sup> of December to meet the December 27<sup>th</sup> meeting and meet the 14 day requirement there. So for the November Council meetings; the third and the fifth Tuesdays and then the fourth Tuesday of the month will be our Worksession. Councilwoman Stark asked did we not also move Roads & Drains? Council Clerk Fantauzzi answered yes, it is the first Tuesday of the month which is November 1<sup>st</sup>.

**ORDINANCES/RESOLUTIONS:**

Council#048 – FIRST READING – an ordinance amending section 1371.27 of the codified ordinances of Sheffield Lake regarding political signs.

Council#049 – FIRST READING – an ordinance amending the clothing allowance for part-time dispatchers in the Sheffield Lake Police Department.

Council#050 – FIRST READING – an ordinance amending codified ordinance 133.04 and increasing the uniform allowance for part-time Police Officers.

Council#051 – EMERGENCY – a resolution accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the county auditor and the declaring of an emergency.

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

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

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

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

**Resolution Passes#46-11**

**COUNCIL PRESIDENT:** President Podmanik confirmed Halloween is Monday, October 31, 2011 from 6 pm to 7:30 pm.

\*Motion by Bring/Second by Stark to go into executive session for the discussion of current litigation. ROLL CALL TO GO INTO EXECUTIVE SESSION FOR THE DISCUSSION OF CURRENT LITIGATION: Yeas All – Rosso, Elliott, Bring, Stark, Kovach.

\*Motion by Bring/Second by Elliott to return to regular session. ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Rosso, Bring, Elliott, Kovach, Stark.

Law Director Graves advised let the record reflect the City Council of Sheffield Lake did adjourn into executive session for the purpose of discussion of current litigation pursuant to the Ohio Sunshine Laws.

**MEETING ADJOURNED:** With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 8:31 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*

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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 October 11, 2011.

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COUNCIL PRO TEM

*Richard Rosso*

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MAYOR

*John J Piskura*