

Minutes of the City Council

Sheffield Lake, Ohio

November 15, 2011

The regular meeting of the City Council was held Tuesday, November 15, 2011.

Council President Edward 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, Stark, Bring, Kovach, Elliott, Huska, Finance Director Smith, Service Director Smith, Law Director Graves

Absent: Rosso, Smith, Mayor Piskura, Treasurer E Hoenig (excused)

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

*Motion by Bring/Second by Elliott to accept the minutes of the October 25, 2011 Council meeting with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS: Monthly report of court receipts for month of October - \$6743.30. Receive and file.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, and Refuse: Chairman Bring reviewed the minutes of the November 1, 2011 meeting. *Motion by Bring/Second by Huska to approve the sewer credit of \$278.25 for 4523 Lake Road. Yeas All. *Motion by Bring/Second by Huska to approve the sewer credit of \$76.85 for 4299 Lake Road. Yeas All. *Motion by Bring/Second by Huska to approve the sewer credit of \$98.05 for 465 Abbe Road. Yeas All. Chairman Bring advised unpaid water bills for a total of \$7,496.23 were approved and sent to the County Auditor to be added to the tax duplicate. *Motion by Huska/Second by Stark to accept the report. Yeas All./

Safety: Chairman Bring reviewed the minutes of the November 2, 2011 meeting. There was a brief discussion on radio/frequency change. *Motion by Huska/Second by Stark to accept the report. Yeas All./

Buildings, Lands, Vehicles & Equipment: Chairman Kovach reviewed the minutes of the November 3, 2011 meeting. *Motion by Huska/Second by Stark to accept the report. Yeas All./

Ordinance: Chairperson Huska reviewed the minutes of the November 3, 2011 meeting. *Motion by Stark/Second by Bring 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: Member Kovach reviewed the minutes of the November 2, 2011 meeting.

*******ADMINISTRATIVE REPORTS*******

MAYORS REPORT: None./FINANCE DIRECTOR REPORT: None.

/TREASURER REPORT: None./SAFETY DIRECTOR: None./SERVICE DIRECTOR: Service Director Smith reported as noted there is a lot of detail in a lot of the committee meeting minutes on reports that I give, so I would refer to them especially Roads & Drains and Buildings & Lands. As discussed on Monday I met with the Mayor and his Mother Mrs. Jack Piskura on site location for the three binoculars. An area was chosen that is right on the main ridge under main camera view and we can adjust to make sure we get 2 camera shots on them as far as in a perfect line of sight. I would say the third one is about half way down the west side on the top – not down but up on the top area right where the chairs are. They are marked with orange paint and they are ready to actually start putting in the pads this week, we were hoping to get the pads poured with the bolts and then move on to getting them in. They are easily accessible from the grass area – they are on the top of the grass area. So I think it is going to work out real nice and that is all on the west side of the launch. I would like to thank Councilwoman Stark for her help today over in the Water Department and it was I am sure a learning experience – it was real good to have you over there. I know the girls over there really appreciated your help and thank you very much. Shoreway repaving as Steve had touched on – the striping is now completed and we are working on the stop sign placement and then we are going to have to get the curbs back on the outside perimeter. We are not going to place the inside curbs due to plowing at this point and time. Yesterday's rain event put all 3 pump stations in alarm with overflows and SSO's into the lake. We filed a report with the EPA earlier today. We had minor street flooding, a majority of which was caused by leaves in the ditches, driveway pipes and areas where residents haven't raked them up or ditches - the leaves that were out there and blew in because of the 2 wind storms that we have had. The Road Department was out and that is basically what they did was rake leaves out of the areas. Irving Park was especially hard hit and there were some areas over there because there are only like 2 curb drains on each side street and they (Irving Park) are in the middle of the street and of course they were clogged. So Pat and the guys spent some time over there. Councilwoman Stark asked is there a last day that they will pick up leaves at curb side through Allied Waste? Service Director Smith advised I have to check on that date because we had a problem with Allied Waste today again. Somehow residents were mailed bulk pick-up notices or a pamphlet that I have yet to see yet – where today was considered bulk pick-up day and the only thing I could come up with is that it is an old literature drop that they did from last year where the dates were published which November 15th was one of the bulk dates. So I am thinking that they used an old literature for whatever they did but we will find out more tomorrow. They have promised that they will look into it. There was a brief discussion on the confusion. Avon Lake Press John Edwards asked is there a date yet for the Community Center? Service Director Smith answered no it was pushed back. President

Podmanik stated I spoke with you last week about the lights at the shopping center. Service Director Smith advised we adjusted it once and then yesterday I gave the directive to have the timer set to 4:30 pm. There are 3 sets of timers and 2 of them were out so they came on late and then Apples timer – we have a couple of poles over at Apples that are on our light system and our timers and those are out of sync. So that is why I said we are going to go at 4:30 pm and have them come on then. Pat sent them over there that night on that callout that you called me, I did make a call for security reasons and had the guys go out there but it was a little late. So they adjust but from what I understand it was like between 5 and 5:30 that they were coming on. So in our discussions this week it is 4:30 that they are to come on and then we will deal with the exact time for the “off” time and I will be with the electrician this week. Councilwoman Stark stated I just wanted to say thanks to Len and the gang over at the Service Department for letting me come and hang out for a couple of hours today – it was definitely an experience and I learned a lot by hanging out over there for a couple of hours. Tell them thank you, they are very professional – customers that come in there absolutely love them and the gang is very polite. They are a good representation of the city. *Motion by

Huska/Second by Stark to accept the report. Yeas All./**LAW DIRECTORS**

REPORT: Law Director Graves reviewed the legislation for tonight’s agenda. There was a brief discussion on streetlawn/treelawn legislation. Law Director Graves presented and explained district boundaries and proposed changes due to mandatory update on the completion of the census. ORC731.06 requires that we evaluate that and if we are going to make changes that we do it in 90 days of October 1st following the decennial census basically by the end of this year we need to take a look at this. We have been trying to and what they do is give the overall census numbers and then they gradually break it down into smaller, smaller, smaller and smaller blocks. So we have been waiting – even though the census was completed last year we have been waiting for this map and we finally got it a couple weeks ago. This actually breaks down in census blocks in very small sections of the city the entire community and it has the population of each of those blocks. It is coded with a number and then we get a separate print out that has it all listed in a column. If you transfer those numbers onto the blocks then we get something that looks like this. Presently the City of Sheffield Lake total population is 9,137 people and dividing that by 4 we get an ideal ward population of 2,285- that is the ideal. What we need to do is be substantially equal, very rare that we are going to get them all 2,285 but substantially equal has been defined by the court as +/- 5%. So if you apply +/- 5% to that 2,285 that gives you a range of 2,170 to 2,400, that would be the goal range for each ward in the city. Presently adding them up using the census blocks; ward 1 – is at 2,230 and that is pretty good and that is 55 less than the ideal, ward 2 – is at 2,349 and that is a little high, ward 3 which is something that the city always struggles I think in trying to get

enough people in and actually goes up and loops around the lakeshore and comes around and surrounds ward 2 – is at 2,115 and that is pretty low and ward 4 is at 2,443 which is over the 2400 at the high end of that 5% range. So really what you are looking at is ward 4 being heavy, ward 3 being light, ward 1 being pretty good and ward 2 being just a little heavy. So what we have proposed is 2 very simple changes. Presently the boundary of ward 4 starting at the south end of the city and heading north to the lake extends north on Lake Breeze to Forestlawn then turns east over to Marion and then heads up Marion to Ferndale and heads east again on Ferndale and then north on Community. So by making the boundary of ward 4 just straight up Lake Breeze, you shift 130 people that were in ward 4 into ward 3 and that alone goes a long way towards solving the problem because again ward 4 is heavy and ward 3 is light. So you shift 130 into ward 3 by just making that simple change and you have a nice clean line for ward 4. The other proposal that we are going to suggest, if you look at ward 2 which includes this little zigzag area up here by Hawthorne and Tennyson and Kenilworth and Pasadena. By eliminating that and making the boundary of ward 2 go straight down Richelieu and taking this little area here into ward 3 then you take another 33 people out of ward 2 which was also a little heavy and put those into ward 3 which again was light. So by this straight line and taking this little chunk over there, the new ward lines looks already a lot cleaner. By the way this doesn't eliminate any representatives. By doing all of this the new numbers; ward 1 stays the same at 2230, ward 2 in the middle of the city goes from 2349 to 2316 so we bring that down a little bit, ward 3 which was low at 2115 kicks up 163 to a total of 2278 and ward 4 which was heavy goes from 2443 to 2313. Those new numbers ward 4 would only be 28 over the ideal, ward 3 would be 7 under, ward 2 is 31 over and ward 1 is 55 under but they are all pretty close and well within that range and they are all actually pretty close to that goal of 2285 each ward. So this is proposed change to the district boundaries and if Council likes this and wants to over forward then the next step would be to draw up the legislation which is currently in the Administrative code section 105 which would actually spell out the meets and bounds of these wards/the street boundaries. He advised ward 1, 2 and 4 have not been changed since 1982 – they haven't been looked at in 30 years. Ward 3 must have had some minor change in 2001 but I can't figure out what major change it could have been because it didn't adjust any of the neighboring ward boundaries – it didn't affect them. So it may have just been a corrected error in the description. I think that this proposal would go a long way. Councilman Bring asked this has to be done by the end of this year? Law Director Graves answered the way the code reads if Council does not act on it by the end of year then it shall be done by the Director of Public Service. Also, tomorrow night is Zoning Board of Appeals and they will be dealing with the Dollar General at the corner of Harris and Lake. I anticipate a great many people attending that meeting and anyone who feels strongly one way or the other I

would encourage them to attend that meeting. *Motion by Huska/Second by Elliott to accept the report. Yeas All.

CITIZENS COMMENTARY:

Kerry McCullough, 685 Roberts Street stated Len, in that letter from Piskura we are allowed to say - in the future somebody gave money for an observation deck, then we can move those to the observation deck right? Service Director Smith answered I am sure but I will make sure that I bring it up to them. Mr. McCullough stated they are talking about if we are pulling them to get rid of them that they want them? Service Director Smith answered there is a concern of removing them from the park for their purpose – which they would go back to the family. Mr. McCullough stated the parking lot at Shoreway; even though it was dark it was very well lined. I think it was really cool that when I come out of the bank, that means of egress going through the lot is there again. Are you going to put up something so people get used to that new traffic flow? Service Director Smith answered we are not done; we have to bring back the yellow curbs which will add order and perimeter to it. Mr. McCullough stated I am talking about little signs, temporary signs, something that you can put in the ground. Service Director Smith stated I would consider it an issue but I have not had one complaint yet. Mr. McCullough stated I know that you can't turn right from in front to get to the bank now, you got to go out to the street and come around. Service Director Smith advised that I have to look at but you are correct. Finance Director Smith advised thank goodness. Mr. McCullough stated you know what it is more fun to dodge those people with a car then it is to.... Finance Director Smith stated I go there every day. Mr. McCullough stated it only makes sense because it is always confusing because somebody turns right and somebody wants to come up. Service Director Smith stated it is confusing, a little bit. Mr. McCullough stated it is good that it is there, trust me. Service Director Smith answered one of the reasons to be that we opened up the egress in the back – we removed the mound. Mr. McCullough stated the thing I am saying is that should have been there a long time ago that you can only come one way coming up that way. Service Director Smith stated K&S worked real hard on developing a traffic pattern and parking plan that would both fit the needs of the tenants and that egress. Mr. McCullough stated that actually made sense. That mess the Road Department left in front of my house from last snow season still needs cleaned up and did you talk to the man on Sunset? Service Director Smith asked Mr. Hunsucker? Mr. McCullough answered yes. Service Director Smith answered no but I went back and I did review and I must explain to Council too – previous Service Director's had the same issue brought up to them. I went back and I reviewed previous Service Directors overview of what had happened and I went back and reviewed for a second time which I feel I have wasted now but I did it anyways. I reviewed the plow truck driver's story and I reviewed 2 witnesses' stories and I reviewed the Service

Department and Water Department employees that were involved in repairing and pulling the truck out when the event happened. I feel that it is not any issue that the city caused because of the distance from the pipe and it has already been ruled on by the previous Service Director and I reviewed it earlier this year and came up with the same conclusion. Mr. McCullough stated the thing is that I think, I am not saying that that is wrong/it is probably totally right but if you look at the third element there that he doesn't tell you is I don't know the dates that thing actually rose and somebody hit that fire hydrant in his front yard that is crooked. Now if that thing is supplied with a line underneath it could have pushed that up. I can't see how a plastic pipe can raise that man's driveway, I just don't see it. Service Director Smith stated you know Kerry, thawing and freezing issues with water problems do cause it. I reviewed it very fairly for Mr. Hunsucker back last year when the issue first arose again when I was new just like you are doing as he went to you. But I have gone through now 3 times of reviewing this case. Mr. McCullough stated that is fine, I will go to him. The other thing is would you do me a favor and when you are ready to start filling ditches again – would you make him number 1 because he says he is willing to pay for it. If and when you are ready to do that would you please go to him first?

Mark J Erdei, 4015 Tennyson asked this is about the federal government EPA - going to penalize anybody in 2020 about any kind of overflow from the sanitary or storm sewer going into the Lake Erie? Service Director Smith stated you are talking about the implementation of phase II storm water – they will, that is their goal and that is correct. The problem that we have is some of the major cities on the Great Lakes are capable of stopping that probably by 2020. That is the goal, it is just kind of like that clean air standard – it is their goal. Right now, it is our problem. I think we are approaching it the correct way, Council okayed some funds to get the data that we need for pump station 3 flow analysis which will affect our whole sanitary system and all 3 SSO's. If we are ahead of the game, we might make big progress but I can't say for sure that they are going to do that but I can say that it is a goal they have.

Debbie Belaska, 4014 E Lake stated Mr. Kovach I was asking about the Parks and Boards for the decorations. Mr. Smith and Mr. Edwards – if we can get some more donations and get something maybe put in the paper for holiday decorations. Where would you like people to send them, maybe we can get some more decorations because I am sure some got burnt up last year? It would really be nice to light up this city again and you did such a wonderful job last year and your whole crew – we do appreciate it.

Mark J Erdei, 4015 Tennyson stated I would just like to congratulate the winners in our election and good luck.

/UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by Huska/Second by Kovach to amend the agenda to include Council numbers 056

and 057. ROLL CALL TO AMEND THE AGENDA: Yeas All – Huska, Bring, Kovach, Elliott, Stark.

Law Director Graves reminded Council if you wanted to continue to discuss the proposal on redistricting at Worksession but at some point I need direction whether to draw up that legislation. There is not going to be any other committee meetings until December. *Motion by Kovach/Second by Elliott that the Law Director proceed with the legislation on the redistricting as they have formulated it. ROLL CALL FOR APPROVAL: Yeas All – Huska, Bring, Stark, Kovach, Elliott. Law Director Graves advised we will try to have a draft for Worksession.

ORDINANCES/RESOLUTIONS:

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

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#51-11

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

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#52-11

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

*Motion by Huska/Second by Bring for ADOPTION:

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

Ordinance Passes#53-11

Council#056 – EMERGENCY – an ordinance amending Chapter 935.17 of the codified ordinances of the City of Sheffield Lake regarding payment place for water accounts and the declaring of an emergency.

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

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

*Motion by Huska/Second by Stark for ADOPTION:

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

Ordinance Passes#54-11

Council#057 – FIRST READING – an ordinance establishing Chapter 910 of the codified ordinances of the City of Sheffield Lake regarding streetlawns and treelawns.

COUNCIL PRESIDENT: President Podmanik stated at this time I wish to say congratulations to all those ran and were elected. I am looking forward to working

with all of you in the future and hoping that we can continue on as we have collectively putting our best foot forward for the improvement and betterment of our city.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Bring 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.

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 November 15, 2011.

COUNCIL PRO TEM

Richard Rosso

MAYOR

John J Piskura