

**MINUTES OF CITY COUNCIL
SHEFFIELD LAKE, OHIO
April 11, 2017
www.sheffieldlake.net**

The regular meeting of the City Council was held Tuesday, April 11, 2017.
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: Smith, Mayor Bring, Cizl, Kovach, Gee, Erdei, Stark,
Law Director Graves, Superintendent Hastings
Absent: President Rosso, Councilman Wtulich, Finance Director Smith,
(excused)
Attending: Concerned Citizens, Members of the Media

READING OF THE MINUTES:

Council - *Motion by Kovach/Second by Cizl to accept the minutes of the City Council of March 28, 2017 with any corrections. Yeas All.

CORRESPONDENCE:

Monthly report of court receipts for month of March 2017 - \$4,306.59

PRESENTATIONS: None.

CITY COUNCIL REPORTS

Roads, Drains, Water, Sewer and Refuse: Chairman Cizl reviewed the minutes of the April 3, 2017 meeting. *Motion by Cizl/Second by Gee to approve the sewer credit in the amount of \$301.50 for 581 Pasadena. Yeas All. *Motion by Cizl/Second by Kovach to accept and send list of delinquent water bills to County Auditor in the amount of \$5,215.72. *Motion by Kovach/Second by Gee to accept the report. Yeas All./**Safety:** *Motion by Gee/Second by Erdei to accept the minutes of April 5, 2017. Yeas All./**Buildings, Lands, Vehicles & Equipment:** Chairman Erdei reviewed the minutes of April 6, 2017 meeting. He advised the Mayor reported going to an Ethics Committee meeting in Avon and advised they had received a grant for refurbishing an old building which turned out pretty nice. Mayor Bring advised it is something similar to what we have been looking at too, one was an energy grant. We are going to call the one person in Avon and find out where the other grant came from. Councilman Cizl asked anything happen with our snowplow? Chairman Erdei advised that is still at Judco, they were talking about the salt spreader having a defect in it so they are correcting that and then we will have it. Superintendent Hastings advised it is out for paint and the defect is that there is a sensor that will shut that spinner down, if they come to a stop where you have seen a lot of salt this season. They now have a mechanism in place to stop

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that but the harness needed adjusted at the factory. *Motion by Kovach/Second by Cizl to accept the report. Yeas All./**Ordinance:** Chairman Kovach reviewed the minutes of the April 6, 2017 meeting. He advised we have referred the **Building Fees from our agenda to next week's Worksession** as the contract is going to be expiring in May so it is time for some discussion on that. Also, the Law Director brought forward that the current ordinance providing for fuel mileage reimbursement to city employees that drive their personal vehicles is outdated and at this time we are going to be reviewing that and that forward in the form of an ordinance. *Motion by Erdei/Second by Gee to accept the report. Yeas All.

/Finance & Audit: None./Council Representative to the Joyce Hanks Community Center: None./Council Representative to the Park Board: None./Council Representative to the Planning Commission: None./Council Representative to the Zoning Board of Appeals: None.

ADMINISTRATIVE REPORTS

MAYOR/SAFETY: Mayor Bring reported Mr. Erdei has said that the Fire Department was doing the kitchen out of their own pockets but actually they are doing it on their own time, the city is paying for the cabinets and materials for that project. The skidsteer that we were talking about with attachments, right now there is called a high flow which is the hydraulics, the one that we have right now is not adequate enough to run some of those attachments. We are looking into some other things on that. I have before you tonight a purchasing a new police cruiser, the one that we want to replace has 147,000 miles on it and if we purchase the vehicle some time here in the next month or so it will come in right around December which I would like to do because I don't know if that other car will make it through the winter to be honest with you. We just put \$700.00 into it the other day and we have put several amounts of money into it previously and it is starting to nickel and dime us to death. So that will be coming to you. On Saturday, we had an Easter Egg Hunt that went very well. We had a very good turn-out and the kids had a wonderful time. I just want to thank everybody that was involved in that and it was a nice day for once, it wasn't freezing cold. It was a lot of fun and just to see the kid's faces it was enjoyable. I think Rosa took some pictures of that and put them on the website. *Motion by Erdei/Second by Kovach to accept the report. Yeas All./**SUPERINTENDENT'S REPORT:** Superintendent Hastings reported I just wanted to update the Council on the upcoming construction season, I know we have discussed all the projects but just so you are clear. Beginning with parks, we will see four improvements; with the ODNR, boardwalk and observation that was awarded through public bid to F. Buddie Contractors and scheduled to begin in the next week to ten days. There will also be two playgrounds and contractors will be installing 5000 square foot at Freedom Park and 3500 square foot at Guenther Park and also a pavilion which will be built in-house at Freedom Park. All of those projects except for the pavilion are funded in part by grants that were awarded to

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the city. Moving onto roads; we are still on track for CDBG money for Roberts Street. We do have a slight concern on the engineering of the project. They are entertaining other engineers as opposed to Bramhall who we use. They didn't want a conflict of interest, so they are at least gathering other quotes but still may end up with Bramhall who presented a bid to them directly. OPWC; Lake Breeze will be done this year but currently we have out to bid the water line, that project is scheduled to be in late spring and would conclude in early summer and then the road paving would follow thereafter. It would represent just under a million dollars on Lake Breeze. The city awarded the asphalt placement this year as well to the Griffith Paving as we had several bids which was to the benefit of the city to get some competitive bidding. That list is all but finalized with the Mayor making his final determination here in the coming days. He continued, storm sewers in addition to Robinwood which you just discussed in tonight's meeting, we move one block over to Maplewood which also had a lot of standing water and were able to solve that problem as well. Unfortunately, we struck a gas line which was not appropriately marked so it delayed the project a little bit. But, at the end of the day today, the project was concluded and that water was moving well again. But the next major storm sewer project will be Devonshire and that will be storm sewers on either side in advance of the pavement which has also been discussed. So, we are definitely addressing parks, roads, water and sanitary this construction season. The final note would be the city has met with electrical engineers on the pump stations, tomorrow we will meet with pump manufacturers and this will put together the final numbers to put on an application for the water pollution control loan fund. I will have the Law Director help me draft legislation for your approval to submit that application. As you know, I had to get approval to even apply for it which we are on the nomination list and I anticipate that to be engineered and out to bid by late summer with the job complete by the end of 2017. Councilman Erdei asked on that Lake Breeze replacement, are you going to keep the existing concrete poured curbs or is that all getting redone? Superintendent Hastings answered it is spot replacement and repair, so portions of it will remain and portions of it are set to go. One resident reported there is a void under there so we are certainly familiar with some areas that need attention. The new water main will be in the road so construction will be in the road, the current one is underneath that curb. We can't move into the tree lawn because of the utilities there. So, to answer your question, as we excavate for that water line we will further identify the curb. Councilman Cizl stated I was asked, storm sewers on Lakewood Beach and Forestlawn when they were put in were put below the road level, can you tell me why? Superintendent Hastings answered truthfully that was one of the preferences of a previous Service Director and that same effect is on Ivanhoe and it is pretty profound bump. The reality is those are designed to take on water. However, in a roadway they should be level. The point of the catch basin is to catch the debris and we go in and vacuum it out and not so much take the water. So, I guess it is a

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matter of engineering opinion but that is how we were instructed to do it. That being said we could raise it, water is not designed to go there. He explained water sheds off the crown to the gutter. I did just notice them, they are pretty bumpy. Mayor Bring stated I think as we repave the roads, there is actually a flange so as we repave and they grind them down we will level those all off eventually. It is just a matter of us getting to them. Also, this was 2 Service Directors ago, actually 3 Directors ago. Council Pro Tem Smith added there is also catch basins that are way up out of the ground where no water can get into. Superintendent Hastings advised the theory was to collect water but truthfully in asphalt that is not really the design of it. He was just proactive in getting water in the system anyway that he could at the expense of our tires. *Motion by Cizl/Second by Kovach to accept the report.

Yeas All./**FINANCE DIRECTORS REPORT: None./LAW DIRECTORS**

REPORT: Law Director Graves reviewed the legislation on agenda. Council#016 is the legislation that I spoke of at the last meeting where Council expressed an interest in being part of the statewide litigation challenging senate bill 331 which limits rights of local municipalities to regulate small cellular towers in the public right of ways. So, I have conferred with the attorneys of Walter Haverfield who are willing to take us on as an additional party plaintive. They will have to amend their complaint, there is a couple of other communities that are looking to join and that would be for a one time flat fee of \$3000.00. So, should Council pass this tonight we will pay that money and engage them to add us as a plaintive in that litigation. He continued Council#017 and 018 are basically the same expressing Council's support to apply for CDBG funding. Council#017 pertains to a request for funds for an addition to the Joyce Hanks Community Center and Council#018 is for sanitary sewer improvements throughout the city. Again, this is just a resolution of support to assist us in acquiring those funds. Council#019 is up for a first reading and this was budgeted with the budget this year for another police explorer and this off of the state consortium bid list for a new 2017 Ford Utility Interceptor. The bid through Statewide Ford Lincoln is \$38,274.00 and it is up for a first reading. Councilman Kovach asked if we chose to dispense with the three readings on this, it shouldn't be a problem because we are budgeted for it and we really need the car. Law Director Graves answered certainly that would be your prerogative. We thought it appropriate and conferred with the President of Council Mr. Rosso to put it down for a first reading tonight because I don't believe this has been specifically discussed in any committee meeting prior to this. Typically, this would be introduced at the Safety Committee meeting or at Worksession, so seeing how this is coming to Council for the first time we put it down for a first reading but it was budgeted. So, it would be your prerogative if you wanted to suspend the rules and authorize it tonight. Councilman Erdei asked this is for 2017 and not 2018? Law Director Graves answered the actual quote should be attached to the legislation. (Clerk's note – quote is attached to legislation). Councilman Cizl asked with the thought of a new police car, are we going to trade in the old one? Mayor Bring

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answered they wouldn't give us anything. He explained it has 147,000 miles but we are going to take that car because the car that the Property Maintenance Officer is driving is one of the old police cars and the gas gauge doesn't work and quite a few other things that don't work on that. So, we are going to take that and trade it with the Maintenance Officer. So, the mechanic will probably get the other car and he will use it for just running back and forth for parts. It is just not worth it. Law Director Graves added typically there is kind of a cycling down of these vehicles, they come out of the police and kind of go to Building Department and then they kind of go to a general car and then when there is no more purpose we just auction it off for usually not more than salvage value. Mayor Bring offered you put \$700.00 in and you get \$200.00 salvage. Councilman Cizl stated the reason that I asked is that we are putting money into it as a police car, you know \$700.00 in the last week. Mayor Bring explained we can't let our Officers ride in a car that is unsafe. So right now, the whole dash board was out and they didn't have any lights, anything to work with. The whole thing was gone, so I can't have them riding around in it or we just park the car. So, for \$700.00 and hopefully that will get us through till December because that is the approximate time they said it would come. Regardless, as long as it would come in sometime before winter I would be okay with it. I tried to get through this whole year without getting another car and this would be the way to do it. Council Pro Tem Smith stated it was budgeted for. Councilman Cizl stated could you give me some more information on Council#016. Law Director Graves explained the General Assembly passed Senate Bill 331 and this what was known as the "petland" bill and really the thrust of the legislation was putting in safeguards for certain activities for animals and also regulating or talking about how petland or other pet stores can go about acquiring animals for pets. So, at the end of this they stuffed in an extra portion which really takes away almost completely the authority of the local communities to regulate cell tower technology in the public right of ways. Basically, they are designated as a public utility that they can just put these towers up wherever they wanted to. The state legislator thought this was a good thing because this would put the State of Ohio in the forefront of 5G high speed technology. But, the ramifications of this is that they can put these 50/60 foot towers right in the private right of way of these roads. There is 2 types; there are small towers that are co-located on existing utility poles, usually 6 feet small additional towers but the real concern are these larger towers that they can just put on a street somewhere and we really wouldn't have the ability to regulate them. So, there has been a couple of different lawsuits that have been filed challenging this ordinance on two grounds. One that it violates the one subject rule and really you are not supposed to pass laws even local ordinances that have more than one subject and this clearly deals with things that are really unrelated being pets and cell towers. So, they are saying that it violates the one subject rules. The other thing that they are saying is that it is a violation of our rights under municipal

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home rule. Under the Ohio Constitution we have the powers of local self-government, under home rule authority we should be able to enact local zoning regulations that would allow us to control where these towers go. So, a couple of lawsuits have been filed, Walter Haverfield has filed one of them in the Summit County, Court of Common Pleas and I think there is currently, I think 32 communities that have joined and they have a fee schedule that they have come up with based on population. So, for a city of our size it would be a one-time flat fee of \$3000.00. *Motion by Erdei/Second by Kovach to accept the report. Yeas All.

CITIZENS COMMENTARY:

Ann Marie Woltman, 649 Sheffield stated I am a member of the Library Friends for Domonkas and I sort of recall a long time ago that we could have or we could put, I don't want to say advertisements but comments on the water bill that goes out that we can write something in there if we notify them. The city has the capacity to do that, yes. Ms. Woltman stated we were wondering if we could have just a one really brief message that we were having a library book sale. Is that possible, I told them I would ask? Mayor Bring answered what we can do is we have a sign right across the street which Pat does all the communications on it, so we can put that on there for sure. The water bill, I don't know if that would be appropriate to be on there. Law Director Graves advised really we have to be careful because that type of community message on the water bill should just be for city information. Once we kind of open the door to letting other entities to put their messages or advertising then you kind of have to let everyone do it. So, really using the water bills is to just get out community information for the city. Ms. Woltman stated well, I told them I would ask because they are a non-profit and a good part of our community. Councilperson Gee stated I was wondering as the Mayor had mentioned that Mr. Hastings could put something about the Library on the sign. I am not sure whether Ann Marie heard that or not. Superintendent Hastings stated the digital sign at Shoreway. Mayor Bring advised it is right across from the Library. Councilperson Gee stated that will give you better advertisement then the water bill. Ms. Woltman stated well, not everybody reads that sign whereas everybody gets the water bill. Superintendent Hastings stated they don't all read that either. Council Pro Tem Smith asked Ann Marie, do they put anything on the sign outside the Library? Ms. Woltman stated they put the sign up but I don't know how many people read that. Council Pro Tem Smith advised well, if they can't read the sign in front of the Library I don't know how they are going to read anything else. Councilperson Gee advised we have 2 reporters here tonight, maybe they would consider saying that Domonkas Library is having a sale. Avon Lake Press John Edwards asked what is the date? There was a brief discussion on options.

UNFINISHED BUSINESS: None.

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NEW BUSINESS: Superintendent Hastings advised I maybe should have reported in mine but I believe the Council is aware that we are in a TLCI grant with the cities of Lorain, Avon Lake and Vermilion and that has involved a series of meetings and so forth where they are doing a study to connect the 4 communities to look at redevelopment or different ideas; bike trails, etc., all of that sort of thing. None the less, the City of Sheffield Lake will be hosting and we would like to get it on public record, a meeting on May 4th which is a Thursday at 6 pm at the Community Center in Sheffield Lake. Certainly, we would like to invite Council and the community and there will be flyers and such as well. Council Pro Tem Smith advised if they would want to adjust their schedules today. Law Director Graves advised that is Building & Lands and Ordinance Committees, the first Thursday of the month. Superintendent Hastings advised well it is at 6 o'clock before the meetings.

ORDINANCES AND RESOLUTIONS:

Council#016 – EMERGENCY – an ordinance authorizing the Mayor to engage the services of Walter Haverfield LLP and to enter into a joint representation agreement to participate in a lawsuit challenging senate bill 331 in regard to small cell facilities in the public right of ways and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Stark for ADOPTION:

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

Ordinance Passes#17-17

Council#017 – EMERGENCY – a resolution of the Sheffield Lake City Council supporting the submission of an application for Community Development Block Grant (CDBG) fiscal year 2017 funds for an addition to the Joyce Hanks Community Center and the declaring of an emergency.

*Motion by Gee for SUSPENSION OF RULES:

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

*Motion by Kovach/Second by Gee for ADOPTION:

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

Resolution Passes#18-17

Council#018 – EMERGENCY – a resolution of the Sheffield Lake City Council supporting the submission of an application for Community Development Block Grant (CDBG) fiscal year 2017 funds for sanitary sewer improvements and the declaring of an emergency.

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

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

*Motion by Kovach/Second by Gee for ADOPTION:

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

Resolution Passes#19-17

Council#019 – FIRST READING – an ordinance authorizing the Mayor to enter into an agreement with Statewide Ford Lincoln for the purchase of one 2017 Ford Utility Interceptor for the Police Department and the declaring of an emergency.

COUNCIL PRO TEM: None.

MEETING ADJOURNED: With no further business before this council, *Motion by Kovach/Second by Erdei to adjourn at 7:45 pm. Yeas All.

CLERK OF COUNCIL AFFIRMATION: This Meeting Of The City Council Of The City Of Sheffield Lake, Ohio Was Held And Conducted Under All Rules And Regulations Governing The Sunshine Laws Of The State Of Ohio As They May Apply. All meetings are recorded and available in council offices.

CLERK OF COUNCIL/COMMITTEES

Kay Fantauzzi

I, Kay Fantauzzi, duly appointed Clerk of Council of Sheffield Lake DO HEREBY CERTIFY that this is a true and exact copy of the Minutes of COUNCIL of April 11, 2017.

COUNCIL PRESIDENT

Rick Rosso

MAYOR

Dennis Bring