

Minutes of the City Council
Sheffield Lake, Ohio
January 10, 2012

The regular meeting of the City Council was held Tuesday, January 10, 2012. Council President Edward Podmanik called the meeting to order at 7:02 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, Belaska, Stark, McCullough, Kovach, Elliott, Smith, Mayor Bring, Treasurer Woods, Finance Director Smith, Service Director Smith, Law Director Graves, Engineer Skellenger
Attending: Fire Chief Tim Card, Civil Service Huffman, Water Dept Erwin, Concerned Citizens, Family & Friends of those to be sworn in, Members of the Media; Avon Lake Press

*Motion by Rosso/Second by Belaska to accept the minutes of the December 27, 2011 Council meeting with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS: Monthly report of court receipts for month of December, 2011 - \$5092.00. Receive and file.

PRESENTATIONS: None.

Mayor Bring submitted for consideration for Service Director – Len Smith.

*Motion by Rosso/Second by Stark to approve the Mayors appointment of Len Smith as Service Director. Councilman Smith advised due to the conflict of interest I will have to abstain from any votes dealing with this issue. **ROLL CALL FOR APPROVAL:** Yeas – Stark, Elliott, Kovach, Rosso, McCullough, Belaska/Abstain – Smith. Mayor Bring submitted for consideration for Finance Director – Tamara Smith. *Motion by Stark/Second by Rosso to approve the Mayors appointment of Tamara Smith as Finance Director. **ROLL CALL FOR APPROVAL:** Yeas All – Smith, Rosso, Belaska, Kovach, McCullough, Elliott, Star. Mayor Bring submitted for consideration for Law Director – David Graves. *Motion by Rosso/Second by Elliott to approve the Mayors appointment of David Graves as Law Director. **ROLL CALL FOR APPROVAL:** Yeas All – Rosso, Belaska, Elliott, Stark, McCullough, Kovach, Smith. Mayor Bring submitted for consideration for Clerk of Courts – Francine Shover. *Motion by Rosso/Second by Belaska to approve the Mayors appointment of Francine Shover for Clerk of Courts. **ROLL CALL FOR APPROVAL:** Yeas All – Kovach, Rosso, McCullough, Belaska, Smith, Stark,

Elliott. Mayor Bring submitted Kay Fantauzzi for Deputy Clerk of Courts. *Motion by Rosso/Second by Stark to approve the Mayors appointment of Kay Fantauzzi for Deputy Clerk of Courts. ROLL CALL FOR APPROVAL: Yeas All – Belaska, Kovach, McCullough, Elliott, Stark, Rosso, Smith. Mayor Bring submitted Wendy Grady for Deputy Clerk of Courts. *Motion by Rosso/Second by Elliott to approve the Mayors appointment of Wendy Grady for Deputy Clerk of Courts. ROLL CALL FOR APPROVAL: Yeas All – McCullough, Smith, Kovach, Rosso, Belaska, Elliott, Stark.

Mayor Bring swore in his cabinet for duty; Len Smith for Service Director, Tamara Smith for Finance Director, David Graves for Law Directors, Francine Shover for Clerk of Courts, Kay Fantauzzi for Deputy Clerk of Courts.

Mayor Bring submitted for Planning Commission – Mark J Erdei. *Motion by Rosso/Second by Belaska to approve the Mayors appointment of Mark J Erdei to the Planning Commission. ROLL CALL FOR APPROVAL: Yeas All – Elliott, Stark, Rosso, Belaska, McCullough, Kovach, Smith. Mayor Bring submitted for Planning Commission – Karl A Guenther II. *Motion by Rosso/Second by Belaska to approve the Mayors appointment of Karl A Guenther II for Planning Commission. ROLL CALL FOR APPROVAL: Yeas All – Kovach, Smith, Rosso, Belaska, Elliott, Stark, McCullough. Mayor Bring submitted for Planning Commission – Karen Wells. *Motion by Rosso/Second by Stark to approve the Mayors appointment of Karen Wells to the Planning Commission. ROLL CALL FOR APPROVAL: Yeas All – Smith, Belaska, Stark, Elliott, Kovach, McCullough, Rosso.

Mayor Bring submitted for Zoning Board of Appeals – Edward G Rinderknecht. *Motion by Elliott/Second by Rosso to approve the Mayors appointment of Edward G Rinderknecht to the Zoning Board of Appeals. ROLL CALL FOR APPROVAL: Yeas All – McCullough, Stark, Kovach, Rosso, Smith, Elliott, Belaska.

Mayor Bring submitted for Civic Center Advisory Board – Shirley Rudik. *Motion by Rosso/Second by Elliott to approve the Mayors appointment of Shirley Rudik to the Civic Center Advisory Board. ROLL CALL FOR APPROVAL: Yeas All – Belaska, Rosso, Smith, Kovach, Elliott, Stark, McCullough. Mayor Bring submitted for Civic Center Advisory Board – Joyce Nicola. *Motion by Rosso/Second by Belaska to approve the Mayors appointment of Joyce Nicola to the Civic Center Advisory Board. ROLL CALL FOR APPROVAL: Yeas All – Elliott, Kovach, Smith, McCullough, Belaska, Rosso, Stark.

Mayor Bring swore in Mark J Erdei, Karl A Guenther II and Karen Wells to the Planning Commission of the City of Sheffield Lake.

Mayor Bring swore in Edward G Rinderknecht to the Zoning Board of Appeals of the City of Sheffield Lake.

Mayor Bring submitted for re-appointment; Diana Jancura – Zoning Board of Appeals for a 4-year term. *Motion by Rosso/Second by Belaska to approve the Mayors appointment of Diana Jancura to the Zoning Board of Appeals for a 4-year term. ROLL CALL FOR APPROVAL: Yeas All – Stark, McCullough, Elliott, Kovach, Belaska, Rosso, Smith. Mayor submitted for re-appointment; Miles McClelland – Zoning Board of Appeals for a 3-year term. *Motion by Rosso/Second by Belaska to approve the Mayors appointment of Miles McClelland to the Zoning Board of Appeals for a 3-year term. ROLL CALL FOR APPROVAL: Yeas All – Rosso, Smith, McCullough, Stark, Elliott, Belaska, Kovach.

Mayor Bring submitted for re-appointment; Scott Jancura – Planning Commission for a 4-year term. *Motion by Elliott/Second by Belaska to approve the Mayors appointment of Scott Jancura to the Planning Commission for a 4-year term. ROLL CALL FOR APPROVAL: Yeas All – Kovach, Smith, Belaska, Stark, McCullough, Elliott, Rosso. Mayor Bring submitted for re-appointment; Miles McClelland – Planning Commission for a 4-year term. *Motion by Elliott/Second by Rosso to approve the Mayors appointment of Miles McClelland to the Planning Commission for a 4-year term. ROLL CALL FOR APPROVAL: Yeas All – Elliott, Stark, Smith, Rosso, Belaska, Kovach, McCullough.

Mayor Bring submitted for re-appointment; Silvia Schmitz – Civic Center Advisory Board for a 4-year term. *Motion by Rosso/Second by Stark to approve the Mayors appointment of Silvia Schmitz to the Civic Center Advisory Board for a 4-year term. ROLL CALL FOR APPROVAL: Yeas All – Rosso, Belaska, Elliott, Stark, Smith, Kovach, McCullough.

Mayor Bring submitted for re-appointment; Ralph Huffman – Civil Service Commission for a 2-year term. *Motion by Rosso/Second by Elliott to approve the Mayors appointment of Ralph Huffman to the Civil Service Commission for a 2-year term. ROLL CALL FOR APPROVAL: Yeas All – McCullough, Rosso, Kovach, Elliott, Stark, Smith, Belaska.

Mayor Bring swore in Ralph Huffman to the Civil Service Commission of the City of Sheffield Lake.

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

Roads, Drains, Water, Sewer, and Refuse: None./Safety: Chairman Rosso reviewed the minutes of the January 4, 2012 meeting. *Motion by Stark/Second by Elliott to accept the report. Yeas All./***Buildings, Lands, Vehicles & Equipment:*** Chairman Kovach reviewed the minutes of the January 5, 2012 meeting. *Motion by Rosso/Second by Stark to accept the report. Yeas All./***Ordinance:*** Chairman Elliott reviewed the minutes of the January 5, 2012 meeting. *Motion by Stark/Second by Belaska 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.***

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

MAYORS REPORT: Mayor Bring reported we have been working on a lot of little things. On the boat launch cameras; we have a camera that is pointing towards Apples right now and we are going to turn that around and point that towards the binoculars. Obviously those were donated and they are very nice and we don't want anything to happen to those. So we are going to redirect that camera, we do have one spot out in those so we will be looking at that. We have been looking at a lot of the cameras in here and a lot of wiring along with the computers. I disconnected that camera up there in council chambers so that is no longer in service right now. We are looking at getting a person in here who will be going over all of this. Rich Pozywak who is our part-time Police Officer, we would like to make him our tech. I am meeting with him and he has a tremendous amount of ideas of saving money by centralizing all this. Even though the Police Department and the Fire Department will still be separate in regards to LEADS – everything will be in this area over here. All secure as it will be in the hallway in the safe which is used for storage now, so it will all be in there. The monitors in the Police Department will be in compliance with what we need to do. We have been working on this for quite some time. We had an estimate which was in excess of \$30,000.00 and this will be very much cheaper. I talked about putting new cameras on the outside of the buildings because everything right now basically in the Police Department is black and white. While in Safety we discussed this and it was very costly and he is telling me it is \$35.00 for a camera which will be color. I am going to redirect some of these cameras because I know we have them for the Fire Department in certain areas that we don't need. I kind of directed the Service Director, we are looking at getting a couple pieces of equipment for the Service Department/Water Department which is something that we discussed last night about needing money for and one of the pieces of equipment is an extended arm mowing deck with a tractor. Again we are looking at used equipment and will be anywhere from \$15,000.00 to \$25,000.00. This will give us the opportunity to go

along all the side streets with all the overgrowth we have in these ditches right now which is inhibiting the flow. We could get in there and cut back about 10 or 15 feet which will give us the opportunity to get that all cleaned out. The other piece of equipment that we are looking at is a small track-hoe with a V-bucket that goes into the ditches. They use them in other departments so you can clean all these ditches out. It is small things but it will get the water flowing and it will be a tremendous help and it will cut down on the man hours in the Department. We will try and see if we could get a demo out here to do a couple of streets so you guys can take a look at it. The Fire Department, Mr. Card has been asking for a couple of trucks and he realizes how cheap I am but we are going to decommission one of the pick-up trucks out of the Water Department and Service Director Smith is going to put new fenders, bench seat on it and a paint job. Again obviously it is not but it will help him as he can throw some equipment for the fire hydrant program. That will be done in probably the next 3 weeks. Then we are going to take one of the Cherokee's that we used to have for the Police Department that we don't use anymore and I think it is a head-gasket problem so we are to fix that and also paint it for Fire Chief Card. Again this is not new but at least he will have something and he realizes and he is okay for now. It was very nice of him and the department to accept this and I really appreciate it. They have been working very well with us. We have a couple of Police cars that have been sitting on the side and we are going to take those in, fix them and use them for some of the vehicles around here but not back in the Police Department. I had also mentioned that we have a trailer out there that we used to take the robot around to some of the schools and we have not used that in 7 years. I am thinking about taking that out and using that in the Water Department and putting the cameras in there and taking that out of one of the vans, so that will not be banging around in the back. I am still talking to the Police Department about that. One of the last things, our Police Chief Larry Shepherd is going to resign and then go into retirement and that will be in effect on January 27, 2012. We will have an acting Chief and we will be getting some things with that. I am having a meeting with the Police either the first or second week of February and I will be going over all that with them. *Motion by Rosso/Second by Elliott to accept the report. Yeas All./**FINANCE DIRECTOR REPORT:** Finance Director Smith reported I am continuing to get everything completed for all the file numbers for 2011 and working on setting up all the new numbers for 2012 and that is consuming all my time right now. *Motion by Rosso/Second by Elliott to accept the report. Yeas All./**TREASURER REPORT:** Treasurer Woods reported Rose is doing a good job on her report. I do one question though that I think we need to look into and that is non-sufficient funds/checks that have been bounced back to us. It is almost \$5700.00 so I think we need to look into trying recoup some of that money back and get that off the books. Finance Director Smith advised those are things that have come through the Water Department, people that have abandoned

their homes and bounced checks just to get along until they could get out and then we have never see them again and have no way of tracking them. Some of them are old enough that we will have them written off. Councilman McCullough asked actually this is for the Law Director, can we do something so this happens we can at least lien that property with the bank? Law Director Graves answered if someone is there and we know who they are we can prosecute, if it is a closed account we can file charges right away but if it is non-sufficient funds we have to give them 10-days to correct. There is 2-year statute of limitations on that, so any checks that are more then 2-years old we are not going to be able to prosecute them. If it is unpaid water bills we do attach them to the lien. *Motion by Rosso/Second by Stark to accept the report. Yeas All./**SAFETY DIRECTOR: None./SERVICE DIRECTOR:** Service Director Smith reported on the salt dome issue that we are looking at I have a meeting later on this week with a company coming in – this person actually puts them up. Looking at our situation, our layout, our dimensions and what we need and also how we are going to try taking out the existing concrete that we have underneath the structure. Right now we have a structure within a structure which is the wood in the last 2 bays, the back wall is completely out of it where it has rotted and the metal behind it has rusted out. To load the stuff – it just came apart, the top of the middle roof came down on top of that wooden shed in the back. So structurally we have a really bad issue over there and we look at resolving it quickly but we will be very frugal in doing so. During the last salting event we had an overheating problem the 2002 International, we immediately took it out of service. We have extra back-up trucks as you know and had it diagnosed and it turns out that it was a lower block problem, with this diesel it is one of the common problems are the O-rings underneath the sleeves with the way it is manufactured get hard, brittle, break and then they cause oil and water to mix. That is currently being out as brought up at Buildings & Lands and sent out right now to someone who is actually doing an in-frame rebuild on the bottom lower half of the engine and we should have it back soon. The last thing – Pump#1 is back in service at Station#1 and the electronic components that were replaced after we installed the pump is complete. That was a starter circuit, the big circuit breakers that we were having a problem with just due to age and heat damage. That is what originally caused the failure of the pump was the circuitry part of it but in diagnosing it we find we had a seal leak and a seal indicator on the one pump which base said it was taking on a little bit of water. It has an alarm inside of the pump that is hardwired and it let us know and that is why I sent it out and had it addressed. So Pump Station#1 is back and ready to go. *Motion by Rosso/Second by Elliott to accept the report. Yeas All./**ENGINEER: None./LAW DIRECTORS REPORT:** Law Director Graves reported per our Demolition Board there are a number of nuisance properties in the city that we are trying to address and I am still waiting a return of the NSP3 agreement from the county that would free up

some funds to enable us to move forward with some nuisance abatement and as soon as we receive that we will take the appropriate local measures. We have to complete the local condemnation process and then they will assist in the demolition. The Civil Service Commission as you see is going to meet on January 26th and we need at least 1 new member and possibly 2. They are making preparations for an entry level Police test but if anybody knows anyone that would like to serve on that Commission, we may have difficulty obtaining a quorum in the future. The legislation for tonight has been talked about, again it is just a resolution as it is a change to the zoning code. That process begins with a resolution referring the matter to Planning Commission allowing at least 60-day review. There is a number of concerns and issues with the way that our current ordinances treat accessory buildings and accessory structures, there is a number of conflicting and ambiguous terms. Along with the legislation is an attached summary and I would ask that Council consider adding that to the agenda and passing that as an emergency that we can have Planning Commission begin those discussions. I continue to work on a lot of projects that you are aware of. *Motion by Elliott/Second by Belaska to accept the report. Yeas All. *Motion by McCullough/Second by Kovach to add Council#001 to tonight's agenda. ROLL CALL TO AMEND THE AGENDA TO INCLUDE COUNCIL#001: Yeas All – McCullough, Elliott, Kovach, Rosso, Belaska, Smith, Stark.

CITIZENS COMMENTARY:

Mark J Erdei, 4015 Tennyson stated does anybody have an update on how our internet café's are doing? Service Director Smith answered they are doing fine and paying their monthly fees and I am making regular stops at them. Surprise visits to check things out. Although I do have one on-going little building issue with one of them but besides that it is not a big deal. Everything is going well. President Podmanik asked we have no police issues there at all? Service Director Smith answered not there – no. Not concerning the café's that I am aware of. Mr. Erdei asked did anybody ever think of putting solar power on top of the building here? Is the Community Civic Center working out okay Mayor? Mayor Bring answered actually we saw Marcy Kaptur the other day who is running for the 9th district and we had mentioned that to her and also that we have a wind turbine along with the solar power at the Civic Center and she is very, very interested in that. I told her the next time she was driving by to take a look and she said she is going to stop. She seemed to genius about looking into this and she had stopped me also at another function and mentioned that again. So we need to get together with her and hopefully, depending on what happens at the elections, it has generated some interest. That is one of the things that I would like to do too. Again the costs are quite substantial but we will have to look into that.

/UNFINISHED BUSINESS: None./NEW BUSINESS: Councilwoman Stark stated I would thank Law Director Graves for his part in what he did for us for the

swearing in ceremony last week to get the Judge out to swear us in. So I just wanted to say thank you, it was very nice for him to do that. Councilman Rosso advised I would like to back up a bit and something that I missed in Safety, during the Safety meeting Fire Chief Card did put together which I guess for lack of a better term – his State of the Fire Department, this was just his observations, comments, what he thinks that they need to improve on. I don't want anyone to get the impression that he just came to Safety and gave a list of here is everything you need to do as the Mayor pointed out, they are working together to address some of these but I asked Kay to make copies for everyone and put them your box downstairs so that everyone can see what the Chief is thinking and what the issues are over there.

ORDINANCES/RESOLUTIONS:

Council#001 – EMERGENCY – a resolution by the Council of the City of Sheffield Lake referring the matter of a proposed change to the zoning code regarding accessory buildings and accessory structures to the municipal Planning Commission of the City of Sheffield Lake for its review, consideration and to submit its recommendations to this Council and the declaring of an emergency.

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

President Podmanik requested Law Director Graves to give a brief explanation of Suspension of the Rules and that works. Law Director Graves advised our code requires all legislation to go 3 readings, from time to time ordinances and resolutions need to be passed with haste so by 2/3 vote of Council they can suspend the rules and they are basically suspending the 3 reading requirement. That is separate and distinct from the emergency clause, the emergency clause is the requirement that any legislation have a 30-day waiting period once it is passed and that would be a referendum period if anyone wanted to challenge that ordinance. So by 2/3 vote they can pass the legislation with the emergency clause and that also waves the 30-day waiting period, so they are separate and distinct considerations.

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

*Motion by Elliott/Second by Stark for ADOPTION:

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

Resolution Passes#1-12

COUNCIL PRESIDENT: President Podmanik stated at this time I would like to say thank you to all those who have accepted appointments by the Mayor, we definitely need as much help as we can get. Hopefully you won't abandon us too soon. It has always been Council's policy – we have an open door policy

downstairs. Our Clerk will do just about anything you need with regards to copies of legislation, any information she could possibly get you. For those of you who haven't been here before if you wish to receive schedules via e-mail tonight or within the next day or two get the Clerk your e-mail address and you will be added to the list and will receive the schedules in your e-mail. Anytime you need to contact her, she is here downstairs and there shouldn't be any problems but if you have any let me know.

Mayor Bring advised Clerk to make copies of Master Plan for all those on Planning and Zoning. Clerk Fantauzzi advised in the process of making binders now.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Belaska to adjourn at 8 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 January 10, 2012.

COUNCIL PRO TEM

Richard Rosso

MAYOR

Dennis Bring