

**MINUTES OF CITY COUNCIL
SHEFFIELD LAKE, OHIO
May 26, 2015**

The regular meeting of the City Council was held Tuesday, May 26, 2015. Council President Rick Rosso called the meeting to order at 7:03 pm.

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

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

- Present: Rosso, Mayor Bring, McCullough, Cizl, Kovach, Wtulich, Smith, Erdei, Law Director Graves, Finance Director Smith, Fire Chief Card
- Absent: Stark (excused)
- Attending: Concerned Citizens, Fire Lt., Davis, Fire Fighter Timothy L Hollingshead Jr and family, Service Dept. Tom Kepic & Willy Trowbridge, Park Board Prokay, Charter Review Guenther, Dock’s Tavern Paul Morrow, Members of the Media

READING OF THE MINUTES:

Council – May 12, 2015 - *Motion by Kovach/Second by Cizl to accept the minutes of the May 12, 2015 Council meeting. Yeas All.

Council Worksession – May 19, 2015 - *Motion by Kovach/Second by Erdei to accept the minutes of the May 19, 2015 Worksession meeting. Yeas All.

CORRESPONDENCE: *None.*

PRESENTATIONS: President Rosso submitted the name of Karl Guenther for Charter Review Commission. *Motion by McCullough/Second by Kovach to approve President Rosso’s nomination of Karl Guenther for Charter Review Commission. Yeas All.

Mayor Bring swore in Karl Guenther for service on the Charter Review Commission.

Mayor Bring submitted Timothy L Hollingshead Jr for the position of Firefighter/Paramedic for the City of Sheffield Fire Department. After was a brief question and answer session; *Motion by McCullough/Second by Kovach to approve the hire of Timothy L Hollingshead Jr as Firefighter/Paramedic for City of Sheffield Fire Department. Yeas All.

Mayor Bring swore in Timothy L Hollingshead Jr for the City of Sheffield Lake Fire Department.

CITY COUNCIL REPORTS

Council May 26, 2015

Roads, Drains, Water, Sewer and Refuse: None./Buildings, Lands, Vehicles & Equipment: None./Ordinance: None./Finance & Audit: None./Council

Representative to the Joyce Hanks Community Center: Representative Cizl reviewed the report of the May 18, 2015 meeting as provided by Superintendent Hastings. Councilman McCullough stated the Ohio Department of Health and Department of Agriculture do their quarterly inspections. I am in roughly 40 to 50 kitchens every day, very clean kitchens that never come through with no violations – there is always something. This has been quite a while, it seems like every report at least in the last 4 years that I know of that they have had no violations. That is something to be said about whosoever keeping that kitchen clean. It is nice that it is that clean and we never have a problem so I would like to get that on record. That whosoever doing that, Meals on Wheels or whosoever using it does a great job cleaning it./**Council Representative to the Zoning Board of Appeals:**

None./Council Representative to the Planning Commission: Representative Erdei reviewed the minutes of the May 21, 2015 meeting./**Council Representative to the Park Board:** Member Kovach reviewed the minutes of the May 18, 2015 meeting.

ADMINISTRATIVE REPORTS

MAYOR/SAFETY/SERVICE REPORTS: Mayor Bring advised we had a very, very successful Pride Day. We had over 50 volunteers and I have said this in committee meetings but I do appreciate everybody that helped on that. That is probably the most participation we have had in a number of years. Everybody that participated worked very hard at the Boat Launch and some of the parks we had and also back at the Service Department. It was nice to see a lot of stuff get cleaned up; the mulching, weeding and everything else that those people did and cleaning up the beach – it was very, very appreciated and that are not quitting with just Pride Day they are continuing on. We do have the movie coming and that is going to start next Monday, they are going to be using the Boat Launch and they are going to have equipment parked out front of the boat launch. They called us today to ask about where they could eat and use some of the facilities so it is kind of a win-win for the city because we obviously suggested our local diner and a few other things. So they are going to be eating there and staying here so they are going to be here for about 4 days. So it should be interesting and hopefully we have got good weather. Hopefully it will be very favorable for our community and we get a good comment on that. So I would hope that everybody that sees them would stay out of their way but also observes and see how they actually make a movie and see what goes on. It is just exciting to see. We did get our roads bid out and that is done so we are looking at when we are going to start with that and finalizing the road list. When that gets finalized I will bring it to everybody and give you the list of what roads are going to be done. There are probably going to be a few people that are going to be disappointed with some of the roads that we had to leave out for this year. This is ongoing and we are going to continue this process so whatever

Council May 26, 2015

we don't get done this year we are going to try to get done in the following year. We are going to continue this process, it seems to be working very good but the unfortunate part is this last 2 winters have been very unfavorable for our roads. We seem to get caught up a little bit and then we get knocked down a little bit and we are going to do the best job we can as far as getting the worst roads repaired this year. The guys have been out cleaning the ditches and some of the other things are being done. They have been working very hard and again we are still short manpower but they are doing the best possible job that they can. Mr. Smith has given out about 150 to 160 letters for general purpose cleaning for people. If you go around town I would venture to say that a lot of those people have started cleaning up and doing what he has asked which has made a huge impact. He is now giving letters out for the mowing. We did I think 13 different parcels as far as us mowing them and we will be charging those people on their taxes - \$250.00 every time we do that. Then we get charged \$75.00 but we are passing that along by what Mr. Smith does and then by the time that gentleman goes out and does the job and they we have to do the paperwork so we charge \$250.00 and we will recoup some of that money. Also the Police Department has given out over 175 junk vehicles citations to comply and just about all of those have come into compliance. There is still more out there. The only disappointing thing that we have going on is that the participation in the non-parking on the streets at night. We are still giving out tickets on that and people are paying for that but I find it hard to believe we have still got a lot of repeat customers on that and it is costing them \$15.00 a night to park on the street because that was instituted November 26, 2013. You would think by now that everybody would know about it but apparently they haven't. That is the only thing that has been disappointing but overall the streets look a little bit better and everything else. I just wanted to bring the fact that people have been asking about the garbage and some of the other stuff that hasn't been picked up along the streets. We are going to be looking at that too. Also the dead trees – Mr. Smith has been sending out letters about dead trees for safety and a few other things that he has been doing too. Councilman Cizl advised I have 3 that I think you may have mentioned, is Ohio Edison coming around in Sheffield Lake. I remember hearing something a while ago that Ohio Edison is going to be trimming the trees again. President Rosso advised my wife and my neighbor were talking yesterday and we both got stickers on the door and I think they are coming next week. Councilman Cizl continued I was asked about the brush on Lakewood Beach, it has been sitting there for a couple of years. That parcel where the old railroad/the old trolley car was – it has been sitting there and I don't know if anybody owns it or where it came from. Mayor Bring advised I will have to drive by because I don't know anything about it. Councilman Cizl stated someone asked who owns that fire engine, they thought the city did. Male stated that is Williams and he is the one that put all that brush there. Mayor Bring advised we will have Mr. Smith send him a letter about it. Councilman Erdei asked Dennis did you

Council May 26, 2015

check into that property at 916 East Drive? Mayor Bring answered yes I did and I think that was one of the ones that we were going to mow. Mr. Smith was out there today checking to make sure that that was taken care of so I am 90% sure that was but I know that we did look at that. Councilman Erdei stated I have been bugging our Building Inspector for about 5 months. Mayor Bring advised yes I got your message about it but that was the other Building Inspector and like I said with what Len is doing – he had already had that on his list. Councilman McCullough stated isn't 916 next to 920 and wasn't 920 tore down? Is it sitting to a vacant lot? Councilman Erdei answered no there is 2 nice houses on each side of that one. I couldn't even pull into the driveway, animals were running out all over. *Motion by Erdei/Second by Cizl to accept the report. Yeas All./**FINANCE DIRECTOR REPORT:** Finance Director Smith advised all I have before you tonight is the reissuance of our annual notes. We issued \$648,000.00 last year and we are paying down \$98,000 of that and reissuing \$550,000 this year. They combine these two just so you know; one is equipment and one is capital improvement. *Motion by Kovach/Second by Cizl to accept the report. Yeas All./**TREASURER REPORT: None.**/**LAW DIRECTOR REPORT:** Law Director Graves reviewed legislation on the agenda. Councilman Kovach asked does this contract give them exclusivity, by that I mean they may have changed their hours of operation or enhanced them but if there is a need for an emergency or permit to be issued will we still have the ability to have our part-time Building Inspector who is still licensed in this city to operate and/or if need be the Building Official that we had in our employ issue something in the absence of availability of the SAFEbuilt people. Law Director Graves answered we would no longer be paying for any building department personnel. SAFEbuilt will provide all of the personnel to satisfy the state requirements for Chief Building Official, Building Inspector, Plans Examiner, Plumbing Inspector, etc., and back-ups to all those positions. So those people will be available for anything of that nature. I can't imagine this being the case but if there was a real emergency where no one else was available we do have an employee who still be employed with the city who is licensed. So the city employee would still have her license and in the event of an emergency would be able to perform that service. Councilman McCullough stated I am sorry and I have read all the minutes but I am trying to get everything cleared up in my head. I am just going to say Wendy because that is the Building Official that has the license, if Wendy puts out a license for whatever reason – we pay SAFEbuilt on that license? The fees that she collects for putting out that license – SAFEbuilt gets paid on those fees? Law Director Graves answered no, no, no they would be paid a percentage of what they collect and again I think that the odds of her having to do that are extraordinarily remote because what SAFEbuilt has said is that they have lots of people at their disposal to satisfy the needs of Sheffield Lake and if they need more they are going to hire more. So there will be plenty of people, back-ups and whatever we need to handle the needs of Sheffield Lake. Councilman

Council May 26, 2015

McCullough stated the Building Official has office hours of at least 1 hour a day, their technician is 4 hours and then they recommend cross training at least 1 of your administrative staff on permit tech duties and Meritage Permitting System. So we as a city, somebody comes in at 1 o'clock and this person works 8 to noon – we have somebody that we have trained that now has to go down and fill out all their information. Law Director Graves advised I think you have to think about in terms of modernization and you don't need to physically be here. They are going to be here for whatever services we need whenever we need them. Councilman McCullough stated well that is my concern, you said the main word – service. Law Director Graves stated people can call them, people can email and this can all be done without being here. Councilman McCullough stated but we have nothing to offer but service and a lake and parks. That is what we have to offer. President Rosso stated what the gentleman said 2 weeks ago at Council was that if they weren't here and a need came up for someone to be here, all we do is call their cell phone and in worst case they are at Bay Village and they are coming over. So will it be in the next 5 minutes, it could be 20 minutes or an hour or whatever by the time they get here but they are a phone call away – is what he said 2 weeks ago. Councilman McCullough stated I know what I read in the minutes and I know what I am reading for what we are agreeing to. Who determines the 60 day out, can Council as a Whole go to the Mayor and say hey we don't feel this is working? Law Director Graves advised you can make a request or you can pass a law. The Mayor enters into the contract and so the Mayor would be the one to terminate the contract but you could pass a law revoking that authority. I am not sure of what you are asking. Councilman McCullough stated that is kind of what I am asking is if we as a Council of the Whole, say for some reason they start sticking to this 1 hour which they said they won't. They start sticking to that and we have residents calling everybody's phone saying hey I can't put a pool in, I can't put up a deck, I can't build a fence, I can't do this or I can't do that or I can't roof my house. Law Director Graves stated I can't answer these questions, all I can say is that they have assured the city that they will be here whenever we need – it is in their best interest to provide these services. They are going to do these inspections within a 24 hour turn around. President Rosso stated we pass this tonight so now we got a 2 year contract, 6 months from now Council decides on its own that we want to exit that contract. Does Council have the right to vote and pass an ordinance or resolution that notifies them we are leaving that contract or does it have to come from the Mayor to initiate it. Can Council initiate the exit and if you don't know then you don't know? Law Director Graves stated Council can always pass an ordinance basically taking away this authority. You provided the authority to enter into this and you can revoke that. Councilman McCullough stated let me tell you why my concerns are and I am going to go back and I realize it is not you, it wasn't this administration but back in 2007 we purchased a shopping center and we had a group come that said they were going to be at every single Council meeting. We

Council May 26, 2015

were going to know tooth and nail everything going on. Once Council and I wasn't on Council passed that resolution/ordinance whatever it was to enter into the agreement with those people they put up a sign and I never seen them back in this Council Chamber. I guess my concern is I don't want to see that happen again. These people I think are a little bit more stable then what was entered into 8 years ago but I still don't want to see that. Law Director Graves advised they only get paid by doing their job and it has been very successful in Bay Village, it has been very successful in Olmsted Falls. It is not the same thing as the example you are giving. Councilman Cizl stated they have been in our community for a month and a half and I know that is not a long time, how has it been going? Mayor Bring answered actually the gentleman has been doing an excellent job. I think actually everybody is starting to get more comfortable with them, he has got a very good demeanor and he really knows what he is looking at and the process is working well. I will make a comment that Kerry just said that whether Council would want to get rid of them and I would tell you flat out that Council wouldn't have to get rid of them because I would do it long before you guys would have to. We are going to keep an eye on them just like anything else I have done around here. I go over there every day and I keep an eye on what is going on here. So my expectations is very high for this and what we had over there was not working. I think the citizens in Sheffield Lake were not getting what they were paying for with the Building Inspector that we had. I think with this we can only try it and if it doesn't work then I will be the first one to say I was wrong and I will be the first one to remove them from our city and we will try something different but I just know the process we had in place was not working. They have been doing a very good job and Wendy has put a lot of time in there with them trying to get them on board and the last week or so it has been going very smooth without her interjecting. Anytime you come into a city there is always a lot of questions and it takes somebody to help them. I am hoping that we are pretty much beyond that point right now that they are moving forward. They don't have their clerk in place right now and when they the clerk in place that will make a bigger difference there too. Councilman McCullough stated this is going to be the flip side of that, what happens if they're not making the money that they thought they were going to make. Mayor Bring advised they also have the right to get out of the contract. Councilman McCullough stated do you have a plan just in case? Mayor Bring advised right now I do not because I want to see how this is going to go. I would have to understand that they are not going to come in here for 20 days and decide that they are not making any money because right now he has already made the comment that this city is a lot busier than he ever dreamed of. He has made that comment to the company and he has made that comment to his boss and they have both been down here stating that they may end up with more people here. There is a lot going on in this city that people don't know about as far as a lot of little permits here and there, are we building houses or apartments – no but we do have a lot going on. To answer your

Council May 26, 2015

questions they have the right to give us notice to but I just don't anticipate that happening any time soon. Councilman McCullough stated I am just concerned when it is January, February or March when there is really nothing going on. Mayor Bring answered they are aware of that. *Motion by Erdei/Second by Cizl to accept the report. Yeas All.

CITIZEN'S COMMENTARY:

Lisa Prokay, 765 Lafayette Blvd. stated donations coming from Apples, Giant Eagle and Brownie's right now. So the next couple of weeks I should get my hands on some of those donations. The only thing that I would like to put out there knowing that we are not going to have a pavilion by that point I am trying to get a party tent because we need shade, we absolutely need to shade – that is going to be a problem. Mayor Bring advised we have one. Mrs. Prokay stated then it is all good and things are moving along pretty well. I am trying to look into having a radio station maybe come out and broadcast from the event. That is just something that I am going to check into to see. I am not playing on doing the DJ this year, I just figure on keeping with the mode with the picnic in the park. People can either bring their own boom boxes or I will have one there unless we get the radio station in which that would be awesome. It is Saturday, June 20th from 1 to 6 pm. Also the Fire Department has agreed to have some trucks out there, trying to get them to open up a hydrant and I don't know if they can do that.

John Edwards, Avon Lake Press stated there should be in tomorrow's Press the online addresses to go and vote for Bark for you Park contest.

UNFINISHED BUSINESS: Councilman Kovach stated to continue on with the earlier reports on what was going on at the Civic Center in regards to Queens Pageant, the actual pageant is going to be June 11th and it is going to be at the Sugar Creek and there is a 12 o'clock luncheon and the Queen of the Court will be crowned at that luncheon. If anybody wants to get tickets to that you can give Anite Cory a call at 440-989-2635 and leave a message./**NEW BUSINESS: None.**

ORDINANCES AND RESOLUTIONS:

Council#023 – EMERGENCY – an ordinance authorizing the issuance of one hundred ninety-six thousand dollars (\$196,000) of notes in anticipation of the issuance of bonds for the purpose of making permanent public improvements to various city facilities consisting of repairing and replacing roofs, resurfacing parking lots and repairing, and remodeling various city buildings, retiring notes previously issued for such purposes, and declaring an emergency.

*Motion by Kovach/Second by Smith for SUSPENSION OF RULES.

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

*Motion by Kovach/Second by Erdei for ADOPTION:

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

Ordinance Passes#23-15

Council May 26, 2015

Council#024 – EMERGENCY – an ordinance authorizing the issuance of three hundred fifty-four thousand dollars (\$354,000) of notes in anticipation of the issuance of bonds for the purpose of purchasing, acquiring, replacing or updating vehicles and equipment for various city departments, retiring notes previously issued for such purposes and declaring an emergency.

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

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

*Motion by Kovach/Second by Erdei for ADOPTION:

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

Ordinance Passes#24-15

Council#025 – EMERGENCY – an ordinance authorizing the Mayor to enter into a Professional Services agreement with SAFEbuilt Ohio LLC for the provision of Building Department Services and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Cizl for ADOPTION:

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

Ordinance Passes#25-15

Council#026 – EMERGENCY – an ordinance of the Council of the City of Sheffield Lake amending ordinance 27-11 regarding the rate of pay for part-time Dispatchers in the City of Sheffield Lake’s Police Department for the period of November 13, 2013 through December 31, 2014 and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Smith for ADOPTION:

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

Ordinance Passes#26-15

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Erdei to adjourn at 8 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.

Council May 26, 2015

CLERK OF COUNCIL/COMMITTEES

Kay Fantauzzi

COUNCIL PRESIDENT

Rick Rosso

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 May 26, 2015.

MAYOR

Dennis Bring