

**MINUTES OF CITY COUNCIL
SHEFFIELD LAKE, OHIO
September 13, 2016
www.sheffieldlake.net**

The regular meeting of the City Council was held Tuesday, September 13, 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, Cizl, Kovach, Gee, Erdei, Wtulich, Stark, Finance Director Smith, Law Director Graves, Superintendent Hastings

Attending: Park Board Gee, Concerned Citizen, Members of the Media

READING OF THE MINUTES:

Council - *Motion by Kovach/Second by Erdei to accept the minutes of the August 23, 2016 meeting with any corrections. Yeas All.

CORRESPONDENCE:

Monthly report of court receipts for month of August 2016 - \$6654.21.

PRESENTATIONS: None.

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: Chairman Cizl reviewed the minutes of the September 12, 2016 meeting. Councilperson Gee asked is the NOACA if that might possibly be brought before us tonight. It is the same one that we discussed during Roads & Drains last night? Law Director Graves answered yes. *Motion by Kovach/Second by Erdei to accept the report. Yeas All./**Safety:** Chairman Wtulich reviewed the minutes of the September 7, 2016 meeting. Chairman Wtulich asked if the car has been received and Mayor Bring answered yes. *Motion by Kovach/Second by Stark to accept the report. Yeas All./**Buildings, Lands, Vehicles & Equipment:** Chairman Erdei reviewed the minutes of the September 1, 2016 meeting. *Motion by Cizl/Second by Kovach to accept the report. Yeas All./**Ordinance:** Chairman Kovach reviewed the minutes of the September 1, 2016 meeting. President Rosso stated I do have a few comments about the Mayor's comments during that meeting then I will make a comment to yours about the misperception on doing your due diligence. He continued during your meeting as Mr. Kovach brought up and I think the Mayor doing his research to about the ordinance in the 70's that regarded the driveways. I believe that is when if I remember correctly at least that is what I have highlighted, that is when the

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original ordinance was passed about banning the gravel extensions onto the driveway. Also at the same time if not the same ordinance or a different ordinance that all new driveways in residential areas had to be Portland concrete and I don't know the difference between Portland and regular concrete and businesses could be asphalt. But you could not do a gravel extension and that followed up with the Mayor making the statement that he said myself and another Council member which I am assuming is Mr. Smith thinks that people should be able to put gravel down. I never said at any time that people should be allowed to put gravel down. I don't really have a major issue, I have a few questions on this ordinance but I have never said that people should put gravel extensions on their driveway. So I don't know how that misperception came about. He also made the statement in there that he doesn't believe and I agree that we should digress. You know they made this change in the 70's looking forward as the Mayor said to address this issue, so it has been around for 40 years. I will say and this is not Dennis's fault because it hasn't been addressed or enforced for 40 years, he is just the guy at the end when the can has been kicked down the road for 40 years. So I am not by any stretch saying he didn't enforce over the last 4 years. Then he made his comments about feeling that having these gravel extensions make the property values go down. Then there was a comment made about penalizing everyone and that I made that comment to him and he is absolutely right, if you are going to do one you got to cite them all. Now I did not say I think you should go out and cite everybody right away but if you are going to do one you got to do them all, fair across the board which then lead to a discussion about a conversation we had a gentleman that has several violations over on Dillewood. I had a conversation with the Mayor in his office before one of the meetings after Mrs. Blazina called Mark and I complaining about the situation on Dillewood. I have a hard time believing I demanded anything, it is just not my personality but if that is the you felt that's fine but here is my concern on this. The issue on Dillewood has absolutely nothing to with adding gravel extensions on a driveway which is the topic of discussion. The issue on Dillewood is the gentleman on Lakewood Beach bought a house behind him on Dillewood and he tore it down. He put in a gravel parking lot for his business and more then a third of that yard is gravel and he tore out the sidewalks which is a violation and he removed the fence from a section of his back yard so he could walk from his house to this parking lot where he parked his work trucks and at the time his work equipment; bulldozer and a back hoe. However, he has a pool in his back yard so removing a section of fence puts him in violation of that ordinance. At the time, he must do some sort of excavation because he was dumping piles of dirt onto that lot, not top soil but dirt and it was getting a general mess. I talked to our Building Inspector Fillar every week for about a month to see what was going on. I have not talked to him for about 3 weeks. However, the last time I talked to him he did say he was told by the August he had to have that sidewalk put back in and that sidewalk is not in. I will say this I drove by yesterday and he has really cleaned that lot up as far as the logs

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and debris and there is no grass there. It looks like he is landscaping, he is grading it. However, he still has a gravel parking lot, he is still running a business in a residential area and he is still missing a section of his fence which is a violation. I told the Mayor that he is not allowed to put in a new gravel parking lot in a residential area. It had nothing to do with he had a driveway and he was an extension in. So I say they are two different things and I never said that we should enforce it on this guy and not on somewhere else. To me they are two different issues, they are not even the same and I don't know why this guy is taking so long to meet those but that is not part of this discussion. There was discussion about the fact that if people on Council had an issue or a comment or concern about an ordinance, they should come to Ordinance Committee. Council is structured in committees, committees do their work and send their work to Worksession and it gets discussed and if it is decided to move upon it goes to Council's agenda. Nowhere did I tell Mr. Erdei or Mrs. Gee or anyone that the ordinance wasn't right, I said that they were pushing it too quick it didn't go through a Worksession and it needed to go through a Worksession. That was my concern, whether it is the right legislation or not the legislation we get ourselves in trouble when we don't follow the rules and follow the process. I have some questions about it and I will ask them during Worksession but never did I say you didn't do your homework, you didn't talk about it, it wasn't something that came from nowhere but I needs to go to a Worksession and then to Council. Mrs. Gee you made the point that night, "I didn't even think it was supposed to be on Council's agenda." I thought we were just asking for legislation and you sent out a confirmation email later, "hey this wasn't even supposed to be on the agenda." Councilperson Gee stated yes I did. President Rosso stated Mark I think you made the same comment, so this shouldn't have been there in the first place. Councilman Erdei stated plus I said Worksession. President Rosso stated but there must have been some confusion which is fine, it got handled and got moved on. But I in no way and Mark and Rosa if you feel differently, feel free to call me anytime if you felt that I badgered you into changing your mind on something. I told you what I wanted to do and everyone seemed to agree with it. There was also something in here, this is the same topic but again I am just throwing this out as a question that we will discuss next week. Hey when you talk about hey we don't want to digress; this was done to make the property values go up. In passing this legislation to allows people to have it to me is digressing. So I have no problem with enforcing what we have out there. I also don't have a problem if Council doesn't think we should and wants to repeal it or change it that is why you guys are on Council to make those decisions. Was this the first time anybody on Council ever heard of gravel extensions, no and I never said it was I just don't think that legislation was ready for a first reading and we get in trouble when we don't follow the rules. That is where I was at and Steve, Rosa or Mark if you have any questions or concerns or you want to yell at me feel free now or we will do it after the meeting. But I think I have made myself available for

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every one on this Council anytime if you have had questions or concerns. I think we are mixing apples and oranges comparing it to Dillewood. Councilman Smith stated one comment real quick because I am going to bring some stuff up like you at the Worksession but I don't know how you got lumped in with me but it probably came because I personally don't have a problem with it. There is plenty of examples, one of them a brand new house just built last year on Lake Road beautiful blue house with a real nice driveway, everything. He bought a boat and put a little gravel extension and puts his boat there, I don't see the problem. I will be discussing that at Worksession. President Rosso stated I don't want to discuss the ordinance. Councilman Smith stated but that is where they got it, from me. You got hooked in with me because I did say that because I don't have a problem with it. So I apologize that you got hooked in with me. President Rosso stated no apologies necessary. I am just trying to make sure we are all on the same page because I truly believe that we are all in it for the same thing, we all want to make the city better and we all want to do a good job. Obviously there was some confusion over there over it so it was time to address it, I don't want any other issues where down the road we will vote no because somebody thought somebody said something else, blah, blah, blah. Councilman Erdei stated on that topic of discussion for driveways and that, we discussed about putting them in escrow like the sidewalks and then the Mayor decided that wouldn't really be a way to go. I just want to clarify that though and we kind of agreed with him on that one. President Rosso stated we will talk about it in detail next Tuesday. Councilperson Gee stated we did the right thing by sending it back to Ordinance and reviewing it then and we are going to discuss it in Worksession is what I thought is happening. President Rosso stated that is my understanding also. *Motion by Erdei/Second by Stark to accept the report. Yeas All./**Finance & Audit:** next meeting scheduled for September 20, 2016./**Council Representative to the Joyce Hanks Community Center:** Representative Cizl reviewed the quarterly report of August 15, 2016./**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

MAYOR/SAFETY: Mayor Bring reported we do have two applicants coming in, one is coming tomorrow at 9:30 and the other one is coming in Friday at 9:30 for the Police Department. So we will be interviewing to the young men that applied. I made a comment the other day after the meeting at Roads & Drains about the Fire Department when we added everybody to the full shifts. We had three full-time 4-man shifts and before that we were averaging about \$5000 to \$6000.00 a pay in overtime. This last pay was \$750.00 so I just wanted you guys to know with these younger guys that if we do have one guy off, they have the shift with three people like that so it is working. He continued I just wanted to let you know, obviously

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you have seen Lake Road with all the crack sealing and we are about three hours away from finishing that. So we will be finishing that and moving onto other things and hopefully that does a good job for our roads here and saves us quite a bit of money. *Motion by Erdei/Second by Wtulich to accept the report. Yeas All.

/SUPERINTENDENT'S REPORT: Superintendent Hastings reported I would just briefly reiterate the three projects that I have participated in construction meetings and I know everybody is aware of. 1) Improvements to our sanitary force main, they will be mobilizing next week and everything is in order there. They anticipate 60 days without problems to completion. 2) The meeting to discuss the apparatus addition at the Fire Station and that too is going to be mobilized in the coming weeks and that too has a time line with expected completion by the end of the year weather permitting so that we can get all the new vehicles that the city has invested in inside the building. 3) third and final was the preconstruction meeting was tentatively for Little Caesar's and I cautiously referenced that in light of the procedures that you identified this evening but I know there is an ordinance necessary hopefully for your quick review and that relates around the gentleman's ability to get a loan. It is all in order, however the small business loan does require a 10-year commitment by the landlord. I believe the Law Director might explain further on that. It is very critical, everything is moved forward; architectural planning review, his training in Michigan, his investment of several hundred thousand is all contingent on this final commitment agreement by the city. So I am hopeful that Council will review that favorably this evening. Councilperson Gee asked how is the back hoe? Superintendent Hastings answered our mechanic just changed some bushings that were long overdue and it is back up to speed. Mayor Bring advised he tore the whole front end off of it and he had a company; Hasher & Hasher do some new bushings for that and put that back together. That was just to protect it from falling off. Councilperson Gee stated so that is going to carry us through for emergencies for a while? Superintendent Hastings answered yes and I think it is important to note to in Councilman Erdei's report, he did mention that the two back hoes; the Road Department back hoe is used almost every single day and also in the salt. While we always have an opportunity for improvement on the preventative maintenance, it is just warped considerably more. So that is why the excessive wear & tear just because of how it is used. The other back hoe is predominantly inside and used solely for excavation of water lines and is 32 years old. Mayor Bring added it is still a good back hoe. Councilperson Gee stated as far as the upkeep that is going on, this was years prior to now and upkeep has improved in recent years am I right? Superintendent Hastings asked on vehicles? Councilperson Gee answered yes. Superintendent Hastings answered I would yes absolutely with much to our current mechanic, he is fantastic. Very well documented; the filters, everything is labeled and we know exactly when it is needed and everything is very clear. Councilman Erdei stated on the Fire Station, that is included with the Police Station entrance way? Superintendent Hastings

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answered yes it does. Councilman Erdei stated okay because you didn't mention when you were talking about the Fire Station and I knew it was. Superintendent Hastings stated that as you know is an addition from the Administration to pursue that due to the poor ratings we were getting on inspections. I look at predominantly at the grant we received is why I continue to reference it as the Fire Station.

Councilman Erdei asked you did get the bids all in? Superintendent Hastings answered absolutely, everything was publicly bid with several bidders. A big company, as a matter of fact they left Lorain County Community College before they went here; they build schools, big Walmart's, colleges; very reputable.

*Motion by Kovach/Second by Erdei to accept the report. Yeas All./**FINANCE**

DIRECTORS REPORT: Finance Director Smith reported I don't have a lot to report this evening. I did want to mention that the State Auditors have completed our 2015 yearend audit that is now on the website at the State of Ohio Auditors and it was a clean audit and we did receive a certificate as such this year. That is our 5th year for that but now give us a certificate if we do well. Also I had Kay attach the service credit information, it is not up for discussion but it is information and I just wanted everybody to have a copy. Councilperson Stark asked on some of our bonds is there a way you could email me interest rates that we are getting on some of our bonds? Finance Director Smith answered that we are paying out, certainly and those are fixed. If we bond something out they are fixed, if like annually we have a note that is fixed for a year. I will make sure you get all those numbers.

*Motion by Cizl/Second by Gee to accept the report. Yeas All./**LAW**

DIRECTORS REPORT: Law Director Graves stated everybody has an auditors printout from an individual who wishes to donate these 6 parcels on the paper street of Dorchester in the city. If Council is so interested, it is just for your consideration and just let me know your inclination or take it up at a committee or discuss it at Worksession. But that option is there if we wanted to acquire those parcels. He reviewed the legislation attached to agenda. Councilperson Gee asked David on this with Little Caesar's, he has to have this in order for him to move forward. All of our residents have already been asking when he is going to be in, we will have an empty building if we don't get this on the agenda, right? Law Director Graves answered yes he won't be able to get his funding, like I said he has signed a 3-year lease so he is committed to pay rent for that unit for at least 3-years but I am sure we would all like to see him be able to move forward with the restaurant in the city. President Rosso stated just in case there is any confusion, Kay normally sends me legislation and I review them and if I think I will just add them which I do. I didn't get a chance to look at them and that is the only reason why I sent back and said let's just look at them Tuesday and then add them to the agenda. So please don't read into that I didn't add them to the agenda, I didn't even look at them. I have been busy and she just sent them yesterday and actually I wasn't at work. Please don't think I was trying to slow anything down, hope we would add them tonight. Councilman Erdei stated on this Council#049 on that bike

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route, we already have the bike path already on Lake Road from the east end of our town to the west end. Now is this just some kind of jibber jabber that now we are going to be included into the website or the country that this is actually a bike trail for bicyclists to cruise through our town and is this going to open up anything for us as far as money from the federal grant or anything like that? Is it going to help us out any? Law Director Graves answered I think they are going to move forward with this designation, this is a federal designation to be part of a federal network of bike trails and the state is in support of that. It is more or less a cooperation between the State of Ohio and the Federal Government. So they are just asking the local government to put their stamp of approval on this and I think it is a good thing to be a part of. Who's to say what possible benefits could come down the line but I think it is definitely a good thing to be a part of. Councilman Erdei stated the next thing, the bike path right now – that is a State Route, so is that the State of Ohio that has to take care of that and maintain it or is that us? Mayor Bring answered we do. *Motion by Kovach/Second by Gee to accept the report. Yeas All.

CITIZENS COMMENTARY: None.

UNFINISHED BUSINESS: President Rosso stated David already covered this with the attachment which I would like to discuss in Worksession and really if you are against it 100% we don't want to do it, let's give tell them then but if we still want to talk about that is fine too. But Council's feeling is we are never going to do it let's just tell them and move on. But I was going to bring it up in Worksession.

*Motion by Gee/Second by Kovach to amend the agenda to include Council numbers 051 and 052. ROLL CALL TO AMEND THE AGENDA TO INCLUDE SO NOTED COUNCIL NUMBERS: Yeas All – Smith, Wtulich, Stark, Erdei, Cizl, Kovach, Gee./***NEW BUSINESS:*** Mayor Bring advised on Monday which is the 19th I believe the school is having a bonfire so I would hope to see some of you there because we want to support our school. That is going to be actually at the stadium, you look at where that dirt hill is over there they probably already have some pallets and stuff. Mr. Hastings and I have been kind of discussing this but since we have been getting more and more grants, the process of getting up of these grants depends on our Master Plan for our city. So we will be looking at the Master Plan and probably tweaking that amongst ourselves here. As things go by we always want to improve, so we need to look at that and like I said kind of tweak that. Again that has a big turn in how we get our grants, it makes a huge difference on how this Master Plan is actually written. President Rosso stated wasn't the last time that has been updated was 14 or 15 years ago. Superintendent Hastings advised 2003 I think. Clerk Fantauzzi concurred. Law Director Graves stated the Planning Commission did that. Mayor Bring stated like I said things change and we need to look at that again. But all that is going to do is just help our city a little bit so everybody would be aware of that. President Rosso stated I remember John and I were both on Planning Commission and worked on that so it was before

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either one of us were elected. Law Director Graves advised I was on Zoning Board when we did that. President Rosso stated in 13 year's things change. Law Director Graves stated I was just going to make one point that kind of relates to what the Finance Director touched on with her hand-out which sets forth the minimum service requirements for a full year PERS credit along with the anticipated total costs of that. If Council was interested in considering legislation to increase the compensation of Council, that needs to be done pursuant to the Charter 45 days prior to the last date for the filing of nominating petitions for the next term. The ward Council people are going to be up next year. The nominating petitions for that are going to have to be filed I believe in February, early February so 45 days prior to that is going to be mid-December. The year is going to come to an end quickly. At this point of the year I was talking to Tammy earlier, she always comes to me and says something like you realize we only have 5 more Council meetings before the end of the year and it kind of blows your mind. But if Council wants to act on this, they are going to have to something done by the first Council meeting of December. So just for that information if you want to move on that you are going to have to start discussing it. Finance Director Smith stated just for thought if you do decide to do the legislation on that which I think is a fair thing to get done, we haven't had raises for Council that I can't even remember when the last time was. However, it may be with the Law Director's agreement on this that you put a clause in there that anytime PERS increases that that it is automatically increased at least as a base. That would assure that anybody that ran for office or served would at least get a year's credit because it is such a small amount anyway. Law Director Graves advised you can do that, the only caveat you cannot vote on a pay raise during your term. So you could put that on and this Council could vote on a piece of legislation that provided for a pay raise and then put something that as that minimum service requirement increases that Council's salary would be adjusted to that minimum and then if that happened we wouldn't have to come back and deal with these time frames trying to amend our ordinance. President Rosso stated it is a good thing that Mr. Kovach is on this because he brought it up for the last month and we are getting close. Councilman Kovach stated I told you it was coming fast. Councilperson Stark stated to get back to what the Mayor was saying, that week after the bonfire is Homecoming for Brookside so we will have games on Friday so please come support the football team, they could use it this year. Also support the band and the cheerleaders, all the fall sports that week. Councilman Erdei stated does anybody have a date for the Homecoming parade? Councilman Wtulich stated I think it is usually Thursday. President Rosso to check and advise.

ORDINANCES AND RESOLUTIONS:

Council#042 – SECOND READING – an ordinance amending Chapter 159 of the codified ordinances of Sheffield Lake regarding the creation and duties of the Economic Development Advisory Board.

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Council#043 – SECOND READING – an ordinance amending section 905.08 of the codified ordinances of Sheffield Lake regarding yard storm drains.

Council#044 – SECOND READING – an ordinance adopting a political activity policy for the City of Sheffield Lake and the declaring of an emergency.

Council#049 – EMERGENCY – a resolution in support of the development of United States Bike Route 30A (USBR 30A) and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Gee for ADOPTION:

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

Resolution Passes#44-16

Council#050 – EMERGENCY – an ordinance correcting ordinance number 02-02 and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Stark for ADOPTION:

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

Ordinance Passes#45-16

Council#051 – EMERGENCY – a resolution of the Council of the City of Sheffield Lake authorizing the Mayor to apply for and to request that NOACA place the State Route 301 (Abbe Road) Improvement Project from U.S. Route 6 (Lake Road) south to the Sheffield Village Corporation line on their transportation plan for federal funds and the declaring of an emergency.

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

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

*Motion by Stark/Second by Gee for ADOPTION:

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

Resolution Passes#46-16

Council#052 – EMERGENCY – a resolution authorizing the Mayor to enter into a first addendum to lease agreement with Zarifco, LLC and Samuel Zarif for the premises located at 4112 Lake Rd., Sheffield Lake, Ohio and the declaring of an emergency.

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

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

*Motion by Stark/Second by Wtulich for ADOPTION:

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

Resolution Passes#47-16

COUNCIL PRESIDENT: None.

MEETING ADJOURNED: With no further business before this council, *Motion by Kovach/Second by Smith to adjourn at 8:09 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 September 13, 2016.

COUNCIL PRESIDENT

Rick Rosso

MAYOR

Dennis Bring