

**MINUTES OF CITY COUNCIL
SHEFFIELD LAKE, OHIO
November 27, 2012**

The regular meeting of the City Council was held Tuesday, November 27, 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 – November 13, 2012 - *Motion by Elliott/Second by Belaska to accept the minutes of the Council meeting of November 27, 2012 . Yeas All.

B – Council Worksession – November 20, 2012 - *Motion by Elliott/Second by Belaska to accept the minutes of the Council Worksession of November 27, 2012. Yeas All.

CORRESPONDENCE: Ohio Division of Liquor control – Dollar General application. Law Director Graves explained Dollar General has applied for a class c 1/class c 2 liquor license and that would include the sale of beer, wine, mixed beverages in sealed containers for carry-out. We have the opportunity as you are all aware to request a hearing on this application or to allow it to go forward. As you are probably all aware/I know you are all aware Dollar General has made a request though they are in the process of relocating, that matter is being litigated and the question arose what would be the implications of the current liquor application if they were to relocate. If they were to move to a new location they would be required to submit a new application. The liquor license is specific to that location. So that is something to bear in mind as you consider this. Also the city has certain grounds which they could use to object at the hearing to the granting of this liquor license; some of those are, whether it is substantially and adversely interferes with public decency, sobriety, peace or the good order of the neighborhood or the normal conduct of the public institution. Other grounds are the saturation of permits in the neighborhood that would be detrimental to and substantially interfere with moral, safety or welfare of the public. A permit may also be denied if it does not conform to building, safety or health requirements of the municipality. The only thing that I would further advise is if Council's intention is to object to the permit at the new location should they ultimately relocate, if it was granted now that would take away our ability to make a saturation argument down the road. So bear that in mind. President Rosso stated where the current Dollar General is – is that within a 1000 feet of the boat launch or Memorial Park? Law Director

Graves answered I have that information as well, under ORC 4303.26 if it is within 500 feet of any school, church, library, public playground or township park the authorities of the school, church, library, park or playground will also have to be notified and have an opportunity to object. So it is outside of 500 feet. President Rosso advised I believe as we talked in Worksession, the only action we need to do is whether or not to request the hearing. Councilman Erdei asked if we do allow it and they want to sell in their location right now, they are leasing the building from us so are they going to be responsible for putting in the coolers and everything to keep everything chilled. Law Director Graves answered yes they would. Councilman McCullough asked are we sure it is not within 500 feet of the library. I would be you it is within 500 feet of the library. Law Director Graves answered I am pretty sure it is not. Service Director Smith advised when we wheeled off the parking lot we were close to 600 feet from the green area where the Shoreway sign is to the end of the new pavement was. Law Director Graves advised the state makes that determination. They have come out and taken a look at it. Councilperson Stark asked could this affect the current issue we are having with them if we would ask for a meeting. Law Director Graves answered no, I mean anything is possible but I don't think it would. The only other thing like I said is if the intent of requesting the hearing is to object to the issuance of this license there are only certain grounds that we can use to object it and one of those is saturation. That would be that Sheffield Lake has reached a saturation point with the amount of liquor licenses that are already here. If we grant it now, I mean if it gets granted now when and if they relocate to the new location we won't be able to make a saturation argument at that point because it is already there then. If you want to preserve a saturation argument you would have to object to it now. President Rosso advised be well aware if we object to it – it really comes down to the state to decide whether or not they still get it. We can't stop it. Councilman Elliott asked when you say saturation that is city wide right that is not the area. Law Director Graves answered it is actually the neighborhood. Councilman Elliott stated you could make the argument that it is saturated there because you got Apples selling beer and you got the gas station right next door and the state liquor right across the street. But when and if they move is going to be down the street and there is nothing in that area. Law Director Graves one other point is Muldoon's is gone and also the Bowling Alley Bar is gone. Mayor Bring advised if we would acquire the restaurant or something there and they also ask for a liquor license and we deny this. We can't let them have a license. Councilman Elliott asked do they have a time limit where they have to bring this to the city because this is actually time stamped January 26, 2012. Clerk Fantauzzi advised that is the state's time stamp. President Rosso advised yes it is but we have to reply by December 10th or we lose our right to object. Councilman Elliott asked so this goes before the state and everything before it even comes to us? Clerk Fantauzzi answered yes they apply there. Law Director Graves concurred yes they are already well aware of this. I actually talked to them today on another matter and he

mentioned this one. President Rosso polled Council for objections and no voices were heard, no hearing requested.

PRESENTATION: None.

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: Chairman Elliott reviewed the November 12, 2012 minutes. *Motion by Belaska/Second by Stark to accept the report. Yeas All. Councilman Elliott advised I feel more comfortable with a co-chair and I have asked Debbie Belaska to do that and she accept./**Safety: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Audit:** Chairperson Stark reviewed the minutes of the November 20, 2012 meeting. We would like to thank Tammy because I know this has been very hard on her trying to balance a budget for the city. We took a big hit and I think the numbers were \$173,000.00? Finance Director Smith explained that is over what we got cut by last year but total since 2008 is almost \$450,000.00 and that is every year that we don't have that \$450,000.00. It is \$173,000.00 more than last year but total is over \$400,000.00 a year that we don't get. Chairperson Stark advised so we are on a pretty tight budget this year and we are all doing the best that we can to work together to make everything run smoothly for the city. So we appreciate the effort that everybody has put in from all the departments on that. *Motion by Belaska/Second by Kovach to accept the report. Yeas All./**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 19, 2012 meeting.

ADMINISTRATIVE REPORTS

MAYORS REPORT: None./FINANCE DIRECTORS REPORT: None. Councilperson Belaska stated thank you./**TREASURER: None./SERVICE DIRECTORS REPORT: None.** Councilperson Belaska stated I left you a message today she wanted to know about volunteering. I told her about the Christmas decorations and that I was not in charge of them, that it was with you and the city workers that do that I didn't want to take away anybody's job. Service Director Smith advised we have cut back in the parks which we normally do that and we cut back to a bare minimum. I discussed the plan with Jerry today; we are going to have about a day's work. We don't handle a lot right now. We have had some events with reductions in the 101 account that have affected us in the parks. Councilperson Belaska asked so there will be no decorations then? Service Director Smith answered there will be very limited this year. Councilperson Belaska stated that is fine, I told her that she had to speak with you that there was no committee. She asked me about a committee and that I was in charge and I said I was not in charge. Service Director Smith answered yes that is for Park Board to take that up./**SAFETY DIRECTORS REPORT: None./LAW**

DIRECTORS REPORT: Law Director Graves reported I mentioned this at the Worksession and I wanted to go ahead and mention it again. As part of our community housing improvement grant, one of the items was aid for housing assistance. The city has some funds in that grant line that we need to spend and that money would be for anyone in the city who qualifies under low to moderate income limits for housing assistance and that would be for mortgage payments, rental assistance, utility payments. The income limits on that for a single individual is \$35,700.00, family of 2 \$40,800.00, family of 3 \$45,900.00, family of 4 \$50,950.00 and a family of 5 \$55,050.00. We need to get that done by the end of the month which is the end of this week. So if anyone knows anyone or is aware of anyone that could use that assistance we have funds that we would like to use to help them. I have a little progress on the 965 Stark; the cat problem. I have had contact with the attorney that is handling that estate and I have also made contact with an individual from the Erie Shore Humane Society and I think that we are making some progress on that cat situation over on Stark. The Civil Service Commission did run a Sergeant's tests; we are in the process now of reviewing the test with the applicants and this is called the protest period. They get an opportunity to review the answer key and challenge any questions that they do not believe were answered correctly on the answer key. We also have a fire-fighters Lieutenants test coming up in December. He reviewed legislation on the agenda to include the new health insurance contract at the county. He stated if you recall we need to pass this at tonight's meeting, we have to get this done. We did set it for a second reading to allow everyone to review it and there are only a few changes to this new contract from the old contract. Councilman Erdei asked how is the auction going at the Bowling Alley. Law Director Graves answered the auction is concluded and right now we are in the process of removal of items. The Mayor and the Service Director have been monitoring that. Mayor Bring advised probably be done the second week of December when the building will be almost completely empty. It has been open during the day if anybody wants to stop down and take a look.

*Motion by Belaska/Second by Stark to accept the report. Yeas All.

CITIZEN'S COMMENTARY:

Debra Kampfer stated I used to be a resident here in Sheffield Lake and I graduated from Brookside 1982. My concern today is; this is my youngest daughter Brittany and she is now 28. Back in 1990 to 1992 she was raped and molested by Donald Kampfer who was just released out of prison on Monday and is now a resident of your city at 4374 Edgewater Drive. I am not sure how that works with being right there by Tennyson Avenue but it has got me greatly concerned for the safety of children. Since that road is no longer there, he has no access to that home except from Lake Road. So his parents are 4381 and it is 614 feet from the school property. I did bring a flyer that I would like to share with the Council to give to you guys with his information and violent charges; he was in prison for 20 years. He only did 16 of the 7 – 25 he sentenced to for raping my daughter. I just wanted to make that publicly aware to the city and I am very concerned and worried about the safety of our chil-

dren and him being so close to that school and the parks. Law Director Graves advised there are 2 factors here; first under state law he is not permitted to reside within a 1000 feet of the school – so the first thing is he is in violation of state law if he is within 600 feet of the school. The local ordinance if it is a minor child/victim or a repeat offender you are not permitted to reside within a 1000 feet of the park or the library. I receive a report every month updating me on the registered sex offenders in the city and we are very aggressive in making sure that they register with the local Police Department and if they are residing in permissible location we will file the appropriate action with the Common Police Court. Ms. Kampffer stated she was 8 years old when this crime was committed. She asked am I allowed to go door-to-door and pass out flyers to residents and neighbors at that address. Law Director Graves advised I will talk to you about this after the meeting.

Brittany Hill Dittmer advised I live in Lorain, I was specifically told by his parole officer that he has just as many rights to go my daughter's school or my daughter's day care as I do. I don't think that is fair, he raped me and he deserves to be punished and I don't see how it is right that they are letting him live by a school and then telling me that he can just go to my daughter's school and get her. Or he can be in the parking lot, they said he can go and be in the parking lot as he has just as many rights to be there as I do. Why? Lorain is not helping, they are giving no protection and they specifically told me they won't protect her. After a brief discussion, Law Director Graves to speak with her after the meeting.

Ann Marie Woltman, 649 Sheffield Road asked why we don't get the complete minutes. President Rosso advised you can request them from the clerk and I will tell you why we don't do it because we would make 10 – 15 copies and probably 2 would get taken so I had asked the clerk not to give them but they are on request if you want them we will give a set. I am just trying to cut costs and I am sure I have said it at other meetings but that is why they are not there. We throw away a lot of paper. As you have heard tonight we are looking at every nickel and dime. Councilman McCullough stated is there any way that we can do away with most of this and if we have laptops can we just keep ours on laptops because I was thinking about that too when I seen \$453,000.00 short. President Rosso answered you sure can, we will just email you with the minutes and everything and you can do it that way.

/UNFINISHED BUSINESS: None./NEW BUSINESS: Councilman Elliott advised that is something that the President and myself have been discussing and looking into that right now. Hopefully we will have a presentation for you probably by January or February. It is a concern for all of us.

ORDINANCES AND RESOLUTIONS: Councils Agenda –

- 1) Council#057 – SECOND 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.

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

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

*Motion by Elliott/Second by Stark for ADOPTION:

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

Ordinance Passes#54-12

- 2) Council#058 – 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 Stark/Second by Belaska for SUSPENSION OF RULES:

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

*Motion by Stark/Second by Belaska for ADOPTION:

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

Ordinance Passes#55-12

- 3) Council#059 – FIRST READING – an ordinance adopting an Investment and Depository Policy for the City of Sheffield Lake.

PRESIDENT OF COUNCIL COMMENTARY: President Rosso stated again a reminder that the last Council meeting in December will be on December 27th due to Christmas being on that Tuesday the 25th. Also I was at a meeting last night and discussion about the homeless center that runs out of St. Joe's and was with a group that donates time and food up there. This year due to the economy; 2 donator's - they are short 2 dinners a month for the entire winter. So my goal is to try to raise enough money to pay for 1 dinner which \$500.00 – is not a very good dinner as it is 80 people. So I am just putting it out there, my goal is if I can get 100 people that I can \$5.00 from we can feed 80 people. I am just throwing it out there that I will be trying to collect this money up here in the next month or so. I am going to go to some of the various organizations outside. Those people are just tough times and at \$500.00 it is pretty much going to be spaghetti and a small salad. Spread the word if you can. Also I would like an executive session for the discussion of employee compensation.

*Motion by Stark/Second by Belaska for the discussion of employee compensation.

ROLL CALL TO GO INTO EXECUTIVE SESSION: Yeas All – Stark, Elliott, Belaska, Smith, Kovach, McCullough, Erdei.

*Motion by Belaska/Second by Kovach to return to regular session.

ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Stark, Elliott, Belaska, Smith, Kovach, McCullough, Erdei.

Law Director Graves advised let the record reflect that the City Council of Sheffield Lake did adjourn into executive session for the discussion of compensation of a public employee pursuant to Sunshine Laws.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Belaska to adjourn at 7:55 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

COUNCIL PRESIDENT

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 27, 2012.

MAYOR

Dennis Bring