

## Minutes of the City Council

Sheffield Lake, Ohio

February 14, 2012

The regular meeting of the City Council was held Tuesday, February 14, 2012.

Council President Edward Podmanik called the meeting to order at 7 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, Kovach, Elliott, Smith,  
McCullough, Mayor Bring, Finance Director Smith, Service Director  
Smith, Law Director Graves

Absent: Treasurer Woods (excused)

Attending: Engineer Mike Bramhall, Planning; Guenther and Erdei, Zoning;  
Rinderknecht, Officers Gregory Kolek and Jeffrey Herold, Concerned  
Citizens, Members of the Media; Avon Lake Press

\*Motion by Rosso/Second by Belaska to accept the minutes of the January 24,  
2012 Council meeting with any corrections. Yeas All.

### **CORRESPONDENCE/COMMUNICATIONS:**

A) Monthly report of Court receipts for month of January 2012 for a total of  
\$8079.50 – receive and file.

### **PRESENTATIONS:**

Mayor Bring submitted Gregory Kolek for part-time Patrolman. \*Motion by  
Rosso/Second by Stark to accept the Mayors recommendation of Gregory Kolek  
for part-time Patrolman. After a brief interview; **ROLL CALL FOR APPROVAL:**  
Yeas All – Smith, Rosso, Belaska, Kovach, McCullough, Elliott, Stark. Mayor  
Bring submitted Jeffrey Herold for part-time Patrolman. \*Motion by Rosso/Second  
by Elliott to accept the Mayors recommendation of Jeffrey Herold for part-time  
Patrolman. After a brief interview; **ROLL CALL FOR APPROVAL:** Yeas All –  
Stark, Elliott, Kovach, Rosso, McCullough, Belaska, Smith. Mayor Bring  
submitted Barbara Miller for Civil Service Commission. \*Motion by  
Rosso/Second by Belaska to accept the Mayors recommendation of Barbara Miller  
for Civil Service Commission. After a brief interview; **ROLL CALL FOR  
APPROVAL:** Yeas All – Rosso, McCullough, Belaska, Stark, Kovach, Elliott,  
Smith.

***Mayor Bring swore in the approved Officers Gregory Kolek and Jeffrey Herold  
as part-time Patrolmen for the City of Sheffield Lake, Ohio.***

***Mayor Bring swore in the approved Member Barbara Miller for the Civil Service Commission of the City of Sheffield Lake, Ohio.***

***Engineer Mike Bramhall*** introduced himself to Council and advised I started up an engineering company 16 years ago to the day; Valentine's Day 1996. We have 38 employees; engineers and surveyors and I quickly realized that I liked working for municipalities more than I did private developers and for the last 18 years that is what I have focused on. I was the city consulting engineer for Avon for 14 years during its rapid growth phase and I currently serve as their consulting city engineer for the last 5-1/2 years. Each city has its own feel and the one thing I noticed in just coming in here now in the last 1/2 hour is I like the feel of this. I am really looking forward to it, it is a small town and I know it is not flushed with cash and that is not why I am here. I had the opportunity to be invited to work with folks and I am looking forward to it. Engineers like to feel appreciated and they like offering assistance in doing things, so my first step was the map which you needed a good clean map and I pride myself on being accessible and will provide you with my cell phone number. I understand that problems come up and it is about being on call.

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

***Roads, Drains, Water, Sewer, and Refuse:*** Chairman Rosso reviewed the minutes of the February 6, 2012 meeting. \*Motion by McCullough/Second by Kovach to accept the report. Yeas All./***Safety:*** Chairman Rosso reviewed the minutes of the February 1, 2012 meeting. \*Motion by Elliott/Second by Kovach to accept the report. Yeas All./***Buildings, Lands, Vehicles & Equipment:*** Chairman Kovach reviewed the minutes of the February 2, 2012 meeting. \*Motion by Elliott/Second by Stark to accept the report. Yeas All./***Ordinance: None./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: None./FINANCE DIRECTOR REPORT:*** Finance Director Smith reported I just have a couple of things, I wanted to update Mr. Rosso's report. The lock boxes I believe are on their way in and they are a little more costly than they have been in the past, so we are going to be increasing the costs of those to \$25.00 which pretty much just covers our costs and time. I have been speaking with a new web-master to update our website to make it more user friendly and make it possibly where you would almost want to have it as your main website when you open up your computer which will be great for a lot of our residents. It will have links to google, twitter, facebook and things like that. So I am kind of in talks with him on how far we want to go with that and keeping our costs down on

that too. The current website is nice but is antiquated and I think we need to step up and join the rest of the world but I will have more to report on that as we go along. I will get a link to Kay and maybe you can take a look at what he has done in other city's. Councilperson Belaska asked do we have a ballpark figure on how much that may cost? Finance Director Smith answered he has a couple of different plans and I am trying to weasel him between two different plans; possibly around \$2000.00 for total costs. President Podmanik asked when do I get my new copier for Council? Finance Director Smith answered probably in March. Our costs is going to be less per year and will be an updated brand new copier and we are trying to time it so it gets here when our yearly payment is due so we don't have any overlap. President Podmanik asked will they do all set-up including the internet connection? Finance Director Smith answered yes sir. They are MT out of Avon Lake and they are fantastic, they are johnny on the spot. \*Motion by Elliott/Second by Stark to accept the report. Yeas All./**TREASURER REPORT: None.**/**SAFETY DIRECTOR:** Mayor Bring reported also on that website the Safety Forces are going to be able to post on there which they weren't doing that before, so if there is a flooding issue or some type of emergency the Police and Fire Departments are going to be able to post on there also. I have had a few conversations with the Fire Chief about the boat launch and he had brought up last year about kids jumping off the rocks and also jumping into the harbor. He had asked me to address that. We had a meeting with the Police Department and several of the Officers brought that up and they were wondering if there was anything we could do about that. We are probably going to get a couple signs up, they will be able to swim on the beach and I had asked Mr. Card to contact the coast guard about putting some buoys out there and apparently they don't do that – that is up to us. He looked into those and they are couple hundred dollars apiece. So when it warms up we are going to go down there to see about putting one in each corner and keep the kids from swimming so far out. We do not want them jumping off the rocks and swimming – they will be able to fish off of there and we don't want them jumping into the harbor. So we are going to put some signs up and we are going to regulate that. I think it is an accident waiting to happen. The Fire Chief has been very adamant about that and then the Police Department also brought that up the other day in our meeting. There is plenty of area to swim there and Lakewood Beach also has a nice beach there too. I don't want to take a chance, we are not going to chase them off the rocks or anything like that but if they are caught jumping off the rocks we are just going to warn them. It is like they are going to get fined or anything like that. Councilman McCullough advised I spent a lot of time down there this year, kids do jump off the one corner going towards the beach area. I have gotten out and actually checked because it kind of concerned me but they can actually dive off of there and they are pretty safe – they are not going to hit anything. They do congregate there, for the most part they usually are not too

mischievous. I have never seen them jump into the harbor. Service Director Smith added with bikes. Mayor Bring advised the problem is that in the rough weather there is actually an undertow there. We don't have any kind of life support apparatus there which is something that we are going to talk about now because Mr. Smith and I also had this discussion about putting a couple of buoys out there in case something did happen. It is not the fact that we want to keep the kids away from there, it is that we are looking into the safety thing. One of the Officers told me they were down there this past summer and one of the kids was just out there bobbing around all by himself and when he came in the Officer asked how old he was and the kid answered 12 years old. \*Motion by Elliott/Second by Belaska to accept the report. Yeas All./**SERVICE DIRECTOR:** Service Director Smith reported I have a few things tonight. There has been some questions on the millings at Shoreway. He read statement into the record - as previously requested by the Service Director the Service Department has provided storm inlet protection to the adjacent areas of the grindings with semi-permeable fabric. We will continue to monitor the water quality and the base of sumps below the pipe inlets. He added that has been on-going, if you remember right before Shoreway's rear-parking area the road was bad, we added a catch basin and did some piping restrictions over there. Changing to try to eventually get the course of water flow behind Shoreway and increase that. Part of the reason the back of Shoreway is not paved in the plan is because there has to be downspout runs, there has to be gas line and there has to be other issues of utilities that go in behind the Shopping Center before that can ever be capped. So that situation, we are dealing with some stuff over there but we have addressed the issue and they do have burlap in them. It is like burlap but it is a plastic burlap I call it and it is fine. I would like to move onto the Post Office, the Post Office as you know had turned over the property to the city of which we finally were able to get the keys; all the keys pretty much except for cabinets and going inside there we had explosive florescent lights as we were flipping the power on. So we had an electrician come in and take care of the lighting issue, remove some of the spaghetti that the Post Office had left us and the building looks real good and we have already shown it to a perspective renter. I haven't heard back on it yet but was very interested in the property/renting the building. The small hole in front of Shoreway where the Dollar General store is, we don't know what caused that but Cross Roads came out and evaluated it/sealed it with some patch on a temporary basis and when the weather breaks in the spring and everything opens up where we get real asphalt - we are going to cut it. They will get over here and get it cut, fixed and squared. Also I would like to say there is several holes that have developed on Ferndale Avenue on phase I - small holes, we will do the same thing there with asphalt patch. We will cut and mill and take care of that in the spring when the asphalt company opens up. The blockage and restrictions over on Shoemaker Ditch will be addressed soon. They are not taken care of as of right

now, we had to review all the codes that are concerning the city going onto property and adjusting the ditch depth to make sure that we follow the codes. Specifically Chapters 905 and 909 give the city the authority; 905.011, 905.04, 905.05, 909.02, 909.03, 909.04, 909.05, 909.06 and 909.08 – allow specifically define the city’s rights as to dealing with the issues about going in and correcting blockages in a ditch of that sort being a major ditch not a minor ditch. I wanted you to be aware the Building Department is currently doing the letter, we have to give them a certain length of time to remove their obstructions/if they did it and were following that course – first will be a 2 week notice followed by a 2 week final notice which will meet the 30-day criteria of giving them ample time and at the same time if we end up with a major water thing then we are prepared to go in and just do it. So we will keep a very close eye on the situation and we will try to handle this within the framework that the codes allow us to. Councilman McCullough asked there is a sign within the Post Office, was it left or was it taken with them and that sign said “this Post Office was dedicated by John F Kennedy”? Service Director Smith answered the Post Office took that. Councilman McCullough advised you know that is the only public building ever built when he was in presidency. Service Director Smith advised the Post Office anything that was not nailed down except for their security wiring. Service Director Smith continued identifying the need that some of the departments have in the city, specifically the Fire Department. As you know the Service Department has had some old, outdated equipment and we came up with an internal strategy on how to breathe new life into some of that stuff that has outlived its usefulness and I want to specifically say that the pieces of equipment that have been renewed have outlived their usefulness as far as their ability in perspective departments. Out in the parking lot is an old jeep Cherokee that used to be a PD Cherokee and it worked for several years for the Building Department and City Hall and right now if you were to look at it it is bright red and ready for the Fire Department and Chief and fully functional ready for the Fire Departments use. We also have a purple Ranger if you all remember, that will be going through the same process. It has outlived its usefulness in the Water Department and it is hardly driven in the Sewer Department and we are going to breathe new life into it and that will be going over to do hydrants and hydrant repairs. It will also be painted red and will not be an embarrassment for any department in the city. It will be part of the Fire Departments. Cherokee is parked out in the front parking lot here for anyone to take a look and I am sure that you remember what they used to look like. There was 2 of them but one will stay in the Building Department. He advised of the trench box and the training for the trench box, this trench is speed shore trench shoring system is going to be preloaded onto a safety trailer that the Water Department has recently renewed. That too was an old park trailer that didn’t get much life, things were pretty bad on it. That trailer now is a white safety trailer that

you will be seeing the Water Department tow it around whenever there is a major water break where the standards require a trench box to be used. That will also carry ladders, safety gear, cones – all the stuff that they need out on the field on a major break or situation and it is available for use in emergencies for almost any department but it will be a safety trailer and it is meant to save lives, it is meant to keep an accident from happening and as you know in the news lately there has been several trench deaths/accidents. I want to as much as we can mirror OSHA and its process, even though we have our own set of standards that we have to comply with. I feel that we are being proactive in this and it is in the best interest of the city. If you get a chance you will be seeing it. We also by request of the Mayor, he went to the Police Department and investigated the use of the black trailer that used to house Sergeant Garcia (the robot). The Police Department was gracious and allowed to put that black trailer to use. It has been sitting here on the side of city hall for 7 years now not moved. We are breathing new into it/new paint job and redoing things on it and it will be a portable sewer camera system that we will pull to and from our camera-ing locations. They will be able to hook and go, everything for it is going to be inside this trailer ready to pull up onto a job site. We have a little bit of fab to do on the doors but all in all it is going to work out really good and it will house the camera system which will free up another vehicle for the Sewer Department to be able to use which is going to be that blue van. As far as the salt dome goes, I did have to put off that meeting again because we had the snow fall, salt issues – they weren't going to deliver our salt, they were going to give us an 8-day delay and I had to explain to them that that was unacceptable. So there was a lot of phone calling back and forth and we got that resolved but I did not get to have my meeting with Snow King yet. The last thing I have tonight is I would like to thank Councilperson Stark and Councilman Elliott for spending time in the Service Department last week and they spent over half a day going and touring the city, touring locations of problems that we are dealing with, talking to the Service personnel, looking at the changes we are trying to make. Again if any of you Council get the chance I would love to do the same with everybody else. Councilperson Stark stated that little ditch issue that we went to visit, as soon as that 30-day notice happens we can go in and take care of that problem? Service Director Smith answered yes mam. Councilperson Belaska asked what is housing the camera for the ditches? Service Director Smith answered the blue van, we have an old van. We keep it inside as the equipment is very expensive. Finance Director Smith advised the camera was in that van and they were using it for other service too. That camera is a very expensive piece of equipment and it is nice to see it put separately by itself so that it doesn't get mixed in with shovels and other things. Councilman McCullough stated Len thanks for being proactive on that and I appreciate you looking into that right away. \*Motion by Stark/Second by Belaska to accept the report. Yeas All./ENGINEER: **None**./LAW DIRECTORS REPORT:

Law Director Graves reported as you all should be aware the city is going to partnering with the County to use neighborhood stabilization funds to address nuisance properties. We were in court today on one in particular, we did make some progress on that and I anticipate the Demolition Board getting together soon. We will continue to be very proactive and aggressive in enforcing property maintenance in the city and demolition of vacant nuisance properties. He reviewed the proposed legislation on the agenda and also proposed legislation that Council could amend the agenda to include – Council numbers 6, 7 and 8 which he reviewed. Law Director Graves requested that Council consider a brief executive session tonight following ordinances and resolutions for the discussion of continuing litigation involving the city. \*Motion by Elliott/Second by Belaska to accept the report. Yeas All.

***CITIZENS COMMENTARY:***

***Barbara Miller*** stated thank you very much for my appointment this evening. Also I have tickets for our endowment steak fry for the school system and I am guessing you all know about that. Mrs. Miller advised it is March 10<sup>th</sup> from 6 pm to 11 pm and you also need to tell me steak or chicken. The tickets costs \$25.00 each which is the same price as last year and there will be a DJ and it is over at St. Teresa's hall in Sheffield Village. Everything to drink is included along with potato and salad are included with your dinner.

***Mark J Erdei, 4015 Tennyson*** advised I have been reading in the Press about this Lorain County Regional Sewage Plant that they want to try. Avon Lake Press John Edwards explained they want to extend theirs to French Creek. Mr. Erdei asked is that going to benefit our city any, as far as overflow? Service Director Smith explained over the course of the last year for a period of 8 months I attended meetings with a workgroup out of the college that was just to discuss pro's, con's and the direction if that was to ever exist. It was paid for by the City of Lorain/Mel Capruni – the engineering firm and John Hunter has made light to this issue which he has attended these meetings too. The best way to say what happened, I believe 1 city was looking for an outcome and members of every city pretty much in the County attended these meetings and contributed to the discussions and they worked their way through an exercise and that exercise ended up with a result and the result was it would be in the best interest if a regional sewer district was ever formed that the expansion of the French Creek be given the priority over a brand new sewer treatment facility in the City of Lorain. There were 2 meetings after that and I haven't been to one yet because they cancelled the rest. So I believe if you look into what went on, the possibility was maybe at one point – they were hoping for a result the other way. All the different cities – the smaller towns, older towns that have older issues like us with I&I (infiltration & inflow) into our older sewer systems. Then you have communities like Avon which the majority of their sewer systems are new, they have the inflow of water like we do into our sewer system

and they don't pay the sewage like we do on that. So there were definitely different interest, Oberlin is another city that is like us – there were different interest and I myself – there was no conclusion, there was a lot of discussion and beyond that I don't know what else to tell you except that at one time they didn't want people talking about it which I found kind of funny but Mayor Hunter went out of his way to make sure everyone started talking about it. The bottom line is they just wanted to discuss it, it was an exercise to discuss and really look at engineering and looking at the need. As you know the City of Lorain, our sewer contract is up at the end of the year. So the city is going to have to renegotiate our sewer contract with the City of Lorain and Lorain is in the process of building a brand new sewage treatment facility at the end of Root Road on Black River. So that whole thing is yet to develop. Mr. Erdei asked the land behind Apples, is that the Levine Trust or is that Forest City and Levine? Law Director Graves answered that land remained part of the Trust when the city purchased the shopping center. There may be some players that have dual interest but the Trust that owned the shopping center has nothing to do with Forest City. ***UNFINISHED BUSINESS: None./NEW***

***BUSINESS:*** \*Motion by McCullough/Second Kovach to amend the agenda to include Council numbers 006, 007 and 008 to tonight's agenda. ROLL CALL TO AMEND THE AGENDA: Yeas All – Kovach, Elliott, Rosso, McCullough, Smith, Belaska, Stark.

#### **ORDINANCES/RESOLUTIONS:**

Council#003 – SECOND READING – an ordinance amending Chapter 931.03 of the codified ordinances of Sheffield Lake establishing the monthly sewer rental rate for the municipality and the declaring of an emergency.

Council#004 – SECOND READING – an ordinance amending section 935.15(a)(1) of the codified ordinances of the City of Sheffield Lake establishing the monthly water consumption base rate for the municipality and the declaring of an emergency.

Council#005 – EMERGENCY – a resolution to adopt the Solid Waste Management Plan for the Lorain County Solid Waste Management District and the declaring of an emergency.

\*Motion by Elliott/Second by McCullough for SUSPENSION OF RULES:  
ROLL CALL FOR SUSPENSION OF RULES: Yeas All – Elliott, Rosso, Belaska, Kovach, Stark, McCullough, Smith.

\*Motion by Elliott/Second by Stark for ADOPTION:  
ROLL CALL FOR ADOPTION: Yeas All – Belaska, McCullough, Elliott, Stark, Kovach, Smith, Rosso.

#### **Resolution Passes#3-12**

Council#006 – EMERGENCY – a resolution authorizing the Mayor to enter into a contractual agreement with the County of Lorain for Technical Rescue Response in Lorain County and the declaring of an emergency.

\*Motion by Elliott/Second by Stark for SUSPENSION OF RULES:  
ROLL CALL FOR SUSPENSION OF RULES: Yeas All – Kovach, Stark,  
McCullough, Rosso, Belaska, Elliott, Smith.

\*Motion by Elliott/Second by Stark for ADOPTION:  
ROLL CALL FOR ADOPTION: Yeas All – Smith, Belaska, Rosso, Kovach,  
McCullough, Elliott, Stark.

**Resolution Passes#4-12**

Council#007 – EMERGENCY – an ordinance approving the recodification, editing and inclusion of certain ordinances as parts of the various component codes of the codified ordinances of Sheffield Lake, Ohio and the declaring of an emergency.

\*Motion by Elliott/Second by Kovach for SUSPENSION OF RULES:  
ROLL CALL FOR SUSPENSION OF RULES: Yeas All – Belaska, Rosso,  
McCullough, Stark, Kovach, Elliott, Smith.

\*Motion by Elliott/Second by Belaska for ADOPTION:  
ROLL CALL FOR ADOPTION: Yeas All – Elliott, Kovach, Rosso, McCullough,  
Belaska, Smith, Stark.

**Ordinance Passes#5-12**

Council#008 – EMERGENCY – an ordinance amending section 935.16 of the codified ordinances of the City of Sheffield Lake regarding payment date: surcharge; remedies for nonpayment, and the declaring of an emergency.

\*Motion by Elliott/Second by Stark for SUSPENSION OF RULES:  
ROLL CALL FOR SUSPENSION OF RULES: Yeas All – Belaska, Smith,  
Kovach, Elliott, Rosso, McCullough.

\*Motion by Elliott/Second by Stark for ADOPTION:  
ROLL CALL FOR ADOPTION: Yeas All – Stark, Elliott, McCullough, Kovach,  
Rosso, Belaska, Smith.

**Ordinance Passes#6-12**

\*Motion by Rosso/Second by Stark to go into executive session for the discussion of current litigation. ROLL CALL TO GO INTO EXECUTIVE SESSION: Yeas All – Rosso, Belaska, McCullough, Elliott, Smith, Stark, Kovach.

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

Law Director Graves advised the City of Sheffield Lake Council did meet in executive session to discuss current litigation pursuant to the Ohio Public Meeting Laws.

**COUNCIL PRESIDENT: None.**

**MEETING ADJOURNED:** With no further business before this council, Motion by Kovach/Second by Belaska to adjourn at 8:43 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 February 14, 2012.

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**COUNCIL PRO TEM**

*Richard Rosso*

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**MAYOR**

*Dennis Bring*