

**MINUTES OF CITY COUNCIL
SHEFFIELD LAKE, OHIO
April 22, 2014**

The regular meeting of the City Council was held Tuesday, April 22, 2014. Council President Rosso called the meeting to order at 7:01 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, McCullough, Mayor Bring, Finance Director Smith, Law Director Graves, Treasurer Woods, Service Director Smith

Absent: Stark (excused)

Attending: Concerned Citizens, Fire Lt. Novak, Demolition Board Chairperson Gee, Civic Center Advisory Board; Nicola and Rudik, Members of the Media

READING OF THE MINUTES:

Council – April 8, 2014 - *Motion by Kovach/Second by Smith to accept the minutes of the April 8, 2014 Council meeting with any corrections. Yeas All.

Council Worksession – April 15, 2014 - *Motion by McCullough/Second by Kovach to accept the minutes of the April 15, 2014 Council Worksession meeting with any corrections. Yeas All.

CORRESPONDENCE: None.

PRESENTATIONS: None.

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: None./Safety: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Audit: President Rosso reviewed the minutes of the April 15, 2014 meeting. *Motion by McCullough/Second by Kovach to accept the report. Yeas All./*Council Representative to the Joyce Hanks Community Center: None./Council Representative to the Zoning Board of Appeals:* Representative Kovach reviewed the minutes of the April 16, 2014 meeting. Councilman McCullough requested status on Dollar General case which Law Director Graves gave lengthy review of case and concluded with currently waiting to see if group of residents appeals decision to the 9th district court of appeals./*Council Representative to the Planning Commission:* Representative Erdei advised due to no quorum no meeting was held. Law Director Graves advised I distributed to members that did come the 2 recent ordinances that Council had passed; expanding the multi-use

power to Planning Commission to review an application for a multi-use in any zoning district in the city and also the new legislation providing for the site plan review for any new construction or enlargement of existing construction in the city. Both of which represent a significant increase in the Planning Commission’s responsibilities./**Council Representative to the Park Board:** Member Kovach advised meeting was just held last night and minutes are not complete. He advised we discussed last night we are planning on having 2 movie nights during the summer. We got tentative dates of Friday, June 27th and Friday, August 15th we are going to attempt to have a movie night in one of our parks. We haven’t decided which park yet but we are planning on 2 family type movies – Councilman McCullough has graciously offered his services and equipment to attempt to pull that off. The Board approved that and that is what is set so barring foul weather on those evenings we should be having a family movie night in the community. Mrs. Prokay (one of our residents) attended the meeting last night also and she is in the process of trying to get a group of people together and hopefully put on a family type picnic like we have done in the past, we are hoping to do that early August. Hopefully we will have some more information on that after next month’s meeting. Councilman McCullough stated just put in rain dates for that Sunday of that week in case it rains on that Friday for the movies.

ADMINISTRATIVE REPORTS

MAYORS REPORT: Mayor Bring submitted the following for re-appointments;

Zoning Board:

Diana Jancura - *Motion by McCullough/Second by Kovach to approve the appointment. ROLL CALL FOR APPROVAL: Yeas All – Smith, Wtulich, Erdei, Cizl, Kovach, McCullough.

Ken Tatter - *Motion by McCullough/Second by Kovach to approve the appointment. ROLL CALL FOR APPROVAL: Yeas All – Erdei, Wtulich, Kovach, McCullough, Smith, Cizl.

Planning Commission:

Scott Jancura - *Motion by McCullough/Second by Kovach to approve the appointment. ROLL CALL FOR APPROVAL: Yeas All – McCullough, Wtulich, Kovach, Smith, Cizl, Erdei.

Karl A Guenther - *Motion by McCullough/Second by Kovach to approve the appointment. ROLL CALL FOR APPROVAL: Yeas All – Cizl, Smith, Wtulich, Erdei, McCullough, Kovach.

Karen Wells - *Motion by McCullough/Second by Kovach to approve the appointment. ROLL CALL FOR APPROVAL: Yeas All – Kovach, Smith, Wtulich, McCullough, Cizl, Erdei.

Civil Service Commission:

Ralph Huffman - *Motion by McCullough/Second by Kovach to approve the appointment. ROLL CALL FOR APPROVAL: Yeas All – Erdei, Cizl, McCullough, Wtulich, Smith, Kovach.

Barbara Miller - *Motion by McCullough/Second by Kovach to approve the appointment. ROLL CALL FOR APPROVAL: Yeas All – Smith, Wtulich, McCullough, Erdei, Kovach, Cizl. Law Director Graves advised just want to remind everyone that one member of the Planning Commission and Zoning Board needs to be appointed to both Commissions and we don't presently have that person. So someone currently on Zoning Board needs to also have a Planning Commission appointment or vice versus or a new person but one person is going to have to be on both Boards. Mayor Bring continued just to let everybody know the weather is warming up and the activity of our residents is starting to get a little more – the kids are again out there and I am not picking on the kids in our community but we have got some younger group of juveniles that the other day in the park they took all the trash cans and through them in the water over at the boat launch and threw the garbage all over. In all the parks they did the same thing and we have one gentleman for our parks and he spent the entire day picking up after these kids. We are not going to let a few juveniles and these kids are about 11 and 12 years old ruin it for the rest of our children in our city. So I have informed the Police Chief to be extra vigilant for these kids, they also went behind the Library and did a lot of damage behind the Library – threw a bunch of garbage around there. I just want to let everybody know that I am not going to tolerate that, I talked to our Magistrate today and I informed him of what was going on. So I told him these are juveniles but if we do catch them I am going to have them picking up garbage until the sun doesn't shine anymore. I just want everybody aware of that so if anybody sees anything going on please call our Police Department so we can get these juveniles picked up and have their parents come in and we can get this situation addressed. Councilman Erdei asked isn't that Boat Launch under surveillance? Mayor Bring answered yes. Councilman Erdei asked it just didn't cover them? Mayor Bring answered correct. *Motion by Erdei/Second by Kovach to accept the report. Yeas All./**FINANCE DIRECTOR REPORT:**

None./TREASURER REPORT: None./SERVICE DIRECTORS REPORT: Service Director Smith reported the Boat Launch sand removal is complete and the docks went in today. Jerry spent the day after that cleaning up and blowing everything off and pre-setting cans and sprucing it up. So as of right now the Boat Launch is open for the 2014 season. All the sand has been completely removed and all that is done and we are good to go. This is for a FYI and the only reason that I wanted to bring it up because it does affect us as a city but Community Days will be July 9th through the 13th. We discussed it last night at bit but nobody seems to know what day it is so I wanted to just kind of reaffirm that. The Service

Department will be starting the Bike Trail extension through Ferndale along the ditch side really soon. We have got a few more details to work out and we had a good meeting today with David on the production side. So we feel as soon as we get some final details we will be able to get going on that. So we will be seeing that going down. We did lose a backhoe for a couple of days, we don't know how long it is going to be but I am thinking 3 or 4 days so that is going to slow us down on the ditching and the piping projects – we have 2 of those going on. So in case anyone gets calls that has slowed us down. In the last few days the Sewer Department has been dealing with a forced main break after pump station#1 over on Dillewood and Tennyson. We have got barricades up and we have been limiting traffic through there but because of the depth of those forced main pipes, the excavations have to be extremely large and trench boxes have to be used and it is all stone; stone is around and very deep. So the hole has to be extremely big which goes into the road and it limits the traffic. We have got it finished today and then we will be capping that with asphalt as we move along. I did get some complaints today about Allied Waste and there were several of them about them moving too fast and they are throwing the cans and not getting all the garbage out and the cans are flying down and garbage is blowing down the street and everywhere else. People are getting fed up with it. I called the route manager and just so everyone is aware and I reaffirmed about them slowing down, it is either that or I would hate to see their drivers get a ticket to prove a point. They have got to slow down at what they are doing, they are slamming these cans down but they are not slamming them in the disposal so not all the garbage is coming out and then when they throw them down they roll over and the leftover garbage in the bottom of the can goes everywhere. I found out today the driver is supposed to actually get out and pick the garbage up. So he (Republic Services) made him go back and do that today. We are on them and we will keep on them. There was a very large amount of bulk that was set out in the city this refuse day. I counted on 2 streets 5 couches and I saw more toilets out – it was amazing. I gave Allied a heads up and we did have some residents who are really upset that they weren't there because we had so much that they were actually running really far behind. So that is all it was - a delay because of the amount and they had to send trucks back and get it. As a reminder Pride Day will be May 17th, once again I don't have the final specifics on what we are actually going to take. There are some questions because the Lorain County Recycle Center has put limitations on certain items that they are not going to take from communities. They will take from residents in the county if they drive them out and put them there and tires being one of them. So if we take tires as an example, we have to have the facility and the removal process in place to house and remove – the county will not take them anymore. It is not how it works with them. So there is just a few more things to work out with it and we will get it and

once I know I will make sure everyone is aware of what we will take and I will get with John over there and I am sure he will help us get the word out. There is another thing on Saturday, April 26th from 9 am to 3 pm there is an RX drop-off which is your prescription pills that are outdated or pills you no longer take. We have a collection container in the Police lobby at the Police Station but this is a county wide date and a county wide program that is really good. It gets unused prescription drugs off the street or out of the water system. This program provides proper disposal so I urge everybody that the outdated pills and stuff, you can bring them up here and drop them between 9 am and 3 pm. The last thing is the annual bid, the second ad will be out this Saturday in the Chronicle. We will look forward to after that moving along with it. Councilman Erdei asked have you guys figured out with the electricity and that at the Civic Center – is that going to go or are they going to do that? Service Director Smith answered yes what we are going to do with the electricity at the Civic Center is we have had several meetings with Ohio Edison and also with their production Foreman; Mike Zani and Joe Faga with Pat and myself. We discussed the scheduling because the Center is rented out of course so we have to take that into consideration. We are going to do the saw cut and the excavation and they are going to do the wire repair in the parking lot. We are going to do a pole – they are going to remove the telephone pole and they are also going to remove our flag pole as a courtesy too because that is something that we had scheduled to do. But we are going to go underneath the parking lot and we are going to do a saw cut and go underneath it and get it fixed. We had a little issue with them, at first we were going back and forth and it got into kind of a disagreement and then we started figuring up actual costs; since they were paying for the wire and the change over and all that stuff and all we were doing was the excavation and the cutting which we have the materials all in house pretty much except for the saw. So we jumped at that opportunity and that would be the best thing for us. Once we have a firm date on when that will be, Pat will get back with me and then I will make sure I share with everybody else so we all know what is going on. We want to create as minimal amount of issue with people who rent the Center as possible. Councilman Erdei asked a question with the Shopping Plaza, you guys were talking about possibly a restaurant might be looking into that or did that fizzle out? Service Director Smith answered it is still on-going, everything is a go from what we hear. But we are waiting to hear from her, nothing negative. Councilman Cizl asked I was asked about the café that is going in the Shopping Center, is that going to be where the old bar used to be? Mayor Bring answered yes. Councilman McCullough stated on the waste pick-up, I think the bulk might have been extra this week since there was a lot of people that jumped the gun last week and reminded everybody to get their bulk out. I talked it over with the people that had the problem and they all took it all back and took it all out today. Allied

Waste, it is funny that you say that because as I was driving down Lake Breeze today Len and I was going to make a comment on this – all of the bins were lined up straight down Lake Breeze and they had already been through. I was like this is just weird that they were all like set in a line right on the tree lawns all the way down. So I don't know what the deal was there or what was going on if we have more than one driver. The driver on Lake Breeze, I swear to God those things were all lined up and they were all done. Service Director Smith answered there were 2 trucks on Lake Breeze today, one behind the other. Councilman McCullough stated both the recycles were through because all the can lids were open and the same with the blues. I was just amazed, my God that looks neat. Service Director Smith stated there were some streets where they were all on the ground. Councilman McCullough reiterated I am just letting you know whoever did Lake Breeze, it really looked nice. Also the person that lives at the Roberts end of Memorial Park informed me to please let Jerry know that due to plowing this winter there is some stones in the ditch and that homeowner will have those removed soon. Law Director Graves advised the one thing the Service Director mentioned about the prescription pill drop-off at the Police Department, I just want to underscore that that can be done at any time. You don't have to wait until the prescription drop-off date, that is just a special day to kind of bring it to light but if you have unused prescription medication – you can drop that off at the Police Department at any time; they have special containers and it is very, very important that that not go into the sewer system and also in light of the drug epidemic it is so important that if you have unused prescription medication that you properly dispose of that so that it doesn't fall into the wrong hands. *Motion by Erdei/Second by Kovach to accept the report. Yeas All./**SAFETY DIRECTORS REPORT:** Mayor Bring reported to the Law Director's point, you would be absolutely amazed on how many pills we have in the bottles inside there. We have these containers that are this big and one of them was about that full and I thought that was the only one that was had filled up and then Tony goes oh no, he has a whole bunch of them in the closet and I think he had 6 of them in there that were completely filled up. I was pretty amazed and that doesn't count for the lady that actually brought a garbage bag full of prescription drugs from her husband that passed away. I am not kidding you that garbage bag was absolutely full and they took that whole thing and shipped it out at one time. That program is working very well. We had a gentleman that stopped in there the other day when I was there on a Saturday and he was there for almost a half hour or 45 minutes taking the pills out of the container and filling those things up. Just like Mr. Graves said that keeps it out of the sewer system and out of the cabinets for the addicts, so it is working. He continued we had a fire on Lake Road the one day and the wind blew and we knocked a pole down and the guys were out and blocked off Lake Road. I am sure you saw some of that. At the same location

where that telephone pole blew down, the house right there started on fire so the guys went over there and we had Sheffield Village and Sheffield Lake were both there and put that out. We actually had a resident saw the fire starting and he even took a garden hose out there and started to put that out. If that gentleman had not done that that house would have been up in flames in 15 minutes – it was running up the side of the house pretty rapidly. But our guys did a nice job but unfortunately those people were on vacation so when they come back they are going to have some repairs to do. Parking in the streets, I will bring this up again we are still getting quite a few people parking in the streets at night time/we are giving tickets out and with this past holiday which most people were off Friday, Saturday and Sunday people were coming down to our Police Department and trying to pay for the tickets. We do not want them coming and paying at the Police Station, we are trying to keep a record of these and our Deputy Clerk of Courts is doing that at the office here. It says 24 hours it is \$15.00 but you are not going to get penalized if it is a holiday or a weekend, you can bring it in the next business day as the Clerk of Courts only begins charging when her office is open. The easiest thing is just not to park on the streets from 2 am to 6 am. We had a lady today that basically called the Magistrate a liar that we did not have any signs up and she spent about 20 minutes in the jail. I don't know what these people are thinking. The other thing that I was going to bring up is probably everybody saw that was watching the TV or reading the papers we had a house down there on the west side of town that there was an arrest made and there were chemicals in the house that were basically used for a meth lab. We had the county involved in this, I think there was 3 different agencies and our Police and Fire assisted on this and this kind of situation is very volatile so we have to be very careful and the county did a very good job with this. There was an arrest made and if David wants to elaborate on this I will let him but I am not going to say too much more about that because obviously there is more investigating going on. That investigation was going from I think last August so they finally made an arrest on this. I think everybody saw the picture in the paper with the house; it was a very, very nice house. It doesn't matter what kind of house it is and it doesn't matter what kind of person it is this kind of stuff is going on and everybody has to be vigilant. Just because it is drugs doesn't mean it is some rundown house and it is kids or whoever – this gentleman I believe was 51 years old and very intelligent man but there is a lot of bad people out there right now. Fortunately our Police and Fire did a nice job along with the county. I just want to thank them for what they did and we were very fortunate that nothing else happened in this situation. *Motion by Erdei/Second by Kovach to accept the report. Yeas All./**LAW DIRECTOR**

REPORT: None.

CITIZEN'S COMMENTARY: None.

UNFINISHED BUSINESS: None.

NEW BUSINESS: Councilman McCullough advised I am sure that most people know but our long-time Building Inspector; my Uncle John Trubach – his widow has passed away last week. The memorial service is Saturday at noon at the United Church of Christ at 603 Sunset for those who knew her. President Rosso stated our condolences to you and your family.

ORDINANCES AND RESOLUTIONS:

Council#017 – THIRD READING (amended 4/15/2014) – 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 McCullough/Second by Kovach to UNTABLE. ROLL CALL TO UNTABLE: Yeas All – Smith, Wtulich, Erdei, Cizl, Kovach, McCullough.

*Motion by Kovach/Second by Cizl for ADOPTION:

Councilman McCullough thanked Council for tabling and un-tabling so that I could have my say. I have read the minutes and I have read everything that went on, I totally understand about the amended. The problem that I had with it is still whether the “may” to “shall” charge a refundable deposit and I see that the deposit has now moved from \$200 back to \$100. This ordinance isn’t wrote for the specific Manager that is there, this ordinance was wrote for any Manager that come on anywhere. Also we stand up before every single Council meeting and we pledge allegiance and one of things in there is injustice for all and injustice for all means everybody gets the same thing. So it is either all or nothing, either people get charged the security deposit or they don’t. It is not an arbitrary thing, it shouldn’t be an arbitrary thing when it comes to matters of the city – it should be a yes or a no and it should be the same for everybody and they should all be held the same accountable. It is the same if you park on the street between 2 and 6 you are going to get a ticket, not you may get a ticket but you will get a ticket. That is my piece and I understand that you guys went through everything, I appreciate it and appreciate you un-tabling it but that was my whole concern when this went through Ordinance we didn’t go through this thing as who is running it now. We went through this thing as it was something that would stand the test of time and the only thing we would have to do is deal with rates every 3 or 4 years.

ROLL CALL FOR ADOPTION: Yeas – Kovach, Cizl, Smith, Wtulich, Erdei/Nays – McCullough.

Ordinance Passes#21- 14

Council#021 – EMERGENCY – an ordinance approving the recodification, editing and inclusion of certain ordinances as parts of the various component codes of the codified ordinances of Sheffield Lake, Ohio and the declaring of an emergency.

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

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

*Motion by McCullough/Second by Kovach for ADOPTION:

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

Ordinance Passes#22-14

COUNCIL PRESIDENT: President Rosso advised I will pose a question to the Board; our last Council meeting in May is the day after Memorial Day which city hall is closed due to the holiday. Mayor’s Court has already changed Court to the previous Tuesday May 20th for those people who will out of town due to holiday on the 26th. I would put to this Board would we like to dispose our of regularly scheduled Finance and Worksession scheduled for the 20th and handle all of that business under a Council meeting and therefore cancel the Council meeting which would be on the 27th. After a brief discussion, the last Council meeting in May will be the 20th due to the Memorial Day holiday.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Erdei to adjourn at 7:50 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 22, 2014.

MAYOR
Dennis Bring