

**MINUTES OF CITY COUNCIL
SHEFFIELD LAKE, OHIO
February 12, 2013**

The regular meeting of the City Council was held Tuesday, February 12, 2013. Council President Richard 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, Belaska, Smith, Kovach, McCullough, Erdei, Stark, Elliott,
Mayor Bring, Law Director Graves, Finance Director Smith, Service Director Smith

Absent: Treasurer Woods (excused)

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

READING OF THE MINUTES:

A – Council – *Motion by Elliott/Second by Belaska to accept the minutes of the Council of January 22, 2013 meeting with any corrections. Yeas All.

B – Special Council - *Motion by Elliott/Second by Belaska to accept the minutes of the Special Council meeting of January 29, 2013 with any corrections. Yeas All.

CORRESPONDENCE:

Monthly report of court receipts for the month of January 2013 - \$6279.50.

PRESENTATIONS:

Mr. Frank Fugate, Woda Group presents proposal for single family development located at 3600 East Lake Road – 23 acres. Mr. Frank Fugate presented I am here tonight to ask for a letter of support for our development. I will take a couple of seconds to talk about the developer, the company that I work for. The development that we are proposing and a couple of other little details. President Rosso stated does everyone on Council know what property is he talking about? It is the DiBenedetto on the west side of town (23 acres). The Woda Group is a low to moderate income developer. This is the only thing that we do, we build tax credit housing and this was set up by through the IRS in 1986 and this is not subsidized housing, this is a program that is administered by Ohio Housing Finance and that is who is going to do our financing. They want to make sure that the community knows that we are building these 48 single family homes. The Woda Group goes from Baltimore, Maryland down to Savannah Georgia up to the upper Michigan and everything in between. The company owns over 7000 units and of these 7000 units we have developed most of them, we purchased some and totally done 100% rehabilitation but the key to it is that we manage all of our units. We don't do third party management, we take care of our own units. If there is a problem, you can call me or anybody and I will get to the owners and you can call the owners directly. Our management is set up where we will have a local manager on site, we will have a regional manager to oversee and a dis-

district manager. We have enough developments in Ohio that they overlap and we can go in different directions, you know having properties being taken care of at a regional and district and local level. We have extensive; like I said the only thing that we do is work with low income and tax credit housing and we have extensive experience working with agencies of getting our applications approved. We started in 1990 and now let's talk about the development and I appreciate the President of Council helping me get the location nailed down. This is going to be 48 single family homes that we are proposing. One of the things that the Woda Group does in Ohio Housing Finance ask us is that it will be green development. I know that the City of Sheffield Lake is a green kind of community with your bike paths, your wind turbines and things like that. So this will be a green development. It is located again in the 3600 block of Lake Road and there will be a mortgage will be on the property. We will have to make mortgage payments, we will be responsible for the construction/development and everything with this development. The big thing is this will happen all at once. We will have about a 9 month window to fill this out when we get the financing and it won't linger on, it will be all done at once. So I think that is a benefit too. Some of the benefits of the development; we are a construction management company so we will have somebody on site every day making sure that this is done correctly. We will use local materials, local contractors and different things like that. We are not going to send somebody from somewhere else to fix a furnace, they will be local to do that. We will be paying real estate taxes on this property with structures of 48 homes on it. We will be paying tap-in fees, I saw the number somewhere close to \$200,000.00 in tap-in fees. We will create a manager's position, it may start out full-time and go part-time – this manager may have other responsibilities with other developments but there will be a management position. These are single family homes which is kind of a unique program – Mr. Fugate submitted a site plan for Council and Administration. He continued you can see our housing designs; we have 5 different homes proposed for this development. After any of the 15 year tax credit, the residents will have the opportunity with a program of being able to buy the homes. What will happen is about year 11 they will make the decision of when to do this and at that time there will be a program already set-up, knowing where they are going to be and what they are going to pay to become owners of the homes if they so wish. This program has been since 1986 and there has quite a few of these done where residents have become homeowners. The advantage to it is they are going to learn how to take care of the property; they are going to be under our tutorage for 15 years. They have to meet our requirements of not having cars on blocks and different things like that, having stuff sitting outside. A lot the things that we do is to make sure that they are successful homeowners, we will work with a non-profit organization with budgeting, credit counseling, basic home maintenance, hvac systems, lawn and yard care. I mean that doesn't sound like a big deal but it is, so these people will know how to take care of their property. So that is our program and that is our homes and part of our application is a letter of support from the Council. Again I guess I

would like a motion for that tonight. President Rosso clarified once again ask all your questions but keep in mind I believe all this falls under current zoning, there is nothing here for us to approve or pass. He can walk in tomorrow and get permits to do all of this. Just keep that in mind so you know. Law Director Graves explained they are looking at grant funds to do this project and there is various aspects that would enable them to pick up more points in consideration of whether the grant is awarded. So in expression of Council's support for the project – it would pick up some extra points. Councilman Erdei stated this is really almost like a land contract deal but spread-out for a long period of time. You are going to be renting them as a unit. Mr. Fugate explained during the tax credit period, there is a 15 year period in there where investors have come in and have bought the tax credit so during that 15 years period that will be their responsibility and then from that point on then there will be the opportunity for the renters to buy it out and it will all be prearranged. Councilman Erdei asked are these going to be homes that have basements or are they all slabs? Mr. Fugate answered they are slab on grade, the minimum square footage – the zoning of 1500 square feet and they will be 2-car garages. Councilman Erdei asked as far as the streets and sewers and everything, do you have an idea of what you are going to do on that? Mr. Fugate answered what we will do is work with the city and we have a licensed engineer that will go through all that kind of regulations and everything that needs to be done with the drainage, surface water. We know that going across that there is an easement to drain some of that and we will go ahead and develop that. Anything that we can benefit to you, we will do that with our development. Councilman McCullough stated first off you are calling this tax credit housing, so these are rental units? Mr. Fugate answered they will be rental units for the first 15 years. Councilman McCullough asked am I correct in the assumption that this is section 8 units? Mr. Fugate answered no they are not section 8 units, these are not subsidized. These are income guided residents, they have to fall into; if your income is too high then you can't live there and if your income is too low then you can't live there. These are all 3 and 4 bedrooms so these will be families and you have to fall within the income guide. Councilman McCullough stated there is an ordinance on our books that if there is a problem tenant after a certain period we don't cite the tenant, we cite the owner. Another question I have for you is average family size is how many and your other properties. Mr. Fugate answered we have a development in Orville Ohio that is a single family and it is usually 3 and 4. Councilman McCullough stated so if it is 4 it is 192 more people that our safety forces are responsible for and we are right now working on a increase on the ballot. 48 X 2 hopeful bread winners, I am just looking at the amount that is going to put a strain on a budget right now, I am just making sure that that is covered. Have you looked into that yet, you got any clue? Mayor Bring answered they are going to pay the property tax on it. Finance Director Smith added and their income taxes as well. Mayor Bring advised Mr. Fugate came to us last year for this proposal and we looked at that and we actually had the Fire Department look at that for turn radius and there is also the part of that section in the back – there is a

loop that fire hydrants would have to be connected and I believe that they have discussed that about running that line so that line would be connected instead of being cut off. They also had the community center which they had out front; at first they proposed a smaller building and we told them they couldn't do that because it had to be 1500 square foot and they agreed to that. So there are quite a bit of amenities that he did agree to. If you go to Avon Lake and you go down Miller Road there they have got the rental properties there, not below income but similar to this but you are going to see coming into our city 1500 square foot houses that are going to be regular houses but they will be rental properties. We know that the Woda Group do manage their properties and I heard this that actually after a period of time will actually gut the house and redo the whole thing and put it all back up to code. So they don't let the properties deteriorate at all. They do do a well nice job and the reason they didn't do this last year is strictly because of the funding. Councilman McCullough asked is that retention pond required or is it just an aesthetic thing? Mr. Fugate answered the retention pond is something that will be engineered, it is usually something that every community requires as some type of retention type facility. Councilman McCullough asked do we have that, do we require that? Mayor Bring answered no but sometimes when they have a development like that they will put that in there for water. Finance Director Smith advised I am sure you get bonus points for that as well. Mayor Bring added it is also for the green part of stormwater and such. That is what the whole object of that is. Service Director Smith added the proper stormwater management facilities would be constructed as their engineers did in the original preliminary. Mayor Bring advised a number of years ago we had actually put the outfall across Lake Road particularly just in case somebody would develop that and this is part of that. So that part is already done so the road would not have to be torn up. Councilman McCullough stated the only other question I would have is you have 2 playground areas here and there is a bike trail connection, is it only people of this community allowed in that area? Mr. Fugate answered yes. Councilman McCullough asked who would be responsible for policing, us? Mr. Fugate answered yes, we have an out-sight manager. If something happens at 2 in the morning, probably. President Rosso stated okay when you say police it; a policeman going there or police clean up the area because these would not be city parks correct? So it would be their responsibility. Mr. Fugate advised if you are talking about policing, keeping it cleaned up then that is regular maintenance. President Rosso stated I didn't know what you were talking about Kerry. Councilman McCullough stated both kind of because I am sitting here looking at this going alright if we got residents that go in there and they well it is part of the city, well it is not part of the city. Mr. Fugate stated we will take care of all the common areas and at the end of the rentals there will an association. Finance Director Smith asked you do require the renters to take care of their lot? Mr. Fugate answered yes and if they don't then we will. Councilman McCullough asked what is the minimum and maximum incomes that are allowed to move in there? Mr. Fugate answered based on 5 people the maximum would be \$41,100.00 (23 units) and the lowest will

be 3 person family at \$17,130.00 for 6 years at that. Mr. Fugate submitted 6 designs of homes in the development. Councilperson Belaska asked what would be the value of these homes if we had reached the 15-years in today's market? Mr. Fugate answered in \$150,000.00 to \$180,000.00 market. Councilman Kovach asked is your intent to fully develop the stormwater connection and develop the outfall? Mr. Fugate answered yes it is. Councilman Smith stated you say these aren't subsidized at all? Mr. Fugate answered no, the only part that is subsidized is if somebody comes to us because of the fair housing laws, if they come to us with a voucher and we will have to look at that voucher and then they go through our background check and our criminal check and if they pass that then we address it because of Fair Housing Laws. Councilman Smith asked there is no section 8 or 42 right. Mr. Fugate answered no it is all tax credit. Councilman Erdei asked did your group purchase that 23 acres yet or how is that going to be? Mr. Fugate answered we have a purchase agreement with the seller. Councilman Smith asked do you have a couple of properties here in Ohio? Mr. Fugate answered yes we have quite a few. Councilman Smith asked what would be the closest one? Mr. Fugate answered Orville would be very close. President Rosso stated I don't quite understand this whole 15 year tax credit, how does that work and we are not talking about tax abatement where you are not paying to the city correct? Mr. Fugate answered the IRS has a law that they set up in 1986 and what happens is is large institutional investors can vest in these kind of developments to provide housing. So what happens is is that is what we do – the Ohio Housing Finance; government agency and then they award the tax credit in the State of Ohio. It is their responsibility to award those out, at that point their benefit is they invest for the 10 year period and they – the investors get the tax benefit. President Rosso asked now in this development, they will put in all the streets, the street lights, etc. The city really has no monetary investment in this? Mayor Bring answered no, like I said they came to us last year and I had the Fire and Police Departments look at it and they are both okay with it. Councilman McCullough asked can it be done as a PRD? The reason that I am asking that is so that everything we know right up front, we know what is in there, you know what is expected of us and we know exactly what is expected of you. Law Director Graves advised this development is going to meet all the requirements of R1 zoning, so they don't have to appear here. Councilman McCullough asked you live in Westerville? Mr. Fugate answered no my office is in Westerville. Councilman McCullough asked I was just going to ask how would you feel with this type of housing being built on your street or in your community very near your home? Mr. Fugate answered I would be fine with it. I live close to campus and I live close to a lot of rentals. Councilperson Belaska asked do you have a website we can visit? Mr. Fugate answered yes www.wodagroup.com. Finance Director Smith stated is it almost like a tax deferral thing for the investors. They are getting a credit for investing their money. Mr. Fugate advised you are going to get the full taxes on 48 homes. Councilman Kovach stated I would consider this lease with option to buy, even though it is in a rental state it is a lease with an option to buy. Mr. Fugate advised a lot of lease to op-

tions you start day one. Our investors, they are the ones that have it – the tax credit investors for the first 10 and then starting the 11th year for the residents. Councilman Erdei asked you said this whole project will take 9 months or is that after the street and sewers go in? Mr. Fugate answered that is everything. Councilman Kovach asked the street is going to be concrete? Mr. Fugate answered whatever the specifications are. Service Director Smith advised there is the costs of asphalt with curb or concrete with curb. Mayor Bring stated you might want to tell them on an average how long these families usually stay in the homes. Mr. Fugate stated there is the rental period, most of them stay for quite a long time – over 4 or 5 years and even longer. The one thing that I have seen is some of the changes in the economy where people have lost their homes and so these people stay a long time. Finance Director Smith stated so after the 15 years or after these people buy their homes does the maintenance go away? Mr. Fugate answered they will be responsible for that but we are not give them something that is rundown, it is going to be brought up to a standard and then they will take over from there. Finance Director Smith stated what I am really asking is there investors have it for the first 15 years, so after 15 years your property manager disappears? Mr. Fugate answered not everybody has to buy it. Finance Director Smith stated but you would manage it as long as you have units available? Mr. Fugate answered absolutely. Councilman McCullough stated Tammy, say you get 48 families in there for 15 years and at the end of 15 years in your perfect world all 48 of those families purchase those homes, at that point you have them set up that they have to become an association in order to take care of those common areas? Mr. Fugate answered it can be done in different ways, that is one way it can be done – the common areas can go away or whatever. Councilman McCullough stated since this is all contained within that. A question I would have would be for Len or Steve, don't we have to have X amount of dollars for the parks for each unit and isn't there supposed to be a city park put in there somewhere? Service Director Smith answered this has nothing to do with putting in a city park but they do have a new construction parks fee and that is for every residential dwelling unit as the ordinance says. But there is no requirement for an additional park. Just to add some clarification, for everyone's information when Mariners Watch apartments were done – that is a dead-end water line. The Fire Department had conversed with Woda when they first proposed this last year about if it does go in they would like to see their connection connected to this so that that system is looped allowing for more water pressure for more units in that area. That is what Dennis was referring to. President Rosso stated I was going to mention that too Len, that is a very nice plus. That actually helps out on that end of Mariners Watch and the other thing is the fact that they are putting in the outfall to the lake and now all of a sudden all that drainage over there becomes a lot better off which then helps the drainage everywhere else. As Dennis mentioned before we did Lake Road the last time we did put the pipe under the road, what great guys we were thinking back then. Those 2 are huge benefits to the city at no costs. Mayor Bring stated if you take these houses if you go down Elm Street and Parkview off of Lake

Road and you went into this – it would be very similar to that kind of look because those houses over there are about 1500 to 1600 square foot and the same kind of an idea. If you are looking at seeing something that would be very similar, that is kind of what it would. Same size lots, same size homes - only these will not have any basements. Mr. Fugate advised in talking about the water line, we have done that and I was involved in Indiana in the same situation and they needed to have a loop and we did that. That is something that our engineers will work with. My application is due February 21st and I am here tonight asking Council for just a majority letter of support. Councilman Kovach asked this is going to be built within 9 months, what is your projection of filling those 48 houses? Mr. Fugate answered our management team works very closely with our – it would be 9 to 12 months let's say, weather dependent when we start. Our management team starts very soon working with our construction group and they will start pre-marketing before. So there will be some people that will move in while other homes are being built. So it depends on when we come on the market, it depends on what the market is but generally speaking it is 3 or 4 months that we have them filled. Houses go very quickly. Councilman Kovach asked do you have a list of people to fill these with? Mr. Fugate answered today – no. As we get down the road, we have people that are calling and we make lists. Councilman Kovach asked last but not least what is your vacancy rate? Mr. Fugate answered overall our companies vacancy rate is less than 2%, we are very aggressive on that, we are very aggressive on taking care of our properties. If any of our properties, even our older properties – we have gone back through and rehabbed. Again, this is single family homes. Councilperson Belaska stated if we have gone past 15 years, all 48 houses are there and becomes an association now – so where does it lie on now; our Building Inspector to make sure that these property maintenance or how would that work Mr. Graves. Once it becomes an association does the city oversee? Law Director Graves answered it would be privately owned. President Rosso asked would these fall into the license or whatever we have for landlords have to purchase? Mayor Bring answered every 2 years they have to pay I think it is \$100.00 to have our Building Inspector go in and make everything is up to code. President Rosso stated that is \$200.00 per building every 2 years. Mr. Fugate stated we have units, we have developments in college communities – that is very huge there. One being Athens - they do annual inspections and I forget what it is; it is either \$30.00 or \$90.00 a unit. We will have an out-site management and we do monthly inspections. So that is not a problem. Councilman Erdei stated say these people move out and you have to do some work on them, do you have at least a time limit on how long they are left go without refurbishing them? Mr. Fugate answered it is very quick, we have an abatement person on-site. Things happen but with monthly inspections everything is taken care of. The grass not being mowed is taken of, everything is taken care of so there is not huge fall into a hole and then you have to dig your way out. That does not happen with our company, we are proactive in taking care of them. We will have a local manger, we will have a regional manager and a district manager overseeing that.

President Rosso stated what Mr. Fugate was speaking about on this letter which I am going to distribute to everyone. So the decision before Council this evening is just a motion and a vote whether or not we as a Council want to endorse this project and if it passes with at least 4 votes then I will sign the letter and give it to him.

Ken Stumphauzer, 4333 East Lake Road stated my question is I understand this project and I am familiar with these projects in other communities. There was a lot of statements made regarding certain things occurring and like a default when somebody moves out – what happens. Mr. Stumphauzer stated David do you do development agreements here? Law Director Graves answered we haven't. Mr. Stumphauzer stated I think you have the authority under your home rule powers to do a development agreement that would simply put in writing what this gentleman has said would happen here and as a resident of this community now if it might be advantageous for you to do that. I think it gives everybody a degree of comfort because as you move down the road you have this in writing as to what the developer will do.

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: Chairman Elliott reviewed the minutes of the February 4, 2013 meeting. *Motion by Elliott/Second by McCullough to approve the sewer credit for \$97.02 for 826 Idlewood. Yeas All. *Motion by Elliott/Second by McCullough to approve the sewer credit for \$141.12 for 689 Lafayette. Yeas All. *Motion by Belaska/Second by Kovach to accept the report. Yeas All./**Safety:** Chairperson Stark reviewed the minutes of the February 6, 2013 meeting. Yeas All./**Buildings, Lands, Vehicles & Equipment:** Chairman Kovach reviewed the minutes of the February 7, 2013 meeting. *Motion by Belaska/Second by Elliott to accept the report. Yeas All./**Ordinance: None./Finance & Audit: None./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 January 28, 2013 meeting.

ADMINISTRATIVE REPORTS

MAYORS REPORT: None./FINANCE DIRECTORS REPORT:

None./TREASURER: report is attached./**SERVICE DIRECTORS REPORT: None.**

/SAFETY DIRECTORS REPORT: Mayor Bring reported we did have a small fire on Oakwood the other day, basically it was confined to the kitchen. Again the resident had no insurance and we got about \$100,000.00 in damage and this is the second time in the last 2 fires that the people did not have insurance so it is unfortunate. They also lost their pet dog too. Mrs. Stark eluded to the ambulance bidding which is done and we got nothing back from that. So we are proceeding with the one that we looked at. We are having another meeting with Avon Lake on Friday about the alternative fuel so there are on-going discussions on that. Councilman Elliott stated the people that broke into the house across the street from mine, they were caught inside the

house and we are prosecuting them right now. I just wanted to let you know that I talked to a couple of buddies from Sheffield Village and they are also being charged with a string of robberies in Sheffield Village and Avon is also looking at them. I just wanted to give my wife a little kudos there because she actually solved a big problem.

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

DIRECTORS REPORT: Law Director Graves reported as the Mayor said we are going to meet on Friday with City of Avon Lake in regard to whether or not we want to proceed with the memorandum of understanding for the conversion of propane vehicles and we will keep you posted on that. On the 28th we have got a Demolition Board meeting scheduled, the city has identified 3 properties that would qualify for Demolition and the various county programs; under the NSV program and one we are planning to use the land bank. Before you tonight for your consideration, if Council so chose to add to the agenda is a resolution authorizing the Mayor to enter into an agreement with the Lorain County Port Authority in the Land Revitalization Program (the Land Bank). Once we enter into that memorandum of agreement, the county will work with us on identifying properties for demolition once we exhaust the local process. They have got a very quick turn-around, they have been at it for 38 days from the moment they received a package when the house demoed. This is for abatement of nuisance properties in the city. So like I said we have identified 3 and we are ready to go with that. Councilman McCullough stated I am going back to this presentation and what I said about a PRD and he said it is not a PRD because it meets all the stuff but I need in my mind some kind of understanding that this thing is going to be done exactly how he says it will be done. Law Director Graves stated we can discuss that. *Motion by Belaska/Second by Elliott to accept the report. Yeas All.

CITIZEN'S COMMENTARY:

Ken Stumphauzer, 4333 East Lake Road stated I am the new resident here, I have been here about 6 months. I am here for a very simple process, certainly nothing as complex as this. I want to just throw it out for your consideration and I am not quite certain of your protocol here, you might have to refer it to your Buildings and Lands Committee. I have a couple of pass-outs to give you a perspective and unfortunately I did not realize your Council was quite as large as you are so maybe you can share these. I got these from the Lorain County Auditors Department; my home is outlined in yellow and as you know immediately to my east is the extension of Grantwood Avenue which I think is paper street and you have a stormwater outfall into the lake at that location. I talked to David earlier and apparently this is a subject matter of much controversy and heartache in this city as couple of years ago. I am not here to ask for that property, I am here for another reason. I grew up on a farm and I like to have a garden and I can accommodate having a garden on my property in fact this doesn't work out with the city but I would like to propose and I have another water perspective of what I am proposing which he passed out. I am not an artist so this is my rendition of what this will sort of look like out there. My house is located as you can see approximately half down the property and the lot that the city owns which is

your stormwater outfall; the continuation of a paper street is the grassy area, there is really nothing there but grass. What I was purposing for your consideration is a possibility of constructing a community garden there. There is to the east of vacant home unfortunately, a very nice home but it is vacant and where I propose to put the community garden if all the details could be worked out is a little bit closer to the road simply because there is a lot of trees on my property and/or the property that is your property actually which would shade the garden which obviously doesn't accommodate for a good growing conditions. I am just throwing this out, I don't know what the protocol is or what the process is? The requirements wouldn't be that significant I would assume because all of that soil I believe is really clayish material. It might be something you would have to come up with, some type of a footer, maybe some railroad ties, some top soil. I believe I could have access to top soil from the new athletic project over in Amherst. They have a lot of top soil there, although someone told me the city may have some top soil too. The only thing I think you would need is a fence because believe it or not I have seen deer standing in that lot in the middle of the night. I can't believe right in the middle of the city but there is deer there, so that would end up being something they would eat so we would have to come up with something. It would be attractive, decorative if we are able to get this done. As far as water, I would donate the water my faucets so the idea would be that we would divide this up into subsections and I have no idea how many subsections there would be and I have no idea if anyone else would have an interest in doing this. If any of the surrounding neighbors would be interested in doing it but I just throw it out for your consideration. President Rosso stated this has been a topic that has come up a few times where people talk about it and everyone says hey that is a great idea but it is a community garden. As we say this keep in mind we got to figure out which department is going to be responsible for this, if any. Then you are going to have the issue of you only have X number of lots and you are going to have 2 times that that want to put something there and then you are going to have to have that battle. Then you are nice enough to say hey I will supply the water until that last guy there leaves it on for 3 days and you are in here looking for a sewer credit. So it is a great idea, I think there is a lot more plus everybody and their brother is going to want to stop and garden and park on Lake Road on the bike path and it will cause us another problem. So it is a great idea and I am not saying that we shouldn't do it, there is just a lot more T's to cross and I's to dot to say hey its great let's start putting it up tomorrow. I don't know if it falls under Parks and I don't know if it falls under the Service Department but I think we got safety issues. We have the issue of who is going to make the decision of which people get the lots, what can they grow there and what can't they grow there. I am assuming you are talking vegetables and those type of things. Councilman Kovach advised they are going to have to be short plants so that we don't block anybody's view of the lake. Councilman McCullough stated I can remember back originally when that lot was sold and they wanted to make it 3 lots and then I can remember when the person you might have bought your home from and this person right

here came up here to the city and they wanted to do something on there and then finally the city just said at your own expense we will let you do certain things however we are not giving away that right-of-way. President Rosso stated and we wouldn't give it away now. Councilman McCullough continued but I thought it came to the understanding that these 2 homeowners were actually going to maintain that area. President Rosso stated there was talk about they offered that when we had the debate on the mound across the front when 2 Mayors ago said sure go ahead and put a mound up and then the residents didn't like it. Along with we will never move, you let us clear this and we will live here until we die and then 2 years later they both left. Councilman McCullough stated we have a rather large area of property that would make a very fine community garden over to the east of Apples, there is a lot that needs some work. Are you willing to do this because it is next to your home or would you be willing to spearhead something maybe not so close to your home but in the general area. Mr. Stumphauzer stated I was looking at this as it is convenient to my home. I have other property that if I need to grow things I have other acreage. Service Director Smith advised I applaud the idea but I just want to refresh everyone's mind, the last controversy over this city easement was access to the lake. All the people on the south side of Lake Road that live back there in the neighborhood were demanding public access to Lake Erie through this property and that is what the issue was. The Ueckers moved out because they had people flipping them off standing in the right-of-way, looking in their kitchen window. There was a war between a certain group of residents it seemed declared war on the Ueckers and it was all over access to Lake Erie or access of walking down to the lake. President Rosso stated I believe the issue with the people on Grantwood was it was blocking their view, it was not so much that their concern was access because they could walk over the mound and down to and anybody could walk around this garden and walk down too. Service Director Smith stated it was access. Law Director Graves advised it would go to Worksession.

/UNFINISHED BUSINESS: Councilperson Stark asked have we talked a little bit about WOW and when they might be moving stuff in because I know I got a knock on the door by Time Warner who had heard about this and I know I just got a nice drop in my rates. Service Director Smith advised Time Warner is making marketing calls at every one of their customers offering them reduced rates because WOW is in town and that is what they told me. WOW is in the process of doing underground utility servicing right now. They are installing where the underground utilities are and that is to be done before the poles. They did Parkview and Elm and recently you will see the underground areas on Harris now are marked. So it will be 3 or 4 months, I believe that their target date is still the end of May/beginning of June. Councilperson Stark stated I have gotten mailings but Time Warner is actually door to door. Service Director Smith advised Time Warner is doing that as a result of the fact that WOW is installing in our town, at least that is what Time Warner told me personally when they gave me my reduction too.***/NEW BUSINESS:*** Law Director Graves stated I just wanted to address some of the concerns that Councilman McCullough has made, if

anyone was interested in making a motion to express support for the project as presented by the Woda Group, they could in that motion include the caveat as presented tonight and as reflected in the minutes. *Motion by McCullough/Second by Kovach to add Council#006 to tonight's agenda. ROLL CALL TO AMEND TONIGHT'S AGENDA TO INCLUDE COUNCIL#006; Yeas All – Stark, McCullough, Erdei, Elliott, Belaska, Smith, Kovach. *Motion by McCullough/Second by Kovach to support the Gibbs Place Limited Partnership presentation as presented tonight and reflected in the Council minutes to show our support to Mr. Fugate and his partners. ROLL CALL FOR SUPPORT; Yeas All – McCullough, Stark, Erdei, Kovach, Smith, Belaska, Elliott.

ORDINANCES AND RESOLUTIONS:

Council#006 – EMERGENCY – a resolution authorizing the Mayor to enter into a memorandum of agreement between the City of Sheffield Lake and the Lorain County Port Authority and the declaring of an emergency.

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

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

Resolution Passes#6-13

PRESIDENT OF COUNCIL COMMENTARY: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Belaska to adjourn at 8:41PM. 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 February 12, 2013.

MAYOR
Dennis Bring