

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
April 17, 2012**

The regular meeting of the City Council Worksession was held Tuesday, April 17, 2012. Council President Edward Podmanik called the meeting to order at 7:22 PM.

ROLL CALL OF MEMBERS:

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

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

PRESENTATIONS: None.

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

ROADS & DRAINS: None./SAFETY: None./BUILDINGS, LANDS, VEHICLES & EQUIPMENT: None./ORDINANCE: None./FINANCE: None./PARK BOARD: None.

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

MAYOR: Mayor Bring advised we did get a little bit of good news today. We met with Speedway and they are planning an expansion of about 3800 square foot, they do have an option on the property next door so they are going to have to come to Planning and Zoning and everything but it does look like they are going to expand to 12 pumps of which I believe 2 of those are going to be diesel so we won't have to go anywhere with our trucks if we are going to get diesel. They are talking about this is one of their brand new stores, state of the art, so on. We are actually pretty excited about that, we had a nice meeting with them for about 2 hours today. Councilman Rosso asked convince them to put in a propane pump in? Mayor Bring answered I did ask them that, they are actually not doing that yet but they did have some inquiries about that but right at the moment no they aren't doing it. Also in turn that leak should be taken care of and everything else but if they do this they are going to be down for 3 months approximately. We won't have a gas station for 3 months but it is going to be a pretty quick turn-around time. It is going to be exceptionally nice. President Podmanik asked do they have the room for that there, are they going to expand to the south? Mayor Bring answered they have the land to the south behind them and then they have the house next to them – the blue house – they have an option on that. I asked them to meet with the lady in the brick house to see what kind of thoughts she had about noise or what they could do for her. It is all down-cast lighting, led lighting and will not be out front where that lady's house is – they are going to have some soft lighting and then some lighting inside the store. Councilman McCullough asked how many jobs? Mayor Bring answered I don't that it is going to increase too many

more jobs but they are going to do like a deli and some other stuff there so I would imagine there would be a few more employees. We were commenting on the employees that they have that they do a very good job and are part of the community. The gentleman that we met with said that was very good to hear because they do take pride in that. Councilwoman Belaska asked Mayor Bring do we have anything coming up in the Shoreway Shopping Center or are you hearing any business coming in yet. Mayor Bring advised I actually haven't pursued anything we are waiting for a couple more things to happen and then move forward with that. We have had people asking about it but probably at the end of May I will probably inform you on a few things. Councilman McCullough asked could we look into a Farmers Market without upsetting Apple's too much. Law Director Graves advised Apple's lease does have a provision that would restrict any other business that has more than 35% of the same type of product that Apple's does. There is a restriction in Apple's lease. Councilman McCullough stated but Farmer's Market would be individuals selling their wares? Law Director Graves advised I thought you talking about one of the units at the Shopping Center, we would have to look into that. Councilman McCullough stated where the Fire Department threw water on for training. Law Director Graves stated we would have to look at the nature of it but there is a provision that we have to consider. Councilman McCullough stated like \$50.00 for a 10 X 10 space and they have to put up their own tent and then clean up after themselves./**FINANCE DIRECTOR:** Finance Director Smith advised our fireworks which is a co-sponsorship of the city and Community Civic Counsel will be on July 13th at dusk during Community Days just so everybody knows and the parade will be on Thursday evening as usual. I have had a few people ask and I haven't even mentioned this to the Mayor but we would like to have some set date every year as Avon does for a city wide garage sale. Now that our website is coming up and we are going to take a look at it this Friday; preliminary and then hopefully it will be live next week but there is a lot of things that we can add. Maybe try one this year and maybe a couple next year. Councilwoman Belaska advised maybe somewhere around Pride Day since that is cleaning up time. I did say something to Mayor Bring about that before, we should have something like that as that would draw some attention to our city and plus it would help people get stuff out that they want to get rid of. I think it is a good idea./**SAFETY DIRECTOR:** Mayor Bring advised we did have an accident about a week ago, a young man hit a telephone pole in front of Erie Shore Landings and totaled his car. He was not hurt, he is 19 and works 2 jobs and was going to school, lived at Erie Shore Landings and hit the pole in front of there as he fell asleep. But it knocked out the power at Erie Shore's for about 3 or 4 hours./**SERVICE DIRECTOR:** Councilwoman Stark asked is the ditch done? Service Director Smith answered no not yet, we had to finish the Community Center and get the excavator out, remove the blocks and do the staging and that is one work day away. We finally got out of there and it is probably going to be this week. We had a delay with a hydraulic line on our excavator which put us a little bit behind./**LAW DIRECTOR:** Law Director Graves advised the Demolition

Board met the other night and voted to go ahead with the abatement of the property at 626 Kenilworth. I will be putting together a package with all of the records that we have and forwarding that off to Lorain County Community Development and they will be proceeding with that demolition through the neighborhood stabilization funds that we qualify for. Anything in Sheffield Lake west of Harris Road is a qualified district and we would be eligible for those funds for nuisance abatement. We did get consents from property owners on that demolition. So we will be continuing to work on those projects. Planning Commission will be reviewing a new ordinance governing accessory structures and accessory buildings. We will more than likely be bringing that to Council at the next meeting. So Thursday night they will be looking at that making it much clearer defining the parameters of those accessory buildings and accessory structures./**COMMUNICATIONS: None./OLD BUSINESS: None./NEW BUSINESS: Charter Review Board** – Councilwoman Stark advised I talked to the Board and you would have to have it in by August 7, 2012 I believe was the date. So doing anything this year would probably be impossible to get done. You would have to have everything into the Board of Elections by August 8th. Councilman McCullough stated so we are in violation of our Charter? Councilman Rosso asked how are we in violation of our Charter? Councilman McCullough stated if you are saying that we don't a chance to get anything done. Councilman Rosso asked because we haven't had one in over 5 years? Councilman McCullough stated you have to review the Charter every 5 years. Councilman Rosso stated yes but we haven't done it in longer than 5 years, we have been in violation for a while. We haven't done one in probably the last 10. Law Director Graves stated there is no one on it and Council is supposed to appoint the Board. Mayor Bring advised I was on it the last time we missed it when we were supposed to do it the last time. Law Director Graves advised so Council is supposed to appoint nine electors of the city holding no other elective office. Councilman Smith stated can't find the people who want to do it. Councilman McCullough stated I found 3 people who would be more than happy to do it. Law Director Graves stated it says they have to act within 5 months after the appointment and recommend to Council the revisions. Councilman Rosso stated so they don't have to take 5 months. President Podmanik stated turn it in in 5 months. Law Director Graves advised I guess an ordinance could be made that with 5 you would have a majority/quorum, might be able to get away with 5. President Podmanik stated get us an answer as soon as you can. Councilman Rosso stated the way it worked the last time Dennis, didn't Charter Review make the recommendation to Council and then Council decided whether or not to put them on the ballot. Mayor Bring answered the last time yes. Councilman Rosso stated so Council has to do that then wouldn't you want to go through 3 readings, so now you are back to mid-June. I am not sure you have to do that but I think we did it that way the last time. Law Director Graves stated well you need some people to get started, so if people have some names that they want to nominate and Council approve they can start. President Podmanik stated well they were supposed to submit their names to the Clerk of Council. Councilman

McCullough stated I gave a name to Kay that was a definite and I had 2 more but I thought I got 1. Councilman Rosso asked you thought you only had 1 person? Councilman McCullough answered I thought I only got to put 1 person on. Law Director Graves advised it says Council shall appoint 9, the idea was if everybody did and there is 8 of you so if everybody came up with a name then you got 8. Councilman McCullough advised I thought everybody got 1 and the Mayor got 1. Mayor Bring advised we tried to get them in different wards - that is what we were trying to do. Law Director Graves stated don't have to be. It can also be appointed officials of the city so long as they residents and qualified electors here. They hold any other elected office for example the Finance Director or the Service Director could be on the Charter Review. President Podmanik stated Kerry has 3, 4 and 5. Mayor Bring stated I can find people if you guys want me to find people, it is up to you. Law Director Graves stated they are Council appointments. Councilman McCullough advised I tell you what there is 2 more people right in here that would work and I know he is a member of the media but I think John would be really good for Charter Review. Mr. Edwards stated I have read the Charter and I wouldn't recommend any changes. Finance Director Smith stated if it ain't broken. Councilman Rosso stated true but they should get together and all say that and then be done with it. Law Director Graves stated there is going to have to be an opinion written on the interpretation of the section in regard to whether it is a recommending body or whether you have to submit them. Councilman Rosso stated I was just going to ask you that, we need a clarification on that because that was a discussion the last time. Law Director Graves asked would you like for me to do that. President Podmanik answered yes. There was a brief discussion. Law Director Graves stated the conflicting language is that the Charter Review Commission shall recommend to Council the alterations, revisions or amendments if any – so that would suggest that it is a recommending body. But then it goes on to say Council shall submit to the electors any such proposed alterations, revisions or amendments. So it seems it could be read both ways; it could be read that they recommend to Council and then Council can make the ultimate decision or it could be read that whatever they come up with Council has to submit it to the electors. We should interpret that and I will go ahead and write that for you. Councilman Rosso stated I think the last time Dennis weren't there a couple of things that were like; one suggestion was one thing and another suggestion was the opposite. I think one was to make the Mayor's job a full time and pay \$20,000.00. Councilman Rosso stated I don't think you want to start with less than a full commission. Law Director Graves stated I think you should try to get 9. President Podmanik stated we will see what we can come up with by next Tuesday. Councilman McCullough stated well I got 2 more if I am allowed more than one. President Podmanik stated ultimately it is the public says what changes of the Charter, Council just determines whether or not it gets to the public. Councilman Rosso stated but you are talking about then having to have it done in 6 weeks and that is pretty quick. President Podmanik asked what is the penalty if we don't get it done? Councilman Rosso answered there has been no penalty for

the last 5 years. President Podmanik stated yes that is what I mean it is kind of a mood point if you don't do it. Councilman McCullough stated I swore I think to uphold the Charter and I think the Charter says we are supposed to do it every 5 years. President Podmanik stated I understand that Kerry but what is the penalty if we don't. I don't think it really has any teeth. Councilman McCullough stated maybe it is a public flogging you don't know that. Law Director Graves stated no. President Podmanik stated well then David write the opinion and we will see what we can come up with names and I will ask next Tuesday. If anyone has any submissions then I can't think of anything else to do unless someone else has another suggestion. Law Director Graves asked do you want to put notice up that there is a vacancy if anybody is interested in serving. There was a brief discussion about the web page. President Podmanik stated any of those that are interested in serving on the Charter Review contact the Clerk of Council.

Councilman McCullough stated we have to appoint our representative to the Health Board needs to go through Council, we got to get that on the agenda saying that she has been appointed by the other places and already been approved by their Councils and we are lagging behind. She is a citizen of Sheffield Lake so we probably need to move on that. Finance Director Smith stated that would be Mrs. McCullough. Law Director Graves stated I thought that was a Mayors appointment, did you get any correspondence on that? Mayor Bring answered it was an email saying that we were supposed to look into that but I never got anything after that. On the email I suggested Mrs. McCullough be the person that represents us. Councilman Rosso stated so she stays in that position until we approve someone else or take a vote to remove her. It always has in the past come from the Mayor. Law Director Graves stated I have the letter and the correspondence that was sent the last time she was appointed. Councilman McCullough stated just to let you know she is now the longest held office appointed official in the State of Ohio ever. She has held that position like twenty something years. There was a brief discussion. Councilman McCullough stated there is an apartment located behind 5390 East Lake Road and I don't know if this needs to come to Council first. I have already informed the Mayor of it and I am going to talk to Len about it in a few minutes and the Building Inspector knows about it. There is somebody living in a business/there is residential quarters behind a business that nobody knew about it. The guy has been there for 2 years and now the Police said something to the Building Inspector so where do we go from there? Law Director Graves asked you talked to the Service Director about it? Councilman McCullough stated no I am going to talk to him afterwards but I did talk to the Building Inspector, I did talk to the Landlord, I did at least ask the Landlord to notify the Fire Department just in case in the meantime that they knew that there was somebody residing in the back of that building. The Building Inspector said there wasn't a shower in there but there has always been a shower in there. Law Director Graves advised why don't we let the Building Department and Service Department look into it and if they are unable to solve the problem then we will go farther.

ORDINANCES AND RESOLUTIONS: Councils Agenda –

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

Council#013 – SECOND READING – an ordinance amending section 111.01, rule no. 13(4) of the codified ordinances of the City of Sheffield Lake regarding converting the Finance and Claims Committee to the Finance and Audit Committee.

There was a brief discussion to amend Council#013 to include the emergency clause.

Council#014 – 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.

MEETING ADJOURNED: With no further business before this council, Motion by Belaska/Second by Kovach to adjourn at 7:54 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 April 17, 2012.

MAYOR

Dennis Bring