

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
December 15, 2015**

The regular meeting of the City Council Worksession was held called the meeting to order Tuesday, December 15, 2015. Council Pro Tem Alan Smith called the meeting to order at 7:05 PM.

ROLL CALL OF MEMBERS:

Present: Council Pro Tem Smith, Mayor Bring, Stark, Kovach, Wtulich, Erdei, Cizl, Finance Director Smith, Superintendent Hastings, Law Director Graves
Absent: President Rosso, McCullough, Treasurer Zaborski (excused)
Attending: Council Elect Rosa Gee, Park Board Joe Gee, Media: Chronicle, Journal, Avon Lake Press

PRESENTATIONS: None.

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

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

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

MAYOR: Mayor Bring reported for the Safety, we have a number of small break-in's just lately but they are not really break-in's, people are parking cars in their driveway and then leaving them open. I would ask the residents to your doors and if you lock your doors you are not going to get anything taken. We pretty much know who these guys are, it is very difficult to catch them in the act of doing this as they are pulling down the street with your lights on and as soon as they see lights obviously they are not doing anything wrong. We have got kind of a handle on this and it is just a matter of time until we do probably catch these young men. If people would just lock their cars and/or if they see something just call the police, whether they think it is nothing or not at least let the police investigate it. We did have a resident the other day call and we did catch a couple of kids down at the end of the street and the Police talked to them and that is very important. If the Police talk to them at least they know that they are being watched and that is all it takes is just somebody looking out the window or whatever. So it is 1 o'clock or 2 o'clock in the morning our guys are on duty – just call and report it so we can take a look at it. Council Pro Tem Smith asked is that when it is, usually after midnight. Mayor Bring advised this weather has been unusually warm so people are out running

around. Mr. Hastings was doing something, we were able to take the one camera at Shoreway with the phone and manipulate the camera to watch everything and he was doing something at 1 o'clock in the morning and turned it on. Superintendent Hastings advised on a water break. Mayor Bring continued here there was 2 guys playing Frisbee in the parking lot at Shoreway at 3 o'clock in the morning. So he zoomed in on them because he thought there was something going on but it was just someone playing Frisbee because it is nice out. The unusual warm weather has more activity going on right now. Last year at this time everybody was freezing to death and nobody is going outside and it is the holidays and people are being pains in the butt. Like I said lock your doors and if you see something call the Police and they will come out and take a look. We do have more water meters coming in, I think it is 1000 of them coming in. Superintendent Hastings concurred the final 1000. Mayor Bring continued the final 1000 will be here within about a week or so. So these guys should be able to finish this all up. We did a preliminary reading of some of these meters which took a very short period of time but we did have a glitch and we have to find out. Superintendent Hastings advised it has been corrected. There was too many digits, the meter sent too many digits to the software and the software is showing abnormal usage and in reality they just need to knock off a digit and a program will do that. Mayor Bring continued they read I think 600 meters in a matter of no time at all. So it is pretty amazing how this is going to work out. So everybody is excited. Then we have had a few residents complaining, we do have that fiber optic company that has been going down Ferndale and then they also went down Lake Road and people are complaining that the front of their yards are messed up and stuff. It is in their contract to go back and fix that and they are doing that, albeit it is December and everything is mushy and they have to use water to get that rod through the ground so they using hydraulics to go through there. It is making a little bit of a mess but they are contracted to fix it and we have that in a form so I hope that everybody is a little bit patient with that. The only unfortunate thing is they hit an 8-inch water main the other day and our guys were out until 4 o'clock in the morning fixing that and Pat was on that. We are going to send them the bill correct? Superintendent Hastings concurred yes still waiting for prices. Mayor Bring continued we are going to send them a bill for what they did and recoup our money. The antenna over at the Police Department, that real tall antenna with the round disk on top. That is that new world disk and if that new world disk is not pointed almost perfectly to get a reception it takes that down so we cannot get on new world so it is very important that that stays stationary and the antenna that we have is not substantial to hold that up there. Finance Director Smith advised it is also rusted and it is twisting, the wind is making it twist so it is making the satellite dish go off kilter so when they came to look at how to remedy that they looked at the actual pole itself is just bad and it has

got to be 40 years and it is very under sized for everything that we need to put on it now. Especially like the water meter. Mayor Bring advised the top extension of that pole which made that taller for the reception was actually taken off the Service Department pole over there so we extended that on there and we put new guide wires up and at the time that was okay but it is not good. So they are getting us a price on that and we are going to have to replace that and put a stationary pole up. Finance Director Smith advised I will have appropriation changes for you on the 29th because we need to do this as soon as possible because we have to get the radio frequency thing for the water meters on that pole as well. But it is going to be better because it is going to be 20 feet higher so we will actually get better reception from the other water tower and the cameras at the boat launch and all that will feed better because it is higher. It will be about \$18,000.00 just so you know. Mayor Bring advised but we have to do it because without that if there is any kind of emergency through the Police Department we will not be able to get on line and we can't have that. We had them come out and readjust that the other day. Overall, it has been very warm out and we have been very lucky and we haven't used any salt obviously and we haven't done any plowing so that has been a big benefit and the guys have been out there working pretty hard doing other projects. So that is a plus and we will continue that as long as we possibly can so we will see how this all works out. Councilman Wtulich asked do have anybody complaining about thefts on Holl Avenue out of like UPS drop-offs in front of people's houses? Mayor Bring stated I think I saw something on that but honestly I just kind of heard that as I was walking through the Police Department but they didn't make a big deal out of it. Councilman Wtulich asked what are the fiber optics for? Mayor Bring answered Verizon hired this company so the company that is doing it is like a subcontractor and has nothing to do with the city but they are allowed to go through the right of ways so they did pull a permit. One other thing during Thanksgiving I took off the parking ban for a few days and we will do that again for the Christmas holiday. There has been a few people that have stated that they have called and we have denied that and that is absolutely 100% untrue. We do not deny people if there is a legitimate reason for family or whatever. We are more than gracious to grant them the parking. During the holidays I usually especially around Christmas time it is either 8 or 9 days that I take that off so there are no parking violations. The only thing that would come into effect is the snow ban and that would still be in effect. As far as the other thing during the holidays we understand that people come in from out of town and kids coming home from college so we do allow that for a period of time. If anybody needs a circumstance where they need to park on the street all they have to do is call, if it is anything near reasonable we do not deny that. There are people out there saying that we have been denying that and like I said that is absolutely 100% false. Councilman

Cizl asked has anyone complained about parking like at Freedom Park, Warwick Drive and Lakewood Beach Drive at the far south end? I am suspecting they are using it as a parking place to jump across the tracks and hunt, just wondering has anyone complained about cars being there early in the morning? Mayor Bring answered I haven't anything and the Police haven't mentioned it. Councilman Cizl stated I have noticed some and was just wondering if they have complained. Are they allowed to do that? Mayor Bring stated I guess, they are not doing anything wrong so there is no violation there. Council Pro Tem Smith asked requirement for running water, anything on that? Mayor Bring answered no like I said I left it on there just so we can continue discussions on that./**SUPERINTENDENT:** **None.**/**FINANCE DIRECTOR:** Councilman Erdei asked did you find out if we were going to have any more cuts from the State and Federal? Finance Director Smith answered no I still haven't heard anything. They are nice enough that they don't tell you during the holidays until after the 1st of the year. I will certainly report in if I hear anything./**LAW DIRECTOR:** Law Director Graves advised first off on the request to purchase city property on Lakeview. I did leave a message for the interested party regarding the necessity that that be bid publicly and I did not hear back from him. So I will continue to try to make contact with that person but I left him a detailed message and I have not heard any response about whether they were still interested in buying that parcel from the city. He continued moving onto the ordinances and resolutions, a lot of these are pay ordinances involving an increase in pay for various employees of the city. Those for the most part are 2% increases. I would like to draw Council's attention to just a few of them and I would happy to answer any questions that Council might have. He reviewed Council#'s 072 through 087. He referenced Council#072 regarding the Finance Director which is more than a 2% increase which would reflect her taking on the additional responsibilities of the Treasurer and the Clerk of the Treasurer as set forth in the Charter amendment that was passed. Also taking note that she was authorized back in 2008 for a pay within \$3000.00 of that current proposal. So it is not as big an increase as it may appear. Council#074 regarding the part-time Property Maintenance Officer, this position is already established in our codified ordinances under the real property maintenance code which sets forth that Council#074 provides that the Building Inspector should be responsible for enforcement of the real property maintenance code but may designate various Officers or Officials as they deem necessary for the enforcement of code. The rest of that references a property maintenance officer so this position is already established and this would be just setting the compensation for that part-time property officer at \$15,000.00 per year. As opposed to paying SAFEbuilt for that additional service. Council#084 is the appropriation changes and you can ask Tammy about that one. Council#085 this is regarding the Mayor's Court

Magistrate and this position has not been amended or revised since it was created in June of 2000. That is when we established the position of a Magistrate and set the pay at \$7500.00. That was set in the codified ordinances at 181.09. As you are aware many pay structures used to be referenced in the codified ordinances and that is really not appropriate, that pay ordinance is in codified. Those are supposed to be last and permanent type things. Gradually we have pulled those out and addressed them in the form of special legislation, just individual pay ordinances that are not codified. So what we have proposed here under #085 is to amend codified ordinance 181.09 to remove the compensation portion and then Council#086 would be to establish the rate of pay for the Magistrate and the Mayor is asking to increase that by \$2000.00 to \$9500.00 and once again that has not been since June of 2000. It has been the same for 15 years since the position was created. Lastly I draw your attention to Council#087 this is authorizing the Mayor to enter into a side letter agreement with the AFSCME union to amend the appendix A which sets the compensation rates and that amendment would be to include the Parks classification along with water, sewer and roads. Right now the Parks person is part of the bargaining unit and you have already approved that but they are paid at a much lower rate. The contract provides for lateral transfers of employees to different classifications when the need arises and that has been going on. So we have the Parks employee actually doing water and sewer related work but for a much lower rate than the other employees so this would be to make that classification consistent with the other classifications within that contract. Those are the ones that I wanted to draw your attention to, I would happy to address any questions from any Council members. Mayor Bring stated on the last one that we talked about, again when we talk about manpower; just when there is a water break or something like that allows us to take another man out of a position to come there. It helps out filling positions is the whole reasoning behind this stuff and it gives them an opportunity to train another position. Law Director Graves stated actually we are still working on that part of it. Mayor Bring advised but that is the intention of it. Councilman Erdei stated so for this pay and that, so you go down the ladder so and so and so and so and if you can't get an answer or they are not able to get here then you can call this gentleman from the parks and he can come and take the position. Superintendent Hastings answered yes. We just utilized that this past Friday. I mean everybody had gone out to dinner, it was 6 pm when we started and we were reaching for all departments. He is not recognized right now for equal compensation. Mayor Bring advised they were out until 4 o'clock in the morning because of that fiber optic stuff causing that. You work all week long and then on Friday at that time when everyone just goes home and takes a shower and ready to go do something that happens. It is difficult for the guys to come out after that, everybody has a life too. Pat was out there and 3 other guys and they got it

fixed but it was a mess. Councilman Wtulich asked so that will bring the pay equal then? Superintendent Hastings answered with entry level scales years 1 through 4. Councilman Wtulich asked then on this Council#074, so that is going to be a position you will be looking to fill then? Mayor Bring answered yes. That position is probably going to be April through October is probably what it is going to be and it is probably going to be either 2 or 3 days a week. Basically what they are going to do is come in and drive around and look for violations and then come back the next day and then write up the letters and stuff and fill those out and take phone calls. We are probably going to do the phone calls through just a cell phone of some sort or set a phone inside the office over there. The cell phone will be taking pictures of the properties and stuff. We just had a couple of them just today, this guy took a pickup truck apart and took all the parts and left them right in his front yard. Then the neighbor calls and this guy has no intentions of removing it, he has already been warned once so he is going to end up getting a fine for this. So that is what that position is for. Dead trees, high grass – we did a lot of high grass this year and the dead trees. There was a lot of dead trees that were removed from the city this year because of that position with all the letters that went out.

Councilman Cizl asked on Council#075 where we have a Videographer, I noticed we are raising it from \$20.00 to \$25.00 but the second sentence says it is 2%.

Correction to be made to delete the 2%. **COMMUNICATIONS: None./OLD BUSINESS:** Mayor Bring advised we are actively working, Pat has been writing several grants and talking to a number of people about our pump stations down there. We are on that and I didn't mention that tonight but that is old business but he had been working very hard and we have gone through. Rosa Gee has helped us out with some of the contacts and talked to Sherrod Brown's Assistant and Pat talked to her per email today. He has been talking to the EPA and they know the situation is serious and they are trying to help us now. So it has been a good thing and Pat has been extremely busy and I think he read 400 pages the other day just in one grant. There is a lot going on with that so we will keep you apprised of that too. Councilman Cizl asked are the pumps still down, the pumps that we had before? Superintendent Hastings answered yes. **NEW BUSINESS: None.**

ORDINANCES AND RESOLUTIONS: Councils Agenda –

Council#072 – EMERGENCY – an ordinance increasing the rate of pay for the position of Director of Finance effective the first pay period of 2016 and the declaring of an emergency.

Council#073 – EMERGENCY – an ordinance increasing the rate of pay for the position of Public Safety effective the first pay period of 2016 and the declaring of an emergency.

Council Pro Tem Smith advised you know me Dennis, I am all for it but as it is now I don't want it to be a surprise at the meeting but I am probably not going to vote for this ordinance. Not that you don't deserve it, it is just my oath is preventing me from doing it. The way I look at it the Charter specifically spells out how your/our increases are to be given and by doing this we are kind of circumventing it. So to me I am not upholding my oath because if we are trying to get around it to increase your salary. So that is what I am dealing with and I want to tell you upfront and I just figured I would get it out in the open so come the 29th its not. Mayor Bring advised with everything that we do over here, that is why we have a Law Director and when we asked David that. Council Pro Tem Smith advised I asked him to so I am haggling with him so we differ but as it is now I think about my end and that is just me speaking.

Council#074 – EMERGENCY – an ordinance of the Council of the City of Sheffield Lake establishing the rate of pay for the position of part-time Property Maintenance Officer effective the first pay period of 2016 and the declaring of an emergency.

Council#075 – EMERGENCY – an ordinance increasing the rate of pay for the position of Videographer, effective the first pay period of 2016 and the declaring of an emergency.

Council#076 – EMERGENCY – an ordinance increasing the rate of pay for the position of Secretary of the Civil Service Commission, effective the first pay period of 2016 and the declaring of an emergency.

Councilman Cizl asked how often do they meet? Mayor Bring answered just depends on the hiring and what is going on? Finance Director Smith advised the Civil Service Clerk also certifies all of our payrolls. Law Director Graves stated they used to only meet when they had business to address, usually that was when there was a vacancy but they have been trying to meet monthly because it is better to stay ahead of the game and keep current eligibility lists for the Civil Service positions. So they have been meeting fairly regularly because even if there isn't that type of business they are looking at revising their Civil Service rules and as the Finance Director pointed out the Secretary does certify the payroll. They meet fairly monthly.

Council#077 – EMERGENCY – an ordinance increasing the rate of pay for the position of Custodian of the Community Civic Center, effective the first pay period of 2016 and the declaring of an emergency.

Council#078 – EMERGENCY – an ordinance increasing the rate of pay for the position of Director of Law within the City of Sheffield Lake, Ohio effective the first pay period of 2016 and the declaring of an emergency.

Council#079 – EMERGENCY – an ordinance increasing the rate of pay for the position of Assistant Clerk of Mayor's Court effective the first pay period of 2016 and the declaring of an emergency.

Council#080 – EMERGENCY – an ordinance increasing the rate of pay for the position of Clerk of Mayor’s Court effective the first pay period of 2016 and the declaring of an emergency.

Council#081 – EMERGENCY – an ordinance increasing the rate of pay for the position of Clerk of Council including the positions of Clerk of Planning Commission and Board of Zoning Appeals and Clerk of Park Board and Clerk of Committees effective the first pay period of 2016 and the declaring of an emergency.

Council#082 – EMERGENCY – an ordinance increasing the rate of pay for the position of Manager of the Community Civic Center effective the first pay period of 2016 and the declaring of an emergency.

Council#083 – EMERGENCY – an ordinance increasing the rate of pay for the position of Prosecutor of the City of Sheffield Lake, Ohio increasing the first pay period of 2016 and the declaring of an emergency.

Council#084 – EMERGENCY – an ordinance providing for the current expenditures and other expenditures for the City of Sheffield Lake, Ohio during the fiscal year ending December 31, 2016 and the declaring of an emergency.

Council#085 – EMERGENCY – an ordinance amending section 181.09 of the codified ordinances of Sheffield Lake regarding the Mayor’s Court Magistrate and the declaring of an emergency.

Council#086 – EMERGENCY – an ordinance increasing the rate of pay for the position of Mayor’s Court Magistrate, effective the first pay period of 2016 and the declaring of an emergency.

Council#087 – EMERGENCY – an ordinance authorizing the Mayor to enter into a side letter agreement with Local 277 and Ohio Council 8 of the American Federation of State, County and Municipal Employees (AFSCME) amending the rate of pay for employees in the Parks classification effective 2016 and 2017 and the declaring of an emergency.

Councilman Wtulich asked could you or David explain what the conflict is on Council#073? Council Pro Tem Smith answered it is an interpretation? Law Director Graves stated you are increasing the pay of the position of Safety Director and the Safety Director pay and I should have mentioned it, this is not a 2% increase. But the Safety Director pay was set in 2009 at \$3400.00 a year. If you read the Charter the responsibilities of the Safety Director are pretty significant, you are really supposed to oversee the Police and Fire and at \$3400.00 a year we have really had a difficult time as long as I can remember really getting someone to take that position and really spend any time and do it the way it needs to get done. So increasing that pay to \$8000.00 for Safety Director is really bringing that position in line with the responsibilities that it entails. The Charter amendment which goes into effect the first of the year provides that the Mayor shall serve as the Safety Director so the Mayor would be receiving that additional compensation. Councilman Wtulich asked

what is the Charter conflict though? Law Director Graves stated you can't increase the rate of pay for the Mayor at this point but you can increase the rate of pay for the Safety Director. Council Pro Tem Smith stated which is in my opinion the only reason that ordinance is here is to increase the amount of pay for the Mayor. No matter how anybody else looks at it that is how I look at it and to me it is in conflict. It is a nice way to justify it and it is just a disagreement between me and David because I interpret it as that and that is why it is here and that is why we are doing it. It is not to get a better person in that position because he would have done that sometime within the last 12 years but this just recently came up and the conflict with the Charter is the only thing. He deserves it and I personally wanted to vote for it but it is my conscience and my oath that is preventing me from doing it and it is just a difference of interpretation of the Charter and Safety Director combination. That is just me and that is why I wanted to get it out in the open. I agree that he does it is just my principles, that is all because I read the Charter one way and I know how it came here so it is preventing me from doing it. It is not nothing against Dennis at all and I know he knows it too. I am one of all of you, I just didn't want the surprise to come up if I voted no on it. I think really it is a personal thing for me for the oath I took and with the Law Director that is what he does – justifies. Mayor Bring advised for somebody to even do the Mayor's portion at \$8,800.00 is absolutely ridiculous if you want my opinion. We have had the go around as far as Council goes and you see that nobody ran against anybody, Rosa ran unopposed. But sooner or later for this city to ever move forward you have to have a realistic value of somebody in a position that deserves it. I am not tooting my horn, I am saying this for anybody present or past and for this city to move forward at some time somebody up here has to start recognizing that. The people out in this residents who always ask why is this city not going forward, why are we not doing this – I think we are in the right direction now. But again I am not going to do this forever and especially at \$8000.00 because it is not worth it. The amount of hours at 35 hours a week is totally absurd and sooner or later this city has to move forward and it has to pay somebody for that position. Long after I am gone you are going to find somebody else but you need somebody that is qualified to do this and I am not talking about me but I am just saying sooner or later people are going to have realize that we have 9000 people in this little community here. You got a gentleman just south of us making 60 some thousand dollars for 3000 people so it has to happen. That is just my opinion. Council Pro Tem Smith stated that is part of where my conflict comes in, not conflict but my thinking comes in is if we do increase it I think the reason that is in there before an election is because when somebody runs for office if we would have had \$18,000.00 or a \$20,000.00 salary would have anybody else ran against you, you don't know. But I think that is one of the reasons that it is put in there to do that. So people don't get the truth of what the job entails, you know the money not that they do it for the

money but at least they know what they are going for after the fact and it just totally defeats what that section of that Charter is meant to do. That is why we can't get a raise, that is why you guys can't get a raise before an election and there it is there for a purpose and I just feel wholeheartedly we are just trying to deviate away from that and circumvent that section of the Charter. Councilperson Stark asked when is the next time we can address, does it have to be before the next Mayoral election in 4 years we would to have it done and we can't touch it before that? Law Director Graves stated the Charter fixes any elected increase of any elected Officials has to be done at least 45 days prior to the date for the filing of petitions. Council Pro Tem Smith stated I think that is so that everybody has a fair shot of really truly what it is. Councilperson Stark stated I just didn't know if it was something we could address before, you know if we did this then could we re-address it like a year or two before the next election or does it have to be done right before so that we can be a little more proactive about all of the positions, not just the Mayor but everybody's. So that we have an idea and we can be proactive now and have the discussion now so we can have that quality of looking down the road. Mayor Bring stated I had actually brought that up about a year ago and I was advised the wrong way and that is why that never got on the Charter because we didn't think it had to be on the Charter to go ahead and do that. That is why it never got done. Clerk Fantauzzi advised I will say that he does an excellent job with every one of those departments, he is here every day and he spends hours with them. Council Pro Tem Smith stated I want to vote for it but I just can't bring myself to it. I just feel that I am going against the oath that I took to uphold, that is the only way that I can say it. Councilperson Stark stated but to get quality people we are going to have to pay better. I see exactly where you are coming from. I am just saying that if we start the conversation now and we take care of it more now than it is taken care of before the next election cycles. We got 2 years before the rest of us are up again, start dealing with it now so we are ready well ahead of time.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Wtulich to adjourn at 7:47 pm.

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

MAYOR
Dennis Bring

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 December 15, 2015.

COUNCIL PRESIDENT

Richard Rosso

and/or

COUNCIL PRO TEM

Alan Smith