

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
June 21, 2016**

The regular meeting of the City Council Worksession was held Tuesday, June 21, 2016. President Rick Rosso called the meeting to order at 7:05 PM.

ROLL CALL OF MEMBERS:

Present: President Rosso, Pro Tem Smith, Mayor Bring, Stark, Kovach, Erdei, Gee, Cizl, Wtulich, Finance Director Smith, Fire Chief Card, Law Director Graves
Attending: Park Board Gee, Concerned Citizens

PRESENTATIONS: None.

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

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

*******ADMINISTRATIVE*******

MAYOR: Mayor Bring stated I have a couple of things for you tonight, I invited Chief Card here tonight for a couple of things. First of all he was awarded the grant for FEMA and I think he was awarded \$205,000.00 on a grant for equipment. Just like when we did the ambulance there was a match of 5%. So with 5% of that our fee is next to nothing to get this grant. Now there is equipment that has to be bought and it has to go out for bid so he has to get some permission from you guys to go ahead and go forward with this. I think Tammy needs that from Council too right? Finance Director Smith answered yes. Mayor Bring stated so I just want to bring that to your attention tonight. David do you have anything on that? Law Director Graves answered I would just like to point out that actually the grant was for the purchase of both SCBA's and EKG units, the EKG units are on the state bid list. So that portion Council would because it is over \$50,000.00, it is actually \$72,000.00 for the EKG's Council just has to authorize that expenditure. Since the SCBA's are not on the state bid list Council will have to authorize us to go out for bid and will have to be bid for a minimum of two weeks in the paper before we can enter into that contract which would be the additional \$133,000.00. It is a little different, two different things; one is on the bid list and one is not. Mayor Bring clarified this share is almost \$10,00.00 right? Fire Chief Card answered yes our share. Mayor Bring advised our share of what we would owe is only \$9,761.00 so it is kind of a no brainer. So far just to let you know Mr. Card since he has been

Chief has been awarded \$473,276.00 in grant money. Council and audience applauded Chief Card's efforts and awards. Mayor Bring continued out of that I think we have only with both those matches one was nothing on the \$40,000.00. Fire Chief Card explained we had two at right around \$10,000 and then the \$40,000 one was \$2,000. Mayor Bring stated yes so our matches for these were next to nothing. Finance Director Smith stated about 6%. Councilperson Gee stated good job. Mayor Bring stated it is a lot of work and for us to keep getting these is a huge bonus for our city. The other thing is I know Mr. Hastings gave you guys the Local Government Safety Capital Grant Program and that also effects the Fire Station and I hope you guys took the time to do that and then we have to get an okay for Tammy to go forward to get a note on that. I also wanted Mr. Card to just explain to you what the purpose of that addition would be for him over there and obviously you know the cars are outside and he would be moving those inside. Fire Chief Card explained the first it would do is get those two vehicles that are sitting outside right now inside and hopefully make them last longer. Then the second thing it is going to do is give us more room. Right now and I don't know if you have been in our station but we have stuff stacked everywhere because we don't have any storage space. We just don't have anywhere to put anything anymore, it is just going to give us more room and will allow us to create storage space in the back where the vehicles are. Mayor Bring advised we would like to move forward for the next Council if we can get you're okay for that and Tammy will put something together for you. Finance Director Smith stated yes I would have legislation for you for next week. Mayor Bring stated if anyone has any questions on that or anything else and in addition to that portion of the Fire Department it would also encumber the front steps and the door for the Police Station. Like I said regardless of that we still have to do that anyways because we keep getting dinged on that. We just wanted to bring this to you tonight so you guys are all aware of what is going on. Law Director Graves stated what is the time frame on that grant and when do we need to have a decision made? Mayor Bring advised this is also effecting Avon Lake and Avon and they have been calling us and wanting to know when we are going to move forward on this. I do not have that in front of me and if I do there is 25 pages here. It may have been in with what Pat gave you. Councilperson Gee stated so we have to move forward as quick as possible on this? Mayor Bring answered yes. I think Pat has already put 4 or 5 months of work into this. Avon Lake and Avon came to us and let us present that with Pat writing the grant. Councilperson Gee stated is a motion needed tonight to have that ready for Council next Tuesday? President Rosso stated it is the Mayor's responsibility to write up any legislation and work with the Law Director to get it done. Mayor Bring advised one more thing for the Devonshire Pump Station, we were going to proceed forward with the bidding on that and we just got another 89-page report

from the EPA that we have to fill out and be in compliance with all of their requirements, it is an absolute nightmare. I will probably give you a little bit of information on that at the next Council meeting to just explain to you what we have to do to meet all their criteria. President Rosso stated if anyone and I know we just got it a week ago and there is a lot of paperwork there but if you have a concern or question regarding the grant that Pat had worked on please share it with the Mayor and you don't have to do it in a public meeting if you want to give him a call or meet with him afterwards or whatever. If you got any concerns or questions let's get them out up front and get everything answered and if you don't that is fine too. I am just saying if you do that is fine too but I am just saying let's not wait until Tuesday. Councilperson Gee asked the only question I had and I sent an email out about it wanting to know what our timeline was on it and how quickly it had to get back. Mayor Bring answered like I said Mr. Hastings could give you more information on that and I did not invite him tonight. Finance Director Smith stated I think he needs to move as soon as possible because it is all combined with the other cities as it is a combined grant and he is hoping to get the building started before inclement weather as well. So any time we push that off we are going to really push it off in the next year if we don't get to it. That is what I understood from what Pat had said. Mayor Bring stated I actually didn't even understand that we would have to get Tammy involved in this to be honest with you. He was unaware of all the steps that we had to take so he got a little nervous when I told him it was going to take a couple of weeks at best. Fire Chief Card advised we did hire a new guy and he seems to be doing very well, his second day. Mayor Bring concurred he is doing very well and actually other Fire Departments are calling about him. Fire Chief Card advised he fits in with the other guys really well. Mayor Bring stated I think right now that crew we have over in the Fire Department right now and I obviously don't know everybody from the past but I would say that we have got an excellent crew right now. Everybody is doing well and doing a lot of training and seem very proactive and that is good for our city. When we have the open house this year you will get meet everybody. Councilman Cizl stated you mentioned the hot patching? Mayor Bring answered the hot patching, we have not used the new piece of equipment and obviously it took a while for it okayed but then there were the batteries that were on there that were not fully charged and we have to get new batteries which we made them pay for those. The guys starting doing other projects and they wanted to use that but I wouldn't let them use it until the guy came back and trained them on it as I don't want anybody getting hurt and I don't want that new piece of equipment getting ruined so they were trained on it the other day. Again right now they are doing the crack seal right now but they will be using it shortly but now they are good to go but I just wanted to make sure everybody was trained on it. Councilman Cizl stated

my question was I was at Freedom Park last week and I didn't know if there is any plans as the basketball courts are an absolute mess with cracks all over the place. I was just wondering if you were going to hot patch that or what, I don't know if it is parks or safety? Mayor Bring advised yes we can do that and also I forgot to tell you and I think I did mention it in the parks report about the dog thing. I would like to get a couple of new basketball poles and new hoops and also seal that over there. They are falling down. Councilperson Gee stated I had heard that we had a safety town and I don't know how I missed that, could I hear something about it and how did it go? Mayor Bring answered actually our Officers did that and I think they finished up with the graduation. President Rosso stated it was Friday at noon, I was there. Mayor Bring stated I think we had Kory there and David Urig there. President Rosso advised from everything that I have heard I knew a few of the kids in there, parents and grandparents and the High School girls that do it and they all said it went great. Our Police donated the bike helmets for all of the kids and the Village Police donated all the shirts. Mayor Bring advised I think we had a number of helmets left over and then we purchased a few just to fill out with whatever we needed. President Rosso stated well my 5-year old grandson knows now how to avoid guns. Councilman Cizl asked are we going to have a discussion about the snowplow? I missed an email I thought that was what we were doing tonight. Didn't you mention last week that a guy was going to come? President Rosso stated I will tell you my 2 cents, I was going to do it under Old Business which was I did ask our Mechanic to show up because I was getting 2 different answers and he refused so right now my opinion is I don't know what is going on with him. I talked to the Mayor before this, if there is any issue – Mark it is in Buildings, Lands, Vehicles & Equipment. Councilman Erdei stated well I went and seen Rob. President Rosso stated right now I don't know that you can believe what he says because I hear 2 different stories. Councilman Cizl stated I thought the Worksession was to discuss it. President Rosso stated well we had hoped to but he didn't think it was worth his time. Mayor Bring stated it is not that it is not worth his time, he lives in Wakeman so he would have had to drive all the way from Wakeman all the way out here and then come back. Councilman Cizl stated my issue isn't with him. President Rosso stated mine is and we are not going to talk about it tonight. So we are done, you can bring it up under Old Business if you like but there is nothing to discuss it has to go through Buildings, Lands, Vehicles & Equipment. Councilman Erdei stated he said talking about it and seeing it with your own eyes is two different things, that is what he told me. When I did go see it I seen what I seen. President Rosso stated I am just going to say he has got no credibility with me anymore so we will move on from there. Mayor Bring stated I will tell you one thing he is probably one of the best mechanics around here so his credibility in my book is 100% and I will say just because you don't want to take 5

minutes of your time to go in that department Rick when you know you are off, that is your problem not his problem. I asked him and he told me to tell you. President Rosso stated what did he say exactly, give them the quote that you told me what he said about why he didn't want to come here and what he was going to say. Mayor Bring stated he said there is no reason for me to go there if I can't show them what is going on. President Rosso stated no it was, I don't want to talk to those _____ people because they are not going to listen and I am going to lose my mind and _____ tell them all and blah, blah, blah. That was the quote I got. I am trying to help him out, I am trying to get answers. Mayor Bring advised if you want to help him out then get off your ___ and go down there and look at it. President Rosso debated you know what, he can get off his ___ and come down here once in a while. Mayor Bring stated I'm tired of talking about it Rick, I just want to be on record you guys voted it down and if we have a disaster then it is on you guys and you are part of it. President Rosso stated it is not on me, you are the Administration. Mayor Bring stated I can't do anything unless I have money, you guys don't vote on it I can't do anything about it. You also, you are the President of Council and you need to get off your ___ once in a while and pay attention to what is going on. President Rosso stated I have got a full-time job, this is a part time job and if he can't come here once in a while then too _____ bad. I am here 15 _____ years and this is the first time I have asked him to show up. Law Director Graves stated I think that it is going to committee, I think that is where it is. It needs to go through a committee and then it will come to Council as a Whole if a committee refers it on./**FINANCE DIRECTOR**: Finance Director Smith advised I only have the comment that I will have appropriations for these grants ready for you on Tuesday and I will have bond counsel draw up the ordinance for the note to borrow for these grants ready for Tuesday if that is okay with everybody./**LAW DIRECTOR**: Law Director Graves advised in addition to the legislation that the Finance Director just referenced I anticipate three pieces of legislation next week if Council saw fit to add them to the agenda. One is as we already discussed in regard to the FEMA grant for the Fire Department, as I said that ordinance will have two components; one authorizing the Fire Chief to enter into a contract with the lowest and best bidder. He got informal quotes but it is on a state bid list so authorizing to enter into contract for the EKG's which are on the state bid limit because it is over a \$50,000.00 contract. The second part authorizing him to go out for bid for two weeks and then enter into a contract with the lowest and best bidder for the SCBA breathing apparatus. So it is also part of the same grant but two pieces of equipment; one has already been bid, this is part of the state consortium one and we still need to bid it out. Also we have a resident in town that the city has a lien on their property from the CHIP grant and they are looking to refinance so they are going to be asking to subordinate and we have done that many times before so I

will be having legislation subordinating our lien to the banks lien for the refinance. Also as many of you are aware the Lorain County Health District has been reconstituted. Lorain, Elyria and Avon Lake are now part of the County as part of a combined Health District. I am going to be bringing legislation to Council to approve that, mainly because it is changing our representation on the Health District Board. Historically as you are aware we have shared a rep with the City of Avon and now Sheffield Lake, Avon and Avon Lake will all be sharing one representative. So they will have legislation authorizing us to enter into that agreement to be part of the new combined Health District for Lorain County. President Rosso stated what does that do with the new Health District as far as what you just said there is one representative for us, Avon and Avon Lake. Currently is Mrs. McCullough still the rep? Law Director Graves answered yes she is the representative for Sheffield Lake and Avon. Her term is up next year and at that point there will be a new representative and that would have to be agreed upon by the Mayor's of the three as to who that would be and what city they would come from. President Rosso asked so she finishes her term? Law Director Graves answered yes I think so./**COMMUNICATIONS: None./OLD BUSINESS: None.**

NEW BUSINESS:

Bill Wisniewski, 460 Cove Beach Avenue stated I was always under the impression that if the city was going to get rid of a piece of land that the adjoining land owners would be notified. They have this Madison Avenue which one of the owners that lives of south of it wants to purchase it or whatever. But I just found out about this by just somebody talking about it, I didn't even know nothing about it. This is a second reading for this and anyways he is saying that this piece of land that I have been mowing it for 60 years that I live there. He just moved there a year ago and now he wants this piece of land and he is saying that he fixed this roadway up. So he had a frontend loader come in there and I give him permission to get around the back of his house to take a bunch of dirt and junk out from behind it and bring new dirt in and fix it up. Well he said the road was tore up, yes it was tore up because he let a guy come in there with a frontend loader and tore it up so he should have fixed it which he did. Now he is complaining because I don't mow it, well I do mow it and the other day I was mowing it and he said how come you are mowing that because I just put grass seed in there. I didn't know that he put grass seed in there so he never says nothing. So I would like to know what my course of action is on this? Law Director Graves stated it is a little bit of an odd situation because normally just so everybody understands all the city would do is they are voting whether or not to abandon that little piece, that little residual piece of the road and that is all they would do is abandon it, vacate it. Then it automatically by law reverts to the abutting property owners to the north and south. The city doesn't make a determination of who gets what or anything, all we are

doing is abandoning it. Now you are right about one thing, notice is to be given to all the abutting property owners but those are the abutting property owners along the roadway. You are in a unique situation because you own the property beyond it at the dead-end part so you are not really an abutting property owner, you do abutt the end of the road but it doesn't revert that way it is north and south. But you definitely have an interest and we are glad you are here. Mr. Wisniewski stated you know, I mowed that forever when it was a field and he has only been there a year and even had a tree in his backyard and it was really on my property and he was concerned about it falling on his house. So, I even paid to have the tree taken down so he wouldn't be moaning about that and now he is doing this. Law Director Graves asked are you in favor of the city vacating that or are you not? Mr. Wisniewski stated why don't they leave it just as it is? He could use it and I could use it and the other neighbor could use it. Law Director Graves stated instead of asking questions, I don't want to tell you what to say but state your position of how you feel about it. Mr. Wisniewski stated I think the city should just leave it like it is where he could use it and the man to the north and you could use it too. I don't go through there that often with my truck and trailer and I surely don't tear it up. So I don't see no problem with just leaving it alone as it is and all three of us could use it. We have been mowing the grass – everybody like takes a turn mowing the grass and whatever. Councilperson Gee asked sir would it be a hardship on you if the city did vacate it, do you use it to get your trailer back there? Mr. Wisniewski answered yes. Councilperson Gee asked how often do you need to do that? Mr. Wisniewski answered it depends on the weather and whenever I haul dirt and mulch and stuff because I own that big strip of property back there which is about 700 feet long. Councilperson Gee reiterated so you feel it would be a hardship on you? Mr. Wisniewski answered well sure. Law Director Graves stated I remember several years ago there was an issue with a former property owner that was building and placing things in that right of way and at the time I think that you addressed the city and you said that you use that right of way to access your property, do you still use that? Mr. Wisniewski answered yes it is the only way really to get back into my property and that is roughly 700 feet long behind all these houses there. If that is gone I really won't have no way to get back there unless I want to cut through my own yard down the street to get in there but I do haul dirt in there and have a good size garden and that and always hauling mulch back there and also take wood out of there too. Quite a few years ago I even mowed it for the kids because they had a ball field back there and a skating pond and now I got nothing if I can't get in there. Councilman Smith asked does he abut the road at all? Law Director Graves answered normally the vacating would be by petition of the people that live along the road, on the sides of the road. This is one residual spur of Madison, so you got the property to the north and south and he

owns the property to the west beyond the dead end. Councilman Smith stated so it abuts that end right into his property, how far to the dead end of the road to his property? Law Director Graves answered no it joins it, abuts his property. Councilman Smith stated so he is an abutting property owner? Law Director Graves answered not in terms of a vacating of a road, it is not dead end property owner, it is the people on either side of the road. Councilman Smith stated so it is a split because that is where the road stops, so it would be no different than a cul-de-sac. Law Director Graves stated let me clarify this issue a little more at one point the paper street of Madison ran all along this and at some point every other portion of that street was already vacated. In the 1923 plat map it indicates that those sections of Madison were already vacated sometime prior to 1923. The spur on the other side of Cove Beach was vacated I believe it says 1958 or 1953. So when you talk about the way the property splits when you vacate a road, whenever that portion of Madison used to run through his parcel was vacated and it split at that time along the road to him. So that was done years and years and years ago, it wouldn't split to him because he is not an abutting property owner for the purposes of vacation. Councilman Smith stated that is not my argument, I don't have an argument I am just trying to understand if we vacate that street we just land-lock the whole piece of his property right? Law Director Graves answered he can access through his own backyard which your house is like three houses down, can you get to it that way or no? Mr. Wisniewski answered yes if I want to cut a couple of pine trees and go through a lot of hassle. Councilman Smith advised I am just trying to understand it that's all. Mr. Wisniewski added it would still be rough because actually probably two of my wheels would be on my neighbor's property. Law Director Graves referenced map and advised he can get to it but there are woods so he comes down and goes through there. Councilman Smith stated he goes in through a street and there won't be a street for go to his property. Councilman Erdei stated it was before the Planning Commission and from what I understood from it was he was supposed to contact you anyway before all this pretty well was agreed upon and we haven't really seen him since Mr. Horvath. When he brought us the proposal to vacate that land and everything he wanted to buy it, we knew he said that Clark Crabtree didn't want no parts of it and I remember the Law Director stating well did you contact the other person and that would be you and he said no. So we advised him that would be smart idea so apparently he didn't contact you. I mean the Planning Commission approved it but it still can be really – we don't have to pass it if he don't have all his ducks in a row as Council and he is supposed to have all his ducks in a row. It is kind of right up in the air right now on what is going on to tell you the truth. It is between you and Mr. Horvath, the city doesn't have nothing involved in it except for vacating the land and that is it. Councilman Smith stated you are confusing, right now the ordinance is whether or not we are

going to vacate that piece of property or not. So if we don't vacate it it doesn't matter what they proved or not. That is just a recommending body, it is up to us whether we want to vacate that property. Law Director Graves answered yes. Councilman Smith continued if we say yes then it splits, it is in ordinance for three readings to know whether or not we are going to vacate it or not. Councilman Erdei stated Mr. Horvath was supposed to come in with more proof. Councilman Smith stated it doesn't matter if he has got his ducks in a row, it matters what we do when it comes time to vote. Councilman Kovach corrected and stated Mr. Horvath was at both of the last Council meetings and he was at both of the last Buildings & Lands. So he was there, you can't say that he wasn't there the whole time. Councilman Erdei stated well he was there but we advised him on the way to go about doing things and we have never heard nothing back in return yet to tell you the truth. Councilman Cizl stated until tonight. Councilman Erdei continued until tonight when we have the adjoining neighbor notify us now that he hasn't contacted you. So that is where we stand right now really. President Rosso stated so that I am clear on this David, this whole issue about abutting property owners, legally was he only to contact the north and the south individuals? Law Director Graves answered yes. President Rosso stated so he did what he was legally supposed to do, just want to make sure that is clear out there. He didn't have to contact this gentleman.

Councilman Cizl stated I understand what you are saying about the abutting property being north and south but tell if I am mistaken abutting basically means in this instance all the properties that have an interest that is effected by this. So even though it says abutting is north and south, we have a resident here that has an interest. Law Director Graves concurred absolutely. Understand that legally his consent wouldn't be required because technically again the portion of Madison that ran through his property was vacated years ago. So whoever owned that property back in 1920 whatever already got that. It is just the people on the north and south of the road but he is an interested party. Councilperson Gee asked how many years have you used that property? Mr. Wisniewski answered probably 60.

ORDINANCES AND RESOLUTIONS: Councils Agenda –

Council#026 – SECOND READING – an ordinance amending section 1351.04(a) of the codified ordinances of Sheffield Lake regarding Demolition Board of Appeal and the declaring of an emergency.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Erdei to adjourn at 7:44 pm.

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

WORKSESSION of June 21, 2016.

MAYOR

Dennis Bring

COUNCIL PRESIDENT

Richard Rosso