

**MINUTES OF CITY COUNCIL WORKSESSION
SHEFFIELD LAKE, OHIO
October 18, 2016**

The regular meeting of the City Council Worksession was held Tuesday, October 18, 2016. President Rick Rosso called the meeting to order at 7:07 PM.

ROLL CALL OF MEMBERS:

Present: President Rosso, Mayor Bring, Kovach, Erdei, Wtulich, Stark, Cizl, Gee, Smith, Finance Director Smith, Superintendent Hastings, Law Director Graves

Attending: Park Board; Gee, Members of the Media: Journal

PRESENTATIONS: None.

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

ROADS & DRAINS: None./SAFETY: None./BUILDINGS, LANDS, VEHICLES & EQUIPMENT: None./ORDINANCE: Chairman Kovach advised we have before you some issues for discussion:

Amending section 1345.01 of the codified ordinances of Sheffield Lake –

Councilman Kovach stated as I briefly stated during the Council meeting there are some stronger conflicts involving I believe it is 903.05 and the 1173.02 and that David had suggested that we move portions of this into the zoning code. Law Director Graves advised the language which requires the material for driveways is actually in the nine hundred section which is the utilities and storm sewers and water. The Zoning Board of Appeals can only give variances from the Zoning Board building code, so if you had someone who wanted relief from the Portland cement requirement as it is written, they would not even be able to seek relief in the form of a variance. They could not come in and try to plead practical difficulties. So, there is a lot of things that Council should consider cleaning up and that is one of the more important ones I think. President Rosso stated the other thing too I think that we should take a look at and Steve mentioned this to me last week or two weeks ago maybe. I really don't know what Portland cement is but I know as Steve pointed out cement is just one of three things that make up concrete so I guess in theory I guess in our ordinance to put a concrete driveway it is not just Portland cement. There is probably some newer terminology because I am sure it has something to do with the strength of the concrete, Pat you might know this? Isn't there different grades of concrete? Superintendent Hastings answered I think it is the strength, yes. President Rosso stated should we figure out what the strength of a driveway should be and change it to that instead of saying Portland cement?

Mayor Bring stated I think you are over-thinking it. Superintendent Hastings stated you are trying to define current terminology for cement? President Rosso stated it says your driveway has to be Portland cement but as Steve pointed out it is cement, its stone, its sand which makes concrete and you really have a concrete driveway. So, you are going to find somebody down the road that is going to nitpick and if we are cleaning it up, should we say it needs to be a concrete grade or whatever it is called. Law Director Graves stated I have the definition here, so Portland cement is the basic ingredient of concrete and concrete is formed with Portland cement and creates a paste with water that binds with sand and rock to harden/cement that is manufactured from limestone and clay and hardens with water. President Rosso stated it is just one of those things that you can argue, you can find some knuckle head that will argue you just use the paste for a driveway because the ordinance says it has to be made of Portland cement and not concrete. Superintendent Hastings stated I think the alternative might be if somebody bought bag mortar, it doesn't have any of the strength characteristics and that is why Portland. President Rosso stated which is why I think you should say it needs to be and I am sure that a driveway has dimensions; so many inches thick and it should be a grade or whatever it is called of this. Would that make more sense, maybe not, maybe I am splitting hairs. If we are going to clean it up, let's just clean it up. Mayor Bring stated I think we are over-thinking it, I think if you just put concrete driveway that would be the end of it. Just my thought instead of even putting Portland cement, not everybody understands concrete. Law Director Graves stated I think that everyone has a copy and took a look at the opinion that I wrote. There are a number of issues with our code in regard to driveways and I think that it would make sense for Council to spend some time on it perhaps even a Worksession dedicated to that very issue. In cleaning up the interaction of all the different codes, providing relief through variances. There is a lot of things that need to be cleaned up in there and also we should take a look at the parking in the front yard ordinance as well. I think that there is some language that might need to be addressed in that, so there is a lot of different things to be discussed. President Rosso stated I agree, it is just a small little footnote on there but just one of those things. If we are going to clean it all up, just clean it up but you are right there is a lot to do. Law Director Graves stated if you are looking at the language it specifically says any new construction and if we are calling driveways structures then if you have existing gravel or asphalt you could not add onto it with gravel or asphalt, the addition would have to be cement. The other problem with that is if you are calling a driveway a structure then arguably most of the driveways in the city would not be up to code because they exceed the setbacks, the side yard setbacks and things like that. I think historically we have exempted driveways from the setbacks but if we are calling them structures then they need to comply with the

side yard setbacks and rear yard and so forth. The flipside of that is if you don't call them structures then there is nothing to prohibit someone from paving their entire yard because then the percentage of lot coverage language doesn't apply where it says you can't have more than 35% of your yard covered with structures. I think that some language should be worked out that specifically addresses driveways and says that they may exceed the setbacks; side yard, rear yard and things like that. Councilman Kovach stated at this point we are going to have to go further in depth and I don't see us going much further on this evening anyways or what we found and what we got to work on.

Drone's – Law Director Graves stated I quickly found a few articles from the Ohio State Bar Association regarding Ohio law on drone's and also an article which I believe came from Consumer reports; drone privacy is anyone in charge. This is a February 2016 article out of Consumer reports, just some background information on how I think everyone is wrestling with this new technology nationwide and trying to figure out how to address it locally. Councilman Kovach stated I guess that is food for thought for everybody to read, like I say Rosa pretty much brought up the privacy concerns. I would suggest that everybody read over these articles and these will be good for further discussion at the next Ordinance Committee.

Moratorium Medical Marijuana – Law Director Graves stated the State statute that was passed allowing medical marijuana has a specific provision which allows local communities to pass local ordinances restricting or prohibiting the sale or cultivation of medical marijuana within their communities. What many communities have elected to do is to pass a moratorium which is a temporary block on any sale or cultivation or medical marijuana in the community until they do more research and this gets worked out. I know that at the State level there is a large administrative process and organization that has to be put in place before it really gets off the ground. I think that they are anticipating that taking anywhere from another year to two years before they would be ready to go at the state level. But I just thought that you should be made aware that the state statute does allow us to pass such legislation if you guys would be interested then we could have that discussion. Councilman Kovach asked at this point would you want to take a head count on who is interested in doing that? FOR MORATORIUM: Yeas – Stark, Wtulich, Cizl, Kovach/Nays or Undecided – Gee, Erdei, Smith. President Rosso stated it is mixed so I will leave it in your committee Steve.

FINANCE: None./PARK BOARD: Member Kovach advised there has been a lot of use out in the parks, the kids have been using the equipment we have put in. Pat has brought us a conceptual drawing of what we would do over at Freedom Park. I guess that will be attached to the minutes and he is working on some different grant applications for that park and several others and discussions on upgrading some of the aging equipment in some of the parks. The other issue you

were discussing was the stuff that was put up at Erie Shore? Superintendent Hastings clarified Erie Shore, the bike equipment? Councilman Kovach answered yes the bike equipment, that has been installed and has been in use.

*****ADMINISTRATIVE*****

MAYOR: Mayor Bring stated just a couple clarification of things; there has been some people complaining on the internet that we are telling them to move their boats and trailers off of gravel from the Property Maintenance Officer that we have. The only people that we have made move anything right now up until this point is anything that has been on grass. We have not made them move anything off of gravel. One lady contacted Mr. Melbar and said it was on gravel and he went over and rechecked it and he apologized to her and said yes you are right but he advised I did not see it that well because there was too much grass. The only people that we have made do anything right now as of now is anything that was on grass. The same thing with parked cars, if they are on the grass we have made them move it. We have not ticketed anybody and we are not going to, we have just been giving warnings out. So anybody that has been saying that we have been moving off of driveways, this or that is completely false. So I just want everybody to be aware of that and we will continue that process until we figure all this stuff out and we are not going to do anything until all agrees on the gravel thing and everything else. So I am sure we are going to go through winter or whatever, I am going to abide by whatever you guys say. The other thing is I was at the beauty salon even though it was just a haircut and the people in there were just talking. The elderly ladies are all saying that we are spending all this money on all this stuff and they don't understand why we are doing this and doing that. What they don't understand is most of this has been grants. One of their complaints was the Class of 75 Memorial down there, they think that we did all that and wanted to know why we spent all that money on that and that it is useless. It is kind of frustrating and I don't know how we can get the word out to state that most of what we are doing is all grant money. There is just a complete misconception of what we are using funds for and why we are doing things. I just want you to be aware of that because they are just constantly coming in there and I hear this feedback and the people that own the place constantly tell me "you aren't going to be believe this one". I just shake my head and the last one was the bike rack that we just put up there and they said that is the most useless thing that they have ever seen in their lives. On the other hand, you have all the kids down there at the park and a lot of other residents are very happy with what is going on. Just so we can clarify, if anybody ask this is what the funds are used for and the other part is about the parking – we are not fining anybody, it is just strictly people parking their vehicle on the grass and/or the boat trailers which we are asking them to move those. We are not fining anybody so I just wanted to tell you that. Councilman Smith stated

concerning the trailers, I have had 3 people already call me and pretty much ripped me up but they are getting letters stating they have to move stuff and they are citing front yard and you can't do that. It has got nothing to do with the back yard, it is strictly parking in the front yard and he is citing them and these people were screaming me at me saying I don't understand. Mayor Bring stated well again we are not citing anybody. Councilman Smith stated no but you are sending letters saying they should move them according to this section concerns front yard parking and it has nothing to do with the boat being parked next to a garage in the back yard and I think that is way overboard just to do that and I don't even know how you come up with that. Mayor Bring stated again Alan if it is on grass it is illegal. Councilman Smith stated you are citing front yard parking and it has nothing to do with parking on the grass. I has got nothing to do with it, that has to do with parking in the front yard period, that's it. You are sending letters out having people move stuff from their back yard. Mayor Bring stated this is something that David and I were just talking about and we are going to want him to clarify this but again if you want trash all over the city just go ahead Alan. Councilman Smith stated it has got nothing to do with trash, it has got to do with using a section of the ordinance where it says parking in front yard and you send letters out to people saying they have to move stuff in their back yard and you can't do it. Change the ordinance or change it but don't send the letters out to people and tell them they got to do something they don't have to do. Mayor Bring stated he didn't understand that. Councilman Smith stated it has got nothing to do with making the city. Mayor Bring stated I just told you Alan, you want to make a big issue I told you he made a mistake okay. Law Director Graves stated the Property Maintenance Officer cited a section of the code and he is not an attorney, he thought he interpreted it correctly. In retrospect, we are reviewing it. It may be that we need to revise that language. Councilman Smith stated you are not going to keep sending the letters to people to have them move their stuff in back yards citing that ordinance. Mayor Bring answered I didn't do it in the first place, you keep saying I keep doing all this stuff and I am not doing it. We have a Property Maintenance Officer that went out and made a mistake and yes he realizes it now because David and I talked about it and now he knows that. Mayor Bring stated there is not like there is 8000 people calling you, there was 3 people that he made a mistake on. Councilman Smith stated it doesn't matter Dennis, you are referring to a section of the ordinance. Law Director Graves stated sometimes over time things get interpreted just the way they have always done it and when you go back and read it closely maybe revisions need to be made, we will take a look at it. Councilman Smith stated no offense but it didn't take me but 2 seconds to see front yard parking. Mayor Bring stated you know you are so much smarter than all of us Alan. Councilman Smith stated you are not my boss. Councilman Kovach stated in

reference to making it easier to know these projects that we have going on but that perhaps we could put up some kind of small signs like especially with the project on Shell Cove like “this project is being done by so on and so forth”. Kind of like the placard that we did with Gary Green Park, this park is being done by _____.

Mayor Bring stated that is probably not a bad idea. **FINANCE DIRECTOR: None.**

SUPERINTENDENT: President Rosso stated tell me what is going on at Devonshire, is it done, not done? Superintendent Hastings answered no it is not done, they have all the pipe installed from the pump station to the dead end of pavement and they were pulling pipe from the railroad tracks which is our interceptor manhole to the end of pavement. They have video-camera'd everything to date and it is all good. We will be requiring a hydrostatic test which ensures that there is no leaks and of the 5 bore pits they will be fusing those pieces together and then it will just be a matter of clean up and restoration. So it is on track and moving well. Mayor Bring stated we do have one issue at the pump and Pat can probably tell you real quick. Superintendent Hastings stated in addition to the force main, we sent some pumps out for upgrading that were otherwise down and in returning them where we are discovering some of the electronics because of its age is failing. We are replacing breakers and working on sending out the other two but the whole idea that once this pipe is in place we can operate all four pumps seamlessly again. So it is ongoing, it is older equipment. President Rosso stated I am keeping my fingers crossed, maybe that my expectations are way too high but I am hoping that once all the pumps are running and that gets done and that it helps those people over on Holl and that sewage will flow a little easier as Alan said it is probably hitting a hammerhead of water or whatever where it is coming up there. So hopefully it all flows a lot better and helps them out. **LAW DIRECTOR:**

None. **COMMUNICATIONS: None.** **OLD BUSINESS:** Donation of 6 lots on Dorchester: After a brief discussion, Council roll call to take lots or not; Yeas – Kovach, Smith, Wtulich, Stark, Cizl/Nays – Gee, Erdei. President Rosso instructed Law Director to draw up legislation to accept this donation for Tuesday Council agenda for first reading. Donation of 1 lot on Mapleview (unfinished portion): After a brief discussion, Council roll call to take lots or not; Yeas All – Cizl, Stark, Kovach, Smith, Wtulich, Gee, Erdei. President Rosso instructed Law Director to draw up legislation to accept the donation for Tuesday Council agenda for first reading. PERS service credits – Finance Director Smith stated this would be the minimum to get everybody a full-service year. President Rosso stated this would raise the costs roughly \$30,000 a year. Finance Director Smith answered total. Law Director Graves clarified that is including the proposed raises for the President of Council and the Mayor as well? President Rosso stated quite honestly, the President of Council, the Mayor and our Council-at-Large really we have another

three years before that comes up but we need to act before the end of this year for the ward people. Law Director Graves stated if you are going to do this I would recommend that you address all the elected offices along with the provision for the corresponding increases in the future should the minimum PERS credit increase as well. So if we went with the \$7200 base for the At-Large and Ward we would have to talk about what you would want additional for the President of Council and the Mayor. Councilman Kovach advised she has got President of Council here. Finance Director Smith stated it is 10% over and the Mayor is double Council President currently is how it sits. President Rosso stated can we set it to be the minimum dollar amount for PERS so we don't have to address this again, I would highly doubt but you could run into the issue where at some point they make the minimum a ridiculous number and we would have to address it then but I highly doubt that would happen. Law Director Graves stated I think to be safe you need to pass this by the first Council meeting in December. I would like to be clear for the Ward and the At-Large Council would be the minimum amount necessary for a full year PERS credit but the proposal is for President of Council. President Rosso stated the President of Council would be the minimum plus 10%. The Mayor would be double and asked what does the Mayor make now? Mayor Bring stated \$8800.00. President Rosso stated and it would double the Safety Director. President Rosso stated I will be honest I am not quite sure do them all at the same time or not. Law Director Graves stated why would you want to do it again in two years. President Rosso stated not so much two years, I don't mind doing the Council portion of it now but I am more concerned about the Mayors side of it. I would hate to see that tie up the ward ones. If it doesn't pass then ward is out. President Rosso stated if we do them separate; Wards, President of Council and Mayor that way if one gets stopped then it wouldn't tie up everyone else. So ward and at-large positions salary to be a minimum to qualify for a one year credit of PERS and the President of Council salary to be one year plus 10% and the Mayor to be double the President's salary. We will put all three of those on for end of October and two in November and the first one in December and we might have to throw in a Worksession somewhere. That at least gives us 4 open meetings or Council meetings. Councilperson Gee asked didn't we change our Council meetings for November? President Rosso stated I changed the Council meeting to be where the Worksession is. But I can have it on a Wednesday or another Worksession if we needed it, let's get the legislation started at least. Law Director Graves answered okay. **NEW BUSINESS: None.**

ORDINANCES AND RESOLUTIONS: Councils Agenda –

Council#057 – 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.

FIRST READING – donation of property on Dorchester.

FIRST READING – donation of property on Maplevue.

FIRST READING – pay increases for Council Wards, Council-at-large, President and the Mayor.

MEETING ADJOURNED: With no further business before this council, Motion by Kovach/Second by Erdei to adjourn at 7:55 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 October 18a, 2016.

MAYOR

Dennis Bring

COUNCIL PRESIDENT

Richard Rosso