

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
September 21, 2010**

The regular meeting of the City Council Worksession was held Tuesday, September 21, 2010. Council Pro Tem Rick Rosso called the meeting to order at 7:06 PM.

ROLL CALL OF MEMBERS:

- Present: Rosso, Huska, Stark, Smith, Kovach, Bring, Elliott, Mayor Piskura, Service Director Smith, Law Director Graves
- Absent: Podmanik, Treasurer E Hoenig, Finance Director Smith, Safety Director Arendt (excused)
- Attending: Concerned Citizens, SUAB Board; Gee, Koerber, Brady and Moore, Members of the Media

PRESENTATIONS: *Christina Znidarsic, Black River Watershed Coordinator* – she explained the over-arching goal of the Watershed Coordinator Grant Program is for each coordinator to write something called a watershed action plan. This action plan is a beast of a document that is essentially a comprehensive plan that goes out about 10 some years to improve water quality within Black River Watershed and the coastal tributary watershed. We target, identify with the over-arching problems are within that watershed in terms of water quality and then I as the coordinator coordinate efforts within that watershed to restore water quality. This can mean many different things; working with the local citizenry to improve stormwater management around their homes/identifying sources for municipal funding to target beautification efforts for green spaces, green ways, permeable pavements or things like that. I recently completed a best management practices for stormwater tour of Lorain County. I got to see some fantastic sites of what other municipalities MS4 communities are doing to improve stormwater within their area and basically some of the over-arching problems that I see in your particular area are; stormwater runoff which we all know and I believe thanks to the efforts of Rosa and the rest I am probably preaching to the choir on stormwater. She presented a land-use map that I created today which she explained details and reviewed various problems and programs. She explained things that can be done to mitigate stormwater run-off – rain barrel programs, rain gardens, bio-swells, etc. There was a brief question and answer period.

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

ROADS & DRAINS: Chairman Bring asked are the roads almost done now? Service Director Smith answered it is all complete – yes. Chairman Bring asked the gilsonite is on all the roads? Service Director Smith answered yes, our list is complete. It was actually done the following Friday after they started./**SAFETY: None.**
/BUILDINGS, LANDS, VEHICLES & EQUIPMENT: None./ORDINANCE:
 Chairman Elliott advised all I have is internet cafe’s and I guess we are going to talk about that under Old Business./**FINANCE: None./PARK BOARD:** Mr. Kovach ad-

vised I am going to let a concerned citizen speak on some points that he has in regard to city property that butts up against his property. *Dave Kessel, 4300 Hawthorne* stated I have lived at this address since 2003 and I have enjoyed Sheffield Lake omni-nously especially the quietness, the serenity and the seclusion. I bought this house strictly for the seclusion factor but it is gone now because of the bike path. I want that seclusion factor back just like the way it was when I bought my house. Since the bike path was put in, I am constantly picking up dog droppings on my property from people letting their dogs casually go onto my property, it happens all the time. I am always picking up garbage, pop cans, beer cans, etc from my front lawn. There is dogs barking all the time, kids yelling all the time. Gangs of kids skateboarding down the hill, wheels making all kinds of rackets until the cops eventually come and kick them out. Groups of kids will just sit on the bike path in groups of 4 or 5 and just sit there. I have actually come home from work, pulled in my driveway and there is 4 or 5 kids sitting right in my driveway looking at me like what do you want mister. It is like kids I live here, could you maybe get off the ground and move but kids will be kids. I have called the police numerous times and now they are patrolling more often then they probably should before which is good. So now at least at night when I hear racket from the covered bridge – it stops that. Again kids was the biggest factor that I was concerned with when the bike path and the bridge went in because we knew that was going to happen but again kids will be kids. When I moved in, I was getting a lot of car traffic – cars would constantly drive up to my garage door and then realizing it wasn't a street then turn around in my driveway and then go back home. I let it go once or twice but after 50 to 100 times and I am not exaggerating, after a while I just got really ticked off because I was like are you kidding me. So then I decided to put up a private drive sign, do not enter/no trespassing at the entrance and it worked but the city wrote me a letter telling me to take the sign down because it was on city property. This may be true but it definitely stopped the car traffic from coming down the driveway. Since I removed the signs per the city the car traffic has started up again, people coming up to my house and realizing it is not a street and then turning around. Cars have actually come in and made a huge u-turn on my front lawn making tire marks as they are leaving. I am sitting on my front porch – you got to be kidding me but by the time I run out there they are gone. That is constant, people just don't respect other peoples property but again if the signs were allowed to stay or at least signs saying private drive or bike path then maybe that would stop. Hopefully it would but that is what I am against, that is one of the issues is the sign thing. This past summer I paid for 5 yards of top soil, not that is any big deal at the costs of \$200.00. I raked and graded the edge of the entire western side of the bike path, removed rocks, planted grass seed to make the area nicer for me to cut my grass up to the edge of the bike path and all that was on city property. I talked to Len about that, hey how about coming up with some money for the dirt and I will provide the labor but just let me feather out the bike path so that at least it will look nicer on this side. The other side is a different story because I wasn't going to spend any more money on dirt, it is not my property but then I noticed that every now

and then when the grass gets real high a tractor comes in there and tries to cut the grass but doesn't do a very good job because the western side hasn't filled in with a lot of dirt so it is major ruts, major ruts. If the city would maybe put that dirt in there and level it all off, I would have no problem cutting that side of the bike path to make it look nicer for all. But there is certain conditions in that and that is what I would like to do is I am going to plant bushes along the whole edge of that bike path. These bushes will grow approximately 25 feet tall, planted 4 foot apart and that would form a solid wall of greenery. The leaves would stay green all winter long and summer and then the noise, the sound, the traffic I wouldn't see anymore. I have a lot of pictures here showing where the markings of my property and where city property is, there is 2 fire hydrants on my property that if possible and again in talking to city Council if I could put these bushes more on city property that would envelope the 2 fire hydrants that are on the property that are on my side. So just in case there is a fire, the Fire Department would have access to those fire plugs for putting out a fire. I talked to the Mayor and maybe you don't remember this conversation Mayor when we talked 5 years ago when the bike ridge first went in – you had said maybe that a fence an issue and maybe the city would pay half and I would pay the other half. Well now that I have given the summer a whole shot of seeing what the traffic is, it is just unbelievable. I would rather put a solid wall of something just so I wouldn't see that and I checked on pricing – 150 plants at a total costs of about \$450.00 to line that whole bike path. I got different prices all the way up to \$3000.00. We could split the costs or whatever or if the city could help me plant these bushes all the way down the whole bike path. That would solve the city's problem and maybe even help to make it look nicer but right now people really don't understand or know that that is my property. Kids ride their bicycles across the lawn. I understand that people don't know but with that and plus the seclusion factor I think would help the city as well as me if we could do that. Mayor Piskura stated I do remember that conversation and that is something that we could talk about further. I am not opposed to that and you have a beautiful place, I know where you live and it is a nice property. I know exactly what you are talking about so that is something that I can sympathize with you about and absolutely I would love to sit down and see if we can solve that problem for you. Mr. Kessel stated for what it is worth, here is what the property looked like prior. Also, when I lived there and again knowing that it was city property – I always cut the outside perimeter of my property which blended into city property just to give the elusion there was a nice big green grass; knowing that it was city property I just enjoyed cutting it. Now that the bike path is there I would still continue to cut the other side of the bike path but it is just too treacherous for my tractor, I just can't do it and the northern part of my property into the bike path I would have finished that off but again it is city property, my money but I ran out of money and dirt. Might need 5 more yards for that to feather that out to plant that with grass. Service Director Smith advised Dave and I have talked several times over the course of this summer and I do sympathize with him but at the same time Dave was aware when he bought the house that the bike trail was going in there. So it is not something that

caught him off guard. Our usage of the bike trail has become very widely used now which is why the use of security camera's which we are working on doing and in the process of doing which is going to be going on that westerly side of the bike trail where the ground isn't filled in – that has all got to be trenched yet. When we go and we do put the camera's in we got trenching to do on that west side. His situation is kind of unique almost like the Residence situation was with Lakewood Beach Park and the parking area. The way his property is in that lot and where the city right of way comes into play, they merge – it is very hard for anybody to tell the difference and I think Dave is trying to offer a solution that maybe everybody can but his situation is kind of unique. Law Director Graves stated I was at the Park Board meeting last night and I just wanted to make sure and correct me if I am wrong but he did say he actually enjoys the bike path and he has actually been out and walked on it and he thinks it is an asset to the community, it is just a privacy issue. Mr. Kessel concurred again that is why I bought the property, I don't care about the house – to have this kind of seclusion in the city is great. I knew the bike path would be there but who knew at that point as to how long it would be before it was built and now it is built, you know that is cool I gave it the summer and now the traffic and the noise it is like okay enough is enough let's see what we can do here. Pro Tem Rosso stated obviously the Mayor has offered to you and I am sure the Service Director to sit down and talk about potential options and get it resolved. It sounds like you guys are on the right path.

*****ADMINISTRATIVE*****

MAYOR: None./FINANCE DIRECTOR: None./SAFETY DIRECTOR: None./SERVICE DIRECTOR: Service Director Smith reported as Dennis said with the roads; that went down pretty good, if there is any complaints or other issues. I wanted to make Council aware we did have a couple complaints people with cars that did follow the gilsonite truck down. The contractor cleaned the cars up without any questions asked within a few hours. They had the residents cars cleaned and washed and content with the resolve. The other thing are the sewer credits that we discussed that I said I would have and I have given each of you a recommendation with 2 pluses and 1 no. I kind of put this together, we went through and reviewed these things and I told you that I would have them ready for Worksession and those are the results. Chairman Bring advised they will go to the next Roads & Drains. Service Director Smith advised we are getting the winter equipment going so you guys will be seeing a lot of the winter equipment out and about, as far as being moved out of the parking lot. We are going to start our cycling rotation so that is something coming up. So when we start the winter season then it will be with the new directives. Councilman Elliott asked have we swept the bike path? Service Director Smith answered I have had Jerry blow it off with the back pack blowers; Jerry and Travis and they have done that. We have some wood that is going to be removed from in there – dead and rotted which we are working on and get some volunteers doing that. I personally drive down it – try to once a week, checking on things and making sure that we don't have debris and stuff laying around there. As David brought up, Mr. Gardner brought

in some doggy bag dispensers and information on it for us a couple weeks ago but that is something that we wanted to address./**LAW DIRECTOR:** Law Director Graves advised I would request an executive session following ordinances and resolutions for the discussion of current litigation and also I would like to have a rather detailed discussion on the proposed internet café ordinance which we can have under old business./**COMMUNICATIONS: None./OLD BUSINESS:** Committee reviewed draft for internet café legislation. Law Director Graves advised I think that the Elyria one was most recent passed and it also is probably the most comprehensive. Purpose and Objectives/Definitions – no problem with that language. Law Director Graves advised the one thing about the Elyria legislation is it authorizes the Safety Director to make the determination on the issuance of license, is that the way you want this handled. Do you that license being issued by the Safety Director or you want the Service Director? Pro Tem Rosso answered I think it should be Safety Director but I think the issuance of the license needs to go through Council approval. Law Director Graves answered well by passing the ordinance you would be sitting up all the guidelines that the administrator would have to follow in issuing the license. If you want to be each individual application to come back to Council approval it is almost making it like a conditional use. They have the opportunity to appeal under the ordinance to appeal a denial to the Board of Zoning Appeals. Does Council have a preference as to who would issue the license, should it be the Service Director or Safety Director or do you another opinion? Pro Tem Rosso polled Committee: Service Director – Bring, Elliott, Smith, Stark, Huska, Kovach/Safety Director - Rosso. Law Director Graves advised so there would be 2 sets of licenses issued by the city – one to operate the café and then a separate license for each terminal. Of course, there would be fees associated with both of those licenses. Councilman Elliott advised one of the points brought up under Ordinance was once you establish a number of terminals can the business actually come back and add terminals. Law Director Graves answered yes unless you want to establish in here a maximum number of terminals? Councilman Bring asked doesn't that go by the capacity of the building and how much you are allowed? Councilman Elliott stated I would also like to see the Fire Chief actually make a determination of total capacity on that. Pro Tem Rosso stated it is in this ordinance that the Fire Chief has to submit to the Safety Director or the Service Director I guess whether the premises create a fire hazard, so that would be if they had too many in there. He continued I don't want to jump around but there is one that is - there should be a minimum of unobstructed area 5 feet on either side of each amusement device – does that mean there has to be a 5 feet area around each terminal? That is going to limit the amount of area? There was a brief discussion and marked as something to remove or discuss further. Law Director Graves stated “contents of application” under Procedure to obtain licenses (section b) – they want a lot of information here and I don't know that a lot of that is necessary. Pro Tem Rosso asked does it hurt to leave it in? Law Director Graves answered I would take out number 14. My understanding is that this community is not going to pursue the requirement that it be outside of a 1000 feet of churches, playgrounds, parks. Also, this

is also under Denial of Sweepstakes terminal café; section d. After a brief discussion, Pro Tem Rosso polled committee – Remove 1000 foot restrictions; Yeas All – Huska, Kovach, Smith, Stark, Elliott, Rosso, Bring. Law Director Graves asked is there anything else for the application do you want to omit? Councilman Bring asked there is not going to be any alcoholic beverages right? Law Director Graves answered no. He continued termination process; the Service Director can issue or deny the license – applicant has the right to appeal to the Zoning Board of Appeals. Pro Tem Rosso advised I am just going to ask because I don't want to hear about it later – this takes it out of Council's hand when someone makes an application and the Service Director awards the license to put it in. So we don't have an opportunity after the fact if someone then decides that they don't like where it is at to do anything like say we should have done it. I am not uncomfortable with that, this is my preventative strike down the road and I can say I asked all you guys if you wanted a say in it and you all said no. Mayor Piskura stated if Council wishes to be inserted in there instead of the Zoning Board then you are politicizing decisions that are made. The whole purpose for the Zoning Board is to have an adjudicated body that isn't elected that is completely antonymous from Council. Law Director Graves advised jumping ahead to License Renewal; they will be renewed annually. He continued Denial of Sweepstakes Terminal Café – committee agreed to remove section b; 30 square feet area for amusement devices. Also, committee agreed remove section c which refers to parking restriction and again d which is the 1000 foot restriction for schools, playground and parks. Law Director Graves asked for section c; remove minimum of 35 off street parking places and leave 1 space for every 2 devices. So for every 20 terminals you need at least 10 parking spaces. Committee agreed. Law Director Graves continued with Conditions and Regulations; Councilwoman Stark entered section 3 which referenced hours of operation for discussion. Law Director Graves advised you are issuing a license, so is this something you want to restrict? After a brief discussion on hours/location; it was determined this is up to business owner. Councilwoman Huska stated everybody is saying whatever but this is still gambling, I don't know. It is a form of gambling, I don't know. 2 different versions have been on this but I am not quite sure, so should the hours be regulated – do they regulate gambling casinos? Mayor Piskura reiterated this is not gambling, this business is selling phone cards. Although it might feel like gambling and kind of have that atmosphere that gives people that fix, I think it is unwise to refer to it as gambling. Councilwoman Huska asked so this isn't gambling whatsoever? Mayor Piskura answered right not gambling. There was a brief discussion on security, criminal element, etc. Law Director Graves advised keep in mind no alcohol and from what I understand the clientele that goes to these places is very similar to the group that goes to play bingo. It is not the younger, rowdy bar crowd that is going to these kind of places. Mayor Piskura stated my concern would not necessarily be with the clientele there in the business, it would be protecting them. Pro Tem Rosso polled committee for No Regulation on hours; Yeas All – Bring, Huska, Kovach, Rosso, Stark, Elliott. Mayor Piskura advised you could always put in a back door, such as; if there is a problem it could be required to

have security. Law Director Graves referred to age restriction; 18 or 21 years of age. After a brief discussion; Yeas for “no one under the age of 18 will be allowed to operate a sweepstakes terminal – Rosso, Bring, Stark, Kovach, Elliott, Huska/No age restriction – Smith. Law Director Graves requested opinions for devices not to be exposed to a window; Remove – Kovach, Bring, Elliott, Smith, Stark, Rosso/Leave it in – Huska. Law Director Graves referred to License Fees - \$30.00 per terminal per month and \$5000.00 annual fee. No objections were heard. Law Director Graves asked Mr. Stifel, on the food is this going to be offered for sale? Mr. Stifel answered no Law Director Graves stated so just free munchies, I would have no problem saying that this falls under standard B1 zoning; general retail business or a less restrictive zoning which would be B2, B3, B4, B5. Councilman Elliott asked is a person going to be required to buy a phone card or can he just walk right in and get on that terminal and operate it? Mr. Jason Stifel answered whenever they walk in, as long as it is the first time they have been there – everybody has to get their picture taken and put it on their card and they will get \$10.00 worth of sweepstakes points to play. Councilman Elliott stated the reason I am asking this is because I would like to see some type of restriction on the internet because I don’t want this to become a safe haven for people who like to log onto child porn? Mr. Stifel answered there is going to be serious regulations as far as the internet goes because you can’t have 100 people looking at You Tube – these systems only can handle so much at any given time. So things of that nature we want to regulate just for usage but things of that nature – absolutely not. Councilman Elliott advised I would like to see something written in the ordinance that says that they have to basically watch what people are looking into on the internet, in today’s age I think that is more then reasonable. Mayor Piskura stated isn’t there already criminal code for that? Councilman Elliott advised anybody at home can do this and it can be tracked, my point is anybody can walk into this business and it is almost impossible to track. Law Director Graves referred to Prohibited Conduct and Conditions section a in draft legislation. Mr. Stifel explained we will have an IT guy come in and there is certain words and things you can’t – it is like going on at a public library, you know how they are restricted. There is going to be an IT guy that is on site every moment that it is open. Law Director Graves advised we could just add one more clause on the prohibited conduct regarding parental blocks or safeguards will be used to restrict access to adult oriented material. There was a brief debate on legislating mandate for preventative mechanism for adult oriented materials. Mr. Stifel advised I actually have already leased some property on Lake Road (Old Schueneman’s) and we are going to start work soon and I wanted to ask everybody if it would be okay if I would have a “coming soon” sign? After a brief discussion, no voices of objections were heard./**NEW BUSINESS: None.**

ORDINANCES FOR COUNCILS AGENDA:

Council#036 – SECOND READING – an ordinance of the Council of the City of Sheffield Lake amending ordinance 01-96, section 1 regarding the rate of pay for part-time dispatchers in the City of Sheffield Lake’s Police Department, and the declaring of an emergency.

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

*Motion by Bring/Second by Kovach to return to regular session. ROLL CALL TO RETURN TO REGULAR SESSION; Yeas All – Bring, Smith, Kovach, Rosso, Huska, Elliott, Stark.

Law Director Graves explained let the record reflect that the City Council of Sheffield Lake did adjourn into executive session to discuss current litigation pursuant to the Sunshine Laws.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Bring to adjourn at 9:17 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

COUNCIL PRESIDENT
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 September 21, 2010.

MAYOR
John J Piskura