

MINUTES OF CITY COUNCIL  
SHEFFIELD LAKE, OHIO  
May 9, 2017  
www.sheffieldlake.net

The regular meeting of the City Council was held Tuesday, May 9, 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: President Rosso, Mayor Bring, Smith, Cizl, Kovach, Gee, Erdei, Stark, Wtulich, Finance Director Smith, Law Director Graves, Superintendent Hastings

Attending: Videographer Brendan Burns, Concerned Citizens, Park Board; Gee, Members of the Media

**READING OF THE MINUTES:**

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

**CORRESPONDENCE:**

**Month report of court receipts for month of April 2017 - \$4,006.55.**

**PRESENTATIONS:** Mayor Bring submitted Mr. Christopher P Rewak as a member for the Civil Service Commission for the City of Sheffield Lake, Ohio.

After a brief discussion, \*Motion by Kovach/Second by Cizl to approve the Mayor’s appoint of Christopher P Rewak for the Civil Service Commission.

**ROLL CALL FOR APPROVAL:** Yeas All - Smith, Kovach, Wtulich, Stark, Gee, Cizl, Erdei.

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**CITY COUNCIL REPORTS**

**Roads, Drains, Water, Sewer and Refuse: None./Safety:** Chairman Wtulich reviewed the minutes of the May 3, 2017 meeting. \*Motion by Erdei/Second by Cizl to accept the report. Yeas All./**Buildings, Lands, Vehicles & Equipment:**

**None./Ordinance: None./Finance & Audit: None./Council Representative to the Joyce Hanks Community Center: None./Council Representative to the Park Board: None./Council Representative to the Planning Commission:**

Law Director Graves explained as you know one of the major topics of conversation with the Planning Commission has been the driveways and parking and gravel driveway additions. Also, how to treat permanent and semi-permanent standby generators and HVAC condensing units. So, Planning Commission did complete their recommendations on those items. I have drafted a proposal as far as the generators and HVAC units, I have got a good direction and I will have something for the Ordinance Committee on Thursday. I think that according to the Planning Commission minutes they wanted to take one last look on it as well. So, they are

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free to do that. I can give you a brief summary of how Planning Commission has determined that we should approach these issues. We are going to be amending section 351.21 which is the residential parking code. As far as where you can park on your driveway, rear yards and so forth. We are going to do a total repeal of 903.05 which is the current section that provides for Portland cement in residential drives. That will be restated much more comprehensively in another section of the code, a new Chapter 1357 and that will spell out all of the standards and provisions that they have been discussing and will also enable the Zoning Board of Appeals to grant variances if someone is able to come in and plead their practical difficulties. We are going to amend Chapter 1173.02 and specify that that hard surface material may only be used going forward for commercial drives and also amend section 1345.01 providing for occupancy inspections of the driveways because the recommendation was that there be a moratorium on existing ones but that they would need to be corrected on the sale or transfer of the property. So, that would be something that when you are getting your occupancy would review that. As far as the generators and HVAC, the recommendation is to allow those in the rear and side yards and no closer than 10-feet from the property line. They need to be seated on a concrete pad or other manufacturer approved base material. They must meet all residential electrical and natural gas construction codes and EPA regulations. Enclosed and approved fence are the landscaping buffers that obscures them from the public view and are also subject to our existing noise regulations. So, I will have all of that ready for the Ordinance Committee on Thursday. Again, these are all just proposals, just a draft that you can continue to revise and tweak it as we go forward. President Rosso asked the one on the occupancy, that is just the extensions right? Law Director Graves answered right which he explained. Councilman Smith asked are these ordinances that you are drawing or just suggestions or their recommendations? Law Director Graves answered they are recommendations but I will be presenting them in ordinance form. Councilman Smith stated okay, so they are actually creating ordinances for the Ordinance Committee to look at, correct? So, that is what Planning Commission is doing is getting ordinances ready for the Ordinance Committee to look at? Law Director Graves stated they have given me a proposal and I am drafting it because it effects multiple sections of code. Councilman Smith stated but you are not drafting the actual ordinances, you are just giving them suggestions. Law Director Graves stated no I am drawing up a proposed piece of legislation that is a draft subject to revision. But I am going to put it in ordinance form so that it is very clear to the community and to Council as a Whole what specific sections of the code are effected. President Rosso stated but it is going through Ordinance first before it comes to Council? So, Planning Commission is not sending ordinances to Council which is what I thought you were trying to ask? Councilman Smith stated yes that is what I was trying to ask because it seems like they are sending ordinances to the committee that should be creating the ordinance to begin with. President Rosso stated I think David is taking their suggestions and putting them in an ordinance

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format for Ordinance to review. Councilman Smith clarified but they are just recommendations, they are not ordinances. President Rosso answered yes, you are correct./**Council Representative to the Zoning Board of Appeals: None.**

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### ADMINISTRATIVE REPORTS

**MAYOR/SAFETY:** Mayor Bring reported in talking about the parks in general, obviously, we have a bit of rain ever since we started the work. On Shell Cove, they had to drill down and hit shale 7 feet deep. So, most of that is done and that cut out some of the path but again it has been kind of a mess over there and they are back at it again this week. On Guenther Park, if anyone took a ride over there, that has been installed and we have to do a little bit of cleanup. Also, a little work on the grass with new seed. Obviously with all of the rain over there, they had a skidsteer and it tore it up a little bit but it looks very nice. It is more towards the center of the park now so as the kids are playing soccer, the parents can keep a much closer eye on the little ones playing and feel safe with them in the middle of the park versus way down at the other end where they were worried about somebody coming out of the parking lot and snatching one of the kids. I do recommend that you guys go take a look at that. Also, at Freedom Park they started installing that playground equipment over there as that is much larger than the one over there. So, I was over there today looking at that. Also, one of our guys have got the framing done for the pavilion at Freedom and all of that is looking pretty good over there. We had talked about SAFEbuilt and renewing their contract for a year and you guys wanted a little bit of an idea of the money that we actually made or if we made anything at all. Tammy actually did this for us and you can see the 2007 all the way up to 2016 and 2017. They started in 2015 and half way through the year we got \$4,651.74 and then last year we did \$16,160.88. Those totals are the 15%. If we look back in 2007, in 2008 we lost \$52,000.00, we lost \$57,000 and then in 2009 we lost \$73,000.00. We did start making a little bit of money in 2012, 2013 and 2014 but it was very small \$6,000, \$9,000 and \$3,000. So, it is working and I actually have a meeting on Thursday at 9 o'clock. We are going to go over the contract a little bit and some of the things I had talked to you a little bit about. I am going to express my concerns with those guys and they can look at it and make some corrections. The 20<sup>th</sup> of May is our Pride Day, so everybody can bring their stuff down for disposal and we will have some guys working on that. I do like to get the word out to the public so we can get rid of some of the waste and clean the city up. President Rosso asked what time is that? Mayor Bring advised 8 am to 2 pm. That is also the opening of the baseball thing so I will have to run over there to throw a pitch. Obviously, we have the car coming up for the Police Department and hopefully that will get done. I would like to request an executive session after ordinances and resolutions for the consideration of an appointment and compensation of an employees. Councilperson Stark asked are we removing the old playground equipment at Guenther Park? Superintendent Hastings answered yes. Mayor Bring advised we put some pipe over there and got some dirt, we are

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going to put some aggregate down there so people can walk across that. Eventually we will probably end up putting a 4-foot fence up over there which was about \$5,000.00. But maybe we will do that next year, we will see. \*Motion by Cizl/ Second by Erdei to accept the report. Yeas All./**SUPERINTENDENT'S**

**REPORT:** Superintendent Hastings reported with spring upon us I just wanted to update on the projects that we have going on. The Mayor mentioned the 4 in the parks. The water line project on Lake Breeze, we did put out for public bid and we do have an apparent low bidder. Unfortunately, we overlapped with the review committee of the funder, the OWDA so that will be formally reviewed here in a couple of weeks and we will be allowed to award the contract once that is confirmed. So, we are on standby for a couple of weeks. In addition to that, the Water Department will be moving forward with the GIS mapping that we have discussed in various meetings and we have an appointment with their surveyors next week. As far as the sanitary sewers, we have met with the engineers and the pump manufacturers to put a formal proposal to continue the water pollution control loan. That will be put forth in greater detail and ultimately your permission to move forward but we are still in the data collection point. I did discover a grant available in that project for a high efficiency pump which I am researching now where we could save 25% on those costs. As far as our storm sewers, we did finish Hawthorne and Robinwood, that is an advance our target road list this year. We are currently working on the south-end of Pasadena which has some pretty serious flooding issues although the project is short, it would be a big improvement to the residents down there. Then we will follow through with Devonshire Avenue in advance of that paving project where we are scheduled to pipe both sides of the street. We are navigating through a couple of utilities which we discovered which shouldn't pose a problem but will affect our elevation but we are working through that right now. As far as our roads we confirmed with the county they have initiated the engineering for Roberts Street, that was our CDBG grant. It is taking some time to get moving but finally things are in motion and Bramhall Engineering was contacted by the county who administers the grant and the bidding process and everything on our behalf. So, that is moving along. Lake Breeze of course will be paved after the water line and that is with the OPWC loans and grants. Our final attention to the roads, we have been in contact with the crack sealing companies who will bringing in that equipment and focus on some of our high investment streets. In recent years, it is Ferndale, Cove Beach and such. Also, the Mayor wanted to mention today that we had a demo of a boring machine. With the new business going in on Abbe Road, some residents getting sprinkler systems and some of the new home taps that we are getting. The boring machine hooks to an air compressor and kind of pompom's underneath the road and then you insert your water line. Ours is from 1975 and it's starting to fail which when it fails under the road we are in quite a pickle. So, after 42 plus years we are researching a new one as we have several taps and line. So, I was going to talk with the Finance Director and the Mayor tomorrow to pursue that. Mayor Bring advised it doubled in price

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but the good news is it was only \$3,000.00. Superintendent Hastings added it is a pretty important tool for water. Councilperson Gee asked were you able to get the lines on the flag poles done? Superintendent Hastings answered no, we have the new lines here which is a rope with a cable inside of it. They got the paint last week but admittedly the Park guys are trying to catch up with grass and our goal is certainly by Memorial Day. Jerry and I have discussed even doing it next week. We still need a little catchup time on the mowing. Councilman Erdei asked have you decided what you are going to do with that fence along Freedom Park? Superintendent Hastings answered that was all repaired upon your request several months ago. It is all brand new where your concerns were before. \*Motion by Kovach/Second by Gee to accept the report. Yeas All./**FINANCE DIRECTORS REPORT:** Finance Director Smith reported I have one appropriation change this evening which is in the form of a refund. We have gotten a request for one of our employees on a Deferred Comp, they are getting a refund on their annuity which has to come through the city. We just deposit the money and forward it onto a new broker. I couldn't foresee that so unfortunately, I didn't have that in the budget. Also, next week I will have a little more details for our annual note renewal and for Finance next week I will have more detail on that. Councilman Erdei asked you don't foresee any more cuts coming from our state or government do you? Finance Director Smith answered there has been talk but I haven't seen anything come down the pike. The state was looking to do a centralized collection of business income tax which they were going to collect all of the business income tax in the state and then dole it back out to the cities. Fortunately, the Ohio Municipal, Regional Income Tax and several cities fought that tooth and nail and they dropped that issue. Mayor Bring added and they were going to charge us to give us our money. Councilman Cizl asked we have our second reading for Council#020 tonight, should that pass three readings, how is that going to affect our budget in updating our mileage reimbursement? Finance Director Smith answered I probably give 2 or 3 mileage reimbursements a year. I just wanted to get current because it was so outdated. \*Motion by Cizl/Second by Kovach to accept the report. Yeas All./**LAW DIRECTORS REPORT:** Law Director Graves advised I just wanted to make Council aware that we have been added to the party plaintive to the litigation opposing SB331 which severely restricts local governments ability to regulate cell tower technology in public right of ways. Also on Thursday we will be continuing to discuss revisions to the Industrial District ordinance, that is very antiquated and long overdue. He reviewed the legislation on the agenda. Councilperson Gee asked have you done anything on that preventing Lake Erie harmful algae blooms, have you drawn that up yet? Law Director Graves advised I don't have any recollection of being directed to act on it. President Rosso advised I thought that was something we were take home and look at, not that we were acting on it. Councilperson Gee advised most of the other cities have stood behind. President Rosso stated I'm not disagreeing with it, it was passed out to review it and come back with questions. Councilperson Gee asked are we going to be discussing at Worksession? President

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Rosso answered yes. \*Motion by Cizl/Second by Kovach to accept the report.  
Yeas All.

**CITIZENS COMMENTARY:**

**Romolo Debottis, 868 Lake Breeze** stated lids on garbage cans at the shopping center, I think there is 2 or 3 missing. Also, at the shopping center is there any set scheduled for trash pickup in the parking lot in the morning? Superintendent Hastings answered every morning. Mr. Debottis stated I just noticed in the morning when I walk, the trash. The debris starting from the Apples store all the way up, basically trash everywhere, everyday. Maybe you guys pick it up after I walk but there are cups and the biggest offender right now Little Caesars pizza, the boxes are all over from shopping center, gas station, through the trail. There was a brief discussion on cups from Speedway and pizza boxes being thrown all over. Mayor Bring advised you can't penalize a business for that but the Police are aware of it and watching and if they catch them they will get a \$1000.00 fine.

**Ed Rinderknecht, 4669 Edgewater Drive** stated the Dollar General has lighting in the front that appears to be in violation of their agreement, that is LED tube lighting in the front of the building. The only reason I am here to mention it is it shines into my bedroom. Just wondering if the city had any response, if there was any way to hold them to that agreement. I will say that Jeff has done an awful lot to bring them into compliance in terms of hours of lighting.

**UNFINISHED BUSINESS: None.**

**NEW BUSINESS:** Councilperson Gee stated this Sunday is Mother's Day and I would just like wish all mother's a Happy Mother's Day.

**ORDINANCES AND RESOLUTIONS:**

Council#019 THIRD 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.

\*Motion by Kovach/Second by Gee to ADOPTION.

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

**Ordinance Passes#23-17**

Council#020 – SECOND READING – an ordinance amending section 129.08 of the codified ordinances of Sheffield Lake regarding employee mileage reimbursement allowance.

Council#024 – EMERGENCY – a resolution authorizing the City of Sheffield Lake, Ohio to participate with the Ohio Department of Transportation for the purchase of sodium chloride for the 2017-2018 winter season, and the declaring of an emergency.

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

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

\*Motion by Kovach/Second by Gee for ADOPTION:

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

**Resolution Passes#24-17**

Council#025 – EMERGENCY – an ordinance providing for the establishment and increase and decrease of certain funds within the annual appropriations ordinance of the City of Sheffield Lake, Ohio and the declaring of an emergency.

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

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

\*Motion by Kovach/Second by Gee for ADOPTION:

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

**Ordinance Passes#25-17**

\*Motion by Kovach/Second by Cizl to go into an executive session for the discussion of an appointment of a public employee and compensation.

ROLL CALL TO GO INTO AN EXECUTIVE SESSION FOR SO-NOTED DISCUSSION: Yeas All – Gee, Kovach, Cizl, Erdei, Wtulich, Smith, Stark.

\*Motion by Kovach/Second by Gee to return to regular session.

ROLL CALL TO RETURN TO REGULAR SESSION: Yeas All – Stark, Smith, Wtulich, Erdei, Cizl, Kovach, Gee.

President Rosso advised let the record that Council went into executive session for the discussion of the appointment of a public official and compensation of a public official.

**COUNCIL PRESIDENT: None.**

**MEETING ADJOURNED:** With no further business before this council, \*Motion by Kovach/Second by Erdei to adjourn at 8:27 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.

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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 May 9, 2017.

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COUNCIL PRESIDENT

*Rick Rosso*

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MAYOR

*Dennis Bring*