

**MINUTES OF CITY COUNCIL
SHEFFIELD LAKE, OHIO
October 8, 2013**

The regular meeting of the City Council was held Tuesday, October 8, 2013. Council President Rosso called the meeting to order at 7:05 pm.

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

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

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

Absent: Councilman Smith, Service Director Smith, Treasurer Woods (excused)

Attending: Concerned Citizens, Demolition Board: Gee, Fire Fighters; Chief Card, Lt. Langin, Lt Novak, 2 Brookside Government Students, Members of the Media: Avon Lake Press

READING OF THE MINUTES:

Council – September 24, 2013 - *Motion by Elliott/Second by Erdei to accept the minutes of the September 24, 2013 Council meeting. Yeas All.

Special Council – October 2, 2013 - *Motion by Elliott/Second by Stark to accept the minutes of the October 2, 2013 Council meeting. Yeas All.

CORRESPONDENCE: None.

PRESENTATIONS:

Mayor Bring presented Fire Fighter Andy D. Monda Jr. with a proclamation for his service to the City of Sheffield Lake since 1982 as he embarks upon his retirement.

Mayor Bring submitted Mr. Terry Rilley for the Zoning Board of Appeals for the City of Sheffield Lake. Mr. Rilley gave his background – he advised I have done most things from shipping to graphic arts to administration to Air Force Veteran to secretary to custodian. I had to take off work several years ago to care for an ill family member and since then I have been unable to find employment so I have some time. Councilman Erdei asked how long have you been a resident of Sheffield Lake? Mr. Rilley answered we moved here in 1991. *Motion by McCullough/Second by Kovach to approve the Mayor’s appointment of Terry Rilley to the Zoning Board of Appeals. Yeas All – Kovach, Elliott, Stark, McCullough, Cizl, Erdei.

Mayor Bring swore in Mr. Terry Rilley as member of the Zoning Board of Appeals.

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: Chairman Elliott advised for 249 Erieview Blvd in the amount of \$341.04 was denied by the Board. *Motion by Kovach/Second by McCullough to approve the sewer credit in the amount of \$591.09 for 4651 Lake Road. ROLL CALL FOR APPROVAL: Yeas All – Kovach, Elliott, Stark, McCullough, Cizl, Erdei. *Motion by Elliott/Second by McCullough to approve the sewer credit in the amount of \$49.30 for 861 Hollywood. ROLL CALL FOR APPROVAL: Yeas All – Erdei, Elliott, McCullough, Cizl, Kovach, Stark. *Motion by Elliott/Second by McCullough to approve the sewer credit in the amount of \$226.00 for 4675 Edgewater Drive. ROLL CALL FOR APPROVAL: Yeas All – Stark, Kovach, Elliott, McCullough, Erdei, Cizl. Chairman Elliott advised we had unpaid water bills list for the amount of \$4627.42 and that was forwarded to the county./**Safety:** Chairperson Stark reviewed the minutes of the October 2, 2013. *Motion by Elliott/Second by Kovach to accept the report. Yeas All. Chairperson Stark advised I wanted to thank both Chief Campo and Chief Card and their departments for coming to the town hall and being able to answer questions./**Buildings, Lands, Vehicles & Equipment:** Chairman Kovach reviewed the minutes of the October 3, 2013 meeting. *Motion by Elliott/Second by Erdei to accept the report. Yeas All./**Ordinance: None./Finance & Audit: None./Council Representative to the Joyce Hanks Community Center:** President Rosso advised last month I spoke to Mr. McCullough and Mr. Cizl and Mr. Cizl is now going to be our representative. Mr. McCullough advised the next meeting is November 18, 2013./**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 the last internet café that we had in the city did close the other day due to the fact that they did not get the required amount of signatures to contest that so both internet cafes that we had in the city are now down. That money was being used for our safety forces and that is how we acquired our one ambulance that we got. The money that we have in there we are going to be careful with but that is all we are going to get. I too would like to thank WOW for coming in, they went over there and they had about 12 to 15 workers and they did a real nice job. Again when you get a company like that helping out, they called us we didn't call them and obviously it is for advertising but it is nice for them to show an appreciation to our city. They thanked me for the residents and how well everything went. They have had a good response and so far it has been pretty good. When you start dwelling holes under the ground and putting up lines and everything else, you do have complaints here and there but there were very few. I would like to thank them for coming in and they continue to put service up. Councilman Cizl asked the internet café, is that the one at Shoreway Shopping Center – the old Pizza Hut? Mayor Bring answered right, Coconuts. Councilman Cizl asked WOW, has there been any discussion about a city tv channel? Mayor Bring answered when they were here I did discuss

that with them and he is supposed to send a representative down here. We continue to stay with the service we have for telephones. We got a great rate but we are still going to look at bringing that in so that we can put the city Council meetings back on TV. He assured me that he would help us out so I am going to take his word for it but Tammy and I have been very busy with a lot of things and she told me that I had to shut my mouth for a couple weeks. We just don't have enough time every day and that was just one more thing to look at but I did mention it to him but I would say in the next 2 weeks we are going to have some type of a meeting and bring him here and at least go over that. We have to give her a chance to relax a little bit. *Motion by Stark/Second by Elliott to accept the report. Yeas All./**FINANCE DIRECTORS REPORT:** Finance Director Smith advised under added to the agenda there are 2 things from my little square in the woods. The reissuance of our note for the Shoreway Shopping Center, we do this annually. There is nothing different but we need to pass it now because it has to be posted for 15 days before we entertain any bids on the rates which Kay will post tomorrow and we will be compliance. The other one is also an annual thing, it is from the county and it is the resolution accepting our tax rates which haven't changed. It is something that the county has as a requirement by the state and we have to pass it and then return it to them. *Motion by Stark/Second by Elliott to accept the report. Yeas All./**TREASURER REPORT: None./SERVICE DIRECTORS REPORT:** Mayor Bring stated like I started last night we are continuing to do the hydrant flushing throughout the city. They are doing maintenance on the sewers so that we are going to be proactive on that, we are going to start at the end of the city and work all the way through and camera some of the sewers to make sure that if we have any blockage we are going to make sure that we open those up before we starting getting more rain. So that is going on and we are actually getting prepared for winter believe it or not, we have got the 2 big trucks ready to go. We have got repairs to do on one of the other trucks and it is substantial so right now we are going to have the 2 big orange trucks and the white 1-ton for plowing snow. We are going to have to make sure that we get through this for a while because the other big truck that we have is probably going to be several thousand dollars at least. Believe it or not we have already put \$40,000.00 into that truck. Next year we will be looking at somehow either replacing that with not a new truck because those are very expensive but somehow picking up another used one that is decent because I can't see putting any more money into that truck. We will get through this winter but you know the repairs are worthy of keeping it on the road. Again like I said we are cleaning the ditches and trying to get everything ready so the guys have been very very busy and they are doing a good job. Councilman McCullough stated this is going to be a rough one to answer, half the city has been on Monday with the garbage cans and half the city has been on Tuesday and it is always the third pickup of the month and the third pickup of the month is Tuesday so it should be the major trash day is Tuesday right – the 15th? You may have some problems out of the west end we were used to. Mayor Bring stated that is a very good point and this first month is going to be bad because

not everybody is going to be informed and we are going to get a ton of phone calls on it. This was not anything that the city did this was what Allied Waste had asked us. I believe they purchased a few more trucks so they are going to do the whole city in one day which in turn it helps them out. I think after a period of time it will be fine with us but I agree it is going to be interesting we already made a mistake on the last pickup because we put the wrong date down and we had several people put stuff out and didn't get picked up again. I probably will have the girls call them and make sure that they are aware of that and they may have to come back and do some pickup.

President Rosso stated has that happened in the past that has had to have happened in the past. I always thought it was the week of the third Monday – it is the week of the third pickup? Mayor Bring stated they just did a bulk pickup. Finance Director Smith stated no, no, no maybe you are not aware that they changed our day. President Rosso answered I understand that they changed to Tuesday and Kerry brought up a very interesting point that I never caught but I always thought it was the third full week of the month – not the third Tuesday in this case so it would have been the following week is what I thought it was supposed to be. Finance Director Smith advised it would of if we still had Monday delivery. President Rosso asked but they would have picked up Tuesday the week before? Councilman McCullough answered no they are in their Tuesday. President Rosso stated I understand they are on their third Tuesday but I thought it read it was the week with the third Monday that they pick. Mayor Bring advised I will have Lisa call tomorrow and if nothing else we will put it on the bill. *Motion by Stark/Second by Elliott to accept the report. Yeas All./**SAFETY**

DIRECTORS REPORT: Mayor Bring reported we are down a car from an accident and then last night we had a car that the engine blew in so now we are down to 3 car's with an unmarked white car. I feel like Barney Fife with one bullet running around the city. Needless to say we are going to have to get one of these cars fixed. We have one sitting out there with a bad transmission that is \$2000.00 and this new engine is probably going to be \$5000.00 so we are going to have to weigh the options here. We are probably going to go with a transmission on this one for right now until we figure out what is going to happen and it is probably going to be several weeks before we get the other car back. It is at the repair shop and I believe we paid the money for that. We called our insurance because they were delaying it, we just needed to get it over there. We had to pay our deductible to get that thing moving but it is going to be a couple of weeks at least before we get that back. Councilman McCullough stated can we take the transmission out of the one and put it in the other one? Mayor Bring answered no it is the wrong year. Besides that those transmissions are a real pain in the butt because otherwise I would have had our mechanic do it and we need a transmission lift and everything else – they are very heavy and you have to take the frame off to get to the transmission and it is just not an easy situation. It is 2 different models unfortunately and even the old ones that we had would not have fit. This is just one of those cars that is in between. Councilman McCullough stated the other thing that I said to you the other night to thank our Fire Department for the help that Brian

and Joe and Wes gave me on Saturday when I had a little problem with an invalid in my home and somebody put him on a couch that we couldn't get him off of. I would like to thank them publicly for their help, that shift is on tonight. I don't people realize how much our Fire Fighters and Paramedics and Police actually do, they not only protect but they also serve. Police don't just write tickets and the Firemen don't just sit around and watch TV all day. Mayor Bring stated we have had some people calling about tickets lately, saying that we are ticketing more than we were before. If you really look at it we really haven't been and then I got emails from people saying that we are not doing enough ticketing so it is a catch 22 here. The people that have called, a couple of their vehicles were not in compliance for 4 years in the State of Ohio because they didn't have a front license plate and they think we should give them a warning on that. Our Police are out there just to do their job, we are not trying to pick on anybody, we are not trying to make tons of money off of this – we are just trying to get these people to comply with the law and that is all we are trying to do. If you come to court, it is not like that court is overwhelmed – we are doing the same amount as we were before. I think that the Police are doing a very good job. Councilman Erdei asked did that fire truck, did that go in for the inspection and everything/did that pass? Mayor Bring answered I don't believe they have shipped that out yet. Councilperson Stark stated originally we had talked at Safety about the gentleman that hit our cruiser and we had just said didn't want to wait to get it fixed. Are we still working something out with that? Mayor Bring answered yes their insurance has contacted us it is just that they were dragging their feet and are insurance company will go after them but we had to get the deductible out but it is not like you can rent a car for a police car. So we had to get that thing in there so they will go after them and we will get our money back but in the meanwhile the car is getting fixed and that gentleman did have insurance and everything should be covered. *Motion by Stark/Second by Elliott to accept the report. Yeas All./**LAW DIRECTOR REPORT:** Law Director Graves reported reviewed the Demolition Board minutes of September 30, 2013. He reviewed proposed legislation. He advised while our zoning code does not provide for a mixed use development district section 167.03 does allow for a procedure whereby the Planning Commission can approve a combined use of structures for both business and residential. As it presently reads it would allow for a process whereby the Planning Commission as a recommending body and then ultimately Council could approve combined residential uses in a business district. If it was zoned business they could approve business and residential or industrial. What this proposed legislation does is expand that to any lot in the city whether it is zoned business or residential for the combined use of business and residential. So if it was zoned residential or business they could come in and say we want to do a mixed use there Planning Commission reviews it, they vote and that goes onto City Council and then City Council reviews the plan and they approve. If Planning Commission votes to deny it then Council could override the decision of Planning Commission by a 2/3 vote. If the Planning Commission gives their recommendation, there is no guidelines

on how long Planning Commission can review but the process is pretty straight forward and does not require a public hearing but they would have to present their plan. So we hope that Council would consider adding it to agenda and passing it tonight and also ask that Council consider suspending the rules and passing it by emergency. If so we could have a developer make a presentation to Planning Commission this month if Planning Commission chose to reinstitute their previously canceled meeting. There was a brief discussion on the mixed use legislation. President Rosso asked you mentioned that Council could override a Planning Commission denial, what happens if Planning Commission never votes – they just never take a vote. Does Council have any authority or action they could do? Law Director Graves answered the way the legislation currently reads it doesn't address that. President Rosso stated so passing this tonight does not mean that we can't come back and amend it, maybe down the road we might want to adjust that. Law Director Graves answered absolutely.

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

CITIZEN'S COMMENTARY:

Terry Riley, 778 Lakewood Beach asked on the mixed use area this would allow someone to take any residential area and with a variance put a 2-story building like Crocker Park on it or is it limited to specific residential/business areas. Law Director Graves answered I would caution using the word variance as it has a very specific meaning, variance is something that you would request when you are asking to deviate from the code and requires a demonstration of practical difficulties as a burden of proof you would have to meet. This would not be a variance. Basically this is a process that already exists in the code for business districts but this would expand it to residential as well where a developer could come in and present a plan in any residential area to the Planning Commission for them to review and once they make their recommendation for Council to review whether or not to approve it. Mr. Riley asked would it not be more prudent to have specific districts set aside for zoning for this specific purpose? Law Director Graves answered if Council wants to create a multi-use district they are more than welcome to do that and that process would take about 5 or 6 months. Mr. Riley asked on Council#047 the parking problem over on West, may I make a recommendation to table that after the next election? President Rosso answered that has nothing to do with that, this is just you can't park your car in your front yard which is illegal now. There was a brief discussion on parking in the city. Law Director Graves advised there is a proposed overnight parking ban that is still in discussion and will be discussed at the next Worksession.

Gene Fox, President of Northcoast Community Woodshop advised we have been working since January of this year to form a wood shop. Myself and 6 other Board members; it has taken quite a long time to organize, get bylaws and our intention is to become a 501C3 non-profit based on education. We want to try to keep alive the spirit or woodworking in the community. He advised fee to join would be the membership is \$250.00 a year for Sheffield Lake residents we will provide a \$50.00 discount to that fee and there will be training provided. Also opening times are undetermined

at this time until we see how it is going to take off. Also I have a few gentlemen that handle wood supply and they have agreed to consignment at this time for anyone's needs. There was a brief discussion among Council with Mr. Fox.

UNFINISHED BUSINESS: None.

NEW BUSINESS: *Motion by McCullough/Second by Elliott to amend the agenda to include Council numbers 043, 044, 045, 046, 047 and 048. ROLL CALL TO AMENDA THE AGENDA: Yeas All – Kovach, Elliott, Stark, McCullough, Cizl, Erdei.

ORDINANCES AND RESOLUTIONS:

Council#043 – EMERGENCY - a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor and the declaring of an emergency.

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

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

*Motion by Stark/Second by Elliott for ADOPTION:

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

Resolution Passes#42-13

Council#044 – EMERGENCY – an ordinance authorizing the issuance of not to exceed \$3,195,000 of notes in anticipation of the issuance of bonds for the purpose 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 declaring of an emergency.

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

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

*Motion by Stark/Second by Elliott for ADOPTION:

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

Ordinance Passes#43-13

Council#045 – EMERGENCY – a resolution authorizing the Mayor to enter into a lease agreement with Steve Simpson and Kenneth Keenan for the rental of 4210(B) Ivanhoe Ave. located in the Shoreway Shopping Center and the declaring of an emergency.

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

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

*Motion by Stark/Second by Kovach for ADOPTION:

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

Resolution Passes#42-13

Council#046 – EMERGENCY – a resolution authorizing the Mayor to enter into a lease agreement with North Coast Community Woodshop, LLC (NCCW) for the rental of 4214 Ivanhoe Ave. located in the Shoreway Shopping Center and the declaring of an emergency.

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

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

*Motion by Stark/Second by Elliott for ADOPTION:

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

Resolution Passes#45-13

Council#047 – EMERGENCY – an ordinance amending section 351.21 of the codified ordinances of Sheffield Lake regarding recreational vehicles in residential districts and the declaring of an emergency.

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

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

*Motion by Stark/Second by Elliott for ADOPTION:

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

Ordinance Pass#46-13

Council#048 – EMERGENCY – an ordinance amending section 167.03 of the codified ordinances of Sheffield Lake regarding approval for combined use of structures and the declaring of an emergency.

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

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

*Motion by Stark/Second by Elliott for ADOPTION:

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

Ordinance Passes#47-13

PRESIDENT OF COUNCIL: President Rosso advises with Councilman Smith being out for an undetermined amount of time he will stay on his committees but I would ask that Mr. Erdei serve on Building & Lands and Ordinance since they fall back to back, Mr. Kovach chair Ordinance Committee until Mr. Smith can return, Mr. McCullough chair Buildings & Lands and Mr. Cizl be our representative for the Joyce Hanks Community Center. With Mr. Elliott leaving the first of the year I will be reviewing all the committees and will probably make adjustments at that time.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Stark to adjourn at 7:51 PM. Yeas All.

CLERK OF COUNCIL AFFIRMATION: This Meeting Of The City Council Of The City Of Sheffield Lake, Ohio Was Held And Conducted Under All Rules And Regulations Governing The Sunshine Laws Of The State Of Ohio As They May Apply. All meetings are recorded and available in council offices.

CLERK OF COUNCIL/COMMITTEES

Kay Fantauzzi

COUNCILPRESIDENT

Rick Rosso

and/or

COUNCIL PRO TEM

Eric S Elliott

I, Kay Fantauzzi, duly appointed Clerk of Council of Sheffield Lake DO HEREBY CERTIFY that this is a true and exact copy of the Minutes of COUNCIL of October 8, 2013.

MAYOR

Dennis Bring