

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
March 20, 2012**

The regular meeting of the City Council Worksession was held Tuesday, March 20, 2012. Council President Edward Podmanik called the meeting to order at 7:08 PM.

ROLL CALL OF MEMBERS:

Present: Podmanik, Rosso, Belaska, Stark, Kovach, Elliott, Smith, Mayor Bring, Finance Director Smith, Service Director Smith, Law Director Graves

Absent: Councilman McCullough (excused), Treasurer Woods (unexcused)

Attending: Planning Commission Erdei, Concerned Citizens, Members of the Media

PRESENTATIONS: None.

*******COMMITTEES*******

ROADS & DRAINS: None./SAFETY: Chairman Rosso asked Mayor did you start bike patrol again? Mayor Bring answered we did tonight just for 4 hours. We are periodically doing that to take care of the bike path and a few other places around the city. Chairman Rosso advised saw the gentleman crossing the street from the shopping center to the boat launch. Mayor Bring advised he is doing his job and that is good, Tony and I have been talking and that is something that he would like to see a little bit more of. Chairman Rosso advised I think it is great./**BUILDINGS, LANDS, VEHICLES & EQUIPMENT: None./ORDINANCE:** Chairman Elliott advised just 2 things; first you will find attached Council#010 which is under my committee which Dave advised you on at the last Council meeting basically stating that anything that goes in front of Planning instead of coming back to Council and being referred back to Planning we can just consider it then. I talked to a couple of you about the possible ban on cell phone usage in the city and a couple of you actually told me that you would not support anything that basically prohibited cell phone use while driving, now texting you were open to. I just wanted some type of direction before I get into it too far. Is there anyone that would support a total ban on cell phone usage while driving? No voices were heard. Chairman Elliott asked what about texting while driving? Nays were heard from the floor. Councilman Rosso asked if an Officer notices a person texting while you are driving you can pull them over? Officer Jeff Herold advised you can subpoena their phone records, for most carriers it is 10 days. Councilman Rosso advised I could see that if an accident was involved. I don't have a problem banning it, I don't think they should be doing it but I am not sure you can enforce it. Chairman Elliott advised texting while driving I think is a no brainer. However I have stated that I wasn't sure that I could vote for an ordinance that I had no intention of following myself. President Podmanik asked what is our record of accidents involving cell phone usage, anybody know? In the past 5 years? Mayor Bring

advised you had one this year right in front of the Civic Center – Election Day. Actually 2 – they were both texting. President Podmanik asked prior to that? Mayor Bring stated I don't know if anyone would actually put that down for a report. Councilman Rosso stated I asked that a couple of weeks ago and I don't we would try for that. President Podmanik stated I can understand a city like Parma who enforces it religiously; they are a very busy place with 480/Ridge Road. Mayor Bring stated I think some cities are using it for revenue. Our City being a 3 X 1 is very small if nothing else they could be warned. Councilman Rosso stated if you cause an accident while texting I am sure you fall under some other law. SAFETY for further discussion.

/FINANCE: None./PARK BOARD: Member Kovach advised we met last night and the Mayor had suggested to the new Board that perhaps pursue refurbishing Memorial Park and there was some avenues that they are going to take, they were very interested in doing that. They are still getting their feet wet.

*******ADMINISTRATIVE*******

MAYOR: Mayor Bring advised we have a public hearing for the CHIPS at 6:45. We have met with them; there is still money available for a lot of stuff. President Podmanik asked who is going to administer that? Finance Director Smith advised Patty Lines; she has done all of our grants actually. President Podmanik stated I thought Mr. Gardner was handling that for a while. Finance Director Smith answered yes as our city representative. Councilman Rosso asked do we have to pass anything for her? Law Director Graves answered yes. Finance Director Smith explained we hire her as the person who runs the CHIP grant. Bill Gardner was the city's liaison and handled all the inspections; he was actually one of her inspectors and helped with a lot of the CHIPS grant things. Councilman Rosso advised I thought he replaced her? Finance Director Smith advised no. Law Director Graves advised there will be a resolution to authorize the Mayor to make the application so that will be to next Tuesdays after the public hearing. Mayor Bring continued we did have an incident over here at our service department; several of our trucks had the windows knocked out and some other stuff. I just you to all be aware of that, just keep an eye and ear open, that happened either Saturday or Sunday night.**/FINANCE DIRECTOR: None./SAFETY DIRECTOR:** Mayor Bring advised as Mr. Rosso alluded to we do have an Officer riding around today on his bike. We are going to do that periodically throughout the summer. I have been walking the bike path, we have had some more incidents over there and we are just trying to control all this. The warm weather has brought out a lot of people and there is a lot of people that are enjoying this weather and going out and I want to make sure that they are able to walk up and down the bike path and also going down to the boat launch and not be intimidated by anybody and just be able to enjoy this weather. We had an incident already tonight again where somebody was trying to break out lights down at the boat launch and one of the Officers took care of that. There is an extra Officer on and like I said it will be periodically but it has helped out already. I want to try to stop all this stuff before it gets started. I talked to Mr. Brusnahan today and these incidents keep on coming and we do catch these peo-

ple we are going to do this diversion program and they are going to pay for it one way or the other. If it is the kids then I am going to make the parents pay for it. So to make you aware this is going to stop./**SERVICE DIRECTOR:** Service Director Smith reported we are still working with Columbia Gas crew for the existence of creating a new manifold up at Shoreway, discussions again today and we should have that resolved soon and I am hoping within a couple of days. The Rite Aid insurance repair – when the car went through the front of the store, being handled with city’s insurance carrier/adjuster and contractor to fix that. I verified that discussions have come to an agreement on final pricing and the schedule for repair – I will have more on that real soon but it is scheduled to go on and start now. The docks are in at the boat launch for an early fishing season, minimal amount of sand since the sand trap is not full. We are going to stake the whole thing but I don’t believe we are going to have to worry about any dredging – the sand trap is about a 1/3 to ½ way full. We don’t have a problem with the sand until the trap becomes overrun and then it starts bypassing. So that is looking really good. As the Mayor touched on, it was the 2 green dumps and the red hauler that is used to haul the excavator around that had the windows smashed out in them. The ones that are sitting in the old section and the green ones are scheduled to be in this year’s auction. We will be able to start the Shoemaker Ditch issue after the middle of next week. President Podmanik asked when are we going to start patching? Service Director Smith answered we have been patching non-stop with cold patch; they have been out for 2 weeks now non-stop. We have been using every dry day that we can but we don’t have access to asphalt yet. Belle was done today./**LAW DIRECTOR:** Law Director Graves reviewed proposed legislation. Also we had talked about this in the Finance & Claims Committee and if Council so chooses I would happy to draw up the legislation for next week’s Council meeting to amend the codified ordinances to rename the Finance & Claims Committee to the Finance, Claims & Audit Committee, I would be happy to do that if Council so directs me to do so. I also wanted to make Council aware that I will not be here for April 10th Council as I will be out of town and also I would request a brief executive session to discuss current litigation. President Podmanik stated you mentioned Finance, Claims & Audit Committee? Law Director Graves concurred I believe that is the request from the Finance Director. Finance Director Smith advised instead of creating another whole committee which Audit Committee is basically the same as Finance. President Podmanik asked who? Finance Director Smith answered the state auditors, they have made a comment every year and it is the only comment we get pretty much on our audits that we don’t have an Audit Committee. President Podmanik asked added responsibility, extra meetings, anything like that? Finance Director Smith answered no; it is just so we have an Audit Committee. Finance Chairman Stark stated didn’t we discuss instead of Finance, Claims & Audit just Finance & Audit and taking the Claims out because we don’t know what Claims are coming up or why Claims is part of the title. President Podmanik advised Claims was originally there for if you ran in a pothole and did damage to your car, this is the committee they brought their bill to

and it was up to the Committee; Finance & Claims to determine that. That is the way it has been ever since I have been here and that is why it is Finance & Claims. Finance Director Smith advised I have never had the pleasure of dealing with a claim like that. If we have had a claim like that, actually anything we have had in at least the last 15 years has gone straight to our insurance carrier and they have handled it. So we have really not had that so I think that has become outdated and antiquated and I agree with our Finance Chairperson that it go to Finance & Audit – let's keep it short and sweet. Law Director Graves advised from time to time I have when there is a claim or a potential law suit I have brought it up under Claims but it is something that I can bring up in Council under executive session. *Motion by Rosso/Second by Elliott to have the Law Director draw up the legislation to change the name of the Finance & Claims Committee to Finance & Audit Committee. Yeas All.

/COMMUNICATIONS: None./OLD BUSINESS: None./NEW BUSINESS: Charter Review Board – Councilman Rosso asked they have to make their recommendations before the general elections, then we have to pass it 30 days before that? There is no way for this year. President Podmanik stated I don't remember how that is done, is it one from each ward? Councilman Rosso advised the last time everyone is to pick one to spread it out. It is too late this year to put it on this year's election, so it would be next year's. Law Director Graves read Charter; article XIII, section 7 for review – 9 electors of the city holding no elected office, appointed by Council. It is 5 months after appointment they should make their recommendations and they have to submit it by the general election whatever the cut-off is that the Board states for the general election. Councilperson Stark advised I think it is 60 days if I remember correctly. There was a brief discussion on whether there is enough time for the next general election and if enough people can be found. *Motion by Elliott/Second by Stark to add Council#010 and #011 to next Tuesdays Council agenda. ROLL CALL TO ADD: Yeas All – Kovach, Smith, Rosso, Belaska, Elliott, Stark.

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

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

Law Director Graves advised let the record reflect that the City Council of Sheffield Lake did adjourn into executive session for the discussion of pending litigation of the city attorney pursuant to the State Sunshine Laws.

ORDINANCES AND RESOLUTIONS: Councils Agenda –

Council#009 – EMERGENCY – an ordinance providing for the establishment and increase and decrease of certain funds within the annual appropriations ordinance of the City of Sheffield Lake, Ohio and the declaring of an emergency.

Council#010 – FIRST READING – an ordinance amending section 1117.01 of the codified ordinances of Sheffield Lake regarding amendments and changes to the zoning code.

Council#011 – EMERGENCY – a resolution authorizing the City of Sheffield Lake to accept and approve the donation of two video laryngoscopes to the Sheffield Lake Fire Department which have been designated for intubating patients that do not have control of their airway, and the declaring of an emergency.

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

CLERK OF COUNCIL AFFIRMATION: This Meeting Of The City Council Of The City Of Sheffield Lake, Ohio Was Held And Conducted Under All Rules And Regulations Governing The Sunshine Laws Of The State Of Ohio As They May Apply. All meetings are recorded and available in council offices.

CLERK OF COUNCIL/COMMITTEES

Kay Fantauzzi

COUNCILPRESIDENT

Edward R Podmanik

and/or

COUNCIL PRO TEM

Richard Rosso

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

WORKSESSION of March 20, 2012.

MAYOR

Dennis Bring