

**MINUTES OF CITY COUNCIL
SHEFFIELD LAKE, OHIO
November 13, 2012**

The regular meeting of the City Council was held Tuesday, November 13, 2012. Council President Rick Rosso called the meeting to order at 7 PM.

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

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

Present: Rosso, Stark, Belaska, Smith, Kovach, McCullough, Elliott, Erdei, Mayor Bring, Law Director Graves, Finance Director Smith, Service Director Smith, Treasurer Woods

Attending: Concerned Citizens, Members of the Media: Avon Lake Press

READING OF THE MINUTES:

A – Council – October 23, 2012 - *Motion by Elliott/Second by Belaska to accept the minutes of the Council meeting of October 23, 2012. Yeas All.

CORRESPONDENCE: Monthly report of court receipts for month of October 2012 - \$11,180.00.

PRESENTATION: None.

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: Chairman Elliott advised meeting held last night so minutes have not been produced. However *Motion by Elliott/Second by Kovach to approve a sewer credit of \$283.55 for 5365 Lake Road. **ROLL CALL TO APPROVE:** Yeas All – Belaska, McCullough, Kovach, Stark, Elliott, Erdei./**Safety:** Chairperson Stark reviewed the minutes of the November 7, 2012 meeting. *Motion by Elliott/Second by Kovach to accept the report. Yeas All. If the Mayor wouldn't mind the text program, you could probably explain a little better than I could. Finance Director Smith explained we have signs up at the Service Department and one at the front door and if you text to 36000 and put in N119 you will sign up for our texting program which allows our safety forces, our Service Director, the Mayor or myself or Mr. Graves if there is an issue in the city that needs to be brought to the attention of our residents or anybody that is signed up for the program they will get a text. We have it signed up right now for up to 10 texts a month and we can go to 20 or 50 – it doesn't matter but we don't want to overwhelm anybody, we wanted to keep it simple because I know a lot of people don't have unlimited text. I would assume that we are going to have maybe 2 or 3 texts a month. This would have really come in handy with Sandy coming through, we could have made mention that there is a tree down over a certain road and to stay off that road – those kind of notifications to people. I would like you to encourage all of your residents in your wards and remind them that it is

there and that we have that service now available. *Motion by Elliott/Second by Kovach to accept the report. Yeas All./**Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Audit: 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 DIRECTORS REPORT: Councilman Elliott asked is the budget done yet? Finance Director Smith answered I have been working on it diligently for the last few days and I am almost there. I will have a couple more things to check out and I will have a draft for you next Tuesday. Councilman Elliott asked can you send me that budget report when it is done.

/TREASURER: report attached./ **SERVICE DIRECTORS REPORT:** Councilman McCullough stated the Monday of the remnants of Hurricane Sandy that came through while I was driving south on Lake Breeze in the 800 block and about got taken out by a tree on my through. At that point I did pull over and called Tammy and let her know there was a tree in road and please let Lenny know and I proceeded to 254 and Elyria Avenue in Sheffield Township – I drove straight over there and turned around and drove straight back and Len already had somebody clearing the road by the time I got back. I don't think it was a 40-minute round trip and various other times seeing things go down and by the time it was like Len had it on computer. Lenny your guys did an outstanding job for that storm. I just wanted to make sure everybody understood how quick you guys were on top of things. Nice work! Councilman Erdei advised I just happen to catch the street sweeper going down Lake Road and that my hat is off to you. You guys did a good job on the streets, I was very impressed. I would have to say after living here for many years I think you are doing one heck of a job compared to all the past Service Directors – I compliment you on that./**SAFETY DIRECTORS REPORT: None./LAW DIRECTORS REPORT:** Law Director Graves reported just a few things to go over this evening. First we did receive word that the Board had approved the Rite Aid extension so he is waiting on the paperwork, so that is good news. We have been in on-going negotiations with the City of Lorain for an extension of our sanitary sewer contract and we received word that that extension shouldn't be a problem. Again I am just waiting on the paperwork but we are going to get an extension on that which is good news. I did receive copies of the proposed easement diagrams and descriptions for the new Speedway facility and reviewing those and will have some legislation probably very soon to approve the access and sanitary easements which are necessary for the new Speedway construction. As the agenda indicates on Thursday afternoon we will be running our police sergeant promotional test and all 4 of our Patrolmen will be taking that test. The grant that the city received for the improvements to the Joyce Hanks Community Center including the new LED scrolling sign was bid by the county and awarded and that construction should start very soon. That money has to be spent by the end of the year

and that will happen. He explained proposed legislation that could be added to the agenda. *Motion by McCullough/Second by Belaska to accept the report. Yeas All./

CITIZEN'S COMMENTARY:

John Maraessa, 941 Stark St advised Council the problem we have is with stray cats, we have 2 people on our street that are feeding and housing stray cats in their yard. Me and my one neighbor have trapped 11 cats and there is probably dozens more – crapping all over the yard. My front yard smells like a cat litter box and they are crapping and urinating all over the place. Can't something be done to stop this, go after these people that feeding them and housing them? The second thing that I have to bring to your attention what are you going to do with Forestlawn, what are you going to do with the street? Law Director Graves advised historically we have taken a strong stand on cats in this city. I am sure some of you remember a few years we had a resident that was housing over 80 cats and we were citing her regularly and she ended up having to get rid of all of her cats. We do have an ordinance that says you cannot own more than 4 cats. You run into a little difficulty when they are not indoor cats, they are just outdoor and then who actually owns them. A few years ago, we determined that the city policy would be that you would not be able to hide behind claiming they are not your cats if you were feeding them, you have responsibility for those cats and you could be cited. We do take a tough stand on that, the problem you have is you have to catch them in the act – you have to actually be able to prove the case. In the case of the house that I think you are talking about, the house is currently vacant. The owner I believe is deceased and there is a family member that visits the house regularly who is perhaps feeding the cats and he denies it. If anyone has photos of him feeding the cats please provide them to the police department but he denies it and says he is not feeding the cats. He doesn't live there and there is really no one to cite at this point, it is a vacant home. They opened any kind of a probate estate, I don't know if the house is in foreclosure. The last the Building Inspector heard, they were trying to save the house, I don't know what efforts they are taking in that regard but we recognize that this is a real problem and I have talked it over with a number of people. The only step that we can do if there is really no one to cite for this is the city could consider legislation perhaps that we would start trapping them and trying to remove them ourselves but I don't know if there is interest in that. The Building Inspector has sent letters to that house and has driven by that house and see the cats there and we know the cats are there but the question is who do we start citing. Service Director Smith stated since Debbie called after you guys meeting on election day with Debbie at the corner, I have had the Building Inspector over almost every day checking at a certain time in the afternoon as given by you guys the general time in which he shows up. So Jon has had it on his agenda to get there several times in the late afternoon to try to catch this and even as late as today, after he does this he comes to me and reports to me if he has seen him or anything. As of today we still have not caught the guy but we are actively trying it. It is just that the Building Inspector has his normal job to do too but it is part of his daily routine. There was a

lengthy discussion on the cat issue in this area. Service Director Smith addressed the Forestlawn Street question, as you noticed we started putting in catch basins on Roberts and Holl and what we did was we connected those catch basins on Roberts to the Lake Breeze storm sewer. We connected the catch basins on Holl and split the difference to the Howell storm sewer which there is a very deep storm sewer on Howell. That leaves 2 more streets down there and those 2 streets are tied into the East Drive and to the Howell with an overflow. We are going to clean those catch basins out, we are going to verify over the course of the winter that the water is draining better than it ever has and I am very familiar because I grew up at the end of Stark Street. As soon as I am done with the water issue then that street will be moved onto the prioritized target list for streets. That is going to be very soon and I would say probably within the next 2 years that will be paved. Law Director Graves advised you have to address the drainage issues first before you pave because if you don't it is just going to erode again. There was a brief discussion on the street repair.

Mr. Musgrove, 944 Stark Street advised I addressed you people back in March about those cats. At the one house up there is 11 cats and they have lived since March and they live there today and the man feeds them behind a closed garage door, you ain't never going to get a picture. He comes in for an hour and he is gone and the cats are eating, the minute someone pulls in that driveway there they come they know it is feeding time. You are not going to get a picture of this guy. The woman lives right next door to John, you can look in her backyard as there is no gate on it and you can see her feed cats. There is 5 or 6 at a time back there, she took that on she decided to feed the stray cats. Now not only do we have cats, we have raccoons that carry disease, possums – you name it, they are worse than they ever have been and have been there all summer. So if you are waiting to get a picture you might as well say you are never going to do nothing.

Mrs. Musgrove, 944 Stark Street stated I love the garden and I love my plants, these cats are killing my plants. I am sick of it, totally sick of it. The guy has a garage door and anybody can see if you take the time. You are not going to catch them feeding them and there is kids, kids in the neighborhood with all these stray cats and I think that is a health hazard – don't you agree. Since March I don't want to hear anymore from my city Councilman when it is going to take forever. President Rosso advised this is not a Council issue, there is no legislative action that needs to be passed. The legislation is there and your issue is with the city and when they are going to be able to and they are doing the best they can trying to do it. But we have the legislation; the Police and the Building Inspector has everything they need to do it. There is nothing that Council can do for this so coming here and saying Council is not going to do anything – you are right because it is not for us to do. Service Director Smith advised the problem has already been addressed, I don't have the time and resources to have a man sit on your street 24 hours waiting to take pictures or to go banging on a door. I can do it intermittently as I can in which I do. You guys have said you have seen the people taking and feeding the cats, by all means help us and take a picture. Mr. Ma-

raessa spoke up and stated I have and I showed Jon the picture but he told me there is nothing they can do. The audience was advised to bring the picture in. There was a lengthy discussion on the cat issue. Mr. Musgrove asked can you pass a law with more teeth in it. President Rosso stated you still can't prove it – that is the problem, you have got the law that has got more than enough teeth in it.

/UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by Elliott/Second by Kovach to amend tonight's agenda to include Council#056 and 057. **ROLL CALL TO AMEND THE AGENDA:** Yeas All – Erdei, Elliott, Belaska, Stark, Kovach, McCullough.

ORDINANCES AND RESOLUTIONS: Councils Agenda –

- 1) Council#056 – EMERGENCY – a resolution authorizing the Mayor to enter into a subordination agreement with Freedom Mortgage Corporation in favor of Mark and Elyssa Durell and the declaring of an emergency.

*Motion by Elliott/Second by Belaska for **SUSPENSION OF RULES:**

ROLL CALL FOR SUSPENSION OF RULES: Yeas All – Belaska, McCullough, Kovach, Stark, Erdei, Elliott.

*Motion by Belaska/Second by Kovach for **ADOPTION:**

ROLL CALL FOR ADOPTION: Yeas All – Kovach, McCullough, Erdei, Belaska, Elliott, Stark.

Resolution Passes#53-12

- 2) Council#057 – FIRST READING – an ordinance authorizing the Mayor to enter into an agreement regarding Officer and Employee Health Care Benefits Program with the County of Lorain, Ohio and the declaring of an emergency.

PRESIDENT OF COUNCIL COMMENTARY: President Rosso stated the only thing I would like to say is just to continuously remind that the last Council meeting in December has been moved to December 27, 2012 at 7 pm since the Tuesday is Christmas.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Belaska to adjourn at 7:40 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
Rick Rosso

and/or

COUNCIL PRO TEM

Eric S Elliott

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 13, 2012.

MAYOR

Dennis Bring