

**MINUTES OF CITY COUNCIL
SHEFFIELD LAKE, OHIO
June 28, 2016
www.sheffieldlake.net**

The regular meeting of the City Council was held Tuesday, June 28, 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, Mayor Bring, Smith, Stark, Kovach, Gee, Erdei, Cizl, Wtulich, Finance Director Smith, Superintendent Hastings, Fire Chief Card, Law Director Graves
Attending: Videographer Eric McElheny, Concerned Citizens, Members of the Media

READING OF THE MINUTES:

Council - *Motion by Kovach/Second by Cizl to accept the minutes of the June 14, 2016 meeting with any corrections. Yeas All.

Council Worksession - *Motion by Kovach/Second by Cizl to accept the minutes of the June 21, 2016 meeting with any corrections. Yeas All.

CORRESPONDENCE: None.

PRESENTATIONS: None.

CITY COUNCIL REPORTS

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

None./Council Representative to the Joyce Hanks Community Center:

None./Council Representative to the Park Board: Member Kovach reviewed the minutes of the June 20, 2016 meeting. Member Kovach advised on the Bike Trail/Covered Bridge the Mayor is talking about doing some clean-up along the sides of the park and they are also looking at a potential grant that they are applying towards the settlers, involving that one. Superintendent Hastings advised we just had a meeting today with the Historical Society which is all very preliminary at this point. Member Kovach advised we had the Picnic in the Park Saturday which I understand could have had better attendance and I do understand that we had planned to bring a couple of inflatables in and that did not work out.

/Council Representative to the Planning Commission: None./Council

Representative to the Zoning Board of Appeals: None.

ADMINISTRATIVE REPORTS

MAYOR/SAFETY: Mayor Bring reported on Ferndale Park, they did pour that pad for that pump track so that was done today with concrete. Shell Cove, they poured a concrete walk and then over the weekend they had a volunteer put all the brick in. So if you get a chance take a look at it and it is all on an angle. He really did a nice job he was out there in that 90 degree weather all by himself doing that it was amazing. President Rosso stated it looked nice just driving by. Mayor Bring concurred if you get a chance just take a peek at that. *Motion by Erdei/Second by Kovach to accept the report. Yeas All./**SUPERINTENDENT'S REPORT:**

Superintendent Hastings reported briefly this evening I just wanted to let you know that I will be meeting with Griffith Paving who was awarded our contract for the 2016 road list and that is scheduled to begin in early August. We are concerned with the logistics behind Devonshire which is on that list as we were delayed on that project start because of the wetlands and all that being said we have satisfied the US Army Corp of Engineers, the Ohio Fish and Wildlife and we will be putting that out to bid in July. So we are still hopeful that while that road is on the list and funded that we will be able to complete both projects by the end of the season here. Councilperson Gee asked have you heard any more on the leaf collection?

Superintendent Hastings stated we used a Solid Waste grant to order our last piece of equipment that would go inside of the trucks to allow for the collection. So we now over the last two cycles have put together the necessary equipment to start a pilot program this year and we have yet to confirm the Mayors direction on how we are going to pursue that but that will be delivered before the leaves fall and we will be set. Councilperson Gee asked storm water utility used to cover the expense of one employee, is that still happening and does that employee work for the Water or for the Street Department on the rest of the time. Superintendent Hastings answered yes they are still financed for their salary and they are in the Street Department primarily as our operator from the Streets to assist in the placement of pipe, cleaning of culverts, cleaning of catch basins and that kind of thing.

Councilman Cizl advised I took advantage of a couple of hours off last week sometime and walked over and talked to Mr. DeChant. It was the first time I was ever in the Service Department over there and he showed me around and I felt bad that I interrupted his lunch but he was very helpful. He showed me a lot of the equipment over there and what terrible shape it is really is in, the trucks and all that situation. So I felt a lot better and I wanted to thank you and thank him and all three of the guys that are over there of how helpful they were showing me around and telling me the status of the trucks as I had no idea that they were in that condition and how we are maintaining them. Please pass that around if you would, I appreciate it. Superintendent Hastings stated yes I will and right back at you if you will, he commented on your visiting as well as other Council Members and those who had made phone calls and he is certainly appreciative of it. It is hard to describe sometimes, so he was thankful as are we. President Rosso stated David I

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am going to bring up what we talked about before the meeting because we still have some questions up here about this legislation for the grant. Law Director Graves stated where are we on the Local Government Safety Grant, where are we in that process? I know we have legislation tonight for it to bond out \$250,000, the whole grant process where are we with that? Superintendent Hastings stated the city was awarded, the city was awarded and was the lead applicant with the City of Avon Lake, the City of Avon and ourselves as it pertained to the P25 Communication Platform and then we were the lead applicant for the Fire Station addition. One was for \$159,000 and the other one was for \$84,000 and essentially they are a reimbursement grant. So all the cities were awarded were authorized to begin expending the money for that, it is very detailed that Communication Platform. So all cities were authorized to do so and we have not engaged yet because we wanted to number one borrow the capital and number two take advantage of some of the deficiencies in the Police Station at the same time. So we have the paperwork, I actually just got it today and I will review it for the Mayor to sign. All of the grants have been approved and authorized to begin spending but we need the capital to proceed. Law Director Graves stated so we are going to borrow money and then when we spend it we get reimbursed but we will borrow more than we are getting reimbursed because we are adding on the improvements to the handicap ramp and handicap accessibility as well as the original grant that was written for the Fire Station to be phased out over two years but in working with the Fire Chief who as you know was successful to get equipment; the whole idea of apparatus addition is to house the additional equipment and in this case he was awarded \$209,000 with more equipment coming. So the Mayor advised me it is pretty imminent that we move forward as a total project and we do have it on a grant chart to be done by the end of the year. Law Director Graves stated so we will talk and if there is any contract for bids and services in excess of \$50,000 we will require additional legislation. *Motion by Cizl/Second by Kovach to accept the report. Yeas All./**FINANCE DIRECTOS REPORT:** Finance Director Smith reported I have for you this evening an appropriation ordinance which we will give us the grant expenses for the Fire grant, the apparatus grant and the grant amount because we have to expend it so we have to appropriate for the expenditure and we will get this money back. The match money we will not get back but I think it is well worth spending \$9700 to get \$195,000. Then the \$250,000 under capital improvement which will be the funds that we receive through the note for the Fire Station and Safety Forces expansion over there. *Motion by Kovach/Second by Cizl to accept the report. Yeas All./**LAW DIRECTORS REPORT:** Law Director Graves reviewed the legislation on the agenda. President Rosso stated on Council#036 I believe there is a need to pass that this evening. Mayor Bring advised Mark Smith from the Health Department stopped in this morning and he also sent me an email about a week ago stating that they needed that signed and he was hoping that you guys would okay that so that he could come in the morning

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and I would sign that so he could take that back with him. I know it had 3 readings on it so we would like to see if we could get it as an emergency. They are very anxious to do this and we told him we couldn't do anything until Council approved it and that was part of what David and I talked about the other day. They were unaware that Council had to approve that. Councilman Cizl asked I need clarification since I still consider myself a rooky on Council, when an ordinance amongst us, we have 3 readings and we say yes or no. Are there any other options to an ordinance? Law Director Graves stated there is a presumption that legislation goes for 3 readings and then it is passed and then there is a 30-day referendum period. If Council so chooses, they can suspend the rules which would suspend the 3 reading requirement. Councilman Cizl stated I understand that. Law Director Graves asked for clarification. Councilman Cizl explained if an ordinance is going to go through 3 readings and after the second reading there is a feeling that there is maybe more time is needed. Law Director Graves stated you can move to table it. Councilman Cizl clarified it has to be untabled at a future date otherwise it keeps showing up at meetings. Law Director Graves stated it will go 3 regular meetings plus a Worksession in between and then if Council isn't ready to vote they can move to table it. President Rosso stated I believe if it actually goes through its third reading we have to vote. If you don't table it before it gets that night you have to vote, you can't go through that reading and say oh we don't want to make a decision we will table it. *Motion by Erdei/Second by Cizl to accept the report. Yeas All.

CITIZENS COMMENTARY:

Bill Wisnieski, 460 Cove Beach stated I am here about Madison Avenue and that I get the right to go through Madison Avenue to my property in the back. Now I don't know what they have come up with here but Mr. Horvath already has claimed a quarter of it with tree's, picnic tables, benches and so forth. So if it does pass and we get to go through there is there some kind of a paper that could be drawn up that I would have the right to go through there? Law Director Graves advised if the city were to vacate it you would no longer have the right to go through there, it would revert to private property of the two abutting property owners. Now if that results in your property being landlocked which I don't think it does you might be to establish easement by necessity but that would be a civil lawsuit that you would have to bring to establish that in order to access your property you require an easement by necessity. But I believe your property where your home is does, if you have to go through some woods but you can access that other property. Is that correct, it may not be easy but you could get there? Mr. Wisnieski answered not really I would have to tear down some of my flower beds along side of my house. Law Director Graves stated I understand that but your property where your home is does abut the property to the rear there using the roadway to get to. So you may or may not have grounds to establish that but that would be something you would have to do and go to court and try to establish an

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easement by necessity and say the vacating of this road resulted in your property being landlocked.

Clark Crabtree, 472 Cove Beach stated it is the Madison Avenue split between me and Mr. Horvath. If it is vacated, I have been told by my attorney to make sure that I get my half. Now if Bill wanted to bring his thing through my half that is perfectly fine right, if I say that I have no problem with that? Law Director Graves stated that would be a private deal between the two of you. If it is vacated you would get your half. Mr. Crabtree stated so whatever I do I can do? Law Director Graves answered yes.

Dennis Horvath, 500 Cove Beach stated I am the one that asked them to vacate the property at Madison Avenue for myself. I have talked to Mr. Crabtree about this and he agreed and signed a piece of paper that he would turn that property over to me, what is owned between him and I and not the city. I went over to him and told him about it that the city will not separate the property, that the deal would be between Mr. Crabtree and myself and he said okay how do we go about it and I said we would have to quit deed and I said that is the procedure would work. Now he is renegeing on it from what he just said now which I don't know which way to go now. How can he renege if he signs something that he is willing to do that, can he renege? Law Director Graves stated again that is a private land deal between the two of you and the only thing that the city is concerned with is are we going to abandon that road? We don't make any decisions of who gets what or it all goes to you, we abandon it/vacate it and it splits to the abutting property owners. Mr. Horvath stated I understand all that so that letter that he signed means nothing? Law Director Graves stated not as far as the city is concerned. Mr. Horvath stated a civil suit? Law Director Graves advised I am not going to comment on the merits of potential civil suit. Mr. Horvath stated another thing about Bill getting to his property, he has access to his property and all he has to do is like you said he has a very nice yard in back and in the front and uses that land on Madison Avenue so he can through to his property. Since I have been there over a year he has never been through there and never cut the grass until I started cutting the grass and maintaining the property then he decided to come over there. There is one thing that I wanted to say to Mr. Graves you asked me to notify Bill at one time and I did that the day before our last meeting. I went to his house and he had a doctor's appointment and I said I am trying to get the Madison Avenue lot do you have any objections to that and he said no. Then he goes how about buying my property in the back and I said I don't want all of your property in the back I have told you that before, it is trouble and a lot of money to take care of which he doesn't take care of. So he said no I just want to sell you the property behind your house and now he is coming up here and renegeing on me too about this. So I don't know what is happening here, one person is saying one thing and another person is saying it is another thing. I have a witness here that owned that house and lived in that house

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and took care of that land next door of that Madison Avenue all of the time that he lived there. I have pictures of the land and you are welcome to see them.

Betty Horvath, 500 Cove Beach stated I live next door to Mr. Crabtree where the question of the property is being split. I would just like to know now that Mr. Crabtree is going back on his word about wanting half of the property I would just like to know where do my husband and I stand, are we combined to this property now or can we step back and let the city keep it on the terms that the city would take care of the property because Mr. Crabtree has not done anything to the property next door. It really is an eyesore when we have guests and company over which is not something that we are used to living in and we would like it taken care of. That is why my husband and I pursued buying this property is because it was an eyesore and now if Mr. Crabtree wants this property and my husband and I continue with this and we decide to take half the parcel and he agrees to half the parcel, what terms do we have as far as him taking care of his half of the property that we do not have to look at. He is not going to allow us to take care of the property so do we have any legal rights as far as contacting the city and forcing him to take care of this property or if Bill decides that he wants to go through there and cause big ruts and cause floods in that section. Then where do we stand with this because this is something that we prefer not to look at, it is coming right up to our property and it really is an eyesore. There is work that is stacked this high that has been there for several years and that is my neighbor and he refuses to have it moved and it is rotten. It is just unhealthy and we don't want our grandkids over there either and it is going to be butted up to our property. So I would just like to know if there is anything that my husband and I can do to pursue the fact that he takes care of his property if he is going to consume the other half. Law Director Graves stated if the Council proceeds to vacate that piece of road the part that reverts to Mr. Crabtree that would then become part of his private yard and would be subject to the exterior property maintenance code just like every other yard in the city. So he would have to maintain that and not allow it to become a nuisance. Councilperson Stark stated if we choose not to vacate the property, if anything has been put in that area by whoever that if anything has been put in that area they would be required to remove it correct, if we keep the property. Law Director Graves answered that is correct. President Rosso stated I would say that is correct, that is technically a road. Councilman Smith stated the only thing that I would like to say is everybody assuming here that this is a done deal, we have got to vote on it whether or not we are even going to vacate it and we don't even know that. So you guys are arguing pretty much over nothing right this second because come a vote, the third reading is July 12th and until then it is the city's road right of way. So whatever agreements that is all between you guys, we are just here to decide are we going to vacate it or not vacate it. That is the only question we have, not your arguments between you guys.

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Catalin Oprean, 549 Cove Beach stated I used to live at 500 Cove Beach which I sold my property to these honorable people here. I just want to make a brief comment, I lived at 500 Cove Beach for 13 years. I have been taking care of that street property which everybody has gone back and forth on that for 13 years, nobody did anything or cared about it. Everybody wants to get a right of way to go in the back but nobody cared. I cleaned it and I cut the grass, there is no trees or plants by anyone in the street, the street is clean just the way it is and just the way it was. So I just want to make this clear.

Dennis Horvath, 500 Cove Beach stated with all due respect there is no argument here and I have no disagreement, they disagree with me getting the land and for what reason I don't know. All I want to do is keep it up but I know it is not approved. I would like to know one thing I asked this maybe three meetings back as I do have it recorded I asked if this is public knowledge, you know does this go in the newspaper and I was told no. After the one meeting was here, the second meeting I believe it was and the day he went to the doctor's appointment and I told him I was trying to get this land the very next day someone informed him and the other neighbor across the street and I asked where did you get this information because I am wondering where he got this information from if it is not public knowledge. President Rosso stated any meeting at city hall is public record, absolutely. Mr. Horvath asked within 24 hours? President Rosso stated as soon as you speak it is public record, anything you have said so far tonight is going to go out anywhere with anyone.

Bill Wisniewski, 460 Cove Beach stated as far as him saying that he took care of that land for X amount of years, he used to tie ropes across the road so I couldn't get through there. His father I believe threw logs across the road so I couldn't get in there and he runs his big bobcat through there so who tore the road up. I give him permission to go behind his house to clean it up and I didn't have to do that. President Rosso stated I understand what you are saying but as Mr. Smith brought up this is not the time or the place to get into this discussion between the property owners and who is maintaining it. The only thing in front of Council is if we are going to vacate the road or not. I think we are pretty clear on your feelings, Mr. Horvath feelings and Mr. Crabtree's feelings. That is really all that matters to us.

UNFINISHED BUSINESS: Councilperson Gee stated for anyone in Council that hasn't gone over and spoke to Rob, if you have the time go over and have him show you the equipment over there. His garage is really kept very nice but he is very willing to answer any questions and you can see it with your eyes that way. **NEW BUSINESS: None.**

ORDINANCES AND RESOLUTIONS:

Council#030 – SECOND READING – an ordinance vacating a portion of Madison Avenue.

Councilperson Gee asked if we choose not to vacate it we have to wait until the July 12th to vote no. President Rosso stated you can vote no and make a motion.

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Councilperson Gee asked we could make a motion on it tonight? Law Director Graves answered you would have to vote to suspend the rules to vote on it tonight.

*Motion by Gee/Second by Wtulich for SUSPENSION OF RULES:

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

Law Director Graves advised this does not include the emergency clause so even if it does pass there is a 30 day waiting period.

*Motion by Gee/Second by Cizl to DENY THE VACATING OF MADISON AVE, Council#030. President Rosso stated a yes vote denies it and a no vote approves it.

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

Ordinance Failed

Council#035 – EMERGENCY – a resolution authorizing the Mayor to enter into a subordination agreement with PNC Bank, N.A., in favor of David C Judy and Patricia H Judy and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Cizl for ADOPTION:

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

Resolution Passes#34-16

Council#036 – FIRST READING – an ordinance authorizing the Mayor to enter into an agreement with the Lorain County General Health District and the cities of Oberlin, Amherst, North Ridgeville, Avon, Avon Lake, Lorain and Elyria to establish a combined general health district.

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

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

*Motion by Kovach/Second by Wtulich for ADOPTION:

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

Ordinance Passes#35-16

Council#037 – EMERGENCY – an ordinance authorizing the Fire Chief to purchase new EKG monitors and to advertise for bids and enter into a contract with the lowest and best bidder for the purchase of new SCBA's for the Fire Department and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Wtulich for ADOPTION:

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

Ordinance Passes#36-16

Council#038 – EMERGENCY – an ordinance authorizing the issuance of two hundred fifty thousand dollars (\$250,000) of notes in anticipation of the issuance of bonds for the purpose of acquiring, constructing and improving safety services facilities and acquiring related equipment and declaring an emergency.

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

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

*Motion by Kovach/Second by Erdei for ADOPTION:

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

Ordinance Passes#37-16

Council#039 – 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.

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

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

*Motion by Kovach/Second by Wtulich for ADOPTION:

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

Ordinance Passes#38-16

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 June 28, 2016.

COUNCIL PRESIDENT

Rick Rosso

MAYOR

Dennis Bring