

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
October 20, 2015**

The regular meeting of the City Council Worksession was held Tuesday, October 20, 2015. Council President Rick Rosso called the meeting to order at 7:11 PM.

ROLL CALL OF MEMBERS:

Present: Rosso, Smith, Kovach, Cizl, Erdei, McCullough, Wtulich, Mayor Bring, Law Director Graves
Absent: Stark, Finance Director Smith, Treasurer Zaborski, Superintendent Hastings (excused)
Attending: Concerned Citizens, Members of the Media; The Press

PRESENTATIONS: None.

*******COMMITTEES*******

ROADS & DRAINS: None./SAFETY: None./BUILDINGS, LANDS, VEHICLES & EQUIPMENT: Chairman McCullough advised some things that were mentioned that the Mayor promised that we would get because we were promised that the parking lot would be resurfaced soon. If you notice that this one is started and also they are grinding at the Community Center too to get that done while the weather is nice./**ORDINANCE:** Chairman Kovach advised at the last Ordinance meeting we had several discussions on potential rewrites on some of the ordinances we have already. 1) Tampering with water meters and/or opening of vaults, 2) Vehicles parked on commercial properties and 3) Rewrite Ordinance#85-92 regarding street lighting – expand use for illuminated traffic control devices. Those again were brought here so we could discuss as a Council of the Whole and to get some views on those. **1) *Tampering with water meters and/or opening of vaults;*** President Rosso advised we have nothing on this but I read somewhere about the jest of this is increasing the penalties. Chairman Kovach concurred penalties for anybody opening them. Councilman McCullough added penalties and also to include the cost of the new water meter because if somebody tries to change those from house to house they can destroy them and with the new water meters they should never have to open the vault. President Rosso stated so the proposed change is an increase in the penalty, I believe I read in the minutes - \$1500.00 and I did not notice in there and also the cost of the meter. Councilman McCullough stated well I think the \$1500.00 was Dennis and we decided what the meter would cost to be replaced? Mayor Bring answered yes because the meter is almost

\$300.00. Councilman McCullough stated then you have to reprogram the system. President Rosso stated so you are saying that if I had a problem with my meter and they had to come out and replace it, it would cost the city \$1500.00? Mayor Bring answered no but it is plug in/plug out, you have to take it apart and do that stuff but by the time you make the call and do all the other stuff you have to put some kind of a penalty on that to make it worthwhile so that is why we figured it that way. President Rosso stated if you are just doing it I can understand. Mayor Bring stated would it cost that much, probably not but like I said you got 2 guys that are going to come out and you got to make the calls so you are going to have several hundred dollars. You are probably going to have close to \$500 to \$600.00 minimum. President Rosso stated would it be an automatic if someone got caught opening the vault that we would replace a meter or would we be able to check it out and make sure it is working okay. Mayor Bring answered no we can check it out because everything is computerized. President Rosso stated so we wouldn't necessarily have to replace it but if deemed to be replaced they would incur the cost. Councilman McCullough stated I think the whole idea is to keep them out of it correct? Mayor Bring concurred yes you need something in place that deters them from going into there. President Rosso stated so it is \$1500.00 whether we replace the meter or not and no additional charges if we have to replace the meter. Mayor Bring stated if someone has a good explanation obviously we can be lenient on this. President Rosso stated I am just trying to understand the cost so it is not \$1500.00 plus the cost of the meter? Councilman McCullough stated no. President Rosso understood so it is \$1500.00 if you get caught and if you have to replace the meter it will be taken out of the \$1500.00. Councilman Erdei stated on the opening of the vaults, that sending unit that is sitting on top of that cover. Now we wouldn't we know right away if that cover were removed, that would send out a signal? Mayor Bring stated that was part of what the program and that is what they said yes you can tell if it is tampered with. You are also going to have a Police report and the whole nine yards, there would have to be a report made. President Rosso asked do you know what the current fine is for opening a vault? Councilman McCullough stated that is the problem, I think it was \$100.00. Mayor Bring advised it was next to nothing. Councilman Smith stated how many people have we fine in the last year? Mayor Bring answered we have actually had 2 or 3 people that I think we actually caught and we took them to court. They came into Mayor's Court and paid a fine. Councilman Smith stated you say you will be able to tell whether that meter has been tampered with, whether it has actually came off? Councilman Kovach advised I don't think it would pick that up, I think what it picks up is like the meter has been turned off for whatever reason and then when they turn the water on. Once that water would be turned on I think that is when it would pick it up because of the water movement. President Rosso stated so if I just

took the lid off it wouldn't? Councilman McCullough stated I thought it picks up the lid coming off. Mayor Bring advised it has got wires on the lid because it is a sending unit. Law Director Graves stated I was just able to take a look at this under 541.021 tampering with utilities, it already is a 1st degree misdemeanor which carries a maximum of a \$1000.00 and up to 6 months in jail plus the cost of repair and replacement of meters, conduits, attachments, etc. So whoever violates section (a) is guilty of tampering with utility equipment a misdemeanor of the 1st degree or theft of utility services also a misdemeanor of the 1st degree. Councilman Kovach asked isn't that written up to \$1000.00 whereas, I think we are just going with this as a \$1500.00 flat fee. Councilman McCullough stated didn't we have a lengthy discussion that you had to change the type of crime it was too on this, from a misdemeanor to a 1st degree? Law Director Graves answered I think it is already a 1st degree misdemeanor. Councilman McCullough stated that is as high as you can go is \$1000.00? Law Director Graves advised you could say it carries a higher fine and then it would just be an unclassified misdemeanor. Councilman Smith stated instead of up to just the maximum fine of \$1000.00 plus repair. Councilman McCullough stated but that is if they do damage right? Councilman Smith stated that is up to \$1000.00. Councilman McCullough stated tampering is opening the fault. Then it is on the books. Councilman Cizl state I assume all buildings are going to have meters; public and business – not just residential right because I think the EPA wanted something like that. Didn't we have a situation at the Shopping Center within the last year or two, someone opening up something was it just a manhole? I remember something happening. Mayor Bring stated that was during Community Days. President Rosso stated they were using the sanitary sewer for disposal. Councilman Kovach stated that is different because first off that was a sanitary and they weren't allowed to use that and there was a complaint from one of the residents that saw them doing it and they said that they saw it. Law Director Graves stated they weren't using a pipe, they were just letting it fall in. Councilman Cizl stated I was just wondering if this ordinance was anything to that? President Rosso answered yes it is different than that. What they were doing was fine, the resident just didn't like it. Councilman Smith stated tampering; is that everybody or are there exceptions? Mayor Bring asked what do you mean? Councilman Smith stated say I got water blowing into my house and I got no valve and I called the plumber, can the plumber go out there and shut the water off or is he going to get fined a \$1000.00. Mayor Bring answered technically he is fined because we have had that situation several times where they go out there and do it and they don't contact our people. Councilman Smith stated what if it is 8 o'clock at night? Mayor Bring answered they call the Police Department because we have had that and then we have gone out there and have actually seen guys doing this. We have told them what are you doing and Pat was actually out in regular clothes

and in his own vehicle and caught a couple of people. Councilman Smith stated don't you think that would be the prudent thing to do is shut the water off immediately. Councilman McCullough stated yes but just call the Police Department and say hey I shut the water off. Mayor Bring stated you got to have a tool to get down in that pit to turn that thing off so that is the whole thing and if they go in there and screw something up. Councilman Smith stated I don't know that is why I was asking. Mayor Bring stated because if he goes in there and breaks something then he is going to walk away. Councilman Smith stated I didn't know that is why I was asking because those are certain situations that I was wondering. President Rosso stated wouldn't this be the scenario David, I open my pit, the water is running – I am a plumber and it is the weekend and I go in and do it however the city fines me. Basically I am just cited into Mayors Court right, I am not guilty just because I got cited so then at that time I tell my story and if you say well that makes perfect sense and we checked it out and that is legit then he is probably not going to have to pay. Law Director Graves stated you would have to give an accused their due process and you have to give them an opportunity to be heard in court and offer an defense. President Rosso stated he might say okay, you still shouldn't have done it it is going to be \$200.00 versus \$1000.00 or whatever. Councilman Smith added I tried to shut my main valve off but it didn't work and the plumber ran out there and shut it off real quick. President Rosso stated well if he did something wrong and messed something up then it is like on him. Councilman Smith stated so then there is room for common sense through the court system. Mayor Bring stated I think we always have to do that, you can't just randomly fining people just because. Councilman Smith stated I know how particular this incident is and I have known a few people and in fact a couple of them have been plumbers that the sprinkler system is on the outside and the house is blue from winter to thing and couldn't get a hold of anyone so he just flipped over and turned the water off so he could cap it off and then turned it back on. That is why I was curious because that was a situation where I know it happens. Mayor Bring stated we had a contractor this year when there was a brand new house and the masons wanted the water over there so the guy went out there and put a thing on it. But again the one guy says well I will just take the rap for it, well no we want to know who did it but ultimately ended up fining that guy. Councilman Smith stated I was just thinking under emergency situations like that, so there is a way through the courts and common sense should be prevail. Councilman McCullough stated well the common sense too is I think the whole idea especially with these new meters is to keep people out of them but now plumbers need to at least call the Police Department and say this is joe-schmo plumbing and I was in 123 Main Street and I had to shut it off and I turned it back on. Mayor Bring stated he still has no business doing that. Councilman McCullough stated well if you got

something blowing through the side of a house at 8 o'clock at night on a Saturday night. Mayor Bring stated still has no business doing that. Councilman Erdei asked so what do we do, do we go for the \$1500.00 or we just keep what is on the books right now? Councilman McCullough stated just enforce what is on the books right now. Councilman Smith stated plus repairs. Law Director Graves stated it is a first degree misdemeanor plus the cost of repairs and replacement of the meter. We could just step up enforcement. Mayor Bring stated step up enforcement – the thing of it is I go to almost all of the court hearings and if that would come up I would make sure I would be there and tell the Magistrate that this is a problem and we need to address this. So I would not let that go. President Rosso stated I guess the question and if I understood correctly if you go higher than a \$1000.00 maximum fine it won't be a class, it wouldn't be a first misdemeanor? Law Director Graves stated when you use the words first degree, second degree misdemeanor that has a specific meaning in the criminal code. A first degree misdemeanor is punishable by up to 6 months in jail and/or a \$1000.00 fine. It goes on down the line. If you deviate from that it just becomes an unclassified misdemeanor and we have many ordinances that are unclassified. President Rosso stated I guess that is the real question, do you want to make it unclassified misdemeanor and raise the potential fine? Law Director Graves stated yes one of the reasons we would make it unclassified is because we only have a 10 day holding facility and if you are going to try to incarcerate someone longer than that you would have to send them to county jail and now if you go to the county jail under a city ordinance we pay for it so you never want to send someone to county jail under a charge of city code – you would charge under state code. Councilman Smith stated well you are real close to that \$1500.00 with up to \$1000.00. Mayor Bring stated I will be real honest with you because my understanding was because I had asked about that and they said we don't have anything that is strong enough to cite under and that is why I brought it up because my understanding was we had something like \$200.00 or \$250.00 which I didn't think was correct and that is why I brought it up. Councilman Smith stated you could stretch that costs by including the labor so you are probably at \$1500.00 anyway. Realistically you could be. Councilman McCullough stated we worked on this in Ordinance. Councilman Kovach stated well in fairness David didn't make it there or did not bring it out, we just had a strong verbal discussion on it. Councilman McCullough stated we were in agreement \$250.00 wasn't enough, that is what it was. Councilman Kovach stated apparently so did our forefathers. Law Director Graves stated we can just take a tougher stand on these type of offenses. Chairman Kovach stated that would be in the hands of the Administration. **2) Vehicles parked on commercial properties** – President Rosso stated if I read that right in the minutes you talked about commercial vehicles on commercial property. Councilman McCullough

stated we talked about for sale vehicles on commercial properties. Chairman Kovach stated I think that the actual discussion and properly worded was commercial vehicles and I think it was meant to commercial properties which that parking lot that we are think of and they are just vehicles and a boat that have been for sale on the one. Mayor Bring stated now there is a semi parking there almost every night now. President Rosso asked what is wrong with that? Mayor Bring stated I think that other cities have that, aesthetically you don't them parking out in any of those parking lots overnight. I just had somebody come to stay one night at Shoreway Shopping Center, it was a vehicle from Cleveland to whatever and I said no. I said I am not doing this. President Rosso stated you said no but if a private owner had that parking lot he could let them park there overnight. Mayor Bring stated again that is up to you guys but I think if we ever want to get this city to get cleaned up and do that stuff because then if you get one person who happens to know the law and bend it and decides he wants to screw the city he is going to have every junk vehicle on there and everything else. So if that is what you want to allow then go ahead. I just don't think it is right. President Rosso stated there was a semi parking at Abbe Road Lumber for I bet you close to a year about a year or so ago so trucks had parked there. Councilman Smith stated it depends on how you want to interpret that because if you are saying commercial vehicles on commercial property that means that any business vehicle on commercial property can't be there. People with cars for sale on commercial property can't be there. Councilman McCullough stated it is cars for sale, it is people's personal cars on a commercial property lot that they just sit there and sit there and sit there. Law Director Graves stated automotive sales are only permitted in B4 zoning districts, so it would have to be zoned B4 to be permitted to sale for automotive sales. President Rosso stated so if I put my car at the end of the driveway and put a for sale on it. Councilman McCullough stated that is not what we are talking about. President Rosso stated wait a minute that is exactly what we are talking about. If I got to be a B4 I cannot put a car at the end of my driveway and sale it. So unless we are going to enforce it on all those people we shouldn't be enforcing it on just one. Mayor Bring stated if you want my opinion I think that if you sell than 1 or 2 vehicles a year you should have to register them because than you are actually almost a dealership. President Rosso stated this guy up here one house down off of Harris Road sells cars out of his driveway all year long and there has never been anything said about him. Mayor Bring stated I absolutely agree with that because I did send him a letter not too long ago and he does not own that house, he is a renter. Councilman Smith stated I think it is if you sell more than 5 you need a dealer's license then when you have a dealer's license then you need an office – that is what they did at Mac's because he had bought more than 5. That is why that one bay was turned into like a used car office. President Rosso asked so it is more

than 5 cars at one time or 5 cars within the year? Councilman Smith stated per year. Councilman Kovach stated that would be per person. Councilman Smith stated there is ways around that too. Councilman Kovach stated I am just saying the wife could sale 5 cars, the husband could sale 5 cars and the kid could sale 5. Councilman McCullough stated I think it is per address. Mayor Bring stated I think Steve is right on that one. Several voices were heard. President Rosso stated but the real motivation for this is the semi parked on the corner of Abbe and Lake and the Van/party Limo that is sitting out there. Mayor Bring stated we had a boat sitting out there for a long time and that was not running so we had to get them under a different code. Councilman Smith stated wasn't there an issue years and years ago with the guy down the street from you who parked it in his backyard and he took it to court and won. Law Director Graves stated first of all that is residential, so it is a whole different thing. We are talking about parking trucks on commercial property. You are not allowed to park that size truck in residential. Councilman Smith stated he is grandfathered in, I heard he took the city to court and he won. Mayor Bring stated he didn't win but he did take the city to court. Councilman Erdei stated he is still parking there. Councilman Smith stated I was just wondering if that had anything to do with semi-trucks being parked with commercial using that sort of thing. I know where you are going with that, it is the guy's parking lot. President Rosso stated if the guy owns it let him park there in my opinion. Councilman Smith stated I mean it is the guy's parking lot let him park there, I mean they are park up at Abbe Road they use it for storage now, they park all kinds of crap up there that commercial/non-commercial and it sits there. Councilman McCullough stated there is stuff for sale on there. Law Director Graves stated obviously if it is un-operable that is going to fall under our junk vehicles you can obviously go after those vehicles. If it is habitual selling of vehicles than we can probably go after them under a zoning violation but if you just have vehicles parked on your commercial property. I mean that happens all over the city we have commercial property with vehicles parked there. President Rosso stated I guess if I own it I should be able to park whatever I want on it but is not necessarily because I feel that way doesn't mean it is the right way either. Councilman Smith stated as long as it a licensed vehicle, if they run and use them. So that means the Dollar General trucks couldn't be in the Shoreway Shopping Center overnight while they are waiting to unload either. Mayor Bring stated technically you are right. Councilman Smith stated no not technically if we pass that that is what it is, you can't selectively enforce on this guy and not on ourselves. President Rosso stated this is overnight parking, I know it just says parked on commercial property but we are talking overnight parking right. Councilman Smith stated I know they do that all the time because they usually get there after the store is closed and they park right in the middle of the parking lot.

That is a tough one, you can't selectively enforce stuff like that – it has to be one for all. I know where you are going with it. Mayor Bring stated I agree with everything you just said, you make total sense. That is why we are all here talking about it and that is what I told these guys this is not going to be an easy situation because I don't know but as we try to make the city look a little bit better. Mac's Auto for example, I think it is a trash bin and I am not happy with that but every time we even think about doing that he says you can't tell me what to do. The guy on Lake Road over there that sells the cars all the time he says you are not going to tell me what to do. We can with him because that is residential but he goes down and stirs up Mac right away and says you can't do that and then the other guy get over here and says you can't do this because I am doing that. Councilman Smith stated I understand Mac's if Mac's is still a legitimate business so he is in the car business. Councilman Kovach stated what is the zoning on that piece of property? President Rosso stated he is definitely zoned to sell cars and I think we discussed that before. Councilman Kovach stated I was just asking without a zoning map in front of me, is it B4? Councilman Smith stated being in the business, the guys that are in business of cars you get a guy who is in the lawnmower business and he is going to have a ton of lawnmowers and if you get a guy that has got a flower business and they have a ton of flowers, if you got a guy that is in the plumbing business then they have a bunch of plumbing trucks so I get that part of it it is just the way you do it and the way you keep it. Cars half torn apart, that is different. Councilman Smith stated well with nothing sitting on the lot that is in question. Mayor Bring stated the other thing is when residents call me and I probably got 25 or 30 phone calls this year about the boat and this and that and they want to know what we are going to do about it and then I tell them I can't do anything about it and they say what do you mean. Then they think that we are just blowing them off. So that is why I brought it up so you guys can discuss this and figure out what we want to do. Councilman McCullough stated this is what I said about it in the minutes and I don't know if this is right or if this is wrong but I will say it here too just so everybody understands it when I say it and I told Dennis this. I don't know if I have been beat into submission where I don't even notice it anymore if you know what I am saying so I don't know what is right or wrong when it comes to that. When you look at it it looks like crap and if you drive past the drive thru it looks like crap but when you drive past it every single day 365 days for 20 years you are just used to it. Councilman Smith stated you notice it when you drive by but the only thing that I notice being in the business with me is I have got cars in the back of my lot and I got cars that are unlicensed and I got cars that I own that I have to fix to sell. But I don't have cars that have half front ends gone off of it, no engines in it with the tires sticking up and with no hoods on them. So I get that part of it so if you are going to have cars then you are going to have cars but you are

not going to have cars that look like they are in a junk yard. So that is what they complain about, I know that is what they complain about. Mayor Bring stated residentially we have been cleaning up a lot of that and we got big flack about that and we have also cited probably over 100 people on that and it has made a huge difference. Councilman Smith stated but if he had cars over for sale and he had cars that were lined up that weren't all sitting on 4 rims. Mayor Bring stated the biggest problem that I have is the length of time and then when you put something like that on the main route going through the city it just looks terrible. Councilman Smith stated well he is just trying to run a business, I just don't get the junk stuff. Or you could organized with that stuff. Councilman McCullough stated there is more than one problem area in the city and that is what it is and like I said I don't know if it has come to the point it has beaten me into submission or not. I either ignore it or I choose not to look at it but it doesn't bother me anymore. Councilman Smith stated you probably try to respect the business owner a little of his rights as a business owner to do it but a lot of the times the business owners get carried away and they get out of hand. Mayor Bring stated it is no different than Shoreway across from the Boat Launch we had people go over there and put their cars up for sale which they did that all the time and I stopped all that. It is either you move it or we tow it. The reason we do that is because we own it, if we didn't own it there would be 20 cars lined up there. Councilman Smith stated but your main issue is the semi-truck that is in the parking lot up there on Abbe. Mayor Bring stated that is one of them, the boat was the biggest thing and then he stuck that other one there and that was there for 4 months. It just looks terrible. Councilman Wtulich stated that tree service, those trucks were they doing work in the city? Mayor Bring answered they actually called me and I allowed it but at first I said no but then they were driving back and forth every day from Cleveland and they had asked and I had said for a short period of time when you are working in here. So yes Nelson Tree Service, I did allow that. President Rosso stated that is the one over by the Bowling Alley. Councilman Smith stated in all due fairness if you put yourself on the opposite side and you are sitting here telling this guy with a semi-truck and he drives by and he sees that and says how come they can do it and I can't. So selective enforcement really becomes an issue when you let somebody do it. Mayor Bring stated it was Shoreway Shopping Center way back in the back by the Bowling Alley. Councilman Smith stated that is one of those technically but that is why it is so tough. Mayor Bring stated quite honestly I would have had no problem telling them no because I really didn't care. President Rosso stated but it made sense, I mean the reason why you did it is because it was all legitimate reasons. Councilman Smith stated but you know that guy that wants to compare so I feel your pain Dennis. Mayor Bring stated but like I said that is why you get everybody together and figure it out, if you can't figure it out then we stay the way we are.

Councilman Smith stated I guess that is one of those things where people putting your minds to work a little bit and start thinking of maybe some sort of solutions. If somebody comes up with something then bring it up and brain storm a little bit I then summer time will come back up and the cars and the junk will be back out and we will talk about it again. Councilman Smith stated me personally I want the fair issue, I don't want the selective enforcement. If we are going to do something then we do it for everybody, not just one. That is just my opinion but I will be thinking about it. Chairman Kovach stated that one we can **leave on Ordinance agenda for discussion**. *Rewrite Ord#85-92 regarding street lighting – expand use for illuminated traffic control devices* – Chairman Kovach advised this was referred to us from Pat and we have a street lighting fund that has developed quite a pile of money in there over the years. The point of this discussion is that it is limited to what we can use those funds for I believe, again we didn't that one in front of us and we do now if we want to dig any deeper. Councilman Smith stated this is a paragraph in there that says utilize for street light purposes within the City of Sheffield Lake in a manner that shall from time to time be determined by Council. Councilman McCullough stated they are talking about street lights though, they are not talking about traffic control. Councilman Smith stated well street lighting purposes within an manner that shall be determined by us. Councilman McCullough stated that is why Mariners Watch has the type of street lights they have. He wants to expand it to include traffic control, to like a flashing stop sign like at the corner of Lake Breeze that my Mom asked me the other day when did that light come down. Law Director Graves stated or a flashing crosswalk type thing. President Rosso stated so we collected this saying it was going to be used for street lighting and now we have collected it saying we are going to use for (A) and now we are going to say now we are going to use it for (B). So I think we got a concern with the money that is currently in there that was dedicated for street lighting needs to stay for street lighting and not reworked to do something else. Councilman McCullough stated Rick I thought of you when we started talking about this and let me give you this argument and it is really not an argument. That money was put in there for street lights for things like on Hollyview, they have a different style street light so that is why that money was put in there. Now when we add street lights in the city we go to the Electric Company and they put them up on the poles. It doesn't cost us anything, we have money sitting. President Rosso stated yes it does, we pay for it out of this fund. Diane Cromwell wanted it on her street, that goes through them and we pay for it out of this fund. Councilman Smith stated I think it cost us like \$1000 or \$1200 - \$1400 per light. Mayor Bring stated it might even more then that now. Councilman Smith stated like on West Shore, the 600 block of West Shore I think there is 1 light here and 1 light there and there isn't nothing in between. Those are used to put in the street lights where anybody

feels one is needed, they come to your committee or even the Mayor or any of us can say can you get a light over here and that is what that money is for. Mayor Bring stated we have always been very selective like that because as soon as you start adding lighting and then if there is another resident that is there and doesn't want it. So you have to be careful and that is why that money hasn't been touched in a long time. President Rosso stated Kerry had sent me that text about Diane that one time and when he asked about it that is where that money would have come from. Law Director Graves stated it is not like the proposed expansion of the use is completely out of left field, it is within the same ballpark of street lighting. So I think you would be alright in terms of using that money if you chose to have a new ordinance drafted that just expands the definition of street lighting to include traffic control illumination. You are still lighting streets with controlled devices. Councilman Kovach stated the basis behind it to is either light is for a safety purposes. Law Director Graves concurred that is true you are lighting the street so that you can see the street you are driving on/any obstructions. You would just be expanding the definition of street lighting. President Rosso stated I say it is no different than taking that \$100.00 or \$500.00 that goes into the park fund every time that you build a house and say well you know what we are going to redefine a park and say we are going to use it over here. We can't touch that money, we have never touched that money in that park fund. Councilman Smith stated I got to agree with you because the whole time we are putting the money in you are thinking it is going for street lights. I mean I get it, I can that point. It is not what it initially was intended for. President Rosso stated I am just trying to make points of discussion, you all are going to have to answer those questions. Councilman McCullough stated I am going to give you this point of discussion and this is the way that I feel about it and most of the time yes Rick I side on when this was designated for this, blah, blah, blah. This might be a gray area but I am going to say it now we need a flashing stop sign at Lake Breeze and Lake Road and rather then not take it out of the general fund and take it out of something and we need a crosswalk sign that is illuminated especially in the summer time for people crossing back and forth across the lake so people can somewhat safely try to get across that street to get to the Boat Launch or to go over and get ice cream or whatever. President Rosso hold on for a second, why do we need a flashing stop sign at Lake Breeze and Lake Road? When was the last time we had an accident there or the last time we even had a close call? Councilman McCullough stated close call – you can't tell me you can't hear the brakes squealing all the time. President Rosso stated I do not hear a single brake that somebody is braking to avoid an accident. Councilman McCullough stated I hear it all the time. Councilman Cizl asked are you talking about a caution or a stop. President Rosso stated he wants a stop sign that has lights around it. Now as far as a crosswalk, that crosswalk there with that stop sign there

– those are not legal crosswalks, a car does not have to yield to a pedestrian they do not have the right of way because that stop sign is a traffic control device and you cannot have a crosswalk that has to yield to a pedestrian if there is a traffic control device; a stop sign, a stop light. Now the 4 other crosswalks that we have in this city, yes you can put something there but at that Boat Launch that is a stop sign, that takes precedence over crosswalk laws. The one at the Library, if I want to start walking and those cars have to stop – I have right of way. But the ones by a traffic control device when the light was there and now that there is a stop sign there, pedestrians do not have the right of way in those crosswalks. Councilman McCullough stated well there is nothing there now, there is only a stop sign that comes across from Lake Breeze so those on Lake Road would be a crosswalk. President Rosso stated I think they are all on the corner, just like if you go down Ferndale and Warwick there is only 2 stop signs there and because of those 2 stop signs pedestrians do not have the right away. Councilman McCullough stated so you are telling me by CEI where there is a stop sign that comes off Avondale in Avon Lake, there is a legal crosswalk that they can push a button and cross the street. President Rosso stated that is not on the corner that is down. Councilman McCullough stated no its not it is right on the corner of Avondale. Councilman Erdei stated there is a stop sign right there. President Rosso stated I think it is down a little bit, it is not right on the corner. Councilman McCullough stated no it is right on the corner Rick. President Rosso stated when you face the front door of CEI it is to the left/east. Mayor Bring stated it is not on the corner. Councilman McCullough stated then I would bet you a quarter. President Rosso stated I don't believe that crosswalk is right on the corner of Avondale. Councilman McCullough stated oh yes it is. President Rosso stated I believe it is over at least 15 feet. Councilman Smith stated I believe it is. Councilman McCullough stated it is not 15 feet and even it was 15 feet isn't even the length of a car. President Rosso stated I am just saying. Councilman McCullough stated our crosswalk isn't even within 15 feet of the stop sign? President Rosso stated yes it is, it is right on the corner. Councilman Smith stated do you have a lot of problems with that corner? Councilman McCullough stated I would like to see a flashing 25 right at the 25 there although it would be in Rick's house. Councilman Smith stated why don't we put flashing lights on every corner in the city. President Rosso asked how much does a flashing stop sign cost? Mayor Bring answered I think it was five grand, somewhere around there. Councilman Erdei stated you can get them solar. Councilman Smith stated my main concern would be that all that street lighting money automatically just disappears because of the cost of this stuff then when we really need to put light up we have no money. Councilman McCullough stated your right but I am thinking about safety and we are trying to get people to use the beach. I am going to fight for anything in that area. Councilman Smith stated personally I don't understand

why there is not an actual crosswalk out by the Boat Launch being that you got combined. Mayor Bring stated we actually thought about that too and the other problem is I think you would actually have a pedestrian/auto accident because people do not stop, they just keep driving. President Rosso stated we have had this discussion before especially when we put the one for the kids to cross when Tennyson was open and there is no signal. Legally it is marked on the road, they have the right on the road but I always like how Avon Lake has the crosswalk that is lighted above. I thought you had to have something like that to make it a crosswalk and that is when it all started when we did Lake Road the last time and we put in those honeycomb crosswalks. Councilman Erdei stated why don't we have a sidewalk from Speedway all the way down to the corner of where that property was. Mayor Bring stated the bike path. Councilman McCullough stated oh don't get me started on that one. Councilman Smith stated the city wasn't forced to put one in. Councilman McCullough stated when they bought the property like everybody is, I screamed about that 12 years ago. Several voices were heard. President Rosso stated that has nothing to do with this conversation. Councilman Kovach stated I think the only thing that Mark is suggesting is that if we had a beautiful crosswalk with flashing light it really doesn't have any place to appropriately end even though yes it does end at the bike path. President Rosso stated there is a valid crosswalk at the Library now. Councilman Erdei stated the Library side has sidewalks. President Rosso stated the sidewalk is not up against the road. Councilman Smith stated I realize things are tough and we need to find different places to find money to buy things but in this situation I kind of agree with Rick this was not intended for that. The people who have put all that money in there it is for street lights so let's just keep using it for street lights because I don't think it is fair to start changing after the fact. If you want to start something from this day forward that is fine but to go back and change what it was designated for I don't agree with that. Councilman Cizl asked is there a need for a flashing light at a certain spot that is what I am trying to understand. Mayor Bring stated we have had this discussion for a number of months and that is kind of what we came up with but we just thought that was the easiest place to take money out of because that money was never used. Remember we had one over here by the Fire Station we had a blinking one and we had it on a battery and we kept going out there and doing the batteries every 2 days or whatever and we decided we were going to do that anymore. When you start getting into regular flashing lights, everything cost – if it is something for the state or if it is something like that you can just add 3 times to it and that is why it just cost lots of money. Councilman Cizl stated when you said flashing stop sign I was thinking flashing caution on Lake Road. Several voices were heard. Councilman McCullough stated we are trying to make it look more inviting rather than just a drab area and people not dodging cars to get to the

beach and especially. Believe it or not, Rick you have seen this the number of people at the Boat Launch in the summer time when that lake lays down and it is a clear sky for that sun to set – there is no parking. You can't launch a boat, well you can launch your boat but you got to park across the street because there is so many cars parked in the Boat Launch. President Rosso stated it is well used but I have never heard of a car screeching to a stop to avoid hitting somebody there. Mayor Bring stated we will look at the budget and see if we can't find it in something else. President Rosso stated see where we can come up with five grand.

Councilman McCullough stated you are going to need more than five grand, you want a crosswalk. Mayor Bring stated obviously it is getting late in the year so we are probably not going to do anything this year anyhow. Councilman Smith asked Dennis do you feel it is a big need? Mayor Bring answered we probably will do something but like I said the only reason was because that money was sitting there and wasn't being used. Chairman Kovach stated it has been so long in the past and I believe Len brought it as we discussed this while Ed was still with us on this account in possibly using money out of that for like lighting up the walking trails or bike paths or that type of thing also. I have known about the account and possible different uses for it, never went any further with it but just as a place where we could actually procure funding. Councilman Smith stated could you start a new account? Mayor Bring advised I will go over it with Tammy and see what we can get the money, I get an exact costs on it. Councilman Smith asked could we increase a fee by a certain amount that could go strictly for that? Mayor Bring stated like I said it is getting late in the season right now so it is not priority.

President Rosso asked wouldn't a lighted stop sign be more important now in the winter time when it is darker sooner than in the summertime when it is lighter sooner. Mayor Bring stated I am just looking at installation problems as far as digging stuff up this time of year, we are getting kind of crunch time and we have a lot going on. Councilman McCullough stated I would deal with the solar.

Councilman Erdei stated they do make solar and that would save on electricity when the sun is shining a little bit. Councilman McCullough stated also save on installation. Chairman Kovach stated we could leave it on in regards if we would want to consider changing the structure of collection so I guess we will leave that on for discussion. Mayor Bring stated I will get some more information and gets some costs and pictures so you guys can take a look at that stuff and we will have more discussion on it. **FINANCE: None.** **PARK BOARD:** Member Kovach advised we did meet last night and we had a proposal by the Alumni Band, Class of 75. They came to Dennis with the proposal that we they would like to adopt Shell Cove Park. Mayor Bring stated well not actually adopting but they want to put a memorial in. Member Kovach stated they brought drawings and it was brought for approval by the Park Board which they did approve by motion and

they will proceeding with this. The plan will be 30 X 14 off to the west side of the park. Mayor Bring corrected the northwest side of the park by the split-rail. Member Kovach advised Kay should have some copies of the drawings, there will be a concrete base to it with pavers that will cover the whole area. This is not building, it is a low wall. You would walk into this area and you could sit. Mayor Bring stated what they are going to do is put like a memorial park with bricks engraved right there with a stone wall. If you go down to Kurt's Brothers he has got something set up right inside the showroom right there. The wall would be probably this high and he is going to have some ledges with some low lighting which would be LED lighting and then on the bottom there he is going to have some rounded pavers so nobody trips over anything and then the concrete pour so they can just sit it there so there is no maintenance. It is just a reflection kind of place. President Rosso stated isn't this where they are putting in a paver with all the deceased classmates on it. Councilman McCullough stated then when you die Rick they would pull out a blank paver and put your name on it. President Rosso stated I happened to stop in when they were having their reunion a month ago and they tried to put those pavers up at the Sheffield Monument and Mayor Hunter told them that they were not allowed to put them up there unless they bought them from Old Castle because he owed Old Castle a favor and he was not allowing any pavers at the monument unless they came through him. Councilman McCullough stated that is not the first or second time I have heard that. Mayor Bring advised actually Mr. Kudrin told me that and I said well you are more than welcome to use that and I don't think that there would be a problem and he said that the rest of the class was very upset about that and basically told him to pound salt. The other thing is that 75% to 80% of the kids that went to the school came from Sheffield Lake anyways. That was Mark Kudrin. President Rosso stated yes he was paying for it and I think Annette Corrao was coordinating it. Yes they had it all paid for and everything and he shot them down. Councilman Smith stated about the size of that wall to the door is with 2 foot tiles. Mayor Bring stated when you put that on the ground it is not going to look that big at all. Councilman Smith stated that is only going to be for the Class of 75? Mayor Bring answered no they are going to add to it Rick, that was the one thing that they said that this could be expanded. Member Kovach stated in talking to Annette at the Bicentennial Celebration, she had brought up just some conversation of this. I think what the intent was to originally get the Class Members of 75 that are already passed away to start this off with but that was not just the Class of 75. Councilman McCullough stated I think there is 22 already. Member Kovach stated he had also brought us where he is looking at some possible grants for a skate park to be located over at Ferndale. Councilman Cizl asked did anyone video tape the ceremony at Memorial Park? Mayor Bring stated I have several on mine. Councilman McCullough stated I think Gary

Sanders videotaped the whole thing, I will check with him. Councilman Cizl advised we are not getting view-age of our city council meetings unless I put something out on Facebook but people want to watch it.

*****ADMINISTRATIVE*****

MAYOR: Mayor Bring advised this is a code that we got from Lakewood that they follow state code, for there is no running water you couldn't reside in a residence. That is just something that I think that we do need to be more aggressive on also. I know David has some thoughts on that too. We have 2 people right now staying in a house that does not have water, even though they do not have running water they are probably still using the facilities and taking buckets of water and flushing down the toilet which we are paying for the sanitary which the city is still getting billed for that but they are not paying for anything which I don't think is right. I asked our Building Inspector from SAFEbuilt and he said Lakewood had adopted the state code and I think that is what Kay has in her possession there so if anybody wants to read that. Law Director Graves advised we do have an ordinance on the books that requires residences and businesses be tied into the city water. You have to be connected to city water, you can't just use well water you have to be tied into city water if it is available. The question comes in when the water bill goes unpaid and then the water service gets shutoff and people are continuing to occupy the premises with the water shutoff so it is still technically connected it has just been shutoff or the meter has been pulled so the water service has been terminated to the house due to not paying the bill. So the question comes what do you do when people are occupying residences without water service. It is a tough question, are we going to go in and try to remove them, get an injunction? President Rosso stated if I sell my house the person who buys my house has to get a occupancy permit correct? Law Director Graves stated that was my thought this would be fine to tie this to occupancy. You have to have functioning water to occupy but once you are in. President Rosso stated but this scenario that we are talking about, this house changed ownership so it now requires an occupancy permit. Law Director Graves stated I am not looking at legislating for a single incident because if we are talking about this singular incident that we are talking about that house sat vacant I believe for a period of time and services were discontinued. So technically that house needs a re-occupancy inspection and we can tie functioning water to the occupancy inspection so I think we could in that scenario say this house requires re-occupancy inspection and go after it that way. But in terms of just general legislation I think that it is possibly going to be difficult if you just have a family of somebody that doesn't pay their water for a few months and water gets shut-off and the city comes in and says you can no longer stay in your house. That is going to be difficult to enforce. Mayor Bring stated we have a gentleman that is staying in one of these houses over here right

now that does not have water. So he is staying over there so what happens if 5 more people come in there and they are all using facilities and throwing it down the toilet and we are paying for it. Law Director Graves stated I had a guy in court last week who and I don't think he lives in Sheffield Lake, he passed a bad check in Sheffield Lake but all of his utilities are shut off and he is currently using the sump pump water to flush his toilet. Mayor Bring stated all you need is a bucket of water that is all you need but as soon as it goes down that toilet we pay. The way we get billed is through the water use and if the water use shows 0 and he is still flushing it down and if it goes through that way then Lorain or whoever is doing our sewer is going to charge us. That is the problem we have. President Rosso stated so the proper way to handle this is to refer it Ordinance and then have them come up with a draft of an ordinance that will say requires water or whatever handles this situation that we are talking about and then pass it through Council. Councilman Kovach stated we have discussed this but other then what David has suggested that we approach it by occupancy permit and that it would be hard to enforce through legislation and further discussion between the Mayor and David that is how it came here under Mayor/Safety. Councilman Smith stated if it is all in the wording of the ordinance I would think. Councilman McCullough stated we need to tie this back into tampering with water meters and/or opening of vaults. If you go back and you read that ordinance that is theft of city services or theft of utilities, they are stealing our sewer and that is a theft of utility right? Sewer is a utility is it not, it is water and sewer so if they are flushing something illegally? If they don't have our water and they are flushing it, they are stealing the utility of the sewer because we are paying for it at Master. Law Director Graves stated we don't meter the flow into the sanitary sewer, so you don't know. President Rosso stated you can't prove it. Councilman McCullough stated there is a way of proving the one house, we are going to find that little inlet. Mayor Bring stated obviously you see the parking lots are getting done. We had to get David involved because they were not answering the phones and they wouldn't do it so David made the phone call and miraculously 30 seconds after David got off the phone we got another phone call and everything is going in place. I was getting very nervous because the reason we didn't do the Civic Center was the concrete and I don't want that asphalt popping off the concrete. So that is getting done. The water meters again are moving forward. We have been doing a number of the ditching and everything else. We are continuing all that, so by the end of this year we are going to be pretty close to finalizing a lot of this stuff so we are catching up finally. Councilman Cizl stated someone cancelled the Roads & Drains meeting earlier this month but I had a question, are we still enforcing the cars in the yards? Mayor Bring answered we have a new person doing that right now because the other person has been on vacation and he also had a medical issue. We just had that

discussion yesterday and we are getting a lot of feedback from the people parking in the yards again saying that this is not right, it is my yard. We are saying here is the ordinance and if you don't like it that is too bad, we did probably issue a few of those just last week and there will be more going out because it is getting out of hand again. I will tell you that most of these people are new renters and they are coming from that side of town because they don't do anything about it. We may get 10 or 15 and then 5 more coming back in town and it has been on-going. We have been keeping an eye on it but we have a new Police Officer that is going to be taking that over. Councilman Erdei stated I know I have mentioned this before but the way that we are short on manpower and that, are you thinking of ever hiring another full-time employee in the Water Department or anywhere just to help out with all these injuries and medicals and everything and we are falling behind on a lot of this stuff and I can see why. Mayor Bring answered I will cut you off short, it all comes down to dollars and cents. Have I been looking at it – yes, do we need somebody – yes, are we going to do something – I can't give you an answer. Until I look at all – once you hire somebody you have got somebody on board. You got retirement, you got sick time, you got vacation time, your got health care and the whole nine yards and you start looking at all that and it adds up. You are talking 80,000, 90,000, 100,000.00 by the time it is all said and done. So you have to be very careful of that. Until we figure out what is going to happen here and I think that David is going to have an executive session here very shortly after this meeting we will discuss more on that. Short answer, I don't know. Councilman Smith stated I guess that was what I was leading up to, I was just kind of wondering how we are with the manpower if we gained people, if people left, people sick, are we up 2 or down 2? Mayor Bring answered we are still short-handed. Councilman Smith asked worst off then we were, did we gain any spots? Mayor Bring answered 2 people came back and we are still 1 person down over there. Councilman Smith stated that is not too bad because we were down 3 at one point./**SERVICE: None.**/**FINANCE DIRECTOR: None.**/**LAW DIRECTOR:** Law Director Graves advised one of the things that I wanted to talk to you about tonight was I do have a proposal and this goes in line with what we were just talking about from the ASFME union to modify the contract to establish a job description for the newly created park labor position and to set the pay scale consistent with the other similar classifications and also to eliminate 1 position from the streets and add 1 to the water, more of a reconfiguration of the departments so I will be bringing that proposal to Council in the future. We do have a request from Lorain Public Library for a levy to be placed on the March 2016 primary election ballot. So I will be preparing this legislation and bringing it to Council probably at your next meeting for consideration to add this to the ballot. This would need to be done by December 16th. By the end of the year we are going

to have to modify our local income tax ordinance and I will be bringing that for discussion as well. We have some time on that but we do have to revise our local income tax ordinance, we have a model from RITA for that purpose. I would request a brief executive session for the discussion of the dismissal of public employees./**COMMUNICATIONS: None./OLD BUSINESS: None./NEW**

BUSINESS: *Motion by McCullough/Second by Kovach to go into executive session for the discussion of dismissal of public employees.

ROLL CALL TO GO INTO EXECUTIVE SESSION: Yeas All – Wtulich, Smith, Kovach, McCullough, Erdei, Cizl.

*Motion by Kovach/Second by McCullough to return to regular session.

ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Cizl, Erdei, McCullough, Kovach, Smith, Wtulich.

Law Director Graves advised let the record reflect that the City Council of Sheffield Lake did adjourn to executive session for the discussion of dismissal of public employees.

ORDINANCES AND RESOLUTIONS: Councils Agenda –

Council#055 – THIRD READING – an ordinance amending section 1345.07 of the codified ordinances of the City of Sheffield Lake regarding fee for re-occupancy certificates and the declaring of an emergency.

Council#059 – 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.

Council#060 – EMERGENCY – a resolution authorizing the Mayor to enter into a subordination agreement with First Federal Savings and Loan Association of Lake wood in favor of David C Judy and Patricia H Judy and the declaring of an emergency.

Council#061 – 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.

Law Director Graves to prepare legislation for the rezoning – Oprean request on Cove Beach and also Library Levy for Tuesday Council agenda.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Erdei to adjourn at 8:45 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 October 20, 2015.

and/or

COUNCIL PRO TEM

Alan Smith