

Minutes of the City Council
Sheffield Lake, Ohio
July 10, 2012

The regular meeting of the City Council was held Tuesday, July 10, 2012. Council Pro Tem Rick Rosso called the meeting to order at 7:03 PM.

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

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

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

*Motion by McCullough/Second by Belaska to accept the minutes of the June 26, 2012 Council meeting with any corrections. Yeas All.

CORRESPONDENCE/COMMUNICATIONS:

Monthly report of Court receipts for month of June 2012 - \$3586.50.

Ohio Division of Liquor Control – Brownie’s Market. After a brief discussion, no request for hearing. *Motion by McCullough/Second by Kovach not to request a hearing. Yeas All.

PRESENTATIONS: None.

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

Roads, Drains, Water, Sewer, and Refuse: Chairman Rosso reviewed the minutes of the July 2, 2012 meeting. *Motion by McCullough/Second by Kovach to accept the report. Yeas All.

Safety: None./Buildings, Lands, Vehicles & Equipment:

None./Ordinance: None./Finance & Audit: Chairperson Stark advised in front of you and I am sure Tammy will go into a little more information we will have Council#041 establishing an increase in drainage maintenance which I am sure she will cover and we need to pass that this evening but we will also be bringing 2013 Tax Budget for approval tonight too. We will also cancel next week’s meeting.

/Council Representative to the Community Center: None./Council Representative to the Zoning Board of Appeals: None./Council Representative to the Planning Commission: None./Representative to the Park Board: None.

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

MAYORS REPORT: Mayor Bring reported the Tax Budget that we just looked at, we are cutting out of that budget for next year an additional \$130,000.00 out of the general fund. I spoke to the state representative Dan Ramos yesterday and had a

meeting with him on some issues of what coming up and what is not coming up. He actually anticipates the Governor cutting more. He wouldn't give me what he is cutting but there is going to be additional revenue cut from the city's. So the money that the Finance Director budgeted for next year may have to be adjusted even more. As you all know we are very, very tight. My comment to him was we don't have any more money to cut and he said that all the other city's that he has been talking to are all in a very familiar situation. So we are all in the same boat but didn't satisfy my question, I don't what else to say but we are looking into that. I did meet with him for about 45 minutes and he took my concerns back with him. So we will see what happens. On a lighter side, tonight if you go by the covered bridge it should be lit up thanks to Mr. Smith and our electrician. I would invite everybody to go by and see that. We have been working on a number of other things. Councilman McCullough asked for an update on Mr. Podmanik. Council Pro Tem Rosso advised I will take care of that. *Motion by McCullough/Second by Belaska to accept the report. Yeas All./

FINANCE DIRECTOR REPORT: Finance Director Smith reported you have before an ordinance with one line in it and it is to establish and increase a line in our stormwater utility fund and we are going to call it drainage maintenance. This \$2400.00 is carry over from last year money, when we reissued the bond that we currently pay out of that fund we actually saved a little on the interest rate which allows us to have a little bit of a carry over. We would like to take this money to help with maintaining the water right of ways that are full of trees and overgrown brush and some very, very, large trees. The Service Director, the Mayor and I all talked about it and if those trees come down they are actually going to block more water and if we can keep this right of ways open we could probably have relief on some of the flooding areas hopefully. Service Director Smith advised David and I have discussed the liabilities that the city has on certain drain situations, these ditches that have giant trees growing out of it and our responsibilities. Finance Director Smith advised we can comfortably appropriate this money and hopefully next year we can actually appropriate a little bit more. We will see what we carry over at the end of the year for next year. So I ask that you consider that for tonight. The Tax Budget, we are going to be losing an additional \$50,000.00 in local government next year. This is supposedly the last year of the cut that was going through 2013, that is on top of the \$92,000.00 that we have already lost over the past 2 years. So that goes along with what the Mayor was talking about with some of the decreases and now there is word that that might get cut even further. But I think this current tax budget is very conservative so I am hoping that we can work with it and we can tweak it and by the end of the year we will have it fine-tuned I am sure and maybe we will have a little more information by the end of the year. We have got a lot of things just hanging out there that we don't know how they are going to fall and what is going to happen. *Motion by Stark/Second by Kovach to accept the report. Yeas

All./**TREASURER REPORT:** report attached./**SAFETY DIRECTOR:** Mayor Bring reported still on-going with the graffiti and some of the other things. We have been very fortunate with the boat launch so far. Our Police are doing a good job and we have a couple of things going on with the Fire Department. They are trying to purchase some equipment, Chief Card did write some grants for the ambulance and is also writing for additional manpower which we are looking over. The problem with the manpower and I will give it to you very bluntly, we are off the hook for 2 years but if we hire them and then we do release them then we have to pay unemployment at 60 some percent and we are self-insured. So we are still paying them regardless so that makes it kind of difficult but we are probably going to write the grant for at least one person. We do have a very good chance of getting one of these ambulance I hope. Chief Card worked on this very hard getting letters for recommendations so we will see how that works. Council Pro Tem Rosso stated I think in one of our previous meetings where you had the bike patrol out for an evening. Will they be out for Community Days? Mayor Bring answered yes – 2 of them. We may not have anybody for Saturday. They are going to be limited to that area of the boat launch/bike path/right around Shoreway. We are not going to have them going very far. We do have a band coming before the fireworks and they are going to be performing on Friday. I am trying to get a helicopter to land, Medivac helicopter in the overflow parking. We are still working on the logistics of that and that will just be something extra for the kids to see the thing land and come in. But again we have to make sure that the draft of the propellers and everything is okay. I was going to have them land back by the Bowling Alley but we nixed that idea but I am still trying for it. I ask if they could do it and they said that they would as long as everything works out. Councilman McCullough asked how many are they looking at writing the grant for as far as the Firemen? Mayor Bring answered 2. Councilman McCullough asked we don't have 1 that is probably on permanent and another one that is going soon. Mayor Bring answered we don't know that yet, that is the problem. That is part of the budget that we were talking about, there is just too many uncertainty's. I don't have anything to announce, we are just dealing with it. *Motion by McCullough/Second by Belaska to accept the report. Yeas All./**SERVICE DIRECTOR:** Service Director Smith reported Shoreway is continuing and it is looking real good. We do have a open space that is now uncovered and available for inquires for lease. We actually have 2 of them, they would still need some interior modifications before of course occupancy but they are ready. Landscaping and other things are moving along to include 2 major repairs; one being the roof at Family Dollar in the back of their loading docks which caved in and the other being the divot which is the plasticized mortar facing on the faced of the center – those have been repaired now that the water issues and the walkway roof are fixed and repaired and no longer causing water damage to the exterior part of the building. We should have the first coat of mortar either by the

middle of the day tomorrow. We have done some things here at city hall; the jail has gotten a brand new shower and we are going to be sealing the floor, mortar sizing it and seal coating it. We have had the tractor out since Rick's report again and continuing with the program of trying to take down some of these areas of ditch line that have just not been maintained. It takes us a little longer but it is going to be an on-going process and so far things are going real good with that. The Mayor touched upon security lighting at the covered bridge, we have had some major issues with security – covered bridge and the boat launch along with graffiti and issues up at Shoreway. The lighting was re-evaluated, first of all there was inadequate lighting, that one pole light was fine and it helped a lot but it still was inadequate as far as security goes which is why the addition of the lighting. Plus it will aid in the operation of wireless cameras. One of the things that we learned at the boat launch was that at night, underneath the sodium light the cameras were so photo-sensitive that they didn't work very well at dark even though we had sodium light. In working with Ohio Edison we have been able to switch those out to metal halide/say wattage but it is a different type of light. It is a bright light, it is a white light and as the Mayor will testify our cameras are functioning real well now. We have areas of the parking lot now that we could not see at night which we can see in the boat launch area, we are going to add one more light in the back of the library which is going to light the beach area on the east side of the boat launch and then we have another one going on the west end – a pole light off of Lake Road at the entrance there shining northeast to light that area. That should hopefully take care of it and there still will be a possibility of putting a pole in down there on the blindside where we have been graffiti 3 or 4 times now and we might with the addition of some wireless cams handle that, as long as the lighting is adequate then the sensitivity of the cameras work very well. We have an increased Police presence also that has been going on and I just want everyone to be aware – getting a lot of input from people who walk the bike trail and who use the boat launch. We have Police, Border Patrol, Division of Water Craft, Fish and Game making more of a presence on our shores here. That is something that is aiding us, I think a Fish and Game Officer told me that they have had several instances where there were parties going on the north side of our boat launch on the actual rocks and they were busted by Fish and Game sneaking up on them from out in the lake. Mayor Bring advised going back to the lights on the bridge and I will quote this, there were 4 teenagers that stopped and asked if those were cameras that were being installed and the gentlemen that were installing them said cameras and lights. There was a brief discussion on cameras and installation areas. Councilman McCullough asked what roads are we working on right now? Service Director Smith asked what roads; such as, in what respect? Councilman McCullough stated our roads levy, I got taken to task – the shopping center looks great. Service Director Smith answered I have completed the road evaluation.

Councilman McCullough stated the shopping center looks great and I stopped and got gas at Speedway and got screamed at and I don't even know who the person was but they know who I was that all the road people weren't working. I asked for their name, their address and they got in their car and they drove away. Len – all I am saying is this I couldn't even come back with a road that they were working on because everyone one of them were over there working and I had nothing to the person number one because I really didn't have a chance and that is wow because I can usually get a word in. What roads are we working on so if this happens in the future I can answer. Service Director Smith advised I am in the process of doing evaluations for the road list for this year. We are late on doing it but that is fine because it saved us some money. I have completed the evaluation, I have shared it with the Mayor and that is one of things that I am in-process of doing is coming up with the road list for repaving and what we are going to do and that I will be bringing to you guys attention. That is an on-going process – so a couple of days a week we get asphalt and we will go out and fill asphalt and do patching. Right now we have been concentrating on certain roads with boom mower to get ditch access. As far as naming what individual streets, it is just a normal process of the day Kerry. We own the Shopping Center and we need to accept the fact that we own the Shopping Center – it is municipal property and it is just as important as everything else and I don't have them down there all the time but I make those decisions with the best format of prioritizing certain tasks that have to be done. I don't believe that I am sacrificing anything else. Councilman McCullough stated but the point that was made to me and I am sharing it with you is 10 years ago or so we passed a road levy and they see people working on a shopping center. Service Director Smith stated Kerry they can take my job because I make those decisions. Mayor Bring advised last year if you remember we had a company come and do that and we are doing the same thing this year. We are not in the paving business; we patch holes and that is what we do. But as far as actual paving of the roads, we are not doing it. Service Director Smith advised don't take this the wrong way but understand there is a difference between maintenance Kerry and redoing roads. Our job is to maintain them; just like the Water Department; to maintain the water pipes, Sewer Department; maintain the sewer system and residents who call and complain – I deal with the same thing. I have 4 guys and I have to utilize them in an efficient manner in order to get things completed. Not just started but started and completed. Council Pro Tem Rosso advised just for Kerry and Debbie's information since this is their first year on Council – as the Mayor was pointing out that money that is generated from that quarter percent we usually hire out and we get a paving company to do streets. Those are normally done August/September time frames every year. So that is where you see that money spent from the quarter percent, you don't see it January through July – you will see it in August/September and once the Service Director or Service Directors

in the past puts their list together and runs it by Council that says here is what we think are the worst roads and this is what we are doing. That quarter percent normally does not get spent until August or September. Councilman McCullough stated I didn't know how to come back to him. Mayor Bring stated what they don't see is our guys fixing water breaks, they are out there doing other things but they want to see a road paved and our guys are not going to pave a road and that is just a fact. We have no equipment to do it and we have no manpower to do it. Service Director Smith advised if you remember 2011 this Council and this City Administration decided that we weren't going to chip and seal anymore, so the whole road maintenance program has switched now to taking care of the water – getting the road to be sustainable to take 2 inches of asphalt on a mill and cap and that is what the boom mower is doing and that is why we are clearing access to the ditches to get the water away from the roads so that when we do select a road we can mill and cap the road. That is something that we have not done. The last year is the first year was the first year we have ever done it. Finance Director Smith stated I have to say those roads that we did last year still look great. Instead of just chip and seal which is gone the next spring – it is quality not quantity. Councilperson Belaska asked I noticed that the back wall was painted red from green, was that where the graffiti was done. Service Director Smith answered no that is something that we wanted to match the Shopping Center with Apples. Councilperson Belaska stated it looks nice, the whole Shoreway looks nice – Mayor, you are doing a wonderful job. It is really much cleaner, much nicer, it is a big improvement, it looks like you would want to shop at our Shoreway. Service Director Smith advised we are hearing that from many, many residents, patrons and store owners. Councilperson Stark stated I have had a lot of people that have asked me about drains, are they responsible for cleaning it or is the city responsible because I have had people complaining that people owning the property is not doing it? Service Director Smith advised I have had several of your people, we sweep the roads but I have had actually over on Thelma 2 residents who felt that it was the city's responsibility to clean their storm drains from their gutters to the road and the answer to that is no that is the responsibility of the homeowner. We will clean the curb drains, we will check on the curb drains and we will sweep the curbs. That is actually something that is scheduled for this week again over in your area. After that storm which is a great example trying to get the stuff cleaned up as quickly as possible so it wouldn't clog the curb drains on curbed streets. Councilperson Belaska asked I know that a couple of people have asked me, they have the open ditches and that is there a way that they can purchase or certain areas cannot be done where they want to buy the pipe from the city and have it covered. Service Director Smith answered the city will not do their ditches, we only have a program available and the ordinance that allows us to is for the driveway. As far as the ditches the homeowners can hire a company to close in their ditch, a grade is set by

the city which we will go out and tell them how the grade has to be set and we will inspect it but they pay a contractor of their choosing to install that and that has always been that way. 10 or 12 years ago the city had a program for a short period of time in which a resident could pay the city like the driveway pipe to have their ditch piped in. We have 4 employees in a city of 10,000 people in the Road Department so we can only do so much. *Motion by Kovach/Second by McCullough to accept the report. Yeas All./**LAW DIRECTORS REPORT:** Law Director Graves reviewed legislation on agenda and also those for possible addition; Council#028, 029, 030, 031; 032, 034, 035, 036, 037, 038 and Council#040 and 041. *Motion by Kovach/Second by Belaska to accept the report. Yeas All.

CITIZENS COMMENTARY:

Ann Marie Woltman, 649 Sheffield stated when they are rezoning B1 to B5, what all does that change? Law Director Graves answered I would be happy to go over the ordinances with you after the meeting. Mrs. Woltman asked is that whole area there a B1 or a B5? Law Director Graves answered where the current Speedway is is currently zoned B5 and B5 is the least restrictive or the most expansive business district – that is the shopping center. So where the Speedway currently sits is zoned B5. Mrs. Woltman stated so next door is B1. Law Director Graves answered yes they have acquired that parcel and is currently B1 and they are requesting that be rezoned B5 to be consistent with where the store currently exists for the proposed expansion. Mrs. Woltman asked how far south is this acquisition going? Law Director Graves answered Speedway owns the property up to where the city property begins, basically where the Bowling Alley parking lot and a little beyond that. Speedway owns the land north of that. There was a brief discussion. Mrs. Woltman continued because on the other side then on the east side of that would be Levin's property still, that has been for sale where they demolished that house.

Mark J Erdei, 4015 Tennyson stated I was just curious on how our curfew is doing, are we enforcing it? Law Director Graves answered we are enforcing it aggressively every couple of weeks in Mayors Court we have a number of people cited for minors curfew. Again when that happens the parents are cited and the Magistrate does a good job with the Diversion Program and the juveniles do community service. Mr. Erdei asked do we any set hours for our parks, I know our boat launch is around the clock – they don't bother nobody there. But do we have any set hours for our parks? Service Director Smith answered dark - it is dark. Councilman McCullough stated Memorial Park is posted. Mayor Bring advised we had 3 curfew violations tonight in court that they got fined. Mr. Erdei asked what about Memorial Park sign, it is still not up? Service Director Smith answered Jerry did something I just don't why it is not up. I will check on it. Councilman McCullough advised Mark is a great neighbor – Mr. Box who has been battling Parkinson's disease, Mark has been keeping his grass cut for the last couple of

years and just the type of the citizen we want in the city. But Mark – thanks, I want to get it on record that that is really being great and going above and beyond. Mr. Erdei stated he is like family and you take of your family.

Ann Marie Woltman stated we should have a citizens award to give out. I have another question regarding the dryness and the fireworks, do we do anything to enforce that? Is it legal for anybody and everybody for fireworks, I am not talking about city sponsored; I am talking about neighbors? Law Director Graves answered no it is not legal to shoot fireworks off. Mrs. Woltman stated so can we call the Police when we hear it? I was worried because of the dryness because even sparklers can start a fire in the grass. Council Pro Tem Rosso advised sparklers would be legal. Law Director Graves advised on fireworks; I think we have always kind of walked a line. You know if someone is being blatant, if it is complaint driven. A few years ago we actually charged a felony because it was a massive display that was going on up near Forestlawn School and that was actually charged as a felony, a fireworks display without a license. We do enforce that but it is more or less complaint driven. They do patrol the city.

UNFINISHED BUSINESS: None./NEW BUSINESS: *Motion by McCullough/Second by Kovach to add Council#028, 029, 030, 031, 032, 034, 035, 036, 037, 038, 040 and 041. ROLL CALL TO AMEND THE AGENDA TO INCLUDE THE SO NOTED COUNCIL NUMBERS TO TONIGHTS AGENDA: Yeas All – Rosso, Belaska, Kovach, McCullough, Stark.

ORDINANCES/RESOLUTIONS:

- 1) Council#020 – THIRD READING – an ordinance authorizing the Mayor to enter into a settlement agreement between the City of Sheffield Lake, N.C.S.L., Inc. DBA North Coast Shoreway Lanes and Marc Levin, Trustee of the Shoreway Shopping Center Trust, and the declaring of an emergency. **TABLED.**
- 2) Council#024 – SECOND READING – an ordinance adopting a Fraud Prevention Policy for the City of Sheffield Lake.
- 3) Council#025 – SECOND READING – an ordinance amending ordinance no. 28-91 regarding Deferred Compensation Plans for city employees.
- 4) Council#028 – FIRST READING – an ordinance amending section 1133.02 of the codified ordinances of Sheffield Lake regarding the regulation of accessory buildings and manufactured homes.
- 5) Council#029 – FIRST READING – an ordinance establishing section 1133.09 of the codified ordinances of Sheffield Lake regarding minimum floor area and combined side lots for smaller lots in R-1 residential districts.
- 6) Council#030 – FIRST READING – an ordinance establishing section 1151.06 of the codified ordinances of the City of Sheffield Lake regarding accessory buildings.

- 7) Council#031 – FIRST READING – an ordinance repealing Chapter 1383 of the codified ordinances of Sheffield Lake regarding the regulation of accessory buildings.
- 8) Council#032 – FIRST READING – an ordinance amending section 1353.27(f) of the codified ordinances of Sheffield Lake regarding the regulation of manufactured homes.
- 9) Council#034 – EMERGENCY - a resolution by the Council of the City of Sheffield Lake setting proposed changes to the zoning code for public hearing and the declaring of an emergency.
 - *Motion by McCullough/Second by Kovach for SUSPENSION OF RULES:
ROLL CALL FOR SUSPENSION OF RULES: Yeas All – McCullough, Kovach, Rosso, Belaska, Stark.
 - *Motion by McCullough/Second by Kovach for ADOPTION:
ROLL CALL FOR ADOPTION: Yeas All – Stark, Kovach, McCullough, Belaska, Rosso.

Resolution Passes#24-12
- 10) Council#035 – EMERGENCY – a resolution by the Council of the City of Sheffield Lake setting proposed changes to the zoning code for public hearing and the declaring of an emergency.
 - *Motion by McCullough/Second by Belaska for SUSPENSION OF RULES:
ROLL CALL FOR SUSPENSION OF RULES: Yeas All – Belaska, McCullough, Stark, Rosso, Kovach.
 - *Motion by Kovach/Second by Belaska for ADOPTION:
ROLL CALL FOR ADOPTION: Yeas All – Stark, Rosso, McCullough, Kovach, Belaska.

Resolution Passes#25-12
- 11) Council#036 – FIRST READING – an ordinance by the Council of the City of Sheffield Lake amending the zoning classification of parcel 03-00-041-103-005 on the south side of Lake Road from B1 to B5.
- 12) Council#037 – EMERGENCY – a resolution authorizing the City of Sheffield Lake to accept and approve the donation of \$2050.00 from the VFW (Veterans of Foreign Wars of Ohio Charities) to the city which has been designated for the purchase of new firearms for the Police Department; and the declaring of an emergency.
 - *Motion by Kovach/Second by Stark for SUSPENSION OF RULES:
ROLL CALL FOR SUSPENSION OF RULES: Yeas – Kovach, Rosso, Belaska, Stark/Nays - McCullough.

EMERGENCY FAILED TO A FIRST READING
- 13) Council#038 – EMERGENCY – a resolution authorizing the City of Sheffield Lake to accept and approve the donation of \$2050.00 from ERIE AMVETS POST 55 to the city which has been designated for the purchase

of new firearms for the Police Department; and the declaring of an emergency.

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

EMERGENCY FAILED TO A FIRST READING.

- 14) Council#040 – EMERGENCY – a resolution adopting the tentative budget for the City of Sheffield Lake Ohio for the fiscal year beginning January 1, 2013 and submitting the same tax budget to the auditor of Lorain County Secretary for the Lorain County Budget Commission and the declaring of an emergency.

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

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

Resolution Passes#26-12

- 15) Council#041 – 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.

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

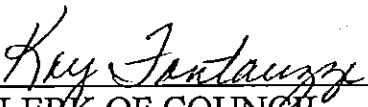
*Motion by Stark/Second by Belaska for ADOPTION:
ROLL CALL FOR ADOPTION: Yeas All – Stark, Rosso, Kovach, Belaska, McCullough.

Ordinance Passes#27-12

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Belaska to adjourn at 8:11 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

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 July 10, 2012.

and/or


COUNCIL PRO TEM

Richard Rosso



MAYOR

Dennis Bring