

**MINUTES OF CITY COUNCIL
SHEFFIELD LAKE, OHIO
April 12, 2016
www.sheffieldlake.net**

The regular meeting of the City Council was held Tuesday, April 12, 2016. Council President Rick Rosso called the meeting to order at 7 pm.

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

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

Present: Rosso, Smith, Kovach, Gee, Erdei, Cizl, Stark, Wtulich, Mayor Bring, Superintendent Hastings, Finance Director Smith, Law Director Graves
Attending: Videographer Eric McElheny, Concerned Citizens, Park Board: Joe Gee, Members of the Media

READING OF THE MINUTES:

Council - *Motion by Kovach/Second by Erdei to accept the minutes of the March 22, 2016 Council meeting with any corrections. Yeas All.

Special Council - *Motion by Kovach/Second by Erdei to accept the minutes of the March 29, 2016 meeting with any corrections. Yeas All.

CORRESPONDENCE: Monthly report of court receipts for month of March 2016 - \$7615.50.

PRESENTATIONS: None.

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: Chairman Cizl reviewed the minutes of the April 4, 2016 meeting. *Motion by Kovach/Second by Wtulich to accept the report. Yeas All./**Safety:** Chairman Wtulich reviewed the minutes of the April 6, 2016 meeting. *Motion by Kovach/Second by Cizl to accept the report. Yeas All./**Buildings, Lands, Vehicles & Equipment:** Acting Chairman Kovach reviewed the minutes of the April 7, 2016 meeting. *Motion by Erdei/Second by Wtulich to accept the report. Yeas All./**Ordinance:** Chairman Kovach reviewed the minutes of the April 7, 2016 meeting. *Motion by Gee/Second by Wtulich to accept the report. Yeas All./**Finance & Audit: None./Council Representative to the Joyce Hanks Community Center: None./Council Representative to the Park Board: None./Council Representative to the Planning Commission: None./Council Representative to the Zoning Board of Appeals: None.**

ADMINISTRATIVE REPORTS

Council April 12, 2016

MAYOR/SAFETY: Mayor Bring reported we had talked a while back about the plow truck that had the axel problem and the gears back there and we were still running that as well as we possibly could but now the engine has actually failed. We are probably going to end up taking that out of service, to fix the rear end it is about \$10,000.00 and the engine is way more then we want to spend. So we will probably end up scrapping that as I don't believe we should \$15000 to \$18000 on a truck that is worth \$5000. Just want to let you know. We had a snow event the other day which is very unusual for this time of year but not in Ohio. We had heavy snow and I drove around as we had several power lines down and we had a lot of people calling the police station and the service department. I would advise the public that if it is a power line to call the Electrical Company as the city is not going to be able to come out and fix your problem. All we are going to do is forward that over to the Electric Company and/or cable line and if you do it directly they are going to come out a lot faster than our Police/Fire/Service Departments coming over because when that happens our guys are out plowing. With the lines down I was making sure that they stop because the lines going across would have caught the plow trucks. Like I said to speed up the process you are better off just to call directly instead of calling our guys because at that time the Police are out running around and the Fire Department was at the Shopping Center and we had several other things going on. I stopped one resident and they said they had called and can't understand why it wasn't fixed, they called at 7:30 and it was 8:30 and they can't understand that but I tried to explain that to them. Just use some common sense with that and that is all I ask. The other thing is that the water meters, we recently had the bill go out and there was a lot of people that had water bills that were inconsistent with what they normally have. As you all know I have talked about this over and over again but we had residents just coming in and we have only had one person in the Water Department for the last 2 days too. I actually came in at 3 o'clock today and Pat also helped out. The inconsistency of the meters, there is no problem with those it is the fact that estimates for the last 4 or 5 months and if your estimate was not at the proper level then the meter either caught it or we caught this and that is what the bill is adjusted. So some people had \$15.00 bills and some people had more then what they normally had and the one guy called up today and said my bill is \$180.00 more then what it normally is and actually he forgot to see that there was actually a – (minus) so we owed him \$180.00. So he was very happy. Everybody has to understand, just take your time to read these and you will see what is going on. After this episode we should be able to start reading these meters every month once this is corrected. In the process Lisa has found out that we had 150 meters that were actually not even working. So again these people are getting estimated bills and now they are getting their correct bills. This is why we changed these all out and this is what the process is and for the most part everybody was very understanding but we did have a lot of angry residents but once everything was explained to them I think they all got it. So if

Council April 12, 2016

you hear people complaining about it, we are trying to get this all corrected. Also we have our Property Maintenance Officer start April 1, 2016 and he is going around and taking pictures of residential and commercial buildings and there will be letters going out to correct violations. These are just letters to say you need to correct this problem, these are not citations or anything else. He will be doing a follow up with that if people aren't doing what they are supposed to be doing then there will be citations. I have also instructed the Police to start looking on the weekends to go out for people that are working and doing projects and not pulling permits. We have caught several people not pulling permits for their housing and one of them was actually our former Councilman Kerry McCullough and you would think after 4 years on Council that he would know better but we caught him without having a permit. Councilman Erdei asked did we have any luck on that Bowling Alley yet, anybody show any interest? Mayor Bring answered a couple of people have looked at it but we have not done anything with it yet – no. Councilperson Gee asked did you have a chance to talk to Mr. Fillar in regards to the back drains? Mayor Bring answered no I did not do that yet. He continued I would like to add one thing about the hot box as you all saw that. The one that we have obviously as you see is over 20 years old and we do not even have brakes on that anymore. It is totally unsafe but we are still using it as much as we possibly can. We have out there a state bid hot box and we have brought it to you. This is actually diesel operation, we don't have to do propane anymore with a 4 ton capacity. Mr. Graves and I actually sat down and discussed this as the state has actually changed the limit. Mr. Graves added it is the state bid limit, our Charter states we follow the state. Mayor Bring continued which allows the city or me to do \$50,000.00 without coming to you. Dave and I sat down and talked about this and we have always been done the \$25,000.00 limit and I think that we both thought this was a good idea to stick with this \$25,000 limit so that you guys are all aware of what is going on as far as spending money. I just wanted to tell you that too and that is why we brought this to you, this was \$28,995.00 but we still wanted to come to you guys. This one was something they used for shows and stuff, it was a demo model that has never been used and normally they are about \$10,000.00 more then what they want. It is actually a very good price on this thing and we use that hot box all the time but it is totally unsafe. Councilperson Gee asked do we have to put this one out on bid? Mayor Bring answered no. Mr. Graves added this is from the state bid list so it has already been bid by the State of Ohio. Councilman Erdei asked do we have a time limit on this as to how fast? Mayor Bring answered we had Ordinance put it under an emergency but I talked to Mr. Hastings about that so if you want to go 3 readings we have no problem with going 3 readings. If you want to make it sooner that would be great. Councilman Erdei stated really the road patching season is right around the corner. Mayor Bring stated we have been using the other one, if you see it lying along side of the road you will know it is done. President Rosso asked Law Director Graves to

Council April 12, 2016

review what Charter reads with the state minimum and what the state minimum is and what we have to bid and not bid and when the Mayor can just enter into a contract without us. Law Director Graves explained in 2005 we amended our Charter which used to require any contract over \$5000.00 would require legislative approval. In 2005 the community passed a Charter amendment that basically says that we follow the State of Ohio for any contracts in excess of the state bid limit would go to City Council for legislative approval. Then certain contracts require competitive public bidding, most do but some don't. If they have already been bid as far as state consortium bidding, if they are part of public utilities, if they are for professional services – those do not require competitive bidding. But the state limit is now \$50,000. So what that would mean is under our Charter we would not need legislative approval on any contract under \$50,000.00 for goods or services. But for contracts that are over that limit, some of them require competitive public bidding as well. *Motion by Erdei/Second by Cizl to accept the report. Yeas All.

SUPERINTENDENT'S REPORT: Superintendent Hastings reported I did put together a small report outlining the city's efforts under the Mayors direction. It is inclusive of the complaints of the March 14th where many residents came to the Council. So I wanted Council to be aware and have a visual of our efforts. First of all when an event like that comes we record all that information which I included a copy of the reports we generate and a lot of them were on Holl Road and the surrounding area. So as we said in those initial responses we reached out to the Engineer who immediately identified the flood plain over there. I took for granted that people understood that and obviously the residents there and some of which have faced flood insurance know that but it is a federally recognized flood zone which brings with it some challenges in so much that if the city wanted to change elevations it is pretty extensive as far as permitting. Even without elevation changes because it is wooded in essentially private property there is EPA permits and so far. But it is a very realistic task, I went ahead and attached the last major effort that we did which was back in 1980 where the property was all engineered and excavated contractually and that date is being used today. Some of our efforts also included going down and inspecting the box culverts and I gave a couple of shots of that for you to see essentially just showing that they are clear despite the concerns of the residents. They are flowing well and we cleaned the storm sewers that drain into these box culverts included a couple of shots of that as well. So we have been reactive to their concerns. Another insert was just a cover page of storm water control services and these are some proposals that the Mayor is considering with my input. On working with the homeowners as well as the city on identifying ways to prevent basement flooding and identify I & I (inflow and infiltration). Then on the last page I did want to include to keep you updated on the ODNR Nature Trail. We did submit that grant and I was immediately contacted by them and recommended that because I proposed it in both concrete and asphalt, concrete would be poured very low so they recommended that we resubmit with a focus on

Council April 12, 2016

asphalt primarily which we would score much better as it is very competitive. So I wanted to include that exhibit for you and keep you updated on what the city is doing. We will have that new quote to them by the end of the week. Councilman Erdei asked on this SWCS, the storm water control services LCC where are they located? Superintendent Hastings answered they are out east actually, we use this same company for our flow monitoring and they are used in the City of Avon Lake which we wanted that connection with private contractors who share data in case we ever pursue that – the redirection of sanitary. But they have worked all over Ohio. Councilperson Gee asked how much of a preventive now that you have that pump station connected the right way, what do you think the difference is going to be now? Superintendent Hastings answered essentially everything is still running as it is. The real benefit is the contingency if there is a failure we can now hook up and have the contingency and a bypass in place very quickly that wasn't in place before. Technically the capacities have increased in the wet wells which is more of a maintenance issue but the reality is that the pipe which is scheduled for this summer will be the biggest improvement there. We only use that in an emergency, so day to day it is not running. With its repair then it will be running day to day. Councilperson Gee asked you have it all set up for the new piping this summer? Superintendent Hastings answered oh yes. *Motion by Kovach/Second by Cizl to accept the report. Yeas All./**FINANCE DIRECTORS REPORT:** Councilman Erdei asked are we still safe from anymore federal or state cuts? Finance Director Smith answered it has calmed down a little bit. It is an election year, nobody wants a dirty diaper there and so nobody is saying anything so we will see. There will probably be more to come next year, it is hard to say. At this point we are good. /**LAW DIRECTORS REPORT:** Law Director Graves advised I did have a meeting with the Building Department this past week and we reviewed a number of vacant nuisance properties in town and we are going to be starting that process in conjunction with the county to demolish some of the more problematic homes in the city. So we will keep you apprised as that process moves forward. He then reviewed the legislation on the agenda. *Motion by Kovach/Second by Cizl to accept the report. Yeas All.

CITIZENS COMMENTARY:

Mr. Edward Rinderknecht, 4969 Edgewater Drive stated I will speak quickly, I just have a very specific question for Council but to set the stage as we all know even though there was some spirited opposition Dollar General is going to build on Lake Road. Back in 2013 in May before the Zoning Appeals Board and I must say that on behalf of a number of fellow citizens I would like to thank David Graves for a commendable job in crafting an agreement with Dollar General that I think not only looked out for and protected the rights and interest of the city but as well the citizens. Although we had different views as to the ultimate outcome Law Director Graves did a commendable job. There were 12 points, I am not going to go through all these things at this point. It is simply not necessary, with your

Council April 12, 2016

permission there are excerpts of the agreement that was made contingent upon the Board approving zone variation which it did that evening and which Law Director Graves read into the record. (he submitted copies of lists of excerpts to Council). A number of things that Dollar General represented by their counsel certainly agreed to and my only question this evening is in light of and this was a variation from the 2011 plan that was brought before the Zoning Appeals Board. In fact Dollar General made numerous and in some instances significant concessions in how they would build out this property to better blend in with the residential neighborhoods that surrounded it. My only question at this point is in light of the significance of these changes, I guess I am looking for an education of how Council intends to enforce this agreement. Law Director Graves stated all of these have been provided to the Building Department as well as our Superintendent. I made it very clear to them that the permission granted by the Board was contingent on Dollar General following through on every single one of these points. So we will and the Building Department will be making sure that they follow through on every single one of the points that they make. The permission to go forward was expressly contingent on them agreeing to all of these things. Mr. Rinderknecht stated that is excellent and again thank you very much David for what you have been able to accomplish here. My only concern I suppose is that we have a developer Dearborn and we have an ultimate owner in Dollar General and we have a number of subcontractors that Dearborn Development will employ as they always do or Zaremba does who owns Dearborn in this kind of a development who is responsible in every step of the way. In other words is there and I don't know the answer to this but is someone ultimately responsible for the promises that they have made to the city or is this a situation that is almost penning the tail on the donkey? Is it a moving target or is there ultimately one entity in this case Dollar General who would be liable to ultimately fulfill the promises? Law Director Graves answered we will make sure that the right people are involved. Have plans been submitted? Superintendent Hastings answered yes they are under review right now. Mr. Rinderknecht stated I have suggested and this may not be timely nor may it not be feasible. However I will suggest it in any event that Council consider whether it would be appropriate to have a formal developer's agreement between City Council and Dollar General that at a minimum simply embraces these points that they have already agreed to. Nothing new on the table but you would have a clear line of demarcation between something going wrong, it is Dollar General all of the way not agents or subcontractors that would frankly I can envision seeing saving the city potentially tens of thousands of dollars when this goes sideways. We always hope that everyone is good to their word. I will leave with you blank copies of a developers agreement that have been used in Avon Lake and other communities and so forth. ***Ann Marie Woltman, 649 Sheffield Road*** stated I looked around for some "litter" signs and I couldn't find any so if anybody knows where to get them. The only "do not litter" sign that I have seen in the city is on Harris Road on the way to Ford?

Council April 12, 2016

Harris Road and just before the tracks you turn left. President Rosso stated Oster. Ms. Woltman stated that is the only one that I saw that says “do not litter - \$1000 fine”. Is it possible to get more of those signs? Mayor Bring answered certainly - \$350.00 a piece. We do have some in inventory and we can put more up and like I told you that is something that drives me crazy. Ms. Woltman stated maybe we should put one up at the shopping center as you are entering the city. Mayor Bring stated it is no different than when I told you about the bike path where we have the garbage cans and everything else and 5 feet away from that you find plastic bottles, cans, you find everything along there. People don’t read anymore and they don’t care. Again we will put more signs up but I hate to start putting signs up for everything that is going on because all it does is start trashing up the city. Ms. Woltman stated I have only seen 1 so I don’t know where they are. Mayor Bring advised there are several signs that are up. Ms. Woltman stated there was something in the minutes about the church interested in doing something? Mayor Bring answered it is for Pride Day. President Rosso stated they are putting a group together for Pride Day to go out and work in the city. Mayor Bring stated the other thing is during court, if we have community service I have been sending whoever has to do the community service out picking up garbage and we did have a couple of them out the other day and we probably will have more of that. We did have a gentleman come in the other day and actually want to volunteer to pick up, him and his 2 sisters to just pick up rubbish throughout the city so he is going to come down and get some information. He came down and got the information and we are going to give him some bags and what I would like to do if somebody is going to do that is to get them a reflector vest to be seen.

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

ORDINANCES AND RESOLUTIONS:

Council#010 – THIRD READING – an ordinance by the Council of the City of Sheffield Lake amending the Zoning Classification of five lots known as permanent parcel numbers 03-00-033-108-006 through 03-00-033-108-110 located on the east side of Pleasantview Dr from R-1 single family residential to B-4 business.

*Motion by Kovach/Second by Erdei for ADOPTION:

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

Ordinance Passes#16-16

Council#012 – THIRD READING – an ordinance amending section 521.08 of the codified ordinances of Sheffield Lake regarding littering and the declaring of an emergency.

*Motion by Kovach/Second by Cizl for ADOPTION:

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

Council April 12, 2016

Ordinance Passes#17-16

Council#013 – THIRD READING – an ordinance authorizing the Mayor to enter into an agreement with Greve Chrysler for the purchase of one Police Department vehicle and the declaring of an emergency.

*Motion by Kovach/Second by Stark for ADOPTION:

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

Ordinance Passes#18-16

Council#019 – EMERGENCY – an ordinance approving the recodification, editing and inclusion of certain ordinances as parts of the various component codes of the codified ordinances of Sheffield Lake, Ohio and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Gee for ADOPTION:

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

Ordinance Passes#19-16

Council#020 – FIRST READING – an ordinance authorizing the Mayor to enter into an agreement with D.J.L. Material & Supply, Inc. for the purchase of Hot Mix Transporter with Hydraulic Dump for the Service Department and the declaring of an emergency.

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, *Motion by Kovach/Second by Erdei to adjourn at 7:49 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

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 April 12, 2016.

COUNCIL PRESIDENT

Rick Rosso

MAYOR

Dennis Bring