

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
September 15, 2015**

The regular meeting of the City Council Worksession was held Tuesday, September 15, 2015. Council President Rick Rosso called the meeting to order at 7 PM.

ROLL CALL OF MEMBERS:

Present: Rosso, Smith, Kovach, Cizl, Stark, Erdei, Wtulich, Mayor Bring,
Finance Director Smith, Superintendent Hastings

Absent: McCullough, Treasurer Zaborski (excused)

Attending: Concerned Citizens, Demo Board Chair Gee, Members of the Media

PRESENTATIONS: None.

*****COMMITTEES*****

**ROADS & DRAINS: None./SAFETY: None./BUILDINGS, LANDS,
VEHICLES & EQUIPMENT: None./ORDINANCE: None./FINANCE:**

None./PARK BOARD: Mrs. Gee reported on updates for Memorial Park – we have the portable toilets have been donated for the event. We have picked up the fence that is being delivered tomorrow morning.

*****ADMINISTRATIVE*****

MAYOR: Mayor Bring advised we had a very successful open house with the Fire Department, we had I am going to guess probably 50 kids come to that. Everybody had a really good time, we had a couple of comments by some of the parents that said this was a great idea and they really appreciate it. Then we had the helicopter land and I think they stayed for almost an hour and the kids were very interested in that and they asked a lot of questions. I told the one kid to ask how much it was and the pilot told him 8 million dollars and I thought the kid was going to pass out. But the group that came were very nice and the kids just absolutely had a great time. We have for Council next week, we are going to have a part-time Officer that I would like to have you guys approve. We are going to try to get one more to kind of fill up the time that we have open; vacation and sick leaves. We have two more going out on sick leave. So this is what we are going to fill those positions with. Then we had a gentleman that approached us a while ago about doing a Barber Shop in Shoreway and he has come back and made a proposal with us and we will take a look at that and have David take a look at that. We are probably going to come to you maybe next Tuesday with that. Hopefully all that works out and it would be very minimal to get him started over there and get some things going.

Basically it is running some water lines and a couple of little things but they are all plastic water lines and drains and some other stuff. I don't what else he had asked for but I think it is very minimal. If you look at Walker Road we are continuing doing the ditching over there and then Pat went over today to do leveling off with the bulldozer to make that look a little bit better. I know Mr. Rosso had questioned about the Water Department with the phones not being answered and some other stuff. We did have a day where the phones were completely out and the girls just showed me their reports of all the incoming calls and they just got those. Just so everybody knows that people were calling and they are very upset that nobody was getting a call back but it was basically because the phones were out. They have been very busy over there, we just had the water bills go out and they have been very busy over there. The parking lot in the Civic Center should be pretty much a go here in another 3 weeks or so at best and then the water meters; the equipment for the water meters were ordered so they probably are going to start in 2 weeks. So things are starting to progress. We sold 2 pieces of equipment. Superintendent Hastings advised everything sold on all that equipment. Mayor Bring continued so that is good news, we got rid of all that stuff. We ordered another Police car so that is taken care of. I know that Rosa and Joe have been doing a lot of work on this Memorial Park, this should be a very good thing and I would like for as many people to attend that October 11th. There is going to be a lot of people there and it does mean a lot to the city. I would hope that you guys show up and everybody get together and we can do this together and represent the city. I think it is way overdue and I think that the people that fought for this country and lost their lives for us and I think it is very important, not just for this city but for the whole country especially in light of what is going on right now. I would appreciate everybody kind of keeping an eye on that. President Rosso asked you already ordered the police car? Mayor Bring answered we told them that we were going to order one. We didn't do anything, until you guys okay it. We have until September 29th and it will be the next reading. Councilperson Stark asked do we have a firm date that this will be taken care of at the Community Center since we have an election coming up? Mayor Bring answered no. Superintendent Hastings advised we are doing repairs to the drains currently and I will contact them when we are done. Although I did get the asphalt submittals today which is pretty close to the start date. Mayor Bring advised I think they told us late September or October at the latest, we have plenty of time. We really don't want it to go into November because of the weather and that is kind of why we didn't do it last year. President Rosso stated I would like to mention those street lights look nice. Mayor Bring advised yes we took the lights down over at the Service Department put them at the Civic Center and changed it to LED lighting. The on the corner over there on Harris Road was changed over to LED lighting and we did put lighting in that new

pavilion at Guenther Park and we do have an outlet now for electricity at the Memorial Park too. President Rosso reiterated those lights look really nice at the end corners of the center. Mayor Bring advised we have people that have called and commented on them and stated it was really neat and they thought we bought them and I said no. Then they said are they antique lights and I told them I don't know. President Rosso stated whoever idea it was it was a great idea and thank you./**SERVICE:** Councilman Erdei asked have you heard anything on that grant? Superintendent Hastings answered unfortunately it was denied because as part of the intervention you have to list people that are injured or susceptible to injury. As a result I listed 2 employees; 1 of which had carpel tunnel surgery that was not related to her work but still had it and I still said this is an identified risk and the other one was a slip/fall injury that we had which was claimed and they claimed was not claimed. So because of their interpretation of the grant it was denied for those reasons and I have had everybody who interviewed me and did onsite inspections call me quite surprised. I am appealing it to the Superintendent of the BWC/Division of Safety and Hygiene. The only caveat is that you are not technically allowed to order anything until you receive the grant money but because I am appealing after the fact the city has to move forward. That said we still would have the ability if they review it favorably to order the equipment in phases. I am still slightly hopeful but I was very disappointed in how they interpreted the grant. Mayor Bring added she actually called him and said you did not report the one item and he said I most certainly did it is on page 4 in bold letters and she said oh 5 of us looked at it and missed it. Superintendent Hastings stated they surprisingly didn't have the claim or claim number for a slip/fall injury and I came to city hall and Tammy produced it in 2 minutes. He continued the meter program for whatever it is worth was put on the moratorium list by the BWC and once they get enough data on different interventions they prohibit you from applying for them and I had started that way back in June and they put it on the moratorium so they gave me the right to still submit it. I just find it strangely coincidental. But I am still appealing it, that is our right and the Mayor has given me permission to do so./**FINANCE DIRECTOR:** **None.**/**LAW DIRECTOR:** Law Director Graves advised I do want to talk to Council about a couple of items tonight. The first item that I wanted to touch on, I just wanted to clear up an issue that was brought forth at the last meeting regarding the Ohio law for fencing on above ground pools. I know this in committee and Council is free to go in whatever direction they choose but just so everyone is clear there were some assertions made about what the state code requires. I just want to say that under the 2013 residential code of Ohio which is the most recent version, above ground pools with a 48-inch or greater height do not require any pool enclosure whatsoever or any above ground pool with fencing on top of the pool that has an

accumulative of 48 inches in height does not require any additional fencing whatsoever. So long as it has ladders that can be removed and/or locked to render the pool inaccessible to young children. So the assertion that was made that the Ohio code requires yard fencing around above ground pools is simply not the case. That being said this city is free to pass a more restrictive ordinances then what the State code requires but I just wanted to make sure everyone was aware of what the State code actually was. Our current ordinance is actually more strict then State code. Councilman Kovach stated he had made mention of a spring load switch that was necessary? President Rosso stated I think he was talking about the latch on the gate had to be so high, if you had a regular fence. Law Director Graves stated I believe he is talking about the yard fence for an in-ground pool. He continued the other issues that I wanted to talk about is I have been approached by 2 separate individuals who wished to refinance their mortgage and who currently have a CHIP lien on their property because they received Community Housing Improvement funds from the city. The way these mortgages work, they are all structured as 10 year 80% declining payoff loans so whatever the initial balance is. So it can get modified but you take that initial balance and then that declines 80% over 10 years or 8% per year and then at the end of that the 20% remaining is just on there until the house sells. We stand in second place to the first mortgage however if they refinance we would then move up to first priority. Well the lending institutions do not want to sit second priority to the city so whenever wants to do a refinance they ask the city to subordinate our lien and agree to just remain second place behind the lender/first mortgage. We have guidelines for the CHIP program for approving subordinations and there is a number of different factors to consider. The primary one is that the total of all mortgages cannot exceed 95% of the auditor's valuation of the property. One of these actually initially came in higher and they have reconfigured it so that now it comes in under the 95%. Both of them, the city's lien will drop again when we reach the anniversary in the next month or two. So the total mortgages will even be less because our payoff as I said keeps going down until it reaches the 20%. So if Council is okay with this I can prepare legislation to agree to subordinate our liens so that they can refinance the property. I will point out that in regard to one of them it was actually refinanced once before and we did subordinate once before and now they want to refinance again so they are asking us just to subordinate a second time. President Rosso stated to subordinate that just puts a second on the list so it is not like we are actually losing money or costing us any money. You run potential if they default on the loan. Law Director Graves advised the concern is if the house goes into foreclosure and winds up being sold at Sheriff's sale, those typically sell for very little money and then there wouldn't be enough proceeds to pay off us as a second lien holder. President Rosso asked what is the values, do you know? Law Director Graves advised the

property located at 413 Maple and they are proposing a refinance of \$40,700.00 and our existing payoff is \$11,518.00 taking total mortgage on the property to \$52,218.00. The auditor's valuation on this property is \$55,490.00 so 95% of that is \$52,715.00 so they are at \$52,218.00. Our payoff will drop from \$11,518.00 to \$9,746.00 on October 29th of this year. So in a month and a half we are going to go down \$1500.00 on that. He continued the property located at 865 Lakewood Beach they are proposing a new refinance of \$72,400.00 and our current payoff is \$12,618.00 and that takes the total combined mortgages to \$85,218.00. The auditor's valuation on this is \$91,460.00 95% being \$86,887.00 so we would at \$85,200.00 95% would be \$86,800.00. On September 24th our payoff drops from \$12,800.00 to \$10,800.00. It goes down \$2000.00 and that takes us again even farther under the 95%. This is the one that was refinanced. Councilman Kovach asked how long ago did they do that, I remember doing this once before. Law Director Graves answered 2008 we entered into the subordination agreement. They are trying to refinance and get a better interest rate and just asking us to stand second chair. Councilperson Stark stated I don't know about anybody else but I got a letter saying they are going to drop my property value another 20% so much more money is that going to effect that number because you are saying the auditor's is valuing. Well, at the first of the year of all property values are going down again. Mayor Bring stated not all of them. Law Director Graves stated that would be a consideration, we can't speculate on where the tax value might go. We can go on what it is right now and if you feel that it is too close, that if the value drops we would be too close that is a consideration whether you agree to subordinate. Again our payoff would continue to decline for several years. President Rosso stated say we for right now say we deny it they are just going to stay with the mortgage they have now which they probably can't afford and you have a better chance of them foreclosing on that then letting them reduce their payments and stay in it. The last thing we need is anymore vacant homes but I don't see where it really hurts us. Councilman Kovach advised the second one where they have already been subordinated they have been paying regularly I would assume for the last 8 years. Finance Director Smith advised or they wouldn't have a chance at this loan. Councilman Wtulich stated that \$12,000.00 that the city is owed, where did that money come from. Did the city loan it or is it property taxes? Law Director Graves explained this is part of the CHIP grant; Community Housing Improvement Program that we have received in the past. Then we have an outside administrator that administers that and right now we actually are participating with Lorain County and they are administering CHIP program. Qualifying individuals receive money for home improvements and then a lien is placed on their house, they get a mortgage for that amount. So these are people that receive money from the city through the CHIP program for home

improvements and then they get a 10 year 80% declining mortgage which is funded by the federal government. Finance Director Smith advised we don't fund that, it was given to us to give to them and that is why we are involved at this point. I will prepare that legislation for next week to approve both of these.

/COMMUNICATIONS: None./OLD BUSINESS: President Rosso advised the building department fees have been on Worksession and I am not sure that you are really even discussing it at Ordinance or waiting for some direction. Councilman Kovach stated it came back up and we referred it back here one more time to get everybody's input as to whether they are favorable to these particular fees/increases, this proposal that the Building Inspector brought to us. President Rosso asked which is right exactly where I was going, do we want to do anything with these or not? Councilman Wtulich stated my feeling is we wait a year and let them come back to us after a year. President Rosso stated there is one on here though that I would ask to point out, the re-occupancy inspection. Currently it is \$27.50 and I think they're recommendation is to go to \$40.00. When Mr. Wiblin was here he was charging people \$40.00 and then we have since refunded the \$12.50. We might want to look at the re-occupancy permit to get it in line. That is the only one in my opinion that has any merit to really look at right now but again I am just informing everybody. Councilman Smith stated this is stuff that usually comes up before you sign a contract and once you sign the contract you don't just say oh well not happy I really want to come back for a raise. To me that is what it is because we are basically giving them a raise. That is something you discuss after your 2 year contract is up, if that is the money that they are collecting then they need to do their job with. Councilperson Stark advised I would agree I would say let's revisit the re-occupancy and get that one done for now and the rest we can revisit in a month or two or whatever. Councilman Erdei stated myself, I was kind of for it except for the commercial part but I would rather wait too a little bit and see how things go with this company at least a year before we move on it. President Rosso stated I am just saying should we ask Steve to really do more research in Ordinance. Councilman Kovach stated you could send it back and I could leave it on the agenda for a year, it's not going anywhere. Kind of looking the same way that you do if it really doesn't have a chance of passing at this time. President Rosso stated right why waste the time, the only thing I would consider is the re-occupancy permit. Mayor Bring stated I do agree with you guys, Mr. Vogel has been transferred to Berea because he has the commercial license. We have a new gentleman named Jeff Fillar and he worked for the City of Lakewood for a number of years and he was a contractor and I talked to him today and actually know him from when I worked at Abbe Road. Just so you guys know, Mr. Vogel is not our Building Inspector and not saying that he won't fill in but Jeff is going to be our guy right now. Councilman Kovach stated meet him tomorrow night I

presume. Clerk Fantauzzi advised the Law Director will be here for Zoning. Councilman Cizl stated we hired that company and within 30 days they wanted to raise the rates already and I just thought it was premature. President Rosso stated I am not arguing it I just don't want Steve to spend a lot of time. Councilman Kovach stated I will leave it on the agenda and we will revisit it in a year unless somebody else decides to bring it up quicker. President Rosso stated we already discussed the pool issue, I am going to let Ordinance go back and see if they wanted to make it any stricter than it already is. Councilman Kovach stated we can review it one more time. Law Director Graves confirmed he would be at the next Ordinance meeting. **NEW BUSINESS: None.**

ORDINANCES AND RESOLUTIONS: Councils Agenda –

Council#050 – SECOND READING – an ordinance authorizing the Mayor to enter into an agreement with Statewide Ford Lincoln for the purchase of one Police Department vehicle and the declaring of an emergency.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Erdei to adjourn at 7:35 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

MAYOR
Dennis Bring

COUNCIL PRESIDENT
Richard 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 WORKSESSION of September 15, 2015.

and/or

COUNCIL PRO TEM
Alan Smith