

**MINUTES OF CITY COUNCIL
SHEFFIELD LAKE, OHIO
October 28, 2014**

The regular meeting of the City Council was held Tuesday, October 28, 2014. Council President Rick 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, Wtulich, Cizl, Stark, McCullough, Mayor Bring, Finance Director Smith, Law Director Graves, Fire Chief Card

Absent: Service Director Smith, Treasurer Woods (excused)

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

READING OF THE MINUTES:

Council – October 14, 2014 - *Motion by McCullough/Second by Kovach to accept the minutes of the October 14, 2014 Council meeting with any noted corrections. Yeas All.

Council Worksession – October 21, 2014 - *Motion by McCullough/Second by Erdei to accept the minutes of the October 21, 2014 Council Worksession meeting with any noted corrections. Yeas All.

CORRESPONDENCE: None.

PRESENTATIONS: None.

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: None./Safety: None./Buildings, Lands, Vehicles & Equipment: Chairman McCullough noted no report but to cancel the November’s Buildings & Lands meeting./*Ordinance:* Chairman Kovach noted no report but to cancel November’s Ordinance meeting./*Finance & Audit:* Chairperson Stark reviewed the minutes of the October 21, 2014 meeting. *Motion by Erdei/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 October 15, 2014 meeting./*Council Representative to the Planning Commission: None./Council Representative to the Park Board:* Member Kovach reviewed the

minutes of the October 20, 2014 meeting.

ADMINISTRATIVE REPORTS

MAYORS REPORT: Mayor Bring reported the Fire Station roof has been completed if you would like to take a look at that. I think the guys did a real nice job and it was very much needed. I didn't even realize that we had buckets inside to catch the water and I was unaware of that. So we don't have to worry about that anymore. We had some complaints about a month ago and we have had some other people call about the old Abbe Road Lumber Company over there. We did a follow-up with that and sent the Building Inspector over there and I also sent the Fire Department over there. So Fire Chief Card and I actually met with the owner just recently and I gave you an outline of what he is going to do in the next couple of years but immediately he has got 3 dumpsters ordered and is going to clean it up and get it looking at least presentable and then as you see on the sheet what he is going to do for 2015, 2016 and 2017. They are going to make that a training center and tear down some of the buildings and enhance that property. So I just want to let you know that we did follow-up on that and we are giving that guy an opportunity to do what he says. Then Tim had one of our Firemen go over there the other day and just go over a few things. So he did make us promises. Also Thursday night we will be celebrating Halloween and technically Halloween is on Friday but the Mayors all changed that and it looks it worked out pretty good because Friday is not supposed to be a very nice night so hopefully we will see it a nice night. *Motion by Cizl/Second by Cizl to accept the report. Yeas

All./**FINANCE DIRECTOR REPORT:** Finance Director Smith advised today I have 2 pieces of legislation before you; the appropriations that I presented at the Finance meeting last week. As well as the 2014 series note renewal for the Shoreway Shopping Center. We will be paying down the principal and renewing 3,045,000.00 on that note for this year to roll over to next year. *Motion by

Kovach/Second by McCullough to accept the report. Yeas All./**TREASURER REPORT:** report was attached and copy available through Council./**SERVICE**

DIRECTORS REPORT: Mayor Bring reported we are just continuing on projects and still having meetings about the meters and find out who is going to be the best for that. Then we also sent Pat Hastings to meet with the Engineer the other day about the Civic Center parking lot. The Engineer is concerned about some parts of it and he wants to make sure that when it is done that it doesn't fail. So Pat has had actually 2 meetings with him and I think he had another one today as a matter of fact. But I didn't get a chance to talk to him about how that went. The guys are just continuing doing the maintenance. *Motion by Kovach/Second by Cizl to accept the report. Yeas All./**SAFETY DIRECTORS REPORT:** Mayor Bring advised Fire Chief Card is here today so I am going to turn it over to him a little bit

to talk about what has been going on with the Ebola and stuff like that. He has attended a lot of meetings and buying equipment and other things so I am going to let him talk about that. Fire Chief Card advised back in September when this all started with the gentleman coming over here from Africa and then dying and the nurses getting Ebola. One of my Lieutenant's is looking into getting us the proper PPE. So he looked into it and at the time they said that tie-back suits with the 1095 mask/goggles/gloves were good. About the time the nurse showed up here they changed that recommendation to tie-back suits that are poly coated and the seams are all sealed so we sent all the other ones back and now we have to reorder our suits. We do have some suits that we are able to use if we happen to have an issue. So we have those on order and these are being purchased with the EMS grant that we get annually. I am getting extra suits so we will have suits to do training with on an annual basis or bi-annual. So it is very important that we know how to put them on and then taking them off is where we are most at risk of being infected. So that is what we will be working on. Mayor Bring advised again I think we are all in agreement that if something does happen here that the Fire Department is going to handle to a certain point and then we will probably end up calling the CDC or whatever happens. We are just being prepared and I think that every community is kind of in the same boat. Councilman Kovach asked on the suits, is there like an expiration or shelf life on those? Fire Chief Card answered yes there are, we do have some that are either at their expiration and those are the ones that we have right now. We have checked them and all of the seams are good and there is no cracks in them but those aren't the ones that we need to depend on once we get our new ones. So we use these for training. Once we do get them in if you guys are interested in seeing them, I could have one of my guys come over here at a meeting and show you what they are. *Motion by Kovach/Second by Cizl to accept the report. Yeas All./**LAW DIRECTOR REPORT:** Law Director Graves advised on Council#053 for your consideration, this is a proving settlement that has been negotiated for the unpaid pro rata share of the real estate taxes that were required to be paid from Apples under their lease agreement. When it came to our attention that they had not been paying that, we entered into discussions and they are prepared to make a lump sum payment by the end of this month in the amount of \$70,000.00 and we recommend that you consider approving that. Councilman McCullough asked where is the other \$22,632.82 coming from? Law Director Graves answered this is a settlement of that amount so we would be accepting a payment of \$70,000 as the full and final settlement. Councilman McCullough asked so that is our money, so in other words it is not a loss of \$22,000.00 – it is just that we are accepting? Law Director Graves stated we pay real estate taxes on the shopping center but under their lease agreement they are required to pay a pro rata share based on the total leasable square footage and that amount has been

unpaid for a number of years. But we have been in negotiations with them and they have discussed a payment plan of some sort over a number of months and the alternative that we have tossed around is a lump sum amount. They are prepared to pay a lump sums of \$70,000.00 by the end of this month as a full and final settlement of this obligation. We recommend you approving that. Councilman McCullough stated you are not answering my question though, is this a paper loss of \$22,000.00 or is this coming out of the operating fund for Shoreway because they owe \$92,000.00. We have already paid that right? Law Director Graves answered we pay the taxes in the shopping center, not every tenant is even required to contribute to taxes. It is not a statutory requirement, you understand this is something that is negotiated as part of the lease agreement. Councilman McCullough stated that is what I am saying – this is a paper loss, this is not a monetary loss – it is not coming out of any fund? In other words if they paid the \$92,000.00 we would just be \$22,000.00 further ahead? Law Director Graves answered right we have already paid the taxes. Councilman McCullough stated that is what I am asking, we are not moving \$22,000.00 into the account? Finance Director Smith answered no. Law Director Graves advised it is a reimbursement. Councilman McCullough stated I understand but as I am looking at it here it looks like it is \$22,000.00 short, I just want to make sure that it is paper not real. President Rosso stated we paid \$92,000.00 but we are only getting \$70,000.00 back. The city absorbed the \$22,000.00 loss. Does that answer your question? Councilman McCullough stated that answers the question. Law Director Graves advised I think it is important to understand that the city doesn't pay real property taxes on public municipal buildings because the shopping center is a for-profit entity we have to pay real property taxes on that for the whole center and some of the tenants contribute to that and some don't under their lease agreements. *Motion by Kovach/Second by Erdei to accept the report. Yeas All.

CITIZEN'S COMMENTARY: None.

UNFINISHED BUSINESS: Councilman McCullough stated just want to bring up again the Charter Review, I am now up to 5. So if anybody else wants to ask somebody. President Rosso asked have you forwarded those names? Councilman McCullough answered I will get all those names to Kay and all the phone numbers and everything. I have talked to them all and confirmed them all.

NEW BUSINESS: None.

ORDINANCES AND RESOLUTIONS:

Council#052 – EMERGENCY – an ordinance providing for the establishment and increase and decrease of certain funds within the annual appropriations ordinance of the City of Sheffield Lake, Ohio and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Erdei for ADOPTION:

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

Ordinance Passes#53-14

Council#053 – EMERGENCY – an ordinance authorizing the Mayor to enter into a settlement agreement with Cascade Management Services, Inc. and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Erdei for ADOPTION:

Councilman McCullough stated correction of “balances presently due and owning”; should be balances presently due and owing”. Also he stated this is a one time shot right? There is a plan in place that they are going to keep these current from here moving forward? Law Director Graves answered yes.

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

Ordinance Passes#54-14

Council#054 – EMERGENCY – an ordinance authorizing the issuance of not to exceed \$3,125,000 of notes in anticipation of the issuance of bonds for the purpose of paying the costs of purchasing the Shoreway Shopping Center (The “Site”), cleaning up and the remediation of the site, and providing for and enabling the environmentally safe and productive redevelopment and reuse of the site, retiring notes previously issued for such purposes; and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Cizl for ADOPTION:

Councilman McCullough asked is our balance actually going down? Finance Director Smith reiterated I mentioned that earlier, yes - we are paying \$80,000.00 off of this at this point. We are renewing as of next week \$3,045,000.00.

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

Ordinance Passes#55-14

COUNCIL PRESIDENT:

St. Thomas Church is having a spaghetti dinner on November 8th from 6 to 10 and tickets are available at the door for \$8. Senior Citizens are \$7.50.

Public Hearing for 2015 Budget is scheduled for November 25, 2014 at 6:45 pm prior to Council in Sheffield Lake Council Chambers.

Law Director Graves advised I did have the opportunity last week to tour the new High School and I would encourage everyone if you have a chance to do so. It is very, very impressive and something we can all be very, very proud of. President Rosso advised it is this Friday also from 4 to 7.

Councilperson Stark advised voting is next Tuesday and if you are in ward 1 or 2 you go to the Community Center and 3 or 4 you go to VFW. There was another change in the law which states now they will be open on Sunday and Monday for voting at the Board of Elections.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Erdei to adjourn at 7:29 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 October 28, 2014.

MAYOR

Dennis Bring