

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
December 18, 2012**

The regular meeting of the City Council Worksession was held Tuesday, December 18, 2012. Council President Rosso called the meeting to order at 7:15 PM.

ROLL CALL OF MEMBERS:

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

Absent: Treasurer Woods (excused)

Attending: Members of the Media; Avon Lake Press

PRESENTATIONS: None.

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

ROADS & DRAINS: Council President Rosso added to Chairman Elliott's agenda, he explained I was approached by a family last name is Morbock and they live at the end of Pinewood I believe and they were talking about wanting to add a garage onto their house but I think there is a street right-of-way that runs south of Irving Park there. Service Director Smith advised Allen Court. Council President Rosso continued their question was if the city would ever consider vacating that and I told them I would bring it to Roads & Drains as that is the proper place to discuss it. My comment to them was I have never seen us vacate a street in my 12 years./**SAFETY: None.****BUILDINGS, LANDS, VEHICLES & EQUIPMENT: None.**

ORDINANCE: Chairman Smith advised I do have one item; the ordinance I referred to at the last Council meeting concerning commercial building permit fee schedules. Law Director Graves drafted an ordinance for us with the fees and we do not have any fees as of right now for any commercial. So this is the fee schedule to put in place so that we can start charging for commercial. My understanding these are the permit fee schedules that Avon/Avon Lake have already on their books. I would like to get this done as soon as possible so we can start charging for commercial structures. Councilman McCullough asked didn't we talk about putting the emergency clause on there and then leave it up to Council if we do it as an emergency or three readings? Law Director Graves advised it doesn't have to have 3 readings, it is not zoning – this is building. President Rosso advised whether you suspend the rules or don't, at least putting the emergency clause on it takes effect as soon as its signed and we save 30 days. Whether Council decides to suspend the rules and adopt it right away or sooner that's fine but we save the 30 days. Councilman McCullough stated well I thought we discussed that in Ordinance, I thought that was brought up. Chairman Smith stated I didn't know for sure if we did or not David. Law Director Graves

advised I don't know but it is simple enough to add. President Rosso advised we will have a first reading on December 27th Council and then leave it up to you guys whether you want to pass it then or not. Service Director Smith advised we used other similar departments that have the similar structure fee and recently as David has talked to you about we have utilized Avon Lake's fee structure in the Ford talks. We for some reason didn't have this section of fees on our books in ordinance form so we couldn't charge. Mayor Bring advised with Speedway coming up it is several thousand dollars and if the Dollar General does go through that is also money, we don't want to give that away. Chairman Smith stated the sooner the better. President Rosso stated so David is going to add the emergency clause and we are going to add it to next Thursdays Council agenda. **FINANCE:** Chairperson Stark advised we just had our monthly meeting of the Finance Committee and just to let you all know we did make a change to the ordinance which everyone now knows about and that possibly Tammy might be adding stuff to get us through the end of the year at the December 27th meeting. We also added the 2013 budget to the December 27th meeting as well. **PARK BOARD:** Member Kovach advised we met last night and it was a very short meeting. We just went over year-end finish business. We did have an application for Gus's establishment on Lake Road, he is changing something with the name and park Board saw no problem with it and we passed it on by motion and signed off.

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

MAYOR: Mayor Bring advised Mrs. Smith was approached by a lady that lives over on Knickerbocker and she had been in a severe car accident in April of this year and she lost one of her legs; she had to have it amputated. Recently she had to have another operation and she lost more of that leg but during this whole time that all this was going on her husband had been by her side and helped her out. She thought it would be a good idea to do something for him a simple thank you wasn't enough for her. So we actually did a proclamation and we met over at her house the other day at 9 o'clock in the morning on Saturday to do this. Her husband's name was Joe and he had no clue that we were coming over there and I read the proclamation and he actually started crying and it was very moving. She is an extremely nice lady and has gone through an tremendous amount of pain but she was in good spirits and all dressed up – she looked fantastic. She just wanted to thank her husband and this was just a special way to thank him. I did get a comment from Joe's sister, she looked at Joe after the ceremony and stated "what did you think I was doing here at 8:30 in the morning on Saturday". It was kind of a special thing and she was very thankful but again her husband has done a lot for her and it was just a special thanks for him. He kept her out of a nursing home. **FINANCE DIRECTOR: None.** **SAFETY**

DIRECTOR: Mayor Bring reported one thing - Mr. Card had a meeting with some of the other Fire Chiefs; in particular the one from Columbia Township and they were saying that they had an air compressor that fills up the tanks for their oxygen and Columbia purchased a new one which is \$20 some thousand dollars and they had the other one still sitting there which there is nothing wrong with it and the Chief was

talking about giving it away. So Mr. Card asked who are you going to give it to and the Chief stated I don't know. So Chief Card asked if we can have it and they gave it to us, if they sold it outright it would be about \$7000.00. So we went and picked it today and we have that now in our Fire Station. We do have to do a little bit of electrical work on it and there is a certification program every year on it and I think is about \$1040.00. Finance Director Smith concurred yes \$1040.00 for the maintenance and certification a year. Mayor Bring stated I just want to thank Columbia Township and also Fire Chief Card for asking about it. So we now have that in our possession and will need legislation to accept that donation. Councilman McCullough asked what were we using? Mayor Bring answered we had to go to Sheffield Village or Avon Lake to get our tanks filled up. President Rosso stated tell Tim – great job for keeping his eyes open!/**SERVICE DIRECTOR:** Service Director Smith reported the fabric for the salt building is set to be pulled tomorrow, when I say pulled it means pulled up and secured tightly around the ark and battened down with the ratchets. We are aware that we will have some wind coming Thursday night and Friday but we feel pretty confident we are not going to have any issue during the installation. The plows are ready and on the trucks, the trucks have had street running time put on them for the last few weeks and some simple issues were addressed and we are very confident that we are good and ready to go. We will be starting a little bit more of a detailed procedure this year then we have had in past years concerning salt applications on lane miles as determined and in cooperation with our stormwater audit in the Ohio EPA. The last thing I have is John McCallie's last day will be Friday of this week and there is an internal job posting procedure that was started. We will go through this detail as required by our current AFSCME contract. I would like to publicly thank John McCallie for his devotion to his job over the course of his career here. He has contributed many costs savings over the years due to his skill set. The latest being the fabricating of this ditching bucket that we tested today which really made a big deal on running about 150 feet of ditch in 20 minutes maximum. It worked out fantastic and it is little things like that that a lot of people don't see and I would along with everyone else I am sure want to wish him very much success in his retirement. He has been a very, very valuable asset to the city and we were very lucky to have had him. Councilwoman Stark stated I had someone from ward 1 call me and I don't have the name on me so forgive me for that but I have heard this question come up before about community gardens? There is a parcel of land that has been vacated for a while and they wanted to plant a garden and I will get you the name, I just don't have it on me this evening. It is not the first time I have gotten a phone call about there is land sitting around and they want to be able to go, do I just direct them directly to you? Service Director Smith answered the Park Board has been begging for people to start a garden club for the last 10 years, no one has actually taken the initiative. A lot of them want to create the idea and expect everybody else to do it. Not just Parks but the Parks have had an avid program of asking for that – people to start a garden club but the city properties fall under ours. Councilman McCullough stated what Leanna is

asking is for a community garden so they can grow vegetables, not to grow flowers. They want plots of land that they can split up and people can come in and grow their own vegetables. Service Director Smith asked like the intercity gardens is that what you are talking about? Councilwoman Stark stated they didn't give me a lot of detail, just that. Councilman McCullough stated that is what they are wanting. Service Director Smith stated there has been an active program and you can ask Steve on trying to get people involved into developing gardens within the city for the last 10 years and we just have not had the people taken it up. Councilman McCullough stated I am pretty sure the Parks don't want corn growing. Service Director Smith stated we have tried to get people and even on Pride Days we have purchased flowers; several other times and we haven't had a lot of takers. Councilman McCullough stated the other thing I have is you said something was coming for that pinwheel over at the Shoreway. Service Director Smith answered not the year of 2012 though due to funds. Councilman McCullough stated the prior administration that was one of the things they questioned when he put those blocks there was this is going to end up sitting there and it is going to sit there for 3 years before. Service Director Smith advised we have a plan Kerry but it is fund related, we got to have the money to be able to spend the money on what we are do. Councilman McCullough stated but Council passed an ordinance that the way those were supposed to be done and they are supposed to be fencing put up around them and that should have been done 3 years ago not 2013. Service Director Smith advised I am unaware of any fencing requirement around the wind turbine. Councilman McCullough stated if you go back and look at the ordinance it is in there around the wind turbine that was one of the concerns. Councilman Elliott stated you said 3 years Kerry, I thought was only there a year. Councilman McCullough stated this has been the third summer it has been there./**LAW DIRECTOR:** Law Director Graves reported just a few items tonight and many we have already touched on. We have the ordinance coming approving the commercial building permit fee schedule and that will be for the December 27th meeting with the emergency clause. The Civil Service Commission did certify the eligibility list for Sergeants and that has been provided to the Mayor; 2 of the 4 candidates did pass the tests. So that is with the Mayor for his consideration for appointing the new Sergeant. Yesterday we conducted a Lieutenants tests for the Fire Department here. 5 Fire Fighters took the tests and those results will be forthcoming. As the Mayor touched on we did receive a donation of an air compressor, I had the Chief do a little research on it today and he said even though it is a 1996 as the Mayor pointed out the current value on that is still between \$5000 to \$7000 and we will be having legislation ready for you on the December 27th meeting to approve that donation. Also the Finance Director forwarded to me an email coming from the Ohio Municipal League strongly opposing HB601 which would be requiring state oversight of the Municipal Income Tax Administration which she has touched on in the past. Indications are that that is going to die during the lame duck section of the House but to be introduced in 2013. So we will probably bring legislation to Council for their consideration to oppose

that. Councilwoman Stark asked were we able to get all the CHIPS grant money spent? Law Director Graves answered yes, the \$10,000.00 for the housing assistance – yes and thank you to everyone who helped with that. There was a flurry of activity at the minute and we did get to spend that money and that will definitely look favorably for us when we reapply. One other point I would like to add, I did receive an email from the state. I had sent an email inquiring about our grant application for the restroom facilities for the Boat Launch and I did finally get a response and he did detail some areas where we could improve our application. So we are going to work on that and get that resubmitted. We have the option of just letting that roll over into the next round and that has happened in the last 3 rounds to just let it roll but I think that we probably stand a better chance by revising it and resubmitting it.

/COMMUNICATIONS: None./OLD BUSINESS: Charter Review Board – President Rosso advised come January we really got to get this thing filled. So we need it to be reviewed next year. I know Kerry has got 3 so he has got 30% of it already done for us. Law Director Graves advised just to remind everyone and I know it is always good to incorporate as many new faces into the government as possible but they merely have to be qualified electors of the city holding no other elective office. So you could appoint people to the Charter Review Board who are also serving other Boards or Commissions.**/Community Investment Corporation** – President Rosso stated Kerry this is the one you brought up but I am really not quite sure what the next step is, what were your hopes? Councilman McCullough stated I discussed some of this with David and he said a lot of the leg work had already been done on this. A lot of the paperwork and his time invested into it and then it kind of got shoved away. My hopes would be to find something that we had somehow, someway, some kind of Board for lack of a better thing; even a Board of Trustees that actually had experience in retail real estate to guide that thing to make the city some money. I seen the one that is lit up all the time and I am not sure of the address but I see it all the time – the lights are always burning over there, the one store front and it looks great. Now we need somebody to go out and actively seek and get people in there and not only that to stay on top of things. President Rosso asked did we ever pull what we had in the past, did we ever pull out of the files what we had in the past, what we had done in the past? Law Director Graves answered no I have the file in my drawer and if you are interested at some point I could take another look at that and bring it back up to speed on where we were with it. President Rosso asked could you give us an overview next Worksession. Law Director Graves stated yes and if the city could agree on the structure, you can create this and then appointing to it and then there is actually having it start to do work and take charge of things. There is steps involved, it doesn't have to all at once. You could take the steps to create the CIC and letting it evolve from there. At the next Worksession I could brief you on where we stopped the last time.**/NEW BUSINESS:** Councilman McCullough stated I talked to Tony Campo about our dog ordinance and he says even though no pun intended it has teeth – it kind of doesn't because he can't find a reputable Veterinarian that when something is

a vicious dog. I know that he made – did he mention to you that he made a visit over on Thelma Drive about 2 pit bulls the other day? I know he sent somebody over and from the time that the Police arrived until Sunday, from what I was told from the person they have not heard hide nor hair of those 2 dogs. So they don't even think they are still there. Law Director Graves advised for some reason they didn't have the copies of the registration form and the ordinance and it requires quite a bit; you have to provide photographs and vet records of shots and all that so that was provided and then they to get the insurance which is costly. Through the years the practical result of a lot of these is that they just take the dogs out of the city rather than comply with it. Councilman McCullough stated the last contact I had was Sunday with the neighbors and they said they haven't heard hide nor hair of those dogs and they were barking every day. Councilwoman Stark stated I live on Thelma and I have not heard and no one has come up to me and said anything about these dogs. Councilman McCullough stated they didn't even know you were their Councilperson. It is kind of at the other end of the street from you, I even showed them where you lived. He continued one of the concerns that Tony had was that they can't find veterinarian's to say when something is a Staffordshire Terrier which is a pit bull. They won't find anybody that will actually make that distinction when they look at the dog because they are going to be held liable. It is a concern that they had and it is a concern I have with vicious dog law. Law Director Graves advised we have had reports from veterinarian's in the past and you have to understand yes a pit bull is not a recognized AKC breed. There is no pit bull, it is an American Staffordshire Terrier. I have had cases where there is a doggy DNA test where you can give them a blood sample from your dog and they will give you a breakdown of all the percentages of what different breeds are in it. We have had some that come in where it is only 10% Staffordshire Terrier but it is 90% a bunch of other stuff – so it that a pit bull or not, probably not. It sounds like we had a positive result. Councilman Smith asked so was that the point, to say we had a positive? Councilman McCullough answered yes we had a positive somebody didn't actually didn't argue with people and took their dog out of the city and the ordinance kind of worked it is just scary that it did because if they fought it it could have been a problem. Avon Lake Press John Edwards asked I thought we changed the vicious dog ordinance to make it not breed specific? Councilman Elliott answered we reviewed it when I was Chairman and we decided not to touch it. Councilman Smith concurred we took a stand. Mayor Bring stated they brought that up in the paper that the state was going to do that so we never acted on that. The state has actually rescinded some of that but we did not. Finance Director Smith asked what are the breeds; just pit bulls? Mayor Bring stated they did not want to classify as vicious dogs. Finance Director Smith asked what does our ordinance say, is it specific? Law Director Graves reviewed our code for vicious dog; a vicious dog is a dog that has killed or caused physical harm to a person/a dog that has killed any other domestic animal or belongs to a breed of dog commonly known as pit bull terrier, American pit bull terrier or commonly referred to a pit bull. Councilman Elliott asked Len is the

work going to be done at the Community Center by the end of the year? Service Director Smith answered I checked on that today and yes was the answer from the company. They delivered the scrolling sign but it is installed. But on the deadline they are still going to have it done from what I understand. President Rosso asked why don't we have a working flagpole there – it doesn't look like it has a rope; probably doesn't have a pulley? Service Director Smith answered the flagpole is actually getting removed from there because it cuts across the solar panels and gives like a shadow which causes a fair reduction. It is on the list to remove it. Councilman McCullough stated I know what the next question is – where is the flagpole going? Service Director Smith answered I haven't determined that yet, we have a lot of options with that. President Rosso stated I just think that we should have a flagpole at the Civic Center. Service Director Smith stated we can move it around, the point is the location depending on the time of the year it is between 6 and 12% reduction as the shadow moves across because it is a continuous movement across the panels. President Rosso explained we had an event up there Sunday and I noticed that there that was no flag, no nothing and forgot all about it until Eric mentioned the Civic Center. Service Director Smith advised in all due fairness that rope breaks, there is a thing at the top and our bucket does not reach the top of that flagpole to fix the hinge on the top that is on there so it requires borrowing the Village's up to this point. I know in the past over the last 10 years that has been the issue with it. Service Director Smith stated as a resident of the City of Sheffield Lake; not as a Service Director. I would like to thank each and every single one of you, in sitting in this situation I have learned a few things and that is that I have a lot more confidence in city government because there is a lot of diverse personality and characters up there and I think every single person that sits up there contributes to good city government and that is something that I just want everyone to understand – I really truly believe that going into this new year. You know everyone can be mad at me, you can like me or not – it doesn't matter, I am just saying that I think that doesn't get said often. At the end of this year and I am reflecting on how to improve what I do and I have had conversations downstairs with Eric and Kay and we have discussed many of the issues that Council faces that end up coming through up here. I have a lot of confidence in all of you as a governing body and I just wanted to make sure that I said that. There was a brief discussion.

ORDINANCES AND RESOLUTIONS: Councils Agenda –

- 1) Council#059 – THIRD READING – an ordinance adopting an Investment and Depository Policy for the City of Sheffield Lake.
- 2) Council#063 – 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, 2013 and the declaring of an emergency.
- 3) Council#064 – FIRST READING – an ordinance establishing section 1361.11 of the codified ordinances of Sheffield lake regarding establishment of a commercial building permit fee schedule.

- 4) Council#065 – 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.
- 5) Council#066 – EMERGENCY – a resolution authorizing the City of Sheffield Lake to accept and approve the donation of a Mako model#4500 air compressor from Columbia Township for the Sheffield Lake Fire Department, and the declaring of an emergency.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Belaska to adjourn at 7:51 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

WORKSESSION of December 18, 2012.

MAYOR

Dennis Bring