

**MINUTES OF CITY COUNCIL
SHEFFIELD LAKE, OHIO
July 9, 2013**

The regular meeting of the City Council was held Tuesday, July 9, 2013. Council President Rosso called the meeting to order at 7:02 pm.

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

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

Present: Rosso, Smith, Kovach, Stark, Cizl, McCullough, Erdei, Mayor Bring, Finance Director Smith, Service Director Smith, Law Director Graves, Treasurer Woods

Absent: Councilman Elliott (excused)

Attending: Concerned Citizens, Members of the Media: Avon Lake Press

READING OF THE MINUTES:

A – Council – *Motion by McCullough/Second by Kovach to accept the minutes of the Council of June 11, 2013 meeting with any corrections. Yeas All.

B – Council Worksession - *Motion by McCullough/Second by Erdei to accept the minutes of the Council Worksession of June 18, 2013 meeting with any corrections. Yeas All.

CORRESPONDENCE:

A – Monthly report of Court Receipts for month of July 2013 - \$7,140.50.

PRESENTATIONS: Mayor Bring submitted the name of Thomas Melbar to the Zoning Board of Appeals. *Motion by McCullough/Second by Kovach to approve Mr. Thomas Melbar to the Zoning Board of Appeals. **ROLL CALL FOR APPROVAL:** Yeas All – McCullough, Kovach, Smith, Stark, Cizl, Erdei.

Mayor Bring swore in Mr. Thomas Melbar to the Zoning Board of Appeals.

Mayor Bring continued we have some scheduling problems with the Police Department, we lost a full-time Officer because she went someplace else. We have an Officer that is going to have hip surgery and is going to be out about 4 months and we have a couple other people that are on vacations and several absences. What we would like to do is a provisional appointment/temporary appointment for 2 of our Officers. At this time I would like to submit part-time Patrolmen James Simone and David Urig for the temporary appointment as full-time Patrol Officers in the unclassified Civil Service pursuant to the ORC 124.30 due to urgent scheduling needs. If you would accept that it would help us out tremendously and this is only a temporary basis, they do not even want to do this but they are just helping us out and it is probably going to be for approximately 6 months. Law Director Graves advised these are the 2 newest part-time Patrolmen. The Chief did inquire of all the other part-time Patrol-

men and none of them wanted to do this or felt they had the ability or time for scheduling. These 2 do have the time and they are ready to accept this. It should not go more than 120 days and the Civil Service Commission is in the process of working with Tri-C to run another test and compiling another eligibility list. Councilman McCullough asked neither one of these guys are going to be receiving any compensation above their pay correct? We are not going to be paying any hospitalization? Law Director Graves answered they are unclassified Civil Service – they do not receive benefits under collective bargaining unit. Councilman McCullough stated okay but this isn't going to cost us anything more in our health insurance? Mayor Bring answered no. Councilman McCullough asked is it 120 days or 6 months? Law Director Graves answered under the statute it should last longer than 120 days, there are some exceptions if it due to sickness or illness of other full-time Officers but we don't anticipate lasting longer than 120 days. Councilman McCullough asked are we replacing that full-time position since Monica left? Mayor Bring answered we are looking into that. Councilman Kovach asked can we include the 120 day limitation in the motion or not? Law Director Graves answered you could make the motion to approve temporary appointment for a period of time not to exceed 120 days. At that time if Civil Service has not compiled a list we could come back. Councilman McCullough stated my big concern is everything going on with the part-timers right now, that is my only concern. I just don't want to leave any loose ends open out there. President Rosso advised one thing to keep in mind though right now we are struggling to have Officers on. Councilman McCullough stated I understand that, if we go 180 days somebody is going to throw it up in our face well you are supposed to have a Civil Service after 120 days – not 180. In 120 days then Dennis can come back to us and say hey I need 2 more months or I need 3 more months. Mayor Bring stated I will tell you like I said neither one of them wanted to do this and then the other part is that Mr. Reiber came to us just the other day for needed surgery. This is something that we figured was going to happen but it is needed but he went as long as he possibly could. Then with Monica and we probably are going to lose another Officer too. So it is just with the scheduling and with vacations and everything else. We were unable to fill the schedule. This is the last thing that we wanted to do and like I said we have no other options. We asked the other part-timers first just to see but none of them want to take it on a temporary basis as they all have jobs and they would have to quit those jobs. If this was a full-time appointment that was permanent we had another gentleman that would have taken this job but nobody else wanted to do this. Councilman Smith requested clarification on the question of the benefits and health insurance? Finance Director Smith answered they would still accrue sick time. *Motion by Kovach/Second by to approve the appointment part-time Officers Urig and Simone to provisional full-time employment with the City of Sheffield Lake Police Department not to exceed 120 days. ROLL CALL FOR APPROVAL AS STATED: Yeas All – Kovach, Erdei, Smith, McCullough, Cizl, Stark.

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: Service Director Smith advised on the previous sewer credits, Erica Reid of 249 Erieview who applied for a sewer credit back several months ago and we had several meetings as you guys sent me back as I did have enough information to make a decision with. I went back as one of the questions was there a drain at the water heater and the answer was no there was no there was not a floor drain or drain near the water tank that was replaced. Drywall damage did occur to surrounding rooms and a room around the water heater along with floor damage. How long was the leakage and did that go – she could not answer that. She said though that it was between a couple of weeks and a month depending on the tenant and how long they were gone – she could not get a clear answer out of the tenant. Of course the tenant was one of your questions too, was it a homeowner or was it a tenant – yes, it was a very, very young couple who kept mopping up the water. Another check that we did here today, we went back over the bills current since the leak was fixed and everything is back down to normal – her usage is down to normal. So at this point and time I would make a recommendation to approve the sewer credit in the amount of \$341.04. President Rosso advised Len we did talk about this prior to this meeting and I did realize my mistake that this was tabled under Roads & Drains. So we cannot un-table and then approve it tonight because it is still in committee. I apologize to you and to everyone on Council that he went through that and then as I was looking realized we can't un-table it in this meeting. We could have voted on it if it wasn't tabled./**Safety: None./Buildings, Lands, Vehicles & Equipment:**

None./Ordinance: Chairman Smith reviewed the minutes of the June 6, 2013 meeting. *Motion by Stark/Second by Kovach to accept the report. Yeas All./**Finance & Audit:** Chairperson Stark reviewed the minutes of the June 18, 2013 meeting.

*Motion by McCullough/Second by Kovach to accept the report. Yeas All./**Council Representative to the Joyce Hanks 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 June 17, 2013 meeting.

ADMINISTRATIVE REPORTS

MAYORS REPORT: Mayor Bring reminded Council of Community Days this weekend, if anybody would like to walk in the parade with us it would be on Thursday and we will meet up there at 6:30 pm and start walking about 7 pm. Fireworks will go on and that is paid through Civic Counsel and I would like to thank them because they paid that in full this year. We are also having a band and they are also paying for that in full. I know Mr. Kovach has been working very hard on this and it is a lot of work and I would just like to thank him for putting this on. I talked to Chief Campo today and we got everything kind of lined up, we are going to have several Policemen who signed up to participate in that and again this would be without overtime. We are go-

ing to have a couple of the guys on bike patrol throughout the whole event there.

*Motion by Stark/Second by Erdei to accept the report. Yeas All./**FINANCE**

DIRECTORS REPORT: None./TREASURER REPORT: report at-

tached./**SERVICE DIRECTORS REPORT:** Councilman Erdei asked on the contract with Allied Waste, we are on for a couple more years? With all the other towns around us seeking bids for other refuse collections, can we put a little pressure on them for the next contract? Mayor Bring answered I did not want to go along with that, Allied Waste has done a very good job with us. They had a strike and we are all aware of that but for all these years they have done a good job. I think all these other cities it costs \$2000.00 to participate in that but I think that we have always had a very fair contract with them. If you think that the rates are going to go down and I think you are being a little bit naïve and I don't mean that in a rude way. Everything is going up and obviously they struck because they have contract issues and everything else. We will try to keep it at a minimum but I think that they have done a nice job. Service Director Smith advised Allied Waste has done a lot of freebies for the city, specifically during the years 2012 and also 2011 during the flood damage. Extra dumpsters that were put out for people's flood damage were free to the city. Councilman McCullough disagreed and stated previous contract they would have been picking that up at the curb when we could put anything out every week at the curb.

There was a brief discussion on the next contract. *Motion by Stark/Second by Erdei to accept the report. Yeas All./**SAFETY DIRECTORS REPORT:** Mayor Bring reported with the 4th of July, we actually had very few complaints. I don't believe there was any injuries or anything. Everyone was blowing off fireworks and you can't stop it, we would have to have 100 Policemen to do it and I don't think any city stops it completely. Overall the phone calls were very minimal and everything went off quite nicely. We did have a tip the other day from a resident who caught a young man looking into some cars and vehicles and passed that along to Mr. Campo and he in turn went over to that young man's house and found some stolen items. We believe that this young man has been doing this for quite some time. He is currently in the DH.

*Motion by Stark/Second by Erdei to accept the report. Yeas All./**LAW DIRECTOR REPORT:** Law Director Graves reviewed legislation on the agenda. Councilman Erdei asked what is going on with these internet cafes? Law Director Graves explained the amendment at the state level does not abolish the internet cafes but what it does is restrict payout to the same standard as the carnival style amusement games which is non-cash payouts of under \$10.00 value. Basically that would put them out of business. So there is a petition circulating to put that on the ballot for referendum.

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

CITIZEN'S COMMENTARY:

Rosa Gee, 588 Kenilworth questioned Council#032, the 301.710.5812 and the 5813 – those numbers normally match when these are done? After a brief discussion, Law Director Graves advised she does have a brief explanation in the attached finance meeting.

Nancy Kosakowski, 931 Warwick stated my concern is that since Warwick Drive was resurfaced, I have lived there for 40 years and since the resurfacing of it we have had nothing but flooded basements. In 2011 my basement flooded 11 times. I brought pictures for the Service Director. My concern is if we are having these roads resurfaced are they being done right. Something is wrong on that street after living there 40 years I might have had 1 time that the basement flooded. Last year it flooded 3 or 4 times. There was a brief discussion on previous storms/100 year events. Service Director Smith advised he would speak with Mrs. Kosakowski on issues in Warwick area./**UNFINISHED BUSINESS: None./NEW BUSINESS:** *Motion by McCullough/Second by Kovach to amend the agenda to include Council#034. ROLL CALL TO AMEND THE AGENDA: Yeas All – Smith, Kovach, Stark, McCullough, Cizl, Erdei.

ORDINANCES AND RESOLUTIONS:

Council#029 – SECOND READING – an ordinance amending section 1139.06 c of the codified ordinances of the City of Sheffield Lake regarding rear yards in B-1 business districts.

Council#032 – 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.

*Motion by Stark/Second by Kovach for SUSPENSION OF RULES:

ROLL CALL FOR SUSPENSION OF RULES: Yeas All – Erdei, Stark, Cizl, McCullough, Kovach, Smith.

*Motion by Stark/Second by Kovach for ADOPTION:

ROLL CALL FOR ADOPTION: Yeas All – Smith, Stark, Kovach, Erdei, McCullough, Cizl.

Ordinance Passes#30-13

Council#033 – FIRST READING – an ordinance of the Council of the City of Sheffield Lake amending the rate of pay for part-time Patrol Officers in the City of Sheffield Lake's Police Department and the declaring of an emergency.

Council#034 – EMERGENCY – a resolution adopting the tentative budget for the City of Sheffield Lake, Ohio for the fiscal year beginning January 1, 2014 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 McCullough/Second by Kovach for SUSPENSION OF RULES:

ROLL CALL FOR SUSPENSION OF RULES: Yeas All – Smith, Stark, McCullough, Kovach, Erdei, Cizl.

*Motion by Stark/Second by Kovach for ADOPTION:

ROLL CALL FOR ADOPTION: Yeas All – McCullough, Cizl, Erdei, Smith, Kovach, Stark.

Resolution Passes#31-13

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

Rick Rosso

and/or

COUNCIL PRO TEM

Eric S Elliott

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 9, 2013.

MAYOR

Dennis Bring