

**MINUTES OF CITY COUNCIL
SHEFFIELD LAKE, OHIO
April 8, 2014**

The regular meeting of the City Council was held Tuesday, April 8, 2014. Council President Rosso called the meeting to order at 7 pm.

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

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

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

Absent: McCullough and Stark (excused)

Attending: Concerned Citizens, Demolition Board Chairperson Gee, Manager Pat Hastings, Members of the Media

READING OF THE MINUTES:

Council – March 25, 2014 - *Motion by Kovach/Second by Smith to accept the minutes of the March 25, 2014 Council meeting with any corrections. Yeas All.

CORRESPONDENCE: *Clerk of Courts; Francine Shover* – Monthly report of court receipts for month of March 2014 - \$7048. Receive and file.

PRESENTATIONS: *None.*

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: Chairman Cizl reviewed the minutes of the April 7, 2014 meeting. *Motion by Kovach/Second by Stark to accept the report. Yeas All./***Safety: None./Buildings, Lands, Vehicles & Equipment: None.***

Ordinance: Chairman Kovach reviewed the minutes of the April 3, 2014 meeting. *Motion by Stark/Second by Erdei to accept the report. Yeas

All./***Finance & Audit:*** Chairperson Stark reviewed the minutes of the March 18, 2014 meeting. Yeas All./***Council Representative to the Joyce Hanks Community***

Center: Representative Cizl advised we haven't had a meeting since the last time, we have an ordinance this evening. We amended it at our last Council meeting which seemed to be a discussion of the rental fee/security deposit. I am not sure what time we will have to discuss that any further tonight? President Rosso answered yes we will discuss it under unfinished business. Representative Cizl advised our next meeting will be May 19th at 7 pm./***Council Representative to the***

Zoning Board of Appeals: None./Council Representative to the Planning Commission: None./Council Representative to the Park Board: None.

ADMINISTRATIVE REPORTS

MAYORS REPORT: Mayor Bring reported just a couple of things; I met with the Office on Aging the other day and a lady gave me a bunch of brochures and gave me some numbers on what they do over there but they also put out a paper which is a monthly paper. I know that we talked about how do we communicate with some of our residents – this is another avenue that we could an ad in and she said that she would do that for free for us. If we needed to get a message out, I guess several residents subscribe to this in our city. I have a couple of these laying around if anybody wants to read that but she said that several of the residents and she gave me the number and I was kind of surprised on how many people actually get this paper. She also gave me an annual report; home delivery meals, individuals is 39, food pantry service is 2,551, social support services is 28, housekeeping services is 9, chore service is 10, information assistance is 15, benefits assistance is 23, counseling and other support is 1, transportation to medical appointments is 6. Actually those 6 ended up being 107 trips and the meals ended up being 5,830 meals. So they do a very good job, there is a lot of little brochures that she left with me that they do and people aren't taking advantage of and again this doesn't costs any of these individuals anything. Some of these other communities actually charge and they don't in this community. Even with the housekeeping and chores for the elderly, they will come over and do some things for you. I wanted to let everybody know that those are available and she said that she wants to let everybody know in this city that those services are available to them and they would be more then glad to help these people out. But I thought those numbers are pretty astonishing. They also do Sheffield Village, Avon and Avon Lake and ours alone are more than those 3 combined. We got a lot of people in this city that need a lot of help. I stopped at the Bowling Alley the other day – Saturday, the Kiwanis Group were out there working on the Bowling Alley. This is a group that has been going over there for free, they are doing the cleaning and kind of deconstruction of the Bowling Alley and as far as underneath the lanes that were still intact and some of our guys did some work over there. So they were over there working on Saturday and doing a lot of clean-up and they are on their second dumpster. They have got about a third of the floor which is exposed and actually is concrete and I know that somebody said it was ground but it is not. They have a pancake breakfast over at the Avon Lake High School I think on Saturday so you might want to support them. Those people work very hard over there and they said when they get done with this, they want to know what else they can do for the city. We have got a lot of projects for them but they want to keep this group going. I just

want to thank them, I am trying to get a group photo of them so we can put it on our website and speaking of our website I do have a format that has been for the main page sent over to me I think it was Saturday night or Sunday night and we looked at that. I showed Rick yesterday, it is a work in progress but it is going quite well but there is a lot more to do to it. I think once it is up and running it is going to be a lot easier to work with and I think everybody will be a lot happier. The page on it is a nice page of the lake and it is not frozen and there is somebody out there actually using it on a paddleboard with a sail on it. President Rosso asked what time is that breakfast? Mayor Bring answered I think it starts at 7 o'clock, I think she said either 6:30 or 7 o'clock at Avon Lake High School. Community Center Manager Hastings advised that is on Sunday from 7 to 1:30. Mayor Bring stated okay Sunday then. Councilman Kovach asked what is the age group of the Kiwanis's? Mayor Bring answered they are all elderly and that was something that they brought up to me that the participation for that group has been dwindling and basically when I went there they were all – two of them were around my age; late 50's and one of the gentlemen was probably 85 years old that I saw and that I talked to there. That group is elderly but very active but it is like everything else that has been going on, the participation in a lot of these groups has been dwindling because it seems like it is the elderly people that still want to do that kind of thing but the younger crowd doesn't seem to want to participate in communities. It just seems to be the sign of the times but for their age and what they did over there, that work is not easy work and Pat can tell you that we had the guys over there and it is difficult. I do appreciate what they do, I would say the average age is 50 or so. *Motion by Kovach/Second by Erdei to accept the report. Yeas All./**FINANCE DIRECTOR REPORT: None./TREASURER REPORT:** Treasurer Woods report my report is attached. *Motion by Kovach/Second by Stark to accept the report. Yeas All./**SERVICE DIRECTORS REPORT:** Service Director Smith reported I would like to say one thing about the Kiwanis's, they are a 5013C – non-profit group and they actually represent multiple communities. Sheffield Lake falls under them since we have lost our Chapter years ago. The way that they explained it to me is the 4 areas; Avon, Sheffield, Sheffield Lake and Sheffield Village – is all one community to them. That is their way of giving back. People can actually join the Kiwanis's from any of those communities; it just happens to be called or titled Avon Lake Kiwanis's. The Boat Launch; I mentioned it at last night's Roads & Drains but I wanted to let you know that it was started today – removal of sand. It looks like we are going to do good for a change and not have as much as we have had in the last several years, so that started today. You see that BVC is down there working and we will be hauling sand with them to designation point 3 which is the Community Civic Center/east side. Pretty much, one more thing is we do have somebody who has inquired with the city about

putting of small food diner at the Shopping Center so talks of that are on-going. Councilperson Stark asked the parks; like Ferndale Park and all that stuff – if somebody wanted to use those for let's say a practice or something. Service Director Smith advised there is a policy in place which is they call me and we put them in a permit and I keep track of the permitted days by teams so we don't have fist fights there anymore. That actually happened. So what happens is Park Board had given me authorization a long time ago to permit the field and keep track of who uses it at certain practice times and I already have one team that is scheduled all through the summer. But both leagues know it and several independent leagues know it too. Councilperson Stark stated I know the Board of Elections at one point had talked to us at one point had talked to us about a grant or something for doing work over at the Community Center. Service Director Smith advised I don't have anything on that at this point. I think that is when I was in the hospital and I think it might have first happened or I remember it was going to be but I don't remember what did happen. Manager Hastings advised it was my understanding there was no matching funds but then there were at the last minute which we really were interested in. There is a one-inch rise in the concrete. Councilman Erdei stated on the sand behind the Civic Center, are you guys trying to make a beach out of that area. Service Director Smith answered as everyone knows over the years, I don't think you were here at the time – when we applied for the boat launch grant; ODNR gave us 4 locations to dump sand which are part of our grant. We can use them at any time and what they do is keep the flow of sand as an on-going beach traveling type of cadence I guess you could say; Lakewood Beach Park, the east side of the Boat Launch, Mizpah and behind the Civic Center. Those are the allocated areas that we are to put the sand, we have no other choices but those 4 places. We can't utilize it, we have to put it back into the lake and let it naturally flow along the near shore currents in a way in which it would go. *Motion by Stark/Second by Kovach to accept the report. Yeas All./**SAFETY DIRECTORS REPORT:** Mayor Bring reported our one cruiser is down again, we took it in for repairs and now we are finding out that the axel and a couple of other things are bad with it. I don't know if we are going to repair that so we are looking into it because it is probably a couple thousand dollars – so we are down to 4. Tony and I talked today and like I said I don't know what we are going to do. I have wait for Tammy to come back so we can talk about it. *Motion by Stark/Second by Kovach to accept the report. Yeas All./**LAW DIRECTOR REPORT: None.**

CITIZEN'S COMMENTARY:

Rosa Gee, 272 Gayle Drive stated there has been a lot of concern and a lot of questioning asked on what exactly can and cannot be done with the general fund? Is the shopping center part of the general fund? President Rosso answered it is not but again not being the Finance Director I will give you my opinion, well it is not

an opinion, it is a fact – no money is coming from the general fund going into that shopping center.

Cliff Rivenbark, 1071 W River Rd, Elyria stated I am speaking on behalf I guess my Mother. I lived in the city from 1960 to 1979 when I moved to Elyria. My Mother has lived here for 54 years and she is at 829 Marion St. I came today to talk about your curfew times from 2 to 6. You all made the decision to do that and hey someday you may be Westlake. In my opinion, on Marion Street a lot of the houses have residential space and not a garage. A lot of them access for 2 cars and I am thankful to be in Elyria, I have 4 in my name and my wife has 1. My son comes – empty nest back and forth and he parks in the driveway too. So that being said – 2 cars in one driveway, it is good that there are 5 repossessed houses on the street which gives a little better access to parking in the bad weather and the reason I am here I got a ticket. My Mother living here 54 years, she has pancreatic cancer and we have caretakers. We had a party and 7 vehicles came for an assortment of birthdays which she won't see the next one and I was the caregiver that evening and I by accident fell asleep at 9 o'clock. My brother from Alabama was in the driveway, my sister from Virginia was on the street along with the other cars. Now it was my fault and when I woke up the next morning I had a ticket. I just would like to know what those 2 cars that you can park in the driveway, the neighbor to the south of her takes very good care of his yard – excellent, the down side is he has a daughter. That is 3 cars and he has ruined his grass. Now the cop that gave me a ticket probably should have gave some other people on the street tickets for parking on the grass. The neighbors directly across from her had the expense of additional concrete to widen the driveway and they also park on the grass. I paid my fine and I wanted to really take it out on the Judge or whoever was in charge but that wasn't the correct forum to make that comment. But with that situation where you have maybe some rentals and people with more than 2 cars, it is kind of hard to have a shuttle to shopping center that has plenty of room to park. I feel really bad on my Mother's last days that she can't invite family over and have them stay in the house that they grew up in since 1960. President Rosso advised probably you weren't aware fully and it has been stated from the very beginning, in your situation where you had a party for your Mom and you had out of town guests – all you have to do is call the Mayor's office and he notifies the Police Department that you have an exemption for parking. Mr. Rivenbark stated we try to have rotating shifts to care for my Mother and all we can put is one car in there, so my sister is there now but she is going to spend the night because my Mother fell last night and she is going in for a cat scan in the morning. I will also be there, so technically my long bed S10 is going to be beyond the sidewalk which I find that bad too into the street. President Rosso advised you technically can't do that either. Mr. Rivenbark stated yes technically you can't but my sister has to be there

to dress my Mother in the morning and I have to be there to drive her. President Rosso stated I understand what you are saying but I just wanted to point out that and I understand being in Elyria and not living in the city you probably didn't realize or weren't aware of that you can call the Mayor's Office and get an exemption. Mr. Rivenbark continued well I don't how many people know that and I don't how many people in the city know they are not allowed to park on their grass and they are not allowed to do many things. My neighbor has got a beautiful lawn and he ruined it and the one across the street the same thing. I am going to be there when they need help but with the bathing of my Mother and Mother is a little shy so there may be somebody like that again and I am going to beyond the sidewalk and I just think – if you want to be Westlake go ahead.

UNFINISHED BUSINESS:

Manager Pat Hastings stated I had a formal presentation last time and because of the executive session I left and then you guys reconvened and I read the minutes. I really was coming this evening to thank you for changing “shall” to “may”, I think it is certainly beneficial to the operation of the Center and I did want to illustrate in the short time that we have had between the last Council meeting I have had several situations to further illustrate how that affects us. First was I had mentioned about a group putting together a program for the kids and I was able to meet with her and set all that up in the summer. It is like a 6-week program and of course she still has feelers out to the Park Board and I believe the Chairman – I am certainly not stepping on their toes but we have set that up. It is just another example where not charging that deposit is favorable. I have secured a couple of ventures where the Community Credit Union in Avon Lake will be coming there and putting on a function for all their members to have a meal and appreciation service. Another perfect example, Continental Management Company is another I did. This is all since I last discussed this with you. Alternatively I did have a couple come in who grabbed one of the last Saturdays in August that was due to a cancellation. Very difficult to listen to them as they were actually putting on a benefit for Teenage Suicidal Awareness due to their own loss. But given it being a Saturday and despite wanting to give the building for free quite frankly, I did charge the deposit – that is the example where you rent it as a business and I did so. The point is I wanted to thank you for changing it and I was hopeful it would be voted on tonight, I don't know exactly how that is going to go down. But I did want to thank you for the change. Councilman Cizl stated I emailed Pat after the meeting and the only issue I had was obviously it came out of Ordinance and procedurally of wondering how things go and we did change it from “may” to “shall” and then I went back and looked at the old language and it is the same thing except that we went basically from \$100.00 to \$200.00. So I am not sure and since you have been

running the Community Center so well for all these years. I guess in the old years, the general fund has to pretty much sustain the Community Center from what I understand and they stopped doing that and that is good I am real happy about that. I guess my only issue is when I realize that the old language is the same as the new language except change from amount of \$100.00 to \$200.00 then I guess I don't have a problem with it. I didn't want our city to double the amount of security deposit and discourage the use of the Center, so that was my main issue. That is how you basically are handling it. Manager Pat Hastings advised it is important to note that even though I have mentioned several times that Saturdays and Sundays are rented I do have a few Fridays left but the reality is that the popularity in the summer is such that I will start and have started booking 2015 already. So the city will benefit from the increase in rental fees almost immediately because as I book all of these that is going to be at a new higher rate which was quite frankly asked of the Advisory Board to look from the Administration. President Rosso stated Steve I know you had discussions during Ordinance, is there anything else you want. Councilman Kovach advised what I brought up at Ordinance was that I thought that after quickly separating that one paragraph into two sentences which is where all the confusion came from making the statement that where we were really increasing the refundable booking security deposit was for the premium nights. We had really never taken into consideration the charges of the groups or anything else like that during the weekly because that was my issue but it caused by for lack of better words the way the original ordinance was so poorly written and that they tied the two sentences together. Now personally I do think that there should be some more work on that but if everybody is happy with it that is really not a problem. The one question that you had now do they go back and collect the additional \$100.00 for the ones that we have in escrow, I guess that is an issue for the Law Director. I was happy with separating those two sentences which is what caused the problem to begin with. President Rosso stated well I saw in your minutes that you brought up the topic about do we separate it and have a deposit for non-premium nights and a separate deposit for the premium nights; Friday, Saturday and Sunday I guess. Manager Pat Hastings stated even the premium nights if I might interject; this past Sunday for example was the vendor show and collection of Tupperware and Tasty sinful and all of those – that to me is another civic function, something that can be enjoyed by all the community. I think that would be a disadvantage to charge such a high deposit for that. Quite frankly, some of them won't do it. President Rosso advised well the way the ordinance reads now you have the option to either charge the deposit or not but there is no flexibility in the dollar amount. Manager Pat Hastings advised if I may the \$100.00 I thought was quite functional and I believe the \$200.00 became a part due to some damage that Councilman McCullough was privy to on one of my reports. So he really

wanted to protect the city assets and I understand that but as I explained that that damage was very unusual and those people were very sorry about that whole thing and wanted to either do the work themselves or paying a professional to do it. I had already done it because I had a rental the next day. It is just not normal, a lot of people really, really take care of the facility. Councilman Cizl stated Mr. Rosso brings a major issue to the ordinance, right now the way the ordinance is worded is you may charge \$200.00 or nothing and when I was calling Sheffield Village and Avon Lake they all charge security deposits but not at that amount, it is much less than that. Councilman Kovach stated personally that is where I had gotten the idea from and in the minutes I suggested that David could possibly get the one from Avon Lake and we could structure it more suited to that. This is the best I could do. President Rosso stated I like this idea of 2 options; a premium and non-premium rates. We don't have to vote on this this evening and I will also throw out I think even if we wanted to amend this evening without the Law Director being here to rewrite it we would be best to wait. Councilman Kovach stated well I think so too because I think there is a lot of – that area; b and c, I think there is a couple more areas that could be added and make this a very well written ordinance and I don't know that it is going to hurt anything. There was a brief discussion on doing further construction on ordinance.

NEW BUSINESS: Mayor Bring advised Mr. Rosso and I had a discussion last night about possibly bringing back dumpsters to the city for the residents. We would have to talk about this in Worksession. I just wanted to bring it up tonight. The problems that we had the last time that we were losing money with the dumpsters so we would have to raise the fees. I was just talking to Mr. Smith about that and the other problem that we have is now the EPA requires us to cover those dumpsters because of the rain going through and they consider that illicit discharge. So there is a couple of different things that we have to look at so we could discuss that in Worksession and see what your thoughts are and if you do want to think about moving forward with that then I could have Mr. Smith start gathering up all the information and finding out how we could proceed with that. Also that gentleman that was here that talked about the parking, I did talk to his Mother about a month and a half ago, she gave me her concerns and I advised that that was no problem and that all she had to do was call. Obviously she was the one that fell ill so I am sure that she didn't relay that message. If anything like that happens throughout the city, we have had several residents call and we do let them park overnight. We had a gentleman that just called the other day, his son came from college for spring break and I just gave the notice to the Police Department and there were no issues. Again she probably fell ill and did not relay the message but I talked to her about a month and a half ago. Councilman Kovach advised maybe something for the web page. Councilman Erdei asked Pride Day this year?

Mayor Bring answered we are having Pride Day, I think Mr. Smith advised that. Councilman Cizl asked regarding the dumpsters, is your main motivation for brush or for anything? The reason I ask is because I think our garbage collection is fantastic. It is wonderful that we have one day a month that you can put anything out there and they take care of it. Mayor Bring answered it is working well, if you look at the amount of garbage that is ending up in the weeds and stuff it has cut it down dramatically from what we use to have. We still have a lot of people throwing their garbage out in the ditches that we cleaned out, we were just talking about that the other day. If you go along Walker Road or South Street and you look in those ditches, there is tons of pop bottles and pop cans – you name it, people just throw their garbage out. But before we had a lot of ripped bags and everything else from the old way of the way we picked up the garbage. These new containers are working much better. We had a brush container out there for what 2 years and the problem with that is that everyone was throwing their garbage in it: carpet, cabinets – you name it. So we had to move that so there is many issues because people were pulling around and just throwing their waste in these containers and not stopping and paying. The girls were very busy in there and now we do have the cameras over there so it will be a little bit easier to control but there are a lot of issues to talk about. Service Director Smith stated contractors for the banks. Mayor Bring reiterated there is a lot to talk about on how you want to do this. We were losing money and it was a nightmare, the one girl that was over there in the Water Department handling that stated it was very stressful. Councilman Cizl stated well my issue is I currently have people ask what do we do with brush and I tell them currently we don't have anything for brush. Service Director Smith answered yes we do, they just have to cut it in 4-foot sections and put it out on the curb. Mayor Bring advised right now we are also discussing because we do have a wood chipper so we are talking about doing some of that too. It depends on what is going to happen here as far as the money. If the money is available then there is a good possibility that we will offer a service. I know that Sheffield Village does it once a month so we may do something like that. We have been talking about that and if come down here and bring the brush down here because we do have a chipper sitting here and we have been chipping that up. Again this has to do with the manpower but we took brush that was a pretty good pile and chipped it up and we got a little pile of chips. Before we were throwing it in the dumpsters and it was kind of a wasted space so chipping is a much better idea and that machine works very well and I had Rob look at that and I think he is going to service that; change the oil and everything in it but it is a good machine and we are not utilizing it the way we could because it is manpower and money.

ORDINANCES AND RESOLUTIONS:

Council#014 – THIRD READING – an ordinance amending section 167.05 of the codified ordinances of Sheffield Lake regarding site plan review and the declaring of an emergency.

*Motion by Stark/Second by Kovach for ADOPTION:

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

Ordinance Passes#17-14

Council#015 – THIRD READING – an ordinance establishing section 931.20 of the codified ordinances of Sheffield Lake regarding waiver of commercial sanitary sewer connection and tap-in fees.

*Motion by Stark/Second by Kovach for ADOPTION:

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

Ordinance Passes#18-14

Council#016 – THIRD READING – an ordinance establishing section 935.23 of the codified ordinances of Sheffield Lake regarding waiver of commercial water connection and tap-in fees.

*Motion by Smith, Kovach, Wtulich, Stark, Cizl, Erdei.

Ordinance Passes#19-14

Council#017 – THIRD READING – an ordinance of the Council of the City of Sheffield Lake amending section 969.06 of the codified ordinances regarding rental rates, and the declaring of an emergency.

*Motion by Cizl/Second by Kovach to TABLE. ROLL CALL TO TABLE: Yeas All – Smith, Wtulich, Stark, Erdei, Cizl, Kovach.

Council#020 – EMERGENCY – an ordinance authorizing the Service Director To advertise for bids and to enter into a contract with the lowest and best bidder for the purchase of premium no lead gasoline, regular no lead gasoline, premium low sulfur diesel fuel, #304 limestone, #57 limestone, #8D limestone, #8W limestone, #1 limestone, and asphalt placement for all or part of the 2013 road sections target list, and the declaring of an emergency.

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

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

*Motion by Stark/Second by Kovach for ADOPTION:

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

Ordinance Passes#20-14

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Smith to adjourn at 7:55 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
Rick Rosso

and/or

COUNCIL PRO TEM
Alan Smith

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 April 8, 2014.

MAYOR
Dennis Bring