

# Minutes of the City Council

Sheffield Lake, Ohio

February 28, 2012

The regular meeting of the City Council was held Tuesday, February 28, 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, Treasurer Woods, Service Director Smith, Law Director Graves

Attending: Planning; Guenther and Erdei, Concerned Citizens, Members of the Media; Avon Lake Press

\*Motion by Rosso/Second by Belaska to accept the minutes of the February 14, 2012 Council meeting with any corrections. Yeas All.

**CORRESPONDENCE/COMMUNICATIONS:**

a) **Ohio Division of Liquor Control for Shree Swami Corp/DBA Shree Quick Mart, 5380 E Lake Rd, Sheffield Lake** – there was a brief discussion on concerns of parking constraints and possible competition.

\*Motion by Elliott/Second by Belaska to not request a hearing. Yeas – Smith, Rosso, Belaska, Kovach, Elliott, Stark/Abstain – McCullough.

**PRESENTATIONS: None.**

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

**Roads, Drains, Water, Sewer, and Refuse: None./Safety: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Claims:**

**None./Investment: None./Council Representative to the Community Center:**

Representative McCullough reported we met on February 20, 2012 at approximately 7 pm. The Mayor was in attendance as was Councilperson Belaska and the Mayor swore in 3 people 2 new and 1 existing members onto the Board and Pat Hastings gave his report. A couple of things that he pointed out was that the Fire equipment inspection/the kitchen hood had been cleaned and all commercial freezers and refrigerators had been serviced including minor repairs. Ohio Department of Agriculture completed their quarterly inspections and no violations were reported. The utility pole in front of the building was removed, new exterior lights were installed on all 4 walls of the building and photo-sensor on a light was also repaired. There was talk too that there may be a light being moved to the Community Center

for better lit parking. I am sure the Service Director is going to cover that. There are plans of putting a light down there that they have available – 2 lights. The new sign was installed on the Community Center and it is actually going to be changed, it is going to be moved over the entrance way. There is new soap dispensers so they don't have that mess going on. The work on the seawall began during the past quarter and is currently suspended pending excavator electrical repair and the Mayor reported that they were going to finish the last row they are on and then start back filling. That is all the farther it is going at this point. Also they had asked that the gazebo looked into being painted and we referred that to the Park Board and Mr. Kovach will cover that. He is happy that the private rentals for spring/summer coming up are booked and 75% of those are actual residents. He has begun 2013 bookings and he is looking into a digital Marci. When they first came out they were about \$15,000.00, we do need some type of marquee down there and it was discussed that we possibly look into a marquee that we can put city meetings on as well as people travel Lake Road. So he is looking into prices on that. Our next scheduled meeting is May 21, 2012 at 7 pm at the Community Center./***Council Representative to the Zoning Board of Appeals:*** Representative Kovach reviewed the minutes of the February 15, 2012 meeting./***Council Representative to the Planning Commission:*** Representative Belaska reviewed the minutes of the February 16, 2012 meeting./***Council Representative to the Park Board:*** Member Kovach advised the last meeting of the Park Board was held last week. Minutes have not been completed at this time. We reviewed duties and responsibilities of the Park Board as addressed in the Park Master Plan. Mr. McCullough had referred the painting of the gazebo to the Park Board for which materials had already been purchased and in the works. A motion was had approving the Service Director to get the signage for the Boat Launch for swimming prohibited.

\*\*\*\*\***ADMINISTRATIVE REPORTS**\*\*\*\*\*

***MAYORS REPORT:*** Mayor Bring reported I have been working on a ton of things but you will see some results in the next couple of months but the latest thing I worked on was that I took Tammy and we met with a gentleman about some wireless phone service and we also talked about putting some stuff up on the water tower and bouncing that off. We have got a company that will do that for us and we would have free internet for city hall, fire station, police station and that would also have access to putting cameras up at the covered bridge. Anywhere in that area all the way down the bike path if we wanted to and then also reconfigure what we have at the boat launch. That is kind of the latest thing and that was really involved. We met again about starting the wiring and everything around here and that is going to started very soon here. I have a number of other things coming up but we are probably going to report on those things in the next month or so.

\*Motion by McCullough/Second by Kovach to accept the report. Yeas All.

***/FINANCE DIRECTOR REPORT: None./TREASURER REPORT:***

**None./SAFETY DIRECTOR:** Mayor Bring reported if you look out in front of the Fire Station you will see the new Chief car which has been all up and ready to go. I let him drive someplace and the brakes went out, so we got that fixed. He has the emblem on there. We have 2 radios that were donated by the Police Department and we are taking them over to Vasu and they are going to get those conformed to the new narrow band so they will have radio for that car and then the other truck that we are working on at this time. We did get a costs back for the narrow band for the Police Department and it is around \$9000.00 so I will forward that onto Tammy as it was brought to me after she went on vacation. That will get us up to compliance in the Police Department and match the other cities; Avon Lake and Avon are both doing that very shortly. We had a number of residents come to me and actually Mr. McCullough also came to me saying that we had some issues in the city about one of our streets, there seemed to be some activity going on there that was not legal. So I reported that to the Police and then the residents actually came back to me again and reported to me again for which I asked for times and plate numbers from them and we sent one of our Police down and we caught a gentleman that was purchasing heroin at the residence. This was in the 700 block of Howell. After more investigation I met with the residents again and informed them that by their actions we were able to catch somebody and I told them it would be an on-going thing. By what they did we did a little investigation over there and we found out that one of the gentlemen that own the house had a warrant and also there was another gentleman in there that had a federal warrant. We contacted the county who had been looking into that and they contacted the FBI who had been looking for gentleman for quite some time. He was a very bad person to say the least. Lorain County Drug Task Force along with our Officers from Sheffield Lake Police Department, the FBI and the Bureau of Alcohol and Tobacco, Fire Arms arrested 2 fugitives. We went that afternoon and another guy was arrested for something he was doing, he spent a couple of days in our jail and he has been transported to county. Just to let you know he actually hit one of our Officers. Other than that everything extremely well and couldn't have gone any better. I am very, very pleased with that and it was all due to these residents stepping up and I would like to thank each of every one. They actually called me and thanked me and I turned around and thanked them because we couldn't have done that without their help. If some more people like that would actually step up then more of this would happen. There were actually 4 arrest including 1 gentleman that is off the streets and will be gone for a number of years. Mr. McCullough asked what are we doing with that home? Mayor Bring answered we can't do anything with that, that gentleman still owns it. There was some people living there, we as a Police Department had called and said is there anything that we can do or stop them from going over there and they said no that is their house. They were not involved in what was going on in it. \*Motion by Elliott/Second by Belaska to accept the report.

Yeas All./**SERVICE DIRECTOR:** Service Director Smith reported Shoemaker Ditch obstructions – letters have gone out to the property owners. Several calls have been made from them to the Mayor and to the Service Department. We have communicated including a visit on Sunday with one of the major property owners. We are in the first 2-week notice period, after the end of the 2 weeks a final notice will go out before we bring in the excavators. Internet sweepstakes cafes – I have been handling a lot of questions concerning the one on the corner of Abbe/Lake Roads. I contacted Neil Aunush, one of the proprietors involved with that corporation and they don't know what they are going to do. They don't know if they are going to change the software on some of the machines, lower the number of machines or close up. I advised him and made it well known to him that if there is inactivity for 30 days the license becomes invalid and I wanted him to have ample notification and we are day 24. He is well aware of it and was grateful that the city gave him some information before things array and they don't make their decision. I will know in the next week or so what ends up with that. If he goes out of business, one of the other internet sweepstakes cafes has inquired about taking over the building and opening up another one there. I would like to touch on the administration approach to the sanitary sewer issues. I have thought about this a lot, there are a lot of issues and all of them are related; sanitary sewers (I&I inflow & infiltration), sanitary overflows into Lake Erie are related to storm water and its related issues such as outfalls, major and minor ditch cleaning and grating and the street tie-ins thereof. Efficiencies of our work force, how many guys we have, the equipment we have to do and maintain to actually make progress in the situation, along with expectations of what is expected out of the city – all these topics are related and taken into account. Such as the storm water ditching program will affect I&I, the surface water is moving quicker and moving out; overtake certain catch basins. Certain catch basins, manhole covers, areas of saturation such as low lying areas around foundations of houses which go into footer drains which then go into the sanitary. We have been developing a plan that takes in a lot of these different factors and their related off-shoots. As you know back in the fall I inquired about having a sanitary sewer survey kind of flow analysis done on pump station 3. The purpose of that is to see the effect of pump stations 3 removal from our current system and how that would affect overflows into lake erie and the sanitary sewer flow to Lorain that we pay. We have several options that will be ongoing with the new city engineer and we have already started that process. Some of the ditches that we are going to be cleaning storm water wise are things on city right of ways that have not been done in over 40 years. There are trees, there is fill, there is major water courses that have been filled in with brush, debris – we are talking early 60's and before. They are however designed to handle the flow of water to and from major ditches which to go to the outfalls. That is something that we are going to take a proactive approach and we are going to do. We are going to

clean those ditches, we are going to remove those trees. We have a plan in place on how we are going to do that efficiently. Another thing is having a sanitary smoking program on certain lines within the city, we are exploring the different routes and different costs associated with taking in areas of the city and smoking to see how many actual sump pump drains, footer drains that are actually tied into sanitary sewers and we can take that in a very scheduled pace and gets some effective results. At the same time during heavy and medium rain events we will be monitoring and inspecting main sanitary sewer line levels. The water level within the tough line in the manholes and documenting them; the amount of rainfall. The the flow or water level underground in the main sewer lines is real important to tell us what is going to back up first and all the other things that are occurring at the same time will tell us why it is backing up in certain areas. From that point we will work outward to all the points that drain into each main line. We actually have those main lines drain into 3 zones which are pump station 1, pump station 2 and pump station 3. So effectively if we gather our approach and do it we will be fine, we will make a big dent in the whole process. Continue the flow study at pump station 3 is going to be very, very important in collecting that data when it comes to negotiating our new sanitary sewer contract with the City of Lorain. All these issues are interconnected; storm water and sewer, we have kind of tackle them both at the same time and I just wanted to go through that process and give you an idea of what we are doing. In that I hope that some type of formal action does occur in the water and sewer base rate. The last thing is the Building Department is currently dealing with a cat situation in the 900 block of Stark. The Building Inspector has been over there and letters have gone out to the homeowner and there are over 4 cats on the property. It is a complaint related situation and he did verify and the proper letters have gone out. Councilwoman Stark asked do you remember what date that letter was sent out on that ditch issue so that we have a 30-day date? Service Director Smith answered not the exact date but it has been about a week now. Mayor Bring advised in talking about the Building Inspector, we actually had Mr. Wiblin start going out on Saturdays again and randomly going around and he caught 4 people on Saturday. We have not done that in a long time and we are going to start doing that again as we got 4 already. Councilman McCullough asked you said they have contacted you back – did you get a letter? Service Director Smith answered letters have gone out. We have had some of them contact us back, Dennis has gotten calls and I have gotten calls. I physically went out and met with Mrs. Reed and discussed the situation and that is one of the big obstructions is directly behind her house. They were totally unaware of the tree issue just a couple of yards south and it worked out real well and everyone is on the same page so far. I haven't had anyone screaming. Councilman McCullough asked what is going on with your salt barn? Service Director Smith answered we have to wait until we get some of it out of here, we have one more minimum order out of our contract –

about 100 yards left to go. Councilwoman Belaska asked what is going on with the cabinets down at Shoreway? Service Director Smith answered David and I have yet to come up with it, it is my fault not David's – to come up with a program and how to involve the CDBG into distribution or a distribution process. Law Director Graves asked how many do you think we still have there? Service Director Smith answered I would say maybe 75 or 80 cabinets, different sizes. Law Director Graves stated these were donated by Lowe's, they are new cabinets where they were clearing out their inventory – we just have to come with a policy on how those can be made available to the public. So we have to look at that and we were looking at some of the language that currently exist for eligibility for the CHIPS program possibly so we will be looking at that. Councilman Elliott asked Len the snowplow that went into the ditch on Lake Breeze, was there any damage? Service Director Smith answered a dent on one of the hydraulic tanks that doesn't affect anything – it is on the bottom and one tire had wear marks. The truck was and running as soon as they pulled it out. \*Motion by Kovach/Second by Belaska to accept the report. Yeas All./**LAW DIRECTORS REPORT:** Law Director Graves reported the Zoning meeting in Avon Lake has been moved to the 4<sup>th</sup> Wednesday of the month so this should be the last meeting that I should be late for. The Demolition Board – I would like to have that Board meet very soon. We are in the process of working on a nuisance property in the city on Kenilworth which everyone should be aware of and that is moving forward and we are approved for some assistance from the county. So we are working trying to get that house abated. The Civil Service Commission did meet and we are moving forward with a Police Officer examination to be administered through Tri-C. That will enable us to compile an eligibility list; entry level for the Police Department when the city is eventually in the position financially to hire another full-time Patrolman. I continue to work on a number of projects, all of which you should be aware of. He reviewed the legislation on Councils agenda. I will have some additional legislation coming in the future regarding manufactured homes that was recommended out of the Planning Commission and then we are going to have to amend our deferred comp program. So that will be coming in the near future as well. We do have a truck that was in the auction previously and Council did authorize the sale of that vehicle and there were no bids at the auction. So we are going to proceed with accepting bids to try and sale it, that has already been approved by the legislative authority. We are going to have to advertise it again but we are going to be moving to sale that vehicle and with those proceeds I believe the intent is to buy an alternative piece of equipment that is significantly needed. \*Motion by Elliott/Second by Belaska to accept the report. Yeas All.

**CITIZENS COMMENTARY:**

**Bayard Musgrove, 944 Stark** stated I have lived there for about 30 years now or so. You brought it up about the cats. There is more then 4, we have counted as

many as 12 at one time – on the car and in the driveway. Last summer you couldn't even mow the grass unless you went out and cleaned it up first and I live 4 houses away on the other side of the street. I got to get rid of all my mulch because it stinks and when it gets warm it is going to get a lot worse. I was at the meeting here when we went to the 4 cat limit and I have tried and I know the Building Inspector who informed me when he sent that letter last week and it hasn't changed a thing as I went by there today and there was 5 and the garage door is still propped open so that they can come and go as they please. It can't be tolerated for another summer there, none of us can stand the odor. I can't even open a bedroom window at night and in the summer time we stay outside a lot and we don't go on vacation, we have a pool and we entertain and we live outside. I can't do it with those cats there. I would appreciate some help. Mr. Musgrove asked can we trap them? Law Director Graves answered no you can't trap them but we are going to take an aggressive stance on this because over and above the limitation on the number of cats when they are going in other peoples yards it amounts to public nuisance is what it is. This situation can be cited and we will be on top of that. Mr. Musgrove advised they even get on peoples roofs, they are wild. Law Director Graves stated historically homeowners who feed cats have been to shield themselves by saying they are not my cats but are they feeding them and then just let them run wild. We are taking a position that if you are feeding the cats then you are taking responsibility for those cats because the cats will go where the food is. If they are feeding cats they are not going to be able to hide behind saying that they are their cats. Mr. Musgrove advised actually I know there was a dozen and there was a female pregnant running around there last week and I haven't seen her for a couple of days so there is probably a litter in the garage now. Last couple of days when it is warm, you will see them 5 at a time chasing. My yard, my neighbor's yard – everybody on the street has been complaining about them. This has been going on since last summer and I know the Building Inspector said he sent that letter and he told them about the garage door and everything and it didn't change a thing. He told me Thursday he mailed that, so they know what is going on. The address is 965 Stark. Service Director Smith advised just because the letter went out they are not going to have an instant notification that you have to do this by 5 o'clock. There is a legal procedure that the city has to go through in order to enforce the ordinance. They are given a time period to correct the situation, I believe the first notice is 10 days and then from that then it goes to a citation into court. So that 10 day has to go through process, it is a process. Actually it is kind of quicker than some of the other issues that we have. So in the situation it has a separate ordinance that defines and makes it a lot better but there is a process and if we don't go through that process then what happens we have to start completely all over again and then you being the person who it is affecting is going to sit there even longer without any help. So it is important that we do it correctly when we do

the procedure. Mr. Musgrove stated I know the Police Officers when I talked to them they said well we can't do anything unless we have another reason to go to the house. They can't go just because they see 10 cats sitting in the driveway. I don't understand if you look over there and there is 10, looks to me like you get a ticket. Mr. McCullough stated I can appreciate what you are saying and before I was on Council we had a problem with cats and followed the same procedure you are following right now. I think that you are going to find the way our Law Director works, our Service Director works and our Building Department works you are going to find the satisfaction you are looking for and I am sorry that it costs you even one day of your summertime. Mr. Musgrove stated as long as it is taken care of, I just don't want to go through another summer with it. Councilman McCullough shared previous experience with same situation.

**Mark J Erdei, 4015 Tennyson** asked we talked about probably in November and I was just curious if Mr. Gardner is still working on a grant for restrooms at the boat launch? Mayor Bring answered he is not working for the city. He gave us everything that he had applied for, he did apply for that and we have not heard anything back on that.

### ***Cub Scout Troop 303***

**/UNFINISHED BUSINESS: None./NEW BUSINESS:** Councilperson Stark reminded everyone next Tuesday is election day, remember to get out and vote.

### **ORDINANCES/RESOLUTIONS:**

Council#003 – THIRD 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.

\*Motion by Elliott/Second by Belaska for ADOPTION:

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

Councilman McCullough stated I think that the Service Director has adequately come up with an action plan that makes this a benefit to the city and that our money will be invested wisely.

### **Ordinance Passes#7-12**

Council#004 – THIRD 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.

\*Motion by Elliott/Second by Rosso for ADOPTION:

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

### **Ordinance Passes#8-12**

Mayor Bring thanked Council for that, the increases I really appreciate it.

**COUNCIL PRESIDENT: None.**

**MEETING ADJOURNED:** With no further business before this council, Motion by Kovach/Second by Belaska to adjourn at 8:05 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 28, 2012.

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COUNCIL PRO TEM

*Richard Rosso*

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MAYOR

*Dennis Bring*