

Minutes of the City Council
Sheffield Lake, Ohio
March 13, 2012

The regular meeting of the City Council was held Tuesday, March 13, 2012. Council Pro Rick Rosso called the meeting to order at 7:05 PM.

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

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

Present: Rosso, Belaska, Stark, Kovach, Elliott, McCullough, Mayor Bring, Finance Director Smith, Service Director Smith, Law Director Graves
Absent: Podmanik, Smith, Woods (excused)
Attending: Planning; Erdei, Members of the Media; Avon Lake Press

*Motion by Elliott/Second by Belaska to accept the minutes of the February 28, 2012 Council meeting with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:
PRESENTATIONS:

A – Monthly report of court receipts for month of February 2012 - \$7999.00, receive and file.

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

Roads, Drains, Water, Sewer, and Refuse: Chairman Rosso reviewed the minutes of the March 5, 2012 meeting. *Motion by Rosso/Second by Kovach to approve sewer credit in the amount of \$79.38 for 905 West Drive. Yeas All. *Motion by Kovach/Second by Elliott to accept the report. Yeas All./**Safety:** Chairman Rosso reviewed the minutes of the March 7, 2012 meeting. *Motion by Elliott/Second by Belaska to accept the report. Yeas All./**Buildings, Lands, Vehicles & Equipment:** Chairman Kovach reviewed the minutes of the March 1, 2012 meeting. Mayor Bring advised under general maintenance we did change out the hot water tank so we can probably remove that.*Motion by McCullough/Second by Elliott to accept the report. Yeas All./**Ordinance:** Chairman Elliott reviewed the minutes of the March 1, 2012 meeting. Chairman Elliott asked Law Director Graves to explain requested changes to Chapter 1117. Law Director Graves explained this is actually the ordinance that provides the procedure to amend the zoning code. We amended it a few years ago but I think that there is still an issue with how it should be applied and that is; it requires any change at all to the zoning code be referred to the Planning Commission for a 60-day review. The question is when a change to the zoning code has come out of Planning Commission and they have already discussed it for more than 60-days and

then made a recommendation to Council – it probably doesn't make sense for Council to turn around and refer it back to Planning Commission for another 60 days. So what I would propose and I can have this drawn up for Worksession and Ordinance actually voted to have me draw it up and I apologize that I didn't have time to get it prepared for this evening but an amendment to that code section that would say if it comes out of Planning Commission or Planning Commission for more than 60-days that Council may then proceed with the public hearing and consideration of it on their own without having to refer it back to Planning Commission for another 60 days. I think it just makes sense. *Motion by McCullough/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:*** Member Kovach reviewed the minutes of the February 20, 2012 meeting. Councilman McCullough advised he has received an hour ice time at the Quicken Loans Arena and I am in negotiations right now to do it after a hockey game so we are trying to April 6th which is a Friday night, I don't know if Parks & Recreation would like to take that and try to make it a Sheffield Lake Community night and use that hour of ice time. It costs \$2500.00 to rent the thing for an hour. Council Pro Tem Rosso advised that is Good Friday so I don't know if that matters. So you can attend the next Park Board meeting.

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

MAYORS REPORT: Mayor Bring reported I am doing a proclamation for the Girl Scouts tomorrow night at 5:30 here – it is their 100th anniversary so everyone is welcome. He continued I forgot to bring this up to you guys when discussed the base increases for the water and sewer, the mailing of the water bills alone costs us between \$1200.00 and \$1500.00 every month just to mail those out. I just wanted you to be aware of that too. He continued Tammy and I met the other day on the wireless phones. Finance Director Smith added voice override IP phones. Mayor Bring advised very interesting conversations with that, we are trying the 2 people; Mr. Pozywak and this tech together to find out what is the best avenue to go to but it looks like there is going to be a pretty good substantial costs savings to the city but it was quite interesting. Finance Director Smith advised it is going to costs less than \$5000.00 to change over everything that we have and we will save that within a year – probably less than a year. Council Pro Tem asked do we have a contract with centurytel, does that affect that at all? Finance Director Smith answered we have a contract that pays for the phones and that is paid off at the end of 2013 but it has nothing to do with service. I will have to check on that, if we do we have a contract that might be coming here shortly but so we will be checking on that. Just so you kind of know what our thought pattern was on this. Mayor Bring advised it is almost foolish for us to not get in involved in some way with this thing and like I

said in talking to both of these people there is definitely a costs savings and the increase and speed for the internet service and everything I think it is just tremendous. We are continuing to looking into that too. Council Pro Tem Rosso stated that was going to be my next question, so he is increasing your band also because you will slow down tremendously if you don't. Finance Director Smith advised we would have to get a faster internet service probably cable – Time Warner is the fastest. Mayor Bring stated this is just some of the things we have been working on, some of the other things Len will bring up in his report. Councilman McCullough asked Mayor have you looked into paperless billing with the water bills since there is many people already myself included that are on automatic withdraw from our checking account. Can't we go paperless and save about half of that. Mayor Bring answered that is actually a very good idea that I have been thinking about that. Part of the reason why I brought that up tonight was to let you know that we continue to spend that amount of money just on mailing. We will be looking into that too. *Motion by Elliott/Second by Kovach to accept the report. Yeas All./**FINANCE DIRECTOR REPORT:** Finance Director Smith advised I only have 1 thing and came up today, every year for the last 4 or 5 years when we have our yearly audit either by the State or whoever does it – they always write a little comment that you don't have an Audit Committee. So I was talking to the new Auditors that started yesterday and I spoke with the Head of it today and she suggested why don't you just rename your Finance committee to Finance and Audit committee and that would clear up because that is really all it is. We don't need another committee and don't even know why it's called finance and claims. Council Pro Tem Rosso advised that might be in the Charter that way. Law Director Graves concurred I think it is set forth in the Charter – the name of the committee. Finance Director Smith advised we are not the only ones, nobody does this – I mean every other city has the same issue because we have really nothing to talk about. Councilperson Stark stated can't we just put it on our meeting agenda and just say Audit. Law Director Graves answered no. Council Pro Tem Rosso advised you would have to make a subcommittee of the whole. Councilman McCullough stated if the Audit committee is going to do nothing, why do anything I mean if they are going to make a notation, why do anything because to me an Audit committee what I have sit on – you sit down before the Audit you actually sit down the Treasurer who is in charge of the books and you go over every single line item. So if they are going to do nothing and it costs us no points on our audit other than a notation, let them do the paperwork. *Motion by McCullough/Second by Belaska to accept the report. Yeas All./**TREASURER REPORT:** **None.**/**SAFETY DIRECTOR:** Mayor Bring reported just one quick thing, there was a report on Channel 8 news tonight about the girl that was picked up the other day and Detective Corr when he said this is a small town and the people enjoy having a small town atmosphere and we are going to tolerate this kind of nonsense.

I would like to say that is 100% true and I again thank them for what they did and we are continue on to make sure that no more of this happens. Councilperson Belaska stated I think they did a really good job, things are getting cleaned up.

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

DIRECTOR: Service Director Smith reported in review as everyone is doing across the northern part of the State of Ohio, viewing the weather impact that was added on our salt usage. I would like to give you an estimation which is not statically correct but it's based on tonnage and there is overlaps of things so it is a good estimate. The salt savings this season over last season in dollars and cents is approximately \$17,000.00 as of today and at the end of last season we only had a few ton on hand; it was under 20 ton. An additional \$13,000.00 of savings will be reached this year as we will not have to purchase salt in the fall. We currently have 200 ton in stock and awaiting the last 100 ton, so that represents \$13,000.00 more. So if you add that together with \$17,000.00 for the season over last season, it is approximately \$30,000.00 in usage on the fund for salt. That does not include the overtime, currently for the first 3 months of 2012 approximately \$4,000.00 of savings. I did not figure in December or November and/or April. Fuel costs; I don't have those numbers but there is savings there also – you figure \$4.39 a gallon for diesel on a 60-gallon tank is \$240.00 to fill up 1 side tank and there is 2 tanks on a truck. That will give you a good idea of where we are going, every time we go out we have 2 trucks on the road. So there are more savings there. I had a site visit with Shawn Butan, Shawnee Builders whose specialty is salt and snow and ice management for some of the major shopping centers around here. He has got 30 years of expertise, he has put up Avon's salt dome, he has worked with Bay Village and is going to be working with Avon Lake and hopefully he will be working with us. He has offered his services to help in any way we want, we did a site inspection and reviewed the delivery areas/how the layout was/what we needed/what we had/how much salt we wanted on hand and I will be bringing you more specifics as we move along here into the process. With the warming of the weather things are going on and we are preparing for an early spring. As you know we have had rains, we are in the second period of warning letters that went out on Shoemaker Ditch – the 26th that will be over towards the end of the month and then we will make our move inside that property lines. The water base rate and the sewer base rate adjustments are poised to go into effect April 1 billing. We have moved as quickly as we can and that was the earliest date that we could accomplish that. The 2012 MS4 which is the storm water management plan requirement was finalized and mailed back on the 6th of March, it has a April 1st due date.

Speedway, after the reports that were reported on from committees of the situations with everybody up at Speedway I have since had a talk with Jim Detgin with ATC, we were discussing the time frame for the hydrant repair for the Speedway.

Unfortunately which I told him we don't want to start spark and stuff in there with

the fumes of gas when we cut the pipe with the saw. So we are just going to keep it off and he advised me that this is very possibly going to be a 6-month process. They will be taking over operations at Speedway as far as the digging, excavating and all that stuff and that is going to be overseen by Ohio EPA and Buster which is the Bureau of Underground Tanks and storage. So they will be overseeing everything but I will keep you abreast as things go on. The last thing was we did try to help the Girl Scouts by putting their message up on the sign at Shoreway and I want to congratulate Troop 50181 for letting us know that they could use some help. Happy Birthday Girl Scouts for tomorrow. Council Pro Tem Rosso asked so the gentleman you spoke to they are taking over – they still don't know where the fumes from the gas is coming from? Service Director Smith answered it is coming from the Speedway area, from the south. They think it is residual from the previous back in 1991 or 1992. Councilman McCullough advised in the last 20 years they had a big spill over there. Service Director Smith advised the source is definitely residual or older gasoline, it is not like fresh gas. He had told me that they estimated that this leak occurred somewhere between 1990 and 1992. We will get that manhole bolted down as soon as we get one. *Motion by Kovach/Second by Elliott to accept the report. Yeas All./**LAW DIRECTORS REPORT:** Law Director Graves reported I did have a chance to look through the code, the Finance and Claims is created by ordinance, 111.01 actually rule 13 referring to standing committees so that could be amended. In regard to the nuisance property located on Kenilworth, the case is still pending in the Municipal Court and a consent to demolish was provided to the homeowner and his attorney. The last conversation that I had with his attorney was that he is going to be demolishing the home on his own. So we will wait and see, I think he has pulled a demo permit so we will continue to monitor that situation but we are continuing to aggressively pursue the demolition of that nuisance property. The next meeting of Civil Service Commission is going to be March 22, 2012 at 4:45 and hear how they are doing with the compiling of the eligibility list for Patrolman. As we talked about before, we are going to be bringing a piece of legislation out of Ordinance Committee to amend the zoning code and I will have that for you next week. We are also going to be and I know I have mentioned this before, bringing some legislation to update our deferred compensation plans/clarify how the city treats manufactured/mobile homes and Planning Commission is putting the finishing touches on a comprehensive amendment to the city's accessory buildings/accessory structures ordinance. So that will be coming as well. We are going to need to pass some legislation to renew the Community Housing Improvement grant and the Community Development Block grant. I know we have a public hearing set for March 27 at 6:45, that has been scheduled and hopefully that legislation can be considered immediately after that public hearing. We have a draft but I will have to revise a little bit. A couple topics that committee's might want to consider going

forward, the State of Ohio has amended their vicious dog ordinance; it is no longer breed specific – Sheffield Lake still defines pit bull as a vicious dog and I don't know if that is an issue that the city wanted to revisit now that the State has gone away from breed specific legislation. Also in regard to economic development at the shopping center, I had some conversations with the Mayor about this and also Councilman Elliott in regard to the Ordinance Committee starting to take a look at possibly designating that as a CRA zone and being able to offer tax abate agreements for potential businesses that wanted to come in there as a development incentive. Just something to talk about and perhaps Ordinance Committee could take a look at some of those topics. I would request a brief executive session tonight following ordinance and resolutions to discuss pending litigation. *Motion by Elliott/Second by Belaska to accept the report. Yeas All.

CITIZENS COMMENTARY:

John Edwards, 4523 Tennyson advised on Monday, the 26th the school district will be presenting a virtual tour of the new building. The architects are putting together a basic slide show of what it is going to look like inside and outside, parking down to the layout of the lands. I would like to say it would be nice if somebody from Council was there, 6 pm Brookside High School. The Village Council is not going to be there they have their Council and Finance meetings at 6 o'clock that night. It would be nice if somebody from at least one of the two governments were there.

UNFINISHED BUSINESS: None./NEW BUSINESS: Councilperson Stark thanked everybody who came in and voted last Tuesday, we actually had a very uneventful election at the Community Center but I was approached by some people at the Board of Elections about having a central area somewhere in the city where we can move all 4 wards together and have a place that people can park – that they could have a permanent location because I understand that there is a problem using the Community Center with parking especially coming this fall but they need some place. Every time we switch a voting area it costs them just as much money to send out notices, so they did approach and ask if we thought of any places we could come back to them and talk to them about it. Service Director Smith advised I have been in conversations with Hall but they are also requiring a long term contract. Councilperson Stark stated well just to put it out there that they have approached us and they realize there is a problem but to discuss it in the future. Councilman Elliott advised March 15th is coming up here in 2 days and many of you may not remember what that day is but this is the day that Jim Kerstetter was shot and killed in the line of duty. So if you could just on that day just maybe think of him, we all decreed that day that we would never forget him and his family too.

ORDINANCES/RESOLUTIONS: None.

*Motion by Elliott/Second by Belaska to go into a brief executive session for the discussion of pending litigation. ROLL CALL VOTE FOR EXECUTIVE SESSION: Yeas All – Elliott, Belaska, Rosso, Stark, Kovach, McCullough.

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

Law Director Graves advised the City of Sheffield Lake Council went into executive session for the discussion of pending litigation, those discussions were held pursuant to the Sunshine Laws.

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Belaska to adjourn at 8:27 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 March 13, 2012.

COUNCIL PRO TEM
Richard Rosso

MAYOR
Dennis Bring